

**HAMILTON PLANNING BOARD
MINUTES OF MEETING
December 2, 2014**

Members Present: Peter Clark, Ed Howard, Rob McKean, Jeff Melick, Rick Mitchell,
and Claudia Woods

Associate Members: Chris LaPointe

Planning Director: Patrick Reffett

Others Present: Bill Dery, Jim Amatucci, and Rosemary Kennedy

This meeting was called to order at 7:30 p.m.

Minutes:

October 7, 2014 Revised – Motion made by Jeff Melick to approve minutes with minor revisions, Rob McKean seconded. Vote: Unanimous

October 19, 2014 Jeff Melick requested that he be added as one of the members present. Ms Woods and church parking were also not reflected. Hold for next meeting

October 12, 2014. Motion made by Jeff Melick to approve the minutes. Rob McKean seconded. Vote: Unanimous.

November 5, 2014 Motion made by Jeff Melick to accept the minutes with minor revision, Rob McKean seconded. Vote: Unanimous

By-law Changes

Senior Housing – Patrick Reffett provided a draft motion to the Board and Jeff Melick had also created a draft amendment. Rob McKean said the Board had not all agreed with the concept. Mr. Melick said he was just offering the topic for discussion and had simply drafted language for that discussion. Mr. McKean stated that he believed the Board of Health should not be making the decision, but that the Planning Board should only be counseled by the Board of Health. Mr. McKean asserted that the final decision should be made by the Planning Board with a final approval by both the Planning Board and the Board of Health. Claudia Woods noted that she was not comfortable with the language because the By-law should not only apply to the Senior Housing By-law and that there should be a better way to construct projects so the GPOD would be more user friendly.

Peter Clark recalled that there was only one technology for the GPOD at time of inception, so adding advance technology which would provide high quality recharge into the wells would be a benefit and provide clarity. Claudia Woods said that the concern was not just wastewater treatment in the GPOD. Chris LaPointe brought up the point of four individual family homes versus the impact of 50 people in a cluster and the comparative impacts on the watershed. Claudia Woods offered that she wanted to be over cautious of the watershed. Rick Mitchell questioned the Board as to what the Board

was trying to accomplish. Peter Clark stated that he had read several By-laws that discussed advanced waste treatment plants and that he believed Hamilton had an antiquated two acre zoning requirement. Rick Mitchell discussed the State's lack of reference to septic but only referred to lot size. Claudia Woods reiterated that this was not about wastewater. Jeff Melick said Title V does nothing to protect the groundwater, but advanced systems would provide protection. Rick Mitchell said that for a multi unit development there should be an advance treatment system. Rob McKean cautioned that chemicals on the lawn also affect the groundwater. Jeff Melick added that a Senior Housing development would have less impact on the groundwater than a standard two acre development with lawns that required fertilizer which would impact the groundwater. Chris LaPointe offered that the Board would be able to judge applicants according to their low impact rain gardens and impervious surfaces as part of the process separate from special permit work within the GPOD. Rob McKean suggested creating a wastewater By-law rather than changing the GPOD.

Rick Mitchell wondered if the Board would want an advanced treatment facility for all multi unit developments and continued that the GPOD does not allow industrial pollutants for the groundwater area. Jeff Melick clarified that the By-law was the genesis of the discussion. Peter Clark said using the OSFPD created the advantage of clustering 12 units on 4 acres. Ed Howard said GPOD needed to consider intense development. Claudia Woods referred to the IRWA which was concerned that the more density of people and their waste would create a situation wherein water treatment would be poor due to pharmaceutical pollution and the result would be withdrawing pollutants to and from the Ipswich River.

Rick Mitchell questioned what the Board was trying to accomplish and continued that if the purpose was to not allow clustered development in the watershed, the dumping of sewage by the Sharon Road development should be considered as a comparative. Rob McKean stated he wanted more restrictions in the GPOD rather than septic and offered his concern about pharmaceuticals affecting the watershed. Rick Mitchell said the State and Town are silent on all that which could leach in the watershed from a multi family development or an individual home two acre development. Jeff Melick compared a home with two people over 55 with a two acre home with two adults and two children and believed it was not comparable. Claudia Woods described her concern about all contaminants and solvents in the wastewater and wondered if a family with children or senior housing would cause a higher level of contaminants .

Patrick Reffett stated that the majority of projects would be special permits and that the cornerstone of special permits live under the spirit of the permit's important element of the operations and maintenance plan that can be tethered and tied to individual uses. Mr. Reffett said that the Board cannot anticipate this snapshot of time however as each project would be evaluated by their impacts, an operation and maintenance plan would be crafted that allowed for a greater deal of latitude to craft a plan to protect the town.

Ed Howard stated that the GPOD doesn't address package treatment plants but he believed that there should not be building of a dense development in the GPOD. Claudia Woods recalled that at the HDC meeting it was stated that the Town should be careful of their water supply. Jeff Melick noted that the town wanted senior housing, which uses less water than a family with two teenagers and senior housing would protect the water supply better than a family with two kids. Mr. Melick continued that he believed senior housing was more protective of the GPOD and provided open space rather than checker board housing.

William Dery said that sewage was only one portion of the potion and that two houses on two acres versus a lot with 24 people on four acres were different. Mr. Dery questioned which one had the greater impact on the pollution pie and that the Town should protect water first and foremost. Mr. Dery did not feel that the arguments were backed up with data and that the Town should get experts to write the By-law so that groundwater protection was based on scientific data.

Rosemary Kennedy spoke regarding bioclear systems proposed for development and said she went online and found information with companies' own statistics rather than independent data. Claudia Woods and Rob McKean suggested tabling the discussion. Patrick Reffett suggested using the special permit language to hire technical consultants which would understand the state of the art comparatives and that the technical consultants should be used for each special permit project.

Peter Clark said some members of the Board and the Town feel applications in Zone II should be rejected but conditions under the special permit can be added to protect the GPOD. Ed Howard said he would support a new GPOD study. Jeff Melick asked Patrick Reffett to investigate the impact on the environment and see if scientists were available to do a study. Ed Howard said that things have changed since 1980 and 30 years later, the Board would see what the scientific world had to say about it. Mr. Howard said he was not against 55 housing but didn't want to affect the water supply. Jeff Melick stated there was no consensus about a change.

Revising Senior Housing By-law

According to Jeff Melick the change in the By-law would be to add semi attached dwellings as two, three and four family dwellings to the existing verbiage. Peter Clark recalled that it was an omission that no one knew was there. Mr. Melick commented that it was Section VII-2 which referred to semi-detached dwellings and that amending the portion of Section VE7 of the Senior Housing By-law "permitted uses" would accomplish the change.

Article 2 -15 2-B adopt

Mr. Melick made motion to have the Planning Board request the Selectmen to amend the By-law at Town Meeting in regard to the Zoning By-law Sections VE6JKLM

Second by Rick Mitchell

Vote: Unanimous

Demolition Delay By-law

Claudia Woods said she would love more discussion about it. Ed Howard brought new information about the topic and stated that in Newbury, the process developed was not the jurisdiction of the Planning Board because it was not a Zoning issue but was a By-law of the Town. According to Mr. Howard a By-law such as this would be recommended by Historic Society or Commission. The Hamilton Historic Commission existed and it would be their responsibility according to Claudia Woods. Tabled until the next meeting. Patrick Reffett would be responsible to take the matter to the Selectmen. Claudia Woods added that the benefit was more about streetscapes and neighborhoods.

Site Plan Review By-law change

Jeff Melick announced that it was determined that Ed Howard and Claudia Woods both signed the citizen petition for the Site Plan Review By-law change. Rob McKean said the Attorney General said a board member had the right to sign a petition. Mr. Melick said the problem was based on the appearance of a member making a decision with a predetermined consideration and that the Planning Board would be holding a hearing on the change and it might be best if the members would recuse themselves from the public hearing. Jeff Melick said he wanted to make sure the citizens that signed petition would be able to get the change to Town Meeting without having any problems. A member who signed the petition that does not recuse himself might jeopardize the process according to Mr. Melick. Ed Howard said he would need to get legal counsel. Patrick Reffett would let Town Counsel know that two members had signed the petition. Mr. Melick said that whatever the Board does, it does properly. Bill Dery said the Board was doing the right thing.

Mr. Melick described a previous meeting with Scott Maddern, Marc Johnson, Bill Bowler and himself at the meeting. Mr. Melick recalled that the ZBA wanted to continue to have Site Plan Review and that both the Planning Board and the ZBA will make known their positions. Both Boards, citizens who signed the petition, then others in town would all speak, then vote. The Planning Board will hold public hearings on January 6 and 20, 2015 for the petition.

Planning Board Terms

Jeff Melick stated that the current term for Planning Board members was five years while Selectmen were only three years and suggested that the Planning Board terms be changed to a term of three years. Mr. Melick's concern about the current term was due to the long commitment as well as voter accountability which would allow voters to weigh in how members of the Board were doing. Mr. Melick's proposal would change the By-law from five to three years and cited his love of the democratic system and the ability of the public to weigh in. Rob McKean said it takes time to get up to speed and three years would not be enough. Claudia Woods agreed that five years was a long time but Peter Clark countered by saying that planning was long range. Rick Mitchell suggested that members have the ability to run again in three years. Peter Clark said the Board has changed from a land use board to a political board with fractalization on every issue so maybe voters should exercise their right to decide who was on the Board. Peter Clark recalled that the Board used to be comprised of yoeman's work such as working on the

master plan and was very apolitical so he agreed that a three year term would be better. Chris LaPointe agreed that five years seemed like a long stretch. Patrick Reffett stated that Ch 41A 81-A A-1 State Law regarding Planning Board terms were either three or five years, which allowed for overlapping membership.

Jeff Melick made motion to request the By-law be amended to create a three year term for Planning Board members.

Seconded by Claudia Woods

Vote: Majority

Abstain for Peter Clark

Rob McKean voted nay

Other by-laws

Patrick Reffett noted that cell tower service was poor in Town and perhaps the Board would be interested in cell tower modification to the existing cell tower zoning as written. Jeff Melick felt the Board would be in favor of the By-law change as residents have poor service and can't call 911 in an emergency. Mr. Melick said that Michael Lombardo was locating the problem with service and once that was accomplished the By-law would be changed.

Change maps to reflect closing of town well

Patrick Reffett stated that there was a change to the zoning district with the event of well at the Patton property closure. Mr. Reffett pointed out the cross hatched area was protected Zone II district, when the well was decommissioned, it caused the removal of the cross hatched area as the land was no longer in the Zone II district. Mr. Reffett had a letter from DEP as the formal issuance of document that DEP had approved abandonment of the well, so the Town was able to remove a portion of land creating the ability to update the maps. Mr. Reffett said it was a rezoning process and that Town meeting vote was required. Zone I is a 400' square foot radius around the well. Zone II analysis was based on engineering work based on hydrology typically about 13 acres according to Chris LaPointe. Patrick Reffett would locate the Weston and Sampson analysis. The new map was from DEP according to Patrick Reffett.

Rick Mitchell made motion to change the town map to reflect the DEP map. Claudia Woods stated she would like to determine the acreage of the change. Ed Howard said he was bothered by such a short consideration of such an important matter and would like something more illustrative from DEP. Jeff Melick stated he would like to move the discussion to the next meeting. Peter Clark asked Patrick Reffett to question people who wrote the letter how the removal of the well would affect all areas. Patrick Reffett would locate the Weston and Sampson report, which could be provided to residents at Town Meeting.

Sidewalk Bay Road

Mike's Garage had been considered for years according to Ed Howard. Mr. Howard said the DPW Director was the prime person to talk to the State, which he did but Mr. Howard would like to open the door about what could come next if anything. Chris LaPointe

wondered if there would need to be a taking. Ed Howard said yes and recalled that in Essex, the town took his land to put a sidewalk in. Mr. Howard believed it would be nice to do something similar. Patrick Reffett would talk to Michael Lombardo.

Rick Mitchell announced that the HDC was working on the implementation of the Master Plan with a meeting on Saturday December 6 at joint library at which time they would talk about improvements. Rob McKean said the Planning Board should have input not just the HDC. Jeff Melick suggested that Rick Mitchell could focus on design and Patrick Reffett could focus on process. Mr. Reffett noted that the area was close to the MBTA station and a center of activity. Mr. Reffett said the acquisition of land in the area of planters would eliminate parking for the private property. Patrick Reffett would check on process.

Updates from other boards and committees.

Orange Leaf - 15 Walnut – Abbreviated Site Plan Review

Patrick Reffett described the application for the business as one that was previously retail but retail again and continued that the difference was that the business space would consume two spaces. Jim Amatucci presented an updated floor plan for Orange Leaf Yogurt which was a self serve frozen yogurt store. Rick Mitchell asked if the outside signage and lighting would be consistent with the rest of the shopping center. Mr. Amatucci said there would be no appearance change for the façade. Jeff Melick made a recommendation for the ZBA to include the consistency of the facade. Rick Mitchell made motion to approve the Option II plan as submitted with the façade consistent with adjoining business and with no signage changes other than the name Orange Leaf. Ed Howard seconded the motion. Vote: Unanimous

Rosemary Kennedy encouraged development on Railroad Avenue and wondered why the applicant chose the shopping center versus Railroad Avenue for development. Mr. Amatucci stated that 15 Walnut was chosen because of parking.

Rick Mitchell made motion to adjourn
Claudia Woods Seconded
Unanimous to adjourn
Adjourned at 10:00 pm.

Next meeting December 16th.

Prepared by:

Attest

Date

Marcie Ricker