

HAMILTON PLANNING BOARD
MINUTES OF MEETING
November 17, 2015

Members Present: Peter Clark, Ed Howard, Jeff Melick, Rick Mitchell, Brian Stein,
Matt Tobyne and Claudia Woods

Associate Members Present: Bill Olson and Richard Boroff

Planning Director: Patrick Reffett

This meeting was called to order at 7:00 p.m. by Clerk Brian Stein

Black Cow Restaurant. 16 Bay Road. Abbreviated Site Plan Review.

Joe Leone was present to discuss the expansion into the Jolie Tea space for private gatherings. According to Mr. Leone, there was plenty of parking behind the buildings. The applicant had been to the Board of Health and the septic system was acceptable for the new expansion. Patrick Reffett suggested the application be an Abbreviated Site Plan Review because there was no increase in square footage as Jolie Tea had vacated an existing space and the restaurant and retail facility (Jolie) had the same parking requirements as the restaurant would have.

Peter Clark asked about the capacity and Joe Leone stated there would be 40 new seats. Patrick Reffett recommended approval as it created no new built space, but rather utilized an existing space which had the same parking requirements and no change to the outside of the building. Ed Howard thought the business was a compliment to the Town.

Rick Mitchell made motion to approve the Abbreviated Site Plan Review for the expansion as presented.

Seconded by Peter Clark

Vote: Unanimous to approve.

Change to The Patton Homestead Project at 650 Asbury St.

Alan Berry requested a change to the entrance posts of the Patton project. Peter Clark wanted to know if the entrance would be easily detected by someone driving by. Mr. Berry said the bollard lights would be incorporated into the 4' tall granite posts. In response to Ed Howard's question, the stone walls would be of dry construction rather than constructed with concrete. Brian Stein said he liked the change better than the original proposal.

Patrick Reffett suggested that the first vote should be for a minor modification to the special permit and the second vote would be whether to allow it or not.

Rick Mitchell made motion that the proposed change in signage at 650 Asbury St. was a minor modification of the special permit.

Peter Clark seconded.

Vote: Unanimous in favor

Rick Mitchell made motion that the Board accept the signage modification at 650 Asbury St. as presented.

Brian Stein seconded

Discussion Peter Clark noted his concern about snow removal.

Vote: Unanimous in favor

Canterbrook Senior Housing Special Permit 354 Highland St.

Patrick Reffett reviewed the project and noted that the engineering work would be reviewed during the meeting with Peer Review Engineer Peter Ogren from Hayes Engineering. Peter Ogren summarized his findings. The review would be of two parts: Zoning, dimensional and site plan comments as well as Stormwater Management. Mr. Ogren stated that the runoff from the site would be improved because the existing raw soil would be re-vegetated which would increase the amount of rainfall soaking into the ground.

Peter Ogren said the zoning compliance concerns included that there should be a local preference statement and a Homeowners' Association document prior to a building permit and the dimensional standards where setbacks were not greater than the height of one building which was in question. The post lights did not include a photometrics plan. The parking requirements as Mr. Ogren interpreted them, would be eight spaces short but when combined with the ten guest spaces, the deficiency would be cancelled.

According to Mr. Ogren, the site distances were no problem. Mr. Ogren discussed his conversations with Bill Redford who wanted a single meter with water lines being dead ended. Mr. Ogren said the fire flows with such a line were a problem if they were a 6" line so Mr. Ogren said the project would need an 8" pipe. The single meter would need a two stage meter. Mr. Ogren said he had met with Bill Redford about the 8" pipe, the two stage meter, and catch basins at Asbury Street. DPW didn't want any discharge onto Asbury St. so a small gutter was suggested to be introduced along the gutter line of Asbury and the applicant's engineer agreed to revise the driveway profile to accommodate that solution and eliminate the catchbasins that would have created a new point discharge.

The applicant's Stormwater Management calculations included a complexity that while may have been more detailed than required, resulted in the overall result being more conservative and Peter Ogren was satisfied with the plan. The septic plan design which was under the purview of the Board of Health, should be independently reviewed especially with the enhanced nitrogen system. The decision should include a suggestion that there shall be a peer review for the Board of Health. Ed Howard recalled that Ms Mann had said the leaching system did not wind up the in the aquifer. Bob Forbes said everything would eventually wind up in the aquifer.

Bob Forbes offered a photometric plan which indicated that the project would be adequately but minimally lit with adjusters on each fixture. Brian Stein said it was the

color that was important and suggested using a warm light. Peter Ogren suggested using a dark sky fixture. Claudia Woods noted that there were LED lights that were not as bright and wanted an illustration of how bright the project would be.

Richard Hayes wanted to know about the berm and trees that were conditioned with a previous 1986 approval which were supposed to be transferred from owner to owner, and noted that they were never constructed. Rick Mitchell said conditions for an equestrian center were all going away because it was a new project and it was supremely improved as compared to anything previously proposed. Peter Ogren said the area had a very high groundwater level and the equestrian center had proposed improvements in 1986. Rick Mitchell said seven different engineers had agreed the runoff had been reduced by 80% and the whole design of the project was to increase infiltration so it didn't go into the neighbors' basements due to the reduction of runoff which would yield a much better result for the neighbors with the proposed plan.

Bob Forbes said revegetating the ground was an improvement because bare ground caused increased runoff. According to Mr. Forbes, water running into the wetland caused water in the neighborhood basements but as the plan featured less impervious area than the existing site had as well as revegetating bare soil, the plan would cause water to take a longer time to recharge into the system so the culverts can handle the flow. Bob Forbes said the site was a horse farm before an equestrian center with two thirds of the paddocks existing before, but there would be a significant reduction of runoff from 35 years ago when it was a horse farm. Peter Ogren said there were paddocks when the equestrian center started which were grass. Jeff Melick noted that there were two experts who had assured the neighbors that there would be a reduction of runoff.

Jill Mann stated there would be a preference required for local residents and prepared a potential condition to be included in a decision regarding the preference. Ms Mann provided renderings that showed views of the property from Sharon Road, Highland Street, and Asbury Street. Ms Mann said condo documents would be delivered, the septic approved by the Board of Health, and lighting requirements would be resolved by providing a detailed set of specifications. Ms Mann said there would be Quarterly Reports during construction and As Built Plans would be delivered.

Peter Clark expressed his concern about the garage placement which he felt was less attractive than the ones previously proposed. The garage placements were changed in response to the impervious surface calculations due to the requirement of the DPW insistence on having a 24' wide road.

Patrick Reffett suggested the Board approve individual documents and plans as the next step.

Jeff Melick made motion to continue the hearing until December 1, 2015 at 7:00 pm.

Seconded by Brian Stein

Vote: Unanimous to continue

587 Bay Road Site Plan Review Recommendation to the ZBA for the Extension or Alteration of Non Conforming Use.

Patrick Reffett reviewed the project and noted the applicant had applied to the ZBA for an Extension of a Non Conforming Use. The Hamilton Historic District Commission (HDC) had previously awarded a Certificate of Appropriateness for the reconstruction, demolition, and moving of buildings with conditions. According to Mr. Reffett, the existing buildings would be reconfigured and rebuilt with parking added on the site. Drainage, septic and landscape improvements were proposed. There would be a modest reduction in building coverage and building square footage. Mr. Reffett thought there may be a problem for Town Hall improvements in the future due to the existing access via Town Hall's circular drive. Mr. Reffett said Town Hall wanted to maintain the ability to retain parking for future expansion of the Town Hall.

Jeff Allsopp said the proposal was to remove the outbuildings which would eliminate the setback encroachments bringing the property into better compliance with zoning and set back requirements, excepting the front porch along Bay Road. The proposal would reduce residential use from two units to one and increase office space as well as eliminate the use of the mini self storage. According to Mr. Allsopp, there was a previous approval for the Ipswich Savings Bank for a drive through bank on the site. Mr. Allsopp said he wanted the site to be more unified and clear. The new postmaster said a two ton truck arrived twice a day to deliver packages and the proposed space would allow the truck a one way delivery system. Ed Howard, member of HDC, spoke regarding the HDC meeting for the proposal and noted the cobbler shop was not worth saving, which would allow the siting of the barn by 8" in its setback. The HDC in its full body and neighborhood discussions agreed with the proposal, according to Mr. Howard.

Jeff Allsopp said the first floor of the building was a post office, the second floor office and third floor were residential. The second building was formerly a shop and storage which would become a professional one story office space. A third building would become a shop and storage building in the future. In response to Peter Clark's question regarding parking, Jeff Allsopp said they were proposing 20 spaces. The new building would be 4,786 sf for the post office and the barn would be 3249 sf. The small building would be a storage shed of 215 sf.

Patrick Reffett said the Board needed to provide a recommendation to the ZBA for the meeting on December 2, 2015. Jeff Allsopp said an area of improvement was that of Kinsman Lane which was laid out and paved with a wide distance for parking on both sides allowing handicapped parking and access to the back door. The existing arborvitae which lean out over the paving would be shaved back to allow parking in the area. Striping the cross walk or the corner would reduce the precariousness of the intersection, according to Mr. Allsopp.

Lighting was discussed. There were ceiling lights with motion detectors on the porch of the post office at the current time. Mr. Allsopp proposed hooded flood lights and porch lights. Rick Mitchell said the Board was looking for dark sky lighting or hooded lighting.

Brian Stein suggested the lighting needed further study before a letter of recommendation was written. Claudia Woods wondered about how the office building out back was entered and Jeff Allsopp responded that it would be via the entrance facing town hall. Ms Woods wondered about septic to which Jeff Allsopp responded that Peter Hayes had it all wrapped up with the septic system preserving the open field where the septic field would be located with the currently used stone system under the parking area being retained as backup.

Patrick Reffett would draft a letter of recommendation to be delivered to the Planning Board for their review for the December 1, 2015 meeting.

Code of Conduct

Ed Howard wrote a letter which he distributed to the Board. Jeff Melick's draft truncated the latest version of the Code of Conduct which created a shorter, one page version of the original document. The following sections were discussed:

A. Claudia Woods said she did not see herself as a member of a team. Richard Boroff said everyone should accept the voice of the Board. It was suggested to remove the word team and replace it with the word Board.

B. Describing being informed about local and state levels had no issues.

C. Representing the Board and being accountable to the Town. Claudia Woods had a problem with the word accountability.

D. Accepting the role to the community had no issues.

E. Ethics guidelines. Richard Boroff added State Ethics Commission.

F. Refrain from voting if engaged with matters with the Board. Patrick issued concern that the wording was not correct and would limit people from associating with other boards. Rick Mitchell offered alternative wording that would stop inappropriate activity of Board members involved with other Boards. All agreed to remove.

G. Represent Board in decision if representing the Planning Board on other Boards. Peter Clark said any vote would not be a binding vote, if the Planning Board member was voting as Board representative. Peter Clark said all binding decisions should reflect the Board as a whole but individual decisions are independent. Richard Boroff said if the Planning Board had already made an official position on a topic, the representative should vote with the Board, but if the Board did not have an official position, the representative could vote their mind.

Motion made by Jeff Melick to remove G.

Seconded by Claudia Woods.

Vote: Majority to remove G.

H. Stepping down if don't have time to fulfill duties had no issues.

I. Not discussing matters regarding a public hearing outside of the public hearing. Brian Stein disagreed because it was public information. Jeff Melick noted that everyone wanted it removed. Richard Boroff suggested adding verbiage.

Brian Stein made motion to adopt I.

Rick Mitchell seconded.

Vote: Majority in favor with Peter Clark and Claudia Woods voting nay.

J. Make decisions on Board matters only after all information had been submitted at a public meeting had no issues.

K. In accordance with By-laws and subdivision regulations. Brian Stein suggested adding the word "applicable."

L. Maintain confidentiality in executive sessions. Richard Boroff indicated that he thought it was not legal enough. Everyone else thought it was acceptable.

M. Not communicate with reporters or state officials, needed to have the term "on board issues unless the Board agrees."

N. Respect other boards was discussed with no issues.

Motion made by Matt Tobyne to adopt the Code of Conduct as amended on November 17, 2016

Rick Mitchell seconded.

Majority to adopt the Code of Conduct with Peter Clark, Claudia Woods and Ed Howard voting nay

Board Business

According to Patrick Reffett, the following Monday there would be a discussion of the first draft of the ZBL changes. The By-law proposal should be ready for spring Town Meeting.

Ed Howard offered a CPC update which met the previous week to evaluate the projects in front of them.

Claudia Woods made motion to adjourn

Brian Stein seconded

Vote: Unanimous to adjourn at 10:20

Prepared by:

Marcie Ricker

Attest

Date