

HAMILTON PLANNING BOARD
MINUTES OF MEETING
November 3, 2015

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

Associate Member Present: Richard Boroff

Planning Director: Patrick Reffett

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

Canter Brook Senior Housing Special Permit

Patrick Reffett summarized the project proposal of 23 units on 13.99 acres in the R1-B and GPOD districts. The application was filed on June 17, 2015. Further, the proposed site design has two thirds of the property to be committed open space with 1/3 of the overall property as the developed portion of the site. Reffett mentioned he had reviewed the landscape plan and shared comments with the board and applicant. Additionally, he mentioned that the project engineering discussion would take place at the following Planning Board meeting which was scheduled for November 17, 2015.

Attorney Jill Mann said balloons had been flown at the cupola height, three feet above the roofline, at the request of Ed Howard. Ms Mann submitted the photos of the flying balloons showing that the most conspicuous view was from inside the property after entering the project from Asbury St., specifically between units six and seven.

Jill Mann submitted the architectural plans for single, duplex and triplex units.

Jill Mann outlined several requirements of the project including the occupancy requirement of having residents age 55 and over and noted that the residential limitation provisions were attached with the submittal. According to the Zoning By-law only 50 senior dwelling units would be allowed per year which had not been violated as only twelve have been approved previously at the Patton Homestead. Ms Mann said the applicant would not want rights to expand the project after the approval and that she believed the project was clearly a permitted use.

Jill Mann referred to the developable acreage breakdown submitted to support the density discussion which led to the 23 unit allowance within the GPOD. Ms Mann stated that Town Counsel Donna Brewer had submitted a letter stating the GPOD did not exclude the underlying density district and recalled that Attorney Brewer opined that the RA District, which required 80,000sf, would mirror the requirements of the GPOD.

In regard to the affordable units, Matt Tobyne stated that the Affordable Housing Committee wanted the affordable units built on site. According to Jill Mann, low impact construction techniques were shown on the plans and had been reviewed by Mr. Ogren.

Ms. Mann noted that the wastewater treatment system was no longer located in the open space but was within the confines of the development. Paths and trails encircled the project on site. Ms Mann said that there was under 5% impervious roadway surface on site.

Decorative lighting samples were submitted and it was stated that fixtures would include LED light bulbs. Jeff Melick issued his concern about excessive lighting. Jill Mann stated that the applicant would provide a photometric plan but noted that the Zoning By-law required the applicant to provide for daylight conditions on the street during the night but that the housing lights would be less bright. Signs for the property would be illuminated with small downward lights, according to Ms Mann. An entrance plan would be provided to the Board in the future. Parking requirements specified 54 spaces but 98 spaces were proposed. According to Ms Mann, the open space would consist of 8.18 acres which would be held via a conservation restriction.

Jill Mann explained the setback to the north of the property stating that the distance from unit 14 to the property line was 33'. The Zoning By-law specified the building setback must be either 25' or the height of the building, whichever is greater. Ms Mann said that Cross Street was split between the two properties and that the street would not disappear nor would it be used by the development. Residents of the development would not be encouraged to use the roadway but the project proposal would not include plans to block the roadway. Jill Mann agreed that she would determine who had the obligation to plow Cross St.

According to Jill Mann, the project's open space contained 29% wetland while the Zoning By-law specified that open space could be comprised of up to 50% wetland. Criteria for findings were included in Ms Mann's presentation.

Claudia Woods questioned the ownership of the application and Jill Mann responded that Canter Brook Equestrian was the applicant and clarified who were the beneficial owners of the corporation. Ms Mann said that Mr. Dawson previously had an interest in the project but had lost those rights at which point in time, the silent partners, Kay and Jack Laramar, took over the project. According to Ms Mann, Mr. Dawson had no interest in the corporation or project at the present time.

Richard Boroff asked where the affordable housing would be constructed to which Jill Mann responded that they would be spread out throughout the project. Ms Mann said that all units would be brand new units including the affordable units. The fair market units would be indistinguishable from the affordable units. Affordability was deed restricted for perpetuity and the affordable units would cost between \$158,000 and \$164,000. Ms Mann described the process of the affordability lottery and requirements.

Ed Howard wondered what would happen when something went wrong such as snow plowing, water maintenance, or septic system plant problems. Jill Mann said there would be a fiduciary obligation of the property due to the existence of the Condominium Association. The Board of Trustees would have the right to lien and foreclose upon its

members, unlike a Home Owners Association. Ms Mann indicated that there would be a maintenance plan for the septic system and a semi-annual inspection of the system usually completed by the Hamilton Health Agent. Ms Mann said there were individual distribution boxes with a combined leaching field with no structures on the leaching field area. Ms Mann said the Town would have no responsibility for any failures.

Claudia Woods requested a perspective drawing of how the project would look on the land from various viewpoints as well as colored renderings of the units so there would be no surprises. Construction sequencing was not known but Ms Mann thought it would be done all together to stabilize the site and clarified that the roadway and septic would be completed first.

Ms. Tyack was concerned with Cross St. becoming a cut through and noted that there was already a traffic issue. Jill Mann said the project had no intention of using Cross St. as an access but would only use the subdivision roadway.

Peter Britton said Cross St. was an abandoned way and the gate was locked with the fire department, police department, Canter Brook and Brick Ends Farm each having a key for required access. Mr. Britton said the previous owner of Canter Brook had blocked the roadway and the blockage had now been removed. Mr. Britton agreed that Cross St. was an easement and not a road. Cross St. was 20' wide with 10' belonging to each owner. Mr. Britton said there was nothing in the easement describing plowing or anything else.

Cami Beckman said she shared the northerly side of the roadway with a fourth party and thought the deed included Canter Brook having responsibility for maintenance. Ms Beckman said that if the development did not have access to Cross St., the four parties should have an agreement to address safety, fire, and police and they could choose whether to make the road inaccessible. Ms Beckman said the problem was traffic for those who used Cross Street as a cut through. Peter Britton said he would not be in favor of shutting the roadway off as police and fire needed to be able to access the roadway. Jill Mann said she did not want drive through traffic on Cross St. and if Peter Britton wanted the roadway open with a closable gate that was fine.

Peter Britton said that he had spoken with Jack Laramar regarding the lingering liabilities of Jerry Dawson's history and continued that he felt comfortable with the tremendous engineering completed and excellent counsel provided by the applicant. One concern Mr. Britton had was that there was no developer present for the approval, but only the investor trying to rescue assets through the creation of a plan. Mr. Britton worried that the project would get flipped if approved. Peter Britton wanted specific conditions for approval to ensure that whoever took over the construction would be tied into what the Planning Board wanted to see built. Jill Mann responded that she couldn't finalize the condominium documents until the approval was written with specific conditions outlined within the approval. Ms Mann recalled that the By-law stated that the condominium document would be submitted and approved before the construction and after the approval of the proposal. Jeff Melick agreed that the Board would condition the approval with the acceptance of condominium documents.

Abutter Rich Hayes said he would like to see a rendering from his viewpoint. The remaining tree line would create a tree buffer according to the engineer. Jill Mann said the applicant would provide a 365 degree rendering showing the view but illustrating the project through trees would be difficult.

Alice Majcieowski reminded the Board that she had previously informed the Board that Mr. Dawson had two failed developments. Ms Majcieowski noted that the current owner had just been swindled and wondered who would the current owner sell the property to in an effort to recoup his losses. Ms Majcieowski offered her concern that there was a double standard set between the Patton project and the Canter Brook project based on the neighborhoods they were located in. Lily Hsia offered her concern about the Asbury St. access of Cross St.

According to the Landscape Architect, Howard Snyder, final drawings would reflect where lighting and plant material would be located and noted that trees were more randomly placed to break up the curving roadways while protecting underground infrastructure. Views from Asbury St. would be blocked by the canopy of trees planted down the hillside with a cedar post and rail fence along the street. The tree line would remain between the Sharon Road neighborhood and the proposed project. Mr. Snyder stated that a wildflower seed mix would be implemented and mowed twice a year along the open space and a wetland mix of seed for wetland plants would be utilized to cause less disturbance of the wetlands compared to planting rooted plants into the ground. Stormwater systems would also be seeded for natural selection of plant material. The septic system area would be screened with various evergreen materials.

Peter Britton said he had spoken with Bob Forbes regarding the location of the invert elevations that were too low and Mr. Forbes had made corrections on the current plan. The current easements between the eastern abutter and Canter Brook would be void once the property was developed because the property would not be used as an equestrian center.

Chairman Jeff Melick made motion to continue the public hearing until November 17, 2015 at 7:30 pm.

Matt Tobyne seconded.

Vote: Unanimous to continue.

315 Sagamore St. Land Acquisition

Chris LaPointe, Essex County Greenbelt, gave an update on the project. Mr. LaPointe said there was a landscape partnership between the state and other entities for the acquisition funding which required 500 acres of property. Essex County Greenbelt had worked with the adjacent landowners to accumulate a total of 558 acres. Mr. LaPointe noted that the CPC had voted unanimously to support funding \$500,000 in CPA cash and \$1.25 M in bond funding paid for with CPA funds over 15 years. \$100,000 would be paid the first year at a 4% rate and \$60,000 would be paid the last year with varied amounts between the two during the interim years.

Rick Mitchell offered his concern about open space in general and its cost to the Town. Mr. Mitchell thought the Planning Board would be smart to engage in a discussion regarding open space acquisitions in the future before making decisions. Mr. Mitchell suggested the Board collect information on what kind of open space the Town had and the information would help citizens make informed decision. Mr. Mitchell said that he had wondered how much open space was in town including permanently protected open space as well as chapter land. Mr. Mitchell said 61% of the town was in some form of protection either as open space or exempt properties with only 38% of the properties being taxable to the full extent. Mr. Mitchell described the property as one which would cost \$1.75 M for 170 acres in the Town of Hamilton which was appraised at \$1.995M but was assessed at \$24,800 with an annual tax of only \$424 and no CPA contribution over time because the property was chapter land.

Chris LaPointe thought it was a disingenuous analysis as there was no cost to the Town for roads, schools, services when land was held in open space status and continued that research looked at the return on investment in open space and the return at the state level for parks was a four fold return on every dollar invested. Mr. LaPointe said that based on the Trust for Public Land research in 2014, there was enough evidence to have the conversation and there were other benefits including quality of air, water, and life.

Ed Howard supported the value of open space which, he believed made the taxable properties more valuable. Peter Clark said he thought new residents moved to Hamilton for the schools, but when he asked a realtor, they attributed new home sales to attributes such as the rural ambience and a great deal of open space which raised the value of properties.

Jeff Melick asked about parking. Chris LaPointe said the plan would create a lot in the field at the Ipswich Hamilton line on Sagamore St. A lot may be created further up the hill if manageable which would allow for a drive in and drive out for horse trailers. 15 cars might not be a large enough lot according to Jeff Melick. Mr. LaPointe said the planning had not yet been completed and that this would become a destination property which would have facilities and plans would be made. In response to Matt Tobyne's question, dogs would be allowed on the property. Mountain biking may occur with consideration for equestrian use and concern about resource protection.

Jeff Melick made motion that the Planning Board support the purchase of Sagamore Hill. Claudia Woods seconded.

Vote: Unanimous in favor except with one member, Rick Mitchell abstaining.

Code of Conduct

Matt Tobyne had worked on the previous version and discussed his edits. Regarding Section 2.B. clarification about administration was resolved.

Rick Mitchell made motion to accept the Town of Hamilton code of conduct as amended with the comments made and accepted by Matt Tobbyne which were Section 2 letter c, and b deleting his or her disposition and solution to executing duties.

Matt Tobbyne seconded.

Discussion included comments from Peter Clark who hadn't received it or read it and was unable to say if it was the same or not. Jeff Melick questioned 1H describing when a Board member was representing other Boards and when decisions might be made before the Board weighed in on the decision. Ed Howard said he was not prepared to vote on it and thought it offended his first amendment rights. Claudia Woods had a problem with 1B and if a member was accountable to the entire community at all times which she felt was absurd and should be removed. Matt Tobbyne suggested adding the term "in your role as a Planning Board Member." Richard Boroff thought it was a valid statement. Rick Mitchell said a member was accountable for their actions or statements in that regard. Regarding communication with reporters or state officials, Claudia Woods said she wouldn't sign the document because she was in business where she spoke with reporters all the time, so Jeff Melick added the term "state officials regarding Board business."

Ed Howard did not agree with any of the Code of Conduct. Jeff Melick said all members need to be respectful of the work that Matt Tobbyne had done on the Code of Conduct. Claudia Woods did not want the Director of Planning to be responsible to the Town Manager but to the Planning Board. Some members were not in favor of having the document but Jeff Melick wanted to know what in particular would need to be changed. Rick Mitchell suggested that since several individuals hadn't received it or read it that at the next meeting, members could come prepared with written comments and be ready to vote.

Rick Mitchell withdrew the original motion. Richard Boroff and Brian Stein suggested forwarding any changes to Patrick Reffett.

Board Meetings

Matt Tobbyne suggested that meetings start earlier by one half hour so the meetings wouldn't continue late into the night. It was agreed that future meetings would begin at 7:00 pm.

Board Business

Patrick Reffett said the work on the Zoning By-Law revisions included Business District refinement and that Attorney Bobrowski was preparing the first draft which would be sent out when received. The next steering committee meeting was scheduled for December 3, 2015. Ed Howard distributed a memorandum from the Open Space Committee. Patrick Reffett said that the first draft of the Open Space & Recreation Plan was presented October 29 and two major comments included the request of creating a survey from a broad population and also creating connectivity between the open space and active recreation plans.

Minutes

October 6, 2015.

Motion by Brian Stein to approve the minutes as amended.

Rick Mitchell seconded.

Unanimous in favor.

Rick Mitchell made motion to adjourn at 10:47

Brian Stein seconded.

Vote: Unanimous to adjourn.

Prepared by:

Marcie Ricker

Attest

Date