

HAMILTON PLANNING BOARD
MINUTES OF MEETING
April 7, 2015

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

Associate Members: Matt Tobyne, Christopher LaPointe

Planning Director: Patrick Reffett

Others Present: Donna Brewer, Bill Redford, Miranda Gooding, Tom Ford, Alan Berry, Steve Homer, Steve Astalphe and Dan Merrikan

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

Public Hearing for 540- 568 Bay Road Made Pony Definitive Subdivision

Peter Clark read the public hearing notice for the thirteen lot subdivision. Miranda Gooding represented the applicant Tom Ford. Engineering Alliance was the engineer. Ms Gooding explained the design presented and noted the existing conditions plan that included the assemblage of the three properties on Bay Road. Ms Gooding recalled that informal meetings occurred with Christine Cheetham and Tom Ford to determine the possibilities of any special permits. The Conservation Commission had previously approved the Rimmer and Associate plan for wetland delineation, according to Ms Gooding.

Mr. Ford determined that a cluster subdivision was not possible and the OSFPD was reviewed and denied in September 2013 by the Planning Board. Ms Gooding explained that a 17 house lot subdivision was possible without waiver requests. A preliminary plan included 14 lots, which had been reduced to 13 lots because an ANR plan was already filed to divide the one lot from the subdivision plan. The definitive plan was filed on February 25th and the applicant was also seeking a determination for payment in lieu of providing affordable housing on site as well as approval of the stormwater management plan.

Miranda Gooding stated that the Historic District Commission Review was part of the plan, but was not part of the subdivision plan approval process. Ms Gooding said the applicant needed a state curb cut permit for access from 1A and the septic system designs would need Board of Health approval. Ms Gooding indicated that the Conservation Commission approval was not needed as all work was outside their jurisdiction.

Ms Gooding stated that the property was in the R1B zoning district as well as the Hamilton Historic District. The resource and wetlands areas were delineated on the plan. The parcels that were within the project were of 2.4, .8, and 29.7 acres joined together to create 32.9 acres in total. The frontage on Bay Road was 550'. The original Esdaile property structure with its main house, barn, paddock area, and the 1350' of bituminous

driveway as well as the 560 Bay Road clapboard home, would remain and constitute separate lots within the plan. There were 7.5 acres of wetland with Cutler Pond and land subject to flooding. Soil testing indicated well drained soils of a group which were favorably received by the Board of Health. There would be minimal flooding in area X. Tom Ford added that there was never a bridle path that was on the lot.

According to Mr. Ford, the process so far was multiple attempts after the OSFPD determination to find multiple configurations in October when he met with the Board and the members approved the cul de sac. Mr. Ford illustrated the old lots compared to the new lots. The street would be an 8% slope. The cross section of the main road showed a 26' wide road with berms, a sidewalk on one side, and all underground utilities. The proposed stub road was 18' wide serving two houses and would minimize the entrances onto Bay Road. Mr. Ford said he would be selling lots as well as built homes all of which would comprise the highest appraised subdivision in town. Mr. Ford said the drainage plan would be reviewed by the Beta Group and most of the water would be diverted to the basin to the left of the proposed road along Bay Road.

Mr. Ford said there would be an asymmetrical grand entrance. The street trees showed an asymmetrical left hand side which would have a landscaped slope planted with rhododendrons.

Claudia Woods asked if the road was different from the one discussed at the site walk. Tom Ford responded that he had shortened it a bit and pushed it into the ground a little to minimize the slope. Mr. Ford said only three houses were subject to the Historic District Commission. Patrick Reffett asked if Attorney Gooding would give a brief preview as to what the waivers were. Miranda Gooding responded that the waivers were part of the peer review. Drainage and waiver discussions were introduced and Miranda Gooding thought it would be more efficient to discuss after the peer review had been completed.

Miranda Gooding discussed the required waivers such as, Section VC3A, paved roadway with a proposed 26' width where a 32' width was required for the main roadway and an 18' width where a 32' width was required for the smaller stub roadway. The roadway cross section indicating a sidewalk on one side was a deviation from the cross section requirements. There was a Cape Cod berm and a sidewalk on one side rather than both sides of the roadway. The sidewalk was 4' wide instead of 5' wide which was the required width. There was a variation from the requirements for the base roadway course. Two waivers referred to the minimum coverage of the drainage system to limit the coverage to 1.4" where 3" was required at the inlet on each catch basin. The Planning Board's regulation regarding the length of the dead end street which was a maximum of 500' was discussed and Mr. Ford stated that typically in the opinion of the Board, the Board might allow greater than 500' so Mr. Ford indicated that he believed it was more of a finding than a regulation. Waivers were discussed at the time of the preliminary plan stage and the roadway length was the main finding the applicant was looking for according to Miranda Gooding. Mr. Ford said he would maintain a pedestrian trail easement along the perimeter of the property.

Mr. Ford indicated that the affordable housing component allowed for one affordable unit for each 10 new lots plus one unit for every seven thereafter or there could be a request for payment in lieu of providing affordable housing on site. Mr. Ford offered more than excess of 2x the amount of 80% of the \$135,000 and therefore Mr. Ford proposed \$156,480 in a fee in lieu of housing on site. Mr. Ford asked for the Planning Board to approve funds toward the payment of the Definitive Plan from payment of his previous submissions.

In response to Claudia Wood's question regarding lots 6, 4 and 8 which didn't have a building envelope, Tom Ford responded that reduced frontage lots didn't have the requirement of the circle test.

Bill Redford stated that he had written two memos which were on file (March 3, 2015) wherein he recommended hiring peer review for the drainage system that was not typical and another (April 7, 2015) memo which detailed the technical notes for the roadway which would be potentially a public way. Mr. Redford noted that he did not believe the DPW would be amenable to accepting the road as a public way due to the width of 26' which was marginally acceptable, but said the common driveway of 18' didn't meet the preference of either the Fire or Police Chief. Mr. Redford said the DPW would not approve the proposed hammerhead. Mr. Reffett also stated that reducing pavement depths was a concern due to longevity issues and the drainage system would be dealt with during the peer review. Mr. Redford said the preliminary subdivision review noted a trail along Cutler Pond and the current proposal showed a private pedestrian trail.

Steve Homer, 563 Bay Road, stated that he had two issues. Mr. Homer was concerned about drainage, flooding, and the stream that surfaces about half way down Paddock Lane. Mr. Homer said he had a sump pump working half of the year. New homes make him wonder what this meant to those who live at the bottom of the hill. Patrick Reffett said he would give the peer review engineer the handout that Mr. Homer had submitted. Mr. Homer said there was also an aesthetic concern in that the town wanted to maintain open space and rural character which was now in exchange for homes and he would like to preserve the view-shed. Steve Astalphe said he had two sump pumps in his basement and worried about drainage as well.

Dan Merrikan of Merrikan Engineering spoke for the Kagans stating there were significant concerns about flooding. Mr. Merrikan said there was a separate Form A lot, adjacent to 588 Bay Road and he believed that lot should be under the Stormwater Management By-Law because the lot would fall under the By-Law as part of the subdivision and it should be part of the stormwater application. Miranda Gooding disagreed and said that it was not part of the stormwater application but peer review would describe it as if it were part of the subdivision. Peter Clark said the Board was concerned with flooding across Bay Road or the side lot.

Patrick Reffett stated that the peer review would be available on April 21 with a report available before which would be distributed to the Board.

Rick Mitchell made motion to approve \$2,500 from the OSFPD filing to be applied to the current application for \$8,500.

Claudia Woods seconded

Vote: Unanimous in favor

Rick Mitchell made motion to continue the public hearing to April 21 at 7:30 pm.

Rob McKean seconded

Vote: Unanimous in favor to continue to the April 21, 2015.

Patton Property Senior Housing By-law

Allan Berry and Brad Latham were present to give an update and request a continuance. Patrick Reffett said the 90 days set for approval was near so the applicant had submitted an extension for 60 days on February 23, 2015.

Rick Mitchell made motion to extend the timeframe for approval for an additional 60 days

Claudia Woods seconded

Vote Unanimous in favor

Rick Mitchell made motion to continue the public hearing to April 21, 2015 at 7:30 pm

Peter Clark seconded

Vote: Unanimous in favor

Berrywood Lane Acceptance

Jeff Melick described the discussion as a non-Town road request to review the situation to make it a town road. The homeowners described the road as having extensive pot holes with graffiti and that they found it to be a terrible situation. Patrick Reffett offered the Town's legislation regarding the process how roads were accepted and noted that there was a significant amount of work that needed to be undertaken including the preparation of engineered roadway plans. He then stated the road had seen much wear and tear with no maintenance and was in need of attention. Town meeting would need to ultimately offer acceptance as well. Bill Redford said Berrywood Circle was accepted but not Berrywood Lane. Mr. Redford said the Planning Board would look at the proposal first for layout rather than condition, the DPW would review the condition, the proposal would be reviewed by the Selectmen, then town meeting would approve acceptance.

Rick Mitchell asked if a HOA had been set up for maintenance but Mr. Redford said it was supposed to be a public road.

Patrick Reffett would prepare background files to see how it comports with review requirements in the 11 point outline of road acceptance procedures. The discussion would be on the next agenda according to Jeff Melick.

Planning Board Articles for Town Meeting

Patrick Reffett stated that Donna Brewer had written the motions for town meeting on all articles. When asked about the process for managing a consultant to prepare a new bylaw

text, Donna Brewer said the Planning Board would interface with the contractor who would rewrite the By-Law because they were in charge of the Zoning By-Law. Peter Clark said he thought the Zoning By-law should be reorganized into a single document, then come back and rewrite individual By-Laws. Donna Brewer recommended writing the By-Law section by section. Ms Brewer said there would be a RFP written with the assistance of the Planning Board and once the contractor was chosen, he would work with the Planning Board.

Board Members Discussion Regarding Letter to the Editor

Jeff Melick stated that he did not want to go into specifics. Rob McKean said he was concerned with the letter written by a member who wrote it as an authority from the Planning Board and giving opinions. Jeff Melick suggested coming up with a Code of Conduct that would help members know what was appropriate. Rob McKean said he thought there were personal attacks in the letter to the editor.

Site Plan Review

Bill Bowler arrived to discuss the Site Plan Review article. Bill Bowler wanted to assure the Planning Board that the ZBA unanimously disagreed with the proposed change and that Site Plan Review should be under the purview of the ZBA. Claudia Woods said that Jeff Melick had made it very clear that Mr. Bowler and ZBA opposed the change.

Code of Conduct

Jeff Melick said he thought it was important to have a Code of Conduct and that two other boards had one. Mr. Melick suggested that the Planning Board needed to decide as a board if they needed one. The discussion would be tabled until the next meeting as one of the previous no votes was from a member whose term was about to end. Rob McKean said as presented, the Code of Conduct was something that was not acceptable. Claudia Woods said she and Chris LaPointe agreed that they both wanted something more straight forward. Jeff Melick suggested having the Board make changes and sending them to Patrick Reffett to be discussed at the next meeting. Peter Clark and Ed Howard were not enthusiastic about it.

Annual Report Draft

Patrick Reffett had distributed the draft to all members. Jeff Melick stated that he had no problem with it as written.

Jeff Melick made motion to accept the 2014 Annual Report

Claudia Wood seconded

Vote: Unanimous in favor

Consider raising submission fees

Patrick Reffett said he wanted to look at other comparable communities before proposing the change and would begin after Town Meeting. Rick Mitchell suggested looking at towns with a full time Planning Director, so the comparison would include a serious planning department.

Updates from other Boards/Committees

Hamilton Development Corporation - Rick Mitchell said he was drafting a report to the Urban Land Institute about what could be built downtown with potential tax revenues as well as mixed use development in the downtown area. The comparative analysis would look at development under current zoning and under mixed use zoning to create an analysis to encourage the passage of a zoning change.

Community Preservation Committee – Ed Howard announced that the committee would meet the following Thursday to help the Planning Board develop initiatives to have the CPC consider funding. Peter Clark thought the open space plan did not name parcels as ones to be preserved while most other towns noted each parcel to protect. Mr. Clark also believed the Historic District Commission didn't note specific buildings to preserve. Ed Howard said the town had a Historic District Commission and a Historic Society but not a Historic Commission that had opportunities for matching state grants to inventory historic buildings in the town. Mr. Howard said the need was an example of what the Planning Board could recommend. Patrick Reffett said there was roughly about \$450,000 a year in CPA funds for the towns use. Patrick Reffett suggested the possibility of dedicating a specific percentage of the funds toward open space or historic preservation so that when opportunities arose, the Town would have the funds available. Claudia Wood said as the Board had nothing specific the Board could identify or categorize, funds for potential properties would become a roadmap for the CPC.

Gretel Clark said she was on the Open Space Committee and two weeks before went before the Conservation Commission to see if they could recreate an Open Space Committee. Ms Clark wondered why there wasn't a committee that inventoried parcels. Patrick Reffett said the Town Manager asked him to host an open house to energize interest in board membership. Mr. Reffett said there would be a representative from each board who would answer questions about what the boards do.

Ed Howard said his kids learned to ski on the Clark property and he wanted to find a property to create a sledding hill or an engineered study of the town beach on Chebacco Lake.

Minutes

Motion made by Jeff Melick to accept the minutes of March 24, 2015.

Seconded by Claudia Woods

Vote: Unanimous to approve the minutes with Peter Clark and Rob McKean abstaining.

Jeff Melick thanked Rob McKean for his work on the Board.

Next Meeting Dates – April 21, 2015

Rick made motion to adjourn at 10:02

Seconded by Claudia Woods

Vote: Unanimous to adjourn

Prepared by:

Attest

Date

Marcie Ricker
