

HAMILTON PLANNING BOARD
MINUTES OF MEETING
May 5, 2015

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

Planning Director: Patrick Reffett

Others Present: Marc Johnson, Bill Redford, Alan Berry, Larry Beals, Todd Morey, Matt Weber, Brad Latham, Steve Homer, Steve Astalphe, and Ronald Mason

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

Berrywood Lane Road Acceptance

Patrick Reffett outlined the materials that were given to the Board in order to make a determination regarding the review of Berrywood Lane. Mr. Reffett said the roadway appeared to have been intended to become a public roadway when constructed in the early 1970's. However, an as-built was never provided to the Town for the Town to evaluate the roadway's ability to be accepted. No engineering reports were available attesting to how the road was built. Neglect over the last several years had occurred. According to Mr. Reffett the roadway should be no more than 500' according to the subdivision regs and Berrywood Road was 700' which was an issue to address. The roadway suffered from neglect based on drainage issues. The abutters had a strong interest that the roadway become public.

George Beilan said there was nothing additional to share, but it was very painful for the abutters to watch the roadway decay. He was under the impression that it would become a Town road. The condition was causing a depreciation of the homes and damage to cars. Mr. Beilan stated that it should be a responsibility and commitment on everyone's part to fix the road.

Rick Mitchell said there was engineering work to be done to determine the condition of the road and wondered who did the work and who paid for it. Patrick Reffett said the DPW did a review of the roadway but it would be better to have an engineering company provide that work as it would have been done by the Clerk of the Works at the time that the road was constructed. Mr. Mitchell stated that an engineering company would do the work to determine if the road met the standards which would be paid for at a rate of 50% by each the Town and the abutters.

Michael Lombardo said the costs were for the reconstruction of the road but not for the evaluation of the roadway improvements. Mr. Lombardo would ask Town Counsel about the percentage of funds that were to be devoted to engineering versus construction. The property owners would provide the evaluation according to Mr. Lombardo. Jeff Melick said the Planning Board needed to follow the rules. Peter Clark said if it was a

subdivision there should have been money set aside that was not released for the completion of the roadway. Patrick Reffett said the Board released bonds for the construction of the roadway intermittently and there were various builders and developers. Brian Stein asked if the roadway standards were the same as they were now to which Patrick Reffett said there were minor changes, but mostly the same.

Claudia Woods asked about the roadways that were intended to be private versus roadways that were to be publicly accepted. Patrick Reffett said there was an intention to accept the road. Claudia Woods thought the language was unusual.

Jeff Melick said it was time to verify who would pay for the engineering report. An abutter thought a DPW review was first before abutters were responsible for paying for the engineering study. Michael Lombardo said he wanted to speak with Town Counsel but he believed that the DPW could only review plans after they had been completed. Jeff Melick asked Michael Lombardo to speak with Town Counsel, then DPW, then abutters.

In response to Claudia Woods' question regarding snow plowing, Bill Redford said the Town did plow the road. Bill Redford said it remained a private way until Town Meeting accepted the road. Bill Redford said if the road moved forward to acceptance, the DPW would provide a cost for each the Town and abutters' share of the improvements. Ed Howard asked if it was obvious if there were takings that would be in place. Bill Redford said if the road was built as proposed and the utilities were where they belong, they would not need any taking except for the acceptance of the road. Ed Howard said the process of a taking was a lot of money.

Michael Lombardo said Town Meeting this fall would be the first opportunity to ask for funds for the improvements and the engineering. Jeff Melick said within two weeks, the Board would have the opinion of Town Counsel and there would be a time for conversation. Matt Tobyne asked if all the residents on the street had signed the petition and the answer was everyone except three abutters, two of which had not seen the petition and one who just handed it back to the petitioner. Matt Tobyne wanted to know if not all had signed the petition, how would the costs be prorated. It was expected that all the abutters would agree to move forward with the acceptance of the road.

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

Patrick Reffett stated that the applicant had asked to have the hearing continued until May 19th.

Jeff Melick made motion to continue the public hearing until May 19, 2015 at 7:30 pm.

Rick Mitchell seconded

Vote: Unanimous in favor of continuing the public hearing

Patton Property 650 Asbury St. Senior Housing Special Permit

Patrick Reffett advised the Board that if they closed the hearing that no new information was receivable beyond that point. Donna Brewer recommended that the Board close the hearing because clarification might be needed and if required, the Board could reopen the public hearing but if new evidence was required at a future meeting, the hearing would need to be renoticed. Donna Brewer said when the Board closes the public hearing, the decision must be written within 90 days.

Brad Latham said he submitted supplemental plans that could be used for additional information as well as a boundary line plan for informational purposes. Claudia Woods asked if the applicant had notified the abutters and the applicant stated that he had provided the Town with the green cards. Jeff Melick asked if other members of the Town, applicant, or general public had further questions.

Rick Mitchell made motion to close the public hearing.

Peter Clark seconded

Vote: Unanimous in favor to close the public hearing

The Board discussed the General Requirements of paragraph 12 A - J of the Senior Housing By-law with each point reviewed as well as the General Requirements (GR) of paragraph 14, GR of 15 A - F, GR 16, GR 17, GR 18 A - D, GR 19, GR 20 A - F, GR 21, GR 22 A - C, GR 23, GR 24 subject to conditions of approval, GR 25 were already done. Regarding GR 26 Donna Brewer said the points were specifically discussed and findings were made on each of these things.

Rick Mitchell made motion regarding each of the above and that the Planning Board found the application was compatible and consistent with the General Requirements 12 - 22, subject to any conditions the Planning Board may apply to the application based upon the evidence as presented at the public hearing.

Peter Clark seconded

Vote: Majority with Ed Howard abstaining and Claudia Woods stating that she was looking at the other stuff that was handed out and within the body of this there were items that merited discussion. Claudia Woods abstained because she was unsure how to vote.

Donna Brewer said the Board needed to find findings before they could make conclusions. Jeff Melick said the project had open land which was consistent with what was there including plantings and buildings.

Lisa Mead stated that she was taking notes and believed the project was compatible with the adjacent land as the plantings were consistent with the trees in the surrounding area. Claudia Woods thought that the trees would not actually block (like English Commons) the view but the trees in 10 years may block the view and the units were in keeping with the landscaping Ms Woods was concerned about the same colors so she would take exception to that. Peter Clark agreed that angled location of units was nice but didn't want to totally duplicate and would want variation but preferred a rotation of the axis so it didn't look like row of houses. Jeff Melick said a condition could address colors or rows.

Rick Mitchell, questioned if the Board was redesigning the project. Claudia Woods noted that the 12 houses were all the same color and the set back did not reflect the regional vernacular. Mr. Mitchell said the colors were easier to modify than set back and thought it was unfair at this point in time to go back and redesign the layout. Ms Woods said she was trying to solve a particularly unattractive situation. Peter Clark thought there could be some creativity to create a New England style rather than mill housing. Jeff Melick said there could be a condition of six different colors with different landscaping. Ed Howard said the applicant bragged about English Commons and he went there and it was a ghost town with no sign of habitation except a few dwellings and it was so duplicate in that it was row housing. Mr. Howard said he found English Commons to be uncomfortable.

Jeff Melick asked if the Board would feel more comfortable if there were more color. Ed Howard stated that the developer had not captured the ambience of the Town. Mr. Howard said he opposed the developer because it was not to the quality of the Town. Ms Woods wanted to change the color of the buildings as well as plantings to break up the uniform consistency and the uniformity of the buildings. Donna Brewer stated that this was a condition and not a finding and continued that a finding was that the duplex or single family with one three family was consistent with the single family neighborhood that the development was within or the landscaping was consistent with the residential neighborhood. Ms Brewer said that 21 stated it was compatible, but the Board needed to find why they concluded the development was compatible with the neighborhood it fits into with the condition stating that no unit shall be the same color as the one next to it.

Claudia Woods asked to go on the record that she had never been in favor of a road through a meadow and indicated that there must have been, even in the RFP, another solution.

Jeff Melick began analyzing the findings by beginning with 26B stormwater runoff and if the proposal mitigated stormwater impact to the abutting land. The stormwater system by which water would run down via a swale was proposed and therefore water would not impact abutting land, according to Mr. Melick. Brian Stein noted that it was not as an issue as there were no neighbors. Mr. Melick agreed that the project was set far back from other places and that the swale and rain gardens were permeable, so there would be no impact. Ed Howard asked to be on the record that he considered the development to be polluting the Ipswich River. Peter Clark disagreed that there was no run off to the river. Mr. Howard stated that water ran downhill and if you throw a bucket of water, it would eventually run into the river. Mr. Clark said all the water was directed away from the river. Mr. Howard argued that all water would get into the stormwater and then into the river. Mr. Howard declared that he was opposed and continued that part of the work on the Board was for him to have his own opinion and the Board would not be of like mind.

26 C was considered for safe and convenient access to the proposed road and access ways Claudia Woods said she was satisfied because it was approved by the Fire, Police and DPW. Jeff Melick added that the traffic flow was minimal as there were few people. Ms

Woods questioned the easement across the private road and open space to the Town land. There was a wide entrance to the road with a bell and a sign at the end, according to Jeff Melick. According to the DPW, there was an alternate access to the project for emergency vehicles.

26D provided for the adequate capacity for public services, such as water pressure and sewer capacity. Peter Clark stated that the finding would depend on approval of the Title V plan by the public health department and the approval of the plans by the Building Inspector so would be compliant with the Town Regulations. Mr. Clark added that the condition would include that they would need to get all the other approvals.

26E referred to the visual and noise buffering to abutting properties. Jeff Melick said the trees were proposed but asked if the trees were big enough. In response to Claudia Woods' question if the board could condition the size of the trees, Jeff Melick said yes. Patrick Reffett said the difference between English Commons' trees and this proposal was the distance to the roadway which was 400'. Peter Clark said the top of the roof would be all that one would see and showed a perspective drawing from the Homestead. Mr. Melick stated that the finding could be writing with approvable proposed and existing vegetation or condition the proposal with required size of trees specified.

Ed Howard said there was a large loophole and the property should be developed at one time. The loophole was that people buying into the 12 units were playing a guessing game as to what might happen with the fields and stable, according to Mr. Howard. Mr. Howard stated that if he were investing in one of the units, he would want to know what was happening in the neighborhood.

26F included trails and open space to which Jeff Melick noted that there was land set aside for that purpose.

26G required the need to demonstrate compliance with the intent of open space and cluster development such as OSFPD to which Jeff Melick said open space and cluster development was provided for.

The next discussion included the Senior Housing Rules and Regulations. Jeff Melick referred to P 3 of the submitted application. According to Mr. Melick, the design plan must include that all plans were scaled to 1" to 40'. Mr. Melick listed pages C-101 C200, C201, 300, 301, 400, 401, 500, which were all scaled at 1"-40'. Patrick Reffett said the plans had been reviewed by the engineering review and found to be in compliance.

Ed Howard discovered page C401 and asked why it had designated septic tanks for each property. Peter Clark answered that individual tanks were proposed with a shared treatment plan. Mr. Howard said he thought there was a package treatment plant but it was not and continued that he felt misled.

The elevation plans were analyzed. Jeff Melick matched the plans' specific numbers to make it sure it met the standards. Peter Clark stated that Beta's report may have matched all of these items.

The second rule to the Senior Housing Rules and Regulations which included the Analysis of Environmental Impact was discussed. Claudia Woods asked if the Board could write a finding that the applicant would complete a post development environmental conditions report. Grading, runoff, catch basins, and reinjection of roof run-off were all in the plans according to Peter Clark. Patrick Reffett said yes it was in compliance according to the Beta Group and continued that the applicant had submitted a Stormwater Management Plan, which satisfied this.

Donna Brewer stated if the Board understood that the construction documents complied with Rule 3, then it was a finding, in particular the set back and height requirements.

Claudia Woods stated that a finding for Rule 4, Analysis of traffic impact, should say it was not necessary because a study was not needed.

Rule 5 A. of the Senior Housing Design Plan Standards was the General Site Planning standards. Jeff Melick stated that the Board would find the access road, sidewalks, pathways would all integrate with and were well laid out for the purpose of circulation. Claudia Woods raised an objection to the layout of the road across the meadow. Jeff Melick said the buildings were set back as far as they could go and the trees and topography would hide it back there, The trees were not interrupted by the road configuration so the trees were not felled or the topography changed. Jeff Melick noted that there was adequate provisions for fire, flood safety, and road safety which were all approved by the DPW, Police, and Fire Departments. Peter Clark added that the utilities were buried and open space was preserved. Mr. Melick added that low impact development was encouraged.

Rule 5 B. noted that trees did not have tree lighting, the buffer between the road and the development and vegetation had no sight clearing while preserving the big tree, and the access to open space had no barrier with no problems for those with a physical handicapped or children.

Rule 5 C described Environment Standards. Jeff Melick stated the trees, soils, and topography were helpful to the environment because they drained well, Mr. Melick said the proposal maintained common open space. Patrick Reffett noted that there were conscious setbacks from sensitive river habitat. Claudia Woods wondered if there was a list of recommended plants. Patrick Reffett had asked the question and said we don't have a list. Jeff Melick said that slopes were not a problem. Claudia Woods asked what was the slope. Jeff Melick answer that it was less than 15% and that it didn't impact the slope between the development and the river. Patrick Reffett restated that the Beta letter made a firm comment that the application met MA DEP by-laws for Stormwater Management. Jeff Melick stated that the design did not affect groundwater resources and continued that there were great soils. Rick Mitchell and Peter Clark agreed that the septic

system approval by the Board of Health would not be a concern to groundwater resources. Peter Clark noted that Zone II runs through part of the site. Jeff Melick said that C. VI. required that the design would need to conserve water and that there would not be great water usage due to the senior occupants. Claudia Woods said the applicant had indicated the sprinklers were asked to be removed. Jeff Melick noted that cluster developments were inherently less water consuming. Ms. Woods noted that there were more drought tolerant plants.

D. I. described lighting which, according to Jeff Melick was adequate light for the parking areas and for pedestrian circulation because the light poles were less than 15' so the light wouldn't interfere with the use and enjoyment of the property. Peter Clark added that the applicant had removed the bollard lights in the field. Mr. Melick stated that it was important to him because there would be no light pollution in the air. The Second section of D. referred to the scale and nature of the landscape which were appropriate to the structures according to Jeff Melick who thought it should be discussed as a condition and added that there were no overhead conditions. D III found that trees were going to achieve their intended purpose as shade screening and ornamentation and would therefore be dealt with as a condition according to Mr. Melick. D. IV. Defined the planning arranged to promote energy conservation but from a practical standpoint they were where they need to be, according to Mr. Melick. D. V. described the parking lots which would be landscaped and would be conditioned according to Mr. Melick. D. VI. illustrated how the condo association would be responsible for all the landscaping and a condition could be placed to replace all plants, as well as keeping the area debris free according to Mr. Melick. Mr. Melick also noted that the wall was in good condition and there were no fences.

Building placement standards (E) were discussed and Jeff Melick noted that E.I. requirements were accomplished as the buildings were pushed as far back as possible to preserve attractive views from Asbury St. Peter Clark was in agreement. E.II. According to Jeff Melick, the building placement wouldn't be viewed as a continuous wall, because there were 25' apart. Peter Clark said some people were saying they would like to have other ways to site buildings. Mr. Clark stated that the applicant had changed from an all duplex proposal to a mostly single family proposal, so the change was an improvement because single family units were more in character of this town. E.III. referred to units which were not placed to prohibit views and access to open space, which Mr. Melick asked the Board to find to be true. Mr. Melick reviewed E. IV. which required no taller buildings so it was not applicable. E. V. outlined that structures were not facing the road according to Mr. Melick.

Brian Stein noted that there were low eye lines which was a human scale requirement as indicated in Section F. I. Claudia Woods indicated that she had an issue with section F. II. which required an avoidance of monotonous window placement because of the scale and garages which were all lined up. Jeff Melick said that section F.III. could be conditioned in that it incorporated building materials from disadvantaged points. Planted screening were proposed according to Peter.

The Board reviewed Section G. Circulation and parking standards to include G. II. walkways and bicycle paths and G.III. trail connectivity. Claudia Woods wondered about the canoe launch and Brian Stein responded that it was not part of the project. Town Counsel Donna Brewer noted that the Board didn't have the ability to force abutters to preserve trail rights through the process but the Board had the right to preserve trails only within the 27 acres. Bill Redford explained there was one trail that ran down to the canoe launch from the project to the ramp which would have an easement. The woods road was an off the project property. G. IV required that two off street parking spaces be provided which, according to Mr. Melick was accomplished. G. V. was a point that Mr. Melick said had no problem as there was no interference with traffic circulation. G. VI. A and B. as well as point VII were points in which Mr. Melick said there was no problem and the Board agreed.

H. other requirements were discussed including point I. which would describe the screening and covered in written conditions according to Mr. Melick. Mr. Melick said section III. would be taken care of as well. Mr. Melick said the performance guarantee, pre construction conference, and as built would be part of the conditions written upon approval.

Mr. Melick asked the Board if there was a consensus that all was set with the above findings. Mr. Melick suggested that Patrick Reffett draft something using Brad Latham's template.

Jeff Melick stated that he believed the project was heading in a positive direction and thought it was time to draft a document. Peter Clark suggested that Patrick Reffett could draft findings and conditions which would be distributed three days earlier than the next meeting so it could reviewed by all. Jeff Melick wanted Claudia Woods to draft conditions about those items she was concerned with.

Move to close the Stormwater Management Public Hearing by Rick
Seconded by Brian Stein
Vote: Unanimous in favor, except for Ed Howard abstaining.

Next Meeting Dates – May 19, 2015
Rick Mitchell made motion to adjourn at 10:07
Seconded by Claudia Woods
Vote: Unanimous in favor to adjourn

Prepared by:

Marcie Ricker

Attest

Date