

HAMILTON PLANNING BOARD
MINUTES OF MEETING
June 2, 2015

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

Associate Members: Bill Olson

Planning Director: Patrick Reffett

Others Present: Michael Lombardi, Richard Boroff, William Redford, Georgina Keefe-Feldman, Shawn Farrell

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

Patton Property 650 Asbury St. Senior Housing Special Permit

Patrick Reffett said that he had distributed changes which included modifications which were in regard to access to the property as was brought up by Claudia Woods, including public access to the future park area. Claudia Woods wanted to clarify if there was some way to add another condition with respect to the open space. Ms Woods said the open space should be transferred as a condition on the permit with a document stating the transfer.

Peter Clark wondered if the Recreation Committee had released their opinion as to whether the open space needed to remain in a natural state. Michael Lombardo said the Recreation Committee did not have control of the property and locating one playfield on the site was not an ideal situation, so the priority at the current time for the Recreation Committee was the turf field.

Peter Clark wanted to add a finding that less than 15% of the site was not impervious surface for low impact considerations. Jeff Melick said he had no problem adding it as a finding. Claudia Woods said this was the time to get it right by adding language that clarified the open space restriction. Michael Lombardo noted that V 45 22B discussed that ownership of the open space shall be conveyed to the town and the town already owned the land with definitions of park being defined within the By-law. Peter Clark said one finding was that no trail was within the open space. Claudia Woods and Peter Clark agreed that there should be a conservation restriction on the open space but Michael Lombardo said a conservation restriction was not a requirement of the By-law.

Peter Clark requested that language regarding the length of the roadway be added to the approval. There was terminology that would be added to paragraph 16 on page 7, according to Jeff Melick.

Condition 22 on page 9, access from Asbury Street was a concern for Claudia Woods as she asked for further clarification regarding access to the northern property. Peter Clark

said it was the access road where there would be no parking. Patrick Reffett said the agreement provided for public access on a portion of the drive and the public access turned to the north of the east/west access road and the drive was not intended to allow parking.

Peter Clark wanted to discuss the local preference plan paragraph 11, page 16 conditions, as a resident over 55, or a parent 55 of a town resident which was clarified.

Motion was made by Rick Mitchell that the proposed language (The length of the access road into the development exceeded 500' but the length had been approved by Fire and Police Departments taking into consideration that there was a secondary emergency access) be adopted and approved with the application as submitted.

Brian Stein seconded.

Vote: Rick Mitchell Brian Stein, Jeff Melick, Peter Clark, and Matt Tobyne voting in favor to approve.

Claudia Woods and Ed Howard voted nay.

Motion passes by supermajority (5-2).

The Stormwater Management Application was evaluated by the Beta Group, according to Patrick Reffett as evidenced by a letter sent by Beta. The Beta Group stated it was fully compliant with the Town's By-law as well as the State's. Jeff Melick asked if the items noted in the original report were complied with and Patrick Reffett said the earlier points had been resolved point by point and was shown in their report letter. Jeff Melick noted the June 2, 2015 would be the date on the approval.

Motion to approve the Stormwater Management Plan as submitted and reviewed by Beta and revised to the final plan was made by Peter Clark.

Seconded by Rick Mitchell.

Vote: Unanimous in favor.

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

The applicant had requested a continuance and according to Patrick Reffett would agree to meet at the next meeting.

Motion was made by Rick Mitchell that the public hearing be extended until June 16, 2015.

Seconded by Peter Clark.

Vote: Unanimous in favor.

17 Bay Road Site Plan Review

The attic level of the building had been modified to create a second story, according to Patrick Reffett. Karen Moulton said she had worked with Mr. Reffett and in her opinion she had submitted all that was required for Site Plan Review but the application was not possibly to the detail required in such a short period of time.

Ms Moulton distributed the plans she had available and said it was not a standard situation. She provided a survey which had been completed by a previous owner and was not proposing much of a change. Ms Moulton recalled at the last meeting, the garage

doors were discussed and she would repaint the hardware and replace the glass doors with privacy glass. The shed roof with lights were discussed. Different elevations on all sides were illustrated by drawings presented. The sidewalk was requested at a previous meeting but Ms Moulton said there was not an easy fix because changing things at the sidewalk would change things on the property but noted that she wanted to find a solution. Ms Moulton also discussed the sign that had been hanging on the property for the last two years. Peter Clark wondered if the sign was over the sidewalk to which Ms Moulton said it was on her property.

Ms Moulton said the door on the elevation was on the building permit, but the stairs would be added at a later date and noted that she did not have a permit to construct the stairs.

Rick Mitchell suggested that the applicant be prepared to know when the shed roof lights would be turned off. Ms Moulton said she believed it would be a manual turn off. Brian Stein said it would be nice to know how many lights would be incorporated.

Ed Howard noted the parking easement at the rear of the property. Mr. Howard requested that the applicant soften the planter at the corner and create a sidewalk. Rick Mitchell noted that the sidewalk area was state property, but Ms Moulton disagreed and said the planter boxes were on her property. Reffett confirmed that the boxes were on the Moulton's property and not within the state right of way so a sidewalk was possible if the boxes were taken out. Brian Stein recalled that if the planter boxes were pushed back onto the property for a sidewalk, there would not allow adequate parking. Ms Moulton said she was not opposed to working with the town. The planters were placed there to prevent a car from rolling out and hitting cars on the other side and continued that parking spaces were part of the value of the property. Ms Moulton said cones were in place to stop people from parking where access was needed. Rick Mitchell suggested another planter or planters along the right of way to solve the problem.

Bill Redford said the property had history but parking shown on the plan did not meet design standards. Ms Moulton said she had a building permit and was trying to reuse a building and have it fit into the "look" of downtown Hamilton. Peter Clark said Ms. Moulton didn't have an approved Site Plan and didn't have rights to the parking lot. Rick Mitchell said this was a unique opportunity beyond the building alone and noted the applicant had 11 parking spaces.

Ms Moulton said there was no right of way or parking easement as it expired when she purchased the property. The easement had a two year window of renewal if the applicant opened an auto repair store.

Jeff Melick stated that it was not a complete application and noted that the Planning Board only offered recommendations to the Zoning Board of Appeals who would be the formal review authority. Mr. Melick said he was not in a position to approve and thought the Board should put a letter together that indicated the plans were not adequate enough for approval.

Chairman Melick stated that a letter indicating that the Planning Board did not believe the site plan application was complete and that there were issues regarding parking as well as other issues that the Zoning Board of Appeals should review should be written and transmitted. Matt Tobyne said that he was not accusing the applicant about work occurring on site during the cease and desist but was concerned about work being completed and wondered if the cease and desist was being complied with. Ms Moulton said the cease and desist was for work on the second floor and the leak on the first floor was being repaired.

Peter Clark and Ed Howard agreed that the Board supported the applicant's use of the building as a turf shop, but the plan needed to be adaptive to that use and the plan given was that of a used car lot but, they wanted to give the applicant support. Brian Stein stated that he believed the building in general as designed was attractive. Rick Mitchell stated that the Planning Board supported the architectural additions, but the plan did not meet the requirements of the By-law.

Jeff Melick discussed the need of the Board to write a letter to the ZBA indicating that after the board discussion on May 19 and June 2nd, the PB was not able to approve the application as presented due to it being incomplete with issues in regard to parking, lighting, and overall site design.

Rick Mitchell made motion that the Planning Board supported the applicant's architectural modifications to the building as a positive contribution to the downtown however, the application for site plan was incomplete and lacked the details regarding parking, lighting, and etc.

Brian Stein seconded.

Vote: Unanimous in favor of the motion.

Associate Member Vacancy

Richard Boroff discussed his interest in the Associate Member position. Jeff Melick asked if he had any preconceived notions about development in town. Mr. Boroff responded that he did not and that development needed to occur outside of the downtown area. Mr. Boroff said he was on the school committee for seven years and was well versed with Robert's Rules. In response to Mr. Melick's comment that he would not be able to vote unless a member was vacant, Mr. Boroff said he only wanted to have a say in the meetings.

Mr. Melick said he was a great applicant and he would support his application. Matt Tobyne said he had provided valuable feedback and commentary. Brian Stein said he had heard questions from Mr. Boroff that were valid even though he did not have formal training in Planning and would support his application. Peter Clark said reading the ZBL was a lot of homework. Claudia Woods wondered about a problem with the police department during the election to which Mr. Boroff responded that there was a question about public information which could be publicized.

Ed Howard wondered why Mr. Boroff wanted to know who Mr. Howard was years ago and Mr. Boroff responded that if no one does anything wrong, they need not be afraid of him. Peter Clark noted that the spirit of a Planning Board member was that of one that should not have political biases. Mr. Boroff said he did pay attention to what people do and how they think. Peter Clark said a peacemaker was a good thing. Mr. Clark added that the Board needed to speak with respect to each other and perhaps if Mr. Boroff were on the Board, a collective decision making would prevail.

Mr. Clark was on the ropes as to the approval of Mr. Boroff so he might abstain. Matt Tobyne said he didn't think anything Mr. Boroff said was malicious and that he would still have his support. Rick Mitchell said he was ready to vote and Brian Stein agreed and said Mr. Boroff had been to many meetings and had valid input. Jeff Melick said the Board had been contentious for a time and when the applicant said that some members had something to fear from him, Mr. Melick thought that using fear was not a good word choice and continued that he wouldn't vote for anyone that would add to a disagreeable meeting, but Mr. Boroff was a pleasure at all the meetings. Mr. Melick warned the applicant that he must be careful about the words he used. Ed Howard said it was interesting that Mr. Boroff had followed him for 12 years.

Rick Mitchell made motion to approve Richard Boroff as an associate member of the Planning Board.

Seconded by Matt Tobyne.

Vote: Majority to approve the appointment: Rick Mitchell, Brian Stein, Jeff Melick, Matt Tobyne, and Peter Clark..

Opposed: Ed Howard and Claudia Woods.

Discussion for By-law Revision

Patrick Reffett reviewed a recommendation regarding procedures he had prepared for the pursuit of the Zoning By-law revision and its associated map. Mr. Reffett proposed a broad committee approach with a member from the Planning Board, Zoning Board of Appeals, Hamilton Development Committee, Conservation Commission, Board of Selectmen, possibly Affordable Housing Trust, Town Manager, and the Director of Planning as members of the committee to look at the zoning puzzle with the benefit of a consultant. The broad committee would look primarily at re-codifying the zoning bylaw into a coherent document and also as the budget allowed consider the future of desired land use in town. Mr. Reffett proposed monthly meetings with a third meeting working as a public open meeting for public input.

Brian Stein wanted to know what \$50K would encompass. Jeff Melick said at first he was against the committee concept but after speaking with the Selectmen and Town Counsel, he felt value in the committee but wanted bi-weekly meetings with no special open public meetings as all meetings were open to the public. Peter Clark agreed that the committee did not need to start over, but to streamline the By-laws so it was a researchable document and didn't think that without the leadership of the Planning Board, the committee could decide the By-laws but that there was fine tuning to be done afterwards. Mr. Clark said the Bylaw grew over time by understanding the master plan and that each by-law was born of a special need due to the unique qualities of the town.

Mr. Clark suggested that the process should clean up the bylaw and make it a researchable document.

Rick Mitchell envisioned cleaning up the existing structure of the By-laws, removing confusion, conflict, bad wording and polish the template as a housekeeping exercise to be done by a consultant. The committee concept and political process as it applied to town meeting for a comprehensive reorganization would make it more likely to be approved if all boards all stood up saying it was a good process and they would each take another step to support hiring a consultant to rewrite the By-laws according to Rick Mitchell. Matt Tobyne stated that he thought the clean up would comprise 10% and the rewrite would comprise 90% of the work. Jeff Melick said he thought the Zoning By-law should be rewritten so they have a sense regarding what substantive changes could be proposed. Ed Howard supported rewriting the GPOD as a tool. Rick Mitchell said changes would be the second step.

Patrick Reffett said the existing zoning map was unclear but Brian Stein said the computer overlay should be clear.

Planning Board members shared agreement that they wanted the consultant to clean up and streamline the existing Zoning Bylaw then focus on the GPOD, EOD, and cluster development which would be done after they cleaned up the current by-law during bi-monthly meetings of the committee. Peter Clark wanted the consultant to find flaws and incentives that could be found in the By-laws as an intermediate step. Feedback from the consultant comparing Hamilton's By-law to other ones would be important. Jeff Melick disagreed and said it was a long route with a lot of money spent and the Board should tell the contractor what they thought. Matt Tobyne stated that the RFP should outline what the Board wanted.

Election of Chair, Clerk, and other Representatives to other Boards and Committees.

The appointment of Chairman was discussed. Jeff Melick said he would be happy to serve another year. Ed Howard made motion that Jeff Melick be appointed for a second year. Matt Tobyne seconded. Vote: Unanimous in favor.

The Clerk position was discussed as compared to Vice Chairman. Jeff Melick nominated Brian Stein as Clerk as a knowledgeable leveled headed candidate. Ed Howard seconded. Vote: Unanimous in favor.

Representatives to Committees were discussed. Ed Howard said he was reelected to the CPC as a three year term and would like to serve his other two year terms. The topic was tabled until the term was determined.

The Affordable Housing Trust Fund position was discussed and Matt Tobyne requested to be appointed as the liaison. Jeff Melick moved to appoint Matt Tobyne as the representative. Seconded by Rick Mitchell. Vote: Unanimous in favor.

Minutes

Tabled until a further meeting.

Next Meeting Dates – June 16, 2015

Brian Stein made motion to adjourn at 10:45

Seconded by Rick Mitchell

Vote: Unanimous in favor to adjourn.

Prepared by:

Attest

Date

Marcie Ricker