

HAMILTON PLANNING BOARD
MINUTES OF MEETING
July 7, 2015

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

Associate Members: Bill Olson and Richard Boroff

Planning Director: Patrick Reffett

Others Present: Brad Latham, Alan Berry, Peter Britton, Jill Mann, and Bill Redford

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

Patton Homestead Master Deed Discussion

Patrick Reffett reminded the Board about the previous Patton Special Permit decision granted in favor of the project and noted that within the document, under Conditions Number 8, there was a need for condominium document approval. The condition stated that the Planning Board and Town Counsel shall review and approve the documents. The documents would need to be recorded at the Essex County Registry of Deeds once approved. According to Mr. Reffett, Brad Latham and Town Counsel had reached an agreement and then he advised the Planning Board to pay attention to the age restrictions as noted in the documents. The Bylaws discussed were the Corporate By-laws of the condominium association and not Town By-laws according to Jeff Melick.

Brad Latham explained that Town Counsel and he had agreed upon the language. Mr. Latham described section 10.1 on page 17 stating that the By-law used the term "owned and occupied by someone over 55." Mr Latham suggested that a surviving spouse over 50 (with the 55 year old or greater occupant having expired) be allowed to remain in the unit and in the instance when both occupants over 55 expire and their children inherit the unit, the survivors would be allowed two years to sell the unit. Mr. Latham said human circumstances should be considered.

Brian Stein thought the language was clear. Peter Clark said that the intent was within the By-law. Claudia Woods said some of the open ending was unclear but ok. Ed Howard indicated that he thought it was ok. Bill Olson said it was a confusing issue but agreed with the acceptance. Jeff Melick was concerned about the co-applicant's occupancy, but clarified that the 50 determining date for a survivor was included and further agreed with Ms Woods that the Planning Board would accept the right of the condo association to approve any other situation that had not been anticipated. Jeff Melick noted that Section 4 would not allow any circumstances that would allow for anyone under 55 to remain.

Rick Mitchell suggested striking the term "local law" as it had been dealt with in the preceding language in its intent and wording while section 4 dealt with unexpected

circumstances. Brian Stein said it was in the exceptions category so other local laws might apply. Claudia Woods was happy with the occupancy section but wondered about "use." Brad Latham agreed to strike the term "use." Jeff Melick thought the Planning Board should be the authority to decide if extenuating circumstances should be approved rather than the condo association. Rick Mitchell suggested the circumstance decision could go to the condo association and then if approved, it would be reviewed by the Planning Board. Brad Latham agreed.

Bill Olson noted that the language regarding color should be clarified to include any changes requiring colors within the color palate as approved in the special permit.

Rick Mitchell made motion to amend the Patton Ridge Master Deed Phase One Section 10.1B as amended as follows:

Jeff Melick read the amendment to include the following changes: Page 13 in the middle paragraph after the word association, add the word "Section 9" and the words "with the restriction and conditions of the special permit." On the third line in the middle, strike the word "and" after frame and the amendments on page 17, Section 10.1B after the word provision on the second line, the words "10.1A" shall be inserted and then seven lines up from the bottom before III, the word "or" will be stricken and the fourth line up from the bottom before IV, the word "or" inserted. The next line, the "use or" will be stricken in the next line after the words association and the words "the planning board, and which" will be inserted. On the next line insert, "and" after and strike "add."

Seconded by Stein.

Mr. Latham added that Page 44 referred to Town access and noted that the town fire truck weighed more than the restriction so a sentence was added to ensure that nothing in the section would prohibit a town safety vehicle from accessing the way by inserting verbiage after gross weight rating to include "except public safety vehicles" after "not to exceed 6,000 lbs."

Vote: Unanimous in favor.

Rick Mitchell made motion to approve the Bylaws of Patton Ridge Condominium Association Inc. and the Patton Ridge Condominium Master Deed Phase I as amended by the Planning Board by motion on this date in which such approval upon condition submission to and endorsement by the Planning Board as Approval Not Required on a plan of land comprising of 4 acres more or less on which the senior housing project approved by Special Permit dated June 3, 2015 will be constructed.

Seconded by Brian Stein.

Vote: Unanimous in favor.

Alan Berry said he was meeting with the Conservation Commission and he wanted to show the two unit design. One two-unit building with other single units would be

proposed once the change of the Zoning By-law was approved by the Attorney General. Mr. Berry requested a vote or consensus from the Planning Board so the Conservation Commission would be aware of the changes. Alan Berry preferred the single duplex building. Jeff Melick stated the vote would be a straw vote as the change was not approved by Attorney General. Reffett reminded the board that the item was not on the agenda and could not take a formal vote or related deliberations.

Jeff Melick made motion for a "straw" vote regarding the draft plan that had one duplex and remaining units proposed as singles as presented by Alan Berry.

Brian Stein Seconded.

Unanimous in favor.

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

Patrick Reffett said he received an e-mail from Tom Ford requesting an extension until the next meeting, 7/21/15 to respond to Groundwater concerns that were indicated by Beta.

Rick Mitchell Motion made to extend the public hearing until 7/21/15 at 7:30 pm

Seconded by Brian Stein.

Vote: Unanimous in favor.

Model T Fire Engine / Garage Discussion

Ed Howard said the CPC had received an application to fund a garage to house the antique model T, now stored in the firehouse. The old building was attractive according to Mr. Howard and in his opinion, the rebuilding of the building was limited by the Planning Board. Peter Clark recalled that the reason the \$30,000 was such a low cost was due to the construction to be completed by the Fire Department. Mr. Howard said the Fire Department thought the Town would rebuild it. Patrick Reffett said he had spoken with the Fire Chief and there was a disagreement on the placement of the structure as well as the building design but no design had ever come to the Planning Board or the Zoning Board of Appeals, so no project review ever occurred. Jeff Melick stated that supporting the project on the record might jeopardize a proper Site Plan Review application. Peter Clark thought the initiative should come from the Fire Department. It was clarified that in order for the Planning Board to recommend the project a plan submission would be required of an applicant.

Land Acquisition Policy

Peter Clark noted that the Open Space Committee would not be formed until after Town employees had created the new plan. Patrick Reffett said the group was being formed at the current time and the Town employees would be preparing a draft document and the open space committee would be reviewing it. Peter Britton wondered how an Open Space Committee could best function. Peter Clark noted that exercising 61A rights, a committee would need to be able to catalogue open space properties. Claudia Woods said creating a list would prepare the Town for future open space land acquisition. Ms Woods wondered what a land acquisition committee's responsibilities would be. Jeff

Melick suggested reading the document and submitting changes to Patrick Reffett for further discussion at the next meeting.

Upcoming Canterbrook Proposal

Jill Mann spoke regarding the Senior Housing proposal. Patrick Reffett said Peter Ogren of Hayes Engineering had reviewed the previous submissions of Canterbrook and was interested in continuing his review at this stage of the submission. Peter Clark recommended Mr. Ogren's appointment as the review engineer. Bill Redford said he was disappointed that the number of changes made did not include the suggestions made by the DPW. Jill Mann said she thought the comments had been considered and would be included in the future.

Rick Mitchell made motion to appoint Peter Ogren as the review engineer.

Seconded by Peter Clark.

Vote: Unanimous in favor.

Jill Mann said she had submitted the application on June 17, 2015. The public hearing would be opened July 21, 2015 according to Patrick Reffett. Peter Britton said the civil engineer had reviewed the previous plan and found significant defects concerning drainage, in particular the drainage above the housing that existed 1' above the slab level of the buildings, which would, according to the civil engineer, create drainage problems and impact on the neighbors.

Updates from other Boards and Committees

The By-law steering committee status was described by Patrick Reffett, Members included Mr. Bowler (ZBA), Keith Glidden (Conscm), Jeff Melick (Planning Board), Brian Stein (HDC), Michael Lombardo and Patrick Reffett. The group would be described as a working group rather than a formal committee as it would be less politically viewed according to the Board of Selectmen Chairman as reported by Patrick Reffett. The RFP was advertised in the central registrar and proposals would be due August 3, 2016 with review of the proposals and the narrowing down of selection occurring thereafter.

Updates from other Boards and Committees.

Brian Stein described the all day charrette by the Urban Land Institute. The group interviewed 15 to 20 people and then met among themselves. They looked at no by-law change, mixed use by law change and septic system downtown change. There was a public meeting that night that indicated that a mixed use by-law was good but the meeting offered little financial information. Mr. Stein stated that there would need to be a fair amount of development to make an impact on the tax rate and to support a waste water treatment system.

Historic District Commission would be doing a Site Walk of the Post Office property according to Mr. Howard.

CPC funds could be devoted to housing, a sliding slope and a town beach at Chebacco Lake which was described by Mr. Howard. He stated that affordable housing would be appreciated, a sliding slope could be done by the Rec Board and the beach would need a feasibility study, according to Mr. Howard. He and Peter Clark would prepare paperwork for CPC submission for the later two projects.

Minutes

Motion made by Rick Mitchell to approve the minutes of June 16, 2015 as amended
Seconded by Brian Stein.

Vote: Unanimous to approve with minor edits.

Motion made by Brian Stein to adjourn at 9:35 pm.
Seconded by Rick Mitchell.

Vote: Unanimous to adjourn.

Next meeting dates July 21, August 4, and August 18, 2015

Prepared by:

Attest

Date

Marcie Ricker

HAMILTON PLANNING BOARD
MINUTES OF MEETING
July 21, 2015

Members Present: Ed Howard, Jeff Melick, Rick Mitchell, Brian Stein, and Matt Tobyne

Associate Members: Bill Olson

Planning Director: Patrick Reffett

Others Present: Shawn Farrell, Jill Mann, Bob Forbes, Tom Ford, Richard Hayes, and Peter Britton

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

650 Asbury St. Master Deed Discussion

Patrick Reffett stated that the Hamilton Health Department Agent requested changes to the required Master Deed as Part of the Patton Senior Housing Special Permit. The request included the need for a Title V report which should be completed and submitted to the Board of Health every three years and would be required as part of the special permit conditions in Section G on page 40, paragraph 25, Special Provisions.

Rick Mitchell made motion that in accordance with 310 CMR 15, a Title V Inspection Report must be completed by the association and submitted to the Hamilton Board of Health every three years and the condition would be listed in Section G on page 40. Brian Stein seconded.

Vote: In favor by majority with Ed Howard voting nay. Mr. Howard stated that he voted against the motion because the septic system had multiple tanks and wondered if each tank would be dug up to be inspected every three years.

Draft Land Acquisition Policy

Jeff Melick said Marc Johnson had made changes to the policy. Rick Mitchell said the list would be comprised of 61A and B properties or those that had restrictions on them so the results would be more objective. Shawn Farrell said all Master Plan listings would be on this list as well.

Jeff Melick suggested creating a redline version of the policy which would be sent to Patrick Reffett and then after Mr. Reffett made the changes discussed at the next Planning Board meeting and afterward the document would be submitted to the Selectmen. Peter Britton wondered when landowners might be notified as to the policy.

Senior Housing at Canterbrook 254 Asbury St.

Jeff Melick opened the public hearing.

Jill Mann was present with an application request for the Senior Housing project. Ms Mann stated that previously application proposals were for 43, 24 and now 23 units in the

subdivision located on roughly 14 acres of land. The applicant would develop less than 15% of the parcel because the property was in the GPOD which had a 15% impervious area limitation. The units would be between 1300 to 2700 sf which would satisfy Ms. Woods' and Mr. Clark's request for affordable homes not just by DHCD standards but by creating smaller size units which would make them less expensive. The applicant was requesting payment in lieu of providing affording housing on site. Ms. Mann noted that the GPOD did not prohibit construction of homes within the zone, but only created a limitation of 15% of impervious surface on site so the applicant used RA district standards for the density requirements. Bob Forbes, Jack Larmar, and Kay Larmar would be the main contacts for the proposal.

Ms. Mann said there was a 20' wide street proposed but Mr. Redford asked to increase the width to 24' so Ms. Mann had asked the Board for direction. Ms. Mann also noted that Planning & Inspections Director Patrick Reffett had noted that the landscape plan showed mature growth of the proposed trees and wanted a landscape architect to draw a plan that showed the open space, the buffer, and the entrance. The project's open space would be maintained by the property association but the holder of the CR could be Essex County Greenbelt or the Town.

Applicant's Engineer Bob Forbes described the project and noted he had been working on the project for seven years. The project proposal would be triplexes and single family units. There were five visitor parking spaces and two mailbox spaces of the 89 parking spaces proposed. There was a common septic system for entire project. All units would pump to the wastewater treatment facility. The grading and drainage plan was presented. The design would create a significant reduction in runoff volume and rate. Rain gardens were incorporated. The reduction was significant with a 99.3% reduction and 94.8% reduction in volume in a 3" storm as compared to existing and the proposal would create a 87% reduction in rate 76% reduction in volume in a 10 year storm according to Mr. Forbes. The site was largely stripped of trees and the proposal would revegetate the site. If the DPW Superintendent and the Fire Chief require a 24' paving width, the design would need to be altered to incorporate the 15% impervious requirement.

Bill Redford said he wanted the water looped from Asbury but wanted it single lined to the project so it could be metered. Ed Howard said not having it looped was catastrophic. Bill Redford said it was a water department decision and wanted a master meter on Asbury Street as it was a condo development.

Jill Mann responded to Rick Mitchell's question about redesigning in accordance with the ZBL change that would allow duplexes if the 24' roadway was required as the impervious surface might be changed by using duplexes. Bill Redford said he was uncomfortable with less than a 24' roadway. Bob Forbes noted 100's of high end units that were accessed from an 18' road at the Pine Hills development in Plymouth, MA.

In public comment abutter Richard Hayes said the biggest concern was regarding drainage from the site onto abutting and nearby properties; some of which had basement elevations lower than drainage outfall elevations on the site. He asked as to what happens

if a 24' roadway were allowed to run off into the neighborhood and also wondered about snow. Mr. Hayes also noted that the 100 buffer zone had parking spaces located within its boundary.

Peter Britton said he was concerned with drainage issues and had reviewed the submission and found the overflow was higher than basement grades. Mr. Britton also found the cut and fill balance was not even as there was a tremendous amount of fill which was needed. Roof infiltrators don't work in heavy rain, according to Mr. Britton and the sewage pumps for each of the 24 units would create failure risks so the proposal should be re-evaluated. Mr. Britton was concerned about drainage coming off the proposed site and affecting the Sharon Road subdivision. Mr. Britton recalled a previous meeting when bonus units were awarded and stated that those bonus units would be under scrutiny.

There was a 4' gravel sidewalk which would be treated with a binding substance on one side according to Bob Forbes.

Brian Stein thought the roadway width was about scale and 24' was large for the amount of traffic at 15 mph and he would like the roadway to be 20'-22'. Rick Mitchell said he liked the original 20' due to scale and continued that 24' were standard state roads. Patrick Reffett read a request for 24 foot roadway width from an email from the Fire Chief's opinion which supported 24' because fire trucks that are 10' wide would need to pass each other and lay hose. Snow would decrease the size. Matt Tobyne was in favor of a 20' roadway or 22' to be conciliatory. Ed Howard wanted to know what the police wanted. Bill Redford said DPW and Fire Chief wanted 24'. Patrick Reffett supported his colleagues with a 24' road. Ed Howard said he should support public officials and went with 24'. Bill Olson said with a sidewalk and berm combined with the roadway it made 24' too large so he suggested 22' with a berm. Jeff Melick was concerned with snow, but agreed with the scale concerns. He said the 4' might make a difference with someone living or dying and hated going against the Fire Chief and would go with 24'. Mr. Melick suggested delaying the vote until Peter Clark and Claudia Woods were present. Patrick Reffett said he would get the Police Chief's opinion.

Move to continue the public hearing made by Brian Stein until August 4, at 7:30 pm
Rick Mitchell seconded.

Vote: Unanimous in favor.

Made Pony Bay Road Definitive Plan

Tom Ford requested to withdraw without prejudice.

Motion to approve to allow the applicant to withdraw without prejudice made by Jeff Melick.

Brian Stein seconded.

Vote: Unanimous in favor.

Code of Conduct tabled for two weeks

Updates from other Boards and Committees

Ed Howard had spoken to the Board of Selectmen about a study of a beach but the Town Manager thought the work could be done in house. Shawn Farrell said the Board of Selectmen thought it could be in house to determine if the beach could be cleaned up rather than spend \$20K in a study. Bill Redford agreed that it was something the DPW could do.

Matt Tobyne said the Affordable Housing Trust would support to approve the Farnham property proposal on Longmeadow Way.

The Hamilton Development Corporation was proposing a mixed use by-law change for downtown and would be presenting design guidelines for Town Meeting in the Fall, according to Brian Stein

Patrick Reffett announced that the ZBA would have two cases for August including the continued hearing for the 17 Bay Road project and the 545 Bay Road Institution for Savings change of use from Hamilton Gardens project. Ed Howard said the Institution for Savings proposal was in the Historic District and the Historic District Commission would have the final word. Brian Stein said the change of use would need to go to the ZBA first.

Patrick Reffett said the Zoning Bylaw committee had not met yet. Proposals were due August 3, 2015 and he would want members of the committee to come by and receive the proposals before the Selectmen meeting that night.

Shawn Farrell said the bids were coming back for the pool and hoped the Planning Board would coordinate with the ZBA to expedite the approval process.

Ed Howard was concerned about the lack of direction at 315 Sagamore St. At the time of approval he stated the Fire Chief required a parking area be built about 2/3 of the way up and at the end of the driveway a cul de sac was required to remain. Neither exist according to Mr. Howard. A couple of years ago, the requirements were passed on to the Building Inspector and occupancy permits were not to be issued until the requirements were done. Patrick Reffett said he would find the back-up materials and advise the Board. Brian Stein said the road previously existed and the project was actually an ANR with the house having a sprinkler system.

Rick Mitchell made motion to adjourn at 9:37p.m.
Seconded by Brian Stein.
Vote: Unanimous to adjourn.

Prepared by:

Marcie Ricker

Attest

Date

