

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
September 1, 2015

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

Associate Members Present: Bill Olson and Richard Boroff

Planning Director: Patrick Reffett

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

**Institution for Savings. 545 Bay Road. ZBA Site Plan Review Recommendation**

The traffic consultant for the applicant, Ron Mueller said they had performed a full traffic study in response to the Beta Group's comments. The study identified existing conditions, future traffic, and mitigating measures to offset impacts. Traffic counts were done during 4-6 pm on weekdays and Saturday mornings when the bank would be doing business. School traffic was not an issue as the highest bank traffic was not during school hours according to Mr. Mueller. The projected traffic used an annual growth rate of 2% per year, higher than actual. Beta had asked for 1% per year. Additional trips would be minor compared to the existing use and even less than if the garden center were to generate typical garden center traffic. The traffic studies were done by national surveys completed by customer reactions. Jeff Melick said he was concerned that a national standard was not appropriate for Hamilton. The analysis was compared to Ipswich and Topsfield, according to Mr. Mueller. Ron Mueller stated that there were 10,500 trips on Bay Road per day, 850 per hour. There would be two teller lanes and one ATM lane proposed.

Kien Ho, traffic engineer for the Town's peer review consultant, Beta Group, said he was concerned with trip generation changes from 72 trips to 32 trips because the applicant changed the locations from sample banks in Salisbury and Rowley to sample banks in Topsfield and Ipswich. According to Mr. Ho, the applicant's traffic consultant considered the existing garden center which was not operating to capacity but used 25 trips per day for a viable garden center use rather than the existing trip use to create a comparable analysis. Mr. Halwith requested that the proponent should look at criteria and impacts to Bay Road and Bridge St.

Mr. Ho suggested that the applicant needed to construct a crosswalk to the bank, which would not be ADA compliant. Mr. Ho said he thought there was a need for a traffic island to slow drivers down as they turn even if it were a flush island for mitigation. He also thought proper signage was needed. Bill Redford did not think highly of the suggestion of the raised rumble strip at an angled intersection. In response to Peter Clark's question about the need for a stop light at the corner, Mr Halwith said no.

A fence would be combined with 10 – 12' arborvitae which would be what would be seen from Orchard Road. There would be a new fence along the perimeter according to Kim Rock, representative from the Institution for Savings. Ed Howard noted the dry stone walls along Bay Road were from 1640 and should be respected.

Sara Oo, an Orchard Road abutter, said the change from 0 to 75 trips per hour would be going from quiet to a significant change and continued that she believed all that light would create a significant change to her neighborhood. The applicant said the lights would be on timers. Jeff Melick described the Cumberland Farms lighting and how it was too much and he didn't want the same problem here. Robin Sears said she had photographed the significant amount of light from other branches.

Patrick Reffett said the 35 day review period had not started as the application was not complete. The ZBA hearing was usually the first Wednesday of every month but a scheduling conflict moved the date until September 9<sup>th</sup> at the Senior Center. Mr. Reffett noted the letter from resident Doug McGarrah recommending that the application should be a variance rather than Section 6, which was under ZBA's purview. Town Counsel would be at the ZBA meeting to discuss Section 6a findings for the benefit of the ZBA process.

Jeff Melick made motion to continue the discussion on the application for a period of two weeks

Claudia Woods seconded

Vote: unanimous to continue.

Jeff Melick said the Planning Board would make a recommendation to the ZBA for Site Plan Review, but would not have purview over an extension of a non conforming use. According to Mr. Melick, 40A 6 required that the new use would need to be less detrimental than the current use. Patrick Reffett said Bill Bowler intended on making the determination. Mr. Melick said a local lawyer said if the bank was more detrimental to the neighborhood than the nursery it was not an extension of a non conforming use. Mr. Melick said he thought it was a substantially more harmful situation to the neighborhood because of lighting and traffic and the impacts to the neighborhood.

Mr. Melick said there was significant land planning in town and the Planning Board could offer their opinion about the impacts that were made to the town. Claudia Woods agreed. Peter Clark stated that he thought the proposal was a major change of use. Ed Howard agreed. Brian Stein wanted to hear Donna Brewer's thoughts but offered that it seemed clear to be a great project if in a commercial zone. Rick Mitchell took a different view and said it was a change of use but he didn't believe it was a greater detrimental use than what was there now or what might occur in the future. Mr. Mitchell noted that the garden center business had collapsed and no one would buy the property at \$600,000 and be able to put up a single family home. Mr. Mitchell wondered what would happen to the property and worried that someone would propose a 40B multi family unit. Mr. Mitchell said the bank had been extremely accommodating and that the proposal would look better than what was there now. Matt Tobyne agreed that it was a much different use with a

greater impact on the neighborhood. Bill Olson said a potential garden center could be as detrimental as the potential bank. Richard Boroff agreed with Rick Mitchell and said it would be a beautiful place compared to what was there in the heyday. Mr. Boroff also noted that a 40B project would lower the property values of the neighborhood rather than increase the value and that if he lived there, he would take the bank proposal over any alternate. Mr. Boroff did not think a bank was a detrimental use.

Bill Olson said originally Hamilton Gardens had possibly more customers compared to the proposed bank and continued that he did not believe that the Planning Board had enough information to determine if the use would be more detrimental to the neighborhood.

Jeff Melick made motion to send a letter to the ZBA stating that the Planning Board believed the present non confirming use should not be extended because the applicant's use would be substantially more detrimental to the neighborhood.

Seconded by Peter Clark

Rick Mitchell, Bill Olson and Richard Boroff voted nay; All others voted "yes".

Vote: Majority to send a letter to the ZBA stating the Board found the project substantially detrimental to the neighborhood.

### **354 Highland St. Canterbrook Senior Housing and Stormwater Management Special Permits**

Jill Mann reviewed the proposal and stated that the application met the 24' paved road requirement and still maintained 14.2% impervious surface. The parking spaces on the southern portion of the plan were removed from the open space area. Ms Mann said the By-law allowed the roadway to cut through the open space as long as it did not exceed 5% of the open space and continued that 64% of the property was open space. The application was below the 50% wetlands threshold as it contained about 20%.

According to Jill Mann, the density bonus was based on the RA District as was in accordance with Donna Brewer's request because the GPOD and the RA Districts were equivalent. The proposal would feature three family, two family and single family units. The applicant had a preference to create a payment in lieu for affordable housing. The proposal was for 23 units. The maximum density was four units per acre in RA but the proposal was looking for two units per acre. Ms Mann said the applicant was looking for density bonuses that the Board would favor.

Peter Clark made motion to have a Straw Vote of the Board to determine if the applicant had the right to a greater density of two units per acre or 23 units in total

Rick Mitchell seconded.

Claudia Woods said she had difficulty voting on smart growth density without looking at the smart growth potential on a plan. Jill Mann explained the smart growth aspects of the proposal were submitted with the plan in June. A site walk was scheduled for October 3, 2015 (9:30AM). The majority of the board indicated that the density was acceptable.

Rick Mitchell made motion to continue the public hearing until October 6<sup>th</sup> at 7:30

Claudia Woods seconded  
Vote: Unanimous to continue

**Wireless Communications Discussion 438 Asbury St.**

Earl Duval, representative for Blue Sky Towers and Verizon Wireless and James George, real estate consultant for the project were present to discuss a potential proposal at 438 Asbury St. The proposal was for a 110' monopole and 100 x 100' fenced area. Changes to the By-law prompted the application, according to the applicant. The applicant wanted to fly the balloon for four hours rather than 3 days, but would take photos of the balloon from several nearby locations.

**Patton Park Pool Project**

Sean Timmons was present for an informal meeting regarding the pool project. Tom Spulato discussed the site plan and noted the proposal had a smaller pool, bathhouse and lifeguard house than the previously proposed pool. The project would have a residential appearance.

Next meeting would be September 15<sup>th</sup>

Claudia Woods made motion to adjourn at 11:05  
Seconded by Rick Mitchell  
Vote: Unanimous to adjourn

Prepared by:

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Marcie Ricker

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Attest

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Date