

HAMILTON PLANNING BOARD
MINUTES OF MEETING
May 3, 2016

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

Associate Members Present: Richard Boroff and Bill Olson

Planning Director: Patrick Reffett

Others Present: Don Preston, Phil Posner, Bill Redford

This meeting was called to order at 7:00 p.m.

Comprehensive Permit Review for 270 Asbury St.

Patrick Reffett reviewed the 40B project for two units as two separate single family residences on one 19,000 sf lot as proposed by Habitat for Humanity. The Affordable Housing Trust had provided \$250,000 to advance the project. Jeff Melick noted that as a 40B project, the Planning Board had limited review and the Town had not completed their 10% affordable housing threshold. Mr. Reffett asked if the project fit as a part of the context of the neighborhood and if the use was workable in the neighborhood. Mr. Reffett said the neighborhood lots were comprised of 5,000 to 12,000 sf lots so there was a good physical fit to the neighborhood and the proposal was not overwhelming in scale. The Planning Board needed to look at the access and the utilities, according to Mr. Reffett. Mr. Reffett said the ZBA would look at the completeness of the application, the DPW would look at utilities, and the Police Department would look at access.

Don Preston, representing Habitat for Humanity, said they had built 31 affordable units on the North Shore because home prices of \$170,000 or less were not available. The homes were two to three bedroom, barrier free, and had 1.5 baths. Homes were energy efficient. Mr. Preston said the homes were open to all applicants and Habitat for Humanity would honor local preference. Homeowners were required to contribute sweat equity of 400 hours to build the house. According to Mr. Preston the homes would meet DHCD (Dept. of Housing and Community Development) guidelines so would meet the Town's affordable housing inventory. Mr. Preston said the Town had 84 affordable deed restricted houses but needed 278 as was indicated in 2013. The Town needed to create 14 units per year in the price range of \$130,000 to \$135,000. Homes would be taxed on the appraised value, according to Mr. Preston.

In response to Claudia Woods' question as to whether the property was deed restricted, Don Preston said the property was. Peter Clark asked about an escalator to which Phil Posner, attorney for Habitat for Humanity, said all deed riders which were needed to qualify existed. Mr. Posner said there was a possibility of some appreciation but the sale price and qualifications needed to meet DHCD's guidelines, which would be capped by regulation. Income would be certified periodically, according to Mr. Posner. Claudia Woods wondered if Habitat for

Humanity would reach out to the community for help in the construction to which Mr. Preston said yes.

Patrick Reffett said it was useful to look at the provided Site Plan and asked if there was a question about the density of the project in consideration in the context of the neighborhood. Mr. Reffett said the height and setbacks were superseded by 40B but questioned the lighting of the project as it was something the Planning Board was concerned about. Jeff Melick asked about the landscape plan to which Mr. Preston said he was discussing the topic with the neighbor who had not yet decided what he wanted. Mr. Preston said the driveway would be porous.

Bill Redford reviewed the memo that he had submitted. Mr. Redford said Asbury St. and Lincoln Ave. were accepted public roads but Spring Ave. was private. Mr. Redford noted that the plan did not show utilities, curb cuts, or grading with concern regarding stormwater runoff. Stormwater runoff would include gutters and porous driveways. Mr. Redford noted that there was one other residence on Spring St.

The purchase option had been extended to the end of July because of the permitting. Mr. Preston said he hoped to take possession in August and break ground in November.

Zoning Bylaws

Bill Bowler reviewed the Non-conforming Use and Accessory Apartment sections for the ZBL. V.II.1 was new but encapsulated the statute, according to Mr. Bowler. Mr. Bowler said Chapter 40A under what the ZBA did was not present in the By-Law but if it were removed it would not change the powers of the ZBA. Jeff Melick asked if it was a power that was not restricted by the By-Law and Mr. Bowler said he did not think so as it was embedded in the By-Law and case law via statute.

Section V 3.3. regarded the proposal by Mark Bobrowski was for efficiency to let the Building Inspector make the decision, but Bill Bowler said to keep the section as the ZBA was appropriate rather than adopt change. Jeff Melick said if it was a substantive change, it should be omitted and Mr. Bowler agreed to keep the status quo.

5.6 was discussed to include the reversion to non-conformity, which according to Bill Bowler included examples of when a non-conforming use became a conforming use and then back to a non-conforming use section was slightly different from the language of the existing By-Law. The current language dealt with degrees of conformity so it had a slightly different cast to it according to Mr. Bowler. Section 3.2 considered levels of non-conformity rather than conforming or non-conforming. Jeff Melick said he wanted to make sure it was not a substantive change. Bill Bowler said statute with case law indicated that you can go smaller or sideways but can't change by increasing non-conformity. Jeff Melick suggested keeping Section 5.6 the same as written.

Accessory Apartment sections were reviewed by Bill Bowler to include 11.E 1.2.3. and 4. 8.2. through 8.5. Jeff Melick asked if there were any substantive changes. Bill Bowler said an accessory dwelling wouldn't have to be built in the primary dwelling but could be built in an accessory building. 8.2 was referring to an in-law apartment's removable kitchen according to

Mr. Bowler. 8.2.2.4 changed the age to 55 as current definition of an elderly person was 60. Jeff Melick asked if the change was considered substantive. Rick Mitchell said it was just standardizing to which Mr. Melick agreed.

Rick Mitchell reviewed the Conservancy District 9.3 which added language in the Purpose section. Mr. Mitchell found no substantive changes, but found the document to simply be reorganized and renumbered. 8.5.5 to section 9.6 was missing in Version 8 according to Jeff Melick. Claudia Woods said version 5/6 had 9.1 in it.

Rick Mitchell said in Section V.31 Mark Bobrowski had crossed out 7 commercial burrow, which was, according to Patrick Reffett, a place where soil was sold commercially. Wind energy definitions were discussed by Claudia Woods.

Floodplain district was reordered dramatically according to Claudia Woods in Section 9.2. Rick Mitchell said Mark Bobrowski had added a note which was an addition, which Jeff Melick thought should be undone because the definitions were now A-Z. Ms Woods thought the original definitions were not included in the new definitions. The note was removed.

The adjacent communities section was questioned by Peter Clark noting 9.2.3. which was being thrown out. Claudia Woods said adjacent communities should be advised of any watercourse alteration. Patrick Reffett said the Army Corps of Engineers would need to be notified as well. Rick Mitchell thought it was antiquated and was written in later and added different departments. Ms Woods wanted to change encouraged to permitted.

8.7 Inclusionary Housing was discussed. Claudia Woods said the term affordable should be defined. Jeff Melick said it was defined and read the definition so the sentence should stop after affordable housing units as it is already defined.

Minutes

Jeff Melick made motion to approve the minutes of 2-23-16 with a spelling change

Seconded by Brian Stein

Vote: Unanimous to approve

Rick Mitchell made motion to approve the minutes of 4-19-16

Seconded by Brian Stein

Vote: Unanimous to approve

Updates from other Boards. Patrick Reffett described the 40B project for Longmeadow Way. The AHT was trying to orchestrate an All Boards Meeting to discuss the potential development. The informational meeting would be open to the public. Peter Clark asked what the purpose of the All Boards Meeting would be because he had attended the previous neighbor meeting when Harborlight had no new information to offer. Mr. Reffett said the information was to inform and to get up to speed based on what we know at this site. No perc tests, engineering evaluation, or traffic study had been conducted but an understanding of value and units were proposed. Brian

Stein said it would be a time to discuss potential alternatives. Ed Howard said the first thing that should be done would be to investigate the site.

Ed Howard said on May 24th the CPC meeting would be held at the public library to see what might be appropriate things to fund.

Claudia Woods made motion to adjourn.

Seconded by Rick Mitchell.

Vote: Unanimous in favor to adjourn at 9:08 pm.

Prepared by:

Marcie Ricker

Attest

Date