

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
May 17, 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: Jack Lawrence, Bob Curry and Russ Tanzer

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

**Planning Board Comprehensive Policy May 2004.**

Patrick Reffett gave the status of the Planning Board Comprehensive Permit policy which was brought up at the BOS meeting the night before. Mr. Reffett said most of the Town-adopted policies had been posted on the Planning Board website but this policy wasn't and he had been unaware of its existence. He stated the Town Clerk did not have a copy. BOS meeting minutes did not reflect any discussion of the policy at the time of its adoption. Mr. Reffett stated there was good planning focus within this policy to understand the site, site context, and suitable development areas on the site and Mr. Reffett thought good intent went into the policy. Mr. Reffett said Special Town Counsel would review the document but advised that board and town inclusion and discussion were part of it, but it would only work as long as the developer was voluntarily compliant with the Board's wishes. Mr. Reffett found no discussion of the ZBA involvement in the policy. Footnotes should have been included which would be different than what the State expected out of a 40B project, according to Mr. Reffett. A Friendly 40B project would benefit from the document but if this Board or the ZBA imposed conditions that made a project financially uneconomic, the developer would win in 9 out of 10 cases, according to Mr. Reffett.

Jeff Melick said the Hamilton Housing Partnership Committee was now the Hamilton Affordable Housing Trust (AHT). Rick Mitchell said Judy Barrett developed the document as part of the Master Planning process. Rick Mitchell recalled that it was totally voluntary. Jeff Melick said since it was a friendly 40B project, the applicant could consider the policy process. Mr. Melick said if the project goes forward, the goal was to get a better project and a concern was that if the project went to the Planning Board then the ZBA, the applicant may get angry. Patrick Reffett said he sent the policy to the developer and was waiting for an answer.

Peter Clark said the developer was willing to look at alternative sites. Mr. Clark recalled that Donna Brewer had assisted in the wording of the policy and that he thought a copy had been sent to the Selectmen. Mr. Clark noted that there were problems with the site and a letter was sent to the Selectmen asking the Selectmen to follow the procedure. Matt Tobyne thought the preapproval letter would signify if it was a real project. Claudia Woods said she recalled the developer had said there were problems with traffic. Mr. Clark said if the Town waited for the

approval from the state, it would be too late to influence the developer. Mr. Clark continued that the applicant should come to the boards and they would relate develop-ability of the site but Matt T Byrne argued that nothing was real until the developer had a letter from HDCD. Patrick Reffett said the All Boards Meeting would benefit boards to get more up to speed on the project. A full traffic engineering study or engineering study would not be available until the developer decided to proceed with the project and undertook numerous due diligence requirements. Mr. Reffett said each meeting offered more information than the prior ones and he had learned recently that a new shuttle service that would be provided as well as announcing 5 acres within the 20 acre parcel were wetlands. Claudia Woods thought it was 10 wet acres. Richard Boroff located a section that showed that there were areas of identified opportunity and wondered if anyone recalled where those properties were located.

Jeff Melick suggested everyone attend the All Boards Meeting on May 25 and that nothing major would happen in the next month. Mr. Melick said he thought the project eligibility letter would be submitted 2.5 months from the current time. Claudia Woods said the 108 units were relative to the cost of the project on that land but that the developer was amenable to other sites with different numbers of units. Patrick Reffett related that the developer was entertaining other sites. Rick Mitchell said there were 108 units to equal the \$4M and would reduce the size if the town wanted to buy some of the land. Peter Clark said the developer was dependent on \$1.5M from CPA money or other town money and the AFT cannot commit their money without going back to Town Meeting. Patrick Reffett said the developer stated in public meetings that he would pursue the project absent from Town funds if necessary.

Peter Clark said the phasing over several years would affect many people and the schools. Claudia Woods recalled that if a homeless child wanted to stay in the school system they came from, they could go back to the same school with the transportation cost being paid by the town and Mr. DeFranza said yes that was true. Mr. Clark noted that the town needed to take care of our aging population and wanted to create something that wasn't done by lottery but took care of Hamilton seniors. Ms Woods said that by the nature of the fundraising, the priority was for families first then dedicated senior housing last. Patrick Reffett said there were demographics that indicated there was a need for senior low income housing but if not enough local people want to pursue those units, it needed to be opened up to others in order to satisfy state requirements.

Jeff Melick repeated that the policy was voluntary for the Friendly 40B developer so as long as the Board could keep the developer in the friendly category, they could follow the policy.

Russ Tanzer spoke regarding the policy and noted that if the Planning Board and AHT were charged with the project and if they had followed the policy, the project could have been evaluated sensibly. Mr. Tanzer said the policy should be followed explicitly. The All Boards Meeting would only be able to look at a concept, according to Mr. Tanzer who said he had met with Mr. DeFranza and was actively pursuing other properties in town. Claudia Woods said she just found out recently about the project.

Jack Lawrence said the Planning Board should be commended that it wrote the policy and should target housing for Hamilton citizens. Mr. Lawrence stated that the Harborlight presentation did

not match the Hamilton residential profile. Mr. Lawrence wondered how many were in Hamilton Housing Authority out of the identified numbers? Mr. Lawrence said the town didn't need to be thrown around by 40B if it built 14 units a year so if it did, it could control its own destiny and wouldn't have someone come in from outside to measure up on how to get state money. Mr. Lawrence stated that the town needed documented housing or developers could come in and do as they might so the Town should regain control on how it develops as a town. Claudia Woods noted there were five units built already this year.

Bob Curry asked why the Town was having an All Boards Meeting because there was no new data and continued that the only thing to discuss was Harborlight's proposal which would be a continuing sales pitch for the proposal. Fire, safety, traffic, septic, and impact on the schools were not presented, so boards alone should meet and listen to Andrew DeFranza rather than just exposing the town to another sales pitch. According to Mr. Curry, the last set of minutes were the first time in six months that the project was even mentioned.

Mr. Curry said he researched the project to find that Seismasko and Verbridge handled all of Harborlight's projects and Brian Stein, a member of the Planning Board, was a Senior Project Architect at the firm. Mr. Curry stated that Brian Stein should discuss his recusal. Mr. Stein said the Planning Board did not have deliberations regarding the project. Mr. Curry said Mr. Stein would influence the discussions and Jeff Melick said the Board would think about the conflict of interest.

Kate Walker reiterated the point that concern about conflict of interest and influence on others existed. Ms Walker read Section 6.11.14 of the Conflict of Interest Law, and suggested the Board review the law to determine that Brian Stein should not take part in the discussion on the Planning Board or the All Boards Meeting. Richard Boroff offered that Brian Stein didn't obtain profit from the company receiving the project but was only a simple employee told what to do.

### **Zoning By-law Changes**

Rick Mitchell said in general the changes were word or formatting changes that did not change the intent of the By-law. Claudia Woods and Jeff Melick agreed that several columns were confusing. Patrick Reffett would check the numbers within the columns to determine if they were accurate. On page 47 time frames were changed from 30 to 35 days.

Jeff Melick asked if Rick Mitchell would hold his comments regarding the Estate Overlay District and review the portion in the second phase.

WSOD would be ready according to Rick Mitchell for the next meeting.

Definitions from "M" onward were discussed by Jeff Melick. Three new words were added but were not in the By-Law so should come out. The Board discussed the definition of contiguous open space. Jeff Melick noted that single and duplex dwellings should not include trailers. Mr. Melick described two family dwellings which could be side by side or up and down but noted the terminology was not in three family or multifamily definitions.

4.3.3.4. Richard Boroff discussed the 80,000 sf requirement for the GPOD which was indicated in Section VI.2.B.I.b4. There were discrepancies of requiring 40,000 and V31Section D4.a. which required 80,000 square feet in the GPOD. Mr. Boroff stated that Section VI-2 B4 GPOD would override any underlying zone. Jeff Melick wanted to make the change as noted but wanted to present the change at Town Meeting as it was a substantive change. Patrick Reffett said the intent was to be protective. Jeff Melick said he wanted to present full exposure.

The revised document would be sent out to Mark Bobrowski after Patrick Reffett finished draft 9 and Bill Olson would reorganize the document.

Jeff Melick said the Board should find the most important changes for the OSFPD and front load them in an effort to preserve open space in town which should be foremost. Claudia Woods wanted to look at successful examples of clustered development. Mr. Melick said Mark Bobrowski had suggested the Cluster ByLaw of Concord. Mr. Melick said EOD and OSFPD had not worked so maybe they should be scrapped and redeveloped. Claudia Woods wanted to look at the inventory of open land and old estate houses. Patrick Reffett talked about PUD offering multiple uses on one lot. The Cluster By-Laws of Groton and Concord would be sent to the Board.

**Board Business**

Ed Howard announced the CPC meeting Tuesday night. Peter Clark said 10% of funds were to be set aside for affordable housing and wondered how it had been spent and wanted to know how big the kitty was currently for affordable housing.

**Minutes**

Jeff Melick made motion to approve the minutes for 3-29-16

Seconded by Claudia Woods

Vote: Unanimous to approve

Made motion to approve the minutes for 4-5-16

Seconded by

Vote: Unanimous to approve

Motion to adjourn made by

Seconded by

Vote Unanimous to adjourn at 9:13

Prepared by:

\_\_\_\_\_  
Marcie Ricker

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date