

HAMILTON PLANNING BOARD
MINUTES OF MEETING
March 21, 2017

Members Present: Richard Boroff, Peter Clark, Ed Howard, Rick Mitchell, Brian Stein, and Claudia Woods (Chair)

The meeting was called to order by Claudia Woods at 7:00 pm. in the Memorial Room.

Jackie Hodge had a question regarding the three agendas and as a member of the Open Space Committee was unprepared to take part in the discussion this evening. Claudia Woods noticed that it should have been a public hearing but since the Attorney General had not yet approved the Zoning By-law changes, which removed the phrase in question, amendments to the Zoning By-law would not be appropriate as the wetlands crossing was still in the current By-law. The agenda had been amended. Ms. Hodge thought Cottage Zoning would be discussed but was off the agenda. Ms. Woods apologized for the confusion.

The Open Space Committee issued a letter to reinstate the wetlands crossing section of the By-law. According to Claudia Woods, the Attorney General had not approved the new By-law so the point was moot until such approval was completed. Patrick Reffett suggested revisiting the topic after the Attorney General approves the changes to the Zoning By-law. Jackie Hodge felt uncomfortable postponing the discussion.

Public Hearing for Marijuana Moratorium

Brian Stein read the public hearing notice. Claudia Woods noted that she referenced 94G for the Planning Board. The text was based on an approved By-law from West Bridgewater, according to Donna Brewer. Patrick Reffett recalled that the Board of Selectmen had asked the Planning Board to bring this forward for Town Meeting. Ms. Woods said Hamilton was taking a leadership role by approving the By-law. Brian Stein noted it was a temporary moratorium. Ms. Woods and Mr. Reffett discussed the parameters of the restrictions.

Motion to accept the By-law and send it to Town Meeting for approval made by Rick Mitchell. Seconded by Richard Boroff.

Vote: Unanimous in favor.

Patrick Reffett introduced David Smith as the Chairman of the Board of Health. Mr. Smith was tracking the By-law and the Health Inspector was checking on regulations. The Board of Health would become the agency that monitored compliance.

Estate Overlay District By-law.

Marcie Ricker described the purpose of the original By-law. Ms. Ricker noted that she and Peter Clark worked on merging Part A and Part B of the By-law to streamline the process. The same list of properties would be utilized. Previously residential use required 15 acres while

commercial use required 20 acres. The purpose was expanded to increasing the housing stock. Rick Mitchell suggested adding mixed use. Claudia Woods suggested using variable sized residential housing. Ms. Ricker asked about using outbuildings as being eligible for renovation to which the Planning Board responded yes. The Board agreed that New Floor Space could include using existing outbuildings as part of the newly constructed area. Patrick Reffett said as part of the special permit, the use of accessory buildings would be called out.

Bill Dery (Chebacco Road) wondered about historic standards and if that would increase the Historic District, to which the Board disagreed. Marcie Ricker read the section of the By-law which referred to the Historic Standards. Claudia Woods referred to architectural, historical and culturally significance, for which the Historic District Commission would certify the significance. Peter Clark referred to Biolabs in Ipswich which followed a similar By-law.

The Board agreed that 15 acres was appropriate for both commercial and residential uses. Claudia Woods suggested taking a particular estate and imagining the consequences of the By-law. Previously 20 acres was required for commercial uses. Richard Boroff said parking for employees and customers would create more impervious surface. Marcie Ricker noted that specific commercial uses might require more acreage but the special permit process would allow for a requirement for more land. While Mr. Boroff wondered about the particular ramifications of specific properties, Rick Mitchell said the Board would be involved with the property under the special permit process.

Marcie Ricker questioned if changing the 1950 date restriction should be changed to include a rolling 50 year age, to which the Board said no. The historic significance of a gilded era mansion was the point of the By-law, according to Claudia Woods. Rick Mitchell and Brian Stein agreed.

The 40% open space requirement included 50% wetlands and Marcie Ricker noted that most of the properties already had land under conservation restriction. Bill Dery wanted to add “piece wise continuous” as a term to be included as an open space land requirement. Peter Clark noted that “contiguous” was typically used as part of Hamilton’s By-laws. Richard Boroff stated that under a special permit, the problem would be considered. Brian Stein wanted to provide a case by case scenario for houses on 15 acres versus a potential of 30 acres.

Marcie Ricker discussed change of use and asked if the Board wanted to have a modification of a special permit versus site plan review. Rick Mitchell wanted a change of use to come back for an amendment to the special permit. Brian Stein questioned what would be a simple change of use. Mr. Mitchell wanted to know who would define the change of use. Claudia Woods spoke about a change of use that would change parking uses and having the applicant return would show respect for the neighborhood. Patrick Reffett said part of the special permit approval would include a change of like use to like use, which would help define a minor or major modification. A more active use would require an amendment to the special permit.

Peter Clark and Marcie Ricker had discussed bedroom limits. The Board agreed that four bedrooms would be the limit, which would be market driven. Rick Mitchell stated the whole point of rewriting the By-law was to make it less restrictive. While museums were non-profit, the Board decided to include them in the By-law.

Residential and commercial uses would be allowed in New Floor Space. The Board discussed historically, architecturally, and culturally significant properties and how they might be renovated. Brian Stein said the determination would be subjective according to the Historic District Commission. Claudia Woods suggested that the Historic District Commission rule that the properties on the list be determined to be culturally, architecturally, or historically significant. Brian Stein questioned if a culturally (as opposed to architecturally) significant property could be restored to National Guideline Standards. Rick Mitchell thought the conversation was academic in that the cost of rehabilitation to National Guideline Standards would be prohibitive and reuse would be more appropriate.

New construction would not be within 100' to mimic the dimensional standards of the buffer zone. Previously, they were 300'. Construction between the roadway and the buildings would be 100'.

Bill Dery suggested that the Planning Board investigate the properties further.

Board Policy Change for Rules and Regulations Governing Special Permits

When changes were made to the By-law, the Rules and Regulations needed to be changed as well. The Rules and Regulations did not include the Willow Street Overlay District (WSOD), but did include the Open Space Farmland Protection District (OSFPD) and Senior Housing By-laws. The projects were project overlay districts that had a special permit associated with them. Patrick Reffett asked if the Board wanted the phrasing incorporated into it. Brian Stein said it would be important to have one set that covered all special permits. Claudia Woods wanted the Board to review the Rules and Regulations to determine if one document would be better than individual special permit application.

Peter Clark recalled that Jean Nelson put the document together for the Board. Brian Stein noted there were separate Rules and Regulations for each overlay district and one would be appropriate. Shawn Farrell said the WSOD could be put in the Rules and Regulations. Rick Mitchell would pull out what the essence of having one body of Rules and Regulations would be. Richard Boroff compared the Estate Overlay District (EOD) and OSFPD which had similar headings but in difference sequence. Claudia Woods thought it would appropriate to have it consistent.

Board Business

Brian Stein noted that the Hamilton Development Corporation had just issued an RFP for the Willow St. land for commercial and/or non-profit affordable housing. Ed Howard recalled that the CPC was getting ready for Town Meeting with the most confrontational request being moving \$400,000 of funds to the Affordable Housing Trust. Richard Boroff announced that Peter Britton had resigned from the Affordable Housing Trust effective April 4, 2017. Claudia Woods discussed having a liaison with the Board of Selectmen and the ZBA. Richard Boroff said he would be the liaison with the Board of Selectmen after the election.

The minutes of March 7, 2017 would be held
The minutes of January 14, 2017 would be held.

Motion made by Brian Stein to adjourn
Seconded by Richard Boroff
Vote: Unanimous to adjourn at 9:27 pm.

Prepared by:

Marcie Ricker

Attest

Date