

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
March 7, 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 7:02 pm. in the Memorial Room. Patrick Reffett discussed the amendment to the Zoning By-law which was submitted to the Attorney General and was still under review. The Attorney General recently asked for another 90 days to complete the review. The current Zoning By-law was still in place, containing the text that the wetlands crossing issue was still intact. The result was that the Board could not amend the section until the new By-law was approved. The public hearing regarding the topic was posted. A discussion regarding the topic would replace the hearing.

**Zoning By-law Revisions**

**Willow Street Overlay District (WSOD)**

The document was based on previous discussions. Patrick Reffett had a map that included the parcels included in the district. Assessors map 55, lots, 225, 235, 236 237, and 237A. Claudia Woods asked if everyone was comfortable with the language, to which they responded that there were. Mr. Reffett checked with DHCD and asked to find language allowing the Board to do what they wanted to do in terms of having an understanding of what the product would be via the permitting process. The permitting set of plans and construction set should be bridged. A project should not be fully permitted until the Building Commissioner signed off on plans as it would have real implications to property owners and developers. The new process might put a hiccup in financing a project as well as create potential legal implications, according to Mr. Reffett.

Claudia Woods recalled that on January 3, 2017, Town Counsel opined that failure to show the structure was a problem with the Special Permit, in contrast to the Senior Housing By-law and the Open Space By-law (OSFPD). Richard Boroff wondered why the requirement wouldn't apply to all permits in town. Brian Stein agreed and thought it should be in the Rules and Regulations. Patrick Reffett noted that he had checked and the language was not there. Ms. Woods suggested duplicating the language from the Senior and OSFPD By-laws. Rules and Regulations could be changed when the Board found it necessary, according to Mr. Stein.

Peter Clark thought the discrepancy between the approved plan and the building permit plan should not have been able to get through the building permit process and suggested that the applicant bring the plans back to the Planning Board for final approval. Rick Mitchell suggested putting it in the Special Permit language. Claudia Woods did not want to make it too complicated to delay the project. Patrick Reffett would look at the language.

Claudia Woods suggested reviewing the language for off-site visual appearance effects. The language was edited to require the illustration and full depiction of major vantage points from major streets or public spaces such as the park. Patrick Reffett responded that since it was a Special Permit, the Planning Board could tell the developer from where they wanted the illustrations to be taken from such as prominent locations. Ms. Woods said the Board should revisit Special Permits.

The Design Guidelines (Section 9.5.9.8) were changed to reflect the Hamilton rather than Hamilton Development Corporation (HDC) Design Guidelines. Claudia Woods offered her concern about the mass of buildings but Brian Stein responded that the Design Guidelines would cover the concern. Richard Boroff referred to how close the Willow St. building was to Gourdeau's building. Mr. Stein disagreed and thought the building was sitting by itself. Rick Mitchell referred to mass, height, and rooftop features. It was noted that the HDC did not have Design Guidelines when the Willow St. development was approved.

Rosemary Kennedy suggested requiring elevations. Rick Mitchell responded that the Planning Board wanted an application to submit construction drawings to the Planning Board before the building permit was issued. If the Building Commissioner wanted to issue the building permit over Planning Board objections, it would go to the ZBA. Claudia Woods wanted off site views to be elevations but Brian Stein though perspectives should be included. The elevations should show adjacent buildings.

The Planning Board discussed pre-application and formal submission elements. The Board agreed that the applicant should illustrate all above the roof features from prominent public views as amended in Section 9.5.9. The Board agreed that in Section 9.5.10.2., which described height, all spires, exhaust fans and poles, etc. needed to be shown on submission plans, to the height necessary to serve the purpose of their use.

The Board discussed Criteria Section 9.5.11 which described how the development related to the local neighborhood. It was noted that the Hamilton Design Guidelines would apply. Claudia Woods wanted the lighting to be articulated. Regarding Section 9.5.10.4, Patrick Reffett said as a Special Permit, the Board was able to ask for specific information regarding the design process.

Rosemary Kennedy wondered about the height measurement to the ridge of a roof. Brian Stein explained the measurement was to the midpoint of the slope of the roof, while most towns were measured to the ridge. Claudia Woods asked if it was something that the Board might want to change. Richard Boroff thought it was important as steep roofs would increase the height, which in turn would increase the mass. Ms. Woods asked if the Cottage By-law would define ridgeline versus the rest of the town. Ms. Woods said Cottage Zoning heights would be 25' with a tower as the cottage look was lower. Mr. Stein said the Cottage By-law could define height to the ridge.

### Great Estate Overlay District.

Peter Clark presented questions for the Board and the list of properties that might apply. The Board discussed whether 5,000 sf for a home was large enough and if newer homes on 15 acres might apply. Rick Mitchell said a 5,000 sf home built before December 31, 1950 was the existing parameter and there was no reason to change it.

Claudia Woods asked if the Board wanted to make commercial use restrictive. Rick Mitchell suggested deleting Part B and that the residential restrictions should not be constrained to two bedrooms. If a property was deemed historically significant and renovated to historic standards, the amount of square footage that could be added was three times the renovated space, but if simply renovated, the applicant would receive one times the renovated size bonus. Rick Mitchell suggesting having an applicant go to the Historic District Commission to determine the significance of the property. The open space would be 40%, the yield plan would be deleted and the vegetated buffer strip would be 100'.

Claudia Woods stated that the idea was to give the great estates options to keep the character of the place and offer them solutions.

### Other By-laws

The Board discussed which By-laws could be passed at Fall Town Meeting, which included the Willow Street Overlay District, the Estate Overlay District, and Cottage Zoning By-law. Ed Howard suggested a Right to Farm By-law. The OSFPD would be change to a cluster By-law called Open Space Residential Development, or Cluster By-law. Claudia Woods questioned instituting rules and regulations for design standards. Brian Stein said specific styles were typically not required and should not be too restrictive. Mr. Stein said the Design Standards were not just for the downtown.

Upcoming public hearing for recreational marijuana was discussed. Town Counsel said the language had not changed. The public hearing for marijuana commercial use and growing would be on March 21, 2017. Jackie Hodge recalled the Attorney General had asked the Federal government for clarifications. The moratorium period was until June 30, 2018 according to Patrick Reffett.

### Other boards.

The Hamilton Development Corporation was working on the final draft of the RFP for the 1 acre Willow St. project. The RFP was for mixed or commercial use. Ed Howard noted the Historic District was meeting for a cell tower discussion. The CPC would meet.

The Board discussed hiring a part time Planning Board researcher to help the Board with Zoning if money was available.

Motion to approve the minutes of February 7, 2017 with minor changes made by Brian Stein.  
Seconded by Rick Mitchell.  
Vote: Unanimous to approve with minor changes.

Motion made to approve the minutes of February 28, 2017 by Ed Howard.  
Seconded by Peter Clark.  
Vote: Unanimous approve with minor changes.

Motion to adjourn made by Ed Howard.  
Seconded by Brian Stein.  
Vote: Unanimous to adjourn at 9:11 pm.

Prepared by:

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Marcie Ricker

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Attest

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Date