

HAMILTON PLANNING BOARD
MINUTES OF MEETING
April 25, 2017

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

Others Present: Patrick Reffett and Donna Brewer.

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

Approval Not Required for 46 and 48 Meyer Road.

The applicants had requested a continuance via Bob Griffin, the engineer.

Review Attorney General's Summary of Phase I Zoning Bylaw.

Donna Brewer reviewed the report, which would be put on the Town's website. Ms. Brewer described changes to the Table of Use Regulations, the Adult Entertainment Section, and the Sign By-law. According to Ms. Brewer, the Attorney General noted the ownership of open space for the OSFPD and Senior Housing, which Ms. Brewer suggested be left as it was written. The Attorney General also noted the defoliant uses in the Conservancy District as they were regulated under Chapter 132B. Ms. Brewer thought it was fine the way it was. The Attorney General also warned the Town about regulating substance abuse or outpatient centers as they were protected under State and Federal law. The Attorney General noted the Zoning Board of Appeal's procedure for reviewing requests for accommodation, which would be requested by those with physical limitations. The Zoning Board of Appeals could voluntarily provide public notice, but the requirement was stricken by the Attorney General as part of the Fair Housing Act. Patrick Reffett congratulated the Board for their work on the Zoning By-law changes.

Signage Discussion

Linda Miags (Shoppes of Hamilton Crossing) requested modifying the current Sign By-law to include an application that was presently not considered, which was blade signage. A blade sign would be constructed under the canopy of the shopping center. Ms. Miags said the 4' long x 3" wide sign would not only assist shoppers but would stop people from stepping into traffic to see which stores were where and help soften the corridor appearance under the canopy area. The signage would help the businesses. The signs would not be seen from the streets, but only seen from pedestrians. The two sided signs would be lit by existing lighting. The current By-law indicated the sign must be 12' from the ground, while the under canopy signs would be 9'4" from the ground.

Patrick Reffett said the Sign By-law was rigid and if the ZBA was approached for a variance, it might not be granted. Mr. Reffett said many business owners downtown would appreciate a By-law change and that blade signs were pedestrian friendly. Mr. Reffett suggested adding verbiage for blade signs of a specific size under a canopy. Linda Miags had been to the ZBA twice to determine that the ZBA did not like to grant variances. According to Ms. Miags, the signs

duplicated other signs while only one sign was allowed. Ms. Miegs recalled that the shopping center had been modified for 13 years and the businesses were waiting for Sign By-law changes.

Claudia Woods appreciated the verbiage offered by Ms. Miegs. Richard Boroff suggested adding the change to the existing By-law, then take time rewriting the Sign By-law with major changes later. Ed Howard wanted consistency on Railroad Avenue via the HDC so whatever was written, should address both the shopping center and Railroad Avenue. Susan Brown thanked the Board for Hamilton being pro-business and noted that the change was a safety measure. Rick Mitchell asked about outside seating and asked about removing a few parking spaces to create a pocket park with planters sectioning off the area. Ms. Brown said they had talked about pocket parks in other places, but Linda Miegs was concerned about kids skateboarding over the structures. Mr. Mitchell said the Board wanted to create places where people stay and asked if Linda Miegs would discuss the topic further.

WSOD Bylaw.

Patrick Reffett had distributed the latest version, which followed the comments made at the last meeting. Mr. Reffett described lighting changes, which would not create a nuisance and thought the By-law was ready for legal review. Rosemary Kennedy had requested the criteria for approval include the improvement of the health, safety and general welfare of the Town. Brian Stein and Claudia Woods responded that the By-law included that generally. Ms. Woods wanted to change the terminology from incorporate to consider and remove the verbiage regarding the benefit of pre-application conference being to minimize the cost for the applicant, but rather to accentuate that the conference was to create the best concept.

Patrick Reffett described where perspective drawings for submittal could be drawn from as part of the pre-application conference. The Board discussed the Hamilton Development Corporation Guidelines and how MAPC had drafted the product as part of the Village Plan. The reason the Guidelines were not made into Standards was that it was a subjective debate that would require an outside consultant. Brian Stein said a set of Guidelines lacked flexibility but was not a full requirement. Shawn Farrell asked if the Town adopted them, but Mr. Stein responded that usually they would only be adopted in Historic Districts or Nantucket. Mr. Farrell asked if it could be part of the Master Plan, then future By-law revisions would refer back to the Master Plan. Mr. Reffett indicated that an art-full design made a large mass seem less such as in brownstones and rowhouses while Claudia Woods referred to the MAPC suggested Floor Area Ratio.

Rooftop plans would be provided, but if they were not designed at the time of submission, the developer would instruct the Board about the plans. Claudia Woods offered her concern. Bill Olson said the plan would show where the mechanicals would go. Patrick Reffett defined livable space and private or public space, which would be conceptually shown. It was noted that the Town should have their own definition of mechanical penthouse and Bill Olson described the changes proposed. Mr. Olson said discrepancies that came before the Planning Board would be solved by reviewing the Building Permit documents. Rick Mitchell referred to the Rules and Regulations for Special Permits, noting that the applicant must submit the construction documents to the Building Inspector and the Planning Board, giving the Planning Board a set amount of time to determine that the plans matched the approved plans.

The Board discussed the building height waiver. It was noted that the Board was under no obligation to approve height waivers. Richard Borroff thought it should be part of Rules and Regulations 9.5.6. or 9.5.14. The Board debated the terms exceptions versus waivers.

Claudia Woods described lighting as being contained, which should not create a nuisance to abutting streets. Rosemary Kennedy suggested a selection for 9.5.11.2. Regarding 9.5.13, the term “lapse” would move to the Rules and Regulations.

Rules and Regulations

Rick Mitchell recalled that it was the second iteration of the topic and noted the comments received. The lapse section would be included. The fee schedule would be included as one \$2,500 fee except for a common driveway permit. While the Building Department had 30 days to approve the construction documents, the Planning Board would require a 21 day period. Business days could be changed to calendar days. Deviations would require the applicant to seek Planning Board approval for an amendment of the Special Permit.

Great Estate By-law.

To be determined at a future meeting with a public hearing of the Planning Board.

Next Steps in Zoning Bylaw Revisions and Rewrites

Claudia Woods noted the progress made by the Board. Changes included OSFPD/Cluster, Cottage Housing, GPOD, and assessorly apartment changes. Rick Mitchell wanted to look at Cottage Housing before moving into OSFPD. Brian Stein wanted to have a cottage developer invited to the Board to discuss the concept.

Shawn Farrell recalled that CapeBuilt specialized in Cottage Housing and affordable housing and Rob Brennan could look at the By-law.

Patrick Reffett referred to Air B&B which created issues and suggested that the Town needed to define pertinent regulations, particularly around the Chebacco Lake area. Mr. Reffett would obtain information from other communities.

Other Board Business and Minutes.

Ed Howard discussed the Historic District Commission and was notified that Massachusetts would have a Demolition Delay By-law meeting. There might be a citizen’s petition to define a delay date or at what date the significance would occur. Claudia Woods noted the By-law might apply to Sears Roebuck homes. Brian Stein noted that the process needed to be simple for an average older home. Bill Olson stated that he was in favor of a By-law.

Motion to approve the minutes of January 14, 2017 (site visit) made by Brian Stein with minor changes.

Seconded by Richard Boroff.

Vote: Unanimous to approve.

Motion to approve the minutes of February 28, 2017 made by Brian Stein.

Seconded by Richard Boroff.
Vote: Unanimous to approve.

Motion to approve the minutes of March 21, 2017 as amended made by Richard Boroff.
Seconded by Brian Stein
Vote: Unanimous to approve.

Motion made by Bill Olson to adjourn.
Seconded by Brian Stein.
Vote: Unanimous to adjourn at 9:37 pm.

Prepared by:

Marcie Ricker

Attest Date