

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
December 5, 2017

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

Associate Members: Janel Curry

Others Present: Patrick Reffett

The meeting was called to order by Brian Stein at 7:05 pm. in the Memorial Room.

**Board Discussion Regarding Demolition Delay By-law**

Tom Catalano, Chairman of the Historic District Commission was present to discuss the draft By-law. The Historic District Commission had been working on the By-law for about nine years. The Historic District Commission had previously been to the Planning Board with an approval of a similar By-law. The proposal was deferred as the Selectmen did not feel it was pertinent at the Town Meeting at the particular time it was introduced. The small Hamilton Historic District featured about 27 properties. There were significant properties outside the district with no protection, according to Mr. Catalano.

The Historic District Commission would vote regarding preservation when a project would file for demolition. Eight applications (correction the number was actually 10) were filed the previous year, two of which were in the district. The two in the district were approved but the other six (correction eight) were unknown. According to Tom Catalano, most towns in MA have demolition delay by-laws, which are a preservation tool to save important buildings outside the Historic District. Communities had different lengths of delay but 12 months was being proposed because a six month delay was a typical due diligence waiting period. Mr. Catalano referred to Christopher Skelly, who was the MA Historic District Commissioner who had sent the information provided to the Board. Mr. Catalano distributed a graphic that showed a map with all the demolition delay by-law towns in eastern MA.

Richard Boroff liked the idea but wondered how many properties would be affected. Mr. Boroff suggested obtaining a grant to study the number of affected properties. Mr. Boroff also suggested creating lists of standards to ensure subjectivity. Mr. Boroff thought the time delay was too long and that it should be six months as it would be 485 days from filing to action including hearing and filing dates. Tom Catalano responded that most towns had a 365 day delay from the filing date. While Brian Stein noted that the proposed by-law included the verbiage “once the Commission issued a determination,” Mr. Catalano responded that it could be changed to ensure a 365 day delay.

Richard Boroff asked what the benefit to the town would be and suggested creating an immunity period before the By-law went into effect as owners might have a problem selling a historic home. Rather than placing the burden of proof upon homeowners, Mr. Boroff thought the burden should be on the Hamilton Historic District Commission to list the houses that had buildings subject to the By-law. Brian Stein added that the length of time was too long and questioned the section of the By-law that referred to demolition of 25% or greater of a building or the removal of character defining features. Tom Catalano responded that the section was to eliminate the removal of period windows or siding and replacement with vinyl. Mr. Stein said he did not believe most other towns had that provision. Mr. Catalano reiterated that the intent was to preserve the architectural fabric of the building if the removal of key features changed the character. Mr. Stein referred to his 1930 gambrel and how certain types of work could create a potentially lengthy process.

Peter Clark noted that interior renovations did not count. Richard Boroff said that the old wooden pulley system windows didn't work and homeowners could be facing increased costs they were unaware of when they purchased the home. Tom Catalano said the idea was to preserve significant buildings that were part of the architectural heritage of the town and offered to change the section that referred to 25%. Brian Stein said the part about removing certain features bothered him. Bill Olson suggested listing all properties and asked if other towns had done so. Tom Catalano responded that other towns did not list the properties but Falmouth had a list of important buildings to be preserved. According to Mr. Catalano, the percentage of preservation worthy buildings in Hamilton was low.

An owner of a historic property would develop a preservation plan, adaptive reuse, moving the building to another location, doing a partial renovation or waiting one year. Claudia Woods said she had researched Ipswich's By-law to find that they noted historically, culturally or architecturally significant buildings. Rick Mitchell said it was defined. If a building was of an unknown age, it would be presumed to be before the 1940 cut off. Tom Catalano said most buildings built after WWII would be less likely to be worthy of preservation, especially in Hamilton where no estates or landmark buildings were constructed after that date. Ed Howard mentioned the senior center, which he believed was culturally significant even though it was not old. Mr. Howard added that having the designation of a historic building would add value to a house, which should not be degraded with vinyl windows

Tom Catalano said the benefit was to build a community and protect values rather than to prevent normal maintenance. Patrick Reffett had made comments to the By-law and noted that historic preservation was critical to New England. Mr. Reffett said the By-law was a great tool and clarifications would be made to increase public understanding. Mr. Reffett was concerned about the level of work involved for the building inspector who is currently budgeted for 17 hours per week and there was no funding associated with the bylaw or provisions for its administration. Tom Catalano responded that any administration costs would be associated with

Dorr Fox for scheduling public meetings. He stated the building inspector would only need to check the box on the building permit form for the date of construction.

Tom Catalano would make revisions and circulate draft language. The goal would be to have the By-law ready for Town Meeting in April. A letter to the Planning Board was needed to pursue the approval of the proposal.

### **Board Discussion Regarding 2018 Town Meeting Articles and Changes to the Subdivision Regulations.**

Patrick Reffett had conducted a review of the subdivision regulations, marking items that needed to be reviewed and adjusted. He believed they were adequate with the exception of addressing roadway widths and landscape improvements to occur as part of a subdivision.

There was approximately \$10,000 in the Zoning By-law revision account. Brian Stein suggested asking Mark Bobrowski if he could complete the revisions within the budget. Accessory apartment regulations needed to be updated. Peter Clark wanted the cluster by-law rewritten as the town needed it to preserve open space and important characteristics of a site. Mr. Clark suggested having a policy discussion to see if the town would like to have apartments in existing structures. Brian Stein thought it should be easier to create an apartment which could be part of the affordable housing answer. Mr. Stein recalled that Mr. Bobrowski had wondered if there was a space that adult entertainment could take place in town. Mr. Clark thought Asbury Grove might be a potential site for affordable housing as some residents would want to agree to deed restrictions in exchange for having ownership of their lots.

Peter Clark said a housing survey needed to be done to determine the needs of the community. Mr. Clark was concerned with what seniors and young families needed. Rick Mitchell suggested revising the Master Plan to engage people in a discussion of transportation, open space and housing. Mr. Mitchell thought there was a need to prioritize what the Board should do. Mr. Mitchell added that the survey should be inclusive of the entire town but identify needs of a specific group of priority people who were left out of the housing market. The needs of seniors and young families would be identified but the body politic would be engaged in the discussion to education them as to the issues and to receive their input so when Town Meeting occurred, their ideas would have been included. Mr. Mitchell said the Board should update the housing portion of the Master Plan and engage the discussion.

Peter Clark discussed preparing people who would be eligible for local preference if affordable housing sites became available. Harborlight had offered local preference to the Willow St. project if Longmeadow (the linked affordable housing site) was not appealed, which would delay construction for a couple of years.

### **Board Discussion Regarding the Master Plan including a Scope of Services for a Consultant.**

The Board discussed updating sections of the Master Plan or focusing on the housing piece and working on other sections later. Brian Stein thought it should be by sections to accommodate the budget process. Janel Curry suggested a rotation process. By working on one section each year, the document would be continually renewed. Peter Clark thought the Master Plan was up to date in many sections. According to Brian Stein, many recommendations had been completed. Ms. Curry said discussion on one topic at a time would be beneficial. Rick Mitchell added that the most pressing issue for the entire State was housing. According to Mr. Mitchell, 250,000 people migrated to the State while only 38,000 housing units were built, increasing housing costs. The governor would issue an initiative to produce housing.

Patrick Reffett said he had drafted a Request for Qualification (RFQ) for the Master Plan, but he would change the request if only housing was desired. Rick Mitchell wanted a financial analysis component in the RFQ. Peter Clark suggested a citizen committee who would be knowledgeable regarding real estate. Brian Stein suggested charrettes and meetings to get as many people involved as possible.

Regarding Subdivision Regulations, Patrick Reffett recommended changing dimensions on street widths and adding landscape elements. Ray Brunet (Hamilton Fire Department) reportedly said the dimensions were based on the ladder truck, which needed a 24' road. In winter, snow plows narrowed roads. Brian Stein added that the turning radius must accommodate the truck. Peter Clark said there was not a need for sidewalks on both sides of the road.

Dimensions and layers of asphalt would be studied. Patrick Reffett said swales and stone areas at the bottom of swales met the low impact development techniques. The right of way would remain 50'. The example of tree information was from Westborough and the street details were from Westwood. Bill Olson mentioned concrete as an option for sidewalks.

### **Other Board Business - Minutes**

Motion made by Rick Mitchell to approve the minutes of November 7, 2017 as amended.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Motion made by Rick Mitchell to approve the minutes of November 21, 2017.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

### **Update from other Boards**

Ed Howard announced the dual meeting between the Historic District Commission and the Community Preservation Committee the following week. Mr. Howard referred to the maintenance of town ways. Patrick Reffett suggested sending requests to him and he would send them to the DPW.

**Adjournment**

Motion to adjourn made by Rick Mitchell.

Seconded by Peter Clark.

Vote: Unanimous to adjourn at 8:47 pm.

Prepared by:

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Marcie Ricker

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Attest

Date