

HAMILTON PLANNING BOARD
MINUTES OF MEETING
January 5, 2016

Members Present: Ed Howard, Jeff Melick, Rick Mitchell, Brian Stein, Matt Tobyne and Claudia Woods

Associate Members Present: Bill Olson and Richard Boroff

Planning Director: Patrick Reffett

This meeting was called to order at 7:00 p.m. by Clerk Brian Stein

Canter Brook Estates Senior Housing Project Special Permit Public Hearing. Asbury St. (354 Highland St.)

Patrick Reffett reviewed the previous changes and approvals. He stated that the Stormwater Management Special Permit and the Local Preference Plans were to be discussed and work on the Decision would be conducted within the night's meeting.

Patrick Reffett recommended the Board have a discussion regarding the Local Preference Plan have the Hamilton Housing Trust review it, and the Selectmen approve it. Jill Mann recalled a conversation with Mr. Reffett that the Local Preference Plan would need to prove there was no prejudice against people outside of town, so most towns didn't do local preference for LIP approvals. Ms. Mann suggested the Board discuss the legality with Town Counsel. The local preference process would create a first tier of draws, then others would be placed in second and third draws. Matt Tobyne said Mr. Reffett had prepared a draft preference policy that would include preference for current town residents, town employees, local business employees, school employees (college students only as no one less than 18 years of age would be permitted due to the restriction of the Senior Housing Special Permit) and applicants hired to work in the town. Local preference burden would only rest with the initial sale, according to Ms Mann.

According to Jill Mann, affordable restrictions were in DHCD guidelines and a separate pool would be set aside for the two affordable units. All 23 units would have local preference applied and the two affordable units would be in a separate pool that would be restricted by affordability and locality restrictions. The owner would be responsible for making sure applicants met the criteria for the Local Preference Plan. Ms. Mann indicated that after 30 days of notification for local interest, the owner would move on to selling the units to others.

Matt Tobyne made motion to approve the Local Preference Plan as presented.

Rick Mitchell seconded.

Vote: Unanimous in favor

Patrick Reffett said the next step was to approve the Special Permit for the Stormwater Management Plan. Mr. Reffett stated that the Review Engineer, Peter Ogren had stated in a letter that the applicant had completed all outstanding issues and that he (Ogren) approved the

Special Permit application and recommended the Board accept the Stormwater Management Plan.

Rick Mitchell made motion to approve the Stormwater Management Plan Special Permit Application as submitted by the applicant and approved by the Review Engineer, dated 10/18/15 and the additional letter of 10/28/15.

Rick Mitchell withdrew the motion and made motion that the Board approve the Stormwater Management Plan as originally submitted on 10/18/15 with amendments submitted on 10/28/15 and the recommendation for approval letter of 11/16/15 written by Engineer Peter Ogren.

Jeff Melick seconded.

Vote: Unanimous in favor.

Brian Stein discussed roof colors and thought the best way to go about defining the choices was to choose colors offered by a manufacturer and as long as colors were similar to the chosen manufacturer's colors and approved by Director of Planning & Inspections, Patrick Reffett or the Building Inspector, it would be acceptable. Jill Mann would return at the next meeting with color choices for roofs for the Board's approval.

The language of the draft Decision was prepared by Jill Mann to include the Asbury St. address with Highland St. in parenthesis. Each plan was defined by date and was very specific as to what was approved and referenced. The General Criteria section followed the By-law with a few additional items such as septic approval and order of conditions while incorporating previous approvals made during the hearing process. Ms. Mann suggested that the Board close the hearing as no new evidence would be submitted.

Jill Mann explained that the address wouldn't officially be changed to a specific number on Asbury St. until a building permit was issued. Until that time, the project address would officially continue to be 354 Highland St., according to Patrick Reffett who stated that the Building Department issues addresses as a building permit is awarded. That process includes consultation with Hamilton Police, Fire and DPW.

Jeff Melick noted that on page 2, the Site Plan applicants should be changed to Canterbrook Estates, LLC. Jill Mann agreed.

Rick Mitchell made motion to close the public hearing.

Jeff Melick seconded.

Vote: Unanimous in favor.

Jill Mann said she modeled the draft Decision after the Patton Decision. According to Ms Mann, items included in the draft Decision included eligibility, density, general requirements and standards, affordability (to be approved by the Selectmen and DHCD), local preference, low impact techniques, onsite trails, condominium documents, dimensional standards, lighting, signage, site access, stormwater management, parking, set backs, open space (managed by condo association but the CR would be held by the Town of Hamilton which would be approved by EEOC and Selectmen so it would be restricted for perpetuity), findings, and conditions. Jeff Melick noted the plans should be "Approved Plans."

Patrick Reffett asked Jill Mann to refer to where in the draft Decision there was a reference to the maintenance of the project to ease the concerns of the abutters. Ms Mann responded that the Operations and Maintenance plan included a periodic system of inspections of the site (landscaping, lighting, roadways, etc), stormwater and septic, which would be incorporated or referred to within the condo documents and would be attached as an exhibit. As-built plans would be submitted to the Planning and DPW departments and if requested, to Mr. Ogren. Quarterly reports would be submitted to Mr. Reffett during construction. The covenant would enforce that the units could not be sold until it was recorded, which would provide evidence of safe access (roadway). The covenant release and tripartite agreement would allow the owner to sell the units. Matt Tobyne suggested adding an Operation and Maintenance Plan for building exteriors. In response to Jeff Melick's concern about working hours, it was determined that the construction hours were in accordance with the Town By-laws. Jeff Melick requested adding the term "bioclear" to septic system information.

Zoning Bylaw Revision

As the next meeting agenda item was introduced, it was mentioned that a Stakeholders' Meeting would be held the following night (January 6, 2016 at 7:00 p.m.).

Board Consideration of Town Meeting Articles

Patrick Reffett offered that the Senior Housing By-law may need to be extended and would investigate if it had been voted upon a couple of years ago. The changes to the Zoning By-law would need hearings in February/March prior to Annual Town Meeting which is scheduled for April 2, 2016.

Board Business

The March 1, 2016 scheduled meeting would need to be changed as there was a presidential primary on that date. The Board would need to discuss a budget for phase II for changes to the Zoning By-law if possible. There would need to be a warrant article for the currently proposed Zoning By-Law changes. Claudia Woods wondered about writing a Cottage Zoning By-law and Rick Mitchell responded that Phase II would be the time to incorporate greater zoning such as Cottage Zoning, OSFPD and Great Estate By-law changes. Jeff Melick said he wanted to wait and see what the stakeholders' meeting indicated. Patrick Reffett asked if anyone was willing to assist him in preparation of the 2015 Annual Report for the Board; Claudia Woods agreed.

Board updates including the reminder that annual ethics filings were due by April.

Minutes

Jeff Melick made motion to approve the minutes of December 15, 2015 as amended.

Brian Stein seconded.

Vote: Unanimous in favor.

Claudia Woods made motion to adjourn.

Rick Mitchell seconded.

Vote: Unanimous in favor to adjourn at 8:27 pm.

Prepared by:

Marcie Ricker

Attest

Date