

HAMILTON PLANNING BOARD
MINUTES OF MEETING
August 18, 2015

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

Associate Members Present: Richard Boroff

Planning Director: Patrick Reffett

Others Present: Bill Redford

This meeting was called to order at 7:30 p.m.

Zoning By-law Change Public Hearing

Brian Stein read the public hearing notice to open the public hearing to amend the Zoning By-law use regulations allowing mixed use in the Business District. Brian Stein described the history of allowing mixed use downtown to include business use downstairs and apartments upstairs. Ed Howard wondered about the parking problem that currently existed on Railroad Avenue. Peter Clark asked if the By-law might create an incentive to demolish an existing building to create a new building with apartments above. Brian Stein said an apartments-only building could not be created. Rick Mitchell said downtown owners had expressed a problem renting their downstairs units, so having an apartment upstairs might help landlords support their downtown buildings, enhancing downtown development.

Ed Howard wanted the HDC to pay attention to the parking issues of downtown and expressed the ability of residential renters to take the train without needing an automobile. Claudia Woods asked if an inventory had been done of all the parking spaces downtown. Rick Mitchell said the police chief had said there was not a parking problem downtown, but a signage problem. Brian Stein said there was plenty of parking, but drivers did not want to walk any distance. Patrick Reffett said most towns in Massachusetts allow for mixed use development downtown. There was a limited demand for upper story use as commercial or office space, according to Mr. Reffett.

Motion to approve the zoning change as proposed by Rick Mitchell

Peter Clark seconded

Claudia Woods questioned the use of the word “may” but Brian Stein noted that Town Counsel would provide the language. Donna Brewer had looked at it according to Rick Mitchell.

Vote: Unanimous in favor

650 Asbury St. Patton Homestead Proposal Changes

Brad Latham, attorney for CP Berry presented a request for minor modifications allowing two units based on the change approved at May 2015 Town Meeting and further

approved by the Attorney General. Mr. Latham thought it was an attractive change from a three unit to a two unit according to plan C-200.

Jeff Melick moved that the Planning Board determine the change to the application showing plan C-200 was a minor amendment.

Peter Clark seconded

Vote: Unanimous to consider the change a minor amendment to the approved plan

Jeff Melick made motion to approve the minor amendment submitted by the applicant.

Rick Mitchell seconded the motion

Vote: Unanimous to approve

650 Asbury St. Patton Homestead ANR

Brad Latham stated the plan separated the area that would be retained as open space which met frontage requirements. Lot 2 was the parcel to be retained by the Town.

Brian Stein made motion to approve the ANR plan

Rick Mitchell seconded

Vote: Unanimous to approve

Institution for Savings. 545 Bay Road. ZBA Site Plan Review Recommendation

Patrick Reffett said the project had been to the Planning Board and the ZBA with a return to the ZBA on September 9, 2015. Traffic engineering was still being worked on by the BETA group. The project would be back to the Planning Board on September 1, 2015.

Richard Nylan said there were enough changes made previously that the applicant needed to return to the Board to have further discussions. The applicant had listened to neighbors and removed all access to Bridge Street with all traffic flowing from Bay Road. The applicant reduced the parking spaces from 24 to 16 and made changes to lighting, increased open space, added sidewalk and enhanced landscaping. Charlie Wear, Charlie Nutter, Mike Jones, and Ron Bueller were available to discuss the project.

Charlie Wear discussed the changes that the applicant had made to include the primary change of removing the access from Bridge Street with only a fire access on Bridge Street. A fence and landscaping were introduced on Bridge Street to reduce light and sound impacts. The applicant adjusted the grading to meet Beta requests. Patrick Reffett said the police chief and the DPW all wanted traffic coming out onto Bridge St. Bill Redford said all permitting would be through the state if the access were on Bay Road. The DPW as well as police and fire departments had not looked at the new plan.

In response to Ed Howard's concern about the stone walls along Bay Road, Charlie Nutter said he was supplying the Board with plans that described the architectural changes in response to the first plan. The lighting layout was presented with pole lights reduced from 5' to 2' in height. Pole lights on the rear of the site with motion detectors were reduced to bollards. There would be no light leaving the site due to the 6' fence on the site. Peter Clark was concerned about the traffic pattern in the evening. In response to Jeff Melick's question about the canopy, Mr. Nutter said the 10' canopy might be visible from the neighbors' homes.

Claudia Woods appreciated the effort to make the project a part of the historic district but wanted a two car drive thru with a 10' rise with a 6' fence. Jeff Melick said the three bay proposal inferred the number of clients the applicant expected which meant more traffic. Mr. Nutter said the bank does not expect anyone to wait in cue for the drive up bays which was the reason there were three rather than two.

Peter Clark was concerned about the business use in the Residential District and noted the amount of light and traffic within the property, which in Mr. Clark's opinion, could be better downtown. Mr. Nutter noted the applicant was trying to make the use less detrimental than the existing use.

Rick Mitchell wondered what would happen if the applicant walked away and what would happen to the property but said the Planning Board had some responsibility to the neighbors and questioned what does the Town get in its place. Mr. Mitchell said the property could sit and wait for the next commercial use or a potential 40B project. Richard Boroff said the property was not one that one would want to live near and if a developer paid more than 300,000, he would need to spend \$800K to remove the buildings and no one would spend that much money to put up a house. Mr. Boroff said the Town needed someone with money and staying power to pay tax revenue between \$600,000 and 1M which would be a bank not a contractor, 40B, or mini mall. Mr. Boroff suggested the Board think about possibilities of who could afford it and make it look nice. Jeff Melick said Richard Boroff's and Rick Mitchell's comments were irrelevant and not within the terms of the By-Law.

Mike Jones spoke about the traffic and how it had changed over the years and presented a letter from Debra Weaver who owned the property in years past. Mr. Jones said he was responsible for the property. The Ipswich bank office at YMCA and the Topsfield office were studied which had similar demographics as Hamilton. Both offices featured high balance, low transaction projects so there was not much traffic but rather long term CD and money market deposits. Mr. Jones said there was very little transaction activity at the ATM and there was 45% online banking. Some people visit the branch 1 x a year. Jeff Melick wondered why the applicant would propose three drive ups when they have so little traffic. Mr. Jones said that the bank didn't want anyone to wait and added the average transition time was 1.5 minutes.

Patrick said as soon as the applicant supplies the traffic study Beta will be able to review it.

Minnie Missera said the bedrooms of her home faced Hamilton Gardens and said she was worried about Orchard Road residents. Robin Sears questioned the revised plan as she was still facing the lighting and wondered why the fence stopped before her house.

Susan Simmons asked if there was a 24 hour drop box. Kim Rock said there was a night depository as part of the ATM. Employees service the ATM rather than trucks and the ATM those working for the depository would never have Sunday hours. There would be

four to seven cars in the 14 hours that the bank was not open. The stockade fence and existing large trees would remain.

Doug Trees worried about comparing the existing business and a hypothetical standard of a garden center and wanted 10' trees and fence on Orchard Road. Mr. Trees also wanted the break room on the other side of the building.

Motion to approve an extension for a recommendation to the ZBA which would be continued for further discussion on September 1, 2015, was made by Brian Stein
Seconded by Claudia Woods
Vote: Unanimous in favor

Changes to the Town By-laws

Patrick Reffett said he met with Mark Brobowski who was the company selected to review the By-law. Mr. Reffett said he hoped to have something ready for Town Meeting in the spring.

Code of Conduct tabled for two weeks

Matt T Byrne had redlined changes in the document. Ed Howard wanted to know who was driving the project. Jeff Melick said it was started eight months ago due to contentious behaviors on the Board. The topic would be taken up at next meeting.

Updates from Other Boards and Committees

The CPC was discussed by Ed Howard who said they had met last week regarding the Sagamore Hill land purchase. Mr. Howard was not satisfied with the approval of 315 Sagamore Road. He wondered if the bridle trails that crossed the property had been specified. Patrick Reffett described the research about the property. The cul de sac was proposed but not built. The pull out was part of the signed plan but was only discussed. The fire department over ruled the Planning Board but Brian Stein said a fire system was on site. The bridle trails were on the plan, according to Brian Stein.

Minutes: August 3, 2015

Rick Mitchell made motion to approve with minor changes
Brian Stein seconded
Vote: Unanimous to approve with changes

September meetings 1st and 15th
Claudia Woods made motion to adjourn at 10:03
Seconded by Rick Mitchell
Vote: Unanimous to adjourn

Prepared by:

Marcie Ricker

Attest

Date