

HAMILTON PLANNING BOARD
MINUTES OF MEETING
March 5, 2019

Members Present: Richard Boroff, Peter Clark, Janel Curry, Dan Hamm, Ed Howard, Rick Mitchell, and Brian Stein (Chair).
Associate Members: Laura Walsh
Planning Director: Patrick Reffett

This meeting was called to order in the Memorial Room at Town Hall at 7:04 with a quorum established.

Public Hearing – Definitive Subdivision Application for Nazir Shamsuddin. 46 and 48 Meyer Road.

Brian Stein announced that Hamilton's Town Counsel could not be present so all parties agreed to continue the hearing until April 2, 2019.

Brett McKechnie (52 Meyer Road) suggested continuing the topic until after the lawsuit had been resolved as the Board might be biased based on the ruling. Brian Stein responded that the attorneys said the Board could vote and not be biased. Patrick Reffett said the Approval Not Required Plan was not in front of the Board currently and that the judge wanted the applicant to come to the Board with a subdivision proposal, which the applicant had done. Mr. Reffett said the current application would need to meet subdivision requirements, which the prior decision did not affect. The judge wanted the subdivision decision to make his own decision. Mr. McKechnie asked if the lawsuit would disappear if the subdivision were approved. Mr. Reffett did not know but thought it might. Mr. Stein said the Board listened to counsel's opinion and the direction of the Court to work it out.

Motion made by Rick Mitchell to continue the public hearing for the application for the Nazir Shamsuddin subdivision until April 2, 2019.

Seconded by Dan Hamm.

Vote: Unanimous in favor.

Board Consideration/Vote 354 Highland St. Minor Modification to Canterbrook Special Permit for signage.

A representative from the sign company, Dawn Pease was present. Sign design and location handouts had been distributed to the Board. Ms. Pease said the allowed 6 sf sign was not adequate for high end homes for sale and requested the Board allow a temporary 4' x 8' sign with decorative posts. The sign would be present until the last unit was sold. The sign would be similar to the one for Wenham Pines on Main St. in Wenham.

Rick Mitchell made motion to amend the existing Special Permit for 354 Highland St.

Janel Curry seconded.

Vote: Unanimous in favor

Rick Mitchell made motion to approve the new dimensions as per the sketch submitted per e-mail on February 27, 2019 for the double sided sign as proposed by the applicant for advertising at 354 Highland St.

Seconded by Dan Hamm.

The Decision would reflect that the temporary sign approval would expire when the last unit was sold.

Vote: Unanimous in favor.

Site Plan Review – Public Safety/Senior Center Sign at 265-299 Bay Road.

Patrick Reffett said the Town recognized the need for a public information sign on the lawn at the Public Safety Building. The application and graphics were included. Members had previously asked if the proposed sign was large enough for motorists to see effectively and Chief Stevens said he would have sign examples from other communities to present to the Board. Color photos of signs were distributed. Chief Stevens was proposing a sign in the middle range of the other town's sizes that would be 2.6' wide and 6.5' long, which was similar to Groveland's sign. The sign would be perpendicular to the road. Mr. Reffett thought it was helpful to include the street number. The top of the sign might be taller to include a line each for the Council on Aging, Fire Department, and Police Department. The ZBA would condition the hours the sign would be lit. The Planning Board's Abbreviated Site Plan Review was regarding appearance and size, which would serve as a recommendation to the ZBA.

Ed Howard was upset that he had brought the concept to the Selectmen but Town employees had taken over the process, leaving out residential input. Rick Mitchell responded that not every decision needed to be approved by a committee unless there was a significant impact or cost to the town.

Rick Mitchell made motion to approve the sign as submitted and amended with the recommendation that the number of Bay Road be added to the sign so it was clear what the address was. The sign would be 2.6' high and 6.5' wide.

Seconded.

Vote: Majority in favor 6-1 with Ed Howard voting nay.

Master Planning (Residential Update)

Patrick Reffett said the survey was scheduled to end the following day. The survey received 538 responses. The consultants were reviewing, evaluating, and categorizing responses. Mr. Reffett had received the consultant's document, which was distributed. The second forum had been scheduled for March 20, 2019 but the consultant was unable to be ready by that date as they were developing a fiscal impact analysis using theoretical projects. The recommended date was April

29, 2019. The consultant would present the fiscal analysis, demographics, and elements of the profile document as well as engage the public at the forum.

Peter Clark was disappointed at the turnout of the last forum but Patrick Reffett said having 538 responses was good input. Rick Mitchell said the turnout was a testament on the change of demographics and how people communicate in town with no engagement unless there was a specific contentious issue. While the forum date was six weeks later than expected, the delivery date was not affected. Mr. Reffett reiterated that the consultant needed time to do a full impact analysis depending on information based on development scenarios, which required assessor and finance department involvement. Janel Curry noted that the work being conducted was the reason the vendor had been chosen. Brian Stein wanted to ensure that the reason for delay was clearly explained. Mr. Mitchell suggested having the forum at the library.

Board Discussion – Future Zoning By-laws.

Patrick Reffett distributed the Inclusionary By-law modification and explained the primary change was increasing the payment to \$273,000, which was 40 to 60% of the cost to construct a unit. The intermediary cost was enough to create affordable housing without creating an impediment to senior housing projects. Rick Mitchell referred to the affordable development being considered at Gordon Theological Seminary (43 single family units including eleven affordable units). The price for the cottage-like, market rate units would be \$300,000 to \$500,000 and would be built on the recently approved ANR land. Mr. Reffett noted that recent soil testing indicated gravel and loose rock. The developer, Peter Conant was an architect from Jamaica Plain who was developing 20 units in Holliston.

Three public hearings would be held on March 19, 2019. The hearings would be for the Inclusionary By-law, the Sign By-law and Wireless Microcell Towers By-law. Donna Brewer had rewritten the Sign By-law to incorporate constitutional changes for residential yard signs. Private schools with competing signs had created friction within the town. Signs were not considered in the Zoning By-law rewrite. Rick Mitchell suggested having no more than two signs per contiguous lots under the same ownership. It was agreed that signs would be allowed no more than one month prior to the designated event and would be removed no later than one week from the conclusion of the advertised event. The Sign By-law did not speak to contractor signs. Residential districts were only allowed a temporary sign.

The language for the Wireless Microcell Towers By-law had been developed by Dan Hamm, Donna Brewer, and Patrick Reffett. Definitions and processes from the City of Worcester had been used, except the Planning Board would be the Special Permit Granting Authority rather than the DPW. Mr. Reffett was asked to add aesthetic elements, which were taken from the City of Peabody Ordinance. Mr. Reffett thought the By-law made sense and did not require rigorous items but expected vendors to integrate aesthetics into microsystems. Review would occur between 60 to 90 days once the submittal was deemed complete. The Board would have 30 days to determine if the application was complete.

Janel Curry was concerned about individual microcells and the need to have the application consider a larger plan. Patrick Reffett said there was a provision asking the applicant to present an understanding of what they intended to do systemically. Mr. Reffett said the use might be focused on the population center downtown near the train and shopping center. Dan Hamm explained that 5G was a less expensive but faster option to cable. The technology was ideal for going on existing poles, according to Mr. Hamm. The By-law would be permitting equipment about the size of a water cooler on each pole. The technology could not work without a larger cell tower as it depended on it for transmission. Mr. Hamm said the By-law covered the FCC rulings.

Board Discussion – Proposed Street Acceptance Policy

After evaluating six different towns for their Street Acceptance Policies, the Selectmen chose the language of Canton to replicate. The new By-law placed the responsibility for engineering and construction requirements on the abutters to the private way. The Town decided not to bring the issue forward for Annual Town Meeting 2019 but would pursue it for the fall in an effort to obtain more input from private way owners. Many private road owners did not know the implications of living on a private way would include trash removal, upkeep, and snow removal.

Janel Curry questioned the language specifying a “strong majority” and thought a less vague term would be more appropriate. Town Counsel would determine the percentage. The document would go back to the Selectmen. Currently the Town paid for 50% of engineering and improvement costs as well as all legal costs, which was more than the Town could address. Dan Hamm liked having the utilities added to the requirements.

Rick Mitchell made motion that the Planning Board recommend to the Board of Selectmen, adoption of the Town of Hamilton policy converting private ways to public streets as developed and reviewed by the Planning Board.

Seconded by Dan Hamm.

Vote: Majority in favor (6-1 with Peter Clark abstaining).

Board Business – Upcoming Filings.

The Town Manager asked the Board to consider supporting the Municipal Vulnerability Preparedness Program grant application and process. The State had appropriated significant planning resources to assist communities with vulnerabilities to climate change. Anne Gero and the Town Manager wanted to address the areas of vulnerability, which would include low elevations, areas of inundation, inch points, and river flow that might cause property damage. Patrick Reffett recommended that the Board accept the proposal and allow Brian Stein to sign the letter of support.

Janel Curry made motion that the Planning Board support the Municipal Vulnerability Preparedness Program.

Richard Boroff seconded.
Vote: Unanimous in favor.

Minutes

Rick Mitchell made motion to approve the minutes January 29, 2019.
Janel Curry seconded.
Vote: Unanimous in favor.

Updates

Richard Boroff updated the Board to the Open Space Committee, which had attracted five new member applications. The Committee would be active shortly.

Patrick Reffett said the March 19, 2019 meeting would have three public hearings. On April 2, 2019, the marijuana facility Site Plan Review application for Green Meadows Farm would be reviewed including the Stormwater application and Special Permit review process. Brian Stein noted that Green Meadows would also need to go to the ZBA and Conservation Commission for approval. The ZBA had purview over Groundwater Protection and would hear the topic in May. At the same meeting, the continued public hearing for Meyer Road would resume.

The opinion of Chris Heap regarding his review of Meyer Road was received two weeks prior. The new Fire Chief had reviewed the revised plan and found it acceptable. The DPW Director wanted to ensure that maintenance would be privately done.

Adjournment

Motion made by Janel Curry to adjourn.
Seconded by Richard Boroff.
Vote: Unanimous to adjourn at 8:27 pm.

Prepared by:

Marcie Ricker

Attest

Date