



MEETING NOTICE

TOWN OF HAMILTON

Pursuant to MGL Chapter 30A, § 18-25
All meeting notices and agenda must be filed and time stamped in the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

If posting is close to the 48 hour requirement it MUST be posted by 2:00 P.M. Monday thru Friday.

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Committee or Governing Body

ZONING BOARD OF APPEALS AGENDA

Meeting Location

Meeting Room MEMORIAL ROOM

Address 577 BAY ROAD, HAMILTON MA

Day, Date and Time of Meeting

WEDNESDAY

Date JUNE 6, 2018

Time 7:00 PM

Signature of Chairman or Authorized Person

MARY-ELLEN L FEENER

Date

5/22/18

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting.

- 1) CALL TO ORDER
- 2) CONTINUATION OF A PUBLIC HEARING: SPECIAL PERMIT APPLICATION SUBMITTED BY WENDY CUNNIFF & SEAN PHELAN, FOR THE PROPERTY LOCATED AT 22 NAPLES ROAD, HAMILTON, ASSESSOR'S MAP 60, LOT 38. APPLICANTS ARE REQUESTING RELIEF BY THE ZBA FROM ZONING BYLAW SECTION 5.3, NON-CONFORMING STRUCTURES, IN ORDER TO CONSTRUCT A 12 X 16 SHED
- 3) PUBLIC HEARING: SPECIAL PERMIT APPLICATION SUBMITTED BY RAGHAVENDHER BOLISHETTI, FOR THE PROPERTY LOCATED AT 11 ARTHUR AVENUE, HAMILTON, ASSESSOR'S MAP 47, LOT 139. APPLICANT IS REQUESTING A FINDING OF FACT BY THE ZBA FOR ZONING BYLAW SECTION 5.3, NON-CONFORMING STRUCTURES, IN ORDER TO CONSTRUCT A FRONT PORCH ON THE EXISTING DWELLING.
- 4) PUBLIC HEARING: SPECIAL PERMIT APPLICATION SUBMITTED BY JOSEPH SHAKTMAN, FOR THE PROPERTY LOCATED AT 18 DURHAM AVENUE, HAMILTON, ASSESSOR'S MAP 46, LOT 13. APPLICANT IS REQUESTING RELIEF FROM THE ZBA FROM ZONING BYLAW SECTION 5.3, NON-CONFORMING STRUCTURES, IN ORDER TO CONSTRUCT A SECOND FLOOR ADDITION TO THE EXISTING DWELLING.
- 5) CONTINUATION OF A PUBLIC HEARING: FOR THE SPECIAL PERMIT APPLICATION SUBMITTED BY AMEC MASSACHUSETTS INC. ON BEHALF OF THE TOWN OF HAMILTON FOR THE PROJECT AS PROPOSED BY AMERESCO FOR THE CHEBACCO ROAD SOLAR PV LLC. THE SUBJECT PROPERTY IS LOCATED AT 500 CHEBACCO ROAD, HAMILTON, ASSESSOR'S MAP 70, LOT 1, ZONE R1B. THE APPLICATION IS TO INSTALL A SOLAR PHOTOVOLTAIC (PV) ARRAY WHICH WILL CONSIST OF APPROXIMATELY 2,736 PV MODULES, MOUNTED ON RACKS SUPPORTED BY CONCRETE BALLAST FOUNDATION BLOCKS.
- 6) REVIEW AND APPROVAL OF MEETING MINUTES
- 7) UPDATES FROM THE CHAIR
- 8) MEETING TO ADJOURN

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. The next meeting of the Zoning Board of Appeals is scheduled for July 18, 2018, and will be held at the Hamilton Town Hall, 577 Bay Road, Memorial Room, Hamilton MA 01936, and it will commence at 7:00 PM. Meeting dates, time and location are subject to change as allowed by the Open Meeting Law. Please refer to the Town web page: hamiltonma.gov for details regarding a specific agenda.

HAMILTON ZONING BOARD OF APPEALS

MINUTES

Memorial Room 299 Bay Road.

June 6, 2018

Members Present: Bill Bowler (Chairman), Kim Dietel (7:20 pm), and John Rodenhizer.

Others Present: Bruce Gingrich (Associate Member)

This meeting was called to order by Bill Bowler at 7:00 pm with a quorum established.

Continuation of a Public Hearing for a Special Permit. Wendy Cunniff and Sean Phelan. 22 Naples Road. Requesting relief for a Non-Conforming Structure to build a 12' x 16' shed.

Motion made by John Rodenhizer to allow for the withdrawal without prejudice at the applicant's request.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor. (Bill Bowler, John Rodenhizer, and Bruce Gingrich).

Public Hearing for a Speical Permit. Raghavendher Bolshetti. 11 Arthur Ave. Request a Finding of Fact/Non-Conforming Structures in order to Construct a Front Porch on the Existing Dwelling. Continued until July 18, 2018 at the applicant's request.

Public Hearing for a Special Permit. Joseph Shaktman. 18 Durham Ave. Requesting Relief for Non-Conforming Structure in order to Construct a Second Floor Addition.

Motion made by John Rodenhizer to approve with no conditions.

Seconded by Kim Dietel.

Vote: Unanimous in favor (Bill Bowler, John Rodenhizer, and Kim Dietel.)

Continuation of a Public Hearing for a Special Permit. AMEC Massachusetts, Inc. on behalf of the Town of Hamilton and AMERESCO for the Chebacco Road Solar PV LLC 500 Chebacco Road to Install a Solar Photovoltaic Array.

Bill Bowler had prepared a Draft Decision that referenced the plans submitted. It was agreed that the power would go to the grid but be metered and credited back to the Town's public electrical accounts. AMERESCO would own the array and lease the property from the Town. The Town would receive a lease payment as well as the credit value for power produced. The less expensive buying power would be 2.5 cents per kilowatt hour, which would be fixed for 20 years. The rate would fluctuate.

The landfill closure, which had conditional approval, was separate from the application. The application was part of a separate DEP approval for post closure use on top of the landfill dependent on the closure. The 90 day period was about due. Geotech analysis for ground pressure as well as stormwater analysis and other environmental factors were being evaluated to determine impacts to the landfill cap.

After the DEP approval for the closure, there would be another approval for this proposal. Both had been filed already as solar projects were being considered under a new incentive program (SMART), which had a decreasing block program. The permitting needed to be finished by summer to obtain the highest level of funding. Bill Bowler asked if Town Meeting had approved the lease, but it was unclear if Town Meeting had approved the original Request for Proposal or if the Selectmen had been granted the ability to approve the lease.

Bill Bowler had noted that the proposal appeared to be straight forward and no questions had been received from the public at this meeting nor the previous meeting. The paved parking area and gravel road were discussed and it was determined that if dust were to be generated by the dirt road, which may affect photovoltaic production, the applicant might return with a request to pave a portion of the roadway. The applicant agreed to repair portions of the road up to the Town line that would be affected by construction vehicles during the building process. A PILOT program would be established as the entity was a commercial business.

Motion made by Bruce Gingrich to grant the Special Permit for the solar array facility at 500 Chebacco Road.

Seconded by Kim Dietel.

Vote: Unanimous in favor (Bill Bowler, Kim Dietel, and Bruce Gingrich).

The applicant noted that the permit with ConsCom would be on the agenda for the utility poles on Chebacco Road and that they needed ZBA approval before meeting with the Commission. Bill Bowler responded that he would file the Decision but the 20 day appeal period could not be waived. The applicant would be able to indicate that the ZBA had unanimously approved the application.

Review of Minutes

Motion made by John Rodenhizer to approve the minutes of March 7, 2018.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor. (Bill Bowler, Bruce Gingrich, John Rodenhizer)

Updates from the Chair.

None

Adjournment.

Motion to adjourn made by John Rodenhizer

Seconded by Kim Dietel

Vote Unanimous to adjourn at 8:00 pm.

Prepared by:

Marcie Ricker
Marcie Ricker

Bill Bowler 3/19/18
Attest Date