

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
November 5, 2019

Members Present: Richard Boroff, Peter Clark, Dan Hamm, Rick Mitchell, Brian Stein, (Chair), and William Wheaton.  
Associate Members:  
Planning Director: Patrick Reffett

This meeting was called to order in the Memorial Room, Hamilton Town Hall, 577 Bay Road at 7:03 with a quorum established.

**Site Plan Review. 59-63 Willow St. Public Hearing and Site Plan Review as submitted by the Hamilton Development Corporation (HDC) for a multifamily, multi-use dwelling.**

Brian Stein and Rick Mitchell recused themselves from the hearing as they were members of the HDC. Dan Hamm became the interim chair. Mr. Hamm read the agenda and the legal ad. Patrick Reffett stated that Laura Walsh would use the Mullin Rule to listen to or read minutes of the public hearing so as to allow her to later vote on the application. He explained the Mullin Rule allows a Planning Board member to miss one meeting and still be part of the review process including voting. He stated Ms. Walsh committed to attending the other meetings.

Jill Mann (Mann and Mann), Charlie Wear, April Ferraro (Meridian Engineering), Krista Boyles and Thad Siemasko (Seimasko and Verbridge) were present to represent the HDC. Ms. Mann gave a brief history of the HDC, stating its purpose was to identify an underserved population for small home ownership and sponsor economic development. The HDC sponsored a mixed use Zoning article in 2015. Ms. Mann explained how the Zoning article promoted Smart Growth principals. In 2016, the HDC also sponsored having a provision in the Business District to allow residential use on second and third floors with commercial use on the first floor, which was also approved. Ms. Mann said both By-laws existed and the proposal was a by right use for the property. Ms. Mann recalled that Harborlight had previously proposed 20 units and the current proposal was for 18 units. Ms. Mann said the project was in concert with the By-laws and Master Plan. The proposal needed Site Plan Approval under Section 3.1.A.7 of the Hamilton Zoning By-laws.

The 7,200 sf footprint of the building met the height requirement (35') and could handle stormwater management regulations and septic system requirements. The proposal's intention was to join the Mac's Shoe Repair building and the single family home parcels into one. 2,400 sf would be dedicated to commercial use, a common room, and an elevator on the first floor. Residential use would be on the second and third floors.

Attorney Mann said comments had been received from abutters and Town officials. One concern was in regard to the amount of parking, to which Ms. Mann responded that there was

adequate parking. There was one parking space per unit as was required in the By-law. The site was less than 500' from the Town owned parking lot on Railroad Ave. Ms. Mann noted that the property was within walking distance to the train. The Fire Department was concerned about the ability of fire trucks to turn around on site and the applicant would be working toward a solution. Snow storage was an issue. A geotechnical review had been requested but Ms. Mann said the soils were tested in 2017 and 2019 for structural ability and septic requirements. After evaluation, the soils were sufficiently permeable to allow systems. Additional landscaping would be added and setbacks were increased. The massing of the building was altered to appear smaller. The land was in a bowl shape and the building would be set in the lower portion. The roof of the building would only be 4' higher than the adjacent three story building on Railroad Ave. A perspective drawing would be submitted to allow for an understanding of the building as it related to the neighborhood.

Thad Seimasko showed slides of the structure noting the scale of the project and the access to Railroad Ave. The L shaped building had been pushed back toward Railroad Ave to allow for the maximum amount of buffer between the residential neighbors on the other side. Trees were preserved and a fence, arborvitae, and cedars would be added to provide a good buffer. Parking was shown to include the eight car parking spaces required with 2,400 sf of commercial space. Residential parking was behind the building. Mr. Seimasko thought the plan was a good shared parking opportunity. Pedestrian access included a covered arcade to the residential entrance from the carport. A secondary residential entrance allowed for access toward Railroad Ave. for the train. An intimate sitting space was designed into the plan to include a BBQ grill and picnic area. Large columnar maples, hornbeams, and groundcover would add to the landscape. A schedule of plants had been submitted. The fencing, trees, and shrubs along the property line of the building on Railroad Ave. would be cleaned up. The corner would remain open to blend into the commercial uses of Railroad Ave. and Willow St.

Thad Seimasko said the first floor would also contain a birthday party room, office, and a fitness/wellness room as well as storage and trash areas. The second and third floors would be identical with nine units per floor. There would be four two-bedroom units and 14 one-bedroom units. One-bedroom units would be 650 sf with some being larger with open alcove areas. Two-bedroom units would be 800 sf with extra storage space. The parking garage would feature windows so as not to appear to be a parking garage. Exterior finishes included a shingled band, clapboard, and batten to minimize the scale of the building. One flat part of the pitched roof would hide the mechanicals, including the elevator.

Elevations (Linden toward Railroad, Bay Road toward carport, from Railroad Ave., and from Willow St.) were presented. The buildings would feature traditional windows painted dark evergreen with gray on gray siding and white trim. The proposed roof would be 32.5' high, which was within the 35' requirement. Thad Seimasko said the projected gables, balconies, and various textures would help reduce massing. A photo-shopped view from the corner of Railroad Ave. and Willow St. showed the building as it might appear behind the Accord building.

Charlie Wear said utilities were all available from Willow St. The septic system would contain two septic tanks before a pump chamber. Recent soil testing had been witnessed and approved by the Hamilton Health Agent. Two certified soil evaluators also reviewed the soils to confirm the determination of where groundwater was. Neighboring septic systems were researched to be found to be at the same depth. According to Mr. Wear, the septic system would be able to handle the 18 units (22 bedrooms) and 2,400 sf of commercial space plus 900 sf from the Mac's Shoe Repair building. The size of the system would handle 2,670 gallons per day (gpd) or the size of five or six homes. Mr. Wear said the density was in keeping with neighborhood homes in the area. The soils in the area were very porous sands and gravels, which was why the area was able to sustain such density.

Charlie Wear described the drainage of the site, which like the remainder of the neighborhood, all drained toward the Miles River. Mr. Wear said there was a constant flow in that direction, which was captured in catch basins and drainage structures. There was a 30' drop between the high spot (Willow St.) and the river. Mr. Wear described the area as an underground river or lake but due to such porous soils and gradients, the water drained away.

According to Mr. Wear, one challenge of the site was that the neighborhood drained onto the site, which caused ponding during heavy rainfalls but the water did not hold the water for long periods of time evidenced by the lack of staining. The short term ponding reflected the predictions that the stormwater analysis made. Groundwater was at a depth of 3' to 4'. The infiltration system would be placed just beyond the low spot. The goal would be to create as much storage as possible allowing stormwater to flow where it went currently. The material at the bottom of the basin, which was currently loam and lawn would be changed as lawn prohibited water from going into the ground. Sand and stone would allow water to percolate into the ground faster.

Charlie Wear provided a stormwater analysis from the perimeter and other buildings to be captured and recharged to the area. While some neighbors were concerned about introducing more water to the site, Mr. Wear said pre and post-construction would recharge the same amount of water to the ground. The 2,600 gallons per day (350 cubic feet) added by the septic system would be less than 1% of what a large rainstorm would provide and would not raise the groundwater table. A mounding effect would happen right below the basins, septic system, and drainage system, which would allow for no impacts 10 to 15' away. Mr. Wear continued that there would be no impact to the neighbor's septic systems or basements.

Site sections were shown from Willow St. back to the Black Cow. The height of the roof was 36' to the ridge and 32.5 to the Zoning required mid-point of eave and ridge. The advantage of a pitched roof was to screen equipment and be visually appealing. The wall would be 30' tall. A section from Railroad Ave. near Timeless Interiors showed the alley. A section showing the driveway was provided.

It was noted that the site would not be over lighted. Lights would be placed in overhangs so the glow of light from its source would be seen. Bollards would mark walkways. Lights would be in the ceiling of the carport allowing spillage for a safe traverse. Building Codes required lights at each doorway but dark night fixtures would be used.

Planning & Inspections Director Patrick Reffett said he reviewed the application and found it to meet the zoning requirements of the Business District, adding that the project was the first Smart Growth project seen in several years. Mr. Reffett said the project respected the existing landforms, existing landscape buffers, and the neighbors' drainage concerns. The proposal has buildings covering less than 20% of the site, accommodated setbacks and height requirements. While the project complied with parking requirements (one space per residential unit and one space per 300 sf of commercial area), Mr. Reffett suggested snow storage be considered and landscape materials be arranged to accommodate that requirement. The Chief of Police was reportedly concerned with guest parking and the Fire Chief with the fire truck turn around. Mr. Reffett noted the appreciable landscape plan included native plants that would sustain themselves. Low impact development techniques such as using existing vegetation were used. While the applicant included Smart Growth principals such as pedestrian connections to the train, commercial uses, jobs, and schools, they also respected neighbors' privacy and property rights when designing pedestrian accessibility.

Richard Boroff requested test pits be included in the application package. Charlie Wear said water seepage and standing water were recorded as they were observed. Groundwater information was obtained and the project and systems were designed around the data. Title 5 required 4' distance to naturally occurring previous material. If groundwater was higher, a mounded system would be designed. Mr. Wear recalled that preliminary sketches were worked on to determine the right balance between the size of the building, the septic, and the drainage.

Bill Wheaton offered his concern that the HDC would be selling the approval to a developer and the Town would not know what they were actually getting in terms of price or target audience. Peter Clark responded that the point of uncertainty could be mitigated through conditions. Jill Mann said the Planning Board through Site Plan Review could regulate the exterior of the building but not the interior. Ms. Mann said the 600 sf units would attract empty nesters, young people, newly single people, and people who wanted to stay in town. The project would not be a 40B, according to Ms. Mann. Richard Boroff said the benefit would be to have a permit in place so a developer didn't have to go through the process but the developer could return to the Board to ask for changes.

Bill Wheaton discussed the 2016 By-law changes and the number of apartments allowed above commercial uses in the downtown area. Mr. Wheaton said he recalled the HDC was to promote commercial development for a tax base with one apartment allowed above the commercial space until the 2016 changed the number of apartments from one to two-plus. Mr. Wheaton said he reviewed Town Meeting minutes when the change occurred and suggested asking Town Counsel

to determine if explicit discussion had occurred for the allowance of unlimited apartments on top of a business as there appeared to be none noted in the minutes. Dan Hamm responded that the discussion was irrelevant and if anyone wanted to change the By-law now, it needed to go to Town Meeting.

Peter Clark asked about the original cut through by the bank to access the train. Jill Mann responded that the bank asked not to have it on their property but the access through the municipal parking lot would allow for access to the train. Thad Seimasko responded to a question regarding snow falling off roofs by stating roof hinges were shallow, asphalt shingles had texture, the roof pitch would be low, and gutters would be installed over walkways, which would mitigate snow falling from the roofs. It was agreed that the Mac's Shoe Repair building would remain commercial and be maintained as part of the plan. Mr. Clark asked where friends of tenants would park and Ms. Mann responded they would likely park in the commercial parking spaces in the evening or in the municipal lot but the units were small and parties would not be large. Dan Ham suggested having a third party engineering review.

Julia Maycock (62 Willow St.) was concerned that the Mac's Shoe Repair building would be removed by a developer and the buffer it created would be lost. Ms. Maycock said HDC members had promised that the building would be kept by the Town and hoped a condition could be placed on the approval to maintain the building. Dan Hamm responded that the building's maintenance could be conditioned and if the developer sought to change the condition, he would need to return to the Board.

Russ Tanzer (100 Ortins Road/Affordable Housing Trust) said he understood the units would be market rate but that an inclusionary requirement needed to be met whether the units were sold or rented.

Martha Driscoll (85 Linden St.) said she understood Town Counsel was already reviewing the Zoning By-law change allowing for two-plus apartments above a business, to determine if the change was done in compliance. Ms. Driscoll was concerned about traffic in the neighborhood and the dangerous corner at Linden St. and Willow St. Ms. Driscoll was also concern with light pollution in a small space and its impact on a residential neighborhood as well as increased noise. Ms. Driscoll had questions regarding the septic and perc testing. Patrick Reffett would send Ms. Driscoll the plan, which included the details she sought. Ms. Driscoll noted the current parking issue when Accord Food Pantry was open and wondered where visitors would park.

Patrick Reffett said the traffic safety officer (Matt Donovan) had commented that he did not feel the project was large enough to create a traffic issue but the Police Department was concerned about parking. Dan Hamm reiterated that parking met the By-law. Mr. Hamm suggested that a trip study be conducted by a third party. Jill Mann said the applicant did not have an issue with a peer review.

Motion made by Richard Boroff that the Hamilton Planning Board require that the petitioner provide a peer review to study traffic control problems and give a report.

Peter Clark seconded

Vote: Unanimous in favor.

Jill Mann defined the scope of the report to include stormwater confirmation and also a traffic impact report. Ms. Mann noted that parking on the street in the neighborhood was allowed. Julia Maycock wondered if the Town would do a parking study and was directed to request the study from the Selectmen. Tony Paseretti (Linden St.) asked about the fire truck turn around and Ms. Mann responded that it was not their intent to increase the impervious surface and that they would speak with the Fire Chief. Ms. Mann would have an answer by the next meeting.

Guy Demayo (45 Willow St.) asked how the Town would restrict how many people lived in a unit, even though the proposal met Zoning requirements. Mr. Demayo was concerned that more than 18 people would be living on the site with their own cars. Jill Mann said overflow parking could be accommodated in the commercial parking of eight spaces and that the application met the By-law.

Motion made by Peter Clark to continue the public hearing until November 19 at 7:00 pm

Bill Wheaton seconded.

Vote: Unanimous in favor.

### **Master Planning – Review Presentation.**

Brian Stein returned as Chairman. Patrick Reffett asked members to provide comments to the Master Plan document to complete the process. Rick Mitchell wanted the Housing Production Plan recommendations to be integrated into the Housing Master Plan as specific recommendations regarding Zoning By-laws were missing. The biggest concern Mr. Reffett had was that both documents made recommendations on sites for the creation of units but didn't make qualitative recommendations regarding immediately workable sites versus a complex site that would require both towns' and schools' approval. Bill Wheaton recalled that the sites were based on public input at the public forums. Peter Clark said the sites were added without consideration as to whether they were feasible from an engineering or economic point of view. Rick Mitchell said the sites should be qualified to indicate that they would require a substantial future political and zoning related changes to accomplish. Steps to accomplishment should be included. Brian Stein suggested placing asterisks about certain sites to refer to their hurdles.

Patrick Reffett explained that Department of Housing and Community Development (DHCD) required the Selectmen or City Council and the Planning Board support the Housing Production Plan before it went to the Secretary of Housing for review. The document overlapped with the Master Plan and the requirements the State regarding to 40B. The document's expectations outlined where the Town was in regard to affordable housing units, how much more was required, and how many per year would be constructed. The Planning Board and Selectmen

would vote to approve the document on November 18 2019 within a joint public hearing. Mr. Reffett said he did not know how many copies of the Master Plan would be printed but \$600 was allotted for the job. Rick Mitchell hoped copies would be given to the Selectmen and Affordable Housing Trust as well as be posted on the website as it was clear people were making comments that were not supported by documentation.

**Board Business.**

Minutes of September 24, October 1, and October 15, 2019.

Motion made by Rick Mitchell to approve the minutes of September 24, 2019

Seconded by Richard Boroff.

Vote: Unanimous in favor with Brian Stein abstaining due to absence.

Motion made by Rick Mitchell to approve the minutes of October 1, 2019

Seconded by Richard Boroff

Vote: Unanimous in favor.

Motion made by Rick Mitchell to approve the minutes of October 15, 2019

Seconded by Richard Boroff

Vote: Unanimous in favor.

Committee reports

Peter Clark discussed the work of the Town Manager’s committee regarding the PILOT program including the possibility that the Town could lease empty apartments for affordable units at Gordon Conwell. Reportedly DHCD was enthusiastic about the opportunity. Rick Mitchell suggested thinking about the campus as a long term opportunity due to decreased enrollments. Richard Boroff noted the potential for open space and recreation while Dan Hamm focused on the revenue aspect. Bill Wheaton suggested commercial development be considered.

Future agenda items.

**Adjournment.**

Motion made by Rick Mitchell to adjourn at 9:16

Seconded Dan Hamm.

Vote: Unanimous in favor.

Prepared by:

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Marcie Ricker

Attest

Date