

HAMILTON PLANNING BOARD
MINUTES OF MEETING
December 3, 2019

Members Present: Richard Boroff, Peter Clark, Dan Hamm, Rick Mitchell, Brian Stein, (Chair), Laura Walsh, 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 7:00 with a quorum established.

Approval Not Required (ANR). 6 Bridge St. Christopher and Jennifer Woodin. Reconfiguration of lot lines to form two lots in compliance with ZBA Decision, dated November 12, 2019.

Jim Kroesser presented the application for 6 Bridge St. (Woodin) and 557 Bay Road (Doug and Carolyn Trees). The proposal would correct an old survey error as Trees' house encroached over the lot line. A 380 sf strip of land would be conveyed to the Trees. As both lots were undersized, the applicant had to go to the ZBA. The 20 day appeal period had lapsed. The decision would be recorded the following day. Patrick Reffett stated both lots had access, allowing them to be approved. Mr. Reffett noted there was no block on the plans for Board members to sign. Mr. Kroesser said if the Registry of Deeds would not accept the plan as signed, the surveyor would produce another plan for signing. Once recorded, an electronic copy would be sent.

Motion made by Brian Stein to approve the ANR for 6 Bridge St. (Woodin and Trees properties) as presented.

Rick Mitchell seconded.

Vote: Unanimous in favor.

Continued 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.

Rick Mitchell and Brian Stein recused themselves as they were members of the HDC. Dan Hamm would be acting chair for the project. Jill Mann, Thad Siemasko, Charlie Wear, and April Ferraro were present.

Jill Mann stated the peer review requested by the Board had occurred. The Fire Department had also commented. The engineer had conducted a turning radius and incorporated accommodations on site. Other questions asked in the previous meeting were in regard to the status of Mac's Shoe Repair building, traffic, parking, and stormwater management. Ms. Mann said all matters had been addressed.

Jill Mann said that the 900 sf Mac's Shoe Repair building would be preserved but sold to a third party developer. The petitioner proposed to enter into a preservation agreement with anyone acquiring property. However, the developer could not be told not to tear the building down if necessary. The vintage building might have potential issues. If the building were torn down, a demolition permit and a building permit would need to be requested. The Planning Board would be alerted to the change through the Site Plan Approval process and could specify that landscaping would need to be installed to create a visual barrier. Neighbors would be notified through the Site Plan Approval process. Once neighbors were alerted, they would have the right to acquire the property to preserve the building, according to Ms. Mann. The restriction would be private between the buyer and seller.

The Police Chief was reportedly concerned with parking downtown but according to Jill Mann, the proposal met the parking requirements with eight spaces dedicated for commercial parking. The commercial parking could be used for overnight and weekend parking when not used for the commercial use.

The traffic report indicated that all infrastructure was designed to standards and the turnaround had been redesigned for emergency vehicles. Landscaping had been added for a visual buffer. Driveway access to the street had a good stopping distance with no visual impediments. A view of Willow St. from both directions was shown. No sidewalk was in front of the Mac's Shoe Repair building. People parked in front of the building often where a sidewalk would be. The traffic consultant suggested prohibiting parking within 25' of the driveway, which may cause more of a burden on local residents. The Selectmen would be the deciding Board (on parking placement). Site triangles were improved by redesigning the landscape to include groundcovers rather than shrubs at the entrance.

The peer review report indicated that the Stormwater Management system was properly designed to handle the water. Discussion ensued regarding the need for a fence around the basin. Jill Mann said 3' of water might be detained for up to one day before being infiltrated into the ground. Ms. Mann said the petitioner would construct a split rail fence around the basin if the Board requested one. Circulation from the site to Bay Road was no longer included so the fence would not become an impediment.

A stop bar and stop sign were added to the design at the exit location. A new hydrant was proposed. An erosion control sock was added to the design. The drainage system will be inspected four times a year, which was already part of the Operation and Maintenance Plan. Title 5 and wetlands setbacks would be respected. A drawing of the 2.5' x 4' sign was presented. Jill Mann added that the one or two businesses on site would also have wall signs. Ms. Mann indicated where the stockade fence, which would be enhanced by plantings would be located. Giant arborvitae would be planted by the turnaround and evergreens would be planted in the disturbance area. A line of arborvitae would be planted between the catch basin and the Black Cow.

Liz Oltman, P.E. (peer reviewer from The Engineering Collaborative) was present. Ms. Oltman indicated that the trip generation counts were compared to locations across the country and considered both residential apartment and small business land uses. Ms. Oltman said being downtown, it was expected that people would walk to the train, shops, and restaurants. Ms. Oltman said there would be an expectation of 134 daily trips. Peak parking for the residential use would be 6:00 pm to 7:00 pm and 2:00 pm for office use, which Ms. Oltman found compatible for parking overlap. Regulations included calculating site distances from 14' back from the travel way, but once a car pulled forward enough, the site distance allowed for a safe turn. There was also enough safe distance for a car traveling down Willow St. to stop if someone were to pull out. Ms. Oltman recommended removing parking near the entrance. After the comments about the turnaround and infiltration clean outs had been addressed, Ms. Oltman did not see any outstanding issues. Ms. Oltman noted the sign location to ensure no conflicts.

Elaine Swenson (6 Linden St.) recalled the Police Chief's presentation when he offered his concern about needed parking in the downtown area. The Police Chief reportedly wanted the HDC to fund a traffic and parking study because one had not been done since 1980. Jeff Hubbard would alert the Planning Board and HDC regarding the discussion.

Martha Driscoll (85 Linden St.) was concerned with the legality of the By-law's approval process and asked the Board to wait until Town Counsel had opined on the subject and the issue was resolved. Ms. Driscoll also recalled the Police Chief hoping a traffic study would be funded from the project but was concerned that would be putting the cart before the horse. Ms. Driscoll suggested doing a study now to ensure commercial businesses would not be disturbed. Ms. Driscoll said the HDC was creating a residential program while the Overlay was to increase the commercial growth without increasing residential taxes. Ms. Driscoll said 18 units over a small commercial space did not meet the requirement. Ms. Driscoll recalled working with the HDC, Harborlight, and Accord when a two story building was being proposed.

Martha Driscoll was concerned with trees, fencing, and the retaining pond. The retaining pond would collect 3' of water for a day allowing for mosquitoes and EEE to be an issue. Ms. Driscoll mentioned the hydrant location. Ms. Driscoll reiterated the need to postpone approval until the meeting with Town Counsel, the FinCom, the Selectmen, HDC, and abutters had been held.

Julia Maycock (Willow St.) requested that a parking ban be placed on both sides of the street. Ms. Maycock requested that abutters be given a copy of the peer review report. Ms. Maycock also requested that the approval be held until the meeting with Town Counsel. Ms. Maycock requested that lighting from the proposed sign did not shine upward. Ms. Maycock said the neighbors had been supportive of the affordable housing project, but found this to be a different proposal. Ms. Maycock wanted assurance that the Mac's Shoe Repair building would remain on site to remain a barrier. Ms. Maycock did not understand how 30 spaces would be sufficient for

18 units and noted the traffic already generated by Accord and the dance studio. Ms. Maycock said traffic was already a problem in the neighborhood. HDC Applicant Brian Stein responded that it was part of living in the Business District but Ms. Maycock said it was not like that in 1995 when she purchased the home. Patrick Reffett said the Planning Board could make recommendations to the Selectmen, who formally oversaw traffic and parking in town.

Martha Driscoll said businesses were unaware of the 18 unit proposal and were surprised when alerted to the project. Business owners reportedly would experience an increase of business but also a decrease in parking due to the project. Ms. Driscoll said restricting how many cars per unit could be not done. Rick Mitchell (36 Rock Maple/HDC) said the Police Chief had indicated there had been a parking issue for ten years and thought it would be a good idea for the Town to use Chapter 90 funds for a downtown parking/traffic study. Mr. Mitchell said part of the parking problem was due to employees parking in front of other businesses and that customers wanted to park directly in front of the stores. Mr. Mitchell said it was incumbent on the HDC to help solve the traffic/parking problem but did not hear that the proceeds from the sale would be used for a study. Mr. Mitchell was in favor of having a study done now rather than later as construction on the project would not begin for another year.

Rick Mitchell said Angela Arvanites (HDC) was a new business owner on Railroad Ave. Ms. Arvanites and the owner of the Weathervane knew about the proposal as there was a lot of talk about it among the merchants. Mr. Mitchell said the area was not part of the Willow St. or Commercial Overlay Districts. Mr. Mitchell compared the density of the project to that of the 40 year old Hamilton Housing Authority project on Railroad Ave., which was twice as dense on a one acre lot. The Hamilton Housing project did not have any parking. After hearing that building residential development was not part of the HDC purview at the previous night's meeting, Mr. Mitchell reviewed the HDC's statutory authority to find it specifically called out residential development as one of the goals and authorities, especially when part of a smart growth development in the downtown. The Master Plan also called out the need for market rate rental housing. Mr. Mitchell concluded that the HDC had worked hard to bring the project forward.

Marc Johnson (Patton Drive) said neighbors were concerned with light pollution, which should be considered during construction. Mr. Johnson suggested the Planning Board request a sidewalk and that the Board ensure the units were rentals. Jill Mann responded that the HDC needed the flexibility to not require the units be rentals and a restriction would not be part of the Site Plan Review process. Applicant's Engineer April Ferraro said the Mac's building was too close to the right of way to allow for a sidewalk. Mr. Johnson appreciated the need to keep the Mac's Shoe Repair building.

As part of the Inclusionary By-law, the proposal would have two affordable units. Ms. Mann said the concerns had all been addressed and satisfied within the proposal. Ms. Mann's legal opinion was that the By-law was passed properly and had the Attorney General's approval. Ms.

Mann would submit the revised plans the following day, which along with the peer review report would be posted by Patrick Reffett on the Planning Board website.

Carl Swenson (6 Linden St.) recalled the charrettes when citizens discussed having buildings not more than two stories tall. Charrette groups all wanted a village feel and what was being proposed was a city feel, according to Mr. Swenson. Mr. Swenson was highly concerned the proposal did not fit the Town of Hamilton and compared it to the large structure at the northern end of Willow St. and the tall, skinny building on Railroad Ave. Mr. Swenson said he had talked with the community and not heard a single person pleased with the aesthetics as it did not meet the feel of Hamilton. Mr. Swenson requested a decision be held until further vetting by the community had been done. Richard Boroff responded that the height met the Zoning By-law and that the building would not be seen from Railroad Ave. The landscaping would also buffer views and would not affect the village feel. Mr. Swenson recalled that Brian Stein had introduced the concept of a three story building at the Charrette and citizens were appalled. Dan Hamm reiterated that the proposal met the requirements of the By-law. Rick Mitchell added that the new By-law had nothing to do with height.

Motion made by Peter Clark to continue the hearing until December 17, 2019.

William Wheaton seconded.

Rick Mitchell asked the Board to consider or draft the conditions that might be applied. Patrick Reffett noted there were many items pointed out in the review that should be a part of the conditions such as down lighting for the sign. Board members would prepare potential conditions.

Vote: Unanimous in favor.

Amendment to an existing special permit at 354 Highland St. Request to modify the bond release and suggest alternative security approach from existing decision.

Jill Mann and Larry Smith were present to request an amendment to the special permit. When originally permitted, a tripartite agreement for traditional financing had been accepted. Mr. Smith preferred to pledge a unit to provide security. The Board required a developer to complete all infrastructure before a unit could be sold. Mr. Smith would be giving a performance mortgage to complete what was identified in the submitted spreadsheet. Mr. Smith would be granting a mortgage on one of the completed units, which would be four times the mortgage value (\$140,000).

Patrick Reffett referred to the booklet that had the legal instruments including the decision being referred to. The first step would be to amend the decision and deem it to be a minor modification because of the substitution of collateral. The next step would be to review the bond set forth with the items to be completed via the infrastructure as well as the cost to complete the work. A list of invoices was provided to support the amounts being considered. After approving the bond, the Board would accept the performance mortgage as security and authorize Jill Mann to record it on their behalf. Once recorded, the Board would release all the units that could be built

and sold. If the unit was sold, the money would be given to the Town. The mortgage would be held for a couple of years. The septic system was already installed. It was noted that a private riding ring was constructed close to the development on an adjacent property. Ms. Mann presented a draft decision. The condominium association would be formed on January 7, 2020. Patrick Reffett had no issues with the proposal. Rick Mitchell stated that Jill Mann was also the attorney for the HDC.

Motion made by Dan Hamm to approve the amendment to the original decision as a minor modification.

Will Wheaton seconded.

Vote: Unanimous in favor.

Motion made by Rick Mitchell to approve the performance mortgage as a reasonable and acceptable form of security in lieu of the tripartite agreement that is sufficient to ensure that all improvements will be completed in substantial conformity to the site plans approved to the decision in compliance with all conditions set forth in the decision.

Dan Hamm seconded.

Vote: Unanimous in favor.

Motion made by Rick Mitchell to approve and accept the bond estimate provided by the petitioner in the amount of \$141,360 as being an amount that is sufficient to complete all outstanding roadway and infrastructure improvements in accordance with the approved site plans and to ensure compliance with all conditions set forth in the decision provided the petitioner shall continue to be bound by all conditions set forth in said decision including but not limited to the delivery of payments in consideration of the affordable component that requires delivery of payments to the Town.

Seconded by Dan Hamm.

Vote: Unanimous in favor.

Motion made by William Wheaton to sign and release the covenant and have the Director of Planning and Inspections, Patrick Reffett hold the signed release in escrow pending his receipt of evidence that the performance mortgage and this amended decision have been properly filed with the Registry of Deeds.

Seconded by Dan Hamm.

Vote: Unanimous in favor.

Jill Mann said Mr. Smith received a request to buy additional units (one single family and one triplex). The foundations for building six and building four needed to be excavated before the weather worsened for the winter. Jill Mann said the applicant needed the Board to sign a partial release.

Motion made by Richard Boroff that the Planning Board approve a partial release to building foundations for buildings seven and four.

Seconded by Dan Hamm.

Vote: Unanimous in favor.

Review of Open Space and Farmland Preservation Development (OSFPD) By-law.

Board Business.

William Wheaton said he would propose a By-law change (line 7 of permitted uses) that was pertinent to Willow St. The By-law change was in regard to two or more units on top of a commercial use. Mr. Wheaton said that with the exception of height restrictions, there were no limits in terms of use. A planner for the Boston Redevelopment Authority (BRA) reportedly said it was a sloppy piece of drafting and had a serious oversight in that it didn't limit the square footage of residential use that could be added in conjunction with commercial use. According to Mr. Wheaton, the current proposal had eight times as much residential as commercial square footage. Mr. Wheaton said the original intent was for mixed use development. Mr. Wheaton would draft a By-law change limiting how much residential area could be added on top of commercial area. The proposed change would be based on floor area ratio (FAR). Brian Stein said limits were set by septic limitations and land needed for parking. Mr. Wheaton said he wanted to see use regulated as well. Mr. Wheaton would review the Willow St. Overlay District, which had a FAR of .75.

Patrick Reffett would investigate Wenham's plans for the Haley property at the Hamilton Wenham town lines.

Minutes of November 19, 2019.

Motion made by Dan Hamm to approve the minutes of November 19, 2019.

Seconded by Rick Mitchell.

Vote: Unanimous in favor.

Patrick Reffett announced the public discussion regarding municipal vulnerability, which was a review of how climate change could affect Hamilton.

Adjournment.

Motion made by Dan Hamm to adjourn at 8:57 pm

Seconded Richard Boroff.

Vote: Unanimous in favor.

Prepared by:

Marcie Ricker

Attest
Date