

HAMILTON DEVELOPMENT CORPORATION

MINUTES OF MEETING

Memorial Room, Hamilton Town Hall, 577 Bay Road

December 4, 2019

HDC Members Present: Rick Mitchell (President), Bill Gisness, Anthony Nickas, Brian Stein, and Tom Goodwin

Associate Members Present: Chad Smith, Angela Arvanites

Rick Mitchell opened the Hamilton Development Corporation (HDC) meeting at 7:30 a.m.

**Warrant for Bills**

Because the last meeting was cancelled and bills were due prior to this morning's meeting, Warrant HDC-2010 in the amount of \$4,310.75 (which included mortgage payment, HDC staff work, utilities, and reimbursement for light fixtures at 63 Willow Street) had already been approved and processed.

**Approve Minutes—Nov. 13, 2019**

Tom Goodwin made a motion to approve the Nov. 13 meeting minutes. Bill Gisness seconded the motion The HDC voted unanimously (5-0) to approve the minutes.

Angela Arvanites arrived at 7:34 a.m.

**59/63 Willow Street**

Mr. Mitchell reported the commercial space at 63 Willow Street has been rented for a yoga studio with the lease starting Dec. 15. The tenant signed a six-month lease and will be a tenant at will after that. Wiring and code issues were addressed.

**Preservation of Mac's Storefront Agreement**

Mr. Mitchell explained that Julia Maycock, 62 Willow St., had asked for an agreement regarding the retention of Mac's that Attorney Jill Mann had drawn up. Two Willow Street neighbors were present: Ms. Maycock and Anthony Passaretti, 85 Linden St. Attorney Jill Mann had not yet arrived.

### **New/Old Business**

While waiting for Ms. Mann, Mr. Mitchell reported on the recent BOS meeting in which some abutters to the Willow Street project talked about their parking and traffic concerns. Police Chief Russell Stevens said parking and traffic have been a problem since he's worked for the Town. It was decided that the Chief and Town will work on a Master Plan for the traffic and parking downtown. Mr. Mitchell suggested the HDC consider sponsoring all or part of it. He doesn't know what it will cost. The last time a plan like this was created was in 1980. Mr. Goodwin asked if there were any conclusions or if it were a blank slate. Mr. Mitchell said they would like to create a baseline; he doesn't think there are any preconceived notions. He said depending on who you talk with in Town you get a different response regarding what the problems are.

Ms. Mann arrived.

Mr. Gisness inquired about parking enforcement because commuters are parking on the street rather than in the commuter lot. Mr. Goodwin asked if the Police Dept. could deputize someone other than the police to write tickets. Brian Stein said he thinks the rules are generally enforced more after there are some complaints. Mr. Mitchell asked if the HDC would favor sponsoring the master plan to look at parking and traffic. Anthony Nickas said he was in favor of contributing but not sure about covering the whole thing. Chapter 90 funds are also likely available. Mr. Nickas said he will look at the budget. Mr. Mitchell said he will work with Chief Stevens to see what's involved.

### **Preservation of Mac's Storefront Agreement (Continued)**

Ms. Mann outlined the terms of the Agreement to Limited Restriction, which would be legally enforceable and work somewhat like a demolition delay bylaw. While the HDC can't force a new owner to preserve the storefront if the owner thinks there's a better alternative, the agreement would spell out that the Town feels the building is visually important and would place restrictions on the HDC's successors to raze 63 Willow Street. The abutters would become beneficiaries, and if an owner should come to the Town in the future for a permit to demolish 63 Willow without a corresponding building permit application to construct a replacement structure, the owner shall provide all of the beneficiaries with written notice that includes the landscaping plan. If the beneficiaries don't like the plan, they may agree to pay the purchase price for 63 Willow, which shall be 110% of the current fiscal year's Appraised Value used by the Assessor for the Town. Ms. Maycock asked the current value. Ms. Mann said it is on the website. Mr. Stein said it is about \$130K.

Following some questions from Ms. Maycock (who is an attorney), Ms. Mann explained she identified as beneficiaries those who had a direct line of site to the Mac's building. However, others in the area may also affiliate to create a group to acquire the property.

Ms. Maycock clarified that the covenant (agreement) runs with the land and will be assigned to the new owner if the land is sold. She said she appreciated Ms. Mann's response but wondered why preserving Mac's couldn't just be a contingency of the sale that if you raze the Mac's structure you must replace it with something that retains the character and provides the buffer. Ms. Mann responded there are many reasons why that wouldn't be economically feasible and they can't impose that on an owner. The HDC discussed screening, such as bringing in large trees.

Ms. Maycock asked the HDC if they had a developer interested in the project. They said no. Ms. Mann said developers will come in to bid on the project but there's more work to do first. In response to a question on timeline, Ms. Mann said if the project is approved in January, it will then go 90 days until April and then 90 days for construction. They could get the foundation in in October with an experienced developer.

Mr. Passaretti said he thought he recalled that someone on the HDC knew a developer who was interested in the project if the permitting was done ahead of time. Mr. Stein said they'd heard from some people that having the permitting in place would make it more attractive; it will go out to an RFP [request for proposal]. The two properties (59 and 63 Willow) will share septic and #63 will need to be a condo.

Regarding Ms. Maycock's question about preserving Mac's, Mr. Goodwin asked her to draft something. However, Mr. Stein noted you can't impinge on an owner by telling them what to do with their property.

Mr. Mitchell clarified with Ms. Mann that she had circulated the agreement to the abutters. Ms. Maycock said they'll need time to digest it. Mr. Passaretti said there is one neighbor who hasn't yet been notified; Ms. Mann will get a copy to him.

Mr. Mitchell said another development in the project is that four parking spaces were added to the project utilizing an area where they had talked about having grills. There was a discussion on how parking should be handled. Ms. Mann clarified the fence height is being changed from six to eight.

Mr. Passaretti said he wanted to see a copy of the mixed-use bylaw before it had been revised. Mr. Mitchell said David Wanger, Finance and Advisory Committee Chair, was going to be organizing a meeting to discuss it. It is also being reviewed by Town Counsel.

Mr. Stein explained some history about the mixed-use bylaw allowing one or more residential units above a commercial space done in 2015. The issue wasn't about commercial use, he said, as that had been allowed for years—one residential unit above a commercial unit was allowed. The Planning Board had a person come to them and say he had room for another unit but couldn't do it and wanted to know why it wasn't allowed. That is why they discussed multi-units, but realized the language wasn't quite right. So in the summer of 2016 before fall town meeting, they clarified the language when the Planning Board was doing the bylaw rewrite. The whole Planning Board voted it as a minor change, not a substantive change. The final language wasn't crafted until it was in the errata sheet. It was talked about at Town Meeting that it addressed multi-family and there was an article in *The Chronicle* at the time. Rather than removing the bylaw, it was suggested that Rosemary Kennedy come back with modified language, but she never did. Now years later she is saying the process was faulty.

Ms. Maycock asked Mr. Stein if the Planning Board was open to modifying the bylaw now. He said he can't speak for the Planning Board, but said that there are other mechanisms that restrict from having multi units, such as storm water, septic, etc. Most properties on Railroad Ave are already built out and can't expand. Ms. Maycock said many of the Willow Street neighbors had in the past supported a two-story building for seniors.

### **New/Old Business (Continued)**

The HDC discussed the third-party review (peer review) that had been requested by the Planning Board and was done. The review validated all the engineering and made minor recommendations for a fence around the storm water runoff, and for the removal of bushes at the front of the driveway to the residential property. Ms. Mann said she will be meeting again in two weeks before the Planning Board. She will include the conditions in the tech reports and send them out.

Mr. Passaretti said he is concerned about the water retention area and thinks it will always be wet. Mr. Stein argued that it won't, that it is a dry basin and will have better soil that will drain better. It is built for a 100-year storm.

Ms. Arvenites left the meeting.

### **Downtown Improvements**

Mary Alice Cookson reported on the downtown holiday event. She said it went well and was well-attended especially in the late-afternoon, early evening hours. The shop owners seemed pleased with the crowd.

**Adjournment**

Mr. Goodwin made a motion to adjourn the meeting at 8:15 a.m. Mr. Stein seconded the motion. The HDC voted unanimously (5-0) to adjourn.

Prepared by:

*Mary Alice Cookson*

12-18-19

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Mary Alice Cookson

Date

