

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
January 7, 2020

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

This meeting was called to order in the Memorial Room, Hamilton Town Hall, 577 Bay Road at 7:01 with a quorum established.

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

Patrick Reffett recalled the Master Plan and Housing Production Plan consultant had advised the Board formally to revise the By-laws in terms of simplifying them and providing a development incentive to diversify the housing stock. He stated member Rick Mitchell and he both made changes to the bylaw text, which had been distributed to members. A developer (Tom Ford) was invited to attend the January 21, 2020 meeting to offer his suggestions and observations. The document had been reduced by about 50% in the discussion document but questions such as how much parking or density needed to be addressed by the full board.

Brian Stein hoped the Board would discuss what would be accomplished with the By-law. Mr. Stein wanted to find a way to make the By-law, which would provide cluster or cottage housing, more flexible. Mr. Stein asked what sized parcels would be appropriate for consideration under the By-law.

Peter Clark said there were only a few agricultural use properties that could be rescued from development, referring to the 17 Great Estate parcels, the Meadowbrook site, Gordon Conwell, and the Winthrop family parcels. Mr. Clark added that a developer would be hard put to get density and value. Mr. Clark thought the Great Estate parcels should be treated differently than the OSFPD properties. Patrick Reffett agreed with Mr. Clark that the By-law was inappropriate for the Business District or property near downtown. Rick Mitchell said the focus should be on creating housing diversity and removing the ten acre requirement might be appropriate. A five acre lot could currently be subdivided into five homes (in some districts) or could apply under the By-law to allow for ten homes and 2.5 acres of preserved open space. According to Mr. Mitchell, the example would also allow for housing diversity compared to single family homes, which would not pay enough taxes to pay for the potential of two children in the school system.

Peter Clark referred to the Pirie parcel where two clusters were previously proposed but did not come to fruition. Mr. Clark added that now there were additional estates with the Town gaining nothing. Marc Johnson (Patton Dr.) recalled that the Pirie property proposed two 16 and 22 unit clusters of cottage housing with parking and common storage areas. Of the 82 acres, 60 acres

would be preserved. There would have been six or seven acres of recreation fields for Town use within walking distance of the high school.

William Wheaton attributed the value of open space to its scale noting that two or three small parcels that did not have connections were of little value. Mr. Wheaton suggested having the minimum size be ten acres. Mr. Wheaton disagreed that the five estate development at the Pirie property was of little value as it contributed \$15M to the Town tax base with no students. Brian Stein countered that no open space had been given to the Town but the development could not be seen from Bay Road, which contradicted Mr. Wheaton's point that even small areas of open space were not valuable. Mr. Stein said gaining three, four, or five acres for visual benefits was as valuable as large parcels of open space, which were already plentiful in town. Marc Johnson said smaller parcels also offered connectivity for neighborhood connections.

Marc Johnson noted that the Pirie property proposal included senior housing within half of the project proposed cottages. Mr. Johnson added that the twelve condos at Patton Ridge contributed \$155,000 in tax revenue and if there was \$15M spread out over five acres, the revenue would have been \$255,000 based on the \$17.00 tax rate. While the denser, small cottage units would not have the same value as the units at Patton Ridge, the units would be self-selecting with two bedrooms and small lots, which typically did not attract large families. It was noted that a trail managed by Essex County Trail Association was blocked by a Pirie property resident, breaking a trail loop.

Brian Stein reiterated that the purpose was to create flexibility. Mr. Stein recalled that Tom Ford wanted to include senior, non-senior, cottage, and cluster housing at the Esdaile estate but the Zoning By-law did not allow for multiple (age and housing types) residential uses.

Rick Mitchell suggested developing four or five key elements to accomplish in terms of goals, then develop specific ideas on how to reach each goal. Richard Boroff said there were already six good goals. Mr. Stein said the By-law should allow for different types of housing without indicating cottage or senior developments. Mr. Mitchell added there was no point in carrying the phrase "senior housing" specifically since the Senior Housing By-law provided for that housing type.

William Wheaton said the fifth purpose statement for OSFPD (re negative fiscal impact on the Town associated with convention residential development) should be questioned as the Town ran on the revenue from housing that averaged \$500,000 while providing for .4 children in the school. Rick Mitchell responded that a home with two children in the school cost the Town \$8,000 per child with \$17,000 in revenue without paying for the costs of fire, police, or Town services. Mr. Mitchell said many large expenses were coming up and the Town was two years away from needing an over-ride with the only source of revenue being residential use. According to Mr. Mitchell, the Town was now experiencing the construction of \$900,000 to \$1.1M housing, which were revenue neutral or slightly negative while consuming land and

chopping up neighborhoods. Mr. Wheaton suggested a study of all the new houses sold in the last five years and compare the data with how many children were in the schools from the new houses. After the study, it would be easy to determine the fiscal drain or surplus. A review of denser developments such as the Junction would illustrate if only a few anticipated students or if more students were living on site. Only research would answer the question.

Brian Stein said the Town should not consider building for just one segment of the populations including homes of \$900,000 and up. Mr. Stein wanted to encourage economic and housing diversity in the town and noted the Junction offered housing to a diverse population. William Wheaton said the senior housing that had been constructed had attracted seniors from Boston rather than providing housing for local residents. Rick Mitchell said the price point was the cause. Mr. Stein, Mr. Mitchell, and Marc Johnson agreed that density was the answer to keeping the price down. Mr. Johnson added that cluster developments cost the Town less in that they included smaller, narrower roads, fewer impervious surfaces, and better stormwater mitigation, all of which would cost the Town less in the long term. Only 40% of households in Hamilton had children with an average residential tenure of 13 to 15 years, according to Mr. Johnson. Mr. Johnson said having young families with children added vitality to the town. Mr. Johnson thought having a five acre parcel in an existing neighborhood might cause an issue if it were eligible for the OSFPD By-law.

Marc Johnson said there was not enough economic incentive for the cluster development at the Esdaile property. William Wheaton said the purchase was rejected because of the \$5M price and that typically the land value should be 10 to 15% of the development cost.

Brian Stein offered to delete number five in the Purpose section and stop the text after "Housing Choices." Rick Mitchell wanted to maintain number 6 as an option to landowners who wanted to continue their stewardship of the land. Laura Walsh thought the goals were appropriate but said it would be interesting to see the data from a study (houses sold, revenue produced, size of parcels, costs of the properties, and number of children), which might cause the Board to think creatively. Patrick Reffett would try to get available information. Marc Johnson said the Town Clerk was unable to disperse information regarding children but the Assessor would have housing information. William Wheaton suggested contacting the Schools regarding the student information. Data would be merged to determine if larger houses attracted more children.

Peter Clark would bring in a list of properties that were greater than ten acres. Mr. Clark added that very few of the 17 Great Estate properties had been divided. Rick Mitchell said density was the key with 22 bedrooms having been recently approved on a one acre. It was agreed that the density would be inappropriate all over town. Brian Stein said there were seven condos on one acre at the corner of Willow and Asbury Street. William Wheaton responded that residents in the area valued density but were negative to the recently approved increased density proposal. Mr. Mitchell said ten units would not have been economically feasible. Mr. Mitchell said people like density but no one wants it in their neighborhood.

William Wheaton said that even though the Planning Board should not represent the view of specific neighbors, they should respect the residents' general preference for lower or higher density. Brian Stein responded that residents do not attend meetings to offer their preferences. Mr. Wheaton recalled that there was little support for cottage housing. Marc Johnson responded that there was theoretical support in the 600 respondent survey offered by Shawn Farrell. Mr. Wheaton said he believed support was in the middle but at Town Meeting, the vote was 5:1 against cottage housing.

Members discussed that a base density with bonuses should be included in the By-law. The Board would define what cottage meant and allow it for additional density as a reward rather than offering the density outright. William Wheaton said the process should include identifying ten acre parcels. Colors could be used on a map to indicate parcels of specific acreage within a specific district. Zoning could then be tailored to meet objectives based on which sites would work in specific areas. Rick Mitchell suggested using a theoretical property and applying various criteria to determine the result. Brian Stein thought it would be beneficial to do one property in each district. The ten acre limit would not be considered until the properties were analyzed. Stress on streams and wetlands and determining if a parcel was developable would be considered. Marc Johnson added that defining invisibility was important as the Maples and Boulders in Wenham had negligible visual or traffic impacts. Smaller properties could be considered but could be disqualified due to impact on neighborhood visibility if it were an issue. Brian Stein noted that some cottage neighborhoods were quite visible, which was not important if they were well designed. Mr. Stein added that if a farm was being developed having a building appear to be a barn would be beneficial.

Patrick Reffett would work to obtain available information from the Schools. Peter Clark would identify properties. Models of cluster housing would be located. Mr. Reffett said Marc Bobrowski had written a flexible zoning By-law which Wenham and other community adopted and that he had proposed for Hamilton. The same By-law had been pushed back to be part of the second phase of the Hamilton's By-law changes. The Great Estate By-law would be held for later review to allow the Board to better focus on the details of the OSFPD. Marc Johnson said the Town should no longer accept land as open space as maintenance provisions are not available from the Town.

#### **Reviewing the Attorney General Opinion regarding the Hamilton Zoning By-law,**

Patrick Reffett said the 59 to 63 Willow St. proposal was contested due to the zoning approval process. The Attorney General had approved the Zoning By-law changes on April 11, 2017. Mr. Reffett read the Attorney General's letter to Sharon George (Town Clerk) dated, December 23, 2019. One minor clause regarding access to the ZBA hearings had been questioned by the Attorney General, which had nothing to do with the Zoning By-law changes or the Business District. An inquiry regarding the errata sheet was determined to be acceptable as all changes were incorporated in the Zoning By-law document. Mr. Reffett referred to the thorough

requirements of Form 7, which was required by the Attorney General for all Zoning By-law changes by all communities.

**Board Business.**

Annual Report 2019

Brian Stein asked the Board to wait until the next meeting to allow time for a more thorough review. Laura Walsh noted that Chris Shepherd was still listed as an associate member but Patrick Reffett said the Board had not yet received official notification of his resignation.

Minutes of December 17, 2019.

Motion made by Rick Mitchell to approve the minutes of December 17, 2019.

Seconded by William Wheaton.

Vote: Unanimous in favor.

Committee reports

Future agenda items.

Preparation for 2020 ATM.

**Adjournment.**

Motion made by William Wheaton to adjourn at 8:26 pm

Seconded Rick Mitchell.

Vote: Unanimous in favor.

Prepared by:

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Marcie Ricker

Attest

Date