

HAMILTON PLANNING BOARD
MINUTES OF MEETING
January 21, 2020

Members Present: Richard Boroff, Peter Clark, Dan Hamm, 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.

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

Tom Ford (609 Bay Road) and Peter Britton (Highland St.) were present. Patrick Reffett said it was important to look at specific residential By-laws that were not done in Phase I of the Zoning By-law rewrite. Rewriting the OSFPD would be a small part of Phase II.

Tom Ford said he did not believe the current OSFPD By-law had preserved any land in the past as it was difficult to use. Mr. Ford asserted that the opportunity was available to preserve open space through the transfer or purchase of development rights to provide funding for acquiring important open space. Mr. Ford found the preservation of small pockets of open space around a twelve lot subdivision would only provide a benefit to abutters whereas if the developer deposited funds into an account, the money could be partnered with entities such as Greenbelt to acquire land that would be a benefit to everyone. Mr. Ford hoped to preserve vistas and views along Highland St., Bay Road, and Asbury St. A priority list of parcels would need to be prepared. Mr. Ford believed the concept would also change the housing stock at the same time as preserving preferred parcels. Mr. Ford said the Town was talking about affordable housing, but he was more concerned with the mid-range housing in the \$699,000 to \$999,000 range as it provided revenue for the Town. Mr. Ford said Zoning for two acre lots would not yield mid-range housing under the current Zoning By-law.

Rick Mitchell said the key argument was density, which was not great enough of an incentive in the existing OSFPD By-law. Mr. Mitchell said five pages of requirements had already been removed in the proposed By-law to streamline the process. Tom Ford said the land being preserved in the back of a subdivision would be less important than a piece of land on a priority list that had the ability to provide some public significance. Mr. Mitchell wondered about the ability to develop a parcel with various types of housing and density. Mr. Ford said diversity was the issue, which could be resolved by allowing for more density. Mr. Ford referred to downtown neighborhoods with homes on one-half to one-quarter acre lots, which handled the septic requirements. Mr. Ford added that a neighborhood had not been created since he developed Plum Tree Court. Mr. Ford thought three homes per acre would be amenable for homes in the \$699,000 to \$999,000 price range. Mr. Ford said a five acre parcel with 50% set aside with enough of a density bonus would work but the value of the isolated, uncared-for open

space would be low. Mr. Ford said he would rather build eight units on five acres and write a check to buy open space in the right spot.

Tom Ford said he would build townhomes on five acres in a 40,000 sf zone as of right. Mr. Ford thought an appropriate amount to collect per unit would be \$80,000 to \$100,000. The twelve units would provide \$1,200,000 for the purchase of a priority parcel with no open space land retained on site. Brian Stein agreed but noted there may be a connection to other parcels abutting the developed one, in which case the open space would be more valuable. Mr. Ford agreed that the equestrian community network mattered.

Rick Mitchell said density would equal diversity and an increase in tax revenue. Brian Stein said there were not too many five acre parcels downtown and parcels with vistas to the front and woods to the rear should be considered. Discussion ensued regarding how to create a By-law that spoke to the purpose and gave discretion to deny unwanted proposals. Mr. Mitchell recalled that 85% of Hamilton was already preserved. Tom Ford suggested proposing a mechanism to fund the purchase of priority properties by developing a cluster of homes that cost \$699,000. Mr. Stein said Wenham had a similar By-law, the Transfer of Development Rights By-law (TDR). Mr. Ford said it was important to incentivize the By-law to get developers to do it and leave discretion on the other side of the table for developers to innovate. Mr. Ford thought no less than \$75,000 per unit should be the limit set.

Brian Stein referred to the property across the street from Town Hall where Tom Ford had proposed a mix of different kinds of housing (senior, town houses, and singles) but the By-law would not allow for it. Tom Ford said the By-law embodied the Planning Board to be developers rather than planners and that the development community should be allowed to bring innovative ideas to the Board for them to embrace, modify, or deny.

While having development permitted as a special permit was a risk, Tom Ford suggested having developers come in to discuss concept sketches, which would only cost about \$10,000. Brian Stein said the developer could submit a property survey, concept sketches, general layouts, number of units, size of units, and price points. Mr. Ford said the developer would be able to determine if the project was viable. Rick Mitchell added that negotiation could ensue to determine density and whether it fitted on the property. The Planning Board would determine the potential value back from the project. Mr. Mitchell and Mr. Ford agreed that density was a good concept. Negotiation regarding density and funding the open space fund would happen during negotiations with the developer.

Peter Britton said he was forced to think like a developer as he was the family trust representative. The trust oversaw 130 acres, 90 of which were in conservation restriction, which was next to the 148 acre Patton Estate land. The two parcels made a connection all the way to Linebrook Road in Ipswich. The original concept was to determine where members of the trust did not want to see a house. Currently members of the trust were concerned about who was

trained to manage the open space. As an agriculturalist, Mr. Britton wanted to preserve as much farmland as possible.

Peter Britton referred to the 3.9 acre parcel at the edge of Asbury St. The land was previously comprised of trees, which had been felled for a Rowley farmer to hay for his dairy cows. The other half of the parcels was open for growing vegetables. The 3.9 acres were zoned for one acre development. Mr. Britton said one alternative for development of the parcel would be to create a 40 unit building that looked like a small Mt. Washington hotel. The building would be on two acres. The only way to create the concept would be through a 40B development unless the Planning Board could encourage an innovative development process. Mr. Britton did not want to see another McMansion, which he said the Zoning By-law would allow. Mr. Britton added that millennials would not buy McMansions and the Planning Board should find a way to subdivide the large houses in the future.

Peter Britton said when downtown was developed, houses were built on 10,000 sf. Brian Stein added that some houses were on 5,000 sf. Mr. Britton suggested going back and looking at those neighborhoods. Mr. Britton said as a previous Planning Board member, he regretted encouraging two acre zoning, which was originally done to allow for a septic system and a well on one site. It was later determined that personal wells were pumping out of the same aquifer and the solution for straining the Town's water supply was not working.

Peter Britton wanted to do something creative rather than sell the land off as a single parcel. Mr. Britton said one choice would be to do the same as the Patton land as Greenbelt would appreciate having the main trail from Asbury St., which was on his land. Mr. Britton wanted to consider ways in which density would not "gobble up" land by using efficient buildings. Brian Stein said having 30 to 40 units in a well done beautiful building such as a mini-hotel or big barn would be a creative design.

Peter Britton recalled that the CPA had spent \$6M to buy open space and wondered why the same amount had not been spent on housing when they had the vehicle to do so. Brian Stein said there was no place in town that a 40B would not be opposed by the abutters. Mr. Britton said his land had been surveyed and perc tested but he wanted to create a housing contribution that would serve seniors, the workforce, veterans, and/or something for young people who returned to the community. Mr. Britton said 40R zoning allowed for the creation of districts that the community would be ready to look at. Mr. Britton said the town was vulnerable due to the lack of diversity and was curious how a local preference lottery would turn out.

Tom Ford said if a multi-home development was allowed on a one-fourth acre lot, a shared septic would be needed. Mr. Ford said some people in town had already prioritized and categorized open space parcels, which should be purchased when available. Mr. Britton wanted to ensure that the clustered housing was not confused with affordable housing as people did not want to trade density for affordable housing.

Brian Stein was concerned about the By-law passage at Town Meeting if the By-law was so open and the discretion was left up to the Planning Board. Mr. Stein wondered how much faith the town would put in their hands. Mr. Stein recalled that By-laws had passed because very little wiggle room had been crafted into the By-law. William Wheaton suggested tabling the By-law for Spring Town Meeting and taking it under advisement instead. Mr. Wheaton wanted to look at TDR in other towns and write something more general that would offer density bonuses in exchange of purchasing of developments rights for high valued open space for the community. Mr. Stein agreed stating a more flexible By-law would allow for more innovation for different parcels based on individual parcels rather than the Planning Board dictating what should be proposed. Wenham's TDR By-law would be reviewed. Patrick Reffett said he had asked Town Counsel for TDR By-laws that she was familiar with that might work for Hamilton. Rick Mitchell suggested contacting MAPC. Mr. Mitchell also agreed that the current By-law rewrite should be tabled.

Rick Mitchell wanted to achieve housing diversity. Laura Walsh said innovation, financially accessible housing (\$699,000 to \$999,000), expanding the tax base, and having contributions to open space were key issues. Past By-laws were prescriptive and restrictive. With a TDR development, money would return to the town but did not necessarily need to go to open space alone. Funds could be diverted to the Schools. The Schools were currently asking for a 13% increase in their budget, which would cause an override. The Capital Committee had tens of millions of capital needs for streets, water systems, and Schools. William Wheaton announced that other states allowed for development impact fees. It was agreed that the fund could have a broad based benefit. Mr. Wheaton asked Patrick Reffett, who said impact fees were allowed in MA, to create a summary regarding the fees. Developers would easily offer money to improve the Town's infrastructure in exchange for density.

Patrick Reffett said 46 respective homes were built in the last five years and he would find out the population in those units. William Wheaton asked Mr. Reffett to benchmark the population of existing homes of the same size against new homes. Mr. Reffett would use census information. Mr. Wheaton wanted to determine how many students were from each house.

Town Meeting would be April 4, 2020 and the Planning Board determined they would not be ready to present a By-law. Members discussed the possibility of a School override passing. Rick Mitchell recalled the Enough is Enough process when the operational audit found \$14M in savings. Mr. Mitchell added that 70% of the population did not have a child in school. The last override was 2008. Wenham had an override last year.

Review of Planning Board 2019 Annual Report

Motion made by Dan Hamm to approve the 2019 Annual Report with minor modifications.

Seconded William Wheaton.

Vote: Unanimous in favor.

Board Business.

Minutes of January 7, 2020.

Motion made by Rick Mitchell to approve the minutes of January 7, 2020.

Seconded by Richard Boroff.

Vote: Unanimous in favor with Dan Hamm abstaining due to absence.

Committee reports

Richard Boroff reported on the Open Space Committee, who were working on goals. The document should be completed soon. Mr. Boroff noted that turf fields were a big item in the plan with the Recreation Commission Chairman reportedly saying it was number one on their agenda. Rick Mitchell responded that the cost was \$9M. Mr. Boroff said that once the draft was accepted by the State, the Town was eligible for grants.

Adjournment.

Motion made by Dan Hamm to adjourn at 8:26 pm.

Seconded Rick Mitchell.

Vote: Unanimous in favor.

Prepared by:

Marcie Ricker

Attest

Date