

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
February 4, 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.

**Bancroft Way. Request to have the Planning Board recommend the road as a Town accepted way.**

Patrick Reffett said he received the request based on the road acceptance policy from Susan Morgan (1 Bancroft Way). The policy indicated that 50% of the funds to design and construct the upgrade of the roadway would be paid by the residents and 50% would be paid by the Town. Mr. Reffett added that the roadway was permitted to be dimensionally less than typically allowed. Mr. Reffett noted that previously the Planning Board had endorsed and voted for a new policy a year prior which would force residents to be responsible for 100% of improvement costs. The Selectmen had not yet approved the new policy, leaving the previous one to prevail.

William Wheaton recalled that he was on the Planning Board at the time of the Bancroft Way approval and said the Board was aware the narrow road did not meet subdivision standards. The road was not to be covered by Town services. Mr. Wheaton said the two original residents and developer at the time of approval agreed with the conditions.

Representative Susan Morgan was present to present the proposal from the owners of the four homes on the cul-de-sac road. While the original two residents no longer lived on the road, the four existing residents were 100% behind the request. Ms. Morgan said there were safety issues regarding the entrance grade to consider. Ms. Morgan said there could be a liability issue if an accident were to occur and that the entrance had become even further depressed due to erosion from water and gravel from Gardner St. and asphalt deterioration due to trucks or plows.

Discussion ensued regarding the missing copies of subdivision plans and as-built plans, which would have illustrated the grades and elevations. A hand written note had been added to the approval letter noting the entrance grade had been constructed at too steep of a grade. The Registry of Deeds only had one recorded page, which did not show elevations. Cost estimates had not been determined as the standard to which it had been constructed had not been determined, according to Susan Morgan. Ms. Morgan stated the residents wanted the Town to take over the maintenance of the road.

Patrick Reffett explained the process, which included having an evaluation of the roadway in its present condition assessed and a determination as to what changes would be necessary to bring the road into compliance completed, which would be based on regulations at the time of construction. Under the current policy the Town would then need to agree to pay for half of the engineering and construction costs. Ms. Reffett noted the last paragraph of the decision that indicated Bancroft Way had been reduced to 40' as it would not be submitted for Town acceptance unless it was resubmitted to the Planning Board to upgrade the road to applicable public way standards at the expense of the homeowners. Susan Morgan responded that the utilities were laid based on the 40' right of way and broadening it to 50' would require the relocation of all existing utilities. Ms. Morgan said residents would request a waiver to that specific clause. Brian Stein said he was more concerned about safety and the durability and depth of the subgrade and asphalt rather than the widening of the right of way and that including curbing and streetlights would not be necessary. Richard Boroff added that side buttresses would be needed to improve the grade at the entrance. Ms. Morgan said Town water had been added since the subdivision was originally constructed and that the Town may want to change the dead end system to a loop connecting to Gardner St. in an effort to improve water quality.

Susan Morgan said the DPW plowed the road sporadically. Trash was brought out to Gardner St. by residents. Rick Mitchell said the Town hoped to change the burden to that of the residents, which was supported by the decision of 1986. Patrick Reffett e-mailed the original engineer to search for copies of the original plans. Once the Board determined if they wanted to deviate from the existing subdivision standards and compared the acceptable product with the as-built plans of what was constructed, a cost could be determined. Mr. Reffett said the DPW said making water service on Bancroft was not a priority for them. Ms. Morgan would speak with the residents to determine how much they were willing to devote to the project. Brian Stein would speak with the Fire Chief regarding access. The cul-de-sac at the end of the roadway served as a drainage basin. It was agreed that no one wanted a 32' wide road. Ms. Morgan said the road was currently 25' to 26' wide. Ms. Morgan said catch basins at the entrance would need to be moved when the grading change at the entrance was completed.

Patrick Reffett would prepare a report after reviewing the project with the DPW Director. The Planning Board would then decide where to go with the findings. The proposal would need to be approved by the DPW Director, the Planning Board, the Selectmen, and Town Meeting. No other roads had been accepted through this process to date. Dick Morgan (1 Bancroft Way) agreed with Richard Boroff, who suggested not approving private roads in the future. Rick Mitchell said it would not matter once the Selectmen adopted the 100% funding by resident policy. Brian Stein responded that Canterbrook and the Patton Estate projects both had private roads, which were different from small subdivisions.

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

Members had reviewed the Wenham Flexible Development By-law, which was recently used at Wenham Pines. The Wenham Planner said developers approved of the By-law. Town officials

thought it was useful as it allowed planners to reflect on the wetlands, site amenities, topography, outcropping, and existing landscape vegetation. The straightforward document focused on density. Brian Stein questioned if the 50% density bonus was enough. Rick Mitchell thought the By-law favored large parcels of land. Fifteen units would be the maximum allowed on ten acres of land. The number could not exceed 50% despite numerous provisions.

Brian Stein said the concept could work if the open space did not need to be provided on site as was similar to a Transfer of Development Rights (TDR) By-law. William Wheaton said contributing to an open space pool was the flexible option compared to finding quality open space land elsewhere at the time of approval. Patrick Reffett said Town Counsel had provided a 40 page TDR By-law. The Board would review the mechanics of the process and set up a fund to hold funds for open space acquisition. Rick Mitchell said Town Meeting would be receptive to projects that generated revenue due to the Town's current fiscal situation.

#### **Review of various By-law texts.**

The Planning Board discussed the Groundwater Protection Overlay District (GPOD) and if 80,000 sf lots should have only one unit on it. Brian Stein stated the limitation for development was set by enforcing a maximum of 15% impervious surface provision. The By-law currently allowed for one unit on an 80,000 sf lot or multiple units as part of a Senior Housing special permit on one 80,000 sf lot if the 15% impervious surface limit was met. The By-law was originally proposed due to houses having a well and septic, which needed separation. Mr. Stein said the By-law was a template from the State with local lot sizes added. Rick Mitchell added that 85% of the town was already protected and only about 7% to 8% remained open for development. Mr. Mitchell referred to the 13% School Budget increase and the need to be careful when restricting housing development. Discussion ensued whether high end housing or density with housing prices ranging in the \$500,000 to \$700,000 range would be financially beneficial to the town.

William Wheaton discussed the Willow St. neighborhood meeting when residents had voiced their concern regarding the density of the approved the Hamilton Development Corporation proposal. Brian Stein thought the issue was the three storied building rather than whether it was commercial or residential. Mr. Wheaton suggested limiting residential units to two above a commercial entity. Mr. Stein said the current By-law did not allow for unlimited residential development, noting that some properties downtown had septic systems that could not be expanded. Mr. Wheaton said neighbors would have been happier with more commercial development and fewer residential units. Mr. Wheaton said the proposal was a significant increase in density compared to what currently was in the neighborhood.

A comparative analysis was discussed regarding Canterbrook. William Wheaton suggested that if seven or eight colonial houses were constructed on site instead of the 23 units, the tax base would have been \$8M. Rick Mitchell responded that Canterbrook's tax base was \$16M with few

costs as the project was for residents over 55 years old. Dan Hamm added that the Town was not responsible for the roads or trash.

Brian Stein suggested that Mr. Wheaton prepare a proposal to change the By-law by using a Floor Area Ratio (FAR). Residential use should not be the primary purpose but Rick Mitchell asserted that there was no other location for commercial use except for downtown. Mr. Stein added that the need for second floor commercial space was low, which was indicated in the 227 Willow St. building being empty. It was debated as to whether the FinCom was in favor of the Willow St. project. The site was appraised at \$900,000. The Hamilton Development Corporation paid \$600,000 and were awaiting responses to the Request for Proposals.

The Planning Board would submit a placeholder Town Meeting article with language that Section 3 would be amended. Brian Stein said he was not be opposed to changing Section 3.1.2. but hoped for a reasonable change. Rick Mitchell wanted an FAR or numeric limit set. Mr. Stein said he had analyzed the FAR for existing buildings downtown to find an average of .56, which included buildings on 5,000 to 3,000 lots with a FAR average of .85 or .75. Mr. Mitchell added that the Willow St. proposal was a Transit Oriented Development (TOD), which encouraged public transportation and would invigorate downtown.

**Re-vote Housing Production Plan (HPP) with recent edits.**

Patrick Reffett said the Hamilton Affordable Housing Trust (HAHT) had made changes to the document, which were consistent with the Planning Board's comments. The consultant made the changes. Changes were in regard to site specific strategies in that sites needed to have a narrative describing their difficulty or develop-ability. Once approved by the Planning Board, the HAHT, the Selectmen, and Town Counsel would approve the document. The document would then be sent to the Department of Housing and Urban Development.

Marnie Crouch (HAHT) said the Trust was concerned that specific proposed projects had been identified, which had not been endorsed by the Town. The projects were examples. According to Ms. Crouch, the Trust wanted to ensure that the Plan was not endorsing sites at this time without details. Ms. Couch suggested adding broader introductory language to solve the issue.

Motion made by Rick Mitchell that the Planning Board adopt and endorse the Housing Production Plan in its current form as presented at the Planning Board meeting of February 4, 2020.

William Wheaton seconded.

Vote: Unanimous in favor.

**Board Business.**

**Minutes of January 21, 2020.**

Motion made by Brian Stein to approve the minutes of January 21, 2020.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Liaison reports.

Peter Clark said he would be the representative to the CPC if he ran for the Planning Board seat again.

Adjournment.

Motion made by Rick Mitchell to adjourn at 8:54 pm.

Seconded Dan Hamm.

Vote: Unanimous in favor.

Prepared by:

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Marcie Ricker

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Attest

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Date