

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
February 18, 2020

Members Present: Richard Boroff, Peter Clark, Rick Mitchell, Brian Stein, (Chair), 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 had distributed a report to Board members and Susan Morgan which he had prepared. The report outlined the eleven items of roadway acceptance procedures. Regarding eligibility, Bancroft Way originally negotiated to be private unless the owners brought the road up to public road standards, according to Mr. Reffett. While the process had been initiated by a letter of interest, the grant of an interest in land had just been provided by the owners. Mr. Reffett asked the Board to discuss the public benefits to accepting the road as this is one of the Board tasks necessary as part of the process. Mr. Reffett asked if the Board would consider keeping the road narrow compared to reconstructing a 32' wide road, which was in accordance with the subdivision regulations of 1972. Mr. Reffett noted the maximum slope was required to be 10% while the existing slope was 13.33%. The plan was later adjusted in December 1986 with approval in January of 1987 to reflect the constructed slope. Mr. Reffett said subdivision regulations state a dead end road would be less than 500' but Bancroft Way was 587'. Drainage improvements and catch basins existed.

Patrick Reffett said the Board needed to discuss the findings with the abutters to determine what waivers needed to be considered for favorable action to occur. The DPW Director needed to review the proposal also. The abutters needed to submit a survey plan paid for by the abutters to the Town Clerk. As per the existing process once the Planning Board and DPW Director approved the street, the Planning Board would submit a Town meeting article requesting the amount of funds to be allocated toward upgrading the road. Once accepted by Town Meeting, abutters would pay 50% of the costs. Mr. Reffett reiterated that the approved plan stated the road was intended to remain private but the abutters have requested that the Town invoke the road acceptance policy.

The Board discussed if the street needed curbing and that the Town was responsible for obtaining a bid for the improvements. Susan Morgan (1 Bancroft Way) said the abutters were looking for the Planning Board to present requirements for the road before determining the cost and then the abutters' ability to pay for their 50%. W.C. Cammett had found the files and would

provide an estimate for the survey. Rick Mitchell said an engineer would determine the way to redesign the slope and resolve the grade issue.

Members of the Board discussed the width of the road, noting that roadways had been accepted at 22' to 24' previously. The Fire Department had been strident about demanding a 24' width. Susan Morgan said the road had been measured to be 24' to 25', which would be indicated in the survey. Curbing would likely impact the drainage design. Rick Mitchell wondered if the grade were changed, would retaining walls be required and would that change the drainage. Brian Stein hoped the slope would be closer to 10%.

Rick Mitchell said the Town would need to decide if they wanted to spend money on the project. Susan Morgan responded that the Town needed to work with the abutters to resolve the safety issue. Patrick Reffett said core samples would need to be obtained to determine what had been built as part of the evaluation process. Ms. Morgan noted that in accordance with the policy, the DPW Director would provide a cost estimate of construction based on what needed to be done.

Patrick Reffett said the Planning Board was involved early in the process to determine the public benefit of undertaking such a project. The criteria for public benefit included if the road was a through way, if it carried regional traffic or neighborhood traffic, or if it connected to public services or pedestrian connectivity. Mr. Reffett said Susan Morgan had hoped the water system could be looped but the DPW Director said he did not have the ability to loop the system without going through private property the entire stretch from the cul-de-sac to Moulton or Gardener St. Mr. Reffett thought there was no public interest in regard to water. Susan Morgan said the system provided stagnant water currently.

Susan Morgan said the abutters wanted the road to be accepted by the Town due to the safety issue at the entrance, which the Town approved in 1986. Ms. Morgan said it would be fair for the Town to resolve the issue. William Wheaton said the Town waived something they should not have. Brian Stein responded that it was noted on the plan that the road would not become public. Mr. Wheaton said the abutters could fix the entrance on their own but Ms. Morgan said the Town should take responsibility. Mr. Wheaton said the Town would have a reason to get involved if it were a through road. Richard Boroff thought it would be simpler if the abutters fixed the situation on their own. Mr. Wheaton said it would be a public benefit if the situation created a hazard in terms of traffic on Gardner St. but there was no evidence of that fact. It appeared to be an inconvenience to the four residents to enter their road.

Steven Moulin (2 Bancroft Way) asked if he had a right to access Gardner St. to repair the situation. William Wheaton responded that the abutters could work with the DPW, which could oversee the right of way as was done with all driveways connecting to public ways. Patrick Reffett said that once a price was determined, the Selectmen would approve it by placing it on the Warrant. Town residents would then need to vote to expend the funds. Richard Boroff noted that a public benefit would be for safety equipment to have easy access to the four homes. Rick

Mitchell suggested abutters go to the Police and Fire Departments to get their involvement and comments regarding safety. Susan Morgan said it was not her purview but the responsibility of the DPW to handle fire and safety. Patrick Reffett said he had e-mailed the Fire Department, Police Department, DPW, and Town Manager regarding the intersection as it related to safety.

William Wheaton said it was the petitioner's responsibility get to get an engineering estimate and Patrick Reffett would speak with the Police and Fire Departments to determine if public benefits were present. Susan Morgan said the Fire Department would be bringing the fire truck to the location the following Friday.

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

#### **Change to Section 3 of the Zoning By-law.**

William Wheaton reviewed the By-law, which allowed one residential unit to be constructed above a commercial use until 2016 when the wording was changed to "two or more units." Small footprints were limited but according to Mr. Wheaton, a large footprint development could build 90% residential space with a token amount of commercial space. Mr. Wheaton's proposal would not change a small establishment but would change a larger development to require a match of commercial space to residential square footage. If a third floor were proposed, the aggregate of the second and third floors would equal the commercial space on the first floor. The intent was to meet the goals of the neighborhood group and FinCom, who wanted to see more commercial rather than residential development downtown.

If William Wheaton's proposal were in place, 59-63 Willow St. would have had more commercial square footage and would have had nine residential units on the second floor. Rick Mitchell said nine units would not have been financially viable. Mr. Wheaton responded that the viability was based on the sale price. Brian Stein noted septic constraints in the district. Mr. Wheaton said the neighborhood group thought his proposal was too generous. Mr. Mitchell wanted to ensure that whatever the change was it had to be economically viable for future developments. Parking and drainage were factors as well.

Patrick Reffett had submitted a placeholder for the article and would set up a public hearing on March 17, 2020.

#### **Flexible Development/TDR By-laws.**

The proposed Flexible Development By-law could replace the OSFPD By-law and would cover the Senior and Affordable Housing By-laws. Brian Stein thought the 50% density might be constraining. Patrick Reffett thought it would be more applicable to the downtown area whereas the OSFPD was appropriate for more rural properties. No minimum lot size was incorporated. A mix of housing types, such as senior, townhouse, or single family units could be used under the By-law. Different density would be allowed for various housing types. Mr. Stein questioned how the buffers and open space percentage would work on smaller properties and thought buffers could be by housing type. Multi-family was limited to no more than four units. The

affordable component could be considered by development type or the Inclusionary Housing By-law could be used.

The complicated TDR By-law was discussed and members would review the economic value of transferring underlying zoning and a credit bank. Brian Stein noted that instead of preserving districts, open spaces would be substituted. The Board would need to define what land needed to be protected, which could be identified by specific criteria such as size. Patrick Reffett did not think residents would be happy with the By-law. William Wheaton thought it was more appropriate out west where large developments were being built in open areas with few current residents.

**Board Business.**

**Liaison reports.**

Richard Boroff updated the Board about the Open Space Plan, which would be reviewed by the Open Space Committee in March or April. MAPC was writing the body of the report. Hearing would begin after it was received.

**Adjournment.**

Motion made by Rick Mitchell to adjourn at 8:34 pm.

Seconded Peter Clark.

Vote: Unanimous in favor.

Prepared by:

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Marcie Ricker

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Attest  
Date