

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
August 20, 2019

Members Present: Richard Boroff, Peter Clark, Janel Curry, Dan Hamm, Rick Mitchell, Brian Stein, (Chair), and Bill Wheaton.  
Associate Members:  
Planning Director: Patrick Reffett  
Others: Robin Stein, Town Counsel

The meeting was called to order in the Memorial Room at Town Hall at 7:00 with a quorum established.

**Executive Session**

Motion made by Janel Curry to go into executive session to discuss strategy with respect to collective bargaining litigation. If an open meeting were to occur, it may have a detrimental effect on the bargaining for the public body as the chair so declares. The Board will return to its regular session thereafter.

Seconded.

Roll call vote: Richard Boroff (aye), Dan Hamm (aye), Bill Wheaton (aye), Peter Clark (aye), Brian Stein (aye) Rick Mitchell (aye), and Janel Curry (aye).

**Return to open session at 7:42**

**Master Planning – Discussion**

The presentation would be on September 19, 2019. The Board had just received the fiscal analysis and recommendations for By-law modifications from the consultants. The Planning Board had indicated that the Master Plan document needed more recommendations and practical approaches in terms of limited growth ability, according to Patrick Reffett. Mr. Reffett had doubts the town would approve a by-right cluster development zoning change, which had been recommended as a moderate level growth goal and recommendation by the consultants. Mr. Reffett also indicated that the recommendations also overestimated the financial ability of the Affordable Housing Trust, which had limited resources as the Town would likely be spending CPA funds on the Patton Homestead and Town Hall preservation project. The potential of Town-owned properties was discussed, including the Winthrop School, which had multiple hurdles including two towns having to declare and approve the property as surplus, the school committee having to approve, site improvements and roadway improvements among other requirements.

Discussion ensued regarding the Affordable Housing Trust and the Habitat for Humanity project at 270 Asbury St. Two units had received \$350,000 from the Trust.

Comments regarding the report and Judi Barrett's financial analysis would be due August 27, 2019. Publicity included articles in the Chronicle, Facebook, the Town's website, and flyers at the Senior Center and Town Hall. The electronic sign in front of the Police Station would announce the meeting. Patrick Reffett would send a letter to all board and committee chairpersons asking for their participation and support. An email would follow to all board and committee members.

Rick Mitchell noted that Laura Walsh had developed a presentation that would interface with the consultant's presentation. The presentation would focus on the situation wherein if nothing happened, the financial implications given would occur. Janel Curry noted that consistency was important for setting the stage for potential By-law changes. Brian Stein hoped to highlight how little land was left to be developed. Mr. Mitchell said 80 to 85% of the developable land in Hamilton was already in some form of preservation.

Rick Mitchell said the Hamilton Development Corporation was presenting the final draft of the Willow Street Site Plan Review proposal in September. Mr. Mitchell highlighted the importance of having the Finance Committee's involvement.

---

**Board discussion regarding potential future By-law amendments.**

Patrick Reffett recalled that he had asked Robin Stein (Town Counsel) for a state of the art Groundwater Protection District text that she felt might be appropriate for the Town. Ms. Stein reportedly submitted text from Falmouth, which was very similar to Hamilton's By-law indicating that Hamilton and Falmouth had developed their GPOD by-laws from the same model text likely having been provided by the State. Discussion ensued regarding density in regard to units per acre. Brian Stein said residential units should not exceed flow but Bill Wheaton asked why the density definition was defined by the number of units because the whole purpose was that a lot and a unit were the same. Mr. Wheaton suggested that the language be sent to Town Counsel to have her interpret whether a lot referred to a building lot per unit or if a simple parcel of land was able to have any number of units. Mr. Stein noted the septic constraints.

Bill Wheaton said the purpose of a By-law change would be to protect the Groundwater Protection Overlay District. Discussion ensued whether the 80,000 square foot requirement protected the land or water. Brian Stein said the impervious surface was important. It was recalled that originally the 80,000 square foot requirement might have been attributed to the requirement for the distance between a well and septic system on site. Rick Mitchell argued that the wording was silent on lot density but Mr. Wheaton responded that the definition of density was included in the definitions of the town's zoning bylaw. While Mr. Wheaton referred to dwelling units per acre, Mr. Stein said some developments had more than one dwelling units. According to Mr. Stein, the By-law was in regard to limiting impervious surfaces rather than dwelling units per acre. Mr. Wheaton responded that the concept was true, but in this section, there was a limit in the density per acre. Town Counsel would determine the validity of the argument.

Patrick Reffett noted that he had distributed the Beverly Solar Equipment By-law for small scale ground mounted work. Discussion ensued regarding the solar plant at the landfill site. It was agreed that most roof mounted solar equipment sites were innocuous. It was determined that a problem did not exist in town. The Board would review the verbiage and decide if the proposed By-law was necessary for ground mounted solar facilities.

The need for a Short Term Rental By-law was discussed. Patrick Reffett said he had checked with the Building Department to determine if any issues in the recent past had occurred – they hadn't. No issues were pending and there were no calls for regulatory controls. While Dan Hamm noted that some short terms rentals were not going into long term rental inventory, it was not an issue. Attorney Mark Bobrowski said the current Zoning By-law allowed for three lodgers per residential unit by right. Mr. Reffett said it might be a future conversation.

Patrick Reffett described the situation of “migrating” connecting buildings, which were buildings constructed and then connected to an accessory building. Concerns had been issued regarding too much massing on the property. The concern was in regard to the height requirements of an accessory building versus an addition to a residential dwelling. Brian Stein opined it would be a Zoning issue.

Bill Wheaton discussed the lack of industrial tax base in town and hoped the Zoning By-law would identify industrial uses and the appropriateness of those uses in the Commercial Overlay District. Mr. Wheaton noted that it would be difficult to locate industry within the town. Patrick Reffett recalled that the Board had discussed the possibility of expanding the downtown Business District. The Commercial Overlay District was discussed and it was determined that the Commercial Overlay District land was inappropriate for development given the heavy percentage of wetlands and protected habitat.

### **Board Business.**

#### **Minutes**

Janel Curry made motion to approve the minutes of August 6, 2019.

Dan Hamm seconded.

Vote: Unanimous in favor except Dan Hamm who abstained due to absence.

Richard Boroff discussed the Open Meeting Law noting that an employee of the Town was not restricted under the law but members were. An agenda, report, or document would not be included under the law as long as no opinion had been shared by a committee member. It was agreed that proper protocol would be to send information to Patrick Reffett who would distribute the information without violation of the law. Additionally members were not to deliberate in any fashion with other members electronically or outside of posted public hearings.

### **Adjournment.**

Motion made by Rick Mitchell to adjourn at 8:54.  
Seconded Janel Curry.  
Vote: Unanimous in favor.

Prepared by:

---

Marcie Ricker

---

Attest

Date