

HAMILTON PLANNING BOARD
MINUTES OF MEETING
Via Zoom 812 0098 3986
Passcode: 898256
One tap mobile – 1 929 205 6099 (New York)
May 18, 2021
7:00 p.m.

Members Present: Rick Mitchell, Richard Boroff, Marnie Crouch, Corey Beaulieu, Bill Wheaton, and Jonathan Poore.

Associate Members: Emil Dahlquist and Pat Norton

Planning Director: Patrick Reffett

Others Present: Andrew DeFranza, Harbor Light Community Partners, Lydia Szdlowski, and Warren and Julia Rubin

The meeting was called to order by Rick Mitchell, Vice Chair at 7:03 p.m. with a quorum established via Zoom.

Roll Call: Richard Boroff - present, Marnie Crouch - present, Corey Beaulieu - present, Bill Wheaton – present, Rick Mitchell – present and Jonathan Poore – present.

1. BOARD WELCOME TO NEW MEMBERS AND REORGANIZATION.

Mr. Mitchell, the Clerk of the Planning Board, told the Board that the first order of business would be to elect a new Chair and a Clerk.

Richard Boroff nominated Rick Mitchell to be the Chair of the Planning Board.
Seconded by Bill Wheaton.

Roll Call Vote: Richard Boroff – aye, Jonathan Poore – aye, Marnie Crouch – aye, Corey Beaulieu – aye, and Bill Wheaton – aye.

Unanimous in favor of voting members.

Mr. Mitchell accepted the nomination and thanked the Board for their confidence in him.

Mr. Mitchell told the Board that a Clerk needed to be elected to replace him.

Bill Wheaton nominated Marnie Crouch to be the Clerk of the Planning Board and Ms. Crouch accepted the nomination.

Seconded by Corey Beaulieu.

Roll Call Vote: Bill Wheaton – aye, Corey Beaulieu – aye, Richard Boroff – aye, Jonathan Poor – aye, Marnie Crouch – aye, and Rick Mitchell - aye.

Unanimous in favor of voting members.

Mr. Reffett reported to the Board that Member Dan Hamm had resigned and that there was a Planning Board Member vacancy that is typically filled by an Associate Board Member.

Motion made by Bill Wheaton to recommend Emil Dahlquist as a Planning Board Member to the Board of Selectmen.

Seconded by Richard Boroff.

Roll Call Vote: Richard Boroff - aye, Jonathan Poore – aye, Marnie Crouch - aye, Corey Beaulieu - aye, Bill Wheaton – aye, and Rick Mitchell – aye.

Unanimous in favor of voting members.

2. BOARD AND MEMBER RESPONSIBILITIES; VOTING /SPECIAL PERMIT PROCESS; TOWN EMAIL; COMMUNICATIONS; OPEN MEETING LAW; ETC.

Mr. Reffett went over the mission of the Planning Board and discussed the following:

- Massachusetts utilizes Chapter 40A as its zoning enabling law which requires Planning Boards to undertake preparation of Master Plans and conduct site plan reviews for their communities. Planning Boards are responsible for subdivision approvals, Approval Not Required projects, storm water management, special permits, senior housing projects, as well as the review and creation of zoning bylaws following public hearings.

- As a sister-board the Zoning Board of Appeals (ZBA) works to determine and adjudicate requests for local zoning waivers and variances, and to address projects that have non-conforming structures or properties. The ZBA also is the permitting authority for 40B projects.
- Full members vote on all projects that come before the Board. When a full member is not able to attend all special permit meetings, an associate who has been attending all of the meetings is allowed to vote as a full member.
- The Mullin Rule allows Board Members to vote if they are willing to certify that they watched the meeting recording, attended by calling in, or read the minutes of the meeting that they had to miss although they are only allowed to do this twice.
- Another important requirement for the Planning Board is obeying the Open Meeting Law. Through legislation, Massachusetts requires that local boards make their deliberations and decisions public by posting notice at least 48 hours ahead of the meeting. Also approved meeting minutes must be available to the public (we place ours on the town's website). A quorum of any local board should only meet when the public is able to attend unless the Chair has created a working group of board members to work on specific projects. Recommendations made by working groups would be brought back to the full board for review at a public meeting. Any deliberative email communication should go through the Planning Director who is a staff employee, not a voting member, and who would be able to share information with other Board Members since he does not deliberate as a member.
- Executive Sessions are held for Board Members only. An example of this would be if a Planning Board decision was disputed and was in litigation at the Land Court. Planning Board Members would meet within an executive session to address the conflict and strategize on how to handle the matter. The Board is often assisted by Town Counsel under these circumstances.
- New Members and Associate Members need to take online Conflict of Interest training and submit a Certification which needs to be done every other year, and they must certify their receipt of open meeting law materials. The Town Clerk keeps a record of those certifications and advises the Attorney General as to the compliance of local boards.

- Zoning Bylaws are the framework for most Planning Board land use decisions and are used as criteria with which to make decisions. Sometimes state and federal laws are considered.
- **BOARD BUSINESS** – Discuss upcoming schedule; Review/approve Meeting Minutes of May 4, 2021; Liaison reports; Staff reports; Future agenda items; Etc.

Upcoming Schedule

Mr. Reffett commented that the Board usually meets on the first and third Tuesdays of every month but occasionally they take time off during the summer. Board Members agreed to cancel the August 17, 2021 for summer break.

At Governor Baker’s direction, smaller board meetings that do not have a large public participation will be able to meet in person beginning June 15, 2021. Board meetings that may exceed occupancy capacity would likely continue to be on Zoom.

Upcoming Meeting Review

The 133 Essex Street project will come before the Planning Board in either late June or early July and is expected to continue for several months. These Board meetings will most likely be held virtually given the number of people that will be attending. Board Members agreed that it would be helpful to have someone monitor the screen and check for raised hands during 133 Essex Street deliberations and Pat Norton volunteered to do that.

Meetings Minutes of May 4, 2021

Ms. Crouch agreed to edit the minutes before they are circulated to Board Members. If other members have changes, they should be directed to Mr. Reffett.

Mr. Reffett circulated the Planning Board Code of Conduct guidelines prior to the meeting and Ms. Crouch mentioned that she had stylistic changes to be made to them. Board Members agreed that sharing one’s opinion that was not the Board’s opinion should be done very carefully making sure that those listening realize it is the individual’s opinion only and not a representation of the Board.

3. **FINISH CONCEPTUAL REVIEW & DISCUSSION OF 40B PROPOSAL FROM HARBORLIGHT COMMUNITY PARTNERS AT (approximate #) 421 ASBURY STREET (also known as southeast portion of Map 20, Lot 11 – immediately north of the Canter Brook Project)** - The Board will continue review of a conceptual 40B presentation and will provide a 40B site plan review with their recommendations to be submitted to the Hamilton Zoning Board of Appeals for their formal review.

Mr. Reffett explained that after the last meeting where Mr. DeFranza presented the Harborlight Community Partners 40B development, he generated a draft list of concerns for the Zoning Board of Appeals which he sent to the Planning Board.

Mr. Wheaton commented that he did not feel that the Harborlight development plan was in keeping with the character of the town. Mr. Wheaton said that there were no other developments in town of this magnitude and suggested that a development of 10 buildings, each about 3,000-4,000 square feet that would look like a group of single-family houses would be much more palatable and consistent with the character of the town and would accomplish the same thing.

Mr. Reffett expressed that because this was not a formal application, the Planning Board was in an advisory position with this project only and would present specific recommendations to the Zoning Board of Appeals to aid it in its review.

Mr. Poore stated that he agreed with Mr. Wheaton's comments, and he raised concerns with regard to the topography and the placement of the building at the highest point of the site. Mr. Poore further commented that the fire lane was against the drip line of the trees that are the perimeter buffer and that the deciduous trees would be barren much of the year. Mr. Poore suggested that in order to keep the general building massing consolidated and served by a single elevator yet also reduce the relative scale of the building it may be possible to articulate the roof line by maintaining continuous circulation on the top floor to allow for a single elevator (serving all floors), but avoid having all units back to back (on the top floor). Some areas of the roof would only house a hallway while other areas would contain a dwelling unit, thus significantly lowering and breaking up the roof massing of the building.

Andrew DeFranza responded to the Board's questions and explained that the location was largely driven by soil testing and the drainage of waste water. Since the last meeting, Mr. DeFranza spent time working on the rotation of the building to the opposite corner of the property and to see if Harborlight could manage the height by lowering the roofline. Relative to Mr. Wheaton's comments, ten 4-unit buildings may be possible, but the desire to maximize open space by using only 40 percent of the property and the need for waste water drainage might not make that suggestion possible. Mr. DeFranza mentioned safety concerns related to multiple buildings with regard to elevator capacity, ADA access and sprinkler systems.

Mr. Mitchell explained to Mr. DeFranza that it was up to him to either work with the suggestions of the Planning Board or to go directly to the Zoning Board of Appeals. Mr. DeFranza commented that Harborlight was eager to have the Planning Board's endorsement. Mr. DeFranza expressed concern regarding expensive renditions of different plans, and the Board agreed that concept diagrams would be sufficient for review. The Board felt that it would be most efficient to wait until there were a couple of alternative plans before sending out their detailed list of recommendations.

Public Comment

Lydia Szdlowski of 450 Asbury Street commented that she agreed with what Mr. Wheaton and Mr. Poore said. Ms. Szdlowski shared her drawing of her house and the potential development which would be across the street from her property to show the vast difference in height. Ms. Szdlowski also showed photographs from her house and explained that they would be staring at a wall of the development.

Mr. Reffett reminded the Board that on the third page of the Board's list of recommendations, the relative building height of proposed buildings and its scale to nearby structures should be graphically illustrated.

Warren and Julia Rubin at 462 Asbury Street agreed with Ms. Szdlowski's comments and stated that their house is also lower than the highest point in the field where the development is currently being proposed and recommended that the development be moved as far back from Asbury Street as possible.

Mr. DeFranza told the Board that he would have more drawings for their review within at least two weeks but guessed it would be a bit longer than that. Mr. DeFranza left the meeting at 9:03 p.m.

Other Board Business

Mr. Reffett reported that the Master Planning Steering Committee would be meeting via Zoom on Thursday evening, May 20, 2021.

Mr. Poore requested an open discussion about site visits and wondered specifically if there had been any protocol or suggested process for site visits. Mr. Mitchell explained that site visits were mostly an information gathering process and could be done individually before application reviews came before the Planning Board in order to maximize time. Furthermore, if the majority of members felt it was important to have a publicly advertised group site visit to avoid trespassing concerns, it could be done as a group but no decision making discussions could take place.

Adjournment

Motion made by Bill Wheaton to adjourn at 9:16 p.m.

Seconded by Richard Boroff.

Roll Call Vote: Marnie Crouch – aye, Corey Beaulieu – aye, Emil Dahlquist – aye, Bill Wheaton – aye, Jonathan Poore – aye, Richard Boroff – aye, and Rick Mitchell – aye.

Upcoming Board Meeting(s): June 1, 2021; June 15, 2021; July 6, 2021; July 20, 2021; TBD.

Documents:

1. List of Planning Board recommendations for the Zoning Board of Appeals
2. Lydia Szdlowski drawing of her house and the potential development at 455 Asbury Street as well as photographs

Prepared by:

Ann Schlecht

5/19/2021

Attest

