

**HAMILTON ZONING BOARD OF APPEALS  
MINUTES OF MEETING**

**July 7, 2021**

**7:00 p.m.**

**Town Hall Memorial Room  
577 Bay Road, Hamilton, MA**

**Members Present:** Bill Bowler (Chairman), Bruce Gingrich, Eric Salines, and David Perenchief (Alternate)

**Others Present:** Patrick Reffett (Director of Planning and Inspections), George Pucci (KP Law), Jonathan Siegel of 107 School Street, Andre Ebersole of 275 Asbury St. Meaghan O'Neil (Essex County Habitat for Humanity, Will Shooter (Warren Cameron Group Civil Engineering), and Don Preston (North Shore Habitat for Humanity).

This meeting was called to order at 7:00 p.m. by Bill Bowler with a quorum established via zoom and in person.

- **PUBLIC HEARING:** FOR A SPECIAL PERMIT APPLICATION SEEKING RELIEF FROM ZONING BYLAWS IN SECTION 4.0 DIMENSIONAL & DENSITY REGULATIONS AND REQUESTING APPROVAL TO DEMOLISH AN EXISTING GARAGE AND CONSTRUCT A NEW GARAGE WHICH WOULD EXCEED THE FOOTPRINT OF THE CURRENT GARAGE AND WOULD HAVE A SECOND STORY. THE PROPERTY IS LOCATED AT 107 SCHOOL STREET, ASSESSOR'S MAP 59, LOT 10, OWNERS ARE JONATHAN & ELIZABETH SIEGEL. COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

Mr. Siegel explained that they were proposing to tear down the existing garage and rebuild it with a room above it extending it 6 feet back on their non-conforming lot. Mr. Siegel confirmed he would not be getting closer to the lot line than the corner of the existing garage. The room above it would have plumbing but would not have cooking facilities. A family room and bathroom would be created on the second floor. A bedroom would not be created on the second floor. Mr. Siegel shared the plans with the Board of Health and they had no problem with it because it would not be an accessory apartment. Drawings had been submitted. Greg Haladyna, an abutter offered his support of the project. Another abutting neighbor saw the plans and wrote a letter of consent.

Motion made by Eric Salines to grant the Special Permit based on the filings before the Board. Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

- **PUBLIC HEARING:** FOR A SPECIAL PERMIT/VARIANCE APPLICATION SEEKING RELIEF FROM ZONING BYLAWS IN SECTION 4.0 DIMENSIONAL & DENSITY REGULATIONS AND REQUESTING APPROVAL TO DEMOLISH AN EXISTING DECK AND CONSTRUCT A 10 X 18' DECK AND 3.5 X 6' STAIRS. THE PROPERTY IS LOCATED AT 275 ASBURY STREET, ASSESSOR'S MAP 47-2, LOT 135, OWNER IS BRETT HALL. A COPY OF THE COMPLETE APPLICATION IS AVILABLE FOR REVIEW BY CONTACTING THE BULDING DEPARTMENT.

Andre Ebersole presented the application for an existing deck with a center staircase that protruded 10' off the house. The stairs would be squared off and stairs would be constructed on the front to create more usable space on the deck. The existing stairs were originally constructed with 2" x 6" framing and would be reconstructed with 2" x 10" framing. According to Mr. Ebersole, the neighbors were on board. Mr. Ebersole confirmed that the deck would not be closer to the lot line than the existing deck. Jean Maurand asked about the deck. Mr. Ebersole clarified that the deck, which did not face Grant Ave, was on the ground floor, 3' off the ground. The deck would not create new living space for the center condo unit.

Motion made by Bruce Gingrich to have the Board grant the Special Permit for the new deck based on the plan submitted with the filing.

Seconded by Eric Salines.

Vote: Unanimous in favor.

- **Regular Business including Review & Approve Meeting Minutes if Necessary**

Motion to approve the Minutes of June 2021 by Eric Salines.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

- **PUBLIC HEARING:** FOR THE PETITION SUBMITTED BY ESSEX COUNTY HABITAT FOR HUMANITY, 14 PARK STREET, DANVERS, MA, FOR A COMPREHENSIVE PERMIT PURSUANT TO MGL CH 40B FOR THE CONSTRUCTION OF TEN DWELLINGS; FIVE DUPLEXES WHICH WOULD INCLUDE FOUR 1 BEDROOM, TWO 2 BEDROOM AND FOUR 3 BEDROOM. EACH DWELLING WILL BE SOLD TO HOUSEHOLDS EARNING 40-60% OF THE AREA MEDIAN INCOME, EACH WILL HAVE AFFORDABILITY DEED RIDERS AND EACH WILL BE PERANENTLY AFFORDABLE. THE PROPERTY IS LOCATED AT 434-436 ASBURY STREET, ASSESSOR'S MAP 37, LOTS 44 & 51, ZONING DISTRICT R1B, THE PROPERTY IS OWNED BY PHILLIP C. MARCORELLE IRREVOCABLE TRUST 2020. A COPY OF THE COMPLETE APPLICATION IS AVILABLE FOR REVIEW AT THE BUILDING DEPARTMENT DURING REGULAR BUSINESS HOURS.

George Pucci (KP Law) gave an overview of the 40B process and principles. Local regulations for Conservation and Public Health needed to be incorporated into the decision. An appeal of the decision would go to the State Housing Committee, who typically ruled in favor of developers. Mr. Pucci continued with what might happen if an appeal occurred and

how the Board should condition a decision. Specific waivers sought should be considered carefully. Having a draft decision during the dialogue process would be beneficial.

Meaghan O'Neil (Essex County Habitat for Humanity), Will Shooter (Warren Cameron Group Civil Engineering), and Don Preston (North Shore Habitat for Humanity) were present to discuss the proposal. Ms. O'Neil described the work of the Essex County Habitat for Humanity, which builds homes for families who make between 40% and 60% of median income. Families work for 300 hours to build their home. Essex Technical School and volunteers work to complete the project. This project came to the group via the Hamilton Affordable Housing Trust. The proposal included ten homes including three bedroom (4), two bedrooms (2) and one bedroom (4) units. All units would be part of duplexes. The existing home on site would be removed.

Will Shooter offered a history of the property including the construction of a cell tower on the site. The cell tower access would be maintained through a gravel driveway for the remainder of the 20 year lease. The access drive would become a loop road for emergency access and to create a clustered concept for the development, which would protect the existing vegetation, habitat, and wetlands. All new utilities and septic would be constructed. Zone II limited the number of bedrooms allowed on the site. The total bedroom count would be 20. Each of the units would have two parking spaces. There would also be five guest spaces. Stormwater included hard pipe structures and open surface filtration basins to minimize the impact. Treatment and infiltration would be used to have the water enter the ground quickly.

There would be no waivers to local regulations for stormwater or Title 5. Will Shooter reviewed the list of waivers: Two or more dwelling units were not permitted so a waiver for five two family dwelling units was requested. 40,000 square feet per lot was required and a waiver for dimensional regulations would be sought for 20,749 square feet per unit. Driveway standards for centerline radius and maximum grade would be requested as the 11.5 percent was taken from the existing right of way of the driveway. Regulations required a 200' setback from a cell tower but 125' was proposed to keep the tower at a safe distance as a safety precaution. A waiver from the required maximum of 2,500 of impervious surface would be proposed. The impervious surface included buildings and driveways. The need for a Site Plan Review would need to be waived as the applicant thought the comprehensive permit would cover any issues. A waiver for the required Conservation mitigation plan, wildlife plan, and alternative analysis was requested. A waiver for the required plan of trees of greater than 6" caliper was requested as the plan showed the location of the tree line. A waiver for a Stormwater management permit was requested as the comprehensive permit would cover any State standards. A waiver for a lighting or photometric analysis would not be completed as the Planning Board had requested dark sky compliance, which would be completed by having all lights mounted on the buildings. A waiver for environmental impact analysis and traffic impact study was requested.

The applicant would file a Notice of Intent and NEPDES permit with the Conservation Commission as the property was over one acre. The applicant would also file with the Board of Health.

The applicant had a mandatory meeting with the Planning Board, who offered their recommendation for a peer review for stormwater and drainage issues regarding the project. Patrick Reffett said he contacted peer department heads on behalf of the boards and commission. The Planning Board requested a professionally prepared drainage plan be part of the package and asked for a detail of the access drive. The Fire Department had been consulted for the drive's adequacy with correspondence on file. The Planning Board requested dark sky compliant lighting and the dumpster location shown on the plan as well as information regarding trash management and guest parking. The Planning Board wanted to ensure that specific zoning elements of the proposal that required relief from the Zoning By-law be demonstrated, which the engineer had just completed. The Planning Board asked if low impact development design techniques had been incorporated and that abutting wetlands be protected during the design and construction phases. A snow management plan for the access drive and a landscape improvement plan were requested. The Planning Board requested that pedestrian and bicycle access on and off site, especially crossing Asbury St. be considered and if screening to abutting properties was beneficial.

The Conservation Commission agent mentioned in an email that a review was not required under State law because the project had not made any impacts on the wetlands. Patrick Reffett noted he believed it was indicative of thoughtful site design. The Police Chief did not have any comments regarding traffic safety for the project and Greg Bernard, Sanitary Septic Inspector had reportedly reviewed the project and noted that the property could support 20 bedrooms as proposed. The width of the road should be 22' wide and the DPW Director would offer his opinion of the proposal before the next meeting.

Bill Bowler wanted formal input or a determination from the Conservation Commission or their agent. Patrick Reffett agreed as the agent would know the By-law more precisely than a consultant. Mr. Reffett recommended peer review for stormwater and drainage be conducted by Robert Puff, P.E. The applicant would pay for the peer review. The review would be completed before the August meeting. The public would comment at the next meeting as this was a general presentation. A posted site walk would be conducted before the next meeting.

Will Shooter said he had spoken with the Fire Chief and discussed the need for a 22' access way and that a hydrant would be installed. The plan would be revised accordingly. Patrick Reffett would coordinate the ability of the applicant to discuss items with the peer reviewer.

Meaghan O'Neil asked if it was feasible to break ground this fall. Bill Bowler said the ZBA was ready to review the proposal and that the peer review should be complete by the next meeting. Stakes would be installed, especially at the back unit (#5) for the site walk.

The public hearing was continued until August 4, 2021 at 7:00 pm.

Motion made by Bruce Gingrich to adjourn.

Seconded by Eric Salines

Vote: Unanimous in favor.

Documents:

1. 107 School Street drawings of proposed garage

*Respectfully submitted as approved at the August 4, 2021, Zoning Board of Appeals Meeting,*

*William Bowler, Chair*