

HAMILTON PLANNING BOARD
MINUTES OF MEETING
February 27, 2018

Members Present: Richard Boroff, Ed Howard, Rick Mitchell (7:31), Bill Olson, Brian Stein (Chair) and Claudia Woods

Associate Members: Janel Curry and Chris Sheperd

The meeting was called to order by Brian Stein at 7:03 pm. in the Memorial Room.

Pre-application for a subdivision at 46 and 47 Winthrop St

Paul Donohoe presented the preliminary concept before submitting the plans for approval. The private way and property were owned by the Colloredo-Mansfeld family. The proposal would eliminate an unconstructed portion of the way (paper road) and reconfigure three lots with legal frontage and area. The private way came about over a period of time. The first plan (1970) showed the 1,645' private way approved by the ZBA and the Planning Board with no documents or decision having been recorded at the Registry of Deeds. The way always existed but the plan created a 50' way for the lots. . The second plan extended the private way by 887.50' to total 2,532'. The Planning Board endorsed the proposal as an Approval Not Required (ANR) even though the plan created a new private way. The extended portion of the 425' was never constructed and was just a paper road at this point.

The Colloredo-Mansfeld family would like to eliminate the unconstructed portion and construct a paved turning area at the end of the way. The private way would be reduced to 2,107'. Lots 6-1 and 6-3 had existing dwellings on them. Lot 6-5 did not have a dwelling on it currently, but was a buildable lot. Lot 6-5 had a Conservation Restriction on a major section of it. There had been several ANR's of the family property, including Lots KE and KF. Lot 11 was on various recorded plan books. The proposal would eliminate the paper road and create a conforming setback for the house at the end of the road as well as create a paved turn around suitable for emergency vehicles.

While none of the lots were created under a Definitive Subdivision Plan, the proposal was trying to do that. The note section explained that Parcels A, B, and C would be joined with Lot 6-3 to give the lot adequate frontage and area. Patrick Reffett said the property never had Subdivision Approval to chart out the roadway with a recorded Planning Board Decision. Mr. Reffett applauded the owners for ensuring the lots were more zoning compliant as well as for constructing the turnaround for safety. He reported the Fire Department approved of the improvement. While the entire roadway was currently well maintained gravel (excepting the first 400 to 500', which was paved), the turnaround would be paved for fire trucks. No new lots were being created. The driveway or the last house would be accessed from the new turnaround. Brian Stein, Mr. Reffett and Claudia Woods said they did not see an issue with the proposal.

Kurt Miller (737 Bay Road) said the proposal looked like a cul de sac, which was over the required 400' maximum length. Bill Olson responded that the existing paper cul-de-sac would be eliminated with the new paved cul-se-sac construction. The lot behind the paper cul-de-sac would become one lot. Mr. Miller said, as the owner of Longmeadow Way, he was told his cul-de-sac could not happen, while this plan showed a cul-de-sac at 2,000' from a signed 1970 Subdivision Plan. Brian Stein responded that the roadway already existing but wondered how it was approved. In 1970 there was one house lot off of an existing private way. The cul-de-sac was created in 1975. An ANR plan created lots in 2004. Other plans before those dates created various configurations. In 1986 Lot L was shown. The 2004 plan showed lots as they existed legally at the current time. Brian Stein added that the private way with a number of lots had been recognized since 1975.

The proposal was not creating more lots but was eliminating the paper road, according to Brian Stein. Paul Donohoe added that the plan would also be creating the cul-de-sac. Claudia Woods suggested presenting a sheet that illustrated the proposed only for clarification purposes. Ms. Woods wondered about restricting the plan to three houses, but Mr. Donohoe responded that there was a Conservation Restriction on one lot and there was no intention to create new lots. Lot K-C was not a buildable lot as recorded on plan 407-38. There would not be enough frontage on Lot 6-1 to subdivide it further. Brian Stein suggested verifying the deed restriction on Lot 6-1. Lot 6-5 was a buildable lot and 6-3 required frontage, according to Mr. Stein.

Paul Donohoe noted that Subdivision Approval costs were \$2,000 for the plan plus \$500 per lot, which was appropriate for a large development. Mr. Donohoe said the proposed plan was closer to an ANR, and requested relief. The cost for an ANR plan was \$250 plus \$100 per lot. Claudia Woods suggested accommodating the request. Brian Stein agreed as nothing was being built. Patrick Reffett added that it was just a lot reconfiguration and that there was no problem. The Board agreed to charge the applicant for a typical ANR plan submittal.

Board Discussion of Potential By-laws for Town Meetings

Demolition Delay By-law. Rick Mitchell had submitted comments. Brian Stein was concerned about the timeframe. The Building Inspector would receive an application and within seven days refer it to the Historic District Commission. The Historic District Commission would have 21 days from the receipt to hold a public meeting to determine if the building should be preserved. There would be 45 days from the meeting to hold a public hearing, which seemed like a long time to Mr. Stein. Rick Mitchell suggested 21 days for the public hearing, which Mr. Stein preferred. On page four, it indicated that the Commission shall file the written notice of its decision to the Town Clerk, which Mr. Mitchell had suggested 14 calendar days rather than the proposed 30 days. Mr. Stein agreed. Mr. Mitchell suggested the appeal period for a Board of Selectmen decision should be 30 calendar days from the public hearing rather than 60 days.

Improvement of Blighted Structures and Property By-law. The Town Manager was reportedly concerned about additional work generated by the By-laws but had made a proposal to fund a full-time Building Inspector to handle the increased work due to the Demolition Delay and Improvement of Blighted Structures and Property By-laws. Patrick Reffett said the Town Manager had asked for a regionalization of the position and had been conversing with Wenham to share a full time inspector. The position would spend roughly 27 hours per week in Hamilton and the remainder in Wenham. The position is currently part time and 19 hours per week in Hamilton. There would also be increased demands on the full time administrative assistant position.

Claudia Woods questioned vacant buildings, which were not inhabited for 180 days. Brian Stein noted that some residents were away for that long. Chris Sheperd determined that the word “and” had been incorporated to eliminate an issue with someone simply being away for an extended period of time. The building/property also had to be blighted. Ed Howard was satisfied with the By-law but was concerned about having a By-law that was not as compassionate as it should be in the case of hospitalization. Richard Boroff said that even if a resident were in a nursing home, they would have a moral obligation to take care of their property and that if the property were unsanitary due to vermin, someone should step in and take care of it. Mr. Boroff thought it was reasonable. Ms. Woods questioned the moral obligation, but Mr. Boroff said most people have a power of attorney set up to take care of necessities in the event of incapacity.

The Board discussed the timeframe for having repairs completed such as windows and doors. Claudia Woods mentioned that Asbury Grove was a seasonal community where utilities were shut off. It was determined that the Building Inspector would have leeway. The By-law was created to protect the structure rather than unsightly buildings or properties. Bill Olson referred to the first, second, and third offences, which were each day. Ms. Woods thought it should be more time. Brian Stein said the resident would have time to work with the Building Inspector, but Ms. Woods noted that it was not the way the By-law was worded. Patrick Reffett suggested having the offences one week apart. Bill Olson said it would take a month to get a carpenter to do the work. Rick Mitchell noted that on page 3 second paragraph when it indicated the responsible party would have 14 days to comply. Bill Olson questioned if the 14 days was from the start or finish of work and that a broken window would be different from a hole in the roof. The Building Department had 30 days to issue a building permit before work could begin, according to Mr. Olson. Janel Curry suggested having the Building Inspector issue the time frame. The Council on Aging would be contacted for assistance or a social program to help, if needed.

If nothing was done to comply with the By-law, the Town could take the property and sell it. The applicability was discussed for a particular parcel as well as the definition of blighted. The Board agreed that it was a good start. A public hearing would be held.

Updates.

Richard Boroff said the Open Space Committee had a draft for a Dark Sky By-law, which would not be proposed for this Annual Town Meeting.

Rick Mitchell gave an Affordable Housing Trust (AHT) meeting update. The AHT discussed Longmeadow. Andrew DeFranza wanted funding for site engineering, design, and potentially legal costs. The AHT debated if they could limit the funding for a legal defense if appealed and were putting together conditions to go with the funding. Dorr Fox would go to Town Counsel to draft the agreement. The Longmeadow Study Committee needed to make a report to the Selectmen and Town Meeting. Mr. Mitchell said the abutters were not happy and argued that nothing should be done. The proposal was for under 40 units. Harborlight had options on all the Longmeadow parcels, which would be held for one year. If nothing was approved, Harborlight would give up its option and Kurt Miller had already threatened to build 150 units. Harborlight would have 100% affordable units, while a private developer would likely only include 25% affordable units. .

Ed Howard said the Community Preservation Committee approved a \$200,000 request for the Patton Estate. Tom Catalano was absent and Jay Butler abstained from voting. Mr. Howard did not know why. The purpose of the request was to start on rehabilitation of the house to allow for public use. According to Mr. Howard, experts on all levels indicated that the total renovation of the house would range from \$700,000 to \$1M. The \$200,000 was for shoring up of the first floor to hold public gatherings. A public event coordinator had been hired and the property would be renovated for public or private use, such as parties or corporate gatherings, according to Rick Mitchell. An architect was doing a full master plan for renovation and landscape plan. Phase I of the renovations included roof, windows, sprinklers, and electrical upgrades. Matching State funds would be requested.

Patrick Reffett requested Planning Board members sign the form for Essex Registry of Deeds, to alert them as to who was able to sign Subdivision plans and ANRs.

Adjournment

Motion to adjourn made by Bill Olson

Seconded by Richard Boroff.

Vote: Unanimous to adjourn at 8:13 pm.

Prepared by:

Marcie Ricker

Attest

Date