

HAMILTON PLANNING BOARD
MINUTES OF MEETING
May 7, 2019

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

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

Continued Public Hearing – Medical Marijuana Facility. Site Plan Review. 654 Asbury St.

Patrick Reffett reviewed the project and indicated that he had contacted the Fire Department, Police Department, and DPW who did not have traffic concerns regarding access to or from the property. Site plan design, utilities, and water use would be discussed. Odor would be discussed at a later date. Phil Paradis from BETA group was present. There were ongoing questions regarding use of the medical marijuana facility. A written opinion from Donna Brewer was received by each member, which indicated that she agreed that it was an agricultural use that was acceptable. Bill Wheaton thought agriculture and industrial uses should be defined in the Zoning By-law. Richard Boroff said agriculture had been industrialized and the idea that some towns had facilities in industrial areas might be due to their lack of open space.

Motion made by Bill Wheaton to accept the opinion of Town Counsel that a medical marijuana facility was allowed.
Rick Mitchell seconded.
Vote: Unanimous in favor.

Bob Patton was present and referenced the letter from Ben Tymann (attorney for the abutter). The applicant said they were proud of the sustainability measures in place and that the facility would be below the 3M gallons of water per year number assumed. Bill Wheaton wanted to discuss net water use compared to gross use in future discussions. Kevin McGarry said they were working on a water impact statement and would meet with Ipswich River Watershed Association (IRWA) to discuss water usage.

Kevin McGarry said the applicant sent BETA responses for traffic and had received site plan, stormwater, and utility comment letters from BETA. A formal response had not yet been sent but the applicant expected to fully address BETA's comments. The applicant had met with the Police Chief regarding the security plan and had submitted revised plans based on his comments. A letter of support should be forthcoming regarding security.

Kevin McGarry submitted a checklist of items that needed to be addressed based on the Host Community Agreement (HCA) and Zoning By-law. Items included: principal use, project plans, traffic, air quality (to be submitted), surface and groundwater quality/drainage conditions, security measures, fire suppression/emergency access/staffing plans (to be discussed), vegetation maintenance/pest controls, odor management (part of odor control plan to be submitted), integration of building to the site and historic landscape/LEED and energy efficiency, mitigation of light pollution, delivery schedule, waste management (to be submitted), construction impacts, chemical storage and use (to be submitted), water supply and waste plan (to be submitted), noise (to be submitted), and water impact study (to be submitted).

A revised traffic letter had been submitted with a letter stating all comments had been addressed. Project plans including screening and lighting would be resubmitted. The integration of building and historic landscape and energy efficiency design features had been discussed. Construction impacts were outlined on the plans. Brian Stein asked for a construction schedule. Kevin McGarry said there would be a nine month construction period but a schedule would be provided. Stormwater Management would be resubmitted to BETA.

Emergency response items were discussed. Kevin McGarry expected a letter from the Police Chief. Documentation was submitted to the Fire Chief for fire suppression. Non-growing areas would be sprinkled with a two hour fire wall constructed. The Fire Chief agreed with the approach. The Fire Chief had requested an additional hydrant, which had been added. Green Meadows would provide emergency training for the staff once they were hired. The delivery schedule was in the traffic review report. Forthcoming information would be water impact, odor, noise, waste management, and the organic storage and use plan.

Bill Wheaton discussed screening the facility from Asbury St. and did not think the proposal was adequate. Janel Curry said the plans seen at the first meeting were more sufficient than those in the plan. Mr. Wheaton said he would like to see more screening. Brian Stein did not want it to look unnatural. BETA had asked for additional screening against the Asbury St. façade of the building, along the south elevation, and screening of drainage basins. Kevin McGarry said the applicant would provide screening wherever the Board requested and additional plantings would be part of the response to BETA's comments. LEED certification would not be pursued. The stone wall would be modified at the entrance. A special hearing would need to be held as Asbury St. was under the Scenic Road By-law. Items that had been fulfilled were 1, 3, 9, 10, 11, 14, 16, and 18.

Ben Tymann (Chris Abbott's attorney) said he was not surprised with Town Counsel's opinion and noted that the use was allowed everywhere in town. Mr. Tymann said the Planning Board should determine if it should be allowed. If there were no set of conditions that could adequately address impacts, then the proposal could be denied. There might not be conditions that could address water use or other issues, according to Mr. Tymann. The Host Community Agreement (HCA) was a prerequisite for any State applicant and according to Mr. Tymann, was not an

approval, but rather the beginning of the State process. The HCA could be reopened if impacts were more severe than those anticipated. Mr. Tymann said 3% was State maximum but Hamilton asked for 1.5%. Mr. Tymann referred to another provision regarding (Section IV.1), which was a letter of support or non-opposition but did not give the applicant special standing beyond normal Site Plan Review.

Ben Tymann referenced Hamilton Water Department records, dated May 6, 2019. According to Mr. Tymann, Kevin McGarry said the maximum water use would be 8,250, which were considered a conservative number until the calculations were provided. The annual total of 8,250 was 3M gallons, which would make Green Meadows Farm the third largest water user (after Myopia and Gordon Conwell) in Hamilton. Mr. Tymann referenced the final water bill from April 2017 to June 2017 when the farm closed. The total for the quarter was 142,000 gallons. The farm was not open year round, so Mr. Tymann calculated the annual usage to be 426,000 gallons, 1/7th of 3M gallons for maximum daily use proposed. Green Meadows also leased a portion of its land to Marini Farms, which used water, leaving no credit for water savings. Mr. Tymann added that IRWA had a net zero water use policy.

Christopher Abbott (abutter) spoke comparing proposed and previous traffic.

Kristin Grubbs (IRWA) introduced herself and said she had submitted a letter requesting the Board think about water across the region as many towns were reviewing large scale developments that would use a lot of water. Ms. Grubbs said the Ipswich River was an over allocated watershed and no more new water could come out of the basin. Towns would need to live within the allowed usage of water. Discussion ensued regarding new development with water neutral growth as well as using native or drought tolerant plant species. Kevin McGarry responded that all water impact issues would be considered in the Water Impact Statement. The rainwater harvest system was equipped with an external fill in the event of drought so water could be provided from an outside source. BETA would review the statement.

Phil Paradis (BETA) listed the topics that had been reviewed. Traffic (except for the warning signs for the driveway), site plan, access driveway, reduction of the loading area and removal of the underground storage tank were noted as sufficient. There were no specific guidelines in the Zoning By-law for parking. The landscape architect would review the landscape plan again to ensure the comments were incorporated. Lighting standards would be reviewed to make sure the building lights were included in the photometric plan for impact. A schedule for neighborhood impact would be provided for security lighting.

Phil Paradis discussed Stormwater Management Standards. Mr. Paradis wanted the applicant to consider other items in the Low Impact Handbook to help with their water budget. Mr. Paradis said he needed the soil testing for infiltration, soil texture, and high groundwater. There were no wetlands on site and there was no increase in the peak rate of runoff. Mr. Paradis requested information regarding recharge, water quality treatment, and how the standards would be met.

The plan should include erosion and sediment control, and the Operation and Maintenance Plan. Comments regarding utilities included questions about water and capacity and the use of concrete pads in the back of the building.

Kevin McGarry said he would submit a Waste Management Plan, which would address composting. The test pit information would be sent and all of BETA's comments would be addressed. Mr. McGarry added that cannabis waste would be removed according to State procedures and would be provided in the Waste Management Plan.

Motion made by Rick Mitchell to accept that applicant's traffic mitigation strategies and plans with the latest revisions and be subject to the addition of the advanced warning sign as discussed.

Seconded by Richard Boroff.

Patrick Reffett would work with Topsfield to ensure sign(s) installation.

Vote: Unanimous in favor.

Motion made by Rick Mitchell to continue the public hearing for the medical marijuana Site Plan Review until May 21, 2019.

Seconded by Janel Curry.

Vote: Unanimous in favor.

Bob Patton spoke about the new and interesting aspects of the enterprise.

Master Planning (Residential Update) Forum Recap.

Patrick Reffett reviewed the background of the recent forum. It was noted the attendance was double the previous forum. Some of the previous decisions regarding development locations had been revisited. Attendees discussed and determined what types of development would be most appropriate in those locations. The survey had been reopened with a total of 600 respondents. Mr. Reffett noted the lack of commonality of thought at the forum. The consultants were reportedly working through sets of recommendation to provide commonality of thought in an effort to understand next steps. Peter Clark said his group thought the town was close to being built out. Brian Stein disagreed noting potential sites. Some large estates were not protected. Rick Mitchell said the residents needed to be sensitized to different size and price points of housing. Mr. Mitchell added the desire to keep open space, which would send the Planning Board back to reworking the Open Space Farmland Protection District By-law. Mr. Stein recalled there were not enough incentives to make the current By-law effective.

Patrick Reffett said the scope of work was that the consultant would provide tangible recommendations. Bill Wheaton questioned the way the consultants were asking if residents were in favor of various things without mentioning tradeoffs to their choices. Brian Stein and Richard Boroff disagreed. Mr. Stein added that some people might love open space but would move due to taxes anyway. Rick Mitchell suggested using a financial analysis to determine what people wanted. The consultants took information from the first forum and did an analysis of a

large development. The Board thought the consultants should review the survey and do a financial analysis of the various options suggested in the survey. Dan Hamm said there was a disconnection between the financial impact and what people wanted.

Discussion ensued about the cost per student versus taxes. It was determined that the Board should find out what kind of people the town wanted to attract. The consultant would provide conclusions, a financial impact analysis, and By-law changes that would determine which project would cover the cost of services provided.

Review/Sign Decision Stormwater Management 46-47 Winthrop St. Franz and Anne Colloredo-Mansfeld.

The Decision was signed.

Board Business

Minutes

Janel Curry made motion to approve the minutes of April 2, 2019.

Rick Mitchell seconded.

Vote: Unanimous in favor.

Brian Stein made motion to approve the minutes of April 23, 2019.

Rick Mitchell seconded.

Vote: Unanimous in favor.

Executive Session

Rick Mitchell made motion to go into Executive Session for the purpose of discussing meeting minutes related to ongoing litigation because open meeting might have a detrimental effect of the Board, not to return to regular meeting.

Seconded by Richard Boroff.

Roll Call Vote: Richard Boroff-aye, Dan Hamm-aye, Will Wheaton-aye, Peter Clark-aye, Brian Stein-aye, Janel Curry-aye, and Rick Mitchell-aye.

Adjournment

Motion made by to Rick Mitchell to adjourn.

Seconded.

Vote: Unanimous to adjourn at 8:41 pm.

Prepared by:

Marcie Ricker

Attest
Date