

**HAMILTON PLANNING BOARD
MINUTES OF MEETING**

Memorial Room – Town Hall – 577 Bay Road, Hamilton, MA 01982

In person and on Zoom

Zoom 897 5309 6801

Passcode: 160694

One tap mobile – 1 929 205 6099 (New York)

June 15, 2021

7:00 p.m.

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

Associate Members: Pat Norton

Planning Director: Patrick Reffett

Others Present: Andrew DeFranza, Ellen Rothman, Ed Rothman, Lidia Szdlowski, Jan Boumil, Paul Smiley, Phil O'Brien, Leonard Rubin.

The meeting was called to order by Rick Mitchell, Chair, at 7:02 p.m. with a quorum established.

Roll Call: Bill Wheaton – present, Emil Dahlquist – present, Corey Beaulieu – present, Marnie Crouch – present, Jonathan Poore – present, and Rick Mitchell – present.

Mr. Reffett explained that the Governor's executive order regarding remote meetings that was issued in March, 2020 had elapsed at 12:01 the night before and that from that point forward, the Planning Board meetings would be held in person with a Zoom option. HW Closed Access Television Station would also be recording the meeting. Mr. Reffett noted that holding meetings on Zoom allowed for greater participation and helped to make residents more aware of their local government. Mr. Reffett further explained that some might be concerned about being in a confined space with unvaccinated board members. He also mentioned that due to HIPAA regulations, he could ask but that it is entirely voluntary in responding to the question as to whether one was vaccinated or not. All Board volunteered that they were vaccinated.

- 1. ANR REQUEST** – 821 Bay Road / Assessors Map 32, Lot 20 - In accordance with MGL Ch. 41, Sec.81 the owner/applicant Anne Gero is seeking a Form A / Approval Not Required (ANR) endorsement from the Board regarding said property to modify the existing one lot parcel. The owner / applicant seeks to divide the property into two equal new parcels with 1.204 acres each with frontages in excess of the 175 foot requirement. Both proposed new parcels are to be in excess of the required 40,000 lot minimum as required by the R-1B zoning district.

Mr. Reffett explained that the Planning Board had received an Approval Not Required Request (ANR) from Anne Gero. The appropriate paperwork had been completed and submitted with her fee payment. The property is currently one parcel and Ms. Gero would like to divide it, a request which met zoning requirements regarding both frontage and access elements. Concern for safe exit and entry to and from a 40 mph highway was raised, and it was noted that the lots were not in any of the accident-prone areas of town.

Motion made by Bill Wheaton to approve the ANR for 821 Bay Road.

Seconded by Marnie Crouch.

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

Unanimous in favor of voting members and copies were signed by the Board.

- 2. BOARD DISCUSSION – PROPOSED CODE OF CONDUCT** – Board to consider and potentially vote on text of Code of Conduct for the Board.

Mr. Mitchell reported that the edited version of the Code of Conduct was complete. Mr. Reffett commented that Town Council had reviewed it and said that it was acceptable.

Mr. Mitchell added that the Code of Conduct was not legally enforceable, but it represented a standard of what was expected by Board Members. The most important part of the Code of Conduct was that when a Board Member communicates with the public, it was imperative that the public know that their opinion was strictly their opinion and that they were speaking as an individual and were not representing the Board. Ms. Crouch added the importance of transparency and civility.

Motion made by Marnie Crouch to adopt the Code of Conduct that bears the date June 1, 2021.

Seconded by Jonathan Poore.

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

Unanimous in favor of voting members.

3. BOARD BUSINESS – Review/approve Meeting Minutes of May 18, 2021 and June 1, 2021; Liaison reports; Staff reports; Future agenda items; Etc.

Ms. Crouch explained that the May 18, 2021 minutes were amended to include some of Johnathan Poore’s comments.

Motion made by Bill Wheaton to approve the May 18, 2021 minutes as amended.
Seconded by Corey Beaulieu.

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

Unanimous in favor of voting members.

For the June 1, 2021 minutes, Ms. Crouch had minor stylistic edits and one clarification with regard to the Traggorth Company. The reference should be to the Traggorth Company’s nominee, Willow Street Hamilton LLC, which had made the first requisition.

Motion made by Emil Dahlquist to approve the minutes of June 1, 2021 with minor amendments proposed by Marnie Crouch.

Seconded by Bill Wheaton.

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

Unanimous in favor of voting members.

Staff Reports

The Planning Board agreed to meet on July 13, 2021 instead of July 6, 2021 due to a conflict with the Board of Selectmen meeting on July 6, 2021. The Board decided to eliminate the meeting on July 20, 2021 as well.

Ms. Crouch told the Board that the Hamilton Affordable Housing Trust had received its first requisition in the amount of approximately \$281,000 from Willow Street Hamilton LLC which would be used for construction costs.

Mr. Reffett announced to the Board that there was a new Finance Director, Alex McGee who started on June 7, 2021.

Mr. Reffett reported that he had been working with a consultant to evaluate the property in the eastern portion of Hamilton which included the former landfill area, as well as the leased Rod and Gun Club property and some additional property around it. Their purpose was to determine if there was viable development area that could be used to promote economic development in Hamilton. Mr. Reffett had the first draft report which he would be reviewing.

Mr. Reffett reported that the town had received many good recommendations from a consultant with regard to the downtown Hamilton Parking Study. A public hearing will allow residential input on the consultant recommendations. New signage and enforcement were highly encouraged to resolve the parking situation. Mr. Mitchell reported that the Hamilton Development Corporation (HDC) indicated to the Town Manager that it would be happy to financially support some of the restriping as well as safety improvements and signage.

Mr. Mitchell reported that Hamilton was one of two communities that received a \$50,000 grant from the Massachusetts Office of Business Development to support local businesses. A major town event will be scheduled for September 18th and Railroad Avenue would be shut down for shops to display their wares along with entertainment and a beer truck. Wenham would be joining as well with a trolley running between Hamilton and Wenham with the plan of getting people downtown to support local businesses.

4. 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.

Paul Smiley of 8 Canter Brook Lane expressed his frustration with the fact that Andrew DeFranza of Harborlight Community Partners was late for the meeting. Mr. Mitchell suggested that there be a Board discussion of the plans without Mr. DeFranza so that there could be an organized and coherent discussion when Mr. DeFranza arrived.

Mr. Poore shared with the Board that he had used Google Earth and geometry to offer a data point of where the building would sit on the lot. Mr. Reffett made copies of the drawing for the Board and the applicant.

The Board agreed that **it** would create a list of discussion points and questions in preparation for Mr. DeFranza's arrival. Mr. Wheaton shared that there were three main concerns at the last meeting: the massing of one building as opposed to several buildings, the height as the building, which was depicted as taller than everything else around it, and lastly, the setback from Asbury Street and Canter Brook. The only one that was not addressed in the revised building was the size of the building - 40,000-50,000 square feet in total with a 20,000-25,000 square foot footprint. Mr. Poore added that the setback issue was not completely addressed as the building would be too close to the natural vegetation screening that existed and would damage the trees.

Mr. DeFranza joined the meeting at 8:01 p.m. Mr. DeFranza explained that the A0.10 copy of the plot plan was the revised plan. The previous plan was 3 stories and rotated to the south, closer to Canter Brook. The height had been reduced and the building rotated away from Canter Brook and Asbury Street. There would now be eight units at grade using a walk out as shown on A3. There would be more parking spaces for residents and staff with 83 spaces versus 60 spaces that were in the original plan.

Mr. DeFranza explained that for the elevation, as the architect sketched on the front page, there would be gable ends to make it look like there were independent units and there would appear to have one section on the left, one section set back in the middle and one section on the right breaking up the roofline as suggest by Mr. Wheaton.

Page 3 of the revised plans shows the height of the building as compared to other buildings around it. It also shows the building in relation to the tree lines. The plan is to keep as much of a healthy tree line as possible between Canter Brook and Asbury Street with substantial augmentation of fencing, trees and shrubbery. From Page 3 and going forward, the architects superimposed the buildings into the site plans to show the development from Asbury Street and Canter Brook vantage points.

The relocated driveway would be put in between the two houses on Asbury Street facing the front of the building. There was a question of whether the driveway could be moved but Harborlight would need traffic engineer feedback before a

final decision could be made. Mr. DeFranza explained that the building placement had been based on the topography and soil sampling that had been done for the septic system. Also, the seller was interested in preserving the existing agricultural operations in the corner of the lot as agreed in the purchase agreement.

Mr. Poore asked for clarification of some of the labels in the drawing that said “restricted land and unrestricted land.” Mr. DeFranza explained that there was a 4-acre piece in the corner that was not restricted through a conservation restriction but the rest of the site, barring this 4 - acre corner, was restricted in favor of Essex County Greenbelt Association.

Mr. Poore explained that the papers that were given to Mr. DeFranza as he entered the meeting was his version of 0.10 and his analysis of how large the flat roof would be based on his estimation of where the building was sited on the open field. Mr. DeFranza explained that Harborlight was trying to preserve the flat roof for solar panels. Mr. Poore said that at a previous meeting he had commented on breaking up the roofline and not having units back to back on the top floor which was out of scale with other buildings in town. Mr. Poore also expressed concern about deciduous trees leaving the development exposed during six months of the year. Another concern of Mr. Poore’s was that the tree health would be compromised by the road being too close to the drip line, as well as the front parking area being too close to the tree line which could jeopardize tree health and prevent understory planting. Mr. DeFranza explained that the landscape architect would best be able to address those concerns.

The Board discussed that the fire road which was currently 20 feet could be reduced to 12 feet and made one way. Mr. DeFranza agreed that if the fire department could successfully move their equipment on a 12-foot road it would be a good way to gain footage.

Mr. Poore raised concerns about water drainage in the courtyard area as the grades affect the final height of the proposed building. Mr. DeFranza explained that he would ask Charlie Wear, the civil engineer who worked on the plan, about the drainage.

Mr. Dahlquist felt that three positive improvements had been made since the last plan: the location was farther away from Asbury Street, the orientation was better with the front of the building facing the street, and the height was better because it looked like a two-story building when viewed from the road. Mr. Dahlquist felt the parking lot being higher and being in the front made it too dominant and also

commented that the current location could become a safety issue especially because there was no loading zone in the front of the building where pedestrians could disembark. Mr. Dahlquist questioned whether the parking could be relocated to the back of the building. Another issue with having the parking lot in the front of the building facing Asbury Street would be lighting and the ability to keep it at a minimum for the neighbors. Mr. Dahlquist also commented that outdoor amenities were important for residents and there did not seem to be enough since the patio and terrace had been removed on this most recent site plan.

Other Board Members agreed with the questions raised by Mr. Poore and Mr. Dahlquist.

Mr. Mitchell opened the meeting up to the public at 8:39 p.m. for their comments.

Ellen Rothman of 6 Canter Brook Lane had several questions:

1. Would there would be a number of units for seniors?
2. How many tenants would there be and would there be a limit?
3. Could evergreens be planted instead of the deciduous trees that would not act as a buffer for 6 months of the year?
4. What robust traffic study would be done to protect the safety of those that live in the area, i.e. children with bicycles and walkers given that there are no sidewalks?
5. The parking lot light would be disruptive to those living at Canter Brook.
6. Would Harborlight be open to reducing the size of the development?

Mr. DeFranza responded accordingly:

1. Harborlight decided against opening units to seniors and would not have a formal age restriction in order to comply with fair housing laws under HUD.
2. There would not be a projected hard cap as to how many people there could be. The Board of Health governs how many people can live in the units. Mr. DeFranza said Harborlight could project how many people there would be, but he did not know the number off the top of his head.
3. Harborlight agreed there was an issue with the trees and would look at evergreen additions and determine what would work with what is already there. Mr. DeFranza expressed that Harborlight was happy to have abutters come to a site visit with the landscape architect to express concerns they may have and to help come up with a mutually beneficial plan.
4. Yes, there would be a very detailed traffic study required in the Zoning Board of Appeals process which would be public and may lead to a peer

review. Harborlight expected that there would be a walking path on the site to designate where people could walk and ride bikes.

5. A lighting plan would be delineated that would show circles of light based on the fixtures to illustrate the lighting. A dark sky approach would keep the light down with hoods and different lighting features. Harborlight agreed to submit photometric data for on sight lighting.
6. Mr. DeFranza indicated that Harborlight would not be interested in reducing the size of the project.

Ms. Rothman asked what percentage of Hamilton residents were older and Mr. Mitchell answered that 30 percent of the population was considered elderly. Ms. Rothman commented that it would make more sense to have the residents mirror the demographic of Hamilton versus bringing in younger families with children who would be louder and unsafe riding their bikes or walking outside of the development to school or to a friend's house.

Paul Smiley of 8 Canter Brook Lane commented that the building rotation moved it away from Asbury Street but it was significantly close to 8, 9, and 10 Canter Brook Lane, and he felt that the pictures were misleading by showing the trees with leaves. Mr. Smiley also questioned why Harborlight would not consider making the building smaller with 20 units versus 45 units which he felt did not fit in the neighborhood.

Mr. DeFranza explained that the mission of Harborlight Community Partners was to create housing for people and not necessarily for profit, and he felt Harborlight were being respectful within the zoning rules.

Phil O'Brien of 12 Canter Brook Lane asked if there would be size requirements for vehicles that were parked at the site such as pickup trucks and motorcycles. Mr. O'Brien also wondered if there would be noise restrictions after a certain hour and whether use of the back part of the property would be restricted.

Mr. DeFranza explained there would be no restriction on vehicle types that would be different than any other Hamilton residents. There would be a general set of house rules that dictate noise volume and timing so that would be managed. Mr. DeFranza explained that the seller of the property owned the balance of the parcel and would have a say about what happens with it. Harborlight would be open to the point about the tree line and adding fencing along the Canter Brook side and could add it to the back of the property if the seller, Mr. Britton, wanted that.

Lidia Szdlowski of 450 Asbury Street expressed concern that the driveway location would be across the street from her driveway and, if someone missed the turn, they would go right into her family's home, adding that children play in the yard. There is currently a metal barrier used to protect the houses that are below street grade to prevent people from driving into them. Ms. Szdlowski explained that she had taken pictures to share but did not realize the meeting was not on Zoom. It was suggested that if access was at the southeast corner of the 4 acre lot adjacent to the Canter Brook property it would be safer and that creating a loop would also help. Mr. Mitchell explained that those concerns would probably be addressed in a traffic study and the police and fire department would have comments on that as well. Mr. DeFranza said they would be open to what the best solution would be with respect to those living across the street.

Leonard Rubin of 462 Asbury Street commented that he was happy with the revised design which had a lower façade on Asbury Street than the original design and felt that as much greenery as possible would be good for both sides. Mr. Rubin also agreed that having 45 units in one building would take up less space than having more buildings but had concerns about the noise levels from 45 units. Mr. Rubin added that the development would double the population on Asbury Street from Sharon Road to Patton Ridge and calculated that with 45 rental units, moving trucks could be there every 3 weeks. Mr. Rubin's driveway is next to Lydia Szdlowski's and he agreed that the development's driveway should be moved to the corner even if trees had to be removed. Mr. Rubin added that because the Britton's owned 200 acres, perhaps they could build in another part of the property.

Jan Boumil of 2 Canter Brook Lane stated that Habitat for Humanity shared that 70 percent of the units would have local preference and Ms. Boumil wondered if there would be a local preference for this project.

Mr. DeFranza answered that the local preference had not been determined yet for this project. The 70 percent referenced with the Habitat for Humanity project was the maximum allowable local preference under state law. The State regulations generally reduce the percentage especially in communities that are racially homogenous because there are concerns about fair housing and discrimination. The state has the authority to determine what local preference is allowed.

Mr. Poore added that an alternative analysis for both parking configuration and density would be helpful. If the parking was less dense and there was vegetation in between, there would not be a big concentration of lighting. Another analysis

could be done on how to get in and out of that parking area taking into consideration safety and the location of existing driveways and also to consider better resident amenities.

Mr. DeFranza agreed they were reasonable and fair points and would consider dropping the number of parking spaces, reducing some of the density and improving some of the amenities and agreed that an alternative analysis would be a good approach to figure that out. Mr. DeFranza added that Harborlight would come back with feedback about parking alternatives and more landscape detail after it worked with its landscape architect which may not be until later in the summer. Mr. DeFranza would contact Mr. Reffett when he had that information available.

A resident asked about the project timetable and Mr. DeFranza explained that the application was submitted to the state three months ago and it generally took up to six months to respond. Once the application was accepted Harborlight would submit an application for a permit to the town which would likely be in the fall. At that point, the Zoning Board of Appeals would have six months to review it. The town process would likely take until this time next year. Harborlight would then go to the state for funding which would take a number of years. Construction would likely not begin until about five to six years from now in the best case scenario.

Adjournment

Motion made by Bill Wheaton to adjourn at 9:25 p.m.

Seconded by Corey Beaulieu.

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

Upcoming Board Meeting(s): July 13, 2021; August 3, 2021. (August 17 – OFF)

Documents:

1. Mylar copy and 2 paper copies of the ANR request for 821 Bay Road
2. A0.10 Revised Harborlight Community Partners plot plan packet for 455 Asbury Street
3. Mr. Poore's drawing of the proposed plan for 455 Asbury Street

Prepared by:

Ann Schlecht

6/17/2021

Attest