

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
July 10, 2018

Members Present: Richard Boroff, Peter Clark, Ed Howard, and Rick Mitchell (Acting Chair).  
Associate Members: Chris Shepherd  
Planning Director: Patrick Reffett

**Special Permit Discussion 227 Willow St.**

Patrick Reffett recalled the previous meeting wherein the Board requested to see more landscape materials on the property and were concerned about the locations of leaching fields. The leaching fields had been located. Mr. Pallazola had prepared improvements to plans, which featured landscaping. The plans included suggestions regarding appropriate lighting. Mr. Reffett explained that the property was approved via a Special Permit, which required that changes needed to be allowed after a re-opening of the Special Permit hearing. Advertising would occur for the amendment hearing on August 7, 2018.

Rick Mitchell suggested that the Board come to consensus as regarding requests for the public hearing. According to Patrick Reffett, Mr. Pallazola had proposed changes on the distributed plans, which included landscaping and elevation lighting. Ed Howard was concerned with noise and light pollution. Mr. Mitchell referred to the schedule of lighting and noted that the current plan included the top soffits being turned off at 10 pm and bottom soffits would be on from dusk until dawn.

Rick Mitchell discussed the two parking spaces on the SW side of the property. According to Mr. Mitchell, the original plan had plantings. Mr. Mitchell suggested that the parking spaces be turned into a defined planting area with deciduous or evergreen trees to add to the screening. The area was originally thought to be the septic field but was determined to be the reserve area. Mr. Mitchell wanted Mr. Pallazola to dig up the two parking spaces and create a planted berm encircled with a granite curb.

Peter Clark discussed the elevator, which he believed should not have gone up to the roof. The area created on top was for Mr. Pallazola's own use rather than a public use. Rick Mitchell responded that the court was reluctant to make a judgement to modify or take the structure down. Ed Howard was concerned that the submitted plans did not have dimensions or a scale.

Patrick Reffett explained that the court was suggesting the Planning Board and applicant work out some remediation to make the situation and building workable to both parties. The focus was on landscaping and lighting. Ed Howard noted the noise associated with a business and reiterated that the applicant should provide plans with dimensions as that was how the problem originated. Rick Mitchell said he did not want government over-reach as at the previous

meeting, the Board and Mr. Pallazola had discussed lighting and the timing of lighting as well as landscaping. Mr. Howard wondered about the effect of lighting on the neighbors. Mr. Mitchell wanted to keep the discussion to what was discussed at the previous meeting.

Rick Mitchell thought the applicant had provided clear details and information regarding how to control the lighting. Members of the Board discussed Mr. Pallazola's intention to follow through with the replacement of lighting to comply with the amended Special Permit. Chris Shepherd clarified that the existing lighting was not recessed lighting. Peter Clark noted the original time for lights to be turned off was 8:00 pm, but was not 10:00 pm. The original Special Permit indicated that lights would be turned off when tenants left, according to Peter Clark. Patrick Reffett disagreed. Mr. Shepherd wanted to have a clear time for the upper soffits. The Special Permit would be checked to determine the timing for turning off the lights.

Patrick Reffett said the Building Inspector and Fire Inspector had visited the site and determined that the structure had been completed. Mr. Reffett added that the Planning Board wanted the upper level to feature a roof garden to mitigate run-off, which was a function of the Planning Board requirements.

Ed Howard wondered why Mr. Pallazola was not present at the current meeting. Chris Shepherd suggested he be present at the meeting of July 24, 2018. Ed Howard indicated that he was happy with the proposal. Mr. Mitchell said he did not want to reopen things that were not discussed previously. Mr. Shepherd suggested having Mr. Pallazola supply photos of the roof to satisfy the discussion but Rick Mitchell said it would not be useful. Mr. Pallazola would be asked if the construction of the roof had been completed.

The focus of the discussion would be plantings for further screening. Neighbors would be contacted to determine if 8:00 pm or 10:00 pm were acceptable times for the lights to be turned off. The Special Permit would be read to determine timing. Rick Mitchell indicated that he was satisfied with the landscape solution of removing two parking spaces and turn them into a berm with evergreens to soften the view. No white pines would be used.

#### **Board Discussion – Accessory Apartments Zoning Amendment.**

Planning & Inspections Director Patrick Reffett discussed the Accessory Apartments amendment effort to date. A public hearing for the amendment to the Zoning By-law would be August 7, 2018. Information from surrounding community Accessory Apartment By-laws had been used to create the Hamilton Assessorary Apartment By-law. The new By-law condensed the current existing By-laws. ZBA Chairman Bill Bowler had commented that enforcing a three year permit was not feasible and recommended it be removed. Rick Mitchell and Patrick Reffett agreed that he had noticed a three year permit in other communities. Peter Clark said apartments were meant to be temporary. Richard Boroff said it was unenforceable and that by removing the apartment after three years, it would not provide moderately priced housing. Mr. Clark said he

was interested if members of the community wanted apartments or not. The apartment would no longer be legal once the home was sold.

While grandfathering was not part of the By-law, Patrick Reffett thought it should be part of the presentation. Bill Olson (Selectmen/Anthony Road) asked if an apartment could be built from scratch. Patrick Reffett responded that with the proposed text it was a possibility to add additional built product to the property so long as the design criteria was met. Mr. Olson was not in favor of building a garage and turning it in to an apartment.

**Board Discussion – Master Plan solicitation for Scope of Services for consultant engagement.**

Donna Brewer had made comments and inserted dates. Patrick Reffett would advertise the public advertisement within the Central Register and have proposals available after they were due.

**Other Board Business/Discussion**

**Discuss/Vote for Associate Member Candidates.**

Rick Mitchell made motion to appoint Dan Hamm as an associate member of the Planning Board.

Peter Clark seconded.

Vote: Unanimous in favor.

**Updates from Members**

The appointment of a Board member to the CPC would be conducted at the next meeting.

Members discussed the progress of the Affordable Housing Trust in their review of the agreement for the development of Longmeadow Way.

Discussion ensued regarding the funding of the Master Plan. CPC funds could be used for the affordable housing aspect of the Master Plan. The Planning Board still had \$12,500 in Planning funds for possible use.

**Adjournment**

Richard Boroff made motion to adjourn.

Seconded by Ed Howard.

Vote: Unanimous to adjourn at 8:27 pm.

Prepared by:

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Marcie Ricker

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Attest  
Date