

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
September 18, 2018

Members Present: Richard Boroff, Peter Clark, Janel Curry, Dan Hamm, Ed Howard, Rick Mitchell, and Brian Stein (Chair).  
Associate Members: Chris Shepherd.  
Planning Director: Patrick Reffett

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

**Public Hearing – 354 Highland St. Amend the Special Permit.**

Jill Mann was present to represent Canter Brook Equestrian Center and Magnolia Reach Capital, LLC. Larry Smith, principal of Magnolia Reach Capital, LLC was also present. The discussion focused on the minor changes to water and the façade used on buildings as well as the affordable component. In 2016 the applicant agreed to construct two affordable units on site. Ms. Mann went to the Department of Housing and Community Development (DHCD) and was informed that age restrictions were not allowed. If children under 18 and/or adults under 55 years old were in the units, the Senior Housing Special Permit issued would be violated. Payment in lieu of housing being offered was consistent with the formula in the Zoning By-law. The applicant worked with Mr. Massos (AHT) and showed him the pricing formula, construction costs, and sale prices of the units. The applicant had offered to pay the profits from the units. Ms. Mann presented the calculation sheet to the Board. DHCD had dictated what the affordable unit prices would be. Ms. Mann said the profit was considered generous after calculating the costs. Mr. Massos did not want to include the \$34,000 attributed to each affordable unit. The AHT preferred a range of \$417,000 to \$450,000 for payment. Ms. Mann explained that the applicant was seeking a modification to the approval and would offer \$417,000 in payment in lieu of building the units on site. The payments would be issued in two installments: the first after the tenth unit was sold and the second after the 20<sup>th</sup> unit was sold.

The previously approved permit allowed for vinyl siding, which was being upgraded to hardy plank or cedar plank with the same colors and design.

Discussion ensued regarding the changed utility sheet. The previous DPW director did not want individual water meters on each unit and asked for one compound unit with subunits. The new DPW director agreed that one meter per unit and one separate meter for irrigation would be preferable. The water line changed from the previous DPW director wanting to have the Sharon Road water line abandoned with a new line installed from Highland St., a solution that would cause trees being felled and the wetlands disturbed. Charlie Wear noted the 6” line from Sharon Road and that there was concern with maintenance as Sharon Road was a private way.

Charlie Wear indicated the previous water plan was approved as a dead end but would now become a looped water main. The water department agreed with the improvement. The water line would connect to the 6" line where the line existed currently, which complete the loop and would improve water quality and fire protection. The DPW wrote a letter, which outlined the improvement for Sharon Road and the Water Department. The Water Department was concerned about maintenance but Larry Smith said he would agree with a condition that the condo association was responsible for the maintenance of the water line.

Ed Howard noted the water conservation benefit of individual meters and that dead end water mains were undesirable.

Building off-site was prohibitive and the AHT had previously been discussing using the funds to pay down Longmeadow to reduce the project's density. Brian Stein recalled that some people would rather see units built. Jill Mann said it was not easy with local zoning to provide two units in one location and buying two lots would be more than the cost of two units. Rehabilitation would be difficult because all systems needed to have a 20 year guarantee, according to Ms. Mann. Richard Boroff said he would prefer to see two units built. Ms. Mann said she had never seen an off-site unit provided except for those which added onto existing projects. Mr. Stein said he had only experienced it being done with two family housing.

Brian Stein was concerned with the lag time for the payment but Larry Smith said payments could be more flexible and offered to have payments occur after the tenth unit or December 2019 and after the 20<sup>th</sup> unit or December 2020, whichever came first. Rick Mitchell was struggling with the \$17,000 per affordable unit and was asking for \$451,000 as a payment. Mr. Mitchell and Mr. Smith negotiated a payment price with the last agreed upon price being \$435,000. Everyone also agreed that holding the occupancy permit would ensure payment. A draft decision would be supplied by Jill Mann that included the conditions for the water system and plank or cedar siding.

Richard Hayes (31 Bradford Road) asked if the Sharon Road water main was close to its useful life and if connecting a 6" main to an 8" main was appropriate. Charlie Wear said the connection was not an issue and the increase may improve Sharon Road water flow a little bit. Sharon Road's water line had a long life ahead, according to Mr. Wear. Mr. Wear noted that the DPW letter was a bit confusing but having the water line go through the wetlands was never discussed. Patrick Reffett would confirm the issue with the water department.

Motion made by Rick Mitchell to continue the public hearing for 354 Highland St. until October 2, 2018 at 7:00 pm at the Memorial Room.

Richard Boroff seconded.

Vote: Unanimous in favor.

**Public Hearing - Common Driveway Special Permit off of Maple St. for four lots: 100 Maple and three new lots at 159 Asbury St. Hamilton Farm LLC.**

Bob Griffin was present. Rick Mitchell recused himself as an abutter. Mr. Griffin recalled that lots had been approved and presented the ANR plan of five lots for five single family houses. The middle of the site was 30 acres of remaining land. The current discussion was in regard to the Common Driveway Special Permit, which would access three lots from Maple St.

Bob Griffin said the applicant was proposing to construct a paved 90' cul de sac from a 22' wide driveway from Maple St. Maple St. was currently 18' wide along its length and 20' wide at the end, where connection would occur. The driveway would be gravel and follow the alignment that currently connected 100 Maple St. The three homes' addresses would be 80, 84, and 88 Maple St. Underground utilities would be accessed from the poles on Maple St. and the water main at the end of Maple St. would be extended. The applicant had proposed a 4" water main, but the DPW requested a 6" main with a hydrant at the end of the water line. Septic testing had found appropriate soils.

According to Bob Griffin, the benefit of the proposed layout was that the homes were far from the wetland resource compared to other conceptual plans. The wetlands were in the middle of the site with all work occurring on the eastern edge of property. No work would occur in the buffer zone so Conservation Commission approval was not necessary. Dry wells would be used to lessen ponding as a result of the driveway but the area was flat. A catch basin would be in the paved cul de sac connecting to an underground filtration bed. The proposed grades were close to the existing grade. The existing fence would not be disturbed except in the cul de sac location.

Patrick Reffett reviewed the common driveway By-law for the Board noting that the roadway being created would not create frontage or allow for further subdivision. Bob Griffin discussed the Fire Department's issue regarding the plan. The Fire Department did not find the width of the driveway on the plan but Mr. Griffin noted it had been written as a note to be 24'. Ray Brunet questioned the individual driveways, which Mr. Griffin said met the 14' driveway standards of the Town. Residential sprinklers would be installed. The three driveway entrances were at an angle that would be difficult for fire apparatus but Mr. Griffin said he would study the plan to ensure access.

Patrick Reffett read the DPW letter. The 4" water line could be joined to a 6" main with a connection made directly at the 8" gate valve. A hydrant was requested at the cul de sac. Snow removal was discussed and it was agreed that pushing snow toward the cul de sac was an acceptable solution. The solution would not impede access to private property. Mr. Griffin noted the paved cul de sac was for turn-around access rather than snow storage.

Camilla Rich (100 Maple St.) said she was happy with the snow removal solution. Deb Safford (Maple St) was concerned with water run-off. Bob Griffin explained the general trend of the topography, which allowed water to flow from the north to the south then sweep toward wetlands. Mr. Griffin noted the reasonably flat topography and that the proposal offered a lot of

opportunities for roof runoff to go into lawns, dry wells, and an open grate. The cul de sac catch basin would provide water to go quickly down to the soils. Mr. Griffin added that three houses on 30 acres of land would not create much run-off.

Fred Maidment (71 Maple St.) asked if the cul de sac was curbed and if it was full of snow, how emergency vehicles would turn around. Mr. Maidment also commented that he had studied the subsurface infiltration system to find that it was not useful in high groundwater. Mr. Maidment noted that ten houses on Maple St. pump water onto the street every spring. Bob Griffin responded that no stream was available to divert water into so the solution was infiltration and the cul de sac would not eliminate Maple St. problems. Heidi Clark (38 Porter Lane) asked about clearing trees. Mr. Griffin responded that the clearing limit would be 30 to 40' for the grading, septic, and utilities for houses. The architect and homeowners would decide which trees to save. Mr. Griffin described a notable oak tree that would be preserved. John Hendrickson (34 Porter Lane) requested a fence be installed along Porter St. but Brian Stein responded that could not be a common driveway condition. Mr. Griffin said the developer would not be putting a fence up and it would be within the buffer zone.

The existing trail from Woodland Meade and Porter Lane was discussed. Bob Griffin said it would be up to the future homeowners to provide an easement. An trail easement did exist in Woodland Meade. Camilla Rich said no easement existed across her property but she allowed people to access the trail. Sue McLaughlin (Park St.) asked about the distance from her property line to the driveway. Bob Griffin indicated it was between 200 to 300'. Ms. McLaughlin asked to keep the deciduous trees and Mr. Griffin responded that the area was not being disturbed. Clay Lawrence (109 Woodland Meade) described the bridle path easement of Woodland Meade and requested an easement to the schooling field. The Woodland Meade easement only went to a certain point and Mr. Lawrence hoped future landowners would allow access to continue. Only the access to the driveway was a recorded easement. Peter Clark suggested putting the trail as a condition in the special permit. Camilla Rich reiterated that she would not provide an easement.

Lynn Parker (72 Maple St.) said the existing dry well did not help the water situation on Maple St. Bob Griffin said the dry well in the cul de sac would be much larger than the one in Maple St. The water pressure for those on Maple St. was based on the 1" water line to the house and the change would not offer much effect. The 8" water line was designed for fire flows.

Heidi Clark asked about educating homeowners regarding dumping in the no disturb area. Bob Griffin responded that the plan would be shown to potential homebuyers and any work in those areas would need Conservation Commission approval.

Motion made by Peter Clark to continue the public hearing until October 2, 2018 at 7:00 pm in the Memorial Room.

Janel Curry seconded.

Vote: Unanimous in favor.

**Public Hearing - Proposed Town Meeting Article 3-2 to Repeal Conservancy District By-law.**

Bill Olson was present and gave history of the Conservancy District By-law. Mr. Olson suggested that the By-law be repealed and if residents wanted to create a new By-law to protect habitat and uplands, it could later be adopted. Mr. Olson did not think that could happen for a while due to the amount of time it would take to study the concept. Mr. Olson said a number of people believed the current By-law was redundant to State and Federal laws. Donna Brewer and the ZBA both indicated the By-law was hard to enforce. Mr. Olson said repealing the By-law would limit future liability. Mr. Olson would present the article at Town Meeting.

Rick Mitchell made motion to close the public hearing.

Janel Curry seconded

Vote: Unanimous in favor.

Rick Mitchell made motion that the Planning Board support repealing the Conservancy District By-law.

Janel Curry seconded.

Vote: Unanimous in favor.

**Master Plan (Residential) Proposal**

Jennifer Goldson had previously met with Janel Curry and Patrick Reffett to fine tune the Scope of Services. Town Counsel would prepare the document to be signed for the six month project. Consultants were aware of the need for public outreach.

**Select Associate Member**

Patrick Reffett said Laura Walsh and Barbie DeJaeger had previously come forward with an interest in the position. Chris Shepherd had requested extra time because he had someone in mind but the commitments did not fit their schedule.

Janel Curry made motion to appoint Laura Walsh to the position of associate member.

Rick Mitchell seconded.

Laura Walsh was noted as having a variety of experiences that would benefit the Board in terms of real estate. Patrick Reffett said Ms. Walsh was still available and interested.

Vote: Unanimous in favor

**Other Board Business/Discussions**

Minutes August 7, 2018 and August 21, 2018

Motion made by Brian Stein to approve the minutes of August 7, 2018.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Motion made by Janel Curry to approve the minutes of August 21, 2018.

Seconded by Rick Mitchell

Vote: Unanimous in favor with Brian Stein abstaining due to his absence at the meeting.

Updates from the chair and members

Discussion ensued regarding small cell communication towers and the applicability to the local By-law. Patrick Reffett thought two By-laws would be appropriate as the existing By-law was not intended for micro-technology. Right of ways were not a part of the assessor's technology so a finding that the application departed from the expected By-law language would need to be incorporated. A fall zone of 110' for cell towers would not be applicable as micro systems were on telephone poles. A finding could be generated for the requirement. The model By-law text was clean, clear, and direct, according to Mr. Reffett.

Patrick Reffett suggested rewriting the Inclusionary By-law. The Canter Brook approach was based on the realities of Hamilton. The Consultants for the Housing Master Plan would be asked to address the issue.

Adjournment

Motion made by Rick Mitchell to adjourn.

Seconded by Richard Boroff.

Vote: Unanimous to adjourn at 8:58 pm.

Prepared by:

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Marcie Ricker

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Attest

Date