

HAMILTON PLANNING BOARD
MINUTES OF MEETING
September 19, 2017

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

Associate Members: Janel Curry

Others Present: Tim Olson, DPW Director

The meeting was called to order by Brian Stein at 7:00 pm. in the Memorial Room.

Tree Removal at 250 Asbury St. Tim Olson

A public hearing was held in accordance with the Scenic Road By-law for a Norway maple which was declining in health on Asbury St. Tim Olson now needed approval by the Planning Board before felling the invasive species tree. Ed Howard questioned the Scenic Road By-law and wondered about the consistency of road lists versus the zoning map. Mr. Olson responded that he had conducted research and found the Town Clerk had evidence of a Town Meeting article to designate Asbury St. as a scenic roadway in 1980 and Walnut Road in 1997. Mr. Olson said the list would now be updated to reflect the research.

Brian Stein made Motion that the Planning Board approve the tree removal at 250 Asbury St. as presented by the DPW Director.

Richard Boroff seconded.

Vote: Unanimous in favor.

Public Hearing – Willow Street Overlay District.

Brian Stein said the public hearing had been continued from the previous meeting and the minor changes had been reflected in the Planning Board's packet. Town Counsel had comments and Patrick Reffett made the changes. Floor Area Ratio (FAR) would be added. Claudia Woods noted the design review and permitting process, recalled that the Planning Board did not have standards, and wondered what the definition of standards would be. Brian Stein responded that it was just the review and suggested to remove the word "design." Permitted uses were moved to Section 9.5.8. Mr. Stein mentioned the terminology shall use downtown guidelines available on the website, which was changed to "were available at Town Hall." Peter Clark was concerned about the follow up, to which Bill Olson said it would be part of the special permit rules and regulations. The Planning Board could still increase the height.

Rosemary Kennedy (Rust St.) asked if an applicant had the ability to use the By-law or use the uses available in the underlying district. Ms. Kennedy said she was concerned that there were no

rules, which would allow another building such as the one at 227 Willow St. Ms. Kennedy added that if the Planning Board had the discretion to make a building as high as the applicant wanted, there was no height limitation. Ms. Kennedy mentioned that there was no concern about impact (noise, light, dust, or traffic) on the neighborhood. Members of the Board responded that visual appearance, FAR, height, and lighting were a part of the By-law. Noise was controlled through a Town By-law.

Rosemary Kennedy indicated that 227 Willow St. had reduced property values in the area and the Town had granted abatements. Rick Mitchell questioned the validity of the statements made. Ms. Kennedy said the abatement was based on the lack of afternoon light because 227 Willow St. blocked the afternoon sun and that the information was sourced from the resident that was granted the abatement. Peter Clark offered his concern regarding the manner in which the Board was addressing the public and found it disrespectful.

While it was agreed that parking, lighting, and signs were all mentioned in the By-law, Rosemary Kennedy stated that lights were on all night at 227 Willow St. and had not been addressed. Ms. Kennedy said the height issue had been ignored for six months. Brian Stein responded that the height violation at 227 Willow St. took a while to be addressed and the Planning Board had recently tried to address the problem for the future in the Special Permit Rules and Regulations. Peter Clark said that the lights were on all night at 227 Willow St. while no occupancy permit had been granted. Mr. Clark recalled that the rule in the Special Permit was that the lights would go off when people left the building. Bill Olson said he thought 227 Willow St. was in violation of the Special Permit and had been notified of it. Mr. Clark wanted to ensure that the Building Inspector would enforce it.

Discussion ensued regarding the FAR as being the protection for the Town that a mass such as 227 Willow St. would not occur again. Furthermore, all permanent structures must be shown on the plan. Construction drawings needed to be submitted to the Building Inspector and the Planning Board, allowing the Planning Board the opportunity to compare the construction drawings to the approved plan. All protections were in the Rules and Regulations for a Special Permit.

While Rosemary Kennedy did not believe protections were enough to protect the neighborhood, Claudia Woods wondered what could be amended to make the By-law amenable to the surrounding neighbors. Brian Stein suggested adding a sentence that specified impacts to the abutting residential neighborhood. The Board discussed "Objectives 3" and expanded environmental impacts to include impacts on the adjacent residential neighborhood.

Susan Lawrence (Rock Maple) asked about the status of 227 Willow St., to which Brian Stein responded that it was in land court. Ms. Lawrence wanted enforcement of the lighting violation.

Motion made by Peter Clark to accept the changes as presented and close the hearing.

Richard Boroff seconded.
Vote: Unanimous in favor.

Public Hearing – Estate Overlay District.

Changes to the By-law encouraged more options to development such as residential development. Changes included a reduced new floor area allowance. Brian Stein compared the proposed and current By-law adaptive reuse of an existing estate house and commercial use. Changes included renovations to Historic Standards allowing for two times the floor area with commercial or residential use rather than three times the space of the existing estate house. If a the estate house was just renovated, new floor area was one times the space of the existing estate house with either commercial or residential uses. Passive recreation was not defined in the new By-law. It was agreed that the word “passive” would be removed.

Jack Lawrence (Rock Maple) wondered if the objective of the By-law was to increase the residential density of the town, which he believed would be counter-productive. Mr. Lawrence thought there would be a devastating impact on the quality of life in terms of the number of people. Mr. Lawrence believed the Town would never develop their way out of the tax burden and that having a great number of residential developments would create difficulties. Mr. Lawrence wanted modeling of potential consequences of the By-law.

Rosemary Kennedy was concerned about the introduction of housing to the By-law and wondered how many new apartments or condos might be created and the impact of the units. Bill Olson said the By-law was meant to protect the estate house and lessen the potential of it being taken down and the land subdivided into house lots. Brian Stein added that having a varied housing stock rather than single family housing would be a benefit to the town.

The majority of the Board said they did not want to eliminate the commercial uses and did not want to change it. The modification was to allow for more residential uses. Claudia Woods stated that the landowners and abutters did not want commercial uses. Brian Stein and Rick Mitchell responded that they were not required to do commercial uses. Town Counsel had opined that non-profit uses should be specified but Bill Olson said it was part of the uses.

William Stone (22 Moulton St.) wanted to ensure that abutters would be acknowledged for their concerns regarding noise and traffic impacts, especially if estate homes were developed into commercial properties with cars. Brian Stein explained the Special Permit process that would allow notification and input from all abutters.

Motion to continue the public hearing made by Bill Olson on the proposed zoning article changes to the Estate Overlay District By-law until the meeting on October 3, 2017.

Ed Howard seconded.
Vote: Unanimous in favor.

Cottage Housing By-law

A public hearing for the By-law would be held on October 3, 2017. Bill Olson wanted to determine density and size for public comment. The By-law would be permitted in all residential districts. Peter Clark thought of the housing as infill and did not want to see a development in the outlying areas of town. Mr. Olson also wanted to define how close projects could be to each other and how many could be approved in one year.

Two bedroom cottages of 800 to 1,500 sf were starter homes or homes for empty nesters. One bedroom was allowed on the first floor and there was a requirement for a community building. Density was proposed to be 4.5 units per acre or three times the base density of the underlying zone. Bill Olsen said the By-law provided flexibility for outlying areas and infill housing. The minimum lot size would be one acre and the maximum size would be five acres.

The proposed By-law would enable the applicant to keep the existing house. The approval would be through a Special Permit process. While it was considered that the applicant would need to show a typical subdivision in a conceptual manner compared to cottage housing, the Board agreed that under five acres would be too small to develop the parcel in a standard development way.

It was agreed that distance between developments would remain at 1/3 mile consistent with the Senior Housing By-law. The maximum amount per year would be 50 units. Common open space would have dwellings on two sides. Common open space would be provided with a 20 x 20' courtyard for private space for each unit.

It was agreed that setbacks would be 20' from the front lot line, 8' from the side lot line and 10' from the rear lot line. A fire wall would be required if homes were constructed too close to each other. Ed Howard noted clothesline regulations. There would be freedom in regard to driveway widths. Claudia Woods thought the connectivity and open space was critical. Brian Stein would create a layout of a two acre site.

The public hearing would be in two weeks and Brian Stein would have a sample to show the Board. Claudia Woods suggested a condition of inclusionary units and Bill Olson thought it might be an option for a bonus density.

Scott Maddern (Old Cart Road) spoke about the importance of Cottage Housing and suggested the Planning Board accelerate their work on the By-law. Claudia Woods recalled that Rob Brennan had asserted that the Town do a market study to determine what people wanted as well as the price point desired. Rob Brennan had also indicated that design standards be in place.

Claudia Woods noted her concern that the By-law was allowed in all the residential zones, but Bill Olson responded that the Special Permit process let all people come to the table for a review.

Brian Stein thought a five acres site in the RA district might make sense. Janel Curry thought it might incentivize infill.

Other Board business review and vote regarding minutes.

Allison Jenkins had contacted the Attorney General’s office about a letter received by Ed Howard on 7/25/17 regarding the cell tower behind Town Hall. The letter was written by Rosemary Kennedy. Ms. Jenkins had reportedly requested a copy of the correspondence and it was not provided. The Attorney General’s office said the Planning Board needed to address this and obtain the correspondence, but it had not been produced to date. Mr. Howard said he sent it to the Planning Board after his lawyer approved the distribution of the letter. Mr. Howard recalled that he offered the letter of a private person that was sent to him to the Board and if anyone on the Board was interested, the author would provide it to the Board. According to Mr. Howard, no one on the Board said they were interested in it because “they thought it was a slam dunk.” Mr. Howard said that asking for a letter that was never requested was a high handed act of bringing Mr. Howard’s reputation up for a conflict of interest. Mr. Howard’s attorney reportedly said there was a chance that someone misinterpreted it and the author could authorize it, which was completed. Brian Stein said Mr. Howard brought up the fact that he had a letter during a public meeting, so the Attorney General was asking for the evidence. Mr. Stein indicated that once the letter had been sent, the Attorney General would be notified.

Board Updates

Ed Howard said the Community Preservation Committee (CPC) money had been appropriated for the Patton roof but the building permit was not taken out, creating a technical issue that the CPC could not pay for the work until next year. Mr. Howard said the DPW Director was doing a study for renovation of the Town Hall in relation to Essex Town Hall renovations. The estimate would be \$4.5M without additions to the building. The Committee wanted \$75,000 from the CPC to hire an Owner’s Project Manager. Essex spent \$6M and had the advantage of renting a full building adjacent to the Town Hall for two years. That expense was not in the renovation figures, according to Mr. Howard.

Adjournment

Motion to adjourn made by Rick Mitchell.
Seconded by Richard Boroff.
Vote: Unanimous to adjourn at 9:08 pm.

Prepared by:

Marcie Ricker

Attest

Date