

HAMILTON PLANNING BOARD
MINUTES OF MEETING
November 13, 2018

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

This meeting was called to order in the Memorial Room at Town Hall at 7:04 with a quorum established.

Public Hearing. 601, 605, 609, and 613 Bay Road.

Rick Mitchell read the public hearing notice to open the public hearing. Brian Stein noted the applicant had introduced the project at a previous meeting as a Preliminary Subdivision Plan. Chris Shepherd (Associate Member) did not have a vote as an Associate Member but as an involved party (owner of land within the proposed subdivision) he recused himself but made note that he was a resident at 613 Bay Road and reserved the right to speak regarding the proposal as a citizen within the audience.

Rick Salvo and Tom Ford were present to discuss the plan. Heather Ford, Stefanie Serafini, and John Serafini were noted as being present in the audience. Mr. Ford said the plan was the exact same plan as the Preliminary Plan that featured one additional lot behind the Serafini homestead. The plan also eliminated the ambiguity of the “man cave” at 605 Bay Road and the resulting lot behind it. Several existing lots were being altered by the plan. 605 Bay Road would become a conforming lot with adequate frontage and circle test. The lot out back would change. Tom Ford’s lot would be increased in size. Chris Shepherd’s lot would be altered to accommodate the rounding at Bay Road and would increase in square footage. The roadway would be a private drive that would not be an encumbrance on the Town. The subdivision was entitled “Bayfield” but there were enough adequate house numbers on Bay Road that a new street would not need to be introduced, according to Mr. Ford.

Rick Salvo (Engineering Alliance) said the existing condition plan featured four residential dwellings shown on four lots. 613 Bay Road had 26,199 sf, 609 Bay Road had 37,683 sf, 605 Bay Road had 2.5 acres, and 601 Bay Road had 2.04 acres. Each one except 609 Bay Road obtained its access from Bay Road. 605 Bay Road entered from the common driveway. Mr. Salvo said the Historic District bisected lot 50 then ran along the property line between lot 20 and then in an easterly direction. Half of the development would be located within the Historic District.

Rick Salvo presented the lotting plan. Lots 3 and 4 (in red on the plan) would be the two new conforming building lots. All lots would have frontage. Lot 1 would increase in area and 609 Bay Road would have a slight increase in area. Lot 5 would become a conforming lot with adequate frontage, area, and circle test. Lot 6/601 Bay Road would be cut in half of its current 46,383 sf. All lots met zoning requirements. There would be one new building lot with two new houses being built on the property. A cul-de-sac would be at the end of the road for a turn around.

According to Rick Salvo, the plan and profile would be similar to the recently approved project down the street. The intent would be to create a small roadway such as a common driveway. Currently the roadway was 16' and was proposed to be widened to 22'. The cul-de-sac would be a hammerhead shape in which a ladder truck would be able to turn around with a 25' radius. The roadway would stay at the current grade but would not be centered in the right of way to be able to use the old driveway. The existing driveway would maintain the same edge on the northeastern side and be widened on the southwestern side. Mr. Salvo pointed to the high point and noted that stormwater would stay within the roadway. The cross section featured a typical crown with 1/4" per foot in each direction, swales, and series of dry wells to capture stormwater created by the roadway, which would be directed into dry wells. The roadway would "wiggle" within the right of way to keep existing trees. Mr. Salvo said existing trees would be augmented with three new trees. Mr. Salvo showed the development superimposed on an aerial view and noted the requested waivers, which were submitted to the Board. Tom Ford thought work would begin in the spring and that he would likely build one of the two homes.

Hamilton Fire Chief Phil Stevens was present to discuss the terminus of the drive/road. Chief Stevens wanted to see a regular circular turn-around because hammerheads turned into driveways with parked cars leaving safety access difficult. Snow removal would be a concern with a regular hammerhead termination of the drive. Tom Ford said the circular cul-de-sacs at Farrington Lane and Prides Park looked like a heliport but he would be amenable to a modification which would have the middle portion of the cul-de-sac open for plantings and green space while reducing pavement. Mr. Ford agreed to an open "bulb" at the end of the drive with a 22' wide width of the drive around a landscaped center which corresponded to Chief Steven's request.

Tom Ford said the two lots had been perc tested and that the roadway would have similar results of 7 minutes an inch. The perc testing went 12' down without hitting groundwater. Mr. Ford noted the underlying zoning for the area was 20,000 sf and the lots proposed were about 40,000 sf. Patrick Reffett added that the frontage requirement of the district was 125', which was surpassed. Ed Howard suggested keeping the center of the cul-de-sac of hard material rather than trees as the fire trucks might destroy the landscaping. Mr. Ford said snow would be piled in the center as well. Those abutting the cul-de-sac would be responsible for sanding and maintenance.

Jim Brao (610 Bay Road) said the plans at Town Hall did not match those presented at the meeting and wondered where the road would be placed as it intersected Bay Road. Mr. Brao requested that the roadway be “chalked” out. Mr. Brao said he lived in the Historic District and these issues had been addressed 20 years ago with a similar presentation. At that time, the Historic District Commission had a major voice in the subdivision. Mr. Brao asked if a Certificate of Appropriateness had been issued. Mr. Brao recalled that Donna Brewer had opined that a new road was something to be considered in the Historic District as was done at the church. Mr. Brao said he was confused why the subject had not been brought up when Mr. Ford knew the requirement. Mr. Brao asked if the subdivision was by-right with waivers. Mr. Brao said the existing driveway was 16’ and wondered where it would be laid out as car lights at night shine into his living room. Mr. Brao asked about the relocation of the utility pole and the radius of the curve. Mr. Brao wanted to know how far up the street curbing would be installed, overhead lighting would be placed, and if the water main was adequate or needed to be replaced. Mr. Brao noted the safety concerns regarding parking and issues with the church. Mr. Brao said four way intersections did not occur in the Historic District. Mr. Brao said he tried to offset the lights into his home by moving his driveway. Mr. Brao was concerned why Mr. Ford was not building on the final lot.

Tom Ford responded that the plan was exactly the same as the one on file excepting the cul-de-sac and that the road would be constructed 6’ closer to 605 Bay Road. The road across the street from the Brao home would be in exactly the same location. There would not be lighting for the road. Mr. Ford said he had dealt with the Historic District concerns for a decade. Mr. Ford said he restored the Shepherd home and the blue house as well as having his own home reviewed. The unbuilt house was also under review of the Commission. Mr. Ford asserted that fences and colors were not under the purview of the Historic District Commission but rather it was about architecture. Mr. Ford noted the recently approved four way intersection at Bridge St. and Bay Road. Mr. Ford did not think one additional house would affect the Brao home and that the driveway was not opposite his living room. No new water main was needed and two fire hydrants were within 200’ in both directions. Mr. Ford thought the transformer might need to be upgraded for the two houses. Patrick Reffett said the Board would be approving a subdivision with 17 waivers, which was not by right. Mr. Reffett thought it may be possible that the proposal needed Historic District Commission review and would confirm. The DPW Director had stated the existing 2” water main was adequate.

Paula Gesmundo (610 Bay Road) recalled that the previous subdivision lacked a turning radius and waivers were granted to build a few houses. Ms. Gesmundo said she and her husband met with Tom Ford. Ms. Gesmundo said she did not feel the proposed intersection was safe or aesthetically appealing. Lights were an issue. Mr. Ford agreed to pay them to move their driveway but created a caveat that if the project were changed, Mr. Ford did not need to pay for the alteration. Mr. Ford was not bound to pay the Brao-Gesmundos after appeals. Ms. Gesmundo said she wrote a letter to the Planning Board withdrawing their objections with a 16’

driveway offset by her driveway and that they were satisfied. The Planning Coordinator had requested that they renew their objections.

Paula Gesmundo said the driveway was dangerous, she was affected by the lights, and now the road was being widened. Ms. Gesmundo said the continuous bites at the apple were not fair. Ms. Gesmundo did not feel Mr. Ford was entitled to a subdivision and now he was obtaining a larger one. Ms. Gesmundo was worried that the lot that was not being built upon allowed for access from the Puhl property, which would allow more houses to be built. Ms. Gesmundo did not feel the comparison to the Bridge St. intersection was appropriate because it was for new houses. Ms. Gesmundo said it was rude and onerous to put all the light onto one property. Ms. Gesmundo spoke about the issues with the church parking and traffic in front of her house. Ms. Gesmundo did not feel that just because Tom Ford dealt with the Historic District Commission in 1998, that they would find the current proposal appropriate. Ms. Gesmundo referred to the memo from Donna Brewer to Tom Catalano indicating that the Commission had the authority to review, approve, or disapprove a structure or combination of materials other than buildings. While fences, signs, and walls were not governed, roads were. Driveways would be exempt but a road was not similar to a driveway. Ms. Gesmundo said the Historic District Commission needed to review the proposal.

Tom Ford referred to work at Bay Road and Bridge Street, which was done without Historic District guidelines or involvement because things that were not viewed from the road were not included. Mr. Ford said the current driveway provided frontage for his house and never received Historic District review. Mr. Ford recalled that he had offered to rebuild the neighbor's fence in front of their house, and make other improvements including removing the driveway when it was a more dense subdivision but at that time, the offer was not accepted. Mr. Ford said the neighbors just wanted a check written to them. Mr. Ford believed the neighbors' motivation was not about impacts but rather an economic win. Mr. Ford repeated that he was adding 6' to the existing driveway. The driveway would be moved off the Shepherd property but would pass within 11' of the man cave. The incoming traffic would be in the added area and the lights shining outward would be in the same location as currently existed. Mr. Ford said he was not interested in the Puhl property and would agree to a restriction of no further subdivision and no access to other adjacent land. Paula Gesmundo said that was a huge relief. Ms. Gesmundo said she had all the original letters between Mr. Ford and herself. Chris Shepherd indicated that he was also concerned about future access and that it would be part of his Purchase and Sale Agreement that a covenant would be in place to disallow future expansion.

Ed Howard said the Historic District Commission could do a walk-about of the property as they had not seen the project in recent years. No application had been filed with the Historic District Commission. Brian Stein said the roadway was already serving three homes and was just getting wider with a proper turning radius. Mr. Stein asked if the consideration could be done by analyzing the plan or needing a site visit. Tom Ford reiterated that the exiting cars' lights would not change as the expansion would be on the entering side of the roadway. Rick Mitchell said

the roadway had existed for 20 years and there was no reason to visit the site as only two more cars per day would be the effect.

It was agreed that a notation on the plan and in the deed that no further extension of the road would occur. Jim Brao asked why Donna Brewer said a new road should be addressed and the Historic District Commission would not be contacted. Mr. Brao said the existing roadway was a driveway and the proposal was for a road. Rick Mitchell said it was not a new road but rather a modification of an existing road and that all issues had been vetted 20 years ago. Mr. Brao disagreed and said the Historic District had an obligation to review the project. Richard Boroff said the Fire Chief would overrule the Historic District Commission if safety were a factor. Patrick Reffett said only the Planning Board had the ability to approve or reject a Definitive Subdivision Plan. The Historic District Commission did not have the ability to accept or reject a Definitive Subdivision Plan.

Paula Gesmundo read from Donna Brewer's memo that indicated the Historic District Commission had the power to prevent incongruous development in the Historic District. Rick Mitchell responded that the roadway existed and was not noted as incongruous at the time it was originally approved. Ms. Gesmundo said the approval was for a 16' roadway not a 22' roadway. Ms. Gesmundo said procedure would be to seek their approval via an application so the Planning Board decision did not get appealed. A Certificate of Appropriateness could be obtained within fourteen days.

Patrick Reffett would check with Donna Brewer regarding the expansion of the roadway. Brian Stein read the exemptions and thought it would not include a roadway. Tom Ford added that he did not believe the Historic District Commission had the authority. Mr. Ford would prepare the language for no further subdivision and suggested members drive by the site to check out the driveway location. Ed Howard said the no further subdivision notation was not working at Longmeadow. Paula Gesmundo asked if the provision could be waived.

Motion made by Rick Mitchell to continue the public hearing for the Definitive Subdivision prepared by Rick Salvo for Tom Ford until November 20, 2018.

Richard Boroff seconded.

Vote: Unanimous in favor.

Master Plan (Residential) Update.

Judi Barret requested the public forum be on February 5, 2019. Rick Mitchell mentioned that 40 members of the community were being asked to participate in focus groups. The Board was looking for a broad base of public opinion.

Board Discussion – Roadway Acceptance Policy

Patrick Reffett said the DPW Director and Town Manager were concerned about the current policy, which committed the Town to upgrade private roads to become public ways. The costs,

which were shared by the Town and roadway residents were currently shared 50/50. Costs included engineering and legal work as well as construction costs. Private road residents would wish to avail themselves to public road services. Mr. Reffett compared the Town's policy to other communities to find only four allowed for conversion. Richard Boroff and Mr. Reffett would do an analysis of the policies. Discussion ensued regarding the potential of having no policy to convert private ways to public ways. If private ways remained private, a homeowners' association would need to repair its own road. Snow plowing was discussed and the safety issue of not having cleared the private roadways. The cost of converting a road from private to public would be higher than the benefit of services provided. Dan Hamm noted that lot size or frontage would be proportionate to the cost calculation for each roadway. Mr. Boroff and Mr. Reffett would finish the review and evaluate the Planning Board's stance to continue or eliminate the policy. The Board voted to recommend that the existing policy be ended and no new roadway acceptance policy be accepted by the Town. A recommendation would be provided to the Selectmen.

2020 Budget Process.

Patrick Reffett announced there was approximately \$11,000 left from the Zoning By-law revision and the map. Town Meeting would need to approve the use of funds for another purpose. Mr. Reffett suggested saving the funds for further Zoning By-law revisions. It was agreed that members would benefit from various conferences at a cost of \$200 per person per conference. An request of \$1,500 would be put forth.

Board Discussion Potential Zoning By-law amendments – signage, pool placement, etc.

Patrick Reffett suggested reviewing inclusionary housing. Judi Barrett would be asked for a good example. On site units needed to be discussed, including age restricted provisions.

Meeting Minutes – October 23, 2018.

Motion to approve the minutes of October 23, 2018 made by Brian Stein

Seconded by Rick Mitchell

Vote: Unanimous in favor.

Updates from the Chair/Members/Staff

Richard Boroff updated the Board regarding the Open Space and Recreation Plan Committee member search. Ed Howard reviewed the discussion regarding Tom Ford and the Historic District Commission. Patrick Reffett discussed the MAPC meeting, which would be attended by Mr. Reffett, the Town Manager, Richard Boroff, and Rick Mitchell. Mr. Howard said the Historic District Commission was hoping to talk with the Town Hall architect. Mr. Reffett announced that the ZBA had approved the 40B policy.

Adjournment

Motion made by Rick Mitchell to adjourn.

Seconded by Ed Howard.

Vote: Unanimous to adjourn at 9:23 pm.

Prepared by:

Marcie Ricker

Attest

Date

