

HAMILTON PLANNING BOARD
MINUTES OF MEETING
December 19, 2017

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

Associate Members: Janel Curry

Others: Patrick Reffett, Director of Planning & Inspections

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

Board Discussion – Draft Demolition Delay By-law.

The current edition of the By-law was in response to comments by Board members at the December 5, 2017 meeting, according to Patrick Reffett. The By-law would require time by the Building Inspector and Historic District Commission Coordinator, which had not been addressed by the proposal. Mr. Reffett had suggested that the Building Inspector should be a full time position. Both the FinCom and the Town Manager had accepted the recommendation. The Board of Health was proposing a nuisance by-law, which would also be under the purview of the Building Inspector.

Ed Howard said Patrick Reffett and the Town Manager were bringing the cart before the horse as the Town Manager had sent a letter saying he could not support the Demolition By-law. According to Mr. Howard, the Town Manager was not to be involved in Town policy but rather the action of Town Meeting would direct the Town Manager. It was an insult to the Historic District Commission that the Town Manager would not support the By-law, according to Mr. Howard. Mr. Reffett responded that it was the responsibility of the Town Manager as the Human Resource officer and Patrick Reffett's responsibility to devise a way that policy would be implemented. Mr. Reffett asserted that the By-law would take more time than a part time individual could handle and that it would not be supported until there was more time available to the Building Inspector.

Claudia Woods said there were not that many filings that came before the Town. Patrick Reffett responded that eight would have been addressed the previous year. Ms. Woods wanted to understand what happened to the past demolition filings and their outcomes before the Board should move forward with the document. Rick Mitchell said it was the Historic District Commission's responsibility to let the Planning Board know what happened to the potential filings. Ms. Woods said determining the fate of the eight buildings was important because the By-law would help create a full time Building Inspector position. Ms. Woods did not want to expand governance when the Town was trying to cut back costs. Richard Boroff quoted Michael Lombardo's letter to say the staff was not available to support the By-law, noting that Mr.

Lombardo was not against the By-law itself. Mr. Boroff did not believe the opinion was a violation of Mr. Lombardo's duties.

Ms. Woods asked Mr. Reffett to determine what happened to the eight properties and to find out if having eight properties per year was an anomaly. Ms. Woods suggested postponing the conversation until the inventory of potential properties affected by the By-law was complete.

Rick Mitchell said the Historic District Commission should provide the need and the impact of the By-law. Richard Boroff said Dorr Fox had a list of 750 properties that had buildings constructed before 1940. Tom Catalano was quoted as saying there were 25 buildings worth saving. Previously ten structures were torn down, including Tom Ford's shed. Two buildings were in the Historic District, which were handled by the Historic District Commission. Mr. Mitchell said the bank building at Bay Rd. and Bridge St. would have been delayed by the By-law. Claudia Woods noted the absence of the opportunity to relocate a building.

Rick Mitchell thought 45 days was too long to hold a public hearing and suggested changing it to 30 days. Brian Stein said notification would take time. Richard Boroff wanted a six month delay total and if due diligence did not occur, the time could be extended.

Brian Stein summarized that research needed to be conducted as to how many buildings per year would be affected and what would be the staff requirements. After the information was received, public hearings would occur. Rick Mitchell and Richard Boroff wanted to shorten the time frames and Claudia Woods wanted to insert the possibility to move historic buildings. Janel Curry suggested listing the 25 properties that were considered worth saving rather than having other residents subject to the By-law.

Board Discussion regarding upcoming articles for 2018 Annual Town Meeting.

A Scope of Services was received from Mark Bobrowski with suggestions of what should be completed, including the OSFPD, Ground Water Protection District, Senior Housing By-law, Sign By-law, and the Conservancy District. Patrick Reffett had given him notes from previous discussions for items completed and items for adjustment. Peter Clark said he wanted to focus on the housing needs of the town and the housing production plan. Mr. Clark did not want to spend the next year revising the By-laws. Mr. Reffett responded that there were still items in the By-law to be addressed in Phase II. Phase II was part of the RFP with \$10,000 remaining. Rick Mitchell said the OSFPD was a significant rewrite. Mr. Clark wanted to consider accessory apartments and senior housing. Brian Stein said the GPOD was a State template and that everything else except the OSFPD would be straight forward. The Planning Board noted they did not have funding for a Master Plan but could start Phase II now.

Donna Brewer's comments on the Conservancy District were noted. Peter Clark wondered about the changes in wetland boundary lines. Brian Stein answered that residents hired a soil scientist to conduct soil testing for wetland line delineation. The information did not go onto a master

map. Ms. Brewer suggested deleting the Conservancy District and leave wetland determination to the Conscom under the Wetlands Protection Act. Mr. Stein recalled that the Conservancy District was created before the Wetlands Protection Act. Patrick Reffett said the Conservancy District had arbitrary delineations with only one person having asked to have the line moved. Jim Hankin reportedly said the Conservancy District was smaller than the land protected under the Wetlands Protection Act and in all cases, the wetlands included all Conservancy land, which fed into Donna Brewer's statement that the Conservancy District was not needed, according to Richard Boroff.

Peter Clark suggested holding hearings and talking to developers. Rick Mitchell added that Jim Hankin and the Conservation Commission should be invited to attend a meeting. According to Richard Boroff, Richard Luongo (Conservation Commission Chair) said the Conservation Commission did not want to have purview over the Conservancy District. Ann Gero had written a memo asking the Town to study the District due to global warming and increased rainfall, which would cause changes in the next few decades. Claudia Woods noted the wildlife corridors that were protected in the Conservancy District, which might occur in uplands within the District. Rick Mitchell said the local mandate could constitute a taking with no public benefit. It was suggested locating Charles Elliot's criteria, which was drawn up in 1965 and adopted by Town Meeting in 1971. Mr. Clark wondered if it was done by elevation or other criteria. Mr. Boroff said if the study was done in 1960's, it was out of date. Mr. Mitchell said it was vague, indefensible, arbitrary and capricious and that the Court ruled that it didn't have authority. Ms. Woods said other towns had Conservation Districts and wondered how they were managed. Mr. Mitchell suggested having the ZBA and Conscom opine on the topic.

Signage was discussed. The Zoning Board had jurisdiction over the By-law. The topic would be discussed in the same meeting after the Conservancy District topic. Accessory apartments were discussed and it was noted that they should not become Air B&B's to protect the neighborhood. Peter Clark suggested increasing the number of affordable apartments in town by providing funding in exchange for a deed restriction. The Affordable Housing Trust (AHT) had considered a first time home buyers program. Brian Stein recalled in previous years, the AHT considered offering funds for repairs in exchange for deed restrictions. Patrick Reffett suggested allowing property owners the ability based on a certain size house on a certain size property that would accommodate septic and parking, a by right apartment in exchange for a deed restriction for the an affordable unit. The incentive was the ease of permitting.

Board Discussion Regarding Master Plan Update 2018 Town Meeting.

Patrick Reffett put together a Scope of Services by narrowing the scope down to just housing needs and only updating that part of the Master Plan. The consultant would recommend how many public meetings would be needed. Claudia Woods said citizen participation would expedite the process. Mr. Reffett said the amount would not exceed \$20,000 and the Planning Board could see how much they could have accomplished for that amount of money. Rick Mitchell said it should include financial impacts in general not just impacts to the schools,

specifically what housing types contributed to the town tax base rather than increasing school use. Mr. Mitchell wanted to use data not just opinions.

Rick Mitchell and Peter Clark agreed the cost should be at least \$25,000. It was suggested to create a joint request from the Planning Board and the AHT for a Community Preservation grant for funds, which would be available July 1, 2018. Mr. Mitchell suggested \$30,000. A constituency to build support for future articles would be built. Once the CPC approved the request, the Board would determine if they would want to go to Town Meeting for a specific scope of work or the Town could vote independently. Mr. Mitchell was concerned that the Master Plan would be tagged as an affordable housing Master Plan. Brian Stein said it could be an umbrella for market rate and affordable housing. Janel Curry added age appropriate housing to the market assessable term. Patrick Reffett termed it "attainable housing."

Other Board Business – Minutes

Ed Howard discussed the Historic District Commission's involvement with the solar panels of the new barn next door to the Town Hall. The decision was based on the new structure being able to support the weight of the solar panels and was approved.

Motion made by Brian Stein to approve the minutes of December 6, 2017 as amended.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Adjournment

Motion to adjourn made by Rick Mitchell.

Seconded by Peter Clark.

Vote: Unanimous to adjourn at 9:04 pm.

Prepared by:

Marcie Ricker

Attest

Date