

**HAMILTON PLANNING BOARD
PUBLIC MEETING MINUTES**

Date: June 7, 2022
Location: Meeting held in Memorial Room and by Zoom Webinar for all participants and interested parties
Members Present: William Wheaton, Rick Mitchell, Jonathan Poore, Beth Herr, Marnie Crouch (Chair), Emil Dahlquist (Clerk), and Pat Norton (Associate)
Members Absent: Richard Boroff
Others Present: Patrick Reffett, Director of Planning and Inspections, Hamilton Select Board
Hamilton Master Plan Steering Committee

A full recording of the Hamilton Planning Board Meeting is available on the HWCAM channel located on YouTube at <https://www.youtube.com/watch?v=MinNzkbhONs>

Call to Order:

Marnie Crouch called the meeting to order at 7:00 pm. and took roll call attendance.

Roll Call: William Wheaton – present, Rick Mitchell – present, Jonathan Poore – present, Emil Dahlquist – present, Beth Herr - present, Patrick Norton – present, and Marnie Crouch – present.

JOINT MEETING WITH THE HAMILTON SELECT BOARD AND MASTER PLAN STEERING COMMITTEE:

Call to Order:

Chair Jack Lawrence called the Master Plan Steering Committee to order at 7:02 pm. And took roll call attendance.

Roll Call: Kristin Kassner – present, Emil Dahlquist – present, Marnie Crouch – present, Caroline Beaulieu – present, Rosie Kennedy – present, Dana Allara – present, and Jack Lawrence – present. Absent: Kristen Pieper, David Wanger, and Lauren Lynch.

Ms. Crouch invited Planning Board member Emil Dahlquist to give his prepared presentation on Form-Based Codes. Mr. Dahlquist has had experience assisting other communities in creating new codes and plans of conservation and development and asked for the opportunity to share information learned that may be of use to Hamilton. The title of the presentation is Managing Change with topics consisting of current Zoning Regulating Mechanisms, Introduction to Form-Based Codes, Case Studies, Different Approaches or Options, and the Pros and Cons of Form-Based Codes.

Mr. Dahlquist began by asking a fundamental question “if we know what we want as a community, why don’t we get what we ask for?” The answer many times is found in our regulations that prevent outcomes we might prefer and mandate something very different. The challenge then if we want a different outcome is to rebalance the regulating mechanisms of Form, Use/Density, and Management better. For example, current conventional zoning is reliant on micro-managing and dispersing uses, regulating by density, and separating key daily activities. The products of these conditions are excessive land consumption, streets designed for

cars not people, and limited choice in housing supply. Regulations that do not address form and design will not answer the question of “what will it look like?”

The Commonwealth of Massachusetts has taken a position to mitigate adverse impacts of conventional zoning by mixing land uses, creating housing opportunities, using compact design, strengthening existing communities, all within general Smart Growth principles. By redirecting the emphasis on physical “form” as the organizing principle for regulating rather than “use”, results will be more predictable and the quality of public spaces between the buildings will be higher and will reflect what the community wants because the process is grounded in community participation.

Form-Based Codes are a tool to reinforce local character, revitalize reinvestment in historic neighborhoods and town centers and promote the creation of compact, walkable neighborhoods. Mr. Dahlquist discussed a few comparative examples of zoning outcomes of existing and Form-Based Codes as well as conventional development strategies and creative development techniques.

Mr. Dahlquist described the step-by-step process to implement a Form-Based Code beginning with a 4-day “charrette” engaging the public in a continuous design process and where this process might be best used. He listed the spatial features of Building Type, Street Type, Frontage Type and Location as the optional organizing principles. Simsbury, CT was a case study where he was actively engaged in recoding the Town Center to a Form-Based Code under the direction of Code Studio, a planning organization based in Austin, TX that was selected from a short-listed group of interested consultants. Mr. Dahlquist showed the basic parts of the code including the Regulating Plan, Building Form Standards, Public Space/Street Standards, Administration, Definitions and Architectural Standards.

Other case studies were done in Cape Cod, MA and Littleton, MA. Also The Hartford-Simsbury Form-Based Code was another case study of a public-private partnership between the Town and a major insurance company that had decided to vacate its site in Simsbury as part of reorganizing their facilities similar to what the Gordon-Conwell Theological Seminary is attempting to do in Hamilton.

Mr. Dahlquist briefly mentioned alternative approaches to full form-based codes such as reforming existing bylaws or choosing a middle ground or hybrid approach to FBC including an Overlay District.

Finally Mr. Dahlquist highlighted the Pros for a FBCs as 1) to create a stronger connection between community vision, regulations, and development plans, 2) to establish a supportive relationship between private development and public realm, 3) to generate predictable outcomes, 4) to encourage compatible mix of uses, 6) to legalize appropriate density, 7) reinforce historic patterns at the building scale, 8) promote economic development, 9) to reduce auto-oriented development patterns, 10) make zoning bylaws more accessible to the community through the code’s use of photos, diagrams, and drawings.

The Cons for FBCs are 1) code reform can be time consuming, 2) most new codes are written with the help of paid consultants, which can be costly, 3) perceptions about staff, time, expectations, and training can appear to be too complicated, 4) local developers may be unfamiliar with FBCs, 5) as community vision changes the code will need to be recalibrated, 6) opportunity to affect outcomes happens at the time of adoption, not approvals process, 7) public

investment in infrastructure may be required to meet the public space standards set forth in the code.

That concluded the presentation and Ms. Crouch opened a discussion period for those in attendance. Jack Lawrence asked about whether there was a connection between the efforts done in the Simsbury Center code and the subsequent coding done at The Hartford site. The answer was that because the codes were done in different locations, separated by two years and, since the codes are context-oriented, there was no need for coordination.

Bill Wheaton asked about administering the code if there is a conflict between the developer's right as a property owner to make his own choices and the Town's decision to craft a specific code. Mr. Dahlquist stated that the code is proactive, precedes the developer's involvement and represents a consensus among residents about the Town's future. The developer has the right to agree and do the project or not agree and not do the project with the knowledge of what the Town desires. The Town can also choose to change the code if circumstances change.

Rick Mitchell asked about the cost of doing the code change. That specific cost was approximately \$120,000 over the course of one year from the initial public meetings to a final code drafted for approval. A second hypothetical question related to an existing business where the owner may feel that the FBC may adversely impact the value of the property when selling the building. Mr. Dahlquist stated that is a common concern but typically a FBC will ascribe more developable value to a property rather than less.

Mr. Wheaton cited the analogies between The Hartford initiative and the Gordon Conwell Theological Seminary partnership with Hamilton to agree to a mutually beneficial arrangement. Ms. Crouch commented on the value of form as a feature of a code and used Newburyport as an example of a successful downtown area.

Joe Domelowicz asked about whether a FBC code be used as an Overlay District code to allow a property owner to market the property in different ways. Mr. Dahlquist stated that assuming one way is the underlying R-1B Zone, and the other is an optional Overlay District then that could happen. However, the Overlay is usually made mandatory to replace the underlying code because applying two very different codes to adjacent parts of the property will not create cohesive site development.

Mr. Lawrence as chair of the Master Plan Steering Committee presented parts of a written paper on the importance of redeveloping the GCTS site as one piece rather than separating parcels out initially for particular use such as affordable housing thereby encumbering a potential developer to first submit an overall plan.

Sean Farrell joined the conversation stating that it is the purview of the Select Board and Planning Board to move forward with discussions with the Seminary and due diligence in evaluating the options that might benefit the Town.

Ms. Crouch asked for comments from representatives from the GCTS. Attorney Meirwyn Walters stated the Seminary welcomed the discussions with the Town to move toward a zone change on their site and that as far as timing is concerned it is important for that dialogue to happen soon but that decisions have not been made on whether the Seminary would vacate the entire site or part of the site at this time. The Seminary is ready to provide what they can to help this process move forward.

Kristin Kassner presented a brief status report of the Master Plan Steering Committee to date. The project began contact with community involvement in fall 2021 with Shop Local presence followed by a visioning session in November which was well attended. The consulting firm of Weston & Sampson are currently working on Existing Conditions and getting to Goals, strategies, and action steps. Surveys were completed and distributed and the MPSC is awaiting the results to be calibrated. The next contact with the community is to be determined. There was a change in consulting leadership over the winter which slowed the process. The MPSC has centered on framing the Plan under three categories – Protect, Provide and Grow – as the organizing features.

Ms. Crouch thanked the participants for their discussions and contributions with respect to the Master Plan Steering Committee progress and the Gordon-Conwell Theological Seminary initiative.

Given the late hour Ms. Crouch asked that the Planning Board postpone intended discussions on rezoning the Public Safety and Council on Aging building site, the MBTA housing as-of-right zoning by the Commonwealth, updating the Stormwater Management Bylaws and the GPOD Bylaws to correct and clarify recent experiences in applicability and enforcement. The chair requested that any member who wished to make comments in writing send them to Patrick Reffett for prioritization and discussion with an eye toward getting on the fall Town Meeting warrant.

Ms. Crouch entertained a motion to adjourn and Emil Dahlquist, as a member of both the Master Plan Steering Committee and Planning Board, made the motion to adjourn both, seconded by Jack Lawrence and Marnie Crouch, there were no discussions, and the motion was approved unanimously at 9:03 pm.

Respectfully submitted and approved at the meeting of the Planning Board on _____

Emil Dahlquist