

TOWN OF HAMILTON ZONING BOARD OF APPEALS MEETING

March 1, 2023 – WEDNESDAY - 7:00 P.M.

In person at 577 Bay Road in the 1st floor Memorial Room

Or via Zoom

Join Zoom Webinar:

Zoom details to be added at a later date prior to meeting

Webinar ID:

One tap mobile: US: +13052241968, 88550685593#

Or Telephone: US: +1 305 224 1968

PUBLIC HEARING: A Special Permit Application for the property located at 16 Blueberry Lane, Map 42, Lot 12, the owner Andrew Ray and the applicant is Adam Williamson. The Application is to create an Accessory Apartment in the existing barn under Zoning Bylaw 3.6.

BOARD DILIBERATIONS & VOTE: On the application submitted by Harborlight Community Partners, for a Comprehensive Permit pursuant to MGL Ch. 40B for the construction of a 45 unit multifamily housing. The property is located at 466 Highland Street, Lot 1, Zoning District RA, which is owned by the Britton Family Trust, LLC. The Public Hearing opened on April 6, 2022, continued until closed on January 4, 2023. The Board will review the Conditions of the Decision, edit, finalize, and vote on Decision.

REGULAR BUSINESS

- Meeting Minutes
- Updates from the Chair

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Meeting dates, time, and location are subject to change as allowed by the Open Meeting Law. Please refer to the Town web page: hamiltonma.gov for details regarding a specific agenda. The Zoning Board of Appeals typically meets the first Wednesday of the month.

DRAFT
HAMILTON ZONING BOARD OF APPEALS
MINUTES OF MEETING
February 1, 2023
7:00 p.m.
Hybrid/Zoom Meeting 854 6727 0142

Members Present: Bill Bowler (Chairman), Steven DeRocher, Bruce Gingrich (via Zoom at 7:20), and David Perinchief.

Others Present: Patrick Reffett and others as noted in the meeting.

This meeting was called to order at 7:04 pm with a quorum established.

PUBLIC HEARINGS:

The razing and reconstruction of a single family dwelling. The new building would be larger than the existing structure. 140 Echo Cove Road. William Haugh, owner.

Bill Haugh was present via zoom to explain the proposal. Two small houses (700 sf and 1,200 sf) existed on the site when Mr. Haugh purchased the property. After the smaller cottage was renovated, the builder (Mike Broderick) suggested tearing down the house to the foundation.

The proposal included maintaining the same foundation but cantilevering the front and back to gain 18" on the east side facing Chebacco Lake and 12" on the street side. Bill Bowler opined that the proposal was an extension of a non-conformity and not a variance. The Conservation Commission had previously approved the proposal as long as the foundation was not disrupted or expanded. A decision was issued a year prior regarding the other dwelling on the property. No other construction projects would be forthcoming.

Motion made by to grant the extension of the non conforming use under 5.5.1.3. by David Perinchief.

Seconded Steven DeRocher.

Vote: Unanimous in favor.

Variance from the dimensional and density regulations for rear and side yard setbacks to construct a deck at the rear of the dwelling. 57 Gregory Island Road. Jenny Lobue and Josh Bogle, owners and Robert Scioli, applicant.

Robert Scioli was present to explain the application. The deck would be expanded. The closest point of the three season porch would be 6' and the greatest distance would be 11' to the property line. The current deck was 14.9' from the property line. The application was not considered a variance as an existing non conformity was present. The ZBA had the authority to increase the nonconformity. The closest home was 200' away.

Motion made by David Perinchief to grant the special permit under Section 5.3.4.5. as requested.

Seconded by Steven DeRocher.

Vote: unanimous in favor.

Board Deliberations and Vote for a Comprehensive Permit for a 45 unit multifamily housing project at 440 Asbury St./466 Highland St. The Britton Family Trust, LLC (owners) and Harborlight Community Partners (applicant).

George Pucci (Town Counsel) had been ill and unable to provide a draft Decision for the Board to consider. Members agreed that no one wanted to deny the proposal so discussion ensued regarding possible conditions. Members agreed that planting more evergreens for screening and providing a photo from house unit 6 on the abutting property would need to be provided.

Bill Bowler and David Perinchief agreed that the plan would be improved if the trash removal area was relocated to the other side of the building. Members discussed the possibility of a berm to buffer the neighbors but it was agreed that vegetation would be impacted by increasing the depth of soil in the area currently populated by trees. Attorney Bowler noted that a peer reviewer could determine the benefits versus impacts of the concept. Patrick Reffett noted that he did not have an engineered cost of sidewalk costs to date.

Potential conditions for the draft decision would include needing test pits in spring and that the land being used for septic was approved by Essex County Greenbelt. Patrick Reffett suggested asking the applicant for at least a 30 day extension.

Motion made by Bruce Gingrich to continue the public hearing for 66 Highland St. until March 1, 2023.

David Perinchief seconded.

Roll Call Vote: Bruce Gingrich – aye, David Perinchief – aye, and Bill Bower – aye. Unanimous in favor. Discussion would include the draft conditions on the project's potential approval.

REGULAR BUSINESS

Minutes

Motion made by Bruce Gingrich to approve the minutes of January 4, 2023.

Seconded by David Perinchief.

Roll Call Vote: David Perinchief – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor.

DOCUMENTS DISCUSSED

ADJOURNMENT

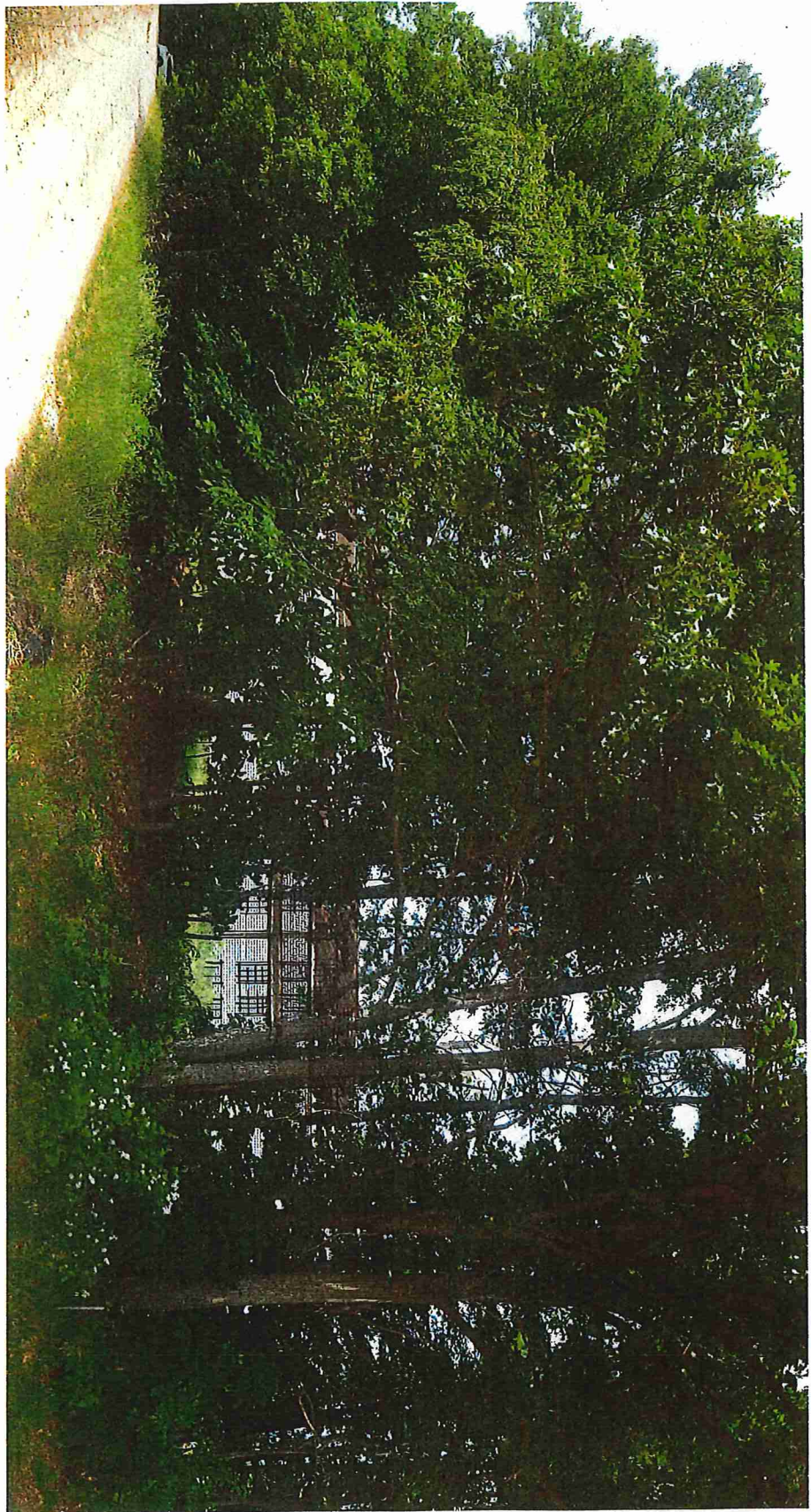
Motion made by David Perinchief to adjourn at 7:39 pm.

Seconded by Steven DeRocher.

Vote: Unanimous in favor.

Respectfully submitted as approved at the _____ meeting.

Bill Bowler



VIEW FROM GRAVEL ROAD BEHIND CANTER BROOK FARM UNIT 8 - SUMMER
NOT TO SCALE

2/28/2023 1:58:45 PM

SV DESIGN <small>© SV Design, LLC</small>	HCP Asbury Hamilton, MA	SITE ELEVATION	Revisions Issue Date Description Created By
	SV DESIGN 129 Dodge Street Beverly, Massachusetts 01915 www.sv-design.com 978.927.3745	Scale: Drawn By: A2/lor Date: 02/28/2023	Checked By: Checker Project #: 11.6122.007

A3.03

SITE ELEVATION



VIEW FROM GRAVEL ROAD BEHIND CANTER BROOK FARM UNIT 8 - WINTER
NOT TO SCALE

2/28/2023 1:45:48 PM

SV DESIGN <small>SV DESIGN, LLC</small>	HCP Asbury Hamilton, MA <small>SV DESIGN 128 Dodge Street Rev. 4, Massachusetts 01915 www.svdesign.com 1978.927.3745</small>	Revisions Zoning Board of Appeals 02/28/2023											
		SITE ELEVATION A3.04	<table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Checked By</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Issue	Description	Checked By							
Issue	Description	Checked By											
<table border="1"> <tr> <td>Scale:</td> <td> </td> </tr> <tr> <td>Drawn By: Author</td> <td>Checked By: Checker</td> </tr> <tr> <td>Date: 02/28/2023</td> <td>Project #: 116122.007</td> </tr> </table>	Scale:		Drawn By: Author	Checked By: Checker	Date: 02/28/2023	Project #: 116122.007							
Scale:													
Drawn By: Author	Checked By: Checker												
Date: 02/28/2023	Project #: 116122.007												

1. SIDEWALK - Attached is the sidewalk and Highland/Asbury Intersection rework cost estimate as prepared by DPW Director Tim Olson. This includes construction of a 5 foot sidewalk from Asbury Commons to the intersection of Asbury and Highland (\$260,000). It also includes addition of access ramps and crosswalk related improvements at the Asbury/Highland Intersection (\$350,000).

Preliminary Estimated Total = \$610,000.

I'm recommending Harbor Light pay for the sidewalk (the \$260,000 above and the intersectional work to be covered by the Town of Hamilton (\$350,000). I will discuss tomorrow night.

2. RELOCATE REAR TRASH FACILITIES -Regarding flipping the placement of trash room and handling area. The applicant will do so. I recommend in the decision that this "flip" be a condition in the decision which will be a requirement within the construction plan submittal.

3. BERMING AT EAST SIDE - You asked for peer review on this. I don't have that in hand however I have looked at the site on a number of occasions. The easterly buffer land area is too narrow to construct a berm within this area which is well vegetated. I, as a registered landscape architect for over 30 years know that placing significant soils onto existing tree root systems (like we want to preserve on the Canter Brook side) predictably limits the ability to the trees to gain oxygen which is as critical to tree survival as is water and soil nutrients. I recommend strongly that planting of more vegetation along that side be undertaken and not berming earthwork which would negatively affect the existing trees we want to see proliferate. I recommend that we have the applicant add an additional 20(quantity) 10 foot in height plants (based on availability and ability to survive within the understory of the established tree canopy above.

SIDEWALK ESTIMATE FROM ASBURY/HIGHLAND TO 40B PROPERTY LINE

DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
5 ft Asphalt Sidewalk	260 TONS		\$ 150.00	\$ 39,000.00
Granite Curb	2020 LF		\$ 60.00	\$ 121,200.00
Access Ramps (Canter Brook Int.)	2 EA		\$ 7,500.00	\$ 15,000.00
			Total	\$ 175,200.00
			Add 10% for Misc Expenses	\$ 17,520.00
			Total	\$ 192,720.00
			Add 10% for Contingency	\$ 19,272.00
			Total	\$ 211,992.00
			Add 20% for Market Adjustment and Escalator	\$ 42,398.40
			Grand Total	\$ 254,390.40 Say \$260,000

ESTIMATE FOR COMPLETE STREETS PROJECT

SIDEWALK AND ACCESS RAMPS TO CONNECT BOTH ASBURY/HIGHLAND INTERSECTIONS

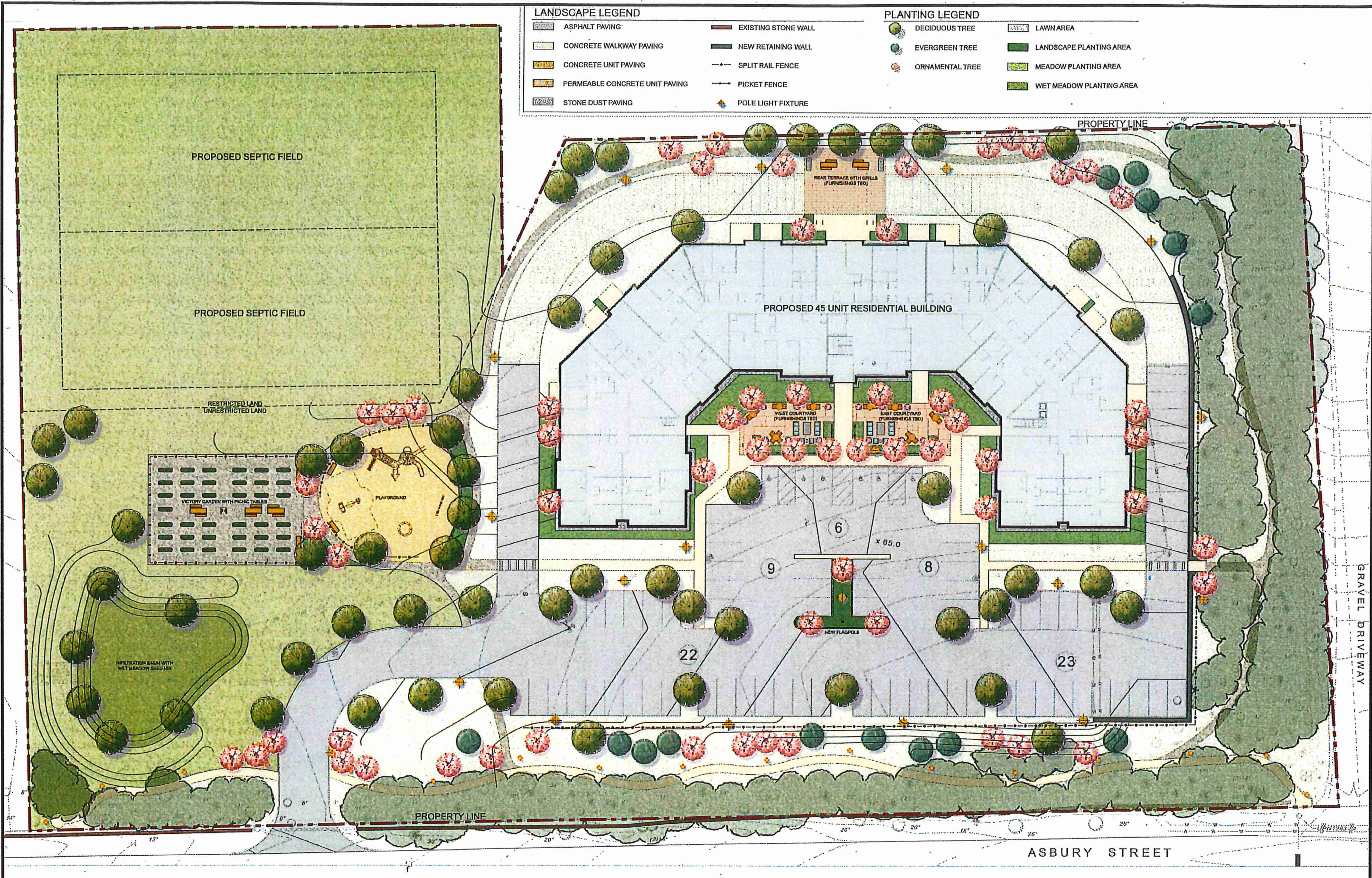
Construction Estimate From Feb 2020	\$ 294,875.00
ADD 20% for Market Adjustment and Escalator	\$ 58,975.00
Total	\$ 353,850.00 Say \$350,000

ESTIMATE TO CONNECT ASBURY TO 40B DEVELOPMENT PROPERTY LINE IS \$ 610,000.00

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Hamilton

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
1273	n/a	Railroad & Rust St.	Rental	40	Perp	No	DHCD
1274	n/a	121 Railroad Ave.	Rental	12	Perp	No	DHCD
1275	n/a	117 Railroad Ave.	Rental	8	Perp	No	DHCD
1276	n/a	31 Union St.	Rental	3	Perp	No	DHCD
4301	DDS Group Homes	Confidential	Rental	0	N/A	No	DDS
6355	Union Square	Central & Harris Avenue	Rental	4	perp	Yes	DHCD
7594	DMH Group Homes	Confidential	Rental	7	n/a	No	DMH
8744	Carriage House Junction	602-606 Essex St	Ownership	6	perp	Yes	MassHousing
9941	Firehouse Place	69 Willow Street	Rental	4	Perp	Yes	MassHousing DHCD
10478	Asbury	Asbury Street	Ownership	2	Perp	Yes	DHCD
10877	434-438 Asbury St	434-438 Asbury St	Ownership	10	Perp	Yes	DHCD
10678	59-63 Willow St	59-63 Willow St	Rental	18	Perp	No	MassHousing DHCD
Hamilton Totals				114	Census 2010 Year Round Housing Units	2,783	
					Percent Subsidized	4.10%	



LANDSCAPE LEGEND

- ASPHALT PAVING
- CONCRETE WALKWAY PAVING
- CONCRETE UNIT PAVING
- PERMEABLE CONCRETE UNIT PAVING
- STONE DUST PAVING
- EXISTING STONE WALL
- NEW RETAINING WALL
- SPLIT RAIL FENCE
- PICKET FENCE
- POLE LIGHT FIXTURE

PLANTING LEGEND

- DECIDUOUS TREE
- EVERGREEN TREE
- ORNAMENTAL TREE
- LAWN AREA
- LANDSCAPE PLANTING AREA
- MEADOW PLANTING AREA
- WET MEADOW PLANTING AREA

LANDSCAPE MATERIALS PLAN

Revisions	DATE	DESCRIPTION	CHECKED BY

Scale: 1" = 20'-0"

Drawn By: TP Checked By: MH Date: 02/25/2022

Project #: 23406.05

**HCP Asbury
Hamilton, MA**

SV DESIGN 128 Dodge Street Beverly, Massachusetts 01915 www.asyburysign.com 1978.937.0746

DESIGN

BSC GROUP

803 Service St. 3rd Floor
Boston, MA 02111
(617) 452-1100
www.bscgroup.com