

**Hamilton Planning Board  
Public Meeting Minutes**

Date: June 23, 2022  
Location: The meeting was conducted via Zoom  
Members present: Rick Mitchell, Jonthan Poore, Emil Dahlquist, Beth Herr,  
Bill Wheaton, Pat Norton (Associate member), Corey Beaulieu (Associate  
member), Marnie Crouch  
Members absent: Richard Boroff  
Others present: Patrick Reffett, Robin Stein, Town Counsel, Jill Mann, Counsel for  
Chebacco Hill Capital Partners, Larry Smith,  
Deborah Eliason, Counsel for Save Chebacco Woods and Trails

A full recording of the Hamilton Planning Board Meeting is available at  
<https://www.youtube.com/watch?v=Ps1LbagmQio>

Call to Order

Chairman Marnie Crouch called the meeting to order at 7:03 pm and took roll call attendance.

Roll Call

Rick Mitchell -present, Jonathan Poore – present, Bill Wheaton – present, Beth Herr – present,  
Emil Dahlquist – present, Marnie Crouch – present, and Pat Norton – present, and Cory Beaulieu  
- present

**1. SENIOR HOUSING SPECIAL PERMIT PUBLIC HEARINGS – CONTINUED –**

The Hamilton Planning Board will hold a continued public hearing on the application of  
Chebacco Hill Capital Partners LLC in accordance with the following described applications for  
the development of the property located at 133 Essex Street, Hamilton, MA, and shown on the  
Town Assessor’s Map as Parcel ID No. 65-000-0001: (1) Senior Housing Special Permit  
pursuant to §8.2 of the Town of Hamilton Zoning Bylaw, to develop the Property as a fifty (50)  
unit age-restricted condominium :development; and (2) Stormwater Management Permit  
pursuant to Chapter XXIX of the Town of Hamilton Bylaws, dated April 2, 2016. Any person  
interested in being heard on the Applications should appear at the time and place designated,  
herein.

**A. Meeting content:**

(1) Submission of Final Evidence for Senior Housing Special Permit and Stormwater  
Management Permit;

(2) Presenters to include: Petitioner, Chebacco Trails and Watershed, and Public  
**ALL WRITTEN SUBMISSIONS BY PRESENTERS TO BE TRANSMITTED TO THE  
PLANNING BOARD NO LATER THAN JUNE 16, 2022 AT 4:00 P.M.**

**B. Vote to continue Public Hearing regarding the application until July 12, 2022**

Ms. Crouch as chairman asked Attorney Mann and Attorney Eliason how they would like to  
proceed. They both agreed that each would do their full presentations. Then at the end of each  
presentation, there would be a time to ask questions.

Ms. Eliason brought up a procedural question. She stated she had received a lot of material just that day that was in Ms. Mann's power point. When a similar situation arose previously, that material had not been discussed until the following meeting. Ms. Eliason asked that this information not be included in Ms. Mann's presentation tonight because she had not had adequate time to review the information, adding it could be discussed at a later time.

Ms. Mann responded by saying the applicant did not have an issue with Save Chebacco Trails & Watershed's review, but that the applicant's last-minute information was the result of a submission by Save Chebacco Trails & Watershed (SCT & W). Ms. Mann stated that SCT & W submitted a statement to the Board from an ex-Conservation Committee member, Mr. Tarr, right before the hearing.

Ms. Crouch clarified that her understanding was that Mr. Tarr was not representing Save Chebacco. Ms. Mann said she didn't know. Ms. Eliason said SCT & W was not representing him.

Robin Stein, Town Counsel, interjected that before the substantive portion of the presentation began, that someone reach out to Mr. Boroff to ascertain if he would be attending this meeting.

There is a concern that there is not a full board in attendance for this meeting.

Mr. Reffett responded that he had been trying to reach Mr. Boroff. Ms. Crouch stated that she had been in touch with Mr. Boroff so she stated she believed he was aware of the meeting.

Ms. Mann suggested since the Board conduct its other business first as numerous members had missed at least one meeting. Mr. Mitchel asked if Mr. Boroff had already missed one meeting. The answer was yes, accordingly if Mr. Boroff misses the presentation, because he had already missed one meeting, he would not be qualified to vote on this decision before the Board.

Ms. Mann expressed concern that several other Board members have missed one meeting. She indicated that she would like a full Board to make vote on the applications before it. She said she would seek a continuance because the applicant could not afford any other Board member to miss a meeting. Ms. Mann stated that she would conference with Mr. Smith offline and recommend that to him to seek a continuance.

Ms. Crouch said this poses issues for the schedule and would delay any deliberations until September.

## 2. BOARD TO DISCUSS OTHER POTENTIAL REZONING & BYLAW AMENDMENTS INCLUDING –

A. Rezoning of Town owned land area including Council on Aging, Public Safety Building and Winthrop

School campus from existing R-1A to B zoning.

B. MBTA Communities zoning upon land area within .5 miles of the MBTA Station.

C. Potential amendment of the Stormwater Management Bylaw (part of Town Bylaws – Ch XXIX,

Sec.4); possible amendments to Inclusionary Housing Bylaw, Ch 8.3; potentially others.

### 3. BOARD BUSINESS –

A. Board to discuss, potentially vote on a subcommittee to make recommendations of Form Based Zoning

B. Email dated May 21, 2022 from Richard Boroff to all Planning Board members.

B. Discuss agenda for July 12, 2022 meeting.

C. liaison and staff reports. Other board business including zoning and bylaw amendments.

Ms. Crouch proceeded to discuss other items on the agenda.

The first topic of discussion was the formation of a subcommittee to explore a form-based code at Gordon Conwell Theological Seminary (GCTS), referring to a brief statement sent to the Board members outlining the goals and tasks of the subcommittee. This would be an exploratory committee.

Ms. Crouch suggested that Mr. Mitchell and Mr. Dahlquist comprise this subcommittee. They would be able to approach Town leaders as well as decision makers at the GCTS. They would report back to Mr. Reffett, Ms. Crouch, and the entire Board. The goal would be to determine the highest and best uses with input from GCTS, the Town and the public for the 100+acre site.

Ms. Crouch referenced a document produced in 2005 that identified heritage landscapes in Essex County. The Seminary campus was identified as one of those landscapes for its historic and architecturally significant buildings. This led Ms. Crouch to state that some funding might be available from Community Preservation Committee to pay consultants based on the information she discovered.

Ms. Stein, Town Counsel, interjected that an official subcommittee of two or more would be subject to Open Meeting Law. She suggested that the Board give more thought to this before moving forward. Ms. Stein stated that an informal group of these two individuals on the Planning Board to do some initial informational legwork should be fine without triggering the Open Meeting Law. She added that any changes to zoning for the GCTS site would need public hearings, as well approval at Town Meeting.

Mr. Reffett stated that the Town Manager did take an interest in learning more about form-based coding. The Town Manager reached out to MAPC for help in navigating this process for the Town. The Town Manager also spoke with some of the Select Board.

Ms. Crouch stated that the public input is critical to the success of this process. She stated the intent of the Board would be to have the public involved as much as possible.

Mr. Mitchell asked Mr. Reffett if MAPC would be the agent to coordinate a public process to develop the form base code. Mr. Reffett said that would be included in the framework that the MAPC was preparing.

Mr. Reffett stated that he prepared a white paper on the topic of form-based coding. He said would send a copy to the entire Planning Board.

Chairman Crouch transitioned to ask if anyone had any amendments that the Board might want to propose for the warrant for the Fall Town Meeting. Mr. Wheaton said he forwarded to Mr. Reffett an amendment for the Stormwater Management bylaw. Any amendment would need to go to the clerk by August 1st. This would be proceeded by a public hearing. The public hearing must be announced to the public two weeks in advance. Ms. Stein observed, however, that if a general bylaw is involved there would be a different process that would not require public hearings. There would need to be a public hearing for amendments to Regulations.

Ms. Herr brought to Ms. Crouch's attention that under the Q & A section of the Zoom that a participant reported that someone went to Mr. Boroff's house and no one was home.

Ms. Crouch asked Mr. Reffett to get Mr. Wheaton's suggestion as to the Stormwater Management Bylaw on agenda for the next meeting. Mr. Mitchell suggested inviting some developers to look at any proposed amendments to assist the Board in assessing the impact it would have on them.

Mr. Poore stated that there may be low lying fruit in regards to changes to the bylaws. For example, he stated that changes that would be rectify wording that was contradictory or ambiguous. This would be with the intent of removing ambiguity, but not changing the intent of bylaw.

Mr. Beaulieu reminded Ms. Crouch about the Inclusionary Housing Bylaw. The Planning Board had authorized Ms. Crouch to talk with the Affordable Housing Trust (AHT) to see if it would craft some language that could be presented to the Planning Board for its consideration. Ms. Crouch indicated that she shared with the AHT Ms. Stein's interpretation of our current bylaw. The trust would also be looking at other towns' bylaws.

Mr. Reffett mentioned that some towns have a standing Bylaw Review Committee which assists in identifying inconsistencies with town bylaws. Also, Mr. Reffett suggested that the Building Commissioner has a unique perspective because he sees these things in practice.

Ms. Crouch brought up that the Planning Board's Rules and Regulations, noting that they have not been updated in quite some time.

Ms. Crouch suggested that that the MBTA and Council on Aging topics were on hold for now.

Ms. Crouch returned to the Special Permit and Stormwater Management applications. Ms. Mann stated that she was asking for a continuance. Ms. Eliason understood the request and stated it was a decision for the Planning Board.

Ms. Eliason said she did not have a copy of the entire report regarding a potential vernal pool ostensibly discovered by Mr. Tarr that was mentioned in the Power Point presentation. She only had the information that was on the Power Point presentation itself. Ms. Eliason asked for the full report to be sent to both the Planning Board and Save Chebacco.

Ms. Mann stated that she did not receive Mr. Tarr's full report either. Ms. Mann asked for a final delivery time to be set. It appeared that SCT & W had only received the same thing that the applicant received from Mr. Tarr.

Ms. Crouch asked Mr. Reffett to clarify how he received Mr. Tarr's submission. She stated that Mr. Tarr captioned his submission as an affidavit. He signed it under penalties of perjury. It was not notarized. Mr. Reffett said that information came to him from John Cole as an email and he (Mr. Reffett) in turn sent it to the usual recipients. Ms. Crouch said she did not know that was how it came to the Planning Board or Mr. Tarr's affiliation other than what was in that statement.

Ms. Crouch suggested that there be an exchange of information between the parties. Both Ms. Mann and Ms. Eliason were agreeable. Ms. Eliason stated that she has no additional information regarding Mr. Tarr besides what had been given to Mr. Reffett.

Ms. Eliason said she may have some more submissions based on the new information that she has yet to review and/or receive.

Ms. Crouch set a final submittal deadline of 4 pm on July 5, 2022. Ms. Mann and Ms. Eliason each have until July 8<sup>th</sup> to file a response to those submissions.

Final statements would be due on July 26, 2022. Ms. Crouch asked for written statements (no more than 20-25 pages, if that).

Mr. Reffett asked for a date for public to comment for or against this Special Permit, but no date was set.

Ms. Crouch also mentioned a document called a Bylaw Data Summary that the Planning Board maintained and that Mr. Reffett had periodically transmitted to the participants.. She suggested all parties look at the document to ascertain if anything was omitted or if there are any errors. She asked for any changes to this document to be sent in separately without changing the original document.

It was agreed that final statements and/or Power Points would be due a week prior to the July 26, 2022 meeting. Presentations were expected to be as short as possible and to the point.

Mr. Mitchell motioned to continue the hearing to July 12, 2022 at 7pm via Zoom. Seconded by Mr. Wheaton. The vote was unanimous by all members present entitled to vote to continue the hearing. Pat Norton, a Planning Board associate, was entitled to vote on the motion. Ms. Herr was not eligible to vote on the motion.

Mr. Wheaton made a motion to adjourn. Mr. Poore seconded. The vote was unanimous by all members present to adjourn.

Respectfully submitted,  
Beth Herr  
Approved on February 23, 2023