



Town of Hamilton  
 Planning Board  
 Meeting Minutes of October 17, 2023

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Planning Board members, a meeting of the Hamilton Planning Board was posted for October 17, 2023 at 7pm in Town Hall, 577 Bay Road. This meeting was held in hybrid format (in person/Zoom) and recorded by HWCAM.

Planning Board members: Jonathan Poore (2024); Rick Mitchell (2024); Emil Dahlquist (2025); Beth Herr (2025); William Wheaton (2025); Marnie Crouch (2026); Patrick Norton (2026); Associates: Matthew Hamel (2026); Open Seat

**Call to order:** *With a quorum present, the Chair called the meeting to order at 7:03pm, identified the meeting was being recorded and called roll. Present: M. Crouch, Chair; E. Dahlquist, Clerk; B. Herr; W. Wheaton; R. Mitchell; P. Norton; M. Hamel (via Zoom); J. Poore. Also present: Director of Planning & Inspectional Services, Patrick Reffett.*

**ANR Request – 370 Chebacco Road / Assessors Map 72, Lots 7 and 11.** *In accordance with MGL Ch. 41, Sec.81 the owners/ applicants (Thomas and Elizabeth Spang) are seeking a Form A / Approval Not Required (ANR) endorsement from the Board regarding said property.*

*The land area is within the RA zoning district which requires lots to be a minimum of 80,000 sq. ft.*

Attorney Phillip Lake, was present on behalf of the applicants and discussed the application for a lot line adjustment at 370 Chebacco Road to carve out from the adjacent lot 11,000 square foot to be conveyed to the Spangs to allow them to construct a barn in a logical location on their property. The application was vetted by the Board.

**Vote:** *The Board voted unanimously by roll call to approve the ANR for 370 Chebacco Road, Assessors Map 72, Lots 7 and 11.*

*\*R. Mitchell was not present for this vote \**

**Stormwater Management By-Law Public Hearing -** *The Hamilton Planning Board will hold a public hearing on October 17, 2023 at 7:00 p.m. in the Memorial Room, Hamilton Town Hall, 577 Bay Road, to consider proposed changes to Chapter XXIX of the Town's By-Laws which are specific to Stormwater Management. The proposed changes are posted on the Planning Board's webpage as part of the Town's website ([www.hamiltonma.gov](http://www.hamiltonma.gov)). Any person interested or wishing to be heard on the proposed changes to the Town's Stormwater Management By-Law may appear at the time and place designated.*

E. Dahlquist read the public notice to open the Public Hearing. M. Crouch confirmed the changes the Board discussed at the last meeting were included in the updated version and questioned if there was any public comment; there was none. The Board discussed the summary document to be handed out and presented at town meeting.

R. Mitchell joined the meeting during the discussion.

**Vote:** *The Board voted unanimously by roll call to approve the Stormwater Management Bylaw, Chapter XXIX of the Town's By-Laws and to transmit it for inclusion on the warrant.*

**Vote:** *The Board voted unanimously by roll call to transmit the handout for further review for distribution at town meeting.*

**Status Report Regarding BHOD–** *GCTS representatives are to provide an update as to its position regarding the conceptual Brown's Hill Overlay District zoning proposal, as well as the Development Agreement which is also in progress. This review is to occur based upon the Seminary having received bids upon campus property.*

Dr. Ken Barnes, Gordon-Conwell Theological Seminary, was present and provided an updated status report. He referenced a PowerPoint presentation to guide the discussion. Dr. Barnes identified the areas of the campus the Seminary planned to retain, namely Kerr Hall, the Retreat House, and Pilgrim Hall. The Board had concerns regarding mixed use and whether buffers between the new housing in the apartments and elsewhere. Dr. Barnes confirmed developers want market rate rentals on the property.

Dr. Barnes was asked what the Seminary's next steps were, i.e. is the Seminary asking for the overlay district to go before town meeting or whether it was just trying to get feedback and gauge temperature? Dr. Barnes confirmed the Seminary is trying to keep everyone updated and would like to continue to work on the overlay district for spring town meeting to report to developers. A discussion on this information followed.

Attorney Jon Witten was asked to contribute to the discussion and he responded that he wanted to look more closely at the formal proposal prior to making comments, but opined Dr. Barnes' comments follow how the bylaw is drafted currently. Following a brief discussion, the Board agreed for the Seminary to come back with the chosen developer to work on updating the illustrative plan.

J. Fiumara, Essex Street: As a real estate developer, he feels the question that should be asked is how much money the Seminary is looking to get as this was an important piece but acknowledged Dr. Barnes may not have the answer.

He noted concerns about how the Seminary will profit far more than the Town of Hamilton and opined the proposed development does “fit in the area.” He added until a developer is willing to spend money to prove to the neighbors that development will not have a huge impact, he did not believe town meeting would support the proposed plan.

J. Davis, Lois Street: Asked how tall of a building a developer could build on the top of the hill. It was confirmed that for residential it was 35 feet to the midsection of the roof.

M. Crouch said the Board would continue discussions with Attorney Witten.

**Board Discussions Regarding Various Potential Changes to Hamilton Bylaw.** *The Board will discuss a number of possible areas to modify and/or add to the existing Hamilton Zoning Bylaw including Form Based Zoning; a Flexible Residential Development bylaw; rezoning of Winthrop School Campus area; MBTA Communities 3A Zoning updating; Inclusionary Housing bylaw; the Groundwater Protection Overlay District zoning map; and other possible areas of zoning improvement interest as time allows.*

The Board discussed the MBTA Communities Zoning law’s mandatory language for by-right, multi-family housing within a half mile of the MBTA train Station must be created and how it pertains to the Master Plan and impacts the town.

The state may withhold funding from communities that do not comply; it was noted some communities are fighting this mandate.

Attorney Witten explained the mandated zoning was released in the form of Guidelines, which are not regulations and no authority was given to DHCD (Department of Housing & Community Development) to promulgate regulations by the legislature. The Attorney General has since released the aggressive letter to withhold funding from communities that do not adhere to these Guidelines. Attorney Witten did not provide advice to the town at this time, but questioned from the planning perspective, how the town could comply with building 731 units without a complete rezoning beyond the half mile of the train station. Attorney Witten fielded questions from the Board. The meeting was open for comment.

P. Lake, Gail Ave, said he heard different information and suggested the town should closely monitor the state proposal.

The Board continued to discuss the Guidelines and noted some limited possible areas where multi-family housing could be built in the downtown area and reiterated the intent of the Guidelines is to create the zoning, not to build the housing.

D. Dashcund, Woodbury Street: voiced his opinion stating if the Board was willing to allow hundreds of apartments to be built on Brown’s Hill at the Seminary and change the character of his neighborhood, they should allow it downtown as well.

**Board Discussion Regarding Draft Master Plan.** *The Board will briefly discuss the on-going Master Plan process, draft documentation, and upcoming related efforts regarding the effort.*

M. Crouch initiated a discussion on short term and long-term priorities of the Board, relative to the Master Plan.

N. Dashcund, Woodbury Street: felt that the Master Plan should include Brown’s Hill. She understood her neighborhood was going to change but if a well-thought-out plan was followed and not just allowed to happen, it would make all the difference. She encouraged the Board to focus on what makes the best sense for Hamilton; M. Crouch suggested she attend the Master Plan workshop on October 26<sup>th</sup>.

P. Norton noted he hoped to attend the second meeting on the vision session for Cutler School. The Board reviewed the MSBA process and how it was driving these sessions and its relation to the Master Plan.

**Board Business** – *Board will discuss upcoming scheduling, hearing dates, etc.; review individual reports if available.*

*Review and vote upon meeting minutes for August 1, 2023; August 15, 2023; April 27, 2023; and Sept 19, 2023.*

J. Poore said another Chebacco Woods application was submitted, and he would like to discuss this in executive session. It was determined executive session would not be appropriate for this item and would be on a future agenda.

**Vote:** *The Board voted unanimously by roll call to approve pending edits the April 27, 2023; August 1, 2023; August 15, 2023 and September 19, 2023 minutes.*

**Adjournment** – *The Board voted unanimously by roll call to adjourn at 9:11PM*

*Respectfully Submitted By*  
*Jennifer Dionne, Recording Secretary*  
 10.21.23

*The minutes were prepared from video*