



TOWN OF HAMILTON

STAFF MEMORANDUM

TO: Planning Board members
FROM: Mark Connors, Planning Director
RE: Hamilton Fire Department Site Plan Application
FOR: December 17, 2024 Planning Board meeting

BACKGROUND INFORMATION:

The Town of Hamilton's Public Safety Complex was constructed at 265 Bay Road in 2008 at a cost of approximately \$5.4 million. The building houses the town's police department, fire department, and emergency dispatch center. The parcel housing the complex is approximately 3.55 acres and the facility shares a driveway and parking lot with the Council on Aging and the town's Health and Building Departments. The building is situated behind the Council on Aging building approximately 200-feet from the Bay Road right-of-way boundary (or approximately 215-feet from the edge of pavement of Bay Road). The area between the road frontage and the building houses parking and a contiguous grassy area that is approximately 0.25 acres in size. It is in this area that the proposed display structure/museum building is planned.

In 2008, the Town of Hamilton obtained site plan approval from the Zoning Board of Adjustment to construct a structure for the same use. However, the proposed building was subsequently slightly enlarged, requiring re-approval. At this year's Town Meeting, voters approved the appropriation of \$150,000 from the Community Preservation Fund to fund the design and construction of a building to store the Fire Department's historic Model-T apparatus.

PROPOSED USE:

According to the application, the proposed project will include the construction of a 308 square-foot building and associated site improvements for historical purposes "to store and display the first piece of equipment the Hamilton Fire Department purchased." In staff's view, the proposed use falls under the following use category of the Zoning Bylaw Table of Uses:

"Museums, libraries, and parks, playgrounds, conservation areas, water supply areas, and other land owned and operated for the public enjoyment or service by a public or semi-public agency."

This use is permitted by right in all of Hamilton's zoning districts.

STANDARD OF REVIEW:

A reasonable interpretation of the Zoning Bylaw indicates that Site Plan Review is required by the Planning Board. Section 10.6.2 of the Bylaw requires Site Plan Review for "Any new construction or alteration or expansion of, or conversion to a business, office, industrial, institutional, or multi-

family residence building or structure in any district.” The Table of Uses places the proposed use under the ‘Community Uses’ category, however the Site Plan Review section of the Bylaw does not address community uses. The Bylaw does not define institutional uses, but the common definition of institution - “an established organization or corporation (such as a bank or university) especially of a public character” (Merriam Webster Dictionary) - could reasonably be applied to a civic or community use project. Moreover, the Bylaw does not provide an exemption for civic or community use projects under Section 10.6.4 *Exemptions from Site Plan Review*.

At the last meeting, there was some discussion of whether the proper notice and abutter notifications had been followed for a Site Plan application (this application does not qualify for Abbreviated Site Plan Review provided for under Section 10.6.3 of the Bylaw). Staff has confirmed that the correct notification and posting processes were followed for this application and have included the relevant paperwork with the application materials. Additionally, the Hamilton Select Board, at its December 16, 2024 meeting, provided their permission for the Fire Department Chief Ray Brunet to represent the application in front of the Planning Board and noted the Board’s general support for the project (see attached letter).

Therefore, in staff’s view the proposed use is both permitted by right and subject to Site Plan Review. Under Massachusetts caselaw, Site Plan Review is a non-discretionary process, meaning that the Planning Board does not have the discretion to withhold approval of an application if the requirements of the Zoning Bylaw are met. This is an important distinction from Special Permits, which involve a discretionary review process.

SITE PLAN STANDARDS:

This application meets the Dimensional Requirements of the Zoning Bylaw, so the Site Plan Standards (Section 10.6.12 of the Bylaw) become the focus of the review. Those standards are outlined below. It is up to the Board to determine that the application meets the standards, but staff has provided some supplementary notes related to each standard.

- 1.) The plan shall show compliance with Zoning Bylaw requirements for parking, signage, loading, landscaping, performance standards, dimensional requirements, and all other applicable requirements of this Bylaw;

In staff’s view, the application generally conforms with the above requirements or the requirements are not applicable to this application (for example, the Bylaw’s parking requirements are silent on this type of use). The exception may be signage. The front building façade features lettering reading ‘Chemical.’ The Bylaw limits signs in residential districts to no more than three square-feet and requires illumination for such signs be turned off between the hours of 11 pm and 6 am. The proposed lettering appears to exceed this limit. The Bylaw does not define the term ‘sign’ so the Board could either require Special Permit for the signage or make a finding that the lettering does not qualify as a sign.

- 2.) The proposed project should be compatible with existing natural features of the site and compatible in architecture and scale with the surrounding area;

The structure is proposed for an area that is largely flat and surrounded by built features like driveways and parking. The building architecture, including its clapboard siding and pitched roofline, appears generally compatible with surrounding uses. The building is smaller than surrounding structures, but is not inconsistent with accessory structures on lots in the general vicinity.

- 3.) The plan shall provide landscaping and open spaces that enhance the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity for customers, neighbors, and the general public;

The proposed use includes a landscaping plan. The landscape plan calls for preserving four existing Honeylocust trees and one blue spruce tree in the vicinity of the proposed structure and adding shrubbery in the form of rhododendrons, fountain grass, periwinkle, dwarf globe blue spruce, purple lilacs and yellow daylilies. The Planning Board could certainly reasonably require modifications to the landscape plan.

- 4.) The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with handicapped access requirements, and provide for access and egress by emergency vehicles;

The plan does not call for any new parking or driveway infrastructure. In staff's view, the proposed pedestrian accommodations are safe and reasonable. The applicant should confirm that the facility will be handicap accessible or show any modifications, including ramps if necessary, to make the facility handicap accessible.

- 5.) The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Planning Board may require landscaping and/or fencing to provide needed buffers;

The use does not propose any dumpsters or other common 'unsightly features' such as loading areas. The applicant should provide information about how electrical service will be supplied to the structure. Ideally, electrical connections would be provided underground.

- 6.) The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage and Streets, or shall provide for such improvements as necessary; and

The structure is quite small and it does not appear it could reasonably result in a material impact to the capacity of most local infrastructure. The project would convert approximately 1,000 of ground cover to impervious surfaces. This is well under the threshold required for a Stormwater Permit. However, the Planning Board may reasonably require mitigation in the form of the installation of best management practices (for example, a rain garden).

- 7.) The plan shall provide for compliance with Board of Health, Conservation Commission, and other Town and State Regulations. Where applicable, the approval may be made conditional upon Board of Health, Conservation Commission, State Department of Public Works or other approvals, which shall be specifically referenced in the decision.

It does not appear other special approvals are necessary in order for the project to advance.