



Town of Hamilton
 Planning Board
 Meeting Minutes of November 26, 2024

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 November 26, 2024, at 7pm at the Hamilton-Wenham Public Library, 14 Union Street, Hamilton, MA. This meeting was held in person, on Zoom, and recorded by HWCAM for public broadcasting.

Planning Board members: Emil Dahlquist (2025); Beth Herr (2025); William Wheaton (2025); Marnie Crouch (2026); Patrick Norton (2026); Jonathan Poore (2027); Darcy Dale (2027); Associates: Matthew Hamel (2026); Jeff Austin (2027)

Call to order: *With a quorum present, the Chair called the meeting to order at 7:pm, identified the meeting was being recorded and those present: M. Crouch, Chair; E. Dahlquist, Clerk; D. Dale; P. Norton; J. Poore; M. Hamel; Not Present: J. Austin; B. Herr. W. Wheaton.*
 Also present: Mark Connors, Planning Director; Catherine Tinsley, Recording Secretary (via Zoom)

Review & Vote on Minutes – *The Board voted unanimously by roll call to approve the **November 12, 2024** minutes as edited.*

The Chair noted a backlog of meeting minutes were provide to the Board for review and approval; these will be on the next agenda for approval.

Master Plan Implementation

- **Incorporation of final layout adjustments**

M. Connors provided the Board a brief update on progress reviewing the Master Plan and incorporating final maps as the Town towards implementation efforts.

*The Agenda was taken out of order with consensus.**

Status Report on the Comprehensive Plan for the Town Center

- Follow up from November 12 Form-based Code (FBC) presentation
- Follow up from November 19 Select Board discussion

The Planning Board members have been invited to attend the December 2, 2025 Select Board meeting regarding Form-based Code/3A Zoning at which time the Select Board will determine whether to move forward or pause the process until there is clarity from the Supreme Judicial Court decision on the MBTA Communities Zoning and the applicable Regulations promulgated by the Executive Office of Housing and Livable Communities.

Chair Crouch and E. Dahlquist will attend and speak on behalf of the Board. If other members attend, a quorum will be met and a meeting of the Planning Board will be posted. P. Norton expressed interest in attending the Select Board meeting.

Chair Crouch stated she was likely to be a proponent of pausing the FBC, pending the outcome of Supreme Judicial Court's decision on 3A Zoning regulations, which may change the current path of the Town.

The Board will continue to review potential grant funding that could be withheld from the Town if 3A Zoning is not passed and will revisit the issue in the near-future.

J. Poore introduced the FBC discussion with the question “Why Plan Ahead?” and provided Robert Crumb's *A Short History of America* graphic from 1979 illustrating incremental changes to a community which slowly build up over time to create significant changes in the built form.

He referenced a slide deck entitled *Disadvantages of FBC* which addressed 12 comments/questions presented at the last meeting on the cons of FBC, mostly expressed by P. Norton. P. Norton did not believe this to be helpful at this time, pending the Select Board's decision to pause the planning, but J. Poore suggested this also be used as a check list, and it be given to Utile in advance to balance Use Code and FBC. P. Norton participated in this discussion and noted did research on FBC on the internet. He maintained FBC was too new to provide detailed information on how it would be beneficial to Hamilton.

J. Poore explained the goal of these discussions were for the Board to have a common language, so there is a collective understanding to move methodically and efficiently when making recommendations to Utile to arrive at consensus to endorse, not endorse, or a blend of ideas, to replace the current Use Code. The Master Plan was introduced into this discussion and how it aligns with FBC to reach desirable results. It was noted the Winthrop School was taken out of the PBC scope for Utile.

P. Norton reiterated his opinion for Utile's FBC plan be limited to the downtown district, and not residential areas.

The Board noted they lack information on the details at this time and will discuss this in full during an upcoming meeting. Additional questions submitted by D. Dale were addressed.

D. Dale also voiced concern the Hamilton Development Corporation (HDC) is approaching residents with smaller homes for “right of first refusal” to purchase with the intention of changing the road /lot configuration for multifamily dwellings, specifically the smaller homes, which are more affordable in town, and provide opportunities as starter homes or for those that want to downsize, to stay in town. Although this may be outside of the district intended for FBC it was a concern and will be followed up with the Select Board. FBC will be very specific to protect the town’s vision within the scope.

***Discussion regarding Potential Amendments to the Zoning Bylaw & Zoning Map:** To Include but not limited to amendments required by the Affordable Homes Act Dwelling Units to the Hamilton Zoning Bylaw (i.e. Sections 3, 4, 3.6, & 3.7), amendment to the Zoning map to show inclusion of a town meeting approved map change taken in 1999, changes to Section 4, 5.3, 10.6.4.9, 10.7.2, and definitions as deemed necessary and edits to 4.1.5 and review of other Scrivener’s errors in the Hamilton Zoning Bylaw.

M. Connors referenced a slide deck entitled *Accessory Dwelling Units in Hamilton* and spoke on the passage of the Affordable Homes Act, which will allow Accessory Dwelling Units (ADU) by-right, as of February 2, 2025.

The presentation topics have been summarized for the minutes and are available in the entirety to the public.

- Accessory Dwelling Unit (ADU) General Definition: A self-contained dwelling unit, inclusive of sleeping, cooking, & sanitary facilities located on the same lot a primary dwelling unit; ADUs are currently allowed in Hamilton by Special Permit.
- Existing Requirements in Hamilton:
 - Section 3.4 - Conversion for Temporary Additional Living Area
 - 3.6 - Accessory Apartment
- Affordable Homes Act – signed by Governor Healey August 2024
- Massachusetts Definition of Accessory Dwelling Unit
- Hamilton’s Existing Definitions for Accessory Apartment (Section 3.6)
- Conceptual drawings and examples of exterior ADUs
- Examples of a 900 square foot living space floorplan
- What is clear about the ADU Law- What the Town may and may not restrict.
 - May be restricted from serving as short term rentals,
 - May enforce reasonable regulations including dimensional requirements i.e. height, setback, location
 - Second ADU on a single property is not required
- Best Practices in ADU Regulations- maintain single family character and appearance; reuse of space
- Recommendations for consideration of amendments at April 2025 Town Meeting

Discussion followed comparing the current bylaws with the as-of-right changes, and various potential impacts to the Town. It was noted that Town Counsel is available to advise when the state’s EOHLRC Regulations are released. Hamilton, like many other communities in Massachusetts, is waiting on the Attorney General to release the Regulations before considering amendments. A discussion followed of considerations for the ADU bylaw under the Town’s jurisdiction such as setbacks, square footage, height, site plan review, enforcement, etc.

Town Counsel Attorney Stein, KP Law will attend the Planning Board’s December 2 meeting via Zoom to talk about inclusionary zoning and advise the board on changes.

M. Connors provided a brief update on the process of reviewing the Zoning Bylaws for Scrivener’s errors. Staff is waiting for comments from two members and will coordinate with those members.

Adjournment - *The Board voted unanimously to adjourn at 9:10 pm.*

Documents distributed/referenced during the meeting:

- Draft Minutes – November 12, 2024
- Comprehensive Plan; Zoning Bylaw; FBC presentation
- ADU presentation

Respectfully Submitted By
Catherine Tinsley, Recording Secretary 11.13.24