



Town of Hamilton
 Planning Board
 Meeting Minutes of December 17, 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 December 17, 2024 at 7 pm in the Hamilton Wenham Library, 14 Union St. This meeting was held in person (with Zoom access provided as a courtesy) and recorded by HWCAM.

The Planning Board has seven members elected to three-year terms with one or two seats up for election each year. The Planning Board typically meets the first and third Tuesday evening at 7:00 p.m. Planning Board members: Marnie Crouch, Chair, 2026, Emil Dahlquist, Clerk, 2025, William Wheaton, 2025, Beth Herr, 2025, Patrick Norton, 2026, Jonathan Poore, 2027, Darcy Dale (2027), Matt Hamel (associate) 2026, Jeff Austin (associate) 2027.

Call the meeting to order: *With a quorum present, Chair Crouch called the Planning Board meeting to order at 7:02 PM, identified the meeting was being recorded and those present:* Marnie Crouch, Jonathon Poore, Emil Dahlquist, Matthew Hamel, Beth Herr, Darcy Dale. *Not present:* William Wheaton, Patrick Norton, Jeff Austin. *Also present:* Mark Connors, Director of Planning; others as noted.

Agenda:

1. REVIEW & VOTE ON DRAFT MINUTES FROM PREVIOUS MEETINGS:

a. September 20, 2022, March 21, 2023, April 20, 2023, and October 17, 2023

Vote: The Board voted unanimously by roll call to approve the minutes with minor edits as noted.

3. LAND USE APPLICATIONS:

a. SITE PLAN REVIEW: Owner: Town of Hamilton, Applicant: Hamilton Fire Department – Request for site plan review of proposed improvements to the Public Safety property at 265 Bay Road (Tax Map 56, Parcel, 32), to include a 308 square-foot display structure housing and for public viewing of an antique Model T fire engine and associated pedestrian pathways and landscaping. The subject property is located within the R-1A zoning district. This application was continued from the December 3, 2024 Planning Board meeting.

Chair Crouch announced that the Board would hear the Site Plan Application out of order at the start of the meeting so as not to inconvenience members of the public in attendance relating to this application. Brian Stein from Van Stein Architecture was present to speak about the application on behalf of the Fire Department, and offered to answer any questions from the Board. Chair Crouch explained the Board now has all of the material to review and confirm that a complete application has been filed. She also noted the Select Board provided a letter authorizing the Fire Chief to file the application, and therefore the two primary issues from the previous meeting were now resolved. Chair Crouch indicated she believes everything is in order. She thanked M. Connors for providing a staff memorandum to assist the Board in the review. Chair Crouch stated that one item highlighted in the staff memo is that the lettering on the building appears to exceed the allowed sign area. She indicated that she did not believe the lettering should be counted as a sign, as it is really a historical reproduction. Members of the Board indicated that they were in agreement.

Chair Crouch stated that since all outstanding issues appear to be addressed, she believed it would be appropriate to take final action on the site plan application.

Vote: The Board voted unanimously by roll call to approve the Chemical One building as submitted.

2. DISCUSSION REGARDING POTENTIAL AMENDMENTS TO THE ZONING BYLAW AND ZONING MAP:

a. Vote on Memorandum to Select Board regarding amendments to Section 8.3, Inclusionary Housing Bylaw following Town Counsel Review

The Memorandum to Select Board was reviewed at the last meeting and it has since been reviewed by Town Counsel, Robin Stein. The document is ready for final review and transmittal to the Select Board. The Board discussed payment in lieu of creating housing and made reference to the 133 Essex St case. Chair Crouch explained she will sign the Memorandum on behalf of the Planning Board, then it goes to the Select Board for review, and it is sent back to the Planning Board to conduct a public hearing. The Planning Board will then create a report and recommendation for Town Meeting.

Vote: The Board voted unanimously by roll call to authorize Chair Crouch to send the proposed Memorandum, regarding Amendments to the Inclusionary Housing Bylaw, section 8.3 of the Hamilton Zoning Bylaw, dated December 17, 2024 to the Select Board.

b. Discussion of Draft Memorandum to Select Board regarding amendment to Section 9.1.4 of the Groundwater Protection Overlay District (GPOD) and transmittal to Town Counsel for review

Chair Crouch explained if the Board approves this memo, she will send it to Town Counsel Robin Stein for review. If Attorney Stein finds no substantive problems, she would like the Board's authority to forward it to the Select Board. The Board discussed whether the ADU (Accessory Dwelling Unit) bylaw has the same force as a primary dwelling on a GPOD lot, how the two bylaws would intersect, and what takes precedence. The Board agreed that ADUs are unique due to the recent state legislation making ADUs a protected use and one that must be required by right on individual lots. Still, the Board noted the changes to the GPOD will be impactful. Chair Crouch also stated she believes any ADU constructed has to be assessed in terms of the septic capacity of the principal dwelling, and if it can't be accommodated, there has to be septic capacity to serve the ADU.

Vote: The Board voted unanimously by roll call to authorize Chair Crouch to send the proposed memorandum on the Groundwater Protection Overlay District to Town Counsel Robin Stein, and if no substantive changes, to authorize Chair Crouch to submit the memorandum to the Select Board.

c. Discussion of draft state regulations concerning Accessory Dwelling Units (ADU) related to the passage of the Affordable Homes Act & potential 2025 bylaw amendments, including how proposed ADU regulations promulgated by the Executive Office of Housing & Livable Communities relate to ADUs in the GPOD

Chair Crouch noted there was a webinar held by the EOHLC to explain the draft ADU Regulations. Chair Crouch and M. Connors participated in the webinar. It was stated that the goal is to add 8,000-10,000 new ADUs in Massachusetts. They allow for design standards, provided that the standards are clear and objective, which is something to consider. M.Connors suggested it would be ideal to try and amend the bylaw for spring Town Meeting since Hamilton's bylaw will conflict with the requirements of the new state law on its effective date. He noted that the timeline is tight because the State Regulations governing ADUs will not be finalized likely until early April. It was noted ADUs still have to meet septic requirements. The Board discussed how design standards would be important, how to define where detached ADUs are allowed to be positioned on the lot, and what portions of the interior will be counted in the gross square footage calculation. The Board will review the ADUs regulations and submit questions to M.Connors to compile.

d. Scrivener's error corrections to the Zoning Bylaw

Chair Crouch stated she would like to make substantive changes to the Site Plan Review section because of the number of errors, and would like to add a requirement for a pre-application conference to smooth the way for review. She also noted the Master Plan recommends there be an Implementation Committee to help boards and committees to communicate better among themselves and aid the process of project implementation. She noted that as a result of the Board's work on Scrivener's errors, an important discovery had been made by staff. M.Connors reported that in 2016 the Planning Board hired a consultant and went through a comprehensive overhaul of the Zoning Bylaw. He said that this was a multi-month effort and likely involved several different drafts of the document. He described the process for changing the bylaws through the state, however, it appears that when the entire bylaw was finalized, someone sent the wrong version to be posted to the website, and that is the version that everyone has been working from since. The version of the bylaw posted on the Town website deviates from the correct version filed with the Town Clerk in several respects. Additionally, there were changes made to the bylaws in the eight years since, and they have been made using the wrong version of the bylaws. He noted that the Town will have to locate the old version, as approved by the Attorney General, and incorporate changes from 2016 to 2024, and get the correct version uploaded to the website. He indicated it would take some time to work with the Town Clerk and others to correct this. It was noted that it does not make sense to pursue the scrivener's errors until there is an accurate copy to work from, but Chair Crouch suggested the Board tackle the Site Plan review process; M.Connors distributed a copy of it. The Board agreed to review the correct version and submit suggested changes to M.Connors.

4. OTHER ITEMS:

a. Master Plan – M.Connors has been filling in for the vacant conservation agent position, and he indicated he has not had time to work on the Master Plan yet.

b. Potential update of land use applications – M.Connors noted the application people fill out is fairly dated and missing relevant information, adding it is in pdf format and can't be completed electronically. He recommended a refresh. The Board encouraged him to tackle this as time allows.

c. Potential revisions to 2025 Planning Board Schedule – The Board discussed changes to their planned meeting schedule.

5. ADJOURNEMENT:

Vote: The Planning Board voted unanimously to adjourn at approximately 8:34pm.

PLANNING BOARD MEETING MATERIALS:

- [December 17, 2024, Planning Board Agenda](#)
- [Selectboard Letter regarding HFD & Patton Pavilion Applications. 12-17-2024](#)
- [Memo from the Planning Director to the Planning Board regarding the HFD Site Plan Review Application 12-17-2024](#)
- [HFD Site Plan Application Materials](#)

- Draft 09.20.2022 Minutes for review/approval
- Draft 03.21.2023 Minutes for review/approval
- Draft 04.20.2023 Minutes for review/approval
- Draft 10.17.2023 Minutes for review/approval
- Proposed GPOD Bylaw Amendment and Memo to Select Board
- Inclusionary Housing Bylaw Amendment
- Draft EOHLC Accessory Dwelling Unit Regulations
- Planning Board Applications Memo

The minutes were prepared from video.

Respectfully submitted by D. Pierotti, Recording Secretary, 1/12/25