



Town of Hamilton
 Planning Board
 Meeting Minutes of January 29, 2025

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 January 29, 2025 at 7:00 pm. This meeting was held via Zoom and recorded, .

The Planning Board has seven members elected to three-year terms with one, two, or three 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 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, Chair; Jonathon Poore, Emil Dahlquist, Matthew Hamel, Darcy Dale, Jeff Austin, Patrick Norton (arrived late). Not present: Beth Herr, William Wheaton. Others present: Mark Connors, Director of Planning; others as noted.

Agenda:

1. REVIEW AND VOTE ON DRAFT MINUTES FROM PREVIOUS MEETINGS: a. December 17, 2024

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

• **DISCUSSION REGARDING POTENTIAL AMENDMENTS TO THE ZONING BYLAW & ZONING MAP:**

The Board proceeded to review the version of the revised Accessory Dwelling Unit (ADU) bylaw sent to Town Counsel Robin Stein, with her responding comments included. Also available was an updated version from M.Connors that proposed changes based on those comments from R.Stein. The Board discussed providing an allowance for a second non-protected ADU would through a special permit process. There was discussion of how an unprotected ADU should be defined in the Bylaw and a reasonable maximum size. This would be in addition to the protected ADU under State law. The Board determined the special permit ADU would be capped at 2,000 square feet or 50 percent of the size of the primary dwelling, whatever is smaller. Attorney Robin Stein was present to discuss comments she offered in response to the current draft ADU Bylaw revisions. Attorney Stein noted at the outset that the ADU law is new and that not all requirements are very clear at this stage; there is no history of caselaw to refer to.

Attorney Stein noted there can be no limits on bedrooms or bathroom in an ADU. The Board agreed to remove such limit from the Bylaw. Attorney Stein explained the EOHLC (Executive Office of Housing & Livable Communities) regulations allow for objective design guidelines, but it is unreasonable to regulate an ADU more severely than a single-family dwelling, which limits what communities can require. She opined the State may not allow requirements for matching exterior design even for attached ADUs. J.Poore advocated for design guidelines to aid property owners, as it allows the Town to promote building standards even if it can't be required. Attorney Stein further noted the Town cannot apply setbacks to the ADUs that deviate from those enforced for a single-family house. There was a discussion of whether the prohibition on ADUs in the front yard was appropriate. J.Poore opined trying to disallow ADUs in the front yard is more important than other dimensional issues, as it would have a detrimental effect on the neighborhood, however he noted that there are properties where it would not be out of character to allow an ADU in the front yard, particularly for large lots that are screened from the roadway. M. Connors said he felt that certain requirements such as limits on detached ADUs in the front yard were acceptable so long as they were clear and objective and measurable. The Board reached consensus to prohibit ADUs in the front yard unless the applicant receives a Special Permit from the Planning Board.

There was discussion regarding ADUs being built with the inclusion of porches, decks, entryways, and other extensions which might not be counted under the square-footage restriction. Chair Crouch noted this has already happened in Hamilton, and an example was shared briefly. M. Connors said they thought that areas like a porch were reasonable for an ADU, but wanted to control large decks, storage spaces, or garages associated with the ADU that could really expand the footprint of an ADU. A limitation of 150 square-feet was proposed on such uses. He noted that R. Maloney was in agreement. The Board agreed to leave the requirement in place. The Board also discussed the proposed prohibition on a second curb cut (a second driveway) to serve an ADU. There was a discussion that a second driveway would change the character of many single-family properties. The Board decided to leave the prohibition in place. In response to a question from the Board, Attorney Stein noted there was no deadline

for getting the bylaws updated regarding ADUs, it is specifically a comfort issue as to whether the Board is comfortable with the State regulations, or if they want to maintain some additional control over aspects of ADUs.

Vote: *The Board voted unanimously by roll call to authorize the Chair to transmit the changes to section 3.0 of the bylaw and Section 11, definitions, to the Select Board.*

a. Discussion of comprehensive overhaul to Site Plan Regulations (Section 10.6 of the Zoning Bylaw), including potential Design Review Regulations.

The Board reviewed Section 10.6 and discussed line edits to the draft. The primary edit was to address concerns the pre-application conference include both the identification and delineation of protected and unprotected resources, which may include natural, historic, and/or recreational features and connections, in order to guide the design of the site with respect to those features. The Board discussed examples of projects where such a meeting could have solved problems before they arose.

Vote: *The Board voted unanimously by roll call to authorize the Chair to transmit to the Select Board the changes to section 10.6 of the bylaw, by substituting a revised 10.6.*

b. Discussion of Zoning Bylaw amendments proposed by Building Commissioner to correct inconsistencies and clarify specific zoning requirements.

There was brief discussion of the edits proposed by the Hamilton Building Commissioner, Rich Maloney. Chair Crouch noted that R. Maloney had proposed the edits in a memo to P. Reffett last year. The amendments were not designed to substantively change the zoning requirements, however there were instances where the regulations were not clear, or where information was outdated, or areas where additional clarity was required. Chair Crouch briefly described each of the proposed changes. No objections or concerns were raised and the Board agreed to advance the proposal to the Select Board.

Vote: *The Board voted unanimously by roll call to authorize the Chair to transmit to the Select Board the changes to Sections 4.0, 6.0, and 11.0 of the bylaw as proposed by Building Commissioner R. Maloney.*

5. OTHER ITEMS:

- Chair Crouch noted that the Executive Office of Housing and Livable Communities has opened the public comment period for the emergency regulations for the 3A law, which will become final unless there are changes through this process. Public comment began on January 31st and closes on February 21st. M.Connors and the Town Manager are trying to schedule a joint meeting between the Select Board and Planning Board to discuss how to move forward with respect to the emergency guidelines.
- The next meeting is scheduled for February 4, 2025.

Adjournment:

Vote: *The Board voted unanimously by roll call to adjourn the meeting at approximately 8:40pm.*

Documents:

[January 29, 2025 Planning Board Meeting Agenda](#)

[Draft December 17, 2024 Planning Board Minutes for review/approval](#)

[Proposed Bylaw Amendments and Select Board memo for Accessory Dwelling Units](#)

[Proposed Bylaw Amendments and Select Board Memo to Section 10.6 Site Plan Review](#)

[Working Draft – Site Plan Regulations \(note this is an early draft\)](#)

[Proposed Bylaw Amendments and Select Board memo for revisions proposed by Building Commissioner](#)

Respectfully submitted by D. Pierotti, Recording Secretary, 2/6/25.

The minutes were prepared from video.