



Town of Hamilton
 Planning Board
 Meeting Minutes of March 26, 2024
 Town Hall, 577 Bay Road

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 March 26, 2024, at 7pm in Memorial Hall. 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 7:01pm, identified the meeting was being recorded and those present: M. Crouch, Chair; E. Dahlquist, Clerk; B. Herr; W. Wheaton; R. Mitchell; J. Poore. P. Norton and M. Hamel.*
 Also present: Director of Planning & Inspectional Services, Patrick Reffett.

NOTICE OF PUBLIC HEARING. (HEARING CLOSED/ BOARD DELIBERATING): *The Hamilton Planning Board will continue their review of a site plan application and a stormwater management application for a project proposed at 775 Bay Road by the Hamilton Wenham Regional High School. The Applicant is Superintendent Eric Tracy and represented by Consultant Kathleen Hervol, Director of Athletics, Gale Associates, Inc. The site plan review shall be as per the Hamilton Zoning Bylaw and state regulations in addition to the Hamilton stormwater management Bylaw Article XXIX as recently amended and under review by the MA Attorney General. The subject property is located at the rear of 775 Bay Road and is also known as Assessors Maps 40, Lot #11 and Map 41, Lot #1. The proposed plan is to add small structures and facilities related to an athletic facility and artificial turf fields, artificial turf tracks, tennis courts, lighting, grandstands, press-box, amenities building and ADA access improvements. Plans and reports are available electronically or can be viewed at the Planning Office, Patton Homestead, 650 Asbury Street, Hamilton, MA 01982.*

M. Crouch received a request from resident Ann Gero to reopen the public hearing to comment on the lighting. A discussion regarding this request followed during which E. Dahlquist referenced the Peer Reviewer's letter that there could not be any lighting in/on the wetlands as a condition from Conservation Commission. The plans show there will be light spillage on the wetlands in a few areas. There are two additional areas where the lighting will cross the property line onto private property on the southern side. A. Gero had thought this had been overlooked and was the reason for her request to reopen the public hearing. The Board decided not to reopen the public hearing because they have the information. The Board decided they would condition solutions to the lighting issues, requiring the addition of an accessory shield if necessary. The Board moved onto the Public Address (PA) system condition and wondered how many abutters would be included in the group that would need to work with the school district on setting the hours of operation. The Board decided to make the PA condition direct abutters only. P. Norton suggested that they align timing on all conditions, so it's clear if the conditions are pre-occupancy, post occupancy or during construction.

The Board next discussed conditions pertaining to the public wells. The Public Health department sent over lists of private wells abutting the project and there are 4 of them. P. Norton doesn't feel it's on the planning board to condition testing of the wells, M. Crouch disagrees. The Board discussed how the peer reviewer; T. Houston requested this. R. Mitchell asked if the Board had authority to request a public entity pay for testing on private land. He asked P. Reffett to ask Town Counsel this. P. Reffett said they would need permission from the property owner, otherwise it would be trespassing. The Board discussed the EPA standards about PFAS and how they can't regulate to future levels that may or may not be testable. The Board discussed this at length. They decided to use the current regulations and reference them in such a way that if it changes by construction the project can then follow the new standards. They discussed what the remediation should be if PFAS became a problem. They would recommend that the town hooks the property affected up to town water.

The Board discussed the maintenance budget condition and discussion ensued on if this was a duplicate condition since the conservation commission already has a condition on making sure there is maintenance. The Board discussed how to word this condition in relation to stormwater management systems on the school site. The Board discussed at length how to word the condition about testing for PFAS. They would continue to try to draft this language for the next meeting.

The Board discussed how to handle the disposal of the turf field and noted they conditioned a 10-year maintenance plan and budget for disposal. Some Board members had concerns that in 10 years there would need to be a request for a large amount

of money to dispose of the field at the end of its life. The Board discussed both at length and either way taxes would have to increase to pay removal – adding it to the operating budget of the school over 10 years or to request the money up front.

M. Crouch would draft edited conditions before the next meeting and P. Reffett would draft a decision document for a review/vote by the Board.

Vote: *The Board voted unanimously via roll call vote to move the April 2nd meeting to April 9th, 2024.*

Vote: *The Board voted unanimously via roll call vote to continue the deliberations to April 9th, 2024*

ANR / APPROVAL NOT REQUIRED REQUEST. *In accordance with MGL Ch. 41, Sec 81 the applicant 250 Cutler Road LLC, 14 Boardman Lane, Hamilton, MA, is seeking a Form A / Approval Not Required (ANR) endorsement from the Planning Board for multiple parcels at 250 Cutler Road (Assessors map 30, Lot 2). The existing 293,135 SF lot is to be divided into three parcels: Lots A, B and C. The collective property is located within the RA Zoning Districts.*

P. Reffett read the notice. J. Longley appeared before the Board to explain that they had received approval for this ANR a couple of months ago, but they have moved the lot lines by about 3 feet so are back to get the approval for that change.

Vote: *The Board voted unanimously via roll call vote to approve the ANR request for 250 Cutler Road.*

ANR 25 GARDNER –ANR / APPROVAL NOT REQUIRED REQUEST: *In accordance with MGL Ch. 41, Sec 81 the applicant Jeffrey Allsopp, 587 Bay Road, Hamilton, MA, (owner 25 Gardner Street Nominee Trust of Hamilton, MA) is seeking a Form A / Approval Not Required (ANR) endorsement from the Planning Board for multiple parcels at 25 Gardner Road (Assessors map 24, Lots 26 and 34). The existing 57+/- Acre property is to be divided. The collective property is located within the R-1B Zoning District.*

J. Brillo, Engineer, appeared before the Board representing the owner J. Allsopp to discuss the changes that were needed for side setback requirements. They chose where to move the line due to mature plantings on the property and not wanting to disturb those.

B. Gray, Bay Road: These lots are under conservation restrictions and questioned why these lots are being created if they can't be built on. The buildable areas were explained on each lot.

B. Raymond, Gardner St: Has concerns about the easements on the properties and wanted to know if the Board had seen these conservation restrictions. He went and pulled the deed restrictions for lots C and D have utilities easements and he feels this violates the conservation restrictions. The Planning Boards role was explained, and his questions would be more for the owner of the easement to bring forward and object if they so wished.

Vote: *The Board voted unanimously via roll call vote to approve the ANR request for 25 Gardner Road.*

BOARD DISCUSSION – STATUS OF MASTER PLAN; RFP FOR DOWNTOWN COMPREHENSIVE PLAN.

The Board will discuss the status of the master plan document which is nearing finalization by the Master Plan Steering Committee and consultant. Process and next steps to be considered. Board to also discuss upcoming efforts to advance downtown area planning.

M. Crouch explained the Master Plan Committee should finalize the plan in the next few weeks. The Board discussed how the Request For Proposal (RFP) had multiple applicants so far and they would be reviewed in early April.

The Board went over how only E. Dahlquist had seen some of these plans with the Master Plan Committee and wanted to bring this to the Board to discuss and get input. The money for the project, including the consultants, has not been approved yet, and that will be determined at the April Town Meeting.

The Board discussed the 3A multi-family state zoning requirements, they have concerns about meeting the deadline and what would happen with Hamilton if they did not, as well as if they would need to seek a waiver for full compliance. If the RFP gets approved, they should have a meeting with the State office in charge of 3A and demonstrate that they are working on the project but wanted to complete it correctly. The town would also need to make sure the public gets all the information and ability to weigh in on this and completely understands the details. This was discussed at length.

BOARD DISCUSSION OF STORMWATER MANAGEMENT BY-LAW RULES AND REGULATIONS. *The Board will discuss possible future amendments to the stormwater management bylaw (Chapter XXIX of Hamilton By-Laws).*

The Board decided to postpone the discussion to a future meeting.

BOARD BUSINESS: *The Board will review and vote upon available minutes from prior meetings. Etc.*

The Board did not have a chance to review and edit all the minutes they received and will hold off on the remainder to a future meeting.

Vote: *The Board voted unanimously via roll call vote to approve the April 4, 2023, and October 17, 2023, minutes.*

Adjournment – *The Board voted unanimously by roll call to adjourn at 9:22PM.*

Documents:

- Agenda for 3.26.24
- Site Plan Application, 775 Bay Road HWRHS, athletic facility, turf fields, associated buildings.
- Memo from Ann Gero
- Response from Peer Reviewer Tom Houston
- Minutes for 4/4/23 and 10/17/23

Respectfully Submitted By
Jennifer Dionne, Recording Secretary
4.3.24

The minutes were prepared from video