



Town of Hamilton
Planning Board
Meeting Minutes of March 12, 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 March 12, 2025 at 7:00pm. This meeting was held at the Hamilton Wenham Public Library, 14 Union St. A Zoom link for electronic access to the meeting was provided as a courtesy for the public.

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 meeting to order at 7:00 PM, identified the meeting was being recorded and those present:* M. Crouch, J. Poore, E. Dahlquist, D. Dale, P. Norton, B. Herr, and W. Wheaton. *Not present:* M. Hamel and J. Austin. *Others present:* Mark Connors, Director of Planning.

Agenda:

1. REVIEW & VOTE ON DRAFT MINUTES FROM PREVIOUS MEETINGS: October 3, 2023, October 17, 2023, February 4, 2025 - The minutes from February 4, 2025 were held pending adjustments.

Vote: *The Board voted unanimously by roll call to approve the minutes of October 3, 2023 and October 17, 2023 with minor edits as noted.*

2. PUBLIC HEARING: The Planning Board will conduct a public hearing pursuant to M.G.L. Ch. 40A, § 5, for consideration of proposed amendments to the Hamilton Zoning Bylaw. A description of all of the proposed zoning bylaw amendments under consideration by the Planning Board can be found on the posted March 12, 2025 Planning Board Public Hearing Notice. The full text of the proposed zoning bylaw amendments may be reviewed at the Town Clerk's Office, located at the Patton Homestead, 650 Asbury Street in Hamilton, during regular business hours, or by visiting the Hamilton Planning Board webpage at <https://www.hamiltonma.gov/government/planning-board>.

Chair Crouch prefaced the hearing by stating the Hamilton Zoning Bylaw initially amended used language from the Bylaw posted to the website, but that was not the current corrected version of the Bylaw. Chair Crouch met yesterday with M. Connors and Carin Kale, the Town Clerk, to review the public notice, the warrant, and the zoning bylaws. C. Kale has explained the issue to the Attorney General's Office and there is agreement to go forward with the proposed bylaw amendments, with the exception of the amendments to Section 4.0; that article is proposed for from the warrant. The majority of discrepancies between the Public Hearing Notice and the proposed amendments were minor and will not hinder the process, Chair Crouch noted. The Attorney General's office provided guidance to the Town going forward. The next step is to ensure all corrections are made to the article for the warrant and that the language is accurate. M.Connors read the public notice for the benefit of the public.

➤ **Mark Johnson**, of Patton Drive, thanked the Board for their work and spoke about past efforts to revise the bylaws in conjunction with the last Master Plan. He spoke about the risk to the Miles River Watershed as a drinking water source, from people's activities such as chemical use on lawns. He urged closer review of the Groundwater Protection Overlay District (GPOD) and encouraged the Board to remove the GPOD changes at this time to prepare a better case in the fall as to why it needs to be changed in terms of what specific activities are dangerous to the watershed.

The Board agreed the full bylaw should be reviewed, vetted, and possibly updated as a result of current science and best practice. However, several Board members voiced support for the current proposed article as an interim step to better protect the watershed in the short-term.

M. Hamel summarized the recent legislative breakfast with Senator Tarr and other officials on water issues and the ongoing work of the North Shore Water Resilience Task force to address supply and improving the ecosystem.

➤ **Rick Mitchell**, of Maple Rock Avenue, spoke to the history of the town's drinking water issues, including a past heated discussion regarding development of Canter Brook Lane, when water issues were used to attempt to forestall development despite the fact the previous horse farm was depositing extensive amounts of manure near the watershed. In comparison, the existing housing development utilizes state-of-the-art systems to reduce discharges near the watershed. He opined there needed to be wider-ranging discussions of the GPOD. He disagreed with using the district as a weapon to impede or block multi-unit development Hamilton needs to expand its tax base and needs more housing options and more housing supply. He indicated support for reviewing this section of the bylaw in a more holistic fashion; changes like the one proposed could inadvertently cause problems in the future. He urged waiting to take action until a full review could be done.

W. Wheaton recommended going forward with the current amendment, but noted support for a full review over the next couple of years. R. Mitchell reiterated the proposed article was problematic, because the GPOD has been used in the past by opponents

of housing developments to try and sink the developments. However these developments added housing supply and a million dollars to the tax base. He believed the proposed change would likely “lead to a fight” on the Town Meeting floor, and possibly a failed vote. E. Dahlquist indicated both sides made good arguments, but he advocated advancing the proposed article.

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendment to Section 9.1.4 in the warrant, with a recommendation for favorable action by the Planning Board.*

The Board proceeded to review Town Counsel Robin Stein’s comments on Section 10.6, Site Plan Review. The Board discussed the concept of the pre-application meeting, which is intended as a collaborative meeting to discuss a project concept. Attorney Stein cautioned it may appear onerous and is unusual in Site Plan Review. The Board agreed to change the wording to say the pre-application conference is encouraged, not required. They also agreed to amend language related to the required timeframe for the start of construction. The Board and Attorney Stein continued to make minor line edit revisions to Section 10.6 until all outstanding comments were addressed.

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendment to Section 10.6 in the warrant, with a recommendation (7-0) for favorable action by the Planning Board.*

It was noted the Select Board had reviewed an outdated draft of the Accessory Dwelling Unit (ADU) article to Sections 3.0 and 11.0. Virtually all of the items brought up at the meeting had already been addressed by the Planning Board including at a special meeting to conduct a line-by-line review with Attorney Stein. The Board and Attorney Stein reviewed the language in detail for a final time and a couple minor formatting revisions were incorporated.

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendments to Sections 3.0 and 11.0, related to Accessory Dwelling Units/ Use Regulations and associated definitions, with a recommendation (7-0) for favorable action by the Planning Board.*

Vote: *The Board voted unanimously by roll call to recommend the Select Board remove proposed amendments to Section 4, related to Dimensional and Density Regulations off the warrant. The Board will revisit the proposed changes at a later time.*

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendment to Section 6.5.3.4, related to Temporary Signage, in the warrant, with a recommendation for favorable action (7-0) by the Planning Board.*

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendments to Section 11.0, Definitions, related to Business and Residential Gross Floor Area, in the warrant with a recommendation for favorable action (7-0) by the Planning Board.*

Vote: *The Board voted unanimously by roll call to recommend inclusion of the proposed amendments to Section 8.3, Inclusionary Housing, in the warrant, with a recommendation for favorable action (7-0) by the Planning Board.*

Vote: *The Board voted unanimously to close the public hearing.*

OTHER ITEMS:

a. Discussion of 2025 Town Meeting including any potential business referred by the Select Board - M. Connors explained the Select Board included a placeholder in the Warrant for a zoning amendment to update Section 9.2, Flood Plain Overlay District, in order to update the Flood Insurance Rate Maps, based on the most recent changes from FEMA. The updates need to be completed before July 8 to ensure Hamilton remains a part of the Federal Flood Insurance Program. He recommended the Board schedule a public hearing on April 1 so this article could be on the Town Meeting warrant.

Vote: *The Board voted unanimously by roll call to schedule a public hearing for April 1, 2025 to consider amendments to Section 9.2 Flood Plain Overlay District and associated definitions in Section 11.0, Definitions.*

b. Discussion of State Auditor’s Mandate Determination related to MBTA Communities Act - The question was raised as to whether the Town has to have a plan ready in order to request an exception under the unfunded mandate decision from the state auditor. Attorney Stein noted this issue was discussed in executive session by the Select Board.

c. Master Plan Implementation – M.Connors recognized E.Dahlquist for his assistance on the completion of the Master Plan and thanked the Board for their patience with the frustrating process associated with the finalization of the document.

Adjournment: *The Board voted unanimously to adjourn the meeting at approximately 9:30PM*

Documents:

- [Public Hearing Notice – Proposed Bylaw Amendments \(Text Included\)](#)
- [Proposed 2025 Zoning Bylaw Amendments](#)
- [Proposed Amendment to Section 9.2, Flood Plain Overlay District, FEMA Letter to Town](#)
- [Draft 10.03.2023 Minutes for review/approval](#)
- [Draft 10.17.2023 Minutes for review/approval](#)
- [Draft 02.04.2025 Minutes for review/approval](#)
- [Draft Town Meeting Warrant](#)

*Respectfully submitted by D. Pierotti, Recording Secretary, 3/23/25.
The minutes were prepared from video.*