



Town of Hamilton
Planning Board
Meeting Minutes of April 1, 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 April 1, 2025 at 6:00pm. This meeting was held at the Hamilton Wenham Public Library, 14 Union St. A zoom link was provided as a convenience 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 Planning Board meeting to order at 6:00 PM, identified the meeting was being recorded and those present:* M. Crouch, J. Poore, Emil Dahlquist, D. Dale, P. Norton, W. Wheaton; M.Hamel & J. Austin arrived later as noted. Not present: B. Herr. Others present: Mark Connors, Director of Planning.

Agenda:

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

- a. February 4, 2025 (revised)
- b. February 26, 2025

Vote: *The Board voted unanimously by roll call to approve the revised minutes of February 4, 2025 and the draft February 26, 2025 minutes. J.Poore read his revisions regarding the Patton Homestead pavilion out loud for the record into the February 4, 2025 minutes.*

2. PUBLIC HEARINGS:

a. SPECIAL PERMIT APPLICATION - The Hamilton Planning Board will review a Special Permit application, in accordance with MGL Chapter 40A, Section 10, and the Hamilton Zoning Bylaw, relative to a Special Permit application, under Section 7.3 of the Bylaw, for a proposed small wireless facility within the public right-of-way for Walnut Road near 18 Walnut Road. The applicant, New Cingular Wireless PCS, LLC d/b/a AT&T, proposes to replace an existing utility pole with a new 37-foot tall utility pole retrofitted to include a wireless antenna. The project is proposed within the Residence – 1A (R-1A) zoning district. 6

Attorney Ed Pare from Brown Rudnick, representing New Singular Wireless/AT&T, explained the proposal for a small cell facility wireless antenna to be connected to a utility pole in the public right of way. He displayed a schematic showing the pole with equipment, and reported the new utility pole has been installed. An application was submitted and approved to National Grid for the project. The permit was for the installation of the equipment on the pole. He explained the details of the equipment and referenced photos of the site. E.Pare also displayed coverage maps of Hamilton showing current service coverage and how this project would improve coverage in the immediate area. He noted this plan complies with all the FCC standards. Next, he reviewed alternative sites evaluated, which were not chosen for various reasons. The proposed site is between two properties, and is nestled in the trees to reduce visual impact. The Board referred to the photos and questioned whether the pole was installed properly according to the state code. Comments also included whether the best site was chosen to increase coverage. E.Pare noted they tried to stay in compliance with the Hamilton Zoning Bylaw, which requires minimizing visual impact. He agreed to get confirmation the State codes had been correctly followed and that they are in compliance.

The Board opened the Public Hearing:

- **Stephanie Kassabian, Walnut Rd.** lives adjacent to the site and questioned the sound and the visual impact to their houses. She believes a more appropriate site is in the center of town, or near the railroad crossing, away from any homes. She did not want additional equipment near her house.
- **Shaun Dwyer, Walnut Rd,** stated the pole is right outside his window and has a major visual impact. National Grid told the neighbors the pole was being replaced for other reasons, not for the wireless facility. He also stated the tree in the picture was removed, and there is no foliage to mask the box as has been previously stated. He believed the maintenance will become an issue, and noted issues with the Shoppes at Hamilton Crossing Shopping Center and Cumberland Farms and this as one more situation for the abutters to contend with. He disagreed with the choice of siting the equipment at this pole, and advocated for a different pole to be identified.
- **Jayne O'Connor, Walnut Rd.,** advocated for the equipment to be sited where there is a higher population cluster and not at the proposed site.

The Board requested that the applicant further evaluate alternative locations. The Board expressed support for locating the facility closer to the MBTA line and Bay Road/Walnut Road intersection where existing utility facilities are congregated. E.Pare agreed to further evaluate alternative pole locations near the railroad crossing and also to verify compliance with State codes.

Vote: The Board voted unanimously by roll call to continue the public hearing to May 20, 2025.

b. ZONING BYLAW AMENDMENT - The Planning Board will conduct a public hearing pursuant to M.G.L. Ch. 40A, § 5, for consideration of proposed amendments to Sections 9.2 and 11, relative to the Flood Plain Overlay District and associated definitions, of the Hamilton Zoning Bylaw. A description of the proposed zoning bylaw amendment under consideration can be found on the posted March 12, 2025 Zoning Bylaw 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/>

M.Connors explained the federal government requires towns covered through the federal flood insurance program, update the FEMA flood maps. The town has a six-month window in which we have to amend the zoning to account for this and includes most municipalities in Essex County. The Mass DCR is the body that administers the flood insurance program for Massachusetts, they are satisfied with the proposed changes. M.Connors followed the sample zoning bylaw Mass DCR provided. Chair Crouch provided some line edits to the text.

(Jeff Austin & Matt Hamel joined the meeting.)

Vote: The Board voted unanimously by roll call to approve this bylaw amendment as amended this evening with the corrections from Marnie Crouch to for inclusion on the Town Meeting Warrant with a recommendation for approval.

GPOD: Chair Crouch noted since the Board was considering bylaw amendments she would like to revisit the Groundwater Protection Overlay District (GPOD) amendment; there were no objections from the Board. She referred to a memorandum she sent to the Planning Board members regarding questions that arose at the Select Board meeting with respect to the language of the Planning Board's amendment to the GPOD. She spoke with Town Counsel Attorney Robin Stein and summarized the proposed amendment to the GPOD will have no effect on individuals with single family homes or multifamily homes in the GPOD, and those who live in the GPOD, it is likely the GPOD was enacted after your house was built. If property owners have a house in the GPOD on a lot less than 80,000 square feet, is a pre-existing nonconforming use /structure, and make changes or demolish a home, the remedies would be under section 5.0 of the zoning bylaw or potentially section 9.1.1. The GPOD bylaw amendment would have no effect on individual property owners who are to some extent "grandfathered-in". She further explained that the development in the GPOD that they are aware of was Canter Brook and Patton Ridge, both of which were senior housing special permits with lots in excess of 80,000 square feet, therefore you could have more than the allocation than you would have in the underlying district. She continued to describe the calculations for unit numbers in various scenarios. She also noted resident Mark Johnson stated his intention at the Select Board meeting to introduce an amendment to the GPOD at Town Meeting, and read his proposed amendment aloud. She asked for Board comment or public comment and there was none.

3. OTHER ITEMS:

a. The Planning Board will hold a preliminary discussion of proposed MBTA Communities (Section 3A) compliant zoning and associated Design Guidelines with Utile Associates.

Zoe Mueller & Matthew Littell were present from Utile. Z.Mueller referenced a slide deck presentation on the form-based code proposal and briefly explained the recent history on the project. She spoke on the pause taken while waiting for the Supreme Judicial Court ruling on 3A zoning; the project has resumed. Utile is working with an accelerated timeline towards the July 14, 2025 compliance deadline for 3A zoning, with a Special Town Meeting date of June 26 and provided additional details on the timeline to work with the Planning Board. Z. Mueller noted there was an opportunity to rezone the Town center and to satisfy the requirements of 3A zoning at this time. Z.Mueller explained the zoning for the town center is based on the feedback received from the community and it can move forward separately if the town decides not to pursue 3A compliance. She reviewed the three sub-districts proposed for the downtown area, two of which do not relate to 3A and observed the Chebacco Rd site has been eliminated from consideration as it would not likely be accepted by the State. She noted that the Asbury Road parcels were selected because they have either recently been developed or have fully approved plans pending construction, so there is a low likelihood that there would be any additional development on these parcels in the short- to medium-term.

M. Littell continued the presentation and gave an overview of form-based code proposed for downtown and outlined the three areas of Railroad Ave, the Bay Road scenic corridor, and the Willow St residential area. This included a pedestrian friendly model to allow for mixed use redevelopment on Willow Street and a greenway to connect various areas. Renderings were shown of the possible designs for these areas. Z.Mueller spoke about the state compliance model for 3A and noted it is not a prediction of development, but a way of estimating how existing zoning rules would limit development so the state can be sure there aren't provisions tucked into the zoning that would effectively make it impossible to develop housing units. She explained this approach

to the zoning would result in, according to the state compliance model, a modeled multi-family unit capacity of 393 units in the downtown area, which are not net new, but is inclusive of units that may already exist. It is very unlikely that this many units would ever be developed owing to infrastructure limitations, including a lack of municipal sewer service, and because the lots in the Town Center are very small with most under 0.5 acre. For Asbury North there are a variety of reasons site is unlikely to move forward with development in the near future as it already has multi-family on site absorbing the balance of the unit numbers required to achieve state compliance for Hamilton. This also enables the downtown town center units to be at slightly lower densities to match the parameters raised during engagements with the Town.

The proposal included to require 10% affordable units, consistent with what is allowed under 3A zoning requirements. Only 20% of compliant units are required to be within the train station radius. M.Littell responded to a question about ideal zoning for Hamilton and noted that the currently proposed downtown zoning is consistent with the density that exists there already.

The Board discussed the continuing uncertainty around the 3A zoning regulations and the various possible scenarios that could play out. It was noted that the Town is pursuing a dual track – working toward compliance but also challenging aspects of the mandate including related to the unfunded mandate determination.

Z.Mueller mentioned the coding developed for the town center would provide the maximum possible control over the 3A outcomes by virtue of replacing the base zoning and being the only zoning governing the district. There are many new controls included in the proposed zoning that would regulate development. It would provide a level of control that a simpler 3A overlay would not; this is one reason they believed this was the best approach.

Utile will provide a full draft code on Thursday following this meeting, and would look for comments back by Tuesday, April 8th.

- **Deb Safford** advocated for pursuing other avenues, such as the unfunded mandate, and putting multiple options before the town, and not cramming the process in because the Select Board set a date for a Special Town Meeting.
- **Kathleen Brill** commented she supports the Town complying with 3A, supports housing production across the state, and supports the town being open to that. She advocated for not depending on the concept of the unfunded mandate issue.
- **Erin Crowley**, spoke to the housing crisis in Massachusetts and advocated for the Board moving forward with this plan and stop with the theories about how 3A might go away. The Board should also not assume that it will fail at Town Meeting, and should instead advocate for a plan and get behind it.
- **Sandy Fisher**, said it should not be rushed into, and people cannot count on 3A for affordable housing. She questioned if she owns property in the 3A zone, could she tear down her house and cram units there?

b. Master Plan Implementation- Chair Crouch noted the Master Plan is up on the website, and she will send the implementation letter on to the Select Board the next day.

c. Annual Town Meeting – April 5, 2025

Chair Crouch noted the only Planning Board article likely to generate opposition is the Groundwater Protection Overlay District. Chair Crouch and E.Dahlquist agreed to field questions at Town Meeting if they arise.

Adjournment:

Vote: *The Board voted unanimously to adjourn the meeting at approximately 9:09PM*

Documents:

- [Utile Presentation – Hamilton Town Center and Section 3A Zoning \(Presented to Planning Board on April 1, 2025\)](#)
- Minutes of February 4, 2025 & February 26, 2025

*Respectfully submitted by D. Pierotti, Recording Secretary, 4/4/25.
The minutes were prepared from video.*