



Town of Hamilton
Planning Board
Meeting Minutes of May 13, 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 May 13, 2025 at 7:00pm. This meeting was held at the Hamilton Council on Aging, 299 Bay Road.

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 7:14 PM, identified the meeting was being recorded and those present:* M. Crouch, M. Hamel, P. Norton, W. Wheaton, J. Poore, D. Dale, B. Herr, E. Dahlquist. Not present: J. Austin. Others present: Mark Connors, Director of Planning.

Agenda:

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

a. *April 1, 2025* – After some discussion among Board members, B. Herr made a motion to accept both the Planning Board meeting minutes of March 12, 2025 and April 1, 2025 with the approved grammatical and general changes.

Vote: *The Board voted unanimously by roll call to approve the April 1, 2025 and March 12, 2025 minutes with the suggested changes.*

2. PLANNING BOARD WORKSHOP:

a. The Planning Board will discuss the draft code of proposed Town Center and MBTA Communities (Section 3A) compliant zoning and associated Design Guidelines including public outreach efforts in advance of a special town meeting.

The Board began by discussing a recent lawsuit in which 10 taxable inhabitants of Hamilton filed a complaint against the Commonwealth of Massachusetts, the Executive Office of Housing and Livable Communities under the local mandate law, specifically Chapter 29, Section 27c, Subsection E, with the intention of arguing that the 3A zoning regulations represented an unfunded state mandate.

One of the inhabitants was D. Dale, and Chair Crouch recommended that Ms. Dale get an opinion from KP Law regarding potential conflict of interest. D. Dale had signed a disclosure form should any conflicts of interest arise. Chair Crouch read aloud an email from Attorney Brian Riley of KP Law stating that it was speculative to assume that the lawsuit would impact D. Dale's financial interest, but it was recommended that D. Dale speak to an attorney before participating in the Planning Board hearing.

There was discussion regarding the development of the draft code for compliance with 3A and how that would be impacted by the ongoing lawsuit. Chair Crouch noted her opinion that the pending lawsuits represented a stronger challenge to past ones and indicated it would be beneficial to see how they are adjudicated. She also said the code would benefit from more public outreach which was not possible under the current timeline. In light of these issues, she recommended the Special Town Meeting be postponed.

B. Herr made a motion for the Planning Board to send a recommendation to the Select Board to postpone the June 26, 2025 Special Town Meeting to allow for discussion of the form-based code and 3A zoning at a future town meeting.

Vote: *The Board voted unanimously by roll call to forward this recommendation to the Select Board.*

J. Poore noted that the two reasons why the Board wanted to postpone the town meeting were that there were too many unknowns, including the outcome of the lawsuit and the lack of financial statements at this time, as well as the current incompleteness of the code. J. Poore added that these reasons would be the most important to voters, particularly in that an unfinished and unclear code would be difficult to communicate to them.

There was discussion about whether changes were being made in the code to account for reasonable distances between buildings in Depot Square and along the railroad tracks. E. Dahlquist confirmed that Utile would check their calculations for the current distance of 30 feet between buildings. Chair Crouch noted typos, numbering issues, and reference issues in the draft. M. Connors raised concerns that proposed setback requirements in some districts were too strict and higher proposed open space requirements could make it difficult for smaller lots to comply.

There was discussion about the authority overseeing the code related to non-conforming uses and the jurisdiction of the Zoning Board of Appeals as opposed to that of the Planning Board. E. Dahlquist asked if there was an appeal process built into the code. M Connors confirmed that such appeal issues would go to land court.

There was some discussion regarding the wording of special exceptions and variances in the zoning code. M. Connors noted that the current draft could be more flexible in terms of Floor Area Ratio (FAR) for smaller lots. Chair Crouch agreed that the wording would have to be precise to avoid opening the floodgates of many residents applying for exceptions should the zoning terms be too broad. E. Dahlquist offered to draft some language for this section of the code.

Chair Crouch noted that the Board wanted to change the section of the code that allowed fast-food establishments in the town. M. Connors noted that there was a Dunkin' Donuts in Hamilton's Town Center, and J. Poore noted that many fast-food corporations would conform to local regulations and fit in the with the local character. It was determined that the code would exclude drive-thru establishments rather than all fast-food restaurants.

The Board agreed that kennels should not be allowed in Depot Square due to noise concerns. Chair Crouch also raised a concern about allowing motor vehicle light service stations in Depot Square. J. Poore noted that if the code were to not allow these service stations, any existing stations that were to renovate would not be able to reopen.

E. Dahlquist noted a few spelling and formatting changes and requested that the Board clarify the signage requirement. He noted that the code currently permits no more than three signs per business establishment, and that this could be read as either three individual signs or three types of signs (e.g., A-frame, projecting, indoor). J. Poore noted that the three types of signs should be limited by aggregate area. It was determined that the current language surrounding signage was unclear in several spots and should be clarified.

Adjournment:

P. Norton made a motion to adjourn the meeting.

Vote: *The Board voted unanimously to adjourn the meeting at approximately 8:37PM*

Documents:

- [May 13, 2025 Planning Board Meeting Agenda](#)
- [Minutes of April 1, 2025](#)
- [Minutes of March 12, 2025](#)

*Respectfully submitted by A. Brennan, 6/25.
The minutes were prepared from video.*