



Town of Hamilton
Planning Board joint with Select Board
Meeting Minutes of June 24, 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 June 24, 2025 at 7:00pm. This meeting was held at the Hamilton Council on Aging, Bay Road. A Zoom link was provided as a convenience for the public.

Call to Order:

- Planning Board: *With a quorum present, Chair Crouch called the Planning Board meeting to order at 7:03 PM, identified the meeting was being recorded and those present:* Marnie Crouch, Jonathan Poore, Emil Dahlquist, Darcy Dale (by Zoom), William Wheaton. Matthew Hamel, Beth Herr, Patrick Norton (arrived late). Not present: Jeff Austin.
- Select Board: At 7:22pm the Select Board reached quorum and B.Wilson called the meeting to order. Present: Bill Wilson, Ben Galuza, William Olson (joined by Zoom at 7:22 pm). Not present: Rosemary Kennedy, Thomas Myers. Also present: Joe Domelowicz, Town Manager; Mark Connors, Director of Planning; and others as noted.

AGENDA:

1. JULY 14, 2025 SPECIAL TOWN MEETING

a. The Hamilton Planning Board & Select Board will meet jointly to discuss the finalization of the Warrant for a Special Town Meeting on July 14, 2025 at 6:30 p.m. for the purposes of considering Town Center & MBTA Communities/Section 3A compliant zoning.

- i. **The Planning Board will vote to incorporate any final amendments into the draft zoning language if necessary and make a determination regarding a recommendation related to Articles I and II.**
- ii. **The Select Board will make a determination regarding a recommendation related to Articles I and II and vote on closing and signing the Warrant.**

Chair Crouch opened the meeting and summarized the purpose to consider a report and recommendation on the two warrant articles proposed for consideration at a Special Town Meeting on July 14, 2025. She noted that changes discussed by the Planning Board at its last meeting, including a reduction of the maximum building footprint size in the Asbury Street Overlay District from 8,000 to 4,000 square feet, were incorporated as directed. Additionally, small changes to Section 9.8.4 regarding Nonconformities, as recommended by Town Counsel Robin Stein, were incorporated as recommended. Chair Crouch noted that she had circulated a memo explaining her support for the two articles. She noted that many of the requirements included in the Form-Based Code are more clear and stricter than what is required under existing zoning.

Chair Crouch explained the separation of the zoning into two articles was because of the different quantum of vote required on each under the State's Zoning Act. E. Dahlquist put together a flow chart showing how appendix A and B work in the event of positive vote or negative votes to help voters understand the ramifications of voting certain ways. W. Wheaton recommended simplifying the language of the chart. Chair Crouch stressed the important issue for this meeting was not how any Planning Board members intend to vote at Town Meeting, but whether the Board would issue a favorable report and recommendations on the proposed articles. She noted the prohibition on returning an article to Town Meeting for two years if it was voted down by voters at a Town Meeting. R. Stein clarified an amendment that is substantially the same as one which was previously voted down at a Town Meeting could not be brought back for two years unless the new amendment was recommended by the Planning Board. There was discussion regarding how the Planning Board might vote, such as on the articles together or separately, and how motions could potentially be worded.

E.Dahlquist remarked the selling point of the Form-Based Code is that the Downtown will be better protected from any kind of adverse development in response to the 3A requirements, because it will have incorporate greater site, design, and architectural standards. For people who are worried about the future of the Downtown, then the Form-Based Code provides greater guidance and regulation. He also explained one of the common misunderstandings in town is the EOHLC (Executive Office of Housing & Livable Communities) could prohibit this type of code.. However, Town Staff and Utile worked with EOHLC to be sure they are aware of the full requirements of the Code which responsibly comply with 3A requirements.. Form-based code, in effect, protects the town so developers can't override local zoning.

In response to a question about what some other towns have done, Matthew Littell of Utile Associates explained there are a few towns that have also incorporated elements of Form-Based Code in their 3A zoning, such as Belmont and Brookline, but not to the same extent as Hamilton. He believes that the code put forward for Hamilton is a very nice balance between some straightforward, dimensional requirements that can be translated into 3A compliance, and then good, sensible language and

illustrative guidance about where parking should go, landscaping features, and other items which aren't addressed in the current zoning.

There was brief discussion about that Middleton's appeal to their lawsuit was denied, under the unfunded mandate finding. B. Herr expressed support to hold off on considering 3A until the appeal is adjudicated. However, other members stated that even if the court finds in favor of Middleton, it is very unlikely to have broad applicability to Hamilton or other towns.

Vote: W. Wheaton moved to recommend favorable action on Article 2025 7.1. J. Poore seconded the motion. The Board voted by roll call and the motion passed by a vote of 5-2. Chair Crouch, E. Dahlquist, P. Norton, J. Poore, and W. Wheaton voted in favor of the motion. D. Dale and B. Herr voted in opposition of the motion.

Vote: W. Wheaton moved to recommend favorable action on Article 2025 7.2. J. Poore seconded the motion. The Board voted by roll call and the motion passed unanimously (7-0).

The Select Board discussed the importance of bringing 3A to the Special Town Meeting on July 14, 2025 for everyone to vote on. They expressed thanks and appreciation to the Planning Board for all their hard work and deliberations on the zoning.

Vote: B. Galuza moved to recommend favorable action and the inclusion of Article 2025 7.1 on the Special Town Meeting Warrant. W. Olson seconded the motion. All members voted in favor and the motion passed unanimously (3-0).

Vote: B. Galuza moved to recommend favorable action and the inclusion of Article 2025 7.2 on the Special Town Meeting Warrant. W. Olson seconded the motion. All members voted in favor and the motion passed unanimously (3-0).

Vote: B. Galuza moved to close the July 14, 2025 Special Town Meeting Warrant. W. Olson seconded the motion. All members voted in favor and the motion passed unanimously (3-0).

Discussion followed on the best approach to presenting the articles at the Special Town Meeting and any associated handouts or guidance materials for members of the public. J. Domelowicz reported Mr. Connors is working with Utile on a Powerpoint presentation slides for Town Meeting. It was agreed there be one coordinated presentation and to include the Finance Committee, who is working on its own report and recommendations. There will be a meeting of representatives of each Board, and staff to plan and coordinate the presentation.

W. Wheaton noted that the 3A requirements do not require the 3A-zoned land to be developed. He said it doesn't matter if a use is permitted by right, if it doesn't make economic sense. Development has to make economic sense, and it does not make economic sense in many locations, aside from in more urban places with better infrastructure in place. He said there were ways of controlling what happens under 3A, starting with Form-Based Code, and also with simple maximum building sizes and setbacks. He felt people still confuse 3A with 40B, and they are two completely different requirements. He added 3A is a perfectly reasonable policy under reasonable implementation guidelines for helping to support transit usage, get people off of roads, and support clustered transit-oriented development. He said his opinion was that if the town doesn't comply with the law, it will potentially be fighting this for the next five years, one way or another.

J. Domelowicz clarified the 3A regulations do not allow school sites to be zoned to meet the multi-family requirement, therefore the Winthrop School site is fully excluded as a potential site. He noted it was never intended to be included, it is not included, and further, it cannot legally be considered for inclusion in the 3A zoning districts. The Winthrop site is leased under a contract to the School Districts with at least 7 or 8 years remaining in the contract.

W. Olson left the meeting at 8:45PM and the Select Board no longer had quorum.

Although the public hearing on the zoning amendments was closed on June 17, 2025, one member of the public was present and was permitted to provide comments:

- **Tosh Blake, Sagamore St,** disagreed with the real estate projections discussed by Planning Board members, and alleged 3A is politically based, not necessarily rationally based, and the State could take taxpayer money on a statewide basis, similar to a millionaire's tax or something analogous, and subsidize developers to purchase private properties and build up a town, and it would destroy a purely market-based economic reason why people shouldn't worry about 3A.

Adjournment:

Vote: P. Norton moved to adjourn the meeting. B. Herr seconded the motion. The Planning Board voted unanimously by roll call to adjourn the meeting at approximately 9:00PM

Respectfully submitted by D. Pierotti, Recording Secretary, 6/29/25.

The minutes were prepared from video.