



**Town of Hamilton Planning Board  
PO Box 429, 577 Bay Road  
Hamilton, MA 01936  
978-468-5584**

**MINUTES**

**AUGUST 6, 2013**

Welcome – Chairman Ed Howard opened the meeting at 7:35 PM. Planning Board members Claudia Woods, Rob McKean, Rick Mitchell, Peter Clark, Brian Stein and Jeffrey Melick were present. Planning Coordinator, Kristine Cheetham, was also present.

Board Membership – E. Howard noted that Joe Orlando resigned since the last meeting with plans to relocate his family in Gloucester. The Board discussed the possibility of having the new alternate, Jeffrey Melick, replace Joe as a full voting member

**Action Item:** R. McKean made a motion to recommend Jeffrey Melick as a full voting member of the Planning Board to the Board of Selectmen. R. Mitchell seconded. All voted in favor.

Site Plan Review

1. Patton Park: New England Flag Football is seeking approval for temporary lights located at Patton Park.

John Kane a Hamilton resident and also member of the NEFF league made the presentation for the site plan review. He stated that roughly 400 children are involved in the program from ages 5 – 13. There has been growth in participation in the league and they are in need of additional time and space for games. They play in the fall from September through November and are done by 9:30 PM. He stated that the current lights on the little league field are not sufficient for safety and use of additional fields. He demonstrated his request for 8 temporary lights with a height maximum of 30 feet on a site plan for Patton Park.

The Board members asked several questions about the project:

- The Board wanted to confirm that there would not be conflicts with the Recreation Department programs.

- They also raised questions about the safety of the lights when they were stored on the public grounds between events. The Board wanted assurance that the town would not be liable if the equipment were vandalized or stolen.
- There were no cut sheets provided on the lights, however Mr. Kane called up a photo of the lights on his smart phone to demonstrate their appearance.
- The Board also asked about who would be responsible to turn off the lights at the close of the evening. Mr. Kane noted that the NEFF league management would be responsible.

R. Mitchell noted that many pieces of information were not included in the site plan as are required. However he made a motion to provide a letter of conditional approval if the issues raised were resolved.

**Action** – R. Mitchell made a motion to forward a letter of conditional support for the NEFF temporary lights to the Zoning Board of Appeals if the matters noted above were resolved. B. Stein seconded. All voted in favor.

2. 350 Highland Street: Canterbrook Site Plan Review Amendment – Discussion of proposed amendment to Canterbrook Use and Site Plan Conditions.

The application for dissolution of the site plan review and removal of current commercial use were reviewed. All members of the Board participated in the discussion of the project. The Planning Board voted to forward an advisory letter to the ZBA expressing their concerns with regard to this request. Those concerns are as follows:

1. Information – The application form is unique in that it is seeking to dissolve a site plan review and extension of a non-conforming commercial use at the site. However, the application lacks information in writing about the future use of the lot to be created with the barn. The Planning Board was left to render judgement without information.
2. Procedural – The Planning Board discussion addressed several procedural aspects to ensure that the members of the Board and audience understood the scope of the review.
  - a. ZBA Authority – The Board concurred with the legal advice from town counsel regarding the authority of the ZBA to amend and/or remove conditions from the existing site plan review. The Planning Board noted that their role in the process was to review the application and provide an advisory letter to the ZBA.
  - b. Anticipated Form A: Approval Not Required - The Planning Board anticipated that the applicant will submit an ANR to create six lots on the existing 13 acre parcel. At that time the frontage and access to the six lots will be reviewed.
  - c. New Residential Lot #5 – If the ZBA grants the applicant’s request to allow subdivision of the land and the abandonment of the current commercial use, is there potential for a future application of the residential property, Lot 5, with a “pre-

- existing non-conforming structure on the property” to renew the commercial use of the barn? Note Zoning Bylaw Section III, # 3.
3. The Existing Barn – The Planning Board was not clear about the status of the barn. Is it considered a primary dwelling an accessory use or both? How will the ZBA redefine the lot according to Section III of the Zoning By-Law?
  4. Dimensional Requirements for the Barn – What is the actual size of the barn that is to remain? How does this meet the lot coverage requirements and setbacks for a structure in a residential district? How will it address the dimensional requirements stated in the Ground Water Protection Overlay District, 6.c?
  5. Combination of Lot 5 & 6. – The Planning Board noted that the proposed Lot 6 has questionable access with regard to presence of wetlands along it’s frontage. Also, Lot 5 may need additional acreage to resolve the lot coverage issue mentioned above. Is there a potential compromise for these lots by combining them?
  6. Existing Conditions on 1986 Permit for Non-Conforming Use and Site Plan Review- The Planning Board questioned the current status of the 30 conditions imposed by the current permit and whether all of the 30 conditions associated with the current permit will be dissolved? Although the applicant specifically requested removal of Condition # 10, how will the others be addressed? It is not clear to the Planning Board which conditions are associated with the extension of the non-conforming use and which are associated with a site plan review?

J. Burnham, a resident, asked the Board if they favored the removal of the condition #10, to allow for the subdivision of the land.

The members of the Board were in agreement that they did not favor removal of condition # 10, to allow the subdivision of land, if the commercial use were still in place.

Affordable Housing Trust - Fred Mills of the Hamilton Affordable Housing Trust will present information on affordable housing and the 2014 Action Plan for the Trust.

Fred Mills began his presentation with an overview of the 2014 Action Plan for the Affordable Housing Trust. He explained his devotion to increasing awareness of the need for a more diverse housing stock and for more affordable units in the town. He feels that misinformation on terminology such as affordable housing versus housing that is affordable is a major component of his outreach effort(s).

He also shared an interest in a goal to provide housing options for all people, levels of income and age, in the community. The Housing Production Plan highlighted the need for roughly 275

units to bring Hamilton up to the statewide goal of 10% of the housing stock as affordable. He suggested that the creation of rentals, condos, new accessory units were all reasonable strategies. He suggested that a reasonable sized senior housing development would be good for the town. He also suggested that the community should begin to identify land that was preferred for multi-family development.

F. Mills expressed concern that the town was still a candidate for a future 40B, a comprehensive permit, that may be in an undesirable location or of a size and density that does not fit with the character of the town. Although an approved Housing Production Plan is supposed to provide a community with additional strength in a 40 B review process, Hamilton is at such a low percentage that the Plan may not be of assistance.

He then explained that a home that is affordable for the purposes of the state guidelines relates to the 70-80% of the Area Median Income. The area for Hamilton, as set by the state, is fairly large and wealthy. There are different types of numbers for “affordability” which adds to the confusion. The actual units listed on the state Subsidized Housing Inventory, SHI, for Hamilton are low (3%) of all housing units. This does not mean that Hamilton does not have homes for sale in the affordable range, just that they are not permanently deed restricted and listed with the state to ensure future affordability. The current inventory of houses, perhaps 5% on the free market may very well meet the affordable status.

Deed Restrictions – Fred stated that he did not personally favor deed restrictions because it keeps people from earning equity in their homes over time.

A member of the Planning Board confirmed that many feel that the word affordable means low income and poverty stricken. Fred agreed that the topic generally creates fear in a community because of unknowns and mis-information.

Grant and Loans for Home Improvement – The HAHT discussed establishing a home improvement grant/loan program for those in need of assistance for physical upgrades on their home. Mr. Mills suggested that a list of types of projects, and not a particular dollar amount per person, would be the most appropriate way to establish the program. The parameters of the program have yet to be established. Also a short term deed restriction is a potential component of the program and/or a forgivable loan after a period of time.

Is there a role for the Planning Board to help the Affordable Housing Trust? The Planning Board can help with amending the bylaws to simplify the accessory/apartment regulations. Also, a well informed Board is always important. He also asked that the Board consider supporting a variety of housing types in their long-range planning.

Several of the members of the Planning Board agreed that they would be willing to review bylaws if the Trust sponsored the article.

Downtown Planning Update – Planning Board members B. Stein and R. Mitchell are members of the Hamilton Development Corporation. They explained that this is a separate entity from the town government. There are five members of the Corporation appointed by the Board of Selectmen. Both Brian and Rick provided information on the current activities of the HDC.

- Downtown Planning Grant - The HDC is working with a planning grant to host a series of meetings this fall to develop a downtown plan. There were two focus meetings held this summer; one with the neighbors and one with the downtown merchants. A larger public meeting is scheduled for the fall to open up the discussion and concepts for a downtown vision. The neighborhood meeting had about 25 participants. Some voiced support for a more lively downtown and others felt that everything they needed in a downtown was already there. One goal of the planning process is to determine what level of development the community will support. Another goal is to revisit the zoning language for the Willow Street Overlay and the Business District.
- Wastewater Treatment – The HDC is also beginning the process of educating the community about wastewater treatment options. They plan to meet with an engineer to learn more about the first steps for establishing an informational workshop as well as a septic study. E. Howard asked if the area for the study was already determined. R. Mitchell and B. Stein noted that the intent is to study the downtown area and possibly a few neighborhoods adjacent to the downtown. E. Howard questioned why the entire town wasn't the subject of the study. The informational workshop will also highlight the types of wastewater treatment systems that are available for more rural parts of Hamilton for something like a cottage development or senior housing project. R. Mitchell noted that many in town probably do not realize the size of the waste water treatment system in place at the high school.

New/Old Business – Chairman Howard asked to table the new/old discussion items due to the late timing. There is a request to review the zoning bylaws with respect to cottage housing from one of the members of the Board of Selectmen.

R. McKean asked if the Board could revisit the conversation about the role of the Planning Board in site plan review and general planning in the community. The process with the current application for Canterbrook was the source of concern.

Minutes – Approvals of Planning Board minutes were also tabled to the September meeting.

Adjourn – At 10 PM R. Mitchell made a motion to adjourn. C. Woods seconded. All voted in favor.