



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

**Draft Minutes**

**January 29, 2013**

**Welcome** – Chairman Peter Clark opened the meeting at 7:30 PM. Members Rob McKean, Claudia Woods, Ed Howard, and Brian Stein were present. Planning Coordinator Kristine Cheetham was also present.

**Site Plan Review – 91 Garden Street & Bancroft Way**

The owners, Larry and Dorothy McNeill, of 91 Garden Street home attended the meeting to complain about the status of the vegetated buffer between their home and a subdivision at Bancroft Way. They complained that the buffer does not provide enough of a visual screen and that some of the trees may be negatively impacted by a nearby pool.

E. Howard noted that he toured the property and saw some damage to the lawn and trees that may be a result of the pool. He recommended that the McNeil's work with their neighbors to resolve the matter.

K. Cheetham reviewed the status of the project over time. There was a complaint filed in 1994 about the trees and also in 2009. The tree warden visited the site in 1994 and did not require any changes to the buffer area. He noted that 19 trees were planted in the area and some of the lower branches were removed as the trees began to mature. The issue of the buffer arose again in 2009 due to the installation of a pool and fence. At that time, the letter from the Planning Coordinator and town counsel stated that the Planning Board did not set standards for the landscape requirement and therefore had no authority to enforce the situation.

The McNeill's requested that the Board send a letter to the Bancroft Way residents.

Action:

- E. Howard made a motion to have the Planning Coordinator write a letter reminding the residents of Bancroft Way that they were responsible to maintain a visual buffer with vegetation behind Lot 2. The letter was also to ask the neighbors to work together to resolve this conflict.

- R. McKean seconded the motion. All voted in favor.

### **FORM A – 641 Bay Road, Aquilla Farm**

Applicant wishes to create 6 lots from the current three lots at the Aquilla Farm property located on 641 Bay Road. The property is located in the R-1B zone.

Attorney Kroesser represented the applicant, Upper Cross Development Group, LLC, for a Form A approval at 641 Bay Road; Assessors Map 49, Lots 15, 53, and 54.

The plan proposes to create three additional lots to the three lot subdivision approved in 1997. All six lots will have frontage and access on Aquilla Farm Road. The acreage for the six lots is as follows: Lot 1 3.2 acres, Lot 2 5.1 acres, Lot 3 7.1 acres, Lot 4 8.9 acres, Lot 5 28.6 acres, and Lot 6 32.5 acres. Parcel A, 15,892 Sq. Ft. will be added to 645 Bay Road for a total acreage of 38,200 Sq. Ft.

Attorney Kroesser explained that the six lots were originally conceived in 1997. However, the subdivision at the time resulted in only three lots with an option to expand to “no more than six house lots”. He also noted that a small Parcel A, would be added to the property at 645 Bay Road.

E. Howard raised the issue regarding the status and location of all fire hydrants on the subdivision. The location of the new hydrant is noted on the plan.

C. Woods raised questions about the width of the private way. The plans demonstrate that there is a 40’ right of way however the existing driveway is roughly 14’ wide. The Board members stated that several trees line both sides of the existing driveway and recommended that the current width of driveway should remain.

The Board asked several questions about the trails and access to them. The attorneys for both the owner and developer noted that the concept for the lots is to secure equestrian owners. The large parcels are suited for properties with barns and horses. The attorneys also explained that the owner, Mrs. Pirie, provides permissive use of the property to access trails for equestrian purposes. At this time no easement describing those rights will be attached to the Form A. The developer’s attorney also did not want to commit the new homeowners to an access easement.

Liz Wheaton of Essex County Trails Association (ECTA) stated that she has worked with the local owners to ensure the trail maintenance and access over the years. She would like to establish a permanent linkage with other town trails.

Several members of the Board expressed a desire to have the applicant agree to provide an access easement to the trails.

The applicant did not agree to have an easement listed as a note on the plan.

Action:

B. Stein moved to approve the ANR for 641 Bay Road.

P. Clark seconded.

B. Stein, P. Clark and E. Howard voted in favor. C. Woods and R. McKean abstained from vote.

**New/Old Business**

- Hamilton Housing Production Plan & All Land Use Boards Meeting – Wed. January 30, 2013

K. Cheetham reminded the Board that there would be a meeting the following night at the Library to review and discuss some of the findings in the draft Housing Production Plan. The town manager invited members of the Board of Selectmen and all land use boards to attend the open discussion.

- Scenic Roads and Stone Walls

Resident Tim Clark appeared before the Board to review the development happening along Sagamore Road near his home. He was concerned that the two driveways at 311 & 313 Sagamore Road might alter the status of the scenic road. He read a portion of the Scenic Roads Act to the Board and suggested that it was a tool to slow down growth and development. He shared photographs and maps of his property and the new development.

K. Cheetham explained the research she conducted on behalf of Mr. Clark, the Board and the new developer. Sagamore Road is listed as a scenic road in Hamilton. Any tree removal or alteration of a stone wall located within the right of way is required to seek written approval at a public hearing of the Planning Board. Upon close review of the two parcels, there were no large trees or stone walls within proximity to the right of way. The width of the right of way was researched by the Planning Coordinator and Building Inspector's departments. K. Cheetham confirmed that the two lots were created through a proper public process with an ANR approval. In addition, she provided feedback from other communities regarding stone walls. In other communities in the Commonwealth, the Planning Board's often require that stones removed to create a driveway be added to the remaining wall to enhance the appearance of the walls. She noted that the current developer at the 311 & 313 Sagamore intends to enhance the stone wall in such a manner.

Mr. Clark was also concerned that there might be runoff problems from the new driveways onto his land. Although the Board members listened to his concerns, they did not agree that the driveways would create a problem. A culvert is being installed at the end of the driveway that will direct any flow of water along the other culverts on the

opposite side of the road. Futhermore the Board felt that the 50' width of Sagamore Road and a slight berm in the middle would prevent any flow onto Mr. Clark's land.

The Board thanked him for raising the concerns and suggested that if he had further questions about the installation of the culvert that he seek advice from the building inspector's office.

## **Zoning By-Laws**

### Senior Housing Bylaw – Discussion

K. Cheetham asked the Board to review the “sunset clause” language in the Senior Housing Bylaw. The Board had three options before them: to remove the clause in its entirety, to insert a new sunset date or to let the Senior Housing by-law expire.

E. Howard felt that the Board should not let the by-law expire. B. Stein stated that he favored removing the sunset clause in its entirety because it provides uncertainty for any developer. Several members of the Board felt that a new sunset clause would keep them committed to addressing further edits to the bylaw. They also felt that the community wanted the original sunset clause to better understand the impact of the bylaw.

### Action:

- C. Woods made a motion to insert a new date, three years from current date, to the sunset clause in the Senior Housing Bylaw. E. Howard seconded.
- P. Clark, E. Howard, R. McKean and C. Woods voted in favor. B. Stein abstained from vote.
- K. Cheetham noted that this article would be listed on the town meeting warrant and a public hearing will be held at an upcoming meeting of the Planning Board; February 19, 2013.

## **Approval of Minutes**

E. Howard made a motion to approve the minutes of Dec. 19, 2012 and Jan. 15, 2013. R. McKean seconded. All voted in favor.

## **Adjourn**

Chairman Clark adjourned the meeting at 9:30 PM