



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

April 15, 2014

Minutes

Welcome – At 7: 05 PM Chairman Ed Howard opened the meeting. Planning Board members, Rick Mitchell, Claudia Woods, Rob McKean, Jeffrey Melick Brian Stein and Peter Clark were in attendance. Planning Coordinator, Kristine Cheetham, was also present.

8 PM – Ed Howard re-opened the meeting of the Planning Board and began with a statement; “It is ok to disagree, but it is not ok to be disagreeable.”

Public Hearing (Continued) – 354 Highland Street: Canterbrook Estates Senior Housing Special Permit

Attorney Frank Tavares began the presentation by informing the Board that the applicant’s engineer was unable to attend the meeting due to an eye surgery. He anticipated that the engineer would be available for the next meeting of the Planning Board on May 7, 2014. He also suggested that the peer engineer review move forward as scheduled. He had reviewed the comment letter and would forward it to their engineer to address issues for the next meeting.

Peter Ogren of Hayes engineering, and the peer reviewer for the Town, began his presentation. He introduced the project by stating that there were no major difficulties with the project. However he did find a few areas where minor revisions may be useful.

Dimensional Requirements – Mr. Ogren began with the dimensional requirements associated with the visitor spaces and parking areas between structures. He recommended locating the visitor spaces along the roadway for a few reasons: first, they would be closer to the entrance of the home, second they would most likely be near lighting to the entrances, they would be easier to find for a visitor and finally, the dimensional requirements do not allow for parking lots

between the 25' setback between structures. The actual dimensions on the site plans are too tight for the location of the visitor spaces.

Stormwater Management – Mr. Ogren concluded that there would be a reduction in runoff on the site when the development and stormwater management techniques are in place. He noted that many of the engineering assumptions regarding the existing conditions erred on the conservative side and are often over simplified in the report. In other words, the projected reduction in runoff from the site will likely be greater than stated in the report.

R. Mitchell asked how the engineer could confirm whether the stormwater management should be contained or encouraged to runoff? Mr. Ogren responded that he would like to one additional comparative analysis of the existing runoff. His thoughts were that there may be a net benefit to directing more runoff through the streams off site than to infiltrate the stormwater into the ground. The area has such high groundwater that the infiltration may not be as beneficial to the surrounding neighborhood. He noted that it may not be a substantial difference but it was worth the review. P. Clark encouraged Mr. Ogren to work with the engineer for the applicant to resolve this issue.

Septic System – Mr. Ogren stated that he had worked on a similar septic system recently. He strongly recommended that the applicant add “run time clocks” to the installation of the system. He said it is a diagnostic component that is helpful in the maintenance of the system. He also suggested that without a solid maintenance program, it was hard to ensure the longevity of the systems. E. Howard stated his primary concern with the maintenance and wanted to be sure these recommendations were followed. Attorney F. Tavares stated that this information would be included in the homeowners documents.

Traffic – Mr. Ogren reviewed the reports on traffic and did not find any issues with the sight distances for the project. He added that senior housing tends to generate less daily vehicle trips than a subdivision.

Zoning – He noted that the project addresses the goals of the Senior Housing zoning bylaw. However, he did find a problem with the dimensions of the structures that might require zoning relief. The parking section of the senior housing bylaw prohibits parking lots, areas and drives between the 25' separation of structures. He also noted that the height of the buildings is tied to the proximity of the property line setback. A few of the buildings are close to the property line and would be limited in overall height. There were no heights provided in the architectural renderings. On a similar note, the property line being used for this project is located at the mid point of the shared private way. Therefore the setback between the building and the road is minimized. He recommended that the Board seek a determination from the building inspector on these matters.

Mr. Ogren also suggested that the determination of the upland/wetlands area for this project be certified through an ANRAD decision by the Conservation Commission. This is a formal

process for delineating the wetland line to determine the developable acres. K. Cheetham shared a document that was filed with the Con. Com. from the previous application. She added that the Conservation staff suggested that the determination was good for several years under an extension act. Mr. Ogren stated that it only can be extended if formally recorded. He had not found the document to be recorded. K. Cheetham will confirm the status of the paperwork with the other staff. The applicant also was charged with recording the paperwork if not done already.

Chairman E. Howard asked if Mr. Ogren reviewed the Groundwater Protection Overlay District language as part of his zoning review. He stated that he did not. However, he opined that the installation of the septic system with nitrogen removal was a good strategy to improve the groundwater in the area.

R. Mitchell reminded the Board that they already voted on the application of the GPOD to this project in their determination of yield analysis.

In summary, F. Tavares agreed that the applicant engineer would meet with the town's peer engineer to resolve the issues in his memo. The revisions would be presented at the next meeting.

E. Howard then opened the hearing for public comment.

Mr. Hall – An attorney representing several neighbors introduced himself and distributed a letter of concern to the Board. He explained that the position of the neighbors was to disagree with the application of the senior housing to this area because it is located within the groundwater protection overlay district. They felt that the GPOD required 80,000 sq. ft. of land per house. They understand that the senior housing bylaw allows for increased density but they did not feel that it was intended for property located within a GPOD. The attorney did not agree with a memo from the town attorney relative to “harmonizing” all of the bylaws.

J Melick questioned the attorney by asking if he envisioned a senior housing development with one unit per two acres? The attorney responded that the GPOD must be met. J. Melick then asked if the attorney would support cluster style developments? The attorney responded only if there was enough acreage.

Peter Britton, an abutter to the project, added that he worked on the bylaws in the 1980's. He felt that the intention of the GPOD was to have one house, one septic, one well on one lot. He added that the state did not agree with requiring a homeowner to have a well. The delivery of drinking water was something that the state wanted to ensure a community provided directly to homeowners.

R. Hayes, another neighbor, asked if the applicant could provide a site plan that overlaid the new development over the existing development. He would like a better visual example of what is being proposed. The applicant agreed to provide this plan.

Lily Shaw asked if there were plans to access the site from Highland Street. The Board responded that the plans only show access from Asbury Street.

The Board then asked if K. Cheetham could have a response prepared from the town counsel relative to the abutters' attorney letter. She agreed to request a response.

ACTION: P. Clark made a motion to continue the matter until May 6, 2014. R. Mitchell seconded. All voted in favor.

General Discussion

1. Planning Board Alternates

- a. Rosemary Kennedy introduced herself as an interested citizen. She stated that she has lived in town since 1990 and has a background as an RN and an attorney. She is not an expert in land use law but has concerns about development in town.
- b. Matthew Tobyne re-introduced himself. He attended the previous meeting of the Board as well. His background is in real estate development. He has been involved in local sports and has a family history in the community.

2. Groundwater Protection Overlay District

The Board held a brief discussion of the GPOD. K. Cheetham asked the Board to address their questions about the bylaw. She provided some information to J. Melick per his request. She gave a brief overview of the previous 'Black Acres' demonstration. The intent was to explain how the bylaws are constructed and the features with the bylaws such as purpose, definitions, permitted uses, prohibited uses, and special descriptive features. She noted that lot size is a dimensional requirement and lot use is a different feature of the bylaws.

D. Thompson, a resident, offered a few thoughts on the GPOD bylaw. He felt that it was very important for the Board to understand the bylaw. He felt that the original intent was to limit development for one home on two acres in order to protect the water supply and the recharge areas for the local wells. J. Melick asked him if he felt that a property with a lot of acreage and a clustered design for development could be permitted? Mr.

Thompson did not answer directly. He did state his concern with the maintenance of package treatment septic systems. P. Clark noted that the technology has advanced tremendously since the 80's and that he felt confident that proper maintenance of these new systems was possible. E. Howard asked if the study from 1985 was still available. Mr. Thompson did not confirm that the study was available at this time. R. McKean mentioned that the Board had considered amending the GPOD bylaw to clarify the intent.

3. Annual Report – C. Woods took some time to prepare a summary of the Planning Board activities from the calendar year of 2013. E. Howard noted that the annual report is not likely to end up in a printed booklet as the town has not done one since 2009. He asked if K. Cheetham could file it with the proper state agencies. She stated that she was

unaware of anyone to whom these reports would be sent. Often the permit notifications come back from the state agency.

ACTION: R. McKean made a motion to approve the annual report prepared by C. Woods. R. Mitchell seconded. All voted in favor.

4. **New Business** – E. Howard mentioned that he spoke with Professor Donovan following his appearance before the Board in February. His intent was to learn more about the Professor's gesture to donate some land in the name of his children to the community. The Board agreed that this level of personal diplomacy was acceptable and did not involve any conflicts of interest.
5. **Citizen Petition** – R. McKean asked at the end of the meeting what the status of the citizen petition was relative to the site plan review. The Board reminded him that the topic was officially dropped at the time. R. Mitchell asked if he wanted to continue to address the topic? P. Clark stated that he still favors having the Planning Board have oversight of site plan review but he wanted to work directly with the ZBA.

Adjourn – At 10:15 PM C. Woods made a motion to adjourn. R. Mitchell seconded. All voted in favor.