

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
March 29, 2016

Members Present: Peter Clark, Ed Howard, Jeff Melick, Rick Mitchell, and Claudia Woods

Associate Members Present: Richard Boroff and Bill Olson

Planning Director: Patrick Reffett

Others Present: Bill Bowler, Anne Gero, Gretel Clark, Robin Sears, and John Rodenheizer

This meeting was called to order at 7:00 p.m. by Chairman Melick.

**Changes to the Zoning Bylaw**

Jeff Melick said he had spent a great deal of time comparing the last official draft from Mark Bobrowski and changes within the draft of March 27, 2016. Jeff Melick had held small work sessions to work on the documents. Phase I was for the reorganization of the document, according to Mr. Melick. Substantive changes should not be part of the proposal and Mr. Melick proposed that members of the Board take sections of the document and compare the most recent draft to the original By-law to make sure there were no substantive changes.

ZBA Chairman Bill Bowler noted that Phase I was intended to not have substantive changes, however, changes that were placed within the By-law which made it in line with State standards were incorporated and Mr. Bowler wondered if those had been taken out to which Jeff Melick said the terminology to correct legal inconsistencies remained.

Various portions of the proposed Zoning Bylaw Draft revision text were assigned to planning board members for proofing. Peter Clark would review Sections 1, 2, and the Use Table. Anne Gero said certain sections were almost identical including OSFPD, wind energy, communication, groundwater, and senior housing which were the same but she thought that the most difficult was the Use Table and the Pre-Existing Use Sections. Claudia Woods said she would review Section 8.1. Section 8.6 Senior Housing, 8.7 Inclusionary Housing and Sections 9.2., 9.3., 9.4, 9.5 would all be completed by Rick Mitchell. Bill Bowler said he would take the residential section including, in law apartments, etc. which were Section 8.2. through Section 8.5. Richard Boroff said he would review Section 4 Dimensional and Density Regulations as well as the Table of Contents (divided between Mr. Boroff and Mr. Melick). Section 6 and 7 would be completed by Bill Olson. Section 9.6, Commercial Overlay District would be completed by Brian Stein.

**Citizen Petition to Change Site Plan Review from the ZBA to the Planning Board**

Jeff Melick said the citizens would be putting the proposal off until next November. Peter Clark offered his concern that if Town Meeting did not approve a proposal, the proposal could not be voted upon again for two years. Rick Mitchell said Town Counsel had opined that if the proposal were brought to Town Meeting, the Attorney General would find the document defective.

Robin Sears said she brought the petition to Town Hall and recalled that she spoke with Patrick Reffett and Town Clerk about what was required. Ms Sears said she had asked for guidance and somehow between February 16 and April 2<sup>nd</sup> someone could have reviewed the document to determine why the wording was wrong. Patrick Reffett said he explained that he was responsible for setting up the public hearings and notice but someone needed to prepare the language as to how they wanted the change to be in the Zoning By-law, which was never submitted. Jeff Melick said he had told Bill Dery that he thought the citizens should obtain legal guidance and continued by reading an email from Donna Brewer that indicated that the Board should vote to support or not to support the issue, which he had explained to Bill Dery. Claudia Woods said MA law said citizens should not need to provide legal counsel to prepare the wording for a Zoning By-Law change. Peter Clark said Bill Dery would want a vote because the citizens did what they were told. Mr. Reffett said he had told Mrs. Clark in an email on February 10, 2016 that they needed wording for the appendix and unfortunately no one ever followed up.

Jeff Melick asked if the Planning Board should do anything else before Town Meeting. Mr. Melick suggested recommending no action be taken because last spring it was voted down because it would need two years before it was raised again. Mr. Melick said Gretel Clark had told him she wanted no action. Robin Sears said Ms Clark wanted the proposal to go to vote if it could pass but if no action were proposed, then the Board should vote that it could be brought up within the two years. Mr. Melick said the last Town Meeting was a no vote which triggered a two year wait unless the Planning Board issued a report that said it could be brought before Town Meeting which was why he scheduled the meeting to make the required vote and since that time, other issues had been brought up

Robin Sears asked if the Board could ask Town Counsel for the proper wording of the petition. Peter Clark suggested consulting with the Town Moderator. John Rodenheizer, ZBA, said people of the town voted against this proposal once and now the proponents wanted to take Town Counsel's time, which he believed was a waste of Town resources. Mr. Rodenheizer said he thought it should wait the two years and that the Planning Board should be working on other things such as completing changes to the Zoning By Law.

Jeff Melick made motion that the Planning Board approve and recommend that a warrant article may be brought before Town Meeting changing Site Plan Review from the Zoning Board of Appeals to the Planning Board within two years of the annual town meeting held in April 2015.

Peter Clark seconded.

Vote: Unanimous in favor.

Jeff Melick made motion that the Planning Board recommend and approve changing the Town Zoning By-Laws such that the Planning Board had Site Plan Review authority rather than the Zoning Board of Appeals.

Peter Clark seconded.

Peter Clark amended the motion to include the word final before authority.

Claudia Woods seconded.

Jeff Melick made motion that the Planning Board recommend and approve changing the Town Zoning By-Law such that the Planning Board had final Site Plan Review authority rather than the Zoning Board of Appeals.

Claudia Woods seconded the motion.

Vote: Unanimous in favor.

Rick Mitchell said he thought that this vote needed to be reported on Town Meeting floor.

Jeff Melick made motion that the two motions acted on favorably at this meeting be incorporated into a final report under issues contained therein.

Claudia Woods seconded the motion.

Voted: Unanimous in favor.

**Senior Housing**

Jeff Melick said, as part of Article 3.2, it would be helpful to provide information regarding the number of senior housing units approved during the last year between Canterbrook and Patton and the tax revenue, building permit dollars, and inclusionary costs for affordable housing that were received by the Town.

Rick Mitchell made motion to adjourn.

Claudia Woods seconded the motion.

Vote: Unanimous in favor to adjourn at 8:42 pm.

Prepared by:

\_\_\_\_\_  
Marcie Ricker

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date