

HAMILTON PLANNING BOARD
MINUTES OF MEETING
October 3, 2017

Members Present: Richard Boroff, Peter Clark, Ed Howard, Rick Mitchell, Bill Olson, Brian Stein (Chair), and Claudia Woods

Associate Members: Janel Curry

Others Present: Patrick Reffett,

The meeting was called to order by Brian Stein at 7:00 pm. in the Memorial Room.

Public Hearing. Proposed alterations to a stone wall and the cutting of trees along a Designated Scenic Road. 650 Asbury St.

Bill Olson read the public hearing notice to open the public hearing. Tim Olson, DPW Director requested permission to cut an approximate 30' span of stone wall to construct the entry to the agreed upon gravel parking lot. Two trees, 30' apart on each side of the cut, could be kept. A dead stalk beyond the right of way would be removed but was not within the Scenic Road jurisdiction. The entrance of the stone wall would be turned in. The existing stone wall cut had a stone pile near it, which would be reused to finish the ends.

Brian Stein explained that Asbury St. was designated as a Scenic Road. Mr. Stein noted that the gravel parking lot had previously been approved, but the access needed to be approved as it cut through a stone wall. The previously disturbed stone wall was also being approved. Work would be done alongside a contractor as the Town needed assistance with the parking lot excavation.

Patrick Reffett announced that he had received a letter from Tom and Jean Ayles (Patton Ridge), which was read into the record. The letter indicated that the abutters wanted to move the parking lot and preserve the scenic view. Susanna Colloredo (Winthrop St.) said she thought the roads were sacred and a historic part of Hamilton. According to Ms. Colloredo, it was understood that rocks would not be moved and trees would not be cut down. Ms. Colloredo asked if anyone drove down the scenic roads and if so, did they understand the importance of why the Scenic Road By-law was put in place in the first place. Ms. Colloredo did not understand why the parking lot was being put in and wondered how the Town was planning on using the Homestead. Ms. Colloredo thought the Town should have a plan as to how to use the property and wondered what happened to the plan that the people of Hamilton should be able to use the property.

Discussion ensued regarding previous breaches through the stone wall and it was determined that it was unknown that Asbury Street was on the list of Scenic Roads. Rick Mitchell said the

parking lot had already been approved and this hearing was in regard to the stone wall and trees only.

Mark O'Hara (Lake Drive) said he was the property manager of the Patton Ridge condominium development. Mr. O'Hara said he and the residents of the condominium association were opposed to the parking lot and the cutting of the stone wall. Brian Stein said the parking lot had already been approved. Mr. O'Hara requested the Board maintain and preserve the scenic roadway along with the stone walls. Mr. O'Hara said it was difficult to understand that that Conservation Commission had refused the mowing of fields as they wanted to keep the area in a natural state while a parking lot was being constructed within feet of the adjacent undisturbed field. Mr. O'Hara added that the need for the parking lot had not been defined and would be a miss use of tax dollars. There were currently five entries off of Asbury St., all within a short distance of each other, creating a traffic hazard. Mr. O'Hara wondered about lighting of the parking lot. Mr. O'Hara was concerned about safety and who would have access to the site. Mr. O'Hara was concerned about oil and de-icing material as it ran off and entered the water table. Rick Mitchell responded that each question had been considered during the parking lot public hearing.

Craig Walker (Patton Ridge) questioned the parking lot approval when no use had been determined for the Homestead site. Brian Stein responded that the Planning Board was not responsible for the Patton Homestead, but rather the Patton Homestead Committee was in charge of their plans. Mr. Stein added that looking at financing and house uses were not under the Planning Board purview and Site Plan Review could not be denied, but only conditioned. Peter Clark said the Board resisted approving the parking lot before a use was known, but was told by the Town Manager that the use was unknown and the Planning Board ran out of the ability to hold the decision up. When Mr. Walker asked if they felt comfortable approving the Site Plan, Brian Stein and Rick Mitchell said they did. Claudia Woods said the Board had asked multiple times what the building was being used for but the response was that the Town needed a parking lot to determine what could be in the building.

Ed Howard made motion that breaking the stone wall be denied at this time until it was proven to the satisfaction of the Board that it had been proven that breaking the stone wall would accommodate the future use of the building.

No one seconded the motion.

Rick Mitchell made motion to close the public hearing.

Seconded by Richard Boroff.

June Tringali (Patton Ridge) noted that earlier Boards indicated that scenic roads were of value and that there was an existing entrance on the other side of the Homestead. Ms. Tringali said Patton Ridge was not able to mow an area as it was to be kept in a natural condition, while the Town was proposing to add a parking lot feet away. Brian Stein said the Planning Board had

approved two to three cuts in stone walls in the last seven years. The stone wall cut wasn't approved for Patton Ridge because the Town didn't know it was a scenic road. The By-law did not indicate that the cut could not occur but it did require a public hearing.

Vote: Majority (6:1) in favor of closing the hearing with Ed Howard voting nay.

Bill Olson made motion to approve the application by the Hamilton DPW regarding the proposed alterations to stone walls and cutting of trees on a designated scenic road within the public right of way in the vicinity of 650 Asbury St. with the conditions (drywall construction using existing stones to the greatest extent possible and in harmony with the stone walls on the property, all stones would be used on site, and that the angle cut should be minimal) as written by Patrick Reffett.

Rick Mitchell seconded.

Vote: Majority (6:1) in favor with Ed Howard voting nay.

Public Hearing – Cottage Housing By-law.

Bill Olson read the public hearing notice to open the public hearing. Brian Stein took a 2.25 acre example site and applied the By-law to see how it might lay out. While the proposed design met the provisions of the By-law, Peter Clark did not think the area of open space was appropriate. Bill Olson responded that it was open space for the owners rather than the public. The designed distance between houses was 20', but if the units were closer together, more open space could be provided. Mr. Stein thought the proposed acreage of one to five was right. 18 units per site would be the maximum.

Bill Olson referred to the survey when 70% of respondents wanted cottage housing with a varied housing stock. Mr. Olson said if density was not set for four to five units on an acre, the economics would not make sense. Patrick Reffett asked about land containing wetlands, to which Brian Stein responded that there would be a 50' no build zone from the resource area. John Rodenhizer (Pilgrim Road) asked about wetland setbacks, which would be determined by the Conservation Commission.

Claudia Woods read a list of reasons why she had concerns with the By-law. Concerns included that other towns had limited development to one acre or less near downtowns or transit pods, the need to determine a need or price point, traffic, services, the possible results contradictory to the existing Zoning By-law, the desire that 70% of the town wanted to protect open space and rural quality, and the economic impact. Ms. Woods noted that other towns in MA has opposed this type of zoning. Ms. Woods thought the survey, which indicated that 70% of respondents wanted Cottage Housing, featured a misleading question and did not reflect the opinion of its 7,000 residents. It was agreed that the survey indicated a need for an alternative to three, four, and five bedroom houses in town. Peter Clark said empty nesters wanted to move into something with a simpler mode of living but having large dense groupings would be the mode created if the By-law was passed.

Rick Mitchell said the Planning Board made a commitment to bring the By-law to Town Meeting. Ed Howard said he liked some aspects of the By-law such as having smaller living space but as a capitalist, there was nothing in the By-law that would create a successful development as it was not financially sustainable. Dr. Wheaton reportedly had indicated that the only sustainable development in Hamilton was to create houses valued at \$1.2M and above. Mr. Howard added that he had met with a banker who indicated that the only investment potential in town was in single family housing. Peter Clark said the proposal was too dense and should have more open space. Claudia Woods was opposed to having the By-law apply to the entire town.

Rick Mitchell distributed a marked up copy of the By-law that had been reorganized. Brian Stein agreed that the Design Review section needed to be worked on. Changes and additions were discussed. Claudia Woods wanted to limit the applicable areas to R1a, and R1b, while Richard Boroff wanted to give developers flexibility. Bill Olson wanted to respect the density originally voted upon. Brian Stein wanted consistency with the Senior Housing By-law. Mr. Boroff said he thought agriculture might not be viable, but Ms. Woods responded that the Planning Board was not creating zoning for developers. While it was noted there might be areas in the RA district that might be appropriate, Ms. Woods responded that due to the agricultural history of the Town, the By-law would be pushing against the very character of the town. A hand vote determined that Cottage Zoning would be not be within the RA district.

John Rodenhizer thought the 10' distance between units was a little close, but Brian Stein responded that it was acceptable by code. Keeping the existing house as a common house was discussed as a way to keep the historic house. The distance between developments would be one third of a mile. The quantity per year would be 36 units. Setbacks were discussed and agreed upon with 25' front setback, 10' side setback and 15' rear setbacks. Bill Olson would rewrite the minimum open space requirement. Setbacks could not be counted as open space. There would be a 25' building height to the peak of the gabled roof with 1.5 stories. The community building could be 2.5 times the house sizes but limited to 30' high. Garages would be limited to 18' to the ridge. Entries and porches would be 80 sf and a minimum driveway width would be 12'.

The Board discussed bonus units for affordability or other items and determined density was enough. Design Standards were referenced in WSOD and should be done the same way. Different design standards needed to be referred to as those for the WSOD were commercial.

Motion made to continue the public hearing until October 17, 2017 by Rick Mitchell
Bill Olson seconded.

Vote: Unanimous in favor.

Continued Public Hearing – Estate Overlay District.

Claudia Woods asked about impacts to neighbors and requested to add non-profit organizations, under criteria. The word “proximity” to abutters, would be changed to “impact” to abutters.

Motion to close the hearing was made by Bill Olson.
Rick Mitchell seconded.
Vote: Unanimous in favor.

Other Board business review and vote regarding minutes.

Patrick Reffett discussed the Shamsuddin ANR lawsuit. The appeal went to land court and the judge said he was hoping the applicant could provide the Planning Board with a proposal for an improved roadway as a means of the applicant accommodating the Planning Board's willingness to accept the ANR. The solution did not address the concerns of Town Counsel. The applicant would need approval of the two other owners of the road as well as the Planning Board. Bill Olson said he would not have a problem with the application if it were a subdivision.

Patrick Reffett said he had been deposed for the appeal at 227 Willow St. Light usage was discussed and Mr. Reffett said he would request to have the lights turned off. The Planning Board discussed the use of lights at the bank on Bay Road. The Police Chief was working with abutters and bank staff.

The applicant was appealing the Decision in Federal Court for the cell tower behind Town Hall. The case would come to the Board of Selectmen in Executive Session at their next meeting. Claudia Woods referenced the letter written by Ms. Woods, Peter Clark, and Ed Howard requesting legal counsel. The Town Manager responded to the letter that no counsel would be provided because three members could not request counsel for the Planning Board when the majority of the Board voted in favor of the application. Brian Stein said the Planning Board did not need to do anything as the Selectmen would handle the situation in Executive Session. Mr. Stein added that he did not appreciate Ms. Woods' speaking for the whole board asking for counsel. Ms. Woods responded that she wanted representation.

Minutes

Motion to approve the September 5, 2017 minutes with minor changes made by Bill Olson.
Rick Mitchell seconded.
Vote: Unanimous in favor.

Adjournment

Motion to adjourn made by Claudia Woods.
Seconded by .Rick Mitchell
Vote: Unanimous to adjourn at 10:04 pm.

Prepared by:

Marcie Ricker

Attest Date