

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
July 11, 2017

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

Others Present: Patrick Reffett

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

**Cottage Housing By-law – Rob Brennan**

Rob Brennan described Cottage Housing as returning to an old concept as to how things were done centuries ago when development was concentrated by necessity. Douglas Caulfeld (Union Studio Architecture) added that Cottage Housing knitted things together to create a framework for civil life. Compact developments and density were enriching, especially in New England. The patterns of living had changed from having a family of six living in a home of 1,100 sf to a family of three living in a 2,000 sf home. Current Zoning Codes did not create historic neighborhoods but the financial crisis in 2008 allowed for pressure to allow for new development that caused smaller developments closer to transit hubs.

Density scale and character were described as being the basis of the project in East Greenwich, RI, which was a 15 unit development that was on less than an acre. Two bedroom units were bound together with a community garden at the center. Concord Riverwalk was a two acre parcel having the same number of sustainable units that were twice the scale. There was a community building and the project was located within a quarter of a mile of a train station. The front porches faced the common space with the 1.5 storied units being 1,800 sf. Heritage Sands in Dennisport, featured 63 units on eight acres of land. The development was a series of connected cottage neighborhoods with twelve cottages facing a pocket green that became a neighborhood green identified within smaller clusters set within a larger neighborhood.

Technical things to consider were the fire and police requirements with Rob Brennan suggesting that the department be actively involved in how to achieve goals. In all three plans, parking was off to one side or out back with no access road coming to the front doors. Working with fire and police departments, it was possible to satisfy the concerns for access while keeping the desired character. Wastewater and stormwater needs were decentralized by interconnected sophisticated systems to manage stormwater on site. Underground storage and detention systems were used rather than surface ponds. At Heritage Sands, stormwater was part of the loop road with wastewater being in the common space, featuring a high pressure leaching system and a large treatment system in the parking alley.

Design considerations provided more than one outdoor space but created layers of spaces from a private level to a public level. There were controlled views for privacy including windows not facing windows of another unit and the edge of one unit creating private space between the other unit. Rob Brennan suggested not overthinking the architecture but looking for simple, well proportioned design. There were two layers for zoning, one for setbacks and the other for design guidelines to ensure character.

In response to Claudia Woods' question as to how to implement the concept in a rural village, Rob Brennan suggested diluting the density slightly and considering historic examples of family farm neighborhoods in New England.

Heritage Sands used seasonal cottage zoning while Concord Riverwalk and Cottages on the Green did not rely on zoning to achieve their approvals. Design Guidelines would be provided to the Board by Rob Brennan. Bill Olson said the Board was struggling with flexibility and determining what the Board wanted as far as setbacks, bedrooms, size of acres, etc.

Rob Brennan said evaluating site density was key and looking for footprints of 900 sf with 1.5 story buildings was important. Mr. Brennan suggested contacting Dan Fortier, the planner in Dennisport, Smart Towns Blog was a great resource to investigate as well.

Workforce housing was targeted on affordability with an 80% average median income. The State had initiated a program allowing for subsidization of workforce development higher than 80% average median income that focused on increased density which would allow for more affordable housing by design.

#### **48 Meyer Road ANR – Nazir Shamsuddin**

Bob Griffin was present to respond to Donna Brewer's memo. There were no changes to the plan. According to Mr. Griffin, the plan from September 1956 was endorsed and nowhere on the plan did it indicate the plan was an ANR. The current ANR plan showed three lots with frontage on Meyer Lane and the private way. All the lots had adequate area. The plan should be endorsed in the opinion of Mr. Griffin. Donna Brewer had referred to the McCarthy plan which Judge Green talked about in his note. The McCarthy plan showed a 900' private way with a 50' wide road. In 2001, the recorded book 356 and plan 67 was used to create Alexander Way, which was endorsed by the Planning Board a few months after Judge Green made his decision. Judge Green said the Planning Board could not enforce the 1956 restriction based on the Subdivision Control Law.

According to Donna Brewer's memo, if the way was shown on the plan, then it would satisfy the limits of the statute and the plan would be eligible for endorsement. According to Bob Griffin, the way shown on previous plans showed a 50' private way, which was built out similar to other private ways with a 16' wide paved area. Rick Mitchell recommended sending Bob Griffin's response to Donna Brewer for comment to see if it satisfied her question.

Jennifer DeCarlo, who represented abutters, said there was no new information and that the way was not a public way as it was not on a plan before Subdivision Control Law was enacted. The plan referred to Alexander Way as it was on the plan, but it did not mean that the way was ever approved. Notations of radius and grading would indicate a Subdivision Plan. The judge in the case made a point that they didn't appear to be Subdivision Plans. Attorney DeCarlo further asked who should be the party to appeal, the abutters or the applicant who could appeal or submit a Subdivision Plan.

Claudia Woods agreed that no new information had been provided and that the Board was not required to endorse the ANR.

Motion made by Rick Mitchell that the Planning Board deny the plan submitted by Patricia and Nazir Shamsuddin that could support the request for an ANR endorsement for lots 11 and 12 on map 30 into new lots 1, 2, and 3.

Seconded by Richard Boroff.

Vote: Majority (five of six) in favor with Ed Howard abstaining.

#### **Public Hearing Special Permit Application for a Cell Tower at 577 Bay Road.**

Francis Parisi submitted revised site plans. Two issues at the end of the last meeting included alternative locations and technologies. Mr. Parisi described possible alternative sites and referred to the Request for Proposal and Town Meeting approval of the lease for the proposed sites. Claudia Woods corrected Mr. Parisi that Town Meeting approved Town owned sites, not this site in particular, however, the Board of Selectmen had approved the lease for this site. According to Mr. Parisi, the Town had already looked at alternative sites. The Request for Proposal was reviewed by Town Counsel and the Board of Selectmen who had looked at the requirements for sites.

The Hamilton Historic District Commission had submitted a letter expressing opposition to the construction of the cell tower behind Town Hall as it would have a negative impact from the Historic District. Mr. Parisi responded that the tower was not in the Historic District but would be seen from entrances to Town Hall and added that the Town was the landlord who asked for the tower to be built. Mr. Parisi added that he did not need Historic District approval. Mr. Parisi said he had many letters of support including those from the police and fire departments.

Francis Parisi said alternative technologies such as telephone poles, worked better in urban environments with less tree canopy. Ed Howard asked Mr. Parisi if the Town Manager had endorsed this and Mr. Parisi said the Town Manager had signed the lease. Rich Mitchell added that the Selectmen were involved too. Martin Levin, RF Consultant for Verizon said the two alternative technologies were inappropriate for coverage in Hamilton. Small cell technology was better for hot spots, malls, and dense areas, but would not give a wide area of coverage. Coverage would only occur along roads with telephone poles.

The lease was for 20 years with two five year renewal options with the Town. The installation would be covered by a bond.

In seeking a Special Permit, the Board needed to look at the criteria for approval. Francis Parisi indicated that there was a clear social benefit with improved telecommunications for public safety. There was no traffic. There were adequate utilities. The neighborhood character and social structures were most challenging as the proposal was in a residential zone but was in a DPW yard. There were no commercial lots or industrial zones but this was a municipal use in a residential zone. There were no impacts on natural environment, no traffic, noise, dust, light, or smoke. The potential fiscal impact was only a positive fiscal benefit because the Town had proactively signed a lease. Small radio cabinets and a generator, which would be tested for 15 minutes a week were part of the facility that met all respects of the By-law, according to Mr. Parisi. There were no waivers. Patrick Reffett noted concerns about fires associated with cell towers. There were four fires per year for 215,000 cell towers in the country. Fires were due to human error not spontaneous combustion.

Peter Clark was concerned about the Historic District Commission's vote because of the value of the historic fabric of the Town. Mr. Clark noted the cemetery. Patrick Reffett said the cemetery was a historic property and the demand for cemetery space was growing so it was discounted. Mr. Reffett added that the application before the Board was not that of the cemetery. Francis Parisi added that the cemetery was in the Historic District so there was a higher burden with the State and Federal government.

Claudia Woods asked for a copy of real estate analysis that it would not impact property value. Patrick acknowledged the receipt of a petition of over 100 signatures of those opposed to the project.

Steve Homer (563 Bay Road) noted the key issues being the lack of looking at alternative sites and the impact on the Historic District and abutters. Mr. Homer suggested Patton Park and the high school as alternative sites with towers being placed on light poles. Other sites included the School St. well, cemetery, Moulton St. and Bridge St. Mr. Homer also noted the deciduous trees would allow for a full view of the tower when foliage had fallen.

Mary Green (569 Bay Road) talked about the industrial eyesore as viewed from the Historic District. Ms. Green said, according to her realtor, 94% of potential buyers would not look at property that had a view of a cell tower. Ms. Green referred to the stream that went through the site.

William Dery (Chebacco Road) asked the Board if they wanted to look like a city or village and suggested putting the cell tower at the dump site on a knoll, which was at elevation 120'. Francis Parisi responded that the cell tower that existed there provided coverage for NW Manchester and

Route 128 but was not able to cover downtown Hamilton or Manchester. Mr. Dery suggested finding alternative sites that were not invasive to downtown and neighbors.

Marc Johnson (Patton Drive) recalled that when the Selectmen came up with the RFP, the narrowed pool was a subset of a larger group. The Selectmen had looked at the cemetery and schools.

David Smith (27 Home St.) supported the Special Permit as the quality of cell service was awful.

Mark Gray (Mudge Ave) spoke in favor of the proposal.

Bob Gray (Bay Road) said it was a public safety issue as medical alert bracelets were communicated through wireless service.

Nancy Steffas (Highland St) suggested the Board come up with a better solution as she loved the historic nature of the town.

Ed Howard made motion to continue the hearing until August 1, 2017.

Bill Olson seconded.

Vote: Unanimous in favor.

#### **Site Plan Review for Fields at 537 Highland St. Pingree School**

John Amato recapped the project as an upgrade and expansion of existing fields, 52 parking spaces, grandstand seating for 350 spectators, a synthetic surface track, softball field, and lighting.

Debra Ellison, attorney for Tom Catalano (505 Highland St.) offered a summary of comments, which were handed out to the Board. Attorney Ellison questioned the 14 Day Notice as her client had received a notice with no time or date for the hearing, only a few days before the hearing. The legal notice listed the wrong map and lot, giving a street address, which was not sufficient.

The proposal would change a small athletic field used during the day into an expanded field for use during day and night. Mature trees would be cut down and lighting would alter the bucolic field to look like a major league park. Two of the six 80' lights would be directed toward the Catalano residence. The public address system would be heard throughout the neighborhood. Spectators previously disbursed would be concentrated near the Catalano residence. The baseball field and track would be closer to the Catalano property. The 500 people would be parked in 52 spaces with overflow parking on Highland St. The parking would be located near abutting property and within the GPOD with lights oriented toward the abutters. The public trail would be shortened and located closer to the Catalano property with slopes exceeding 10%. No traffic study had been completed to understand site lines for vehicles exiting and entering, which was important for the Zoning By-law 6.H.5.d requirement.

Tom Catalano wanted the applicant to provide a detailed site analysis to show where else the field could be put with less impact to abutters and a traffic impact study. Mr. Catalano said this was not a minor renovation of a field but a commercial renovation. Site Plan Review stated the applicant must reasonably protect the town and abutters from reasonable negative impacts. Mr. Catalano presented an alternative design. The current proposal would show the most economical alternative.

Tom Catalano argued that his proposal was met with a response that the impact would be significant to two abutters, while Mr. Catalano said his impact was greater and would create a 10% decrease in his property value. Rick Mitchell said the Planning Board could only condition the project to the point that it made it uneconomical for the applicant to proceed and suggested that Mr. Catalano work with the school. Mr. Catalano said he would go back to the school with his own engineer and landscape architect. Peter Clark suggested conditioning the approval with hours of use but noted having two turf fields in one small town may be excessive.

John Amato responded to items of concern and referred to Section 10.7, which regulated Site Plan Review for educational uses. Athletics were co-curriculum at Pingree School with all students partaking in at least one of the 45 teams in an effort to educate the whole person not just the brain. Students were at a competitive disadvantage. Mr. Amato stated that private schools were businesses and needed to generate interest. A Supreme Court case ruled that schools had the right to make money to bring kids in to make money.

Phase I would be parking, access drive, and turf field while Phase II would be the track and softball field. John Amato clarified that the school paid tax on activity such as renting space, which did not change the non-profit educational use to a commercial use. 90% of the campus was open space. There was no pavement in the buffer zone with an 80' setback for the light pole to the property line.

There was lighting for the sports field, walkway, and parking lot. Parking lot lights were nine lower profile lights. Walkway lights were pedestrian style bollards.

John Amato said he considered Tom Catalano's concerns and minimized a portion of the field and then changed the seating and lighting of that area. There were lights on 80' poles on each corner, which focused light on the field. Mr. Amato illustrated screening and proposed additional trees such as white spruce to make screening better. Mr. Amato flew a balloon to indicate where the lights would be and showed a photo of the test.

A public address system would be part of Phase II, which would be directed to the spectator seats addressing neighbors' concerns. John Amato said he did not notice criteria regarding sound in the Zoning By-law. Mr. Amato showed a schedule of use with lights extending the hours of use.

There would be four home games in a season with Wednesday and Friday nights being used until 8:00 pm and 9:00 pm.

John Amato said the increase from 20 to 52 cars was not a lot of traffic. The students would park on campus and Friday night games would have ADA parking and referee parking. Claudia Woods asked about the 350 spectators and 100 vendors and thought 52 parking spaces seemed small to accommodate that many visitors. Mr. Amato said the number was appropriate for special events as two teams would have 20 cars each.

The driveway was shifted 40' south with vegetation removed to create a 400' site line. John Amato said no one had ever called Pingree to stop visitors from parking on the road.

John Amato met with Essex County Trail Association to discuss the trail, which was adjusted to benefit the topography. John Amato said he worked with the group regarding the minor trail, which would have a 5% maximum slope.

Claudia Woods requested the topic be continued until August 1, 2017 to discuss how the applicant envisioned the landscaping plan for the entrance and along the Catalano property as well as how the trail was moved away from the track. It was agreed that this proposal created a huge change to the complexion of Highland Street and was taking out a lot of trees. Ms. Woods asked the applicant to figure out a way to make it work easier while respecting the wetlands. Ms. Woods asked about port-a-potties and a snack bar. Headlights entering homes would also be addressed.

David Santamena (635 highland St.) requested that applicant tweak the proposal that would have a dramatic impact on the neighborhood. Site lines needed to be adjusted for the 45 mile an hour road, which should accommodate the fact that everyone actually drove faster. The wooded area mapped was a priority habitat and Natural Heritage should be contacted to identify habitat.

Motion by Rick Mitchell to continue until August 1, 2017.

Bill Olson seconded.

Vote: Unanimous in favor.

### **Adjournment**

Motion made by Rick Mitchell to adjourn

Seconded .by Richard Boroff

Vote: Unanimous to adjourn at 11:10 pm.

Prepared by:

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Marcie Ricker

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Attest

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Date