

HAMILTON PLANNING BOARD

MINUTES OF MEETING

May 1, 2018

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

Associate Members:

Planning Director: Patrick Reffett

Board Discussion – Michael McNiff. Cutler-Rich Property

Michael McNiff said he had the property under agreement since November 2017. The ANRAD was completed and approved. Bob Griffin compared the two alternatives including the subdivision from Maple St. and the Porter St. access with a shared driveway, which would be approved via a special permit. Mr. McNiff thought the shared driveway alternate was preferable. Mr. McNiff mentioned he had gone to the Con Com for wetland flagging, survey, and topography work. The goal was to establish the wetland resources and construct the low density development outside the buffer zone. The five ANR lots from Porter St. were the same. The difference was the three to four lots accessed from Maple St. One choice was a conventional cul de sac with four houses or a loop road to Maple St. with four houses. Three lots would use a common driveway approved through a special permit.

Bob Griffin noted the lots (4, 5, and 17 acres) with frontage on Porter St., noting that each had 175' of frontage with long necks to the buildable areas. Wetland areas were indicated and the Conservancy District was defined as elevation 56. The lower wetland had an elevation of 50. The Conservancy District was smaller than the bordering vegetated wetland. Vernal pool activity in one area had a 100' setback.

Option A showed an extension of 800' from the end of Maple St. to lot 8. The roadway would be a 24' wide paved area with a turn around. There was 900' from Arlington St. to the end of Maple St. Maple Street was 18' to 20' wide currently. The proposal included a 90' diameter for a fire truck turnaround. The proposal re-used the existing alignment of the Rich residence driveway but would be widened from the existing 12' to 14' way to 24'. Bob Griffin noted the lots on Porter St. met zoning requirements but were "tortuous" due to their angular layouts. The wetland crossing required an easement, but Michael McNiff had control of the property. Mr. Griffin added that if a wetland crossing was the only way to access the property, a limited project application would allow the applicant to access the land from Porter St.

Option B would be a subdivision with waivers. The five lots on Porter St. would be the same. The subdivision layout would be a 50' way extended down to the third house with 175' of frontage for lots 6, 7, and 8. There would be a fire truck turnaround. The road would be paved similar to Option A. Waivers proposed would be for the minimum centerline radius (avoiding the grassing field), roadway widths (right of way 50' but 24' paving would be proposed instead

of 32'), and dead end street limitation (800' to lot 8, and 1750' from Arlington St.) There were 14 to 16 houses in this portion of Maple St. and Hatfield St. and the proposal would add three more to the existing neighborhood. The road would not be aligned in the center of the existing right of way. Sidewalks and monuments at every curve would not be needed and waivers would be requested. Waivers for street trees would be requested as the area was densely wooded. Option B would be a subdivision with waivers, while Option A would be approval via special permit.

Peter Clark and Claudia Woods questioned the cul de sac increase from the allowable 500' to 1700'. The alternate was a loop to Porter Lane, which would cross wetlands. The alternate would be more complicated, but didn't improve the proposal, according to Bob Griffin. Rick Mitchell said he believed Option B was cleaner and eliminated impact to the wetlands. Brian Stein said Option A did not impact wetlands more than Option B. Michael McNiff said he preferred Option A with a shared driveway, which would limit access to frontage for future development. Mr. Stein added that Maple St. was already a dead end street and the fire truck turn around would be an improvement. Peter Clark requested that the Board contact the fire department.

Claudia Woods noted the bridle path easement ended at lot 8 when it had previously traveled along the wetlands. Michael McNiff said the layout was that of the recorded easement. Peter Clark asked for clarification of the Conservancy District. Bob Griffin responded that the Zoning map showed the Town Conservancy District with elevations of 56, 52, and 50. Mr. Clark compared the proposed plans to the ones viewed when Mr. McNiff first took an option on the property. Mr. Griffin responded that he went out and measured the topography. Brian Stein said the Conservancy District was defined by elevation.

Michael McNiff said he was proposing to submit an ANR for the five lots on Porter St. and then file for a special permit for the three Maple St. lots. Mr. McNiff added that he wanted to maintain the hardwood forest but added that he had seen a historic photo of the site that showed the area as field. Brian Stein liked the special permit option because future lots would be prohibited.

Jake Fumara (Hatfield Road) said the proposal was exciting compared to what had been proposed at the Affordable Housing Trust meeting. Mr. Fumara preferred the special permit plan. Mr. Fumara added that the woods were beautiful and only having eight houses on 46 acres was a welcome solution.

Heidi Clark (Porter Lane) said the applicant was interpreting the Conservancy District via elevations, but the basis had not yet been determined. Ms. Clark had a map of the Conservancy District as it applied to the property and a copy of the initial plan brought to the Planning Board before the Conservancy District was being determined by elevation. Ms. Clark asked the Planning Board to put a stay on the development on the eastern side of the wetlands to give the

Open Space Committee a chance to walk the property and study how the Conservation District was determined. Ms. Clark noted that Mr. Cutler (the previous owner) was chairman of the Planning Board when the Conservation District was put into effect. Ms. Clark asserted that the Conservation District had always been in accordance to the drawings on the map and not by the numbers as Michael McNiff and Bob Griffin originally drew. According to Ms. Clark, aerials of the area indicated the entire area in the Conservation District was comprised of pine and mixed deciduous vegetation. Ms. Clark said Mr. McNiff had just indicated that he would cut down the pine trees. Ms. Clark appreciated keeping the homes near the road but thought the applicant had changed the interpretation of the Conservation District to mean something different. Ms. Clark wanted to review the original drawing done under the auspices of Mr. Cutler's Planning Board.

Rick Mitchell said the Conservancy District was defined by elevation. Brian Stein said it was done that way on the map. Similar to wetlands, the Conservancy District would be mapped and then analyzed site by site. Peter Clark said the Conservancy District was listed on the Cutler property deed. Richard Boroff said Heidi Clark had a misguided passion and the Board should deal with facts and reality not what they might like. Mr. Boroff added that by delaying the approval for a year, it might be construed as a hardship and the Planning Board could not cause a hardship with a special permit.

It was unclear how long the Open Space Committee might take to study the Conservancy District. Rick Mitchell noted that the conversation was not a formal hearing only a preliminary review. As the Board was reviewing two options, there was nothing to "stay". Claudia Woods said everyone agreed that it should be a special permit, but the Board wanted to do it correctly and thought hearing from the Open Space Committee to clear up any misunderstanding would be beneficial. Then the Board could move forward.

Heidi Clark said a road went through vernal pools and the 100' no disturb zone. Richard Boroff said the applicant was not asking to go through wetlands. Mr. Boroff said he had blue spotted salamanders on his property. Bob Griffin added that if future homeowners wanted to connect their home to Porter Lane, they would need to go to the Conservation Commission. Michael McNiff had a right to access the lots by deed over the location. Mr. Griffin added that after preparing plans for 20 years, his experience was that that Conservancy District was always done by elevation.

Brian Stein, Richard Boroff, Janel Curry, and Rick Mitchell preferred the special permit option as it limited future development. Peter Clark was concerned about the extension of Maple St. past the cul de sac limitation, which had been adhered to in the past. Mr. Clark wanted to have a discussion with the fire and police departments. Mr. Boroff said what was done in the past and what will be done in the future had nothing to do with this special permit.

Jake Fumara said he believed that Peter Clark had a conflict of interest as his daughter had concerns about the Conservancy District and thought he was on the wrong side of the table for

this conversation. Mr. Fumara asked Mr. Clark to recuse himself. Mr. Clark said there was no need to do so. Rick Mitchell said that Mr. Clark should either recuse himself or face violations because Mr. Clark was a family member of someone who had a potential interest in the property. Brian Stein said he did not see why the Planning Board would need to write a letter to the fire and police department but would ask the fire chief to come to the meeting.

Board Discussion – Accessory Housing

Patrick Reffett distributed example By-laws from Ipswich, Topsfield, and Falmouth. Claudia Woods had developed a list of questions. Janel Curry thought Ipswich had the cleanest By-law, which would be closest to what the Town might want. Ms. Woods referred to the Carlisle By-law, which discussed accessory apartments and affordable accessory apartments. Mr. Reffett had an idea of allowing By-right accessory apartment units if they were deed restricted for affordable tenants for 30 years and met DHCD guidelines. Ms. Woods thought 30 years was onerous and that if the units were affordable, they should meet the requirements of 40B.

In Ipswich a homeowner could move into the apartment or remain in the main portion of the house. It was agreed that the By-law should not strive to mix affordable with market rate. Claudia Woods recalled that Bill Bowler reportedly wanted to delete or clarify temporary units. Ms. Woods thought the need for ten acres was inappropriate. Ms. Woods suggested that no more than 75 in total special permits for apartments should be available. A non-conforming lot could have an apartment in the garage. Brian Stein said it could be based on septic requirements. Janel Curry questioned the restriction of one bedroom. Ms. Woods referred to the requirement of 900 sf or 15% of the gross living space of the main house. Ms. Curry clarified that it could be the lesser of the two. After Mr. Stein said 25% of a 2,000 sf home would be a 400 sf apartment, Ms. Woods asked what number would make sense.

Claudia Woods suggested deleting temporary apartments, capping a particular number, and adjusting the square footage for a smaller house to 35%. Ipswich outlined 25%. Off street parking would be provided on site. Regarding the need for separate utilities, Ed Howard said it was a benefit for tenants to pay their own utilities. Ms. Woods said it was expensive to have new water and electrical service. Janel Curry noted the need for a side or back entrance.

Members of the Board discussed if bedroom limitations needed to be set on apartments in a barn based on the size of the barn. Brian Stein asked if one accessory apartment per lot was appropriate. Rick Mitchell responded that the special permit process could allow for exceptions. Ms. Woods, Janel Curry, and Mr. Stein agreed that a two bedroom apartment would require two off street parking spaces and a one bedroom apartment would require one parking space. Members of the Board wanted to stay away from short term or transient use. Ms. Woods noted the landscape requirements. The appearance would be that of a single family dwelling. If the owner were not present, the property could still be rented. Ms. Woods referred to a conversation with the assessor's office and wondered if the property would be appraised and taxed differently. The assessor's department would need to be apprised of the apartment and Rick Mitchell noted

that a building permit would alert them to the change. Ms. Woods suggested that the ten year residency requirement be deleted. Ms. Curry discussed the limits of adding onto the footprint by 25% or 500 sf or whichever was less. Carlisle had a 1,200 sf limit which was considered too large.

The Board agreed that limiting ten units per year was too limiting. Peter Clark suggested 15 to 20 per year. Claudia Woods said removal of a stove would terminate the use. Rick Mitchell thought Topsfield was appropriate in terminating the permit three years from the granting of the special permit or two years from the lack of commencement. The sale of the property would terminate the use. Mr. Clark thought the administration would be too cumbersome. Mr. Mitchell suggested renewing the special permit every three years.

Claudia Woods and Patrick Reffett would work together to merge the By-laws of Ipswich and Hamilton.

Board Discussion – Master Plan revision regarding housing elements and CPC funding.

Patrick Reffett said Town Meeting approved \$30,000 for a grant to advance residential growth and planning within Hamilton. A grant agreement was distributed including the scope of services. The planner at MAPC thought it was appropriate. While the proposal could be distributed, funds would be not available until July 1, 2018. Proposals would be due mid-June. Mr. Reffett suggested setting up a working group to select one or two finalists and bring those proposals back to the Board to interview candidates. Mr. Reffett said only the Town Manager had the ability to execute a contract but the Planning Board could make a recommendation and work with him to manage the contract.

Claudia Woods said she had reviewed the RFP and wanted to make a few changes with Patrick Reffett.

Other Board Business and Discussion

The Associated Member Board vacancy was posted on the Town's website. One candidate had exhibited interest.

Correspondence to the Board was noted. The Patton Ridge neighbors had submitted three to four letters and were applying to the State. The group were negotiating a community host agreement letter of support or opposition. The use would be By-right under site plan review.

Meeting Minutes of April 3, April 24, March 20, 2018, and October 22, 2016.

Donna Brewer had opined that members of the Board who were no longer on the Board didn't need to vote. The remaining members on the Board from that time would need to vote.

Members present at the October 2016 meeting were Brian Stein, Ed Howard, and Rick Mitchell. Peter Clark arrived after the vote was taken.

Brian Stein moved to approve the minutes of the October 22, 2016 meeting.

Ed Howard seconded.

Vote: Unanimous in favor.

Rick Mitchell moved to accept the minutes of March 20, 2018.

Ed Howard seconded.

Vote: Unanimous in favor.

Janel Curry moved to accept the minutes of March 6, 2018.

Rick Mitchell seconded.

Vote: Unanimous in favor.

Janel Curry moved to accept the minutes of April 3, 2018 as amended.

Peter Clark seconded.

Vote: Unanimous in favor.

Janel Curry moved to accept the minutes of April 24, 2018 as amended.

Rick Mitchell seconded.

Vote: Unanimous in favor.

Updates from Members

Adjournment

Rick Mitchell made motion to adjourn.

Seconded by Richard Boroff

Vote: Unanimous to adjourn at 9:18 pm.

Prepared by:

Marcie Ricker

Attest

Date