

HAMILTON PLANNING BOARD
MINUTES OF MEETING
August 21, 2018

Members Present: Richard Boroff, Peter Clark, Janel Curry, Ed Howard, Rick Mitchell
(Acting Chair).
Associate Members: Chris Shepherd.
Planning Director: Patrick Reffett.
Members Absent: Brian Stein, Dan Hamm (Assoc.).

The meeting was called to order in the Memorial Room at Town Hall at 7:00 with a quorum established.

Public Hearing. Proposed Amendment to the Hamilton Zoning By-law for Accessory Apartments.

Patrick Reffett explained the proposed By-law would replace two existing By-laws that accommodated small sites and large sites separately. The proposed By-law was hybridized language between other communities and Hamilton as well as the incorporation of Planning Board and ZBA members' comments. The text provided to the Board was the complete text with a few minor typographical errors that would be corrected. The Selectmen had voted to put the By-law on the Warrant. No vote needed to occur as the By-law had been approved at the previous meeting.

Preliminary Wireless Cellular Communication Equipment Application. Mobilitie, LLC, applicant. The site is near 169 Bay Road.

Lyle Bookbinder (Permitting Manager for Sprint in MA and RI) represented Mobilitie. The pre-application was to educate the Planning Board in regard to the new technology. The applicant was proposing to put a small cell on a utility pole at the corner of Bay Road and Walnut Road. The small cell would be attached to a pole with a short antennae on top. The antennae would function as a relay to the cloud through Sprint's new wireless technology. Patrick Reffett explained that the technology depended on other existing cell tower(s) and would be utilized when the existing tower capacity was insufficient. He also mentioned that the technology was not a substitute for regular cell tower use.

Lyle Bookbinder said a car count had been conducted to determine there were 200 cars in a ¼ mile area within five minutes with 90% of them using their cell phones, which "bogged down" the macro tower. The small cell tower was used to increase de-intensification, which depended on the density of people. Patrick Reffett referred to the technology as a booster system for areas that were under-served but did not replace other systems.

The EME study, a health and safety study was distributed. Lyle Bookbinder noted that the applicant was fully compliant by showing that the level at full power was 1.1% of the total FCC

controlled limit and 5.6% of the uncontrolled limit, which was negligible. A coverage map was not included in the pre-application but would be provided with the application. Mr. Bookbinder indicated that if there were other carriers that showed a lack of coverage, they would most likely apply for similar technology but would need a right of way as their technology included a need for fiber optics. The new technology was being used nation-wide but only Sprint was using the cloud. Mr. Bookbinder said that the applicant had an agreement with MA Department of Transportation (DOT) for the right of way. Once MA DOT granted access to their right of way, an application with plans and survey would be submitted, which would be sent back from DOT to the applicant. The building and electrical permits would be filed through the Town of Hamilton.

Lyle Bookbinder said the license agreement overruled local authority as did the Federal Communication Act. The FCC had issued guidelines for telecommunication companies to include that they needed to provide the health and safety study but a report to the State of MA was no longer required. According to MA DOT guidance, a project that met engineering requirements could not be denied. Mr. Bookbinder said he needed a special permit from the Town after conferring with Patrick Reffett but everything provided must be approved.

According to Lyle Bookbinder, the Hamilton By-law was based on macro towers and had not been updated for the new technology. Patrick Reffett said he believed the application complied with the By-law as it referred to all wireless telecommunication equipment, which meant that the applicant must come to Board for a special permit. The language did not anticipate microsystems. Mr. Reffett added that the Board was obligated, based on legalities of the FCC Act and the MA DOT right of way, to provide the permit. Mr. Reffett thought the non-invasive solution would be a significant improvement to where heavy numbers of people were located.

Peter Clark asked if Sprint was located at Gordon Conwell and if the Public Safety Building was under agreement with Verizon for a macro tower. Patrick Reffett responded that the Public Safety Building property was part of the lease arrangement with Varsity where potentially a macro tower could be located. Mr. Clark questioned having a Verizon macro-tower with a micro-tower within a block of each other and wondered if Sprint could be added to the macro tower. Lyle Bookbinder responded that the application was for the current situation.

Lyle Bookbinder described the poles as being 40' high with the antennae being 2'9". There would be a meter on the bottom for National Grid and an A/C adapter that powered the units being in the middle of the gray colored structure. Wattage was 540 watt. Mr. Bookbinder said the applicant was unable to place the antennae on existing poles due to various restrictions. Patrick Reffett suggested that Mr. Bookbinder speak with the abutting property owner. Mr. Bookbinder recalled that only one opponent had occurred in 150 permits issued during a year and a half.

The revenue stream to landowner (MA DOT) was the \$500 application fee. Lyle Bookbinder did not know if there was monetary value for land itself. Mr. Bookbinder would submit an application and hoped to get it in for October.

Informal discussion regarding a subdivision at 601, 605, 609, and 613 Bay Road. Tom Ford.

Patrick Reffett said the proposal was to reconfigure the lots with a new driveway in a cul-de-sac arrangement. Tom Ford and Rick Salvo (Engineering Alliance) presented the preliminary plan for discussion purposes. The applicant was creating one new buildable lot at the rear of the Serafini's house.

Rick Salvo showed the plan and an aerial photo noting the existing 14' wide common driveway. The proposed 40' right of way would be 448' long and 22' wide (paved) and would provide access to Mr. Ford's house and the two lots in the rear of the property, one of which existed and one of which was being proposed. The existing house on Bay Road (Lot 5) was a seasonal home and would become a permanent house. A hammerhead for a turn-around would be at the end of the proposed drive 400' from the entrance. The three houses on Bay Road could access the driveway or continue to have access on Bay Road.

Tom Ford said he wanted to keep the project to a small country scale and asked for feedback as he needed waivers. The roadway would remain private. Mr. Ford said the lots met the 20,000 sf lot size, 125' of frontage, and circle requirements. Mr. Ford discussed the lack of the 25' front yard setback for the existing seasonal home but noted that considering the two houses on each side, the average setback was 14'. Waivers needed would include street width, centerline of the roadway, curbing, streetlights, sidewalks, and drainage, all in an effort to keep a meandering small scale roadway. All of the property except Lot 4 was in the Historic District. Mr. Ford added that the subdivision would eliminate ambiguity of the seasonal home as there were two houses on one lot currently. The standard width of a roadway was set at 32', which was 4' wider than Bay Road. There were two fire hydrants 500' of the entrance to the roadway.

A general acceptance of the proposal was noted.

Select Planning Board Member

Patrick Reffett said Chris Shepherd and Dan Hamm were the two possible candidates. Mr. Shepherd had noted that Mr. Hamm had a background as an engineer and a candidate that he would support for the position. Discussion ensued regarding if the vote should occur in unison with the Selectmen but it had been agreed upon by the Chairs of the Planning Board and Selectmen that having the Planning Board vote then send their recommendation to the Selectmen for a vote would be appropriate.

Motion made by Richard Boroff to nominate Dan Hamm to be the new full member of the Hamilton Planning Board.

Ed Howard seconded.

Vote: Unanimous in favor.

Select Associate Member for the Planning Board.

Discussion ensued regarding the previous candidates and if the Board should wait for others to apply for the position. While Laura Walsh and Barbara DeJaeger were considered admirable choices, it was determined that the Board would wait for others to apply and decide in two more meetings. Advertising would be done and those who expressed an interest previously would be contacted.

Other Board Business/Discussion

Select Planning Board Representative for the Gordon Conwell Task Force.

Peter Clark was interested in the Task Force and was therefore designated.

Select Planning Board Representative for Open Space Committee.

Richard Boroff was interested in the Open Space Committee and was therefore designated.

Upcoming Public Hearings.

Patrick Reffett noted the three public hearings that would occur on September 18, 2018, one of which was a requested amendment to the special permit for Canter Brook. Changes included cosmetics, water engineering, and payment in lieu of creating affordable housing on site. The Affordable Housing Trust had reportedly requested more than the \$193,000 per unit required as market rate units, which replaced the on-site affordable units as the market rate units would generate more profit for the developer. Funds would be used to buy down the 100 units at Longmeadow to 40 units. The Affordable Housing Trust recommended that the developer pay \$650,000. One issue regarding having the affordable units on site was that the State would not allow a limitation to senior only units, which was what comprised the Canter Brook development as per the Senior Housing Special Permit. Reffett mentioned that the applicable zoning bylaw text would have to be changed to be in line with the State regulations. The Inclusionary By-law allowed for four approaches: units on site, units off site, land off site, or funds in lieu of units. The property was under agreement with a developer, Larry Smith of Restoration Capital, who had reportedly developed other properties in Gloucester, Magnolia, and metro west. Janel Curry would recuse herself as an abutter as she had received a notice of the upcoming hearing. Rick Mitchell noted that the special permit was not being reopened but the Board would consider modifications. Mr. Reffett added that the first vote would be to determine if the modifications were minor or major ones. Mr. Reffett said he believed the modifications to be minor.

The second hearing on September 18, 2018 would be for a common driveway special permit for the end of Maple St. The common driveway would serve three properties owned by Michael McNiff. Rick Mitchell would recuse himself as an abutter.

The third hearing was in regard to the repeal of the Conservancy District By-law, which was being proposed by the Selectmen. A selectman would be invited to attend. Peter Clark noted that 169 towns in MA had a similar By-law, which was legal, while Town Counsel had opined that the ZBA had no criteria to decide if land was suitable or not if someone were to ask for relief. The previous Open Space Committee had studied the Conservancy District By-laws of the other towns but had been disbanded by the Selectmen. The new Open Space Committee would be comprised of one member of the Planning Board, Conservation Commission, Recreation Director or Commissioner and four citizens of various interests for a total of seven members to include members of the Historic Commission, Public Health, Public Works, and those with land acquisition experience. The mandate would be to work on the Master Plan exclusively.

Patrick Reffett updated the Board regarding the Request for Proposal for the Master Plan. Communities Opportunity Group and JM Goldson (with Judy Barrett) were the two respondents. Mr. Reffett asked for volunteers to assist him in evaluating the proposals. Rick Mitchell and Janel Curry volunteered to be in the working group.

The Building Inspector position was discussed.

Rick Mitchell announced that the Selectmen had agreed to put the “ask” for \$1M on the Warrant to buy down the number of affordable units at Longmeadow from 100 to 40 as a measure to decrease density of a potentially upcoming 40B project. The Affordable Housing Trust wanted cash to leverage Longmeadow. Cash was also potentially being derived from the Canter Brook project as noted previously. Janel Curry questioned if using money that should be devoted to increasing affordable housing should be used to buy down or decreasing the number of affordable units. Mr. Mitchell responded that the community would not accept 100 units so it would be better to spend the money to establish 40 units at Longmeadow and 20 units at Willow St. Patrick Reffett said the ZBA would be meeting on September 5, 2018 to discuss the new set of 40B regulations, which would allow them to better manage 40B projects. The State had previously recommended that communities generate their own sets of regulations which would work in tandem with regular 40b regulations but not supersede them.

Adjournment

Motion made by Janel Curry to adjourn.

Seconded by Peter Clark.

Vote: Unanimous to adjourn at 8:52 pm.

Prepared by:

Marcie Ricker

Attest

Date