

HAMILTON PLANNING BOARD
MINUTES OF MEETING
September 4, 2018

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

Associate Members: Chris Shepherd.

Planning Director: Patrick Reffett.

This meeting was called to order in the Memorial Room at Town Hall at 7:00 with a quorum established. New Town Manager Joe Domelowicz was introduced.

Preview September 18 Public Hearings

354 Highland St. The proposal would be to modify the existing Special Permit for Canter Brook Senior Housing at the site. Attorney Jill Mann had previously been to the Planning Board to discuss items for review. Patrick Reffett considered some of them to be cosmetic items and would include using cedar clapboards or other wood product as opposed to vinyl siding as was indicated in the Special Permit. The applicant was hoping to change the water service to and from the property. The new DPW director would evaluate the decision of the previous DPW director.

As Patrick Reffett stated another Canter Brook item as part of the Special Permit amendment request was to consider a payment in lieu of providing two affordable units which had been previously a requirement of the Board's Special Permit decision as part of the 23 unit project approval. Within the Applicants amendment request they would pay \$146,000 per unit and may consider voluntarily increasing the number. The State Department of Housing and Development (DHCD) indicated that affordable housing permits could not be restricted to seniors in a recent communication from them. Reffett also mentioned that the Inclusionary Bylaw also had an option to require land for affordable housing, or affordable units off-site as other means of providing affordable units in senior housing projects to off-set the density. Richard Boroff said he thought they were to give \$650,000 to the Affordable Housing Trust who thought \$650,000 would be the worth of two affordable units of two bedrooms each. Brian Stein said the applicant could rehabilitate other houses in town and deed restrict them as affordable according to the bylaw regs. A variance from the ZBA would need to be given to allow non-senior units on the senior housing site. Mr. Stein said over 55 housing was being enforced by the DHCD while over 62 was not because the State wanted family housing. If the development was limited to only over 62, the developer would likely appeal as it would limit their marketability considerably.

Patrick Reffett suggested reworking that portion of the By-law at the Spring town meeting where the number was undervalued (80% of ami or \$146,000 per unit) so it better fit actual costs of units and not the outdated formula which could only provide a fraction of a unit. The DHCD was aware of the elevated demographics of the population of other towns but was devoted to

providing worker family housing development. Mr. Reffett added that if the unit did not meet the 40B guidelines, it would not count toward the 10% subsidized housing inventory (SHI) requirement. Rick Mitchell noted the housing projects at Longmeadow Way and Willow St. and the slim chance that the proposals would pass Town Meeting. Mr. Mitchell said that Harborlight was talking to four private developers who would be pursuing a 200 unit rental development at Longmeadow. The project would be 25% affordable but all 200 units would count toward the quota. The development would allow the Town to surpass the 10% requirement.

Common Driveway Special Permit off of Maple St. for four lots: 100 Maple and 3 new lots at 159 Asbury St.- Cutler Ridge.

Patrick Reffett explained that the Special Permit request was for three new residences and one existing residence at 100 Maple St. The application was included in the Board's packet. The frontage for the lots was on Porter St. while the driveway would be from Maple St. for all four lots. Common driveways required a Special Permit if they served more than two lots. The driveway also needed to go through each of the lots served. The easement must provide for maintenance and snow removal for perpetuity and be recorded. The common driveway must never be used as frontage for zoning requirements. Brian Stein recalled a discussion with the developer to determine the driveway would not provide frontage for the Rich property. The Special Permit would require a super majority. Rick Mitchell would recuse himself as an abutter and Peter Clark would recuse himself as an immediate family member was an abutter. Donna Brewer would be contacted to determine if Rick Mitchell could sign a Conflict of Interest form and be able to vote.

Proposed Town Meeting Article 3-2 to Repeal Conservancy District By-law.

For the last Town Meeting, the Board agreed to hold off voting while they waited for the Open Space Committee to make improvements to the language of the bylaw. The Open Space group had done some work on it but the Selectmen asked that the article move forward to request Town Meeting to repeal the By-law. The Planning Board was required to hold a public hearing on the article since it is a zoning article. Rick Mitchell noted that the article was being brought forth by the Selectmen and requested that either Allison Jenkins or Bill Olson be present at the public hearing and that the Selectmen should speak to the article at Town Meeting.

Peter Clark said there were 146 towns in MA that had a Conservancy District. Brian Stein suggested that other towns' By-laws were not directly related to the wetlands as the Hamilton one was. Mr. Clark disagreed. Rick Mitchell said according to Mark Bobrowski and Donna Brewer, the By-law was unenforceable and illegal. While Mr. Clark referred to using GIS to replicate the area, Mr. Stein said the State Wetland's Protection Act defined the area. Mr. Mitchell questioned if other town By-laws were enforceable as they might have also been established in the 1960's and were likely superseded by the Wetland's Protection Act. Mr. Stein said the By-law was not protecting anything other than the wetlands. Patrick Reffett noted that the By-law did not protect the Ipswich River, which was the most significant environmental habitat in the town. Richard Boroff said Conservancy Districts protected seashore areas, which

were washed away. Mr. Stein said other By-laws also protected inland areas, habitat areas, and viewscapes but the Town had not defined the By-law to protect those resources.

Proposed ZBA 40B Regulations

Patrick Reffett said many cities and towns used additional 40B regulations that worked in tandem with State 40B law. The ZBA would hold a hearing on the topic. Mr. Reffett explained the Regulations presented. A pivot point of a 40B project was that a developer would only be allowed up to 20% profit and beyond that, the money would need to come back to the local host community, which was rare. Fees for consultants would be \$20,000 to be paid up front. Fees would cover technical data and to determine impacts such as enrollments, municipal costs, and infrastructure. If the developer failed to make the payment, the project could be denied. Money not used, would be returned to the developer. A 25% minimum of affordable units and local preference would be specified. A push for senior units would be included. The developer would be required to do development research and documentation for DHCD review. Janel Curry was happy that not only town employees, but employees of town businesses would be eligible.

Commencement of construction, performance guarantee, modification of projects, and stop work orders were also included, which Patrick Reffett said was helpful with problematic projects. The Planning Board had previously developed a policy statement, which was a voluntary policy that developers did not need to adhere to. Once accepted by the ZBA, developers would need to comply with the regulations. The State model had been used as a template with a few additions that had been accepted by other towns. The regulations had been advertised on the town website and been discussed at the Affordable Housing Trust meetings. Mr. Reffett said the regulations were management tools.

Master Plan (Residential) Proposal

Rick Mitchell announced that the Town had received two proposals and he and Janel Curry had reviewed them to make a recommendation. Evaluation included two criteria: comply with requirements of the Request for Proposal and if they met the minimum scope requirement documentation. Scores ranged from highly advantageous to unacceptable. Patrick Reffett requested two examples from each company that would express experience, capability, and qualifications. Community Opportunity Group (COG) and J M Goldson and Barrett Planning Group (JMG/BPG) both had extensive experience but COG did not submit a cost benefit analysis, which Mr. Mitchell considered critical. COG's response was boiler plate and didn't address the financial impact analysis. COG did a macro analysis but did not consider the impact to the town. COG would work with the town to comply with 40B requirements, but Mt. Mitchell said that was not needed. JMG/BPG was less impressive in terms of text and formatting but covered the basics. JM Goldstein hit all the requested summary conclusions, recommendations, and elements. JMG/BPG was a smaller firm and the Town might receive greater attention. Judi Barrett, a principal of JMG/BPG had been involved with the 2004 Master Plan and went above and beyond the scope of work. Mr. Mitchell and Ms. Curry had not yet checked references or

reviewed fee bids as they were not part of the evaluation. Ms. Curry said the cost benefit analysis was a deciding factor for her.

Patrick Reffett noted the Town Manager was the procurement officer for the town and the only one authorized to enter into a contract outside of the Selectmen. Mr. Reffett said he would be happy to bring the Board's recommendation to the new town manager. Mr. Reffett said both firms knew the budget was for \$30,000 and assumed the fees would be in that range. Mr. Reffett would also check references.

Motion made Ed Howard to recommend JM Goldson and Barrett Planning Group to the town manager.

Peter Clark seconded.

Vote: Unanimous in favor.

Other Board Business/Discussions

Upcoming By-law amendments

Accessory apartments and the Conservancy District were the two Town Meeting related items. Town Meeting was set based on the high school's availability. Brian Stein might not be available and Patrick Reffett would be away. Mr. Reffett said the By-law stated that Town meeting would occur on the third or fourth Saturday in October and first Saturday in April. The Planning Board would present the Accessory Apartment By-law and the Selectmen would present the Conservancy District issue.

Minutes August 7, 2018

Next time.

Updates from the Chair and members

Ed Howard updated the Board regarding the Community Preservation Committee.

Patrick Reffett described the four bids for the Patton Homestead improvements. The low number was \$216,000 plus four different addendum or add-ons to bring the total to \$300,000 for improvements to the building. That project would occur in the fall, which would start to rapidly draw down the funds. Ed Howard said of the \$200,000 pledge from the CPC, the roof would be \$15,000 to \$20,000. The Selectmen would announce the associate member position and the Conservation Commission would officially dissolve the Open Space Committee.

Adjournment

Motion made by Rick Mitchell to adjourn.

Seconded by Dan Hamm.

Vote: Unanimous to adjourn at 8:36 pm.

Prepared by:

Marcie Ricker

Attest

Date