

HAMILTON PLANNING BOARD
MINUTES OF MEETING
February 19, 2019

Members Present: Richard Boroff, Peter Clark, Rick Mitchell, and Brian Stein (Chair).
Associate Members:
Planning Director: Patrick Reffett

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

Public Hearing – Communication Equipment Special Permit Petition by Mobilitie, LLC. Small cell antennae in the Business District.

Brian Stein announced that the applicant withdrew their application without prejudice based on an email received by Patrick Reffett.

Motion made by Peter Clark to allow the applicant to withdraw without prejudice.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Public Hearing – Definitive Subdivision Application for Nazir Shamsuddin. 46 and 48 Meyer Road.

Bob Griffin and Bill Sheehan were present to represent the applicant. Mr. Sheehan asked to have the hearing continued until March 5, 2019 as only four members of the Board were present at the meeting.

Motion made by Rick Mitchell to continue the public hearing until March 5, 2019 for the definitive subdivision application for 46 and 48 Meyer Road.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Site Plan Review – Public Safety/Senior Center Sign at 265-299 Bay Road.

Town Manager Joe Domelowicz and Police Chief Russ Stevens were present. Chief Stevens referred to the distributed packet. The existing sign was 3'10" x 3'5" and had been allowed under a variance. Chief Stevens was now asking for an electronic sign to replace the existing wood carved sign in the same location. Chief Stevens explained that the sign would be used to alert the town to pertinent information as was currently being done with a portable electronic sign. Granite posts would be used.

Patrick Reffett said Site Plan Review was under the purview of the Planning Board as per the zoning bylaw however the current sign was allowed by a previous ZBA decision which would be amended with the new application. He also recommended considering the proposal under the Abbreviated Site Plan Review as there were not any typical impacts that would occur for a development project and no built square footage was being created. Discussion ensued regarding

if the 6' long sign was large enough to display information. Russ Stevens wanted to ensure the sign fit with the village feel of the town while being viewable at a 25' distance while traveling at the posted speed limit. Peter Clark was worried about scrolling information and safety but Brian Stein thought scrolling gained more useful attention. Mr. Stein wondered if a mock sign should be built in place to ensure the correct size.

Russ Stevens said the carved top of the sign was 2' x 6' and the electronic bottom section was the same size. The color and size of font could be adjusted but Chief Stevens was unsure if the lumens could be altered. Chief Stevens and Joe Domelowicz would develop a policy to determine what was appropriate to be listed on the sign such as parking bans, road closures, or high risk of fires. There might be less busy times when other information might be listed but the prioritization of messages would occur to determine appropriate uses.

Georgetown and Groveland each had signs and Russ Stevens would visit to determine if the size was comparable and provide photos. Once the Planning Board approved the proposal, Chief Stevens would go to the ZBA to determine if an extension of an existing variance could be granted. The variance would need to be extended for an electronic sign. Joe Domelowicz asked for flexibility in the approval as the sign would need to go out for bid so approval would need to be for a certain range of sign.

Master Plan (Residential) Update.

The consultant prepared a report based on the February 5, 2019 forum. The demographic report had been developed but was still being edited. The consultant coordinated with the assessor's office to obtain basic information. A large number of apartments had been noted but it was unclear if the number was accurate. Richard Boroff said he had spoken with the business manager of Asbury Grove to find that there was no land available for development and that an interview including a religious question was necessary to purchase a home within the neighborhood. If the Asbury Grove organization were to become defunct, the land would be returned to the Methodist Church.

The next forum would occur on March 20, 2019. The survey had received 527 responses with useful comments received. One comment was in regard to having pedestrian accessible housing for seniors. Outreach would occur ten days prior to the meeting.

Board Discussion – Future Zoning By-laws.

Three proposed By-laws were in the distributed packet. Patrick Reffett stated the Inclusionary Housing By-law had been sent to Town Counsel for review. Town Counsel had noted issues in the existing Sign By-law and had prepared changes to include multiple yard signs for schools or events. Town Counsel wanted to ensure that the Microcell By-law contained implicit language based on the recent FCC ruling that specified that microcell towers were allowed on public and private right of ways. Mr. Reffett thought the proposed bylaw should be applicable upon private

property, public property, public ways, and private ways because restricting use to public right of ways alone would only allow for use on 40% of the town leaving the remainder unprotected.

Peter Clark left the meeting at 7:50, leaving the Board without a quorum.

Board discussion on the Street Acceptance Policy occurred. The Planning Board had previously voted that the Town not continue the existing Street Acceptance Policy, which allowed property owners on private ways the ability to request street acceptance. The Selectmen requested a new policy be developed, which put the financial responsibility on the owners at 100% rather than the previous 50/50% share with the Town as is currently in place.

Marc Johnson (Patton Drive) referred to the example of when the water main was replaced at Woodland Meade for a town cost of \$500,000 despite the fact that it was a private way. Mr. Johnson thought the responsibility should have been on the landowners. After reviewing other towns' policies, the Selectmen chose one and were asking the Board for a recommendation.

Stacey Verge (43 Berrywood Lane) recalled that neighbors on her street had started the road acceptance process but it was stalled. The Town had plowed and collected trash on the private road for 50 years. Ms. Verge said she was unaware when she bought her home or received three appraisals on her home that the road was private. Ms. Verge said it made sense for new subdivisions to be under the newly proposed policy but thought it unfair to apply the policy to existing private ways. Ms. Verge noted the safety issue if the roadway was not cleared of snow. Ms. Verge said the Board had previously agreed to continue plowing if the neighbors met requirements, which she believed the neighbors would pursue.

Jane Kusel (591 Essex St.) said it would be unfair not to grandfather existing private ways especially ones that had tried to pursue acceptance in the past. Ms. Kusel thought there should be some identification to determine if trash or plowing was provided on various ways.

Rick Mitchell said the Selectmen were responsible for determining which ways received services. Janel Kusel responded that previously, homeowners on private ways were asked to pay for 50% of the improvements and engineering to meet the Town Standards while the new policy required homeowners pay 100% of those costs. Mr. Mitchell said the Planning Board was only asked to review the policy and that if a neighborhood was in the process presently they would still only pay 50% of those costs.

DPW Director Tim Olson said he and Town Manager Joe Domelowicz were reviewing private roads regarding trash and plowing. Currently the Town did a lot for private roads but they would be reviewing the By-law to ensure it was written correctly. Recommendation would be developed for Fall Town Meeting 2019 in an effort to give homeowners time to find a private plowing company. Mr. Olson would review deed restrictions for plowing, physical conditions of roadways, turnarounds, road widths and lengths, and how many houses were on the road.

Beth McCloud (4 Bancroft Way) said there were four homes on her private way. Ms. McCloud said the Town Manager assured her that there would be a survey to determine which private ways would be safe to plow for next year. Ms. McCloud knew Bancroft Way was a private way but the Town plowed it routinely for fourteen years until five years ago. Bancroft Way looked into having the Town accept the road but it proved prohibitive as there were only four houses on the way. Brian Stein said it would be up to the DPW and Selectmen to determine if services would be provided. The Town Clerk had a list of private roadways.

Barb Paslar (3 Patton Ridge) wondered if the Patton Ridge development was able to have their road accepted as public. Even though the 24' wide road was up to Town Standards, the development was approved as a Special Permit with conditions that specified the property be privately maintained for perpetuity. Patrick Reffett recalled that the roadway was constrained due to environmentally sensitive areas associated with the Ipswich River. Rick Mitchell noted the increased density allowed and that the approval included specific language that snow removal was the responsibility of the Homeowners' Association. Brian Stein noted that Patton Ridge was a condo development, which was different from a subdivision. The condition was listed on the deed. Ms. Paslar said deeds could be amended. Mr. Stein said the Special Permit conditions would need to come back to the Planning Board.

Richard Boroff recalled that Bancroft Way came in front of the Board to become a public way and the Board said no because the Special Permit said the roadway would be privately maintained for perpetuity.

Marc Johnson (Patton Drive) said the previous Town Manager had reviewed deeds to determine that some roads were being plowed that should not have been due to insurance risks. Some private ways did not want signs noting them as private.

Board Business – Municipal Vulnerability Preparedness Program.

Town Manager Joe Domelowicz said the process started with the Planning Grant fund, which included the complete cost of a consultant. The State had trained 80 consultants to perform the work. The Town needed to provide staff time to facilitate the project. An eight hour planning session would develop a plan to identify different vulnerabilities and ideas for mitigation. Once the plan was in place, the Town would choose from the list and pursue competitive grant round funding to do the work. Once completed, boxes could be checked to increase points for competitive grants. The Town's expectations would be tied to the State's.

Joe Domelowicz said Department Heads would outreach for a cross section of the town for the eight hour planning session. The Board would hopefully vote to support the application at its next meeting when a quorum was present. Mr. Domelowicz noted the other impacts such as wind or heat islands that could be uncovered for Hamilton.

Meeting Minutes – January 8, 2019 and January 22, 2019.

Next meeting

Updates

Adjournment

Motion made by Rick Mitchell to adjourn.

Seconded by Richard Boroff.

Vote: Unanimous to adjourn at 8:38 pm.

Prepared by:

Marcie Ricker

Attest

Date