

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
July 9, 2019

Members Present: Richard Boroff, Janel Curry, Rick Mitchell, Brian Stein (Chair), and Bill Wheaton.  
Associate Members: Laura Walsh  
Planning Director: Patrick Reffett

This meeting was called to order in the Memorial Room at Town Hall at 7:02 with a quorum established.

**Partial Release of Covenant. 354 Highland St. CanterBrook Senior Housing Special Permit.**

Attorney Jill Mann was present. The applicant was requesting a partial release to allow the construction of the building as one of the duplex units had been sold. The partial release would be for building the units but not the sale of the units. The request was specifically for Building 13 to include units #19 and 20. Ms. Mann said the developer preferred to complete the infrastructure and then produce a cash bond. The applicant would request to have the final coat of the roadway pavement before sales could occur.

Jill Mann said the Conservation Restriction and dedication of open space draft had been submitted to the Executive Office of Environmental Affairs. Once approved, the document would go to the Conservation Commission and Planning Board.

Developer Larry Smith gave an overview of site work construction and other key elements as required under the Decision. Mr. Smith said in December 2018, local preference for the project had been advertised in the local newspaper but there had not been any response. Mr. Smith said the applicant had complied with the requirement. Completed site work included the roadway, the electrical, the forced main, the sewer line from individual units, and drainage. The gas line would be completed in two to three weeks. The septic system was 50% complete and would be completed in 30 days. Mr. Smith said the applicant would return in 60 to 90 days to request the release of the covenant to be able to sell the units. One unit had been sold and would be completed in the first quarter of 2020. The Planning Board's decision to release the partial covenant to build would allow the applicant to obtain a foundation permit. The model unit building was up as a construction release had been granted but units could not be sold until a full release was issued.

Motion made by William Wheaton that the Board release building 13, including units 19 and 20 from the no building restriction set forth in the covenant, dated January 9, 2019.

Richard Boroff seconded.

Vote: Unanimous in favor.

**Continued Public Hearing – Medical Marijuana Facility. Site Plan Review. Stormwater Management. 654 Asbury St.**

Rick Mitchell moved to continue the public hearing for Site Plan Review and Stormwater Management Special Permit until a later Planning Board date to be determined in the future.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

**Approval Not Required. 6 Overhead Drive. Edward Hogan Jr. Modification to lots 4A and 1A.**

Attorney Jim Kroesser was present to represent the Hogan family. The application was to transfer lot 4B from lot 4 to what was presently lot 1. The parents, who lived in the main house had passed away and the children lived in homes on lots 1, 2, and 3. The existing driveway ran in front of lot 4 and was not considered appropriate for a third party buyer, according to Mr. Kroesser. The relocated driveway would provide better access to the other three properties. The change would not affect the setbacks. Bill Wheaton questioned the frontage of the other three houses. Mr. Kroesser responded that access was via an easement from Walnut Road. Mr. Wheaton noted the lots were non-conforming. Brian Stein said non-conformity did not matter with an Approval Not Required plan as ANR's don't approve zoning compliance. The assessor maps of 1910 showed the driveway to the lots. The identical driveway was present as access to the Myopia estate house in 1856. Dwellings existed on each of the four lots.

Motion made by Richard Boroff to approve the Approval Not Require plan for the property at Overhead Drive as requested.

Janel Curry seconded.

Vote: Unanimous in favor.

### **Master Planning Residential Forum Recap.**

Patrick Reffett said he wanted to see some practical recommendations from the consultant that would allow the community to move ahead and expand the housing stock. Brian Stein added that he wanted to see zoning recommendations with a fiscal impact analysis, which were based on the survey and the public forum. The consultants had indicated the request was reasonable and would produce the information. Rick Mitchell wanted to schedule a public discussion in September to discuss the recommendations. The Planning Board and the Affordable Housing Trust would have a separate joint meeting so as not to confuse the two goals since the Housing Production Plan was related but not the same as the Master Plan focus. The Affordable Housing Trust would set their own forum regarding the Housing Production Plan.

Discussion ensued regarding the educational cost per student in Hamilton. Richard Boroff noted that the first and third examples added nine children and kept the impact to a minimum. It was assumed that children would be divided into three grades and a new teacher would need to be hired, which Brian Stein called the worst case scenario. William Wheaton said the FinCom had develop a marginal cost per student, which was \$8,000 (9 children would be \$72,000) and close to the number of the proposal. Mr. Wheaton was concerned about duplexes as the impact could be larger. Rick Mitchell said more students would be needed to validate the number of teachers due to the declining student population. The consultants would revisit the financial costs of various types of housing.

### **Board Discussion. Commercial Overlay District.**

Patrick Reffett reviewed the Commercial Overlay District and distributed an updated copy of his report on the property within the district. The area was 52 acres and a solar field was being constructed on much of the former land fill portion of the site. Mr. Reffett noted that the landfill cap could not be perforated with foundations or other such items which limited development. Mr. Reffett referred to the shaded area of the Land Fill Permitting Map, which was the flood zone. Mr. Reffett thought hiring a consultant for \$20,000 would be a worthwhile investment in which to specifically determine what area was buildable. Mr. Reffett, who had walked the area with AMERESCO and a Mass DEP staff person, found the area had significant slopes and water issues. Priority habitat for rare species covered much of the area as was depicted on maps generated by the State Division of Fish and Wildlife. The Police Department had reportedly indicated as long as the gun club

and solar farm were on site, access needed to be controlled. Mr. Reffett said the District had been approved ten years prior to now in the hopes of generating economic development for the town but the “science” of the land there had not been considered. Reffett thought there would be very limited developable opportunity within the 52 acre COD area. National Grid would have a substation located on site to take power generated from the solar farm and put it into their system. Mr. Reffett would present the report, which outlined the site’s limitations to the Selectmen if they wished.

**Board Business.**

**Minutes**

Motion made by Brian Stein to approve the minutes of May 21, 2019.

Seconded by William Wheaton.

Vote: Unanimous in favor.

Motion made by Brian Stein to approve the minutes of June 18, 2019 as amended.

Seconded by Rick Mitchell.

Vote: Unanimous in favor.

**Adjournment**

Motion made by Rick Mitchell to adjourn.

Seconded.

Vote: Unanimous to adjourn at 7:58 pm.

Prepared by:

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Marcie Ricker

Attest

Date

