

HAMILTON PLANNING BOARD

MINUTES OF MEETING

Via Zoom 88084094983

Password 015026

Hybrid with Members in the

Memorial Room

Hamilton Town Hall

July 13, 2021

Members Present: Corey Beaulieu, Richard Boroff, Marnie Crouch, Emil Dahlquist, Rick Mitchell (Chair), Jonathan Poore, Bill Wheaton, and Patrick Norton (Associate).

Planning Director: Patrick Reffett.

Others present:

This meeting was called to order by Rick Mitchell at 7:02 pm with a quorum established.

Conceptual Review and Discussion of 40B Proposal from Harborlight Community Partners at 421 Asbury St. also known as southeast portion of Map 20, Lot 11 – immediately north of the Canter Brook Project. The Board will continue review of a conceptual 40B presentation and will provide a 40B Site Plan Review with their recommendations to be submitted to the Hamilton Zoning Board of Appeals for their formal review. Board will Postpone and continue the topic until August 3, 2021.

Members discussed coordination of consideration of two large proposed projects, namely a Ch. 40B project to be known as Asbury Commons, located at 421 Asbury St., and a Senior Housing Project under Section 8.2 of the of the Hamilton Zoning Bylaw located at 133 Essex St. Patrick Reffett noted that the applicant for the 421 Asbury Street project had been before the Board four times and comments at the August 3, 2021 meeting should be concise in an effort to complete the process in view of Essex Street project.

The timing and organization of the applicant's presentation and questions from the Board and town residents regarding the 133 Essex St. project were discussed. Jonathan Poore indicated that he wanted to ensure that the public was aware of the process. Marnie Crouch suggested an outline of subjects to be discussed. Reviewing projects in stages would be beneficial to focus on specifics of the project and fine tune comments. Requirements set forth in the Bylaw would be voted individually. Patrick Reffett said he had never seen an agenda structured in blocks for discussion, but thought it would be easy to segment elements of the Special Permit requirements. A matrix of the decision-making process could be easily designed in a scoreboard format as the project was presented and defended by the applicant, following input from consultants and the public. The framework could be constructed by following the logical order in Section 8.2 of the Zoning By-law, according to Mr. Reffett. Mr. Reffett would prepare a draft and send it to members for their review. Members would return their comments to Mr. Reffett. The final draft would be sent to members of the Board, Jill Mann, and Larry Smith as representatives of the applicant. Members of the public would be provided with a copy at the hearing. The segmented format would be written into the agenda and posted.

Emil Dahlquist suggested that the first segment should be to clarify and understand drawings and data before critiquing the project. The project matrix would take a few months to complete. The Board would not move forward unless it understood whether or not a particular requirement had been addressed. Rick Mitchell stated there was a third-party peer review process to look at documents and answer questions from the Board and public, as well as to determine the accuracy of data and the validity of conclusions made by the applicant. The Board might need to await peer review verification of, and conclusions from, the data presented by the applicant.

Marnie Crouch suggested that Rick Mitchell make opening remarks at the beginning of the hearing outlining the process and informing the public that a decision would not be made for several months. Patrick Reffett suggested that the applicant should make an introductory presentation as well. Jonathan Poore suggested blocks of information to allow for audience input. Richard Boroff suggested that Mr. Mitchell, who has had years of experience, should be able to run the meeting very well. Mr. Mitchell said he would lay out expectations of audience participation. Mr. Mitchell outlined the process that had worked in the past and would direct timing and direction of questioning based on relevancy.

Jonathan Poore asked about the process if portions of the Bylaw seemed unclear, contradictory, or counterintuitive during the Board's review. Specifically, he asked whether the Board should discuss the issue during the hearing or at a later date. Patrick Reffett responded that any section of the Bylaw that was questioned by the Board would be reviewed by Town Counsel who would issue an opinion.

Board to Discuss (and Potentially Vote Upon) "format" of Future Meetings of the Board.

Three potential meeting modes of operation were discussed: in-person with the public present coupled with cable TV access; Zoom only; or a hybrid of in-person and Zoom. Rick Mitchell referred to the Master Plan Steering Committee meeting, which utilized the hybrid approach. Consultants and the Chair shared the screen at that meeting. Mr. Mitchell thought that process was beneficial, particularly where many people may want to attend the meeting but the Memorial Room cannot accommodate significant numbers. Marnie Crouch added that allowing the Board and the audience to be able to view the plans and maps at an appropriate scale was critical to understanding the applicant's proposal. The applicant typically showed plans to the Board and the audience was limited in their ability to see the plans. Ms. Crouch said that even if plans were reduced and distributed to the audience, the scale made features such as septic locations on the plan difficult to see.

Members discussed the technical aspect of screen presentations. The applicant could bring a laptop and present information on the screen to both those in the physical audience and those watching the meeting on Zoom or HWCam. Drawings could be expanded to view intricate details, which could be viewed in person and via the remote meeting options. Patrick Norton volunteered to monitor the chat function in Zoom to allow those watching the meeting via Zoom an opportunity to ask questions. Patrick Reffett, who would be host, would have the ability to mute and unmute the virtual audience. Rick Mitchell said questions from those in the physical audience should be answered first, then those questions from the virtual audience would be

technical issues that might arise could be addressed.

Richard Boroff and William Wheaton agreed that the Board should try the hybrid method. Rick Mitchell added that the hybrid method also would allow Board members who were unable to attend in person could participate as well. The Chair or Acting Chair would need to be at the physical meeting. Corey Beaulieu thought the hybrid method might expedite meetings as it might facilitate the consolidation of viewpoints. Marnie Crouch agreed that the hybrid method should be tried but stressed having an IT person present to resolve potential problems.

Members discussed the Memorial Room capacity as social distancing would not be possible with many people attending in person. The public would be alerted that the first meeting (1.5 hours) would feature a presentation with only the Planning Board asking questions. The following meeting would be open to audience questions. Members discussed that it was important that the public be allowed to participate and their viewpoints heard as they would be more likely to accept the decision if their viewpoints had been heard. Those who felt their viewpoints were not adequately considered would be less likely to accept a decision.

Emil Dahlquist thought the fire capacity should be posted in the Memorial Room, and, if the number of attendees exceeded that number, the meeting should be suspended. Members discussed other potential sites such as the high school that might accommodate a larger audience. It was decided that a hybrid of having a physical meeting in the Memorial Room with the Zoom option would be sufficient. Jonathan Poore supported the hybrid concept, noting that any technical issues were worth the risk. Mr. Poore added that a contentious meeting in another town was conducted in a high school auditorium, which might have affected the outcome of the process. Patrick Norton agreed with the hybrid approach but was not opposed to going to a larger venue.

Rick Mitchell said that the library meeting room could accommodate 80 to 100 people but was not set up with cameras and that the high school auditorium could accommodate about 1,000 people but the Board would be on the stage separated from the audience. The Memorial Room capacity was discussed. Marnie Crouch suggested that the limitation of capacity should be posted with the notice of the August 3rd meeting so the public would know ahead of time that they might be turned away. The agenda would reflect that the room had a limited capacity but potential attendees could participate through Zoom and cable TV. The message would be sent to John Cole, the organizer of the Chebacco Woods group so he could disseminate the information to that group.

The Zoom capacity had been increased from 100 to 800 people. Richard Boroff recalled that there were a few meetings that were held in the past where there were too many people in the room. The most heavily attended meeting was the one concerning marijuana production at the Patton property. Patrick Reffett found the Certificate of Inspection, dated October 30, 2019, which indicated a capacity of only 73 people seated in chairs. If everyone stood, capacity increased to 102. Thirty-four chairs were allowed if some people stood, but up to 55 chairs could be added to a standing group. Marnie Crouch noted that the Certificate had been issued before COVID 19. Members discussed that the large tables used by Board members took up

about half of the room's space. Patrick Reffett recalled that for the Longmeadow application, 50 to 60 people were in the room and it was unbearably crowded. Currently 24 chairs were present in the room and space for about 20 people standing might be acceptable. The Board agreed that an acceptable number of attendees outside the Board itself, should be 50 while reassuring those who would not fit into the room that an unlimited number of people could attend via Zoom.

Patrick Reffett and Rick Mitchell would work together to work on the language for the agenda. Corey Beaulieu referred to the "raise your hand" function of Zoom, enabling the Board to consider the questions or comments of Zoom attendees. Only Mr. Reffett had the ability to mute and unmute Zoom attendees.

Board Business.

Discuss upcoming schedule

Peer Review Process as part of Special Permit Projects

Mr. Reffett explained the peer review process, noting that depending on the proposal teams of reviewers submitted their proposals and were then chosen based on their expertise if it matched the needs of the application. According to Mr. Reffett, the Town would choose a group that provided the breath of skills needed and that sometimes a primary and a secondary sub-consultant similar to those used for the Master Plan would be required. Sub-consultants typically specializations in hydrology, drainage, or water issues. The applicant paid the fee. The sum of \$15,000 had been received from an applicant already.

Corey Beaulieu discussed the points set forth in the Senior Housing Bylaw and asked whether the Board should go over each point one at a time and make a decision on each one, or whether a single decision would happen in the end of the process. Rick Mitchell responded that the Board would consider each subject area, then reach a consensus to determine whether members were satisfied with the information provided and whether they had the ability to make a decision based upon the criteria in the Bylaw. At the end, Patrick Reffett would do a summary of all the elements of the Special Permit, the applicant's response, and the Board's position on the response. A vote would then be taken. A simple majority (4 out of 7) was now required after the State law changed from requiring a supermajority. After the vote is taken, there is a 21-day appeal period. Any appeals would go to Land Court which are not promptly resolved. The Nazir Shamshuddin subdivision has been pending in the Land Court since 2018 and the Land Court had asked the parties to attempt to reach a settlement and, if a settlement did not occur, the appeal would result in further proceedings before the Land Court. The cell tower Special Permit was approved five years ago, followed by two years of proceedings in Federal Court and another two years of proceedings involving the Historic District Commission. The cell tower had been constructed but service has yet to be implemented.

Review Minutes of June 15, 2021

Motion made by Jonathan Poore to approve the minutes of June 15, 2021 with edits made by Marnie Crouch, Jonathan Poore, and Emil Dahlquist.

Seconded by William Wheaton.

Vote: Unanimous in favor with Richard Boroff abstaining due to absence.

Liaison reports (HAHT, Master Plan Committee, ZBA 40B Hearing)

Patrick Reffett recalled that the Master Plan process had continued with a hybrid meeting held last Thursday night. Mr. Reffett said he believed the hybrid format would work well for the Planning Board. Mr. Reffett said the Master Plan consultants would have a lot of data gathering to focus on in the next few weeks.

Marnie Crouch said the Willow St. project was proceeding and payment of Willow Street Hamilton’s second requisition would bring the total expenditure of the Hamilton Affordable Housing Trust to \$450,000 with a \$50,000 hold back. Rick Mitchell added that neighbors’ perceived flooding issues had not materialized despite the the significant rain amounts this summer.

Staff reports.
Future agenda items

Patrick Reffett said that an individual at 37 Bridge St. wanted to modify his driveway, which would require removing a section of a stone wall. Because Bridge St. is a Scenic Road approval of the work is required.

Upcoming Meetings – August 3, 2021; September 7, 2021; September 21, 2021.

Adjournment.

Motion made by William Wheaton to adjourn at 8:39 pm.
Seconded by Marnie Crouch.
Unanimous in favor.

Prepared by:

Marcie Ricker

Attest Date

