

BEALS · ASSOCIATES INC.

2 THIRTEENTH STREET CHARLESTOWN, MA 02129
PHONE: 617-242-1120 FAX: 617-242-1190

July 1, 2014

Ms. Kristine Cheetham
Planning Coordinator
Hamilton Planning Board
P.O. Box 429
577 Bay Road
Hamilton, MA 01936

**RE: Patton Homestead Senior Housing Development
C.P. Berry Residences, LLC
Special Permit Application Materials**

Dear Ms. Cheetham:

On behalf of our client, C.P. Berry Residences, LLC, our office is pleased to submit the enclosed application materials for a Senior Housing Special Permit pursuant to Section V.E. of the Town of Hamilton Zoning Bylaw. In preparing this application, our office has consulted both the Zoning Bylaw and the Planning Board's Special Permit Rules and Regulations to assist in compiling the necessary data required for this submittal.

As you are aware, this project has been proposed in response to a Request for Proposals issued by the Town of Hamilton earlier this year. The property is currently owned by the Town of Hamilton and will be subdivided through an ANR procedure later in the permitting track. The main reason for delaying the ANR process until later in the permitting process is that both the Town and C.P. Berry felt that it would be more beneficial to receive feedback during the Special Permit process prior to formally subdividing the parcel. Upon completion of the ANR process, C.P. Berry would own a small parcel surrounding the development, and the rest of the parcel would remain under Town Ownership. An easement will be granted by the Town benefitting C.P. Berry to utilize certain Open Space areas to create a Developable Area that meets current zoning requirements. This area would be deed restricted to prohibit further development.

The proposed project will be located at the southerly side of the Patton Homestead located at 650 Asbury Street in Hamilton. The general proposal is for construction of twelve (12) units of Senior Housing that has been planned and designed in a clustered configuration utilizing six (6) individual structures each with two (2) units. The project site will be accessed via a private roadway that will be constructed off Asbury Street. The roadway will be 24 feet wide and will feature a cul-de-sac at the end that will be designed in accordance with the Town of Hamilton Fire Safety officer's review. The project proponent has been discussing this feature with the Fire Department.

The project will feature Low Impact Design techniques in order to minimize the development footprint and enhance the protection of the surrounding natural resources. Stormwater management will be accomplished through a series of rain gardens, open swales, and infiltration systems that will allow treatment of the stormwater runoff prior to infiltration for groundwater recharge.

Wastewater disposal will be provided through the design and implementation of a subsurface wastewater disposal system that will feature a Bioclear unit for pretreatment to further remove solids and total nitrogen prior to discharging the effluent into a chambered system. This will greatly enhance water quality and prolong the effective life of the system.

Attached to this cover letter, please find the following documentation:

- Complete, signed Special Permit Application form;
- Copy of the Property Deed
- A check in the amount of \$3,900 for the application fee (\$1,500 for the base fee plus \$200 per unit) made payable to the Town of Hamilton
- A check in the amount of \$5,000 for the Technical Review Fee, payable to the Town of Hamilton
- An acknowledgement regarding certified mailings to abutters
- A written narrative discussing the items noted in Section V.E.23 of the Zoning Bylaw

In addition to this original, we have included nine (9) full copies of the application materials as well as ten (10) limited copies of the application in accordance with the Senior Housing Bylaw Rules and Regulations.

We look forward to presenting this project at the next available meeting of the Planning Board. If you have any questions or comments on this matter, please do not hesitate to contact our office.

Sincerely,
Beals Associates, Inc.



Todd P. Morey, P.E.
Vice President - Engineering

Enc.
C: Alan Berry, C.P. Berry
Brad Latham, Latham Law Offices, LLC
C-840-Hamilton

**HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT**

SPECIAL PERMIT APPLIED FOR:

- Cell Tower and Tower Antenna Facility Special Permit (Section VI.20.)
 Open Space and Farmland Preservation Development (Section V.A.12.)
 Senior Housing Special Permit (Section V.E.)
 Common Driveway Special Permit (Section VI.12.c.)
 Other (explain) _____

Check the appropriate category above, and outline basis for request for Special Permit:-

Pursuant to Section V.E. of the Zoning Bylaw, the applicant proposes the development of twelve (12) senior housing units within six (6) structures in a clustered, low impact development configuration. The project has been designed in response to a Request for Proposals issued by the Town of Hamilton seeking development option on the Patton Homestead parcel. See the attached documentation for further information and data.

Name of Applicant <u>Town of Hamilton; and, C.P. Berry Residences, LLC</u>	Telephone Number <u>978.458.5570 978.887.1188</u>
<small>(if acting as Agent, attach authorization signed by Owner)</small>	
<u>577 Bay Road</u>	<u>Hamilton MA 01936</u>
<u>460 Boston Street, Suite 5</u>	<u>Topsfield MA 01983</u>
Address	City State Zip Code

Name of Owner <u>Town of Hamilton</u>	Telephone Number <u>978.458.5570</u>
<u>577 Bay Road</u>	<u>Hamilton MA 01936</u>
Address	City State Zip Code

Name of Engineer/Representative <u>Beals Associates, Inc., attn: Todd P. Morey</u>	Telephone Number <u>617.242.1120</u>
<u>2 Thirteenth Street</u>	<u>Charlestown MA 02129</u>
Address	City State Zip Code

Location of Proposed Project

<u>650 Asbury Road</u>	<u>Map 19 Parcel 1</u>
Street Address	Assessors Map & Lot #

<u>RA - Residence/Agriculture</u>	<u>Groundwater Protection/Wetland Overlay</u>	
Zoning District	Soils Classification	Overlay Districts
<u>31761</u>	<u>217</u>	<u>321 610</u>
Registry of Deeds Book	Page	Plan Book Page

Special Permit recorded Book _____ Page _____ Date Recorded _____

Title of Plan/Submittal _____

**HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT**

Page Two

Date of Plan July 1, 2014 Number of Plan Sheets Approximately 18

If a curbcut approval is required, have you obtained approval for curbcut(s) from the State Department of Public Works? N/A. If so, please attach copy of approval.

List any other approvals or variances received, applied for, or required from other Town or State departments, boards, or agencies:

DEPARTMENT/AGENCY	APPROVAL REQUIRED	DATE RECEIVED
Hamilton Conservation Commission	ORAD and Order of Conditions	
Hamilton Planning Board	ANR Subdivision (Possible)	
MESA/Natural Heritage	Letter of No Taking	

I have read the Town of Hamilton Rules and Regulations Governing Special Permits, and agree to the terms and conditions specified. I am herewith applying for a Special Permit.

Signature of Owner *Michelle Lorde* Date June 30, 2014
 Signature of Applicant *[Signature]* Date June 26, 2014

For Planning Board Use:

Date Application Filed _____

Date of Public Hearing _____

Date Hearing Closed _____

Date Decision Due _____

Date of Extension(s) _____

(Must be filed with Town Clerk and copy furnished to Applicant)

Date Decision Filed with Town Clerk _____

Date Decision Mailed to Applicant _____

Date Adopted: September 25, 2001
 Amended: September 27, 2005
 Amended: _____, 2009

11

PCJ

QUITCLAIM DEED

Joanne H. Patton, an unmarried individual, of Hamilton, Essex County, Massachusetts, and Edward H. Ladd and Caleb Loring, III, Executors under the Will of George S. Patton, a/k/a George Smith Patton (Essex Probate Case No. 04P2388EP1), in exercise of the power of sale under said Will and of every other power (herein collectively, the "Grantor"),

for consideration being a gift

grant to the Town of Hamilton, a Massachusetts municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and having a usual place of business at 577 Bay Road, Hamilton, Massachusetts 01936 (herein, the "Town")

with QUITCLAIM COVENANTS

The land with the buildings and improvements thereon known as and numbered 650 Asbury Street, Hamilton, Essex County, Massachusetts and more particularly described in Exhibit A attached hereto and made a part hereof

Being a portion of the premises conveyed to George S. Patton by Partition Deed dated February 20, 1965, recorded with the Essex South District Registry of Deeds in Book 5259, Page 177. Said George S. Patton died June 27, 2004 (Essex Probate Case No. 04P2388EP1).

The Grantor certifies that the premises conveyed hereby is the residential real estate in Hamilton, Massachusetts devised in Article "First" of the Third Codicil of the Will of said George S. Patton to Joanne H. Patton.

Property address: 650 Asbury Street, Hamilton, Essex County, Massachusetts 01936.

Said premises are hereby conveyed subject to the rights of first offer as provided below:

1. In the event that the Town intends to sell, convey or otherwise transfer any part or all of the Property to a third party (other than a board, committee, department or other governmental entity within the Town), except for the land situated in the northwest quadrant of the Property as per the Marshall Gary LLC Schematic Site Plan attached as Exhibit B herto and made a part hereof, the Town (the "Offeror") must first deliver a written offer (the "Offer") to sell such

Property Address: 650 Asbury Street, Hamilton, MA

Box 107

Bloomenthal & de Bastos LLC
935 Main Street
Waltham, MA 02451

property (the "Sale Property") to the each of the following persons who are then living and legally competent or the legal representative of an Offeree who is living and is not legally competent: the Donor, Joanne Holbrook Patton, and her children, Mother Margaret Georgina Patton, George S. Patton, Jr., Robert H. Patton, Helen Patton and Benjamin W. Patton (the "Offerees"), in care of The 1911 Trust Company, LLC.

2. The Offer shall state the sale price for the Sale Property, which shall be an amount equal to the fair market value of the Sale Property as determined by an independent real estate appraiser having at least ten years' experience in the appraisal of comparable property, selected by the Offeror, and any other terms and conditions on which the Offeror is willing to sell the Sale Property.

3. The Offerees shall have thirty (30) days from the date of the Offer to accept the Offer by written notice to the Offeror; provided, however, that if any one or more of the Offerees disputes the fair market value of the Sale Property as stated in the appraisal obtained by Offeror, such Offeree(s) shall give written notice of such dispute to the Offeror within said 30-day period and shall, within sixty (60) days of the date of the Offer, obtain and deliver to Offeror a second appraisal at the sole cost and expense of said Offerees from an independent appraiser having at least ten years' experience in the appraisal of comparable property of his, her or their own choosing, and said second appraisal shall be averaged with the first appraisal obtained by Offeror to determine the fair market value of the Sale Property. If the fair market appraisals of the two independent appraisers diverge by more than ten percent the two appraisers shall agree on a third similarly qualified appraiser, whose expenses and costs shall be shared by the Offeror and the Offeree(s) and the fair market value shall be the average of the three appraisals. If the fair market value of the Sale Property is adjusted as provided in this paragraph 3, the period in which the Offerees may accept the Offer shall expire fifteen (15) days after the date Offeror receives the second appraisal from Offerees.

4. If only one Offeree accepts the Offer, the Offeror and said Offeree shall have an additional forty-five (45) days from the date of the Offeree's acceptance to negotiate in good faith and execute a purchase and sale agreement reasonably acceptable to all parties. If more than one Offeree accepts the Offer and any of them notifies the Offeror in writing prior to the deadline for accepting the Offer that said Offeree is unwilling to take title as tenants in common with the other Offeree(s), the Offeror shall notify the Offerees in writing that the Sale Property will be sold to the highest bidder and shall require each Offeree to submit a written bid for the Sale Property within fifteen days of receipt of such notice at a price which is not less than the original offering price (as adjusted in accordance with paragraph 3, above). The Offeror and the Offeree making the highest bid shall then negotiate in good faith and execute a purchase and sale agreement within 45 days after the determination of the identity of the winning bidder.

5. If none of the Offerees timely accepts the Offer, or if one or more Offerees accepts the Offer but, despite good faith efforts, the parties are unable to timely negotiate and execute a purchase and sale agreement, the Offeror may sell the Sale Property to a third party within one (1) year of the date of the Offer at a price not less than that contained in the Offer (as adjusted in accordance with paragraph 3, above), and on such terms and conditions as are not more favorable to the third party buyer than those contained in the Offer.

6. In the event the Town shall attempt to sell any part or all of the Property without offering the Offerees the right of first offer as provided above, such sale shall be null and void.

7. If the Offeror shall make and record with the Essex County Registry of Deeds an affidavit stating (1) that a conveyance made by the Offeror is made pursuant to a bona fide offer to purchase; (2) that the Offeror has given notice to the Offerees and has otherwise complied with the provisions of this right of first offer; (3) that the Offeror has not received written notice of election to purchase from any Offeree in accordance with the provisions hereof, or that any Offeree who has given notice has failed to complete the purchase in accordance with the provisions hereof; and (4) that the conveyance is made to the third party buyer within one (1) year of the date of the Offer at a price not less than that contained in the Offer (as adjusted in accordance with paragraph 3, above), and on such terms and conditions as are not more favorable to the third party buyer than those contained in the Offer, such affidavit shall be conclusive evidence of compliance with the provisions hereof with respect to such conveyance in favor of the grantee therein and all persons claiming through or under such grantee.

8. The right of first offer reserved in this instrument shall not affect the right of the Town to subject the Property to a mortgage or other security instrument. Any first lender coming into possession of the Property, or any part thereof, pursuant to the remedies provided in a mortgage or foreclosure or deed in lieu of foreclosure shall be exempt from any right of first offer.

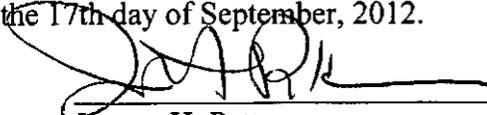
9. The northwest quadrant land referenced in paragraph 1 above is exempt from the requirement of first offering only if the following conditions are met:

- A. The Town is selling to develop or developing to sell property for moderately priced housing;
- B. The development will be consistent with the rural nature of the neighborhood and the number of units will not exceed twelve; and
- C. Twenty-five percent (25%) of the gross proceeds will be placed in one or more trust, gift, or endowment funds created to maintain and preserve the Property, buildings and plantings.

Joanne H. Patton hereby certifies that I am unmarried and have no former spouse or civil union partner who occupies or intends to occupy the premises as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.

SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGE

Executed as a sealed instrument effective as of the 17th day of September, 2012.

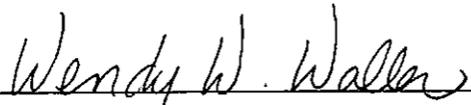


Joanne H. Patton

COMMONWEALTH OF MASSACHUSETTS

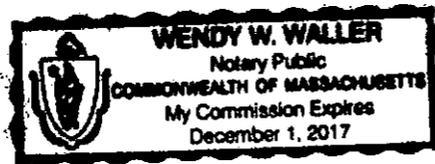
Essex, ss

On this 17th day of September, 2012, before me, the undersigned notary public, personally appeared Joanne H. Patton, and proved to me through satisfactory evidence of identification, which was personal knowledge/driver's license/passport/_____ (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

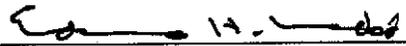


Wendy W. Waller

Notary Public
My Commission Expires:



Executed as a sealed instrument effective as of the 17th day of September, 2012.


Edward H. Ladd, Executor
under the Will of George S. Patton,
a/k/a George Smith Patton

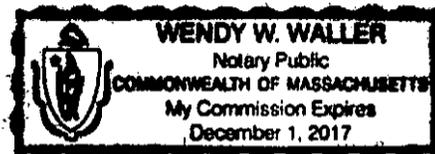
COMMONWEALTH OF MASSACHUSETTS

Essex ss

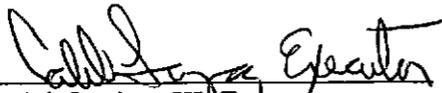
On this 17th day of September, 2012, before me, the undersigned notary public, personally appeared Edward H. Ladd, and proved to me through satisfactory evidence of identification, which was personal knowledge/driver's license/passport/personal knowledge (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes, as Executor under the Will of George S. Patton, a/k/a George Smith Patton.



Notary Public
My Commission Expires:



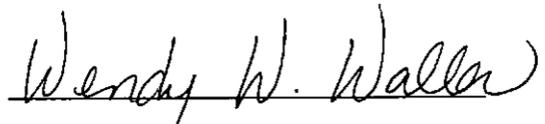
Executed as a sealed instrument effective as of the 17th day of September, 2012.


Caleb Loring, III, Executor
under the Will of George S. Patton,
a/k/a George Smith Patton

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this 17th day of September, 2012, before me, the undersigned notary public, personally appeared Caleb Loring, III, and proved to me through satisfactory evidence of identification, which was personal knowledge driver's license/passport/ _____ (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes, as Executor under the Will of George S. Patton, a/k/a George Smith Patton.



Notary Public
My Commission Expires:

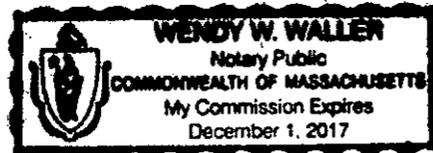


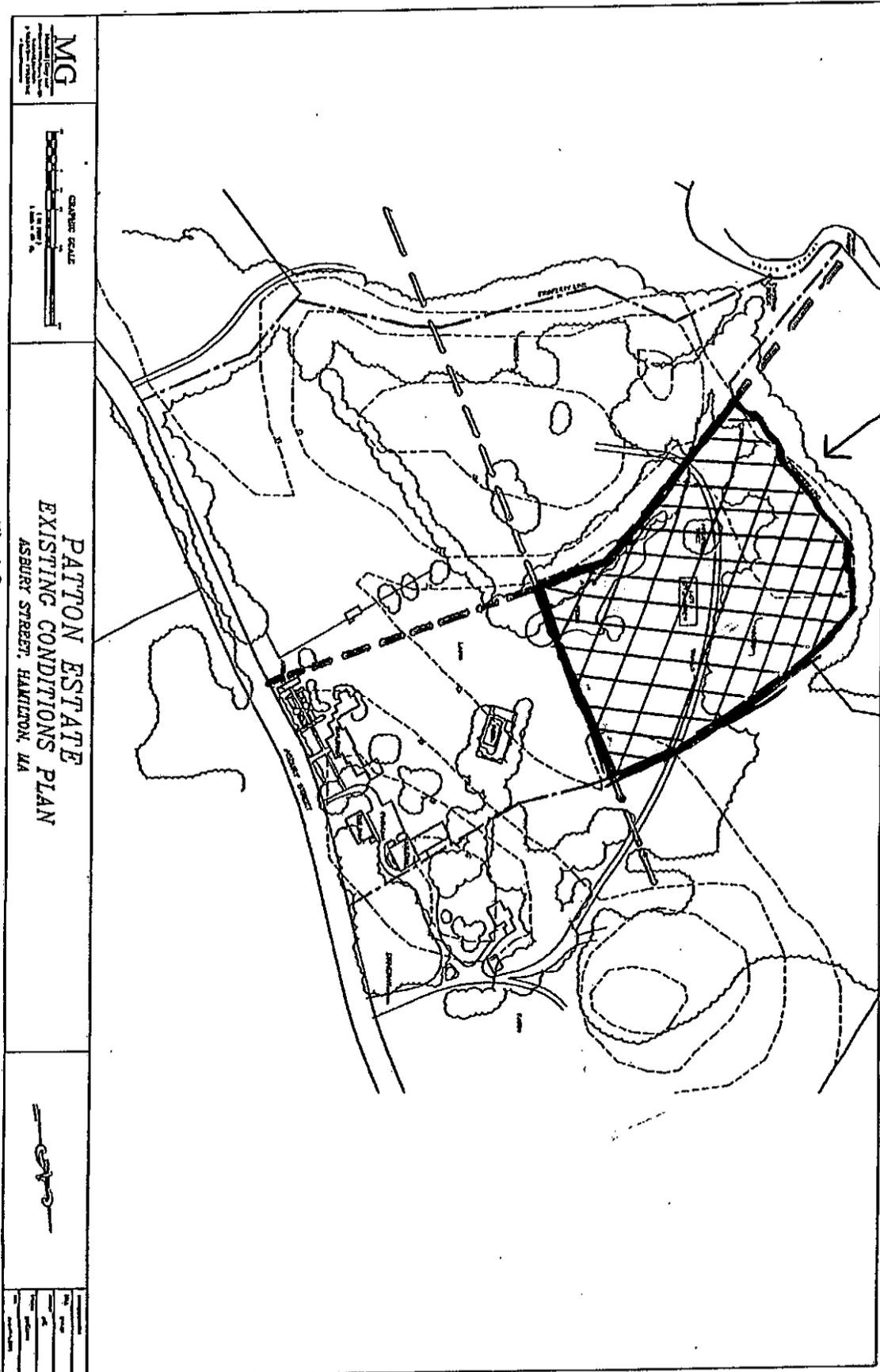
EXHIBIT A

The land with the buildings and improvements thereon situated on the westerly side of Asbury Street, Hamilton, Essex County, Massachusetts, commonly known as and numbered 650 Asbury Street and shown as Lot 4 on a Plan entitled: "Plan of Land in Hamilton & Topsfield, MA Prepared For George S. Patton", dated November 12, 1997 (Sheet 1 of 2), prepared by Hancock Survey Associates, Inc., recorded with the Essex South District Registry of Deeds in Plan Book 321, Plan 610.

Said Lot 4 containing an area of 27.20 ± Acres.

Said premises are conveyed subject to and with the benefit of easements and restrictions of record insofar as the same are now in force and applicable.

EXHIBIT B



COMMONWEALTH OF MASSACHUSETTS

ACCEPTANCE OF QUITCLAIM DEED

Essex, ss.

On this 17th day of September, 2012, the undersigned, being a majority of the members of the Board of Selectmen of the Town of Hamilton, pursuant to a Vote of the Annual Town Meeting of the Town of Hamilton on May 12, 2012, under Article 5-1, hereby accept on behalf of the Town of Hamilton the attached Quitclaim Deed from Joanne H. Patton and Edward H. Ladd and Caleb Loring, III, Executors under the Will of George S. Patton, a/k/a George Smith Patton, as a gift. An attested copy of the Town Meeting vote is attached hereto.

David G. Neill
David G. Neill

Marc I. Johnson
Marc I. Johnson

Jennifer T. Scuteri
Jennifer T. Scuteri

Jeffrey H. Stinson
Jeffrey H. Stinson

Jeffrey M. Hubbard
Jeffrey M. Hubbard

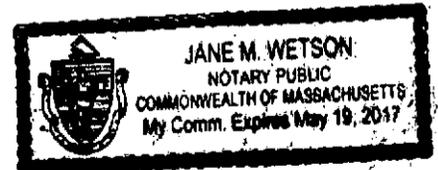
COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 17th day of September, 2012, before me, the undersigned Notary Public, personally appeared *David G. Neill, Marc I. Johnson, Jennifer T. Scuteri, Jeffrey H. Stinson, and Jeffrey M. Hubbard* and proved to me through satisfactory evidence of identification, which was which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Jane M. Wetson

Notary Public
My Commission Expires:





**TOWN OF HAMILTON
TOWN HALL
HAMILTON, MASSACHUSETTS 01936
978-468-5570**

The following is a certified copy of the motion and vote taken at the Annual Town Meeting of the Town of Hamilton held on May 12, 2012 at 9:00 AM at the Hamilton-Wenham Regional High School.

A.T.M. May 12, 2012 – Moderator declared a quorum being present (75) and the Warrant returned showing it had been properly served, opened the 219th Annual Town Meeting at 9:00 AM with 299 registered voters checked and present.

The Moderator noted that Articles 5-1 does not require two-thirds votes.

ARTICLE 2012/5 5-1 **Accept Gift of Patton Homestead**

The Moderator recognized Stacy Carpenter.

Moved by Stacy Carpenter, Patton Family Advisory Committee, duly seconded, that the Town authorize the Board of Selectmen to accept the deed to the town of a gift of land, fee simple interest, to one parcel of land at 650 Asbury Street, Hamilton, Essex County, Massachusetts, being a property known as the Patton Homestead, the parcel consisting of 27.20 ± acres of land, buildings and structures, identified as Map 19, Lot 1 in the records of the Hamilton Assessors, on file with the Town Clerk all on such terms and conditions as are acceptable to the Board of Selectmen.

Stacy Carpenter presented information about proposed gift and spoke to motion.

Moved by Bill Dery, Chebacco Road, duly seconded, moved an amendment that this matter be referred to the Advisory Committee for further study and development of which will include a definitive business plan which has inclusive a zero cost projection and escape clause in the event of failure and it becomes a tax burden.

Bill Dery, Marc Johnson, Peter Clark, Bill Bowler, Essex Street, Forrester Clark, Bridge Street, Mrs. Joanne Patton, Asbury Street, and Zachary Peters, Lake Drive, and Jennifer Scuteri spoke to the motion.

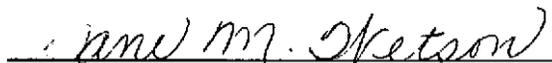
The Moderator called for the vote on Dery's amendment to amend motion to refer to the Advisory Committee for further study.

VOICE VOTE: MOTION TO AMEND --DOES NOT PASS

The Moderator called for the vote on the main motion moved by Stacy Carpenter to accept the gift of the Patton homestead. He noted that this required a majority vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

A TRUE COPY: ATTEST:



Jane M. Wetson, CMMC
Town Clerk

Public Notice Acknowledgement

In accordance with Item 2.d of the Application Submittal for Special Permits, Beals Associates, Inc. acknowledges that the following legal notice has been placed in the local newspaper once in each of two successive weeks, the first of which is not less than fourteen (14) days before the date of the public hearing.

Copies of this notice have also been sent via Certified Mail to the abutters noted on the attached certified abutters list at least fourteen days prior to the hearing. Copies of the Certified Mail receipts will be provided at the hearing.



**Town of Hamilton Planning Board
PO Box 429, 577 Bay Road
Hamilton, MA 01936
978-468-5584**

Notice of Public Hearing

The Hamilton Planning Board will hold a public hearing on July 15, 2014 at 7:30 p.m. in the Memorial Room, Hamilton Town Hall, 577 Bay Road, in accordance with MGL Chapter 40A, Section 10, and Hamilton Zoning By-law Section V.E. Senior Housing relative to An Application for a Senior Housing Development at 650 Asbury St., the Patton Homestead , Hamilton MA 01982 Submitted by C.P. Berry Residences, LLC. The applicant proposes to develop 12 units for senior housing in the R-A zoning district. The Town of Hamilton will participate as a co-applicant for their role as the owner of the open space associated with the Senior Housing Special Permit; Hamilton Zoning Bylaws Section V. E. 22 (b).

Applications and plans are on file and available for review at the Hamilton Planning Department. Any person interested or wishing to be heard on the proposed application should appear at the time and place designated.

**Kristine Cheetham
Planning Coordinator**

May 1, 2014

Map 19, Lot 1

**TOWN OF HAMILTON
PLANNING BOARD
CERTIFICATE OF PARTIES IN INTEREST**

Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, the undersigned Assessor of the Town of Hamilton, hereby certifies that the names and addresses appearing on the list appended hereto are those of the:

- (a) abutters 100'
- (b) owners of land directly opposite on any public or private street or way
- x (c) owners of land within 300' of the property line of the property at:

650 Asbury St

Dated May 1, 2014

PLANNING BOARD of the Town of Hamilton.


Catherine Zelano, MAA
Director of Assessing



300' Abutters List Report

Town of Hamilton, MA
May 01, 2014

Subject Property:

Parcel Number: 19-0001
CAMA Number: 19-000-0001
Property Address: 650 ASBURY ST

Mailing Address: HAMILTON TOWN OF
577 BAY RD
SOUTH HAMILTON, MA 01982

Abutters:

Parcel Number: 19-0002
CAMA Number: 19-000-0002
Property Address: 650 ASBURY ST

Mailing Address: PATTON FAMILY LTD PARTNERSHIP
C/O ESSEX STREET ASSOC
PO BOX 5600
BEVERLY FARMS, MA 01915

Parcel Number: 19-0004
CAMA Number: 19-000-0004
Property Address: 654 ASBURY ST

Mailing Address: PATTON FAMILY LTD PARTNERSHIP
C/O ESSEX STREET ASSOCIATES
PO BOX 5600
BEVERLY FARMS, MA 01915

Parcel Number: 27-0001
CAMA Number: 27-000-0001
Property Address: ASBURY ST (PATTON WELLS)

Mailing Address: HAMILTON TOWN OF PATTON WELLS
W/S ASBURY ST
BAY RD
HAMILTON, MA 01936

Parcel Number: 27-0003
CAMA Number: 27-000-0003
Property Address: REAR ASBURY ST

Mailing Address: ESSEX COUNTY GREENBELT ASSOC
C/O PIERCE JOHN W
82 EASTERN AV
ESSEX, MA 01929

Parcel Number: 27-0004
CAMA Number: 27-000-0004
Property Address: REAR ASBURY ST

Mailing Address: ESSEX COUNTY GREENBELT ASSOC
C/O PIERCE JOHN W
82 EASTERN AV
ESSEX, MA 01929

Parcel Number: 45-0001
CAMA Number: 45-000-0001
Property Address: HIGHLAND & ASBURY ST

Mailing Address: MASS AUDUBON SOCIETY
ASBURY & HIGHLAND ST
LINCOLN, MA 01773



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Written Narrative of Proposal and Plan Details

1.0 *Developable Acres: Total area of the parcel, area of upland, area of wetlands, Conservancy District, and other exclusions as listed in Section V.E.8 of the SH Bylaw, and calculation of Developable Area.*

Total Parcel Area = 15.0± acres

Upland Area = 14.2± acres

Wetland Area = 0.8± acres (all in Conservancy District)

Conservancy District = 3.0± acres

Total Developable Area = Total Parcel Area – Conservancy District = 15.0 – 3.0 = 12.0 acres

The project site will be divided into a smaller parcel that will be carved out of the main parcel of land. This will likely require an Approval Not Required (ANR) subdivision plan. The senior housing development parcel of 4 to 5 acres would be owned by C.P. Berry Residences, LLC and the remaining open space would revert back to Town of Hamilton ownership as it exists today. The reason of the delay in creating the ANR plan is that the project proponents (both C.P. Berry and the Town of Hamilton) desired a review of the overall project by the Planning Board prior to formally creating two parcels of land from the current Patton Homestead property. It would be an acceptable condition of approval to require the completion of the ANR process prior to construction. The resulting ANR parcels would both need to meet their respective zoning and land use dimensional criteria in order for the process to be completed.

2.0 *Public Benefit Incentives: List of Public Benefit Incentives sought, and calculations for increase in density, and maximum Density per Developable Acre applied for.*

At this time, the applicant is not seeking any Public Benefit Incentives; therefore there are not calculations for an increase in Density per Developable Acre.

The allowable Base Senior Housing Density per Developable Acre is 1.0 units per acre. With the proposal for 12 units, the project will be designed in accordance with the allowable density. The open space portion of this application will be restricted and not available for future development.

3.0 *Minimum distance between projects: A plan indicating approved multi-family projects, as defined in Section V.E.11.B of the SH Bylaw, in compliance with requirements for 1/3, 2/3 and one mile distances, in order to determine number of units available for this filing. (Per Section V.E.11.B., this plan will be updated and reviewed at the time of project approval.)*

An aerial photograph follows this page depicting a radius of 1/3, 2/3 and 1-mile from the proposed project site. The previously proposed Canter Brook senior housing project is located approximately 0.6 miles away, and is indicated on this plan. This exceeds the required minimum distance between projects of one-third (1/3) mile for under 50 units combined total in the two projects. To the best of our knowledge, there are no other proposed or permitted senior housing developments within this locus.

4.0 *Building Information: Number and type of units, number of units per building, number of bedrooms, square footage of units, distance separation between buildings, location and description of amenities.*

The proposed project features a total of twelve (12) senior housing units that will be contained within a total of six (6) buildings. Each building will feature two (2) units with two (2) bedrooms in each unit. The buildings were initially laid out to be seventy (70) feet apart, and were subsequently adjusted to minimize impacts to natural resource buffer zones. The minimum separation for the buildings is approximately forty (40) feet between units 4 and 5.

To present the attractive appearance of a single family home, each building will be designed with only one garage door on the front elevation. The second garage door will be positioned on the side of the building. This avoids the look of a row of garage doors along the streetscape. The architectural design will be traditional New England style fitting into the surrounding area as shown on the attached plans. This design concept will give the development a more welcoming appearance than a development of 3 to 4 unit buildings, and the 2 unit buildings will also provide a more desirable living condition for the residents.

The home designs will be approximately 2,500 sf on the first and second floor with a potential to finish the lower level in walk-out basement locations. All of the homes will have a master bedroom on the first floor in keeping with senior housing requirements. Each home will include a 2 car garage and 2 parking spaces in front of the garage doors, as well as several off street parking spaces. Outside living area is also provided on a rear deck or patio. All of the homes will be constructed and certified under the EnergyStar program to provide efficient, economical utility usage, and year-round comfort.

5.0 *Other Data: Square footage of developed area, open space in square feet (where applicable), percentage of impervious area, total amount of area to be disturbed during construction.*

Developed Area = 213,200± square feet (approx. 4.9± acres)

Open Space = Approx. 10.1 acres

Impervious area = 86,500± square feet

Impervious Area = 13.2 % of the Developed Area plus Open Space

= 16.5 % of the Developable Area

= 13.2 % of the Parcel Area

Total Area to be Disturbed during Construction = 213,200± square feet

6.0 *Parking calculations, length of driveways, and location of common driveways.*

The proposed project is residential in nature. Section VI.D of the Zoning Bylaw requires one parking space per dwelling unit. Section V.E.20 of the Bylaw presents more stringent regulations regarding parking, increasing the requirement to 2 spaces per dwelling unit along with visitor

parking at a rate of 0.2 per required spaces. The following calculations demonstrate compliance with these provisions.

Total dwelling units = 12

Required spaces per unit = 2.0

Total required spaces = 12 x 2.0 = 24 spaces.

Visitor spaces = 0.2 x 24 = 4.8 spaces, or 5 spaces

Total required spaces = 24 + 5 = 29 spaces

Each unit is designed with a two car garage as well as external parking spaces in front of each garage resulting in the equivalent of four (4) spaces per unit. This results in a total of 48 parking spaces within the proposed development.

In order to minimize the number of curb cuts into the development roadway, the individual driveways have been combined for adjacent units in each building with the exception of unit 1, 4, 5 and unit 12. Each driveway features the additional parking spaces described above as well as adequate maneuvering space for passenger vehicles and delivery vehicles.

7.0 Traffic statement: Estimated number of trips per day, indication of site distance from all access and egress points, and proposed methods to mitigate traffic impacts.

Due to the low number of proposed units, traffic generated by the development is expected to be minimal and not cause any significant impacts on the existing roadways. Detached Senior Housing falls under Land Use Category 251 in the ITE Trip Generation Manual (In relative terms, a senior housing development generates minimal traffic). From this publication, it can be projected that the proposed development will generate the following trip rates and vehicle trips:

Day	Time	Rate	Trips
Weekday	Daily	3.71/unit	45
	AM Peak	0.31/unit	4
	PM Peak	0.35/unit	5
Saturday	Daily	2.77/unit	34
Sunday	Daily	2.33/unit	28

Given the daily trips noted above, and assuming that 100% of these trips occur between 6 am and 10 pm (14 hours) this represents an average of 3 additional trips per hour on the roadway with the peak additional traffic calculated as 4 and 5 additional trips in the AM and PM peak hours, respectively. Our office would consider this an insignificant amount of increased traffic.

The proposed development will connect to Asbury Street from a 24 foot wide access road that will form a right angle intersection with Asbury Street. Sight distances from the proposed roadway looking northerly along Asbury Street exceed 400 feet, while sight distances to the south along Asbury Street are limited by roadway geometry to approximately 375 feet.

8.0 Low Impact Development: A statement of LID design features proposed.

This community will be constructed using the most current ecologically-friendly Low Impact Development (LID) approach to site development and storm-water management. LID designs aim to mimic natural hydrology and mitigate development impacts to land, water and air. This approach utilizes grass swales, rain gardens and bio retention areas to naturally replenish groundwater and improve water quality. The soil conditions at this site are ideal for the LID concept. The project proponent also intends to use recycled construction materials for roadwork and building preparation including crushed concrete.

Soft methods of stormwater management include the implementation of bio filtration and rain gardens to treat runoff from paved surfaces. The majority of runoff will be infiltrated providing groundwater recharge. All surface runoff from paved and impervious surfaces will be directed away from natural resource areas. The runoff generated by the proposed roadway includes a continuous cross slope to allow the surface to shed runoff without the use of hard structures such as catch basins and manholes.

The proposed roadway has been designed to be 24 feet wide which provides a degree of safety for traffic passing in both directions without adding excess lane widths for breakdown lanes. Shoulders have been added through the use of grassed surfaces to avoid additional pavement widths. The cul-de-sac has been designed to the minimum diameter possible in order to provide a safe travel way for fire department apparatus.

The development features twelve (12) dwelling units clustered into six (6) individual buildings. This results in a much smaller development footprint than a traditional residential subdivision that would feature twelve individual lots and single family homes.

The subsurface wastewater disposal system has been design to accommodate the entire development in one system rather than feature individual systems for each unit or building. This helps reduce the overall footprint of the project and allows for enhanced pretreatment of the wastewater prior to distribution into the subsurface disposal system.

9.0 Water Conservation Measures: A statement of proposed methods to conserve water and minimize watering methods, and a statement as to proposed area of lawn to be created and proposed preservation of site in natural state.

The project as designed will minimize the use of water through creative landscaping techniques as well as minimizing the amount of lawn areas that would need to be watered. Landscaped areas will be combined with rain gardens to capture natural surface runoff to provide water for the vegetation and promote water quality enhancements. The project will average approximately 2,500 square feet of lawn area per unit, significantly smaller than the average

lawn size of 7,500 square feet to 10,000 square feet (national average is approximately 1/5 of an acre or 8,700 square feet).

The project endeavors to maintain as much of the property in a natural state by preserving healthy trees, maintaining visual vistas, and minimizing the amount of earthwork required for the construction of the development. The roadways have been designed to mimic the natural topography to the extent practical, and the development footprint has been kept as compact as possible to avoid excessive impacts to the natural surroundings.

10.0 *Wastewater: Location of percolation and groundwater tests, type and general location of wastewater disposal system.*

The wastewater disposal system will be located on the northerly side of the development and will be designed as a combined system for the entire development rather than have individual systems for each building. Final test holes and percolation tests will be conducted with Town of Hamilton Staff as witnesses prior to submittal to the Board of Health for the subsurface wastewater disposal permit.

To improve groundwater quality and maximize the life expectancy of the subsurface system, the proponent proposes to install a Waterloo Biofilter septic treatment system. C.P. Berry has used this system both at English Commons and Caldwell Farm and has had great results. The system removes 95% of the total suspended solids and 65% of total nitrogen before depositing clear water into the subsurface system. This replenishes the groundwater with clean effluent, which is critical in this location near the Ipswich River, and reduces future maintenance costs and associated condominium fees.

The system will comprise of individual connections at each building that will flow via gravity through a septic tank and into the main collector line. This collector line will direct the effluent to a pump chamber that is sized for 24 hour storage and will then be pumped to the Bio-clear unit for pretreatment. The treated effluent will then be directed into the subsurface system which will be constructed with a series of chamber to help minimize the overall footprint and maximize the efficiency of the system.

This system will require review by the Board of Health prior to construction.

11.0 *Conceptual locations of buffer areas and plans for stormwater runoff and drainage.*

The project area is located on the top of a hillside that has been previously cleared and features scrub growth and grasses with the exception of three large Copper Beech trees. One of these trees is severely diseased and infested with carpenter ants, and as such will be removed. The other two will be preserved in their natural state. The site features natural wooded buffers that form the perimeter of the hilltop and provide protection to the wetland resource areas and the riverfront area. These buffers will also be preserved.

Stormwater management will be accomplished through a series of rain gardens and bio filtration and infiltration areas. The traditional use of catch basins and pipe structures will not be necessary with this approach as all runoff from impervious surfaces will be collected through shallow swales and infiltrated for groundwater recharge.

12.0 Fiscal Benefit: A statement of the estimated tax benefit. Value of each building, total value upon completion, estimate of building permit fees and estimate of excise taxes.

The proposed housing project will result in significant new tax revenue for the Town without placing a significant demand for municipal services. Being an age-restricted community (over 55), few if any new students will be added to the school system, thereby not increasing expenses to the Town. We submit the following factors for consideration:

- Infrastructure: The development roadway will be maintained and plowed by a condominium association, not the Town. If a conventional subdivision were developed on the land, the Town would have that responsibility. Landscape maintenance, tree maintenance and street lighting along the development roadway would be maintained by the condominium association, not the Town. The water line on the site will be maintained by the condominium association, not the Town.
- New Town Revenue: The development of 12 units as proposed by C.P. Berry would result in annual, sustained income to the Town that would mitigate any new expenses, as follows:

Projected Annual Revenue to the Town

Real Estate Tax Annual Revenues	\$ 140,940
12 Units @ \$675,000	
FY 2014 Tax Rate = \$17.40/Thousand	
Annual Excise Taxes	\$ 7,517
12 Units @ 1.5 vehicles/unit	
Average New Value \$40,000	
Average Age 2 Years = 60% Value	
FY 2014 Tax Rate= \$17.40/Thousand	
TOTAL ANNUAL REVENUES	\$ 148,457

13.0 Sign: If proposed, a drawing of the sign including dimensions, colors, and lighting.

A project sign is currently being developed by the project architect and will be submitted to the Planning Board for approval. The sign will be tastefully designed to fit into the surrounding area.

14.0 Smart Growth: If the project contains a request for increases to Base Senior Housing Density due to Smart Growth incentives (Section V.E.10, Column E of the SH Bylaw), then the Smart Growth Principles to be applied are listed in Senior Housing Rules and Regulations Appendix A attached hereto.

This project does not request an increase to the Base Senior Housing Density.

15.0 Suggested Planning Board Findings

- A. *Be compatible with adjacent land uses and with the character of the neighborhood in which it is located.*

The proposed project is located within an area that has been considered by the Town of Hamilton for a more diverse housing base. By maintaining a small development footprint set back from Asbury Street, the development has maintained the neighborhood character established throughout this location.

- B. *Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.*

The proposed project will maintain existing buffers from natural resources and adjoining properties creating natural mitigation to potential negative impacts imposed by other development. Stormwater management and wastewater treatment facilities will be constructed to allow greater treatment of the discharges prior to infiltration in the ground. Noise dust and vibration during construction will be minimized by the reduced footprint of the development along with the location of the project remote from other residential areas. Stormwater runoff will receive additional treatment and filtration through vegetative practices prior to infiltration to promote groundwater recharge.

- C. *Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency.*

The project has been designed with an internal circulation system that maintains safe passage of vehicles off Asbury Street and minimizes the congestion along Asbury Street. The pedestrian circulation within the site is designed to connect the internal development with the existing walking trails in the area. Emergency vehicles have been considered in the design of the cul-de-sac, ensuring that fire apparatus can safely navigate throughout the development should the need arise.

- D. *Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and sewer capacity.*

The project will be served by public water. The existing system is located within Asbury Street and will provide adequate pressure to the project based on fire flow test results from The Hamilton Public Works Department on May 21, 2014.

The proposed project will be served by a private wastewater disposal system as it is not located with an area served by a public sanitary sewer.

Electric and telecommunications will be provided by individual private companies who have existing facilities along Asbury Street.

Gas will be provided by propane tanks located at each building.

The proponent has demonstrated that adequate public and private facilities are available to serve the development.

- E. Provide for visual and noise buffering of the development to minimize impact to abutting properties.*

Impacts to abutting properties have been minimized and mitigated by preserving natural buffers that currently exist today. The encroachment into the current buffers has been minimized to the extent practical by the proponent.

- F. Provide for the perpetual preservation and maintenance of open space, trails, and recreation areas.*

The proponent has connected the existing trail network to the internal pedestrian network for the project. The project also features large areas of continuous open space which will be maintained and owned by the Town of Hamilton to protect that areas around the Patton Homestead.

- G. Demonstrate compliance with the intent of Open Space and Farmland Preservation Development, Section V.A.12.7 OSFPD Special Permit Design Process, in order to encourage cluster development.*

Section V.A.12.7 creates a method of design development which takes into account natural features, existing topography and resource areas and the overall environment in laying out a project. The identification of conservation areas, identification and delineation of the proposed development area, the location of the dwelling units and the layout of the roadway are all exemplified within this project as is evidenced by the clustering to the buildings, the preservation of large mature growth trees and the preservation of natural buffers to resource areas.

Multi-Unit Development Density

