

BEALS · ASSOCIATES INC.

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November 26, 2014

Mr. Patrick Reffett
Director of Planning and Inspections
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**

RECEIVED
TOWN CLERK'S OFFICE
HAMILTON, MA
2014 NOV 26 AM 10 40

Dear Mr. Reffett:

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. 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:

- A complete Project Narrative containing the following:
 - Application
 - Development plan set – Approx. 20 pages
 - Drainage Calculations
 - Conservation plan Aerial plan
 - Site perspective rendering
 - Architectural plans
 - Building perspective rendering
 - Letter from Division of Fisheries & Wildlife
 - Percolation testing results
 - Conservation Commission Order of Resource Area Delineation
 - Letter from Affordable Housing Trust with letter from Brad Latham
 - Certified Abutter's List
 - RFP plan
 - Purchase & sale agreement
 - Open Space land use statement from the Town of Hamilton
 - Patton Gift Agreement
 - Arborist report
 - Fire Flow Test Results
 - Commonwealth of Massachusetts Executive Office of Environmental Affairs (EOEA) Groundwater Protection 2013 Zone II Boundary map
 - Legal opinion letter from Lisa Mead, Esq., Blatman, Bobrowski & Mead, LLC

- Copy of the Property Deed

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- 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 had previously been submitted for the original application and have been waived for this re-submittal.
- A check in the amount of \$5,000 for the Technical Review Fee, payable to the Town of Hamilton had previously been submitted for the original application and have been waived for this re-submittal.
- An acknowledgement regarding certified mailings to abutters

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
Hamilton Town Clerk
C-840-Hamilton

Addendum to Application for Senior Housing Special Permit

Narrative

650 Asbury Street, Hamilton

October 22, 2014

Applicant: Town of Hamilton & C.P. Berry Residences, LLC

The Town of Hamilton has contracted to sell a portion of the land known as the Patton Homestead on Asbury Street, Hamilton, Massachusetts, to C.P Berry Residences, LLC. This application is submitted by the Town of Hamilton, as the property owner, and C.P Berry Residences, LLC, as the contract purchaser and intended developer. The proposal is to build twelve (12) attractive residences in a defined area and assure the preservation of open space as required by the Town of Hamilton Senior Housing Zoning Bylaw. This application package is being submitted in pursuit of a Senior Housing Special Permit from the Planning Board.

A. Procedural History of the Property:

We outline the recent procedural history of the property, as follows:

1. A Gift of the property was offered to the town in December 2011 by Joanne Patton.
2. The Patton Family Advisory Gift Committee (PFAGC) was established after the gift was offered and the committee released a report on May 10, 2012 recommending that the Town purchase the property.
3. Town meeting voted to accept the gift on May 12, 2012.
4. The Gift Agreement was executed on August 13, 2012 and September 7, 2012 by the Board of Selectmen and Joanne Holbrook Patton. The closing was subsequently made in September 2012. The Gift Agreement clearly shows the intent of the Patton family to provide for a source of income to preserve the Homestead by allowing the town to sell development rights for 12 homes on the property with the minimum amount of land required to meet zoning requirements.
5. The PFAGC reconvened and prioritized use options for the property and prepared a plan depicting the "Development Site" (attached) and drafted a Request For Proposals (RFP). This RFP takes into account the minimum amount of land needed to be conveyed for the development, as anticipated by the Gift Agreement. The "Development Site" shown on the plan for the 12 units includes 4+/- acres and the open space portion of the land was intended to remain in town ownership.
6. The gift agreement was amended on February 3, 2014 and included allowing the re-positioning of the proposed 12 units away from the rear of the homestead to the hill in the southwest corner of the property. This agreement was signed by Joanne Patton and the Board of Selectmen.

- *Site perspective rendering (to be sent separately)*
- *Architectural plans*
- *Building perspective rendering*
- *Letter from Division of Fisheries & Wildlife*
- *Soil Testing Results*
- *Conservation Commission Order of Resource Area Delineation*
- *Letter from Affordable Housing Trust with letter from Brad Latham*
- *Certified Abutter's List*
- *RFP plan*
- *Purchase & sale agreement*
- *Open Space land use statement from the Town of Hamilton*
- *Patton Gift Agreement*
- *Arborist report*
- *Fire Flow Test Results*
- *Commonwealth of Massachusetts Executive Office of Environmental Affairs (EOEA) Groundwater Protection 2013 Zone II Boundary map*
- *Legal opinion letter from Lisa Mead, Esq., Blatman, Bobrowski & Mead, LLC*

C. Senior Housing Zoning Bylaw Review

The Applicant recites below the standards in the Senior Housing Zoning Bylaw [Section V.E] and shows how the application meets those standards. The below paragraph numbers correspond to the sections in the Senior Housing Bylaw.

1. Purpose and Intent

- *This proposal meets the purpose and intent of the Senior Housing Bylaw by offering moderately priced new homes (base price for a standard unit is \$675,000) for individuals over the age of 55 at a higher density than would normally be allowed.*
- *Land use planning in this proposal has maximized protection of natural features and environmental values, and is sensitive to the surrounding neighborhood. All of the buildings and roads are outside of environmentally sensitive areas, i.e., Priority Habitat for Rare Species, the 200' Riverfront Area, the 100' Buffer Zone and the Conservancy District. The area of land shown on the RFP plan depicting the area of development basically avoids these areas. The new buildings are positioned over 300' from Asbury St. with adequate vegetative screening to protect existing views along the street.*
- **Allow a type of development which has positive fiscal benefits to the Town:** *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 where at least one occupant must be over the age of 55 and all other occupants must be over age 18, no new students will be added to the school system,*

thereby not increasing education related 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.
- Initial First Year Revenue to the Town: new revenue in the first year to the town will include the purchase price of the land, a contribution to the Affordable Housing Trust and building/electrical/plumbing/gas permit fees, as follows:

Projected First Year Revenue to the Town

Purchase of Land	\$1,000,000
Contribution to the Affordable Housing Trust	\$156,480
Estimated Building Permit Fees	\$37,450
TOTAL FIRST YEAR REVENUES	\$1,193,930

- New Annual 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

- This development proposal includes traditional style New England homes consisting of a cluster of nine single family buildings and one three family townhouse. To protect

Hamilton's rural New England character, the homes are designed to present the appearance of traditional style homes and townhomes.

2. **Administration** – *This application conforms to the applicable provisions of Mass. General Laws Chapter 40A and the Hamilton Zoning Bylaws and any applicable regulations.*
3. **Planning Board Rules & Regulations** – *No rules and regulations have been promulgated as to the Senior Housing Bylaw.*
4. **Occupancy** – *Each unit will be occupied by at least one person over the age of 55 and all other residents shall be over the age of 18.*
5. **Limitations on Senior Housing Development**
 - a. *No senior housing units exist in town so this development will not exceed the limit of 100 units in town.*
 - b. *The maximum number applied for in Hamilton this year will be less than 50 units.*
6. **Expiration Of Bylaw** – *We have been advised by the Town that the Bylaw has not expired.*
7. **Permitted Uses** – *This development will include the following permitted uses: single-family detached dwellings, townhouse dwelling, and open space and conservation areas. Two-family dwellings are not included as a permitted use in either the Senior Housing Bylaw or the OSFPD, as such, the proposal does not include any two-family dwellings.*
8. **Developable Acres:**

Total Parcel Area = 13.5 acres
Wetland Area & Conservancy District = 1.4 acres
Total Developable Area = Total Parcel Area – Wetland Area & Conservancy District = 13.5 acres – 1.4 acres = 12.1 acres
The senior housing development parcel of 4.4 acres will be conveyed for the condominium development and the remaining open space of 9.1 acres will remain in the ownership of the Town of Hamilton and will include the required use restriction to meet the intent of the bylaw.
9. **Base Senior Housing Density:**

The Base Density per developable acre for the Senior Housing Special Permit is one (1) dwelling unit per acre in this zoning district (RA district). This property includes 12.1 acres of land not including wetlands or land within the Conservancy District, therefore, 12 dwelling units are permitted. The base density is further limited per the Patton gift agreement and the RFP to a total of 12 units.
10. **Incentives to Increase Base Senior Housing Density:**

This application does not seek any increases to the Base Senior Housing Density.
11. **Minimum Distance Between Projects**

To the best of our knowledge, there are no other proposed or permitted senior housing developments within the proscribed distance from this site.

12. General Requirements

General Compliance:

This proposal complies with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special sensitivities of the Historic Commission and the Groundwater Protection Overlay District (GPOD). This development meets the requirements of the GPOD including the dimensional requirement of a "minimum lot area of 80,000 square feet for a building lot". The condominium development lot exceeds this requirement. The project will be developed as a condominium and the land area to be developed with housing shall remain as one lot. This project does not involve a subdivision as defined by the Subdivision Control Law.

a. Extension or Alteration of Pre-Existing Non-Conforming Use - *This application does not involve an alteration of a pre-existing nonconforming use.*

b. Inclusionary Housing

This application includes a payment to the Town in lieu of as is allowed by the Zoning Bylaw. Please see the attached letter from the Affordable Housing Trust recommending such an arrangement. The payment required per the bylaw is \$135,500. This application includes a contribution of \$156,480, which exceeds the amount required by the bylaw.

c. Local Preference

This application is willing to provide a local preference plan to encourage sales to current residents of Hamilton. The plan would be to publish a newspaper advertisement upon the issuance of the senior housing special permit giving Hamilton residents 30 days to contact the developer and be placed on a priority list for selection of a unit.

d. Low-Impact Development:

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.

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.

g. Paths and Trails

Existing trails and paths are located in the Open Space land and will remain.

h. Conversion to Apartments

The applicant would abide by the Bylaw prohibition that buildings built under the special permit not be converted to apartments.

i. Reuse Existing Buildings

There are no existing buildings on the development site.

j. Homeowners Association and/or Condominium Documents

This proposal is for a condominium development under the provisions of Mass. General Laws Chapter 183A. As a consequence, there will be a master deed, condominium association, bylaws and rules and regulations. As is required by the Senior Housing Bylaw, those documents will be submitted for approval prior to building permit application and infrastructure construction, so the Town can determine that the documents reflect the intent of the bylaw and the relevant sections of the Special Permit final decision. We assume that the approval of the condominium documents would be a condition contained in the Senior Housing Special Permit as the condominium documents cannot "incorporate" the relevant sections of the Decision of the Planning Board until that decision has been issued.

Other legal documents will include a performance guaranty and the local preference plan. A three-party agreement is proposed to cover the cost of the new road construction and the septic system.

13. Exemptions

A proposal for a Senior Housing Special Permit shall be exempt for Section V.12, Open Space and Farmland Preservation Development, and Section VI.H., Site Plan Review.

14. Dimensional Standards

All of the Dimensional Standards set in the bylaw have been met for zoning district RA:

Minimum Parcel Size = 80,000 square feet – actual parcel size is 13.5 acres.

Minimum Parcel Frontage = 175' – actual parcel frontage is 470.60'

Minimum Front Setback = 50' – actual front setback is greater than 340'

*Minimum Side & Rear Setbacks = 28' * – actual side & rear setbacks are greater than 135'*

**Minimum is 25' or the height of the building (28'), whichever is greater*

Minimum Vegetated Buffer = 20' – actual vegetated buffer is greater than 20'

Minimum Open Space Required = 25% - actual open space is 67.4%

Maximum Lot Coverage = 25% - actual lot coverage is 12.51%

Development dimensions and calculations:

Developed Area = 4.4 acres

Open Space = 9.1 acres.

Impervious area = 73,540 square feet (Buildings 32,553 sf, Road 23,838 sf, Drives 12,176 sf, & Walkways 4,973 sf)

Impervious Area = 12.51% of the Developed Area plus Open Space (13.5 acres)

Total Area to be Disturbed during Construction = approximately 4.4 acres

15. Building and Design Standards

a. Dwelling units

The proposed project features a total of twelve (12) senior housing units that will be contained within a total of nine single family buildings and one three-family townhouse. Each home will feature two (2) bedrooms.

b. Buildings

The architectural design will be traditional New England style fitting in with the surrounding area and consistent with the character of the town. The buildings include nine (9) single family homes and one (1) three-family townhouse. These buildings are smaller in scale than a typical 4 or more unit townhouse structure. The buildings are more welcoming in appearance and provide a more desirable living condition for the residents.

The home designs will be approximately 2,500 square feet on the first and second floor with a potential to finish the lower level. 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.

c. Mixture of units

The development will contain a mixture of 9 single family homes and one three family townhouse. To maintain moderate pricing of the homes, all of the buildings will be similar in design. Optional

finished basements will be offered to provide a mixture of sizes and selling prices. Some of the units will have walkout basements and some will have half-wall basements. The base price for a standard unit is \$675,000 before adding optional upgrades.

d. Building separation

The buildings are laid out to be twenty five (25) feet apart as required by the Senior Housing Bylaw.

e. Accessory structures

The only accessory building proposed is a mail building which will be constructed in a similar style as the homes. This structure will comply with all of the setback requirements.

f. Other Building and Design Standards in applicable Planning Board Rules and Regulations shall apply.

16. Lighting

Traditional style exterior lighting fixtures will be used. No flood lighting is proposed. Street lights shall be similar to the gas lantern style used at English Commons in Topsfield. Cut sheets of these lights are included in the attached plans. Locations of the street lights are also shown on the plans.

17. Signs

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.

18. Site Access, Roadway Design and Management

- a. *New Private Way - 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:*

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

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 as shown on the plans. To create a more attractive entry, the intersection of the new road and Asbury Street is set at a 70 degree angle, rather than 90 degrees. The corner radiuses at each side of the entry have been adjusted to account for this intersection angle. 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.

- b. Proposed development is from a town approved street.*
- c. As indicated above, this is will be a private way.*
- d. Site access has been positioned as far as possible from the Patton Homestead and outside of the Conservancy District line. The toe of the road slope pivots from the most northerly point of the Conservancy District toward the entry.*

19. Stormwater Management & Erosion Control

- a. The peak rate of stormwater runoff shall comply with DEP requirements. Attached are the drainage calculations.*
- b. General soil erosion will be minimized with erosion control devices and best management practices.*

20. Parking

- a. The proposed project is residential in nature and will provide more than adequate off-street parking.*
- b. Each unit will have 2 spaces in the attached garage plus 2 spaces in front of each garage door, or 4 spaces per unit. Additionally, 0.2 spaces per unit are required for added visitor parking.*

Total dwelling units = 12

Required spaces per unit = 2.0

Total required spaces = 12 x 2.0 = 24 spaces.

Total Required Visitor spaces = 0.2 x 12 = 2.4 spaces, or 3 spaces

Total required spaces = 24 +3 = 29 spaces

Total off-street spaces provide = 12 x 4 = 48 spaces

- c. Postal delivery parking of 2 spaces is provided for in front of the mail building.*
- d. Additional parking is provided within the driveways to the garages to minimize the area of impervious pavement and runoff.*
- e. None of the parking provided is within the required minimum yard setbacks.*
- f. No parking is located in the 25' minimum separation between buildings.*

21. Setbacks and Landscape Buffers

- a. The naturally vegetated areas behind the buildings will not be disturbed. Nearly all of the large trees around the perimeter of the development will remain. The 2 healthy copper beech trees will also remain.*
- b. The natural landscape buffers around the property will remain intact. Also, additional trees will be planted within the development and along the front for screening as shown on the attached plans.*

22. Open Space and Natural Resources

- a. *The open space shall be permanently protected as dedicated by the Board of Selectmen.*
- b. *Ownership of the Open Space will remain in Town ownership for “park or open space use” and will be subject to the conditions of this Special Permit, including restrictions.*
- c. **Use, Shape, Location of Common Open Space**
 1. *The common open space is and will remain undisturbed and unaltered.*
 2. *The common open space is contiguous.*
 3. *The common open space shall be functional for wildlife habitat, passive recreation and resource preservation.*
 4. *The location shall be approved by the Planning Board.*
 5. *The common open space is accessible and open to all the residents and to the Town.*
 6. *Septic areas are not included in the open space.*
 7. *More than 50% of the open space is outside of the wetlands and the Conservancy District. A total of 7.7 acres of the 9.1 acres of open space, or 84.6%, is located outside of the wetlands and the Conservancy District.*
 8. *No existing utility easements are contained in the open space.*
 9. *All of the open space will remain undisturbed.*

23. Senior Housing Special Permit Application Process

- a. *This application contains an open space element.*
- b. *As per Section 5 of the Open Space and Farmland Preservation Development (OSFPD), a Pre-Application Conference and Site Walk was held on September 11, 2014. The Town has already engaged a land use attorney who attended the last pre-application conference. The OSFPD Special Permit Design Process from section 7 was adhered to in our site design planning as indicated below:*

OSFPD Design Process

- a. *Identification of conservation areas – The attached plan shows the regulated conservation areas. All buildings and roads have been located outside of the Priority Habitat of Rare Species line, the 200’ Riverfront area, the 100’ wetland buffer and the Conservancy District. Unprotected natural features were also identified and no structures were placed in these areas. These areas include the steep slopes and mature woodlands around the development area, the 2 healthy copper beech trees, the front field area, scenic views and the existing trails.*
- b. *Identification and delineation of the proposed development area – The development area was identified on the RFP plan and avoids the regulated conservation areas indicated above.*
- c. *Location of the dwelling units – Based on the above and the RFP plan, dwelling units were placed in the proposed development area in locations that minimized the view from the Patton Homestead back patio and maximized the distance from Asbury Street. Additional screening is proposed between the developed area and Asbury St. as shown on the attached plans and rendering.*

- d. *Roads and trails – Existing roads and trails have been left unaltered and contained in the open space. A trail will be included in the new development at the end of the new private way onto an existing trail which terminated in the open development area.*
- e. *Lotting – N/A. This is a condominium project and all units will be on one lot.*
- c. *A Definitive Subdivision is not proposed. N/A*
- d. *No Definitive Subdivision is proposed. An application is filed herewith for a Senior Housing Design Plan.*
- e. *Application Process is being followed.*
- f. *No activities are proposed on the property during the application process.*

24. Conditions of Approval

C.P. Berry Residences, LLC looks forward to working with the Planning Board in the development of appropriate conditions, safeguards, requirements and other standards.

25. Employment of Outside Consultants

We understand the Planning Board will engage an engineering consultant. The Town has already engaged a land use attorney who attended the last pre-application conference.

26. Planning Board Findings

We respectfully request that the Planning Board make the required findings in this decision.

- 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. All but three of the housing units are single-family detached units.

- 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. The use of the property is consistent with the use in the underlying zoning district for residential use.

f. Provide for the perpetual preservation and maintenance of open space, trails, and recreation areas.

The Town is participating in this application in order to provide dedicated open space as part of the proposed project. Integrating the use of all of the open space in the proposal, the proponent has taken care and 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 and will further protect the adjacent open space 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. Additional discussion of this process was given above in Section 23.b.

27. Duration of Special Permit

If approved, the project would commence within two years after the issuance of the Senior Housing Special Permit as provided in the Bylaw and applicable State law.

28. Annual Reporting

Annual reports shall be submitted to the building inspector each year and this requirement shall be included in the Condominium Documents.

Attachment A

Application Form

**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 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
<u>31761</u>	<u>217 321 610</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 November 26, 2014 Number of Plan Sheets Approximately 20

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	7.31.14

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 _____ Date _____
Signature of Applicant _____ Date _____

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

Attachment B

Development Plan Set

[under separate cover]

Attachment C

Drainage Calculations

[under separate cover]

Attachment D

Conservation Plan



Patton Homestead Development
November, 2014

SCALE: 1"=40'



BEALS ASSOCIATES

C. P. Berry Residences, LLC
460 Boston Street, Suite 5
Topsfield, MA 01963

Patton Homestead
Hamilton, Massachusetts

Attachment E
Aerial Plan



Patton Homestead
Hamilton, Massachusetts

C. P. Barry Residences, LLC
460 Boston Street, Suite 5
Topsfield, MA 01983

BEALS ASSOCIATES INC.
Aerial Photography and Mapping
1000 Old Derby Road, Derby, MA 01938



SCALE: 1"=100'

Patton Homestead Development
August, 2014