

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
April 21, 2015

Members Present: Chairman Jeff Melick, Peter Clark, Ed Howard, Rick Mitchell, Brian Stein, and Claudia Woods

Associate Members: Chris LaPointe and Matt Tobyne

Planning Director: Patrick Reffett

Others Present: Marc Johnson, Bill Redford, Miranda Gooding, Tom Ford, Alan Berry, Larry Beals, Todd Morey, Matt Weber, Brad Latham, Steve Homer, Steve Astalphe, Phil Paradis, Matt Crowley, Rick Salvo, Ronald Mason, and Dan Merrikan

This meeting was called to order at 7:30 p.m. by Chairman Melick.

Matt Tobyne thanked the public for voting for him in the recent election and recognized the competitor in the race.

**Patton Property Senior Housing Special Permit**

Rick Mitchell read the public hearing notice to open the continuance of the public hearing.

Rick Mitchell made a motion to consolidate the hearings of both the Stormwater Management permit application with that of the previously initiated and continued hearing for the Senior Housing Special Permit application.

Brian Stein seconded.

Patrick Reffett said that adding the Stormwater Management discussion hearing with the Senior Housing Special Permit hearing would be beneficial because they were intertwined and continued that it made sense to discuss how it related to the site, roadways, and development patterns for the site.

Vote: Unanimous in favor

Patrick Reffett gave an overview of the application for the 12 unit Senior Housing Special Permit with the two applicants, the Town of Hamilton and C.P. Berry. Mr. Reffett reminded the Board that they had looked at landscape and lighting plans. Peer engineers (Beta Group) had evaluated the plans and were working with the development engineer and designers to perfect the systems. The peer review engineers would be providing comments later in the meeting. Mr. Reffett said the application had gone from a broad scale but discussions regarding drainage and systems had fine-tuned the proposal.

Patrick Reffett stated that there had been a significant level of discussion between the applicant and the Board of Health but the Planning Board did not have a report from the Board of Health as of yet. Mr. Reffett said the Board of Health review was a separate approval process.

Larry Beals, Todd Morey, Matt Weber, Brad Latham, and Alan Berry were available for the discussion. Design changes that resulted from the process were summarized by Mr. Beals and his comments included the mechanics and engineering. The applicants added photometrics to the plan where lighting was reduced to a foot candle and noted that the lighting was reduced to a couple of bollards in the lower section. Mr. Beals stated that in the last meeting, the applicants were presented with a concept to consider "studied indifference" (well thought out but casual in appearance), with the objective that the roadway should look like a rural Vermont type driveway. The first study included the cluster of trees which were lined up too neatly and were now staggered to create more appropriate natural screening. Light poles had been moved behind the wall with lighting being minimized but placed for appropriate safety purposes. The wall had always been an important line on the landscape, according to Mr. Beals. Jeff Melick asked if any lighting was outside the wall and the response was no.

Mr. Beals stated that a pea-stone trench along the drive would intercept water before it entered the detention pond and stone check dams were added in the grass swales to reduce the velocity of the water as well as allowing for absorption.

Test pits were added to verify what soils were on site. According to Mr. Beals, the site was blessed with incredibly good soils including course sands and gravels. Three more test pits were added and the results included stratified soils with course sand and gravel. Mr. Beals added that there was a relatively high water table 4-5' below the surface. Studied indifference would include not having a detention pond but the embankment with a side slope on each side which would be used and would allow for leaving the field undisturbed. Mr. Beals stated that the best filtering mechanism would be the topsoil, subsoil, and vegetation which would filter the water through the top 2'. Mr. Beals said he thought that "studied indifference" had helped improve the design.

Peter Clark wondered about how much of the field had been preserved. Mr. Clark stated that he wanted to preserve the field. Mr. Beals said the field would be preserved because it was part of the Stormwater Management System.

Brad Latham discussed the condominium documents which would be completed and submitted upon approval. The access way and infrastructure would require a performance bond to complete the items with the approved plans. Bank funds would be isolated to complete the infrastructure. Local preference would include an obligation to publish the availability of the units in the local paper which typically would include a 60 day priority list, all of which would be on the list to be completed upon approval of the permit, according to Mr. Latham.

Phil Paradis and Matt Crowley from the Beta Group presented the results of their peer review. Three aspects were discussed including stormwater, landscaping and lighting. Matt Crowley stated that he thought the site was highly suitable for development with few abutters and low impacts for development. Low impact development (LID) techniques were included with the proposal. The only item that gave the Beta Group

concern was the Stormwater Management area during large but infrequent events that would cause minor ponding which would traverse the northern property line in inches for a 10 year event.

The landscaping, according to Matt Crowley, was reviewed by a landscape architect, who had one major concern which was the straight line of trees which had later been staggered with varied heights of tree plantings after the concern was noted. The landscaped stormwater detention area was removed for a more natural looking area. In response to Jeff Melick's question, the straight line would be a better windbreak while the staggering would have a natural appearance. Phil Paradis said there was a proposed detention basin at one time in the area. Peter Clark wondered about the screening from the homestead upon the knoll. Alan Berry said there was a natural screening between the homestead and the new buildings due to the existing fir trees which created a barrier in combination of the new trees.

Peter Clark said on page 4 of the review, water in post development peak discharge rates, standard 2, would create minor increases in peak flows in discharge locations, but the project as a whole would create a reduction in rates. Matt Crowley said there were current discharges in three separate sites with a minor increase in rates to the site to the north, while the other two discharge locations would offer reductions. There would be a total between the three discharge locations which would be a total reduction in the peak flow rates.

Claudia Woods asked if there would be a reduction in run-off and the response from Mr. Crowley was yes there would be a reduction due to the Stormwater Management Plan through the groundwater.

Lighting was discussed by Phil Paradis who said the lighting was limited with low bollards and light fixtures on the buildings that were pointed downward. The photometric contours illustrated the limits of the light. The light fixtures were very low photometric levels of two footcandles or less, according to Mr. Paradis. Jeff Melick asked if, as one drove down Asbury Street what would the driver see as light from the project. Mr. Paradis stated that the driver would see light that would not be bright if the driver could see it through the trees and continued that it would just be a dim light in the distance.

Except for the possible ponding over the property line in extensive rainfall events, the review engineer was happy with the design. Ponding would disappear within hours for storms greater than a 10 year event, but if a structure were built over the property line, there could be an impact. Larry Beals said to put it in perspective, there was no impact until a 25 year storm at which time there would be a 2" retention that would drain within 8 hours.

Selectman Marc Johnson was asked by Jeff Melick about the change of the driveway and the potential use of the area. Marc Johnson said the easement was for the field for parking in the case of a large event or horse events. Mr. Johnson said there was no

anticipation that anything would be constructed on the field with access to the west of the retention area. Claudia Woods asked about the easement. Marc Johnson said the formal easement was from the drive to the property from Asbury St and the easement would be approximately 300'. Claudia Woods asked if the town had liability for the land within the easement. The access road would be a private road as per the By-Law according to Mr. Latham. The maintenance of the road would be part of the condominium association's responsibility.

Brad Latham requested that the Planning Director start drafting the decision. Patrick Reffett said submissions were as per the By-Law in response to Claudia's Woods' question about the colored drawings that had previously been submitted. Ms. Woods wondered if the plan set included all the necessary illustrative plans. Mr. Latham said the whole plan set would be part of the approval and not only the latest plans. Brian Stein recalled that early on, the initial package included a full set of architectural plans including perspectives. Alan Berry said the file drawings were submitted with the narrative.

Alan Berry said that they were staying with the single family proposal but the triplex would be changed to two doubles and eight single units once the Attorney General approved the By-Law change that allowed for duplexes.

Ed Howard said what bothered him was what the project would look like ten years down the line and obligations the town would have. Mr. Berry said the town would not have any responsibility. Mr. Latham said the Town's By-Law said the road had to stay private. Jeff Melick stated that it would be part of the conditions which would outline that the Town had the right to go in and enforce anything that the homeowner's association was not complying with.

Bill Redford said that Essex Greenbelt had the right of easement over the wood road. Peter Clark said there were plans for a riverwalk and kayak launch and wondered what plans were there for the recreation department. Marc Johnson said there would be more parking at the pumphouse but alternate parking had not been determined yet. Peter Clark said the plans for recreation were not limited by the project plans. Mr. Clark asked about fire truck access if the main road was blocked. Patrick Reffett had formally asked both Fire and Police Chiefs and both had indicated the plan was adequate for their access.

The sanitary system was submitted to the Board of Health who had reviewed and commented on the plans and returned them to the applicant. They met on several occasions and anticipated a letter of approval by the next meeting. The permit set does not include the plans but could be provided to the Board if requested. Rick Mitchell said it was not under the Planning Board's purview. Brad Latham said there would be copies within the plan set.

Peter Clark said Patrick Reffett should determine the terms and conditions for the draft approval which would be distributed to the Board to be individually reviewed and then discussed. The Operation and Maintenance plan should be provided to the Board as was

requested by Ed Howard and should be included as an important element to provide longevity. Claudia Woods asked if the Board was able to review the condominium documents. Patrick Reffett wanted to check with counsel if it was an obligation of the application. Brad Latham referred to the By-Law which stated that prior to submitting an application to the Building Inspector, the applicant shall submit to the Planning Board a copy of the condominium documents. Mr. Latham said there was a post approval review of the documents.

Brad Latham requested to continue the public hearing in the event that there may be further comments. Latham said all abutters had been notified in response to Claudia Wood's concern.

Rick Mitchell made motion to continue the public hearing to May 5, 2015 at 7:30 pm  
Brian Stein seconded  
Vote: Unanimous to continue

**Public Hearing for 540 - 568 Bay Road Made Pony Definitive Subdivision**

Jeff Melick thanked Bill Redford for his continued support of the Planning Board. Patrick Reffett reviewed the application process and stated that on April 7, 2015 the applicant made application to the Board and the Board opened the public hearing on that date. Patrick Reffett had the Steve Homer report in hard copy for the Board. Beta would offer their peer review and the applicant would respond.

Phil Paradis and Matt Crowley of the Beta Group had reviewed the plans and came up with a number of comments. They believed there were unique issues about the project. The first issue was that they would recommend clarification that there was a lot which was not included in the subdivision but was included in the parcel of land before the Board. Phil Paradis wondered if it was a part of the subdivision or not, and if so, the applicant should add a lot number to it. The lot was the Bay Road ANR lot. The narrative indicated a traffic study would be provided but had not been received by the Beta Group yet. Mr. Paradis said if the applicant provided the closed loop road, there would be a minor increase in traffic.

There were general submission issues as related to the plans including the S3 application which indicated a private path to the pond but it was not on the plans and there was no easement provided for it. The applicant had provided soil test data but it was not provided to the Beta Group who would like to know the soils on site. There was a significant hill on site that an existing residence was on. The project proposed the existing grade and the proposed grade with a 7-12 ' cut for a distance of 600', therefore the Beta Group wondered where the earthwork would go. The Beta Group wondered about the existing house which had utilities and septic and how would it be accommodated for. The existing house on lot 13 with existing septic system needed to be shown on the plan as it was close to the infiltration system. The Beta Group wanted to have the trail and easements identified. The Beta Group noted that there were street trees in the clearing along the right side of road, but no street trees on the interior of the lot. If

the trees were not to be provided, a waiver would need to be requested. Claudia Woods said the existing trees would not survive the cut.

Stormwater Management had technical issues to be worked out with the applicant's engineer. The soil data for the whole lot was needed, but the Conservation Service rated the area as A, with a high percolability. The Beta Group wondered what would happen when the development was on a hill and the infiltration was at the bottom of the hill rather than the top of the hill. Putting it closer to the low area would reduce the storage area at the top of the hill. The Beta Group needed more soil test data to determine how it was working. The project was a subdivision which had the potential that the town would take ownership of the road and Stormwater Management. The infiltration rate was consistent with the soil test data. The plan indicated that the houses would have roof water which would discharge and the Beta Group needed data. Erosion and sediment controls were accounted for.

According to the Beta Group, the Planning Board should discuss the waivers and park situation. The Beta Group had possession of the letter from the Homers and noted that it had rained the previous night and there was substantial water throughout the neighborhood with neighbors pumping their basements. The Beta Group wondered if the problem was a high groundwater issue or a soil permeability issue and stated that soil test data would help. Claudia Woods wanted to thank Beta for their accuracy and wondered how the Beta group worked with the applicant's engineer.

Rick Mitchell said the abutters were currently having an issue and if the Beta group could determine the existing soils and lay of the land and if it was causing the existing problems and how the project would further impact the conditions, it would be beneficial. Jeff Melick said waivers were requested, so assuming they were granted, how would those waivers impact the project and the neighbors. Peter Clark was disturbed about the long length of the 12' curb cut and how it affected run off. According to members of the Beta Group, the Hamilton Subdivision Regulations allowed for a 10% grade and this driveway was 8%. The groundwater was being taken out of the top of the hill and push to the bottom of the hill. Soil testing would help to determine where percolation would occur. The knoll would not show groundwater at the top of the hill.

Rick Salvo, Engineering Alliance said the comments were not insurmountable. Mr. Salvo noted that the applicant had collected quite a bit of soil data at the site at the onset of the project. In light of the abutter comments, more soil testing would occur especially at Stormwater Management points. The groundwater seemed like the driving force of interest. Mr. Salvo said he needed time to get out there to collect information. The public access trail hadn't made it onto the plan as it needed to be discussed with Tom Ford. Claudia Woods said the trail would not be public, but for the residents.

Peter Clark said the Form A lot had large standing water so could be open space. Tom Ford said no to the open space concept. The site for the house was the long lot that had access to the lake according to Mr. Ford. The MDOT had already approved a curb cut on the 1A.

Bill Redford said the applicant had copies of his comments and that his biggest issues were storm drainage and long term maintenance of the system and the design.

Ronald Mason, Paddock Lane, wondered about traffic issues as the area would have a lot of use due to the four way intersection as compared to the existing use. Jeff Melick said the Board would be receiving a traffic study as part of the project submittals. Steve Homer, Bay Road, said he came in two weeks ago and talked about his concerns for the houses on the East side of Bay Road. Mr. Homer was pleased that his concerns were getting attention now. Mr. Homer said he had spent two weeks studying the problems and thought there was a formal objection to the subdivision plans which was agreed to by about nine families that would be affected by the proposal. Mr. Homer thought that drainage was a chronic condition and not just a storm related activity.

Rick Mitchell said there was clearly an existing drainage problem in the area and thought it should be addressed as a separate issue. Steve Homer said the babbling brook photo was taken before a storm. Bill Redford said there is a sump pump in the Town Hall basement. Mr. Homer showed a plan with big red X's indicating buildings that pump water 5 – 7 months a year. Green Z's represented buildings that pump occasionally due to storm water related. Doug Trees did not have a basement and the last house on Paddock Lane did not have a pump. A blue dotted line on his plan showed active flowing water from Town Hall and Paddock Lane to the river. Mr. Homer was also concerned about losing the open space in the historic district and thought it was sad.

Tom Ford said that the stream that cuts across Paddock Lane was an existing condition and that any stormwater problems were pre existing and obviously pre dated his proposal.

Dan Merrikan on behalf of the Kagans spoke about a 5 year event that showed ponding. Mr. American said the flooding that occurred was underestimating the existing condition. Mr. Merrikan said if one looked at the elevations of the wetlands and basements they would be the same. Mr. Merrikan stated that high groundwater was the issue and that the hill was not deterring water. Mr. Merrikan was concerned that the infiltrating system may fail and raise groundwater levels.

Steve Astalphe, Bay Road, said he had the same water issue. Mr. Astalphe was also concerned with road and traffic problems. Mr. Astalphe said he was concerned that where the road was going there would be street lights and car lights in his house. Chairman Melick said the traffic study would be done. Tom Ford said the new drive would be 26' wide while the old drive was 14' wide with a right of way of 50' with a sidewalk on one side. Mr. Ford said the lighting as proposed included a street light in two locations at the intersection but light would shine down rather than into the Astalphe home.

Claudia noted that the Kagans were watering their lawn while water was puddled in the other lot. Tom Ford said the separate lot as an ANR approved lot was not under the

purview of the Planning Board as part of the subdivision plan but if trouble occurred with the stormwater it would be roped back into the conversation.

Bill Redford said the ANR was included in the preliminary subdivision plan so if the Board wanted to include it, the land area could be included as it was included as part of the conditions of the preliminary plan.

Jeff Melick said that the water issue was a priority for the Beta Group and an educational style presentation for the Board and neighbors was important. Miranda Gooding agreed that the ANR lot should be considered by the Board for Stormwater Management calculations but was not part of subdivision control. Tom Ford said a common driveway was not part of the approval process for the Planning Board so the determination if the ANR lot was part of the subdivision was not part of the process.

Rick Mitchell made motion to continue the public hearing until May 5, 2015.

Claudia Woods seconded

Vote: Unanimous in favor

**Approval Not Required 136 Gardner St.**

Patrick Reffett said the plan was a modification and a brand new ANR that better fits the property. Mr. Reffett said the lot had access and all ANR requirements. Rick Mitchell said the previous plan was approved two or three years ago and this was the third reconfiguration

Rick Mitchell made motion to approve the ANR lot

Brian Stein seconded

Vote: Unanimous in favor

Next Meeting Dates – May 5, and May 19, 2015

Claudia Woods made motion to adjourn at 10:20

Seconded by Rick Mtichell

Vote: Unanimous in favor to adjourn

Prepared by:

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marcie Ricker