

**HAMILTON PLANNING BOARD
MINUTES OF MEETING**

Via Zoom 899 3621 3581

Passcode: 717694

One tap mobile – 1 929 205 6099 (New York)

April 6, 2021

7:00 p.m.

Members Present: Rick Mitchell, Bill Wheaton, Marnie Crouch, Richard Boroff, Corey Beaulieu, and Brian Stein, Chair

Planning Director: Patrick Reffett

Others Present: Chebacco Capital Partners, LLC Development Team: Larry Smith of Restoration Capital, Principal; Jill Mann, Attorney; Julia Dickenson, Controller; Brent Cole and Jeff Merritt, Site Engineers from Granite Engineering, Greg Hochmuth, Wetland Specialist; and Catherine Rich-Duval – property owner.

The meeting was called to order by Brian Stein at 7:03 p.m. with a quorum established via Zoom.

Roll Call: Rick Mitchell – aye, Bill Wheaton – aye, Marnie Crouch – aye, Richard Boroff – aye, Corey Beaulieu – aye, and Brian Stein – aye.

1. **133 ESSEX SENIOR HOUSING SPECIAL PERMIT - PRELIMINARY REVIEW** – In accordance with the Hamilton Planning Board Rules and Regulations governing Special Permits and MGL Ch.40A Section 9 Special Permits – Applicant Larry Smith, President of Restoration Capital (of Sudbury, MA) will present a conceptual plan for a Senior Housing (Special Permit) Project for preliminary review by the Hamilton Planning Board. The property at 133 Essex Street is within the R1-B Zoning district and is designated by as Parcel 65-000-0001 upon Hamilton Assessors maps. A formal Special Permit application and process will take place at a later date once a complete application has been submitted to the Board. 10-15 minutes of public comment.

Larry Smith, Principal of Chebacco Capital Partners shared his screen and presented an overview of the proposed project plan. The current plan would be to develop a 55+ senior housing project with 50 units offering 2 bedrooms, 2.5 baths and 2-car garages. A trail system would be created with legal parking and access. Meadowbrook Farm would be given a 99-year lease and about 70 percent of the land made up of the trails and farmland would be preserved for open space and would include a Conservation Restriction. A traffic study would be done

and would be peer reviewed. The development would be run by condominium trust comprised of the homeowners and would generate \$735,000 a year in real estate taxes. A one-time payment of \$350,000 based on building fees would be made and a \$1.5 million contribution would be paid to the Hamilton Affordable Trust.

Attorney Jill Mann explained that the pre-application falls under the Senior Housing Bylaw Section 8.2 and that there was compliance with Section 8.1.7 of the Open Space and Farmland Preservation Development Bylaw. Attorney Mann told meeting participants that the wetland would be delineated by the Conservation Commission and that the development buffer areas would be 100 feet from any resource areas and 75 feet away from existing houses.

Property owner, Catherine Rich-Duval commented that her parents bought the property 60 years ago with a vision of an assisted living facility being on the property one day. Ms. Rich-Duval and her brothers, inheritors of the property, would like to honor their parents' wishes with a 55+ community.

She noted that they would be making a financial contribution to the community as well as building legal trails and preserving farmland.

Ms. Rich-Duval's attorney, Marshall Handly of Handly and Cox in Beverly, reported that a title search on this private property was done and that no grants of easement would interfere with the development. Attorney Handly added that the Richs' had endured numerous incidents of trespassing and tearing down postings and flags over the years.

Mr. Stein, Chairman of the Planning Board opened to questions from the Board and they were answered as follows:

1. With regard to water treatment of waste water, Greg Hochmuth responded that the development of that system was in the preliminary stages at this point and that soil evaluation had been done. A waste water system had not been designed yet, but it was determined that there was adequate depth. Pre-treatment of waste water was not anticipated for this area but if the Board of Health requested it, it would be done. Mr. Mitchell verified that an independent, objective third-party review of all engineering, site work and traffic would be done and paid for by the applicant.

At 7:55 p.m. Mr. Reffett reported that the zoom capacity for 100 attendees had been met and that when there was a public hearing scheduled on the formal application, more people would be able to attend the meeting via zoom.

2. When asked why affordable housing would not be included in the project, Attorney Mann answered that in a 55+ community there are age restrictions and with affordable

housing, families with children under the age of 18 could not be prohibited from residing in the units.

3. The question of tree preservation was raised and Ms. Mann responded that a tremendous amount of the tree line would be retained. Trees would not be cut down to create trails but some trees would need to be cleared for the septic system.
4. Mr. Smith answered questions with regard to whether blasting would be done and explained that there was a lot of ledge on the property and there would be blasting but their goal would be to minimize it. Ms. Mann added that a licensed and insured company would be hired to do the blasting and that surveys and assessments would be done for the property as well as areas surrounding it. A detection device would be used to monitor seismic activity to ensure that reverberations would not cause damage to adjacent properties. Work would be done in small increments called “peeling” in order to minimize the amount of impact.

At 8:03 p.m. the Chair, Mr. Stein opened the discussion to public comment.

Kent Wosepka of 75 Chebacco Road represented 641 Hamilton residents who had signed a petition objecting to the project. Mr. Wosepka expressed the following regarding the proposed development plan:

- Noted inconsistencies with the Hamilton Zoning Bylaw for senior housing as the homes would not be considered affordable homes.
- Questioned whether the environmental and recreational areas would be protected by the Hamilton Wetlands Bylaw.
- Requested a bedrock groundwater study be done as allowed for in the Bylaws to ensure that the drinking water from wells would not be affected by the blasting.
- Raised concerns regarding sewage disposal and potential health and public safety implications with the leaching field located next to the farm and irrigation pond.
- Raised concerns about storm water runoff from the hardscape and fertilized lawns polluting either the aquifer or the lake water systems or contaminating private well water.
- Expressed concern regarding open space and the destruction of key trails that have been use for more than 50 years.
- Raised concerns about the prospect of many years of construction and tripling the number of homes on the road.

Heather Ensworth of 133 Essex Street expressed concern that the proposed development would harm the water supply, hiking trails, the working farm and would potentially damage or destroy the natural habitat of plants, birds and animal species in conservation areas.

Ani Sarkisian, a representative of "Save Chebacco Trails and Watershed" expressed the following concerns:

1. Runoff from the topsoil surface with fertilizers that would add nutrients to the woods causing overgrowth in the wetland and streams by affecting their flow and ability to filter water.
2. The potential for phosphorus use which is allowed to be used for new lawns in their first year but is banned for use in MA at any other time.
3. Storm water management and erosion control.
4. Temperature changes due to tree removal reducing soil fertility
5. The effect of blasting ledge on groundwater.
6. Increase population of white footed mice that cause Lyme disease

Mr. Stein thanked those that made public comments and explained that, once there was a formal application (in 3-4 weeks), proper notices would be sent to abutters within 300 feet and all meetings would be posted and made public. Mr. Stein stated further that all requests would be discussed and that parking, runoff and other issues would be considered by applicant's engineer as well as peer reviewed by an engineer selected by the Planning Board and funded by the applicant. The Board of Health and possibly the Conservation Commission would be consulted regarding the septic system.

2. **BOARD CONSIDERATION/VOTE** – 354 Highland Street – In accordance with MGL Chapter 40A, Section 11 the Board will discuss a request from the Permittee ,Canter Brook Capital LLC., for a Minor Modification to the Canter Brook Senior Housing Special Permit to approve a modification to the approved Site Plan.

Attorney Mann reported that the Canter Brook subdivision had been experiencing extensive power outages due to power grid struggles in the area. The request to modify the Site Plan would allow individual generators to be placed on the property by those needing them. Senior housing communities quite often have medical needs that require no disruption in electricity.

Motion made by Bill Wheaton to approve the Minor Modification to the Canter Brook Senior Housing Special Permit.

Seconded by Marnie Crouch.

Roll Call Vote: Marnie Crouch – aye, Bill Wheaton – aye, Rick Mitchell – aye, Richard Boroff – aye, Corey Beaulieu – aye, and Brian Stein – aye.

Unanimous in favor of voting members.

Ms. Crouch recommended that the document captioned 2021 Minor Modification be amended to reflect that the meeting was not conducted at the Hamilton Town Hall Memorial Room but rather on Zoom and that Dann Hamm and Chris Shephard were not present. Attorney Man agreed to make those changes.

Rick Mitchell made a motion to approve the submission of Canter Brook Capital, LLC as presented on the decision dated April 6, 2021.

Seconded by Bill Wheaton.

Roll Call Vote: Bill Wheaton – aye, Marnie Crouch – aye, Rick Mitchell – aye, Richard Boroff – aye, Corey Beaulieu – aye, and Brian Stein – aye.

Unanimous in favor of voting members.

Attorney Mann left the meeting at 8:42 p.m.

Mr. Reffett asked that association members come in to Town Hall to sign the Minor Modification which would be on desk in selectman's chambers.

3. **REVIEW & DISCUSSION OF VARIOUS POTENTIAL CHANGES TO HAMILTON ZONING BYLAW LANGUAGE** –The Board is preparing a text for a “flexible” residential zoning bylaw and is considering its application for the Town of Hamilton. The Board is also considering the potential of creating an open space fund to offset density on development parcels. Additionally, the Board may consider the possibility of amending the Senior Housing Bylaw.

Mr. Reffett explained that the Planning Board considered making changes to the existing residential zoning bylaw to enable more flexible development ability than the typical Approval Not Required (ANR) development. The new approach would allow for smaller units and duplexes while taking natural amenities into account. Density and open space considerations have been the focus of the changes with input from residents and developers. The Planning Board will continue to refine the Bylaw language and will take it through the public hearing process before it would be presented at Town Meeting.

Ms. Crouch noted a typographical error in the Senior Housing Bylaw where a reference was made to a non-existent Section 8.2.26 which she suggested should read Section 10.6.

The Planning Board decided to table further discussion on the Zoning Bylaw language at this time. Mr. Mitchell commented that Master Plan discussion would offer insight of the town in

terms of infrastructure, housing, open space, cultural and historic resources and financial stability, all of which would aid in the future discussion of the Bylaw change.

4. **REVIEW AND DISCUSSION OF POSSIBLE ZONING MAP CHANGE** – The Board is to conceptually review and discuss the possibility of a zoning map change for property associated with the Winthrop School Campus from R-1A to Business.

Mr. Reffett explained the Planning Board's idea of extending the business district north of where it is currently to include the property of the Public Safety Building, the Council on Aging as well as the Winthrop School. A request was made for a 100-foot pine tree buffer at the northeasterly and southeasterly edge as shown in the Zoning Concept B. Mr. Reffett agreed to check with Town Council as to whether the buffer could remain in the future if the town decided to sell the Winthrop School property when their lease was up.

5. **BOARD BUSINESS** – Interview Associate member Candidate; Review/approve Meeting Minutes of March 16, 2021; Introduce Asbury Street 40B project; Liaison reports; Staff reports; Future agenda items; Etc.

Mr. Reffett introduced Jonathan Poor and Emil Dahlquist to the Planning Board as potential associate board members and Mr. Stein explained the role of an associate member.

Emil Dahlquist shared with the Board his 50 years of architectural experience and service on boards in Simsbury, Connecticut. Mr. Dahlquist had 20+ years of experience serving as Chair of the Design Review Board and as Chair of the Building Code Board of Appeals and explained past projects that he had worked on. Mr. Dahlquist expressed his interest in working as an Associate with the Planning Board in the future and agreed to fill in as a Board Member if needed.

Through discussion with Board Members, the second potential Associate Board Member, Jonathan Poor, decided to withdraw his decision to be an Associate Board Member as he running unopposed as a Board Member candidate. The Board would like to have two Associate Board Members for upcoming projects so by withdrawing his name, another candidate could be chosen for that role.

Motion made by Rick Mitchel that Emil Dahlquist be approved by the Board and forwarded to the Board of Selectman for approval.

Seconded by Marnie Crouch.

Roll Call Vote: Richard Boroff – aye, Marnie Crouch – aye, Corey Beaulieu – aye, Bill Wheaton – aye, Rick Mitchell – aye, and Brian Stein – aye.

Unanimous in favor of voting members.

Ms. Crouch noted the following corrections to be made to the minutes of March 16, 2021:

- The assemblage language on page 1, item 5 should be eliminated.
- Page 2, 1st line, item 8, Sections 8.1.22 and 8.1.23 should not be deleted.

Bill Wheaton made a motion to approve the minutes of March 16, 2021 with corrections noted. Seconded by Richard Boroff.

Roll Call Vote: Bill Wheaton – aye, Richard Boroff – aye, Corey Beaulieu – aye, Marnie Crouch – aye, Rick Mitchell – aye, and Brian Stein – aye.

Unanimous in favor of voting members.

Mr. Reffett reported that the Habitat for Humanity was proposing a 40B project to be located at 434 Asbury Street and that Harborlight Community Partners also was proposing a 40B project on a 4-acre parcel on the Britton Farm property that had prior ANR approval.

Mr. Reffett reported that there would be a meeting with Andrew DeFranza of Harborlight Community Partners, a potential developer of 200 units in buildings at Gordon-Conwell Theological Seminary, tomorrow at 11 a.m. Mr. Reffett told the Board that he would report the outcome of the meeting at the next Board meeting.

Mr. Mitchell reported that the demolition of the 59 Willow Street site was almost completely cleared. Ms. Crouch commented that the loan for that development was expected to close the third week in April.

Mr. Reffett reported that he was working with the consultant for the Master Plan and should have a report for the Board to review at the next meeting.

Motion made by Rick Mitchell to adjourn at 9:56 p.m.

Seconded by Richard Boroff.

Roll Call Vote: Rick Mitchell – aye, Marnie Crouch – aye, Bill Wheaton – aye, Corey Beaulieu – aye, Richard Boroff – aye, and Brian Stein – aye.

Unanimous in favor of voting members.

Upcoming Board Meeting(s): April 20, 2021; May 4, 2021; May 18, 2021.

Documents:

1. Chebacco Capital Partners LLC overview of plan and initial concept plans
2. Local initiative Jill Mann
3. Canter Brook generator map
4. Zoning Concept B

Prepared by:

Ann Schlecht

4/12/2021

Attest

