

HAMILTON PLANNING BOARD
MINUTES OF MEETING
Webinar 857 8823 1305
Hybrid with Members in the
Memorial Room
Hamilton Town Hall
August 3, 2021

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

This meeting was called to order by Rick Mitchell at 7:07 pm with a quorum established.

Senior Housing Special Permit Public Hearings. Chebacco Capital Partners LLC. 133 Essex St. 50-unit age restricted condominium development. Senior Housing Special Permit and Stormwater Management Permit.

Rick Mitchell read the public hearing notice to open the public hearing. Mr. Mitchell reviewed the background and purview of the Planning Board and rules of the public hearing process. Each member of the Board introduced themselves. Mr. Mitchell outlined what would be discussed during the current meeting, which initially would be devoted to the applicant's presentation and the Board's questions. Public participation via Zoom would then follow with questions, comments, and requests for clarifications. Zoom participants would use the "raise the hand" feature to be recognized. Mr. Mitchell requested that participants be respectful, that remarks be focused on issues and topics being discussed, and that repetition of previous comments or questions be avoided.

Attorney Jill Mann, representing the applicant, Chebacco Hill Capital Partners, LLC, was allowed to enter the meeting via Zoom. Larry Smith, the manager of the applicant, was also allowed to enter the meeting via Zoom. Andy Dufore, Brent Cole, and Jeffrey Merritt were also present. Mr. Smith noted how successful the Canterbrook project has been and reassured the Board that the Village of Chebacco Hill also would be successful. Mr. Smith stated that he would work diligently to supply documents for the special permit.

1. In addition to introducing herself as a member of the firm of Mann & Mann P.C., Jill Mann introduced the real estate team: Brent Cole and Jeffrey Merritt (Granite Engineering), Donald Provencher (water line engineer, Provencher Engineering), Kent Byle (architect), James Christensen and Lissa Robinson (hydrologists, GEI Consultants), Andy Dufore (Maine Drilling and Blasting), Bill Fleming (landscape architect, William Fleming Associates), Carol Ketchmore (lighting), and Tom Schlosser and Julia Dickenson (Chebacco Hill Capital Partners, LLC). Ms. Mann noted the good working

relationship between the team and the Town as well as the team's integrity, workmanship, and attention to detail.

Jill Mann said that once the development was constructed it would generate \$750,000 per year in revenue in the form of real estate taxes with no burden on the schools or DPW to offset the gain. The condominium association that would be created would be responsible for road maintenance and trash collection. There would be minimal costs for police and fire. According to Ms. Mann, Canterbrook Farms generated \$7,000 a year in revenue as an equestrian center but now generates considerably more revenue per year in real estate taxes. She indicated that Canterbrook also gave significant sums to the Affordable Housing Trust and that the current project would include a one-time permit fee of \$350,000 and a payment of \$1.409 million to the Affordable Housing Trust, adding that developments such as the one proposed allow people to age in place, thus minimizing end-of-life expenses.

Jill Mann shared her screen to give Board members and attendees assistance in analyzing the special permit application. Examples of homes developed by one of Mr. Smith's companies, Restoration Capital, included Canterbrook in Hamilton and developments in Gloucester, Amesbury and Groton. According to Ms. Mann, the developments were visually attractive and provided benefits to the towns. She added that developments of those over 55 years in age were in accordance with the Town of Hamilton's Master Plan and the Senior Housing By-law. Dense developments such as the one proposed would not create sprawl and would provide alternatives to single family homes.

Jill Mann said the infrastructure would be privately maintained and would not place a burden on the schools or taxpayers. There would be a net gain in tax revenue and a tremendous amount of permanently protected open space, adding that the existing farmland also would be protected. Ms. Mann showed a copy of the plan with the open space delineated. Ms. Mann said it was important to the Rich-Duval family (who own the property through Country Squire Realty, Inc.) to continue to allow the 9.4 acres in agricultural use to be farmed. Ms. Mann referred to Hamilton's Open Space and Farmland Preservation Bylaw, noting that farming was important to the community.

Jill Mann noted that the project which encompasses approximately 66 acres would preserve 50 acres of open space. Ms. Mann referenced misinformation about the extent of open space, noting that the open space would be protected by a permanent conservation restriction. Currently the land is privately held and permission to use the land had been withdrawn by the owner due to neglect and abuse by those who use the trails on the property. Ms. Mann stated that both the public and residents would have a legal right to use the trails and woods once the project was completed. Residents would be able to walk from Chebacco Road to Chebacco Woods. According to Ms. Mann, the entire area along Essex St. and the bucolic views would be preserved. Ms. Mann said the wooded area would be maintained except land clearance for the development. The development would be located toward the rear of the property, which would

protect the homeowner across the street and meet the objectives of the Senior Housing Bylaw regarding protection of the rural nature of the area. The farmland, meadow, and wetlands would be protected, thus ensuring the protection of wildlife. Trails would be maintained with processed woodchips.

According to Jill Mann, the Rich-Duval family would be developing the property either as a Senior Housing development or as a standard subdivision. Ms. Mann showed a plan developed by engineers that depicted the layout of a traditional subdivision that met zoning and subdivision control laws. The plan contained ANR (Approval Not Required) lots with a subdivision roadway for the remaining lots. Lots would be sold and developers could construct single family homes. Ms. Mann said the sprawling development did not meet the goals of the Master Plan.

Ms. Mann said the proposed Senior Housing development would be completed in two stages to allow the community to absorb the development. The initial stage would include a temporary cul-de-sac to enable fire department trucks to turn around. The roadway would be created and ledge removed. Trees would be removed and once the earth settled, landscape planting would occur. Ms. Mann said she received positive feedback from all department heads who had previewed the plans.

Andy Dufore (Maine Drilling & Blasting) was present to discuss the blasting process. Mr. Dufore said that Maine Drilling had been in the drilling and blasting business for 55 years, adding that his company was the largest drilling and blasting company in the Northeast. Mr. Dufore is the division manager for Massachusetts and would oversee the project. Mr. Dufore said the blasting process was heavily regulated and fell under 527 CMR 1:00, Ch. 65, the Massachusetts Comprehensive Fire Safety Code. According to Mr. Dufore, the Hamilton Fire Department would issue the blasting permit. Once conditions were met, there would be pre-blast planning for the 250' blast zone. The process requires a pre-blast survey with documentation of the physical conditions of the blast areas. The blaster would notify owners of the survey. Larry Smith had asked the company to add wells to the list of structures to be surveyed, which was not be part of the Code but would provide extra protection.

Mathematical blast designs were determined by the blast location and distance to structures based on geology and a vibration estimate. Mr. Dufore stated that calculations for safe vibration limits were based on vibrations of 2.0 inches per second. According to Andy Dufore, the U.S. Bureau of Mines has determined that a vibration of 2.0 inches per second would affect the weakest construction material such as plaster. All the information including sequencing, narrative, and the locations of seismographs would be compiled into a blast plan. The plan would be reviewed by a third party.

The company would drill holes into the ground and load explosive into those holes. It would then cover the blast area with blasting mats (12' x 24' recycled tires woven together with wire rope and weighing 11,500 lbs.) to prevent debris from leaving the blast zone. A series of warning

signals then would be sent before detonation occurred. Mr. Dufore said safety was always first. A formal written site security plan would provide that no one would be in the blast zone at shot time. Sentries would be sent out to the trails in the woods to ensure no one was near the site. Traffic would be stopped. After the blast, regulations require that a ground response, including vibration, aero pressure, and pulsing in the air, be recorded and given to the Fire Department. The Fire Department would provide a detail for monitoring the explosives. The explosives would come into the site every day and be brought away at night to a secure magazine site. Mr. Dufore indicated that the company, which is licensed and insured, had found impacts from blasting to be infrequent.

According to Jill Mann, once the second phase was completed there would be 50 dwellings. The traditional subdivision plan would have 32 units and would have three permanent wetland crossings. The Senior Housing plan would have no impact on the wetland as it would preserve the 100-foot buffer zone. Ms. Mann referred to the DEP Regulations and Guidance that allowed for a bifurcation of wetlands to access a development. Ms. Mann showed a chart comparing the Senior Housing development with the conventional development, emphasizing the need for senior housing. She stated that the project would be consistent with smart cluster development with individual outdoor areas and access points. She added that there only would be 100 bedrooms and that children would never be allowed to reside in the units unlike in a traditional development of single-family homes with four to five bedrooms that might result in the enrollment of 148 to 160 children in the school system.

Jill Mann said the applicant would appear before the Affordable Housing Trust to discuss a payment as affordable housing is not allowed on a Senior Housing development as affordable housing cannot discriminate against children. Ms. Mann also said the applicant would file a Notice of Intent with the Conservation Commission to ensure transparency. There would be one temporary wetland crossing to access the septic system, and it would have no impact on the wetlands.

Jill Mann reiterated that the Senior Housing proposal would preserve 50 acres of open space, conserve trails, and have no impact on the wetlands. The traditional subdivision plan would impact the wetlands and protect no open space. Ms. Mann also indicated that the Senior Housing proposal would preserve the tree line, and that the septic system area in the meadow would be revegetated. The meadow would be mowed once a year. Landscape plans called for 152 large evergreen trees, 180 flowering, deciduous trees, and 140 to 150 shrubs. According to Ms. Mann, the entry would be beautiful and the neighbors would have an attractive view.

Jill Mann said there was plenty of water for this subdivision as the water bans were part of the withdraw limits in accordance with the Town's water license. Ms. Mann explained that Senior Housing developments use less water because generally 25% of the units are occupied by a single individual and the remainder of the units are occupied by only two people. Guidance suggests that senior housing water usage is half that of a standard subdivision (7,500 gallons per

day versus 15,000 to 17,000 gallons per day). Average use would be 110 gallons per day per bedroom.

Jill Mann said the applicant would preserve the 9.4 acres of farmland and would repair and replant the stone wall that was in disrepair. Ms. Mann reiterated the fiscal benefits of the Senior Housing development versus the traditional subdivision. Ms. Mann explained that anyone who violated the rules of the condominium association would be fined with the fine secured by a lien against their home. The farmland would be preserved as it was a part of the fabric of the community. The undeveloped portions of the parcel would be preserved as part of the conservation restriction. If the farm ceased to exist, the land would become part of the open space conservation restriction.

Jonathan Poore requested that site sections be provided that included the land of the abutters (288 Essex St., 16 Chebacco Road, and the entry site), as well as the sidewalk pitch. In addition, he noted the runoff from the top of the hill to areas on and off of the site, noting the steep slopes adjacent to the buffer zone. He questioned the sufficiency of revegetation strategies to prevent erosion. Mr. Poore also questioned the extent of blasting and how much material would be removed from the site. He indicated that there would be a need for a hydrogeologic study, a point Ms. Crouch later reiterated.

Jill Mann observed that, although a portion of the parcel was in the Groundwater Protection Overlay District (GPOD) the proposed project was located outside that area. According to Ms. Mann, the stormwater management requirements would be met and did not restrict or prohibit this activity. Marnie Crouch said that her understanding was that one-third of the property was within the GPOD and the Bylaw would apply. The ZBA would be the permitting agency for density relief. Jill Mann said it only applied if the applicant was looking for relief, adding that Canterbrook also was not subject to the Bylaw. The GPOD required that instead of having a minimum of 40,000 square feet for development in the R-1B district, the applicant would need to have 80,000 square feet. Jill Mann said the Bylaw did apply and did not trigger the need to go to the ZBA to determine lot density because even with an 80,000 square foot requirement instead of 40,000 square foot requirement, the yield would still be 50 units. Ms. Mann stated that she would provide a narrative explaining the reasoning.

Corey Beaulieu wanted to see how the project would appear from Essex St. and Chebacco Rd. Mr. Beaulieu questioned whether the landscaping would cover up the back of homes which potentially might be visible. Jill Mann stated that she would provide depictions and cross-sections as if one were standing on Chebacco Rd.

Bill Wheaton requested elevations that illustrated how ledge fit into the wetlands and indicated the need for more engineering in terms of the GPOD. Mr. Wheaton requested that Dave Thompson come to a meeting to discuss his suggestions which were incorporated into a memorandum circulated to Board members. Mr. Wheaton also wanted Town Counsel to review

the 50-unit cap per development and the payment in lieu of providing affordable housing. Mr. Wheaton said the development would pressure the DPW to improve Chebacco Road, possibly with a light at Essex St. Rick Mitchell responded that a traffic study was included in the application which would be peer reviewed.

Ms. Mann indicated that a consultant would provide a report on water runoff impacts.

Emil Dahlquist requested a site walk to determine the relationship of various pieces of the project (housing, roads, street lighting) to the whole.

Marnie Crouch raised concerns about the effects of blasting on structures on Chebacco Road as well as the impacts on the root system of buffer trees. Ms. Crouch questioned the heavy equipment and the amount of material removed from the site. Ms. Crouch also was concerned about bedrock and the groundwater. Ms. Crouch said the Planning Board needed a hydrogeologic study to ascertain how the project would affect groundwater due to blasting. Ms. Crouch also asked about the calculations used to determine median income as it related to the affordable housing payments. Ms. Crouch said she had determined that \$94,000 for one person and \$107,400 for two people were the numbers she derived. The most up to date numbers would be determined.

Patrick Reffett said he would wait until the third party reviewed the project but was concerned about the access road and staging. Mr. Reffett wanted to see cross sections at various locations as they related to abutting areas. Mr. Reffett said having maps of public trails was helpful.

Rick Mitchell raised issues regarding the blasting zone map and the photometric plan.

Kent Wasepka (74 Chebacco Road) was present to represent people involved with the group "Save Chebacco Woods & Watershed." Mr. Wasepka noted the project would result in millions of gallons of septic waste, erosion in a mature forest, exploitation of the Senior Housing Bylaw, damage to the rural character of the neighborhood, as well as damage to the drinking water supply. Mr. Wasepka said there were 28 homes in the neighborhood and the development would triple that population. Mr. Wasepka said the development was not compatible with the character of the neighborhood. He stated that the Senior Housing Bylaw requires that a development protect natural features and environmental values, while noting that the developer was intending on clear cutting approximately 20 acres of trees and blast a large amount of bedrock. Mr. Wasepka said there were six trails that had been used for decades and shown on maps of the Essex County Trail Association and the New England Mountain Bike Association, but the developer was ignoring their existence. Mr. Wasepka said he had emailed maps to Patrick Reffett, adding that even Tripadvisor listed the trails.

Kent Wasepka showed the Gordon loop trail and noted the green dot trail, part of which would become the utility road for the septic system. Other trails would be obliterated by the 50 luxury

condominiums. Mr. Wasepka said his home was 125 feet from the property and he was worried about the effects of blasting on his home and the integrity of his family's water supply. Mr. Wasepka asked for a hydrogeologic study to determine how the development would affect the neighborhood's drinking water.

Attorney Deb Ellison was present to represent opponents of the application. Ms. Ellison questioned the affordable housing payment of approximately \$235,000 for each of the six units (\$1.409 million divided by six) as she found the payment to be insufficient to create affordable housing. Unless the applicant were required to construct the units, there would be no guarantee affordable units would ever be constructed. She observed that the burden would be placed on the Town to construct and sell the affordable units, which would require experienced staff. She noted that the installment payment plan for the \$1.409 million would take many years to become available. Attorney Ellison said there was a reasonable argument to have the units constructed on site by the developer and to reduce the number of units that could be built by six to account for the affordable units required under the Inclusionary Housing Bylaw. Attorney Ellison hoped Town Counsel would review the bylaw.

According to Ms. Ellison, the units would be listed at \$800,000 but would likely sell for more. Section 8.2.16.3 required moderately priced affordable and market rate housing in small, medium, and large sizes. Attorney Ellison noted there were already two luxury Senior Housing developments in Town and questioned the need for a third. Attorney Ellison said the Planning Board had the authority to require a mix of sale prices even though the developer wanted the development to be high end.

Deb Ellison referred to Section 8.31.2 of the Zoning Bylaw that requires a developer to mitigate impact to abutting land and natural resources, but noted that the developer was blasting close to neighboring properties and aquifers. Attorney Ellison thought the wetland crossing would not be approved for the hypothetical conventional plan and hoped a peer reviewer would analyze the conventional plan for soil and septic concerns, although she agreed the GPOD was not applicable to the project as proposed. She added the need for a hydrogeologic study, adding that Conservation Commission had not yet considered the location of the septic system via an ANRAD or Notice of Intent.

Tom Hannigan (Ransom Consulting), speaking on behalf of opponents to the application, was concerned about erosion and sedimentation control, general soil erosion, natural grades, and soil cover. The earth and ledge removal would cause a 20-foot vertical drop. Mr. Hannigan wanted to ensure that controls would be in place to keep all erosion outside the 100-foot buffer zone. The slopes were 2:1 and it would be important to stabilize the slopes to protect areas downstream. Mr. Hannigan hoped to see a cross-section regarding the cut and fill as well as soils and materials. Mr. Hannigan wondered if the blasted ledge would be processed on site or hauled off site. Mr. Hannigan also was concerned with noise and dust. The 20-foot cut would be into the groundwater according to the test pit data. Mr. Hannigan questioned the impact the

removal of trees would have on the grading plan. He also observed that no real improvements had been noted on the septic system access pathway and more trees would have to be removed for heavy equipment to gain access to the septic field. The two septic fields would be 38' x 81' and truck trips would cross the wetlands. An additional issue was that slopes would be 10' to 20' from the toe of slope, which would make maintenance and stormwater management of the infrastructure difficult. Silk socks could be overwhelmed with sedimentation in a heavy rain. Mr. Hannigan hoped to see cut and fill calculations to determine how much material was being brought in or out as well as to view how the soil profiles would change over time.

Katie Vandy was present to represent her family which owns property at 247 Essex St. Ms. Vandy said they had not yet entered into an agreement with Mr. Smith or Ms. Rich. Ms. Vandy said a previous statement that the septic field could be accessed from the farm stand was not true. Meadowbrook Farm was the private residence of Ron Vandy, her father. She stated that, although the Vandy family had been asked to have their name used as supporters of the project, they had not given permission. In addition, she stated that they were asked for a perpetual easement on their property. The easement was unlimited in time and scope and provided for unmitigated access to the 133 Essex St. property. Mr. Smith was said to have presented the Vandy family with a 99-year lease for the farmland once he obtained ownership from the Rich-Duval family. The proposed lease was only available if the Vandy family signed the perpetual easement. The Vandy family had requested information regarding the septic system and the impact on the business as well as the safety and integrity of the agricultural land. The Vandy family did not sign the agreement, and accordingly their 60-year agricultural lease with the Rich-Duval family was terminated. Meadowbrook Farm had strict organic practices for decades in respect of their aquifer fields and its owners thought the development might affect agriculture and the water supply.

Rudy Pizzano (77 Essex St.) said he supported the Vandy family. Mr. Pizzano said the presentation was misleading regarding the affordable units that should be on site. Mr. Pizzano did not believe the conventional subdivision would be as large as that depicted by the developer as perc tests were unlikely to enable construction of so many single-family homes, adding that the conventional development would not comply with the GPOD. Mr. Pizzano asked rhetorically whether the Board was prepared to vote to blow out a hill for million-dollar condos and cause a farmer to lose his family farm.

Members discussed that the development would be fiscally positive to the Town but there would be a demand and potential risks to the watershed. Rick Mitchell asked the applicant to define how many nearby homes would be surveyed for blasting. A question arose regarding how blasting would affect the wetland and wildlife. A drainage plan had been submitted but more details would be provided by the applicant soon. The farmland's character in the landscape was considered a benefit. A landscaping plan would be provided that would define what native plants would be planted.

A comparison chart also would be provided that reflected an inclusionary number for both a conventional subdivision and Senior Housing plans. The Towns of Essex and Manchester would be invited to the next meeting as the project might affect their watersheds.

Patrick Reffett noted that while one owner of a unit had to be at least 55 and no children under 18 are allowed in a Senior Housing development, developments generally cannot exclude families with children for affordable housing. As a result, developers of Senior Housing developments whose units are limited to two bedrooms prefer to provide funds in lieu of creating affordable units on site. Patrick Reffett added that the State was adamant that affordable housing not discriminate based on age. In Dover, the Commonwealth allowed exclusion of families in a development for seniors over 65 years of age, but this would not be the case for development for those over 55 years of age.

The developer indicated that it would provide a detailed plan for blasting and stormwater management for each phase of the project and also would create a comparative analysis between Canterbrook and the proposed development.

Patrick Reffett read a letter from Cathy Rich Duval (representative of Country Squire Realty, Inc., the actual owner of 133 Essex St.) in support of the project, after which Ms. Duval spoke via Zoom reiterating her support and that of her family for the project.

The next meeting would be held on September 7, 2021 and a site walk would be held on Tuesday, August 31, 2021. The property owner denied access to the public for the site walk.

Motion made by Bill Wheaton to continue the hearing on the special permit for 133 Essex St. until September 7, 2021 at 7:00 pm.

Seconded by Jonathan Poore.

Roll Call Vote: Richard Boroff - aye, Marnie Crouch - aye, Rick Mitchell - aye, Emil Dahlquist - aye, Bill Wheaton - aye, Cory Beaulieu - aye, and Johnathan Poore - aye.

Conceptual Review and Discussion of 40B Proposal from Harborlight Community Partners at 421 Asbury St.

Andrew DeFranza was present to discuss the 45-unit housing project proposed at 421 Asbury St. Rick Mitchell noted that Mr. DeFranza had been to Board meetings three times and each time had listened to comments and presented new versions of the plans for the proposed project. A summary sheet was presented, and Mr. DeFranza discussed the topography and elevations at the front of the building, which sloped downward toward the parking lot. The parking area had been changed and patios were provided to the left and right of the unit doorways. Raised bed garden areas also were provided, as well as a walking path. Mr. DeFranza noted that the gravel road to the southeast of the parcel between the proposed project and Canterbrook was not under the control of the property owner and thus the developer. A recent accident on one side of the property raised concerns about the location of the entrance to the project. The entrance would be

shifted to the northwest. A roofline detail was added to the rear, front, and sides. A lighting plan would be developed to ensure that light from exterior light fixtures for the building and parking lot would be minimized to the maximum extent possible. An evergreen buffer also would be provided between the site and Canterbrook. The distance to the nearest houses would be between 90 and 150 feet. Copies of the slides used in the presentation were given to the Board.

Marnie Crouch said the current plan was superior to previous plans but hoped sidewalks would be provided in the area as school aged children would be living on site. Andrew DeFranza said Harborlight Community Partners was considering having a sidewalk inside the stone wall and not on the street. Emil Dahlquist thought there should be 62 to 64 parking spaces and wanted to ensure a good turning radius at the entrance. The location of trash and storage need to be delineated on future plans. Mr. DeFranza thought that Canterbrook property owners would want the trash on the northwest side of the property. Trash rooms would be inside the building and compactors might be used in some cases.

Fixtures and a photometric page would be provided. Emil Dahlquist recommended 12 or 14-foot pole lights. Rick Mitchell suggested using deflectors to stop light from entering the Canterbrook site. Members agreed that the parking layout had been improved. Patrick Reffett shared a letter from a Canterbrook resident regarding the walkway near their units. Canterbrook residents hoped for a separation between their units and the walkway by possibly weaving a fence through the tree line. The revised driveway schematic was improved. Sight safety and sight lines should be considered for the entrance. The building should be screened from vehicles driving down Asbury St. and the residence at 470 Asbury St. Proposed paths should invite passing pedestrians and by rearranging the alignment, it could become clear that pedestrians were not trespassing when walking on such a walkway. Sidewalk entry and exit would be refined. Signage would be included in future plans.

Rick Mitchell discussed the 24-foot fire lane. Andrew DeFranza said the civil engineer suggested 20 feet but Mr. DeFranza indicated that he would speak with department heads. The path on the southeast side of the property had been moved over and woven through plantings. Emil Dahlquist requested signage on the street including the identification of the building. Mr. DeFranza said there would be signage at the driveway entrance to direct traffic would be part of the submittal to the ZBA.

Patrick Reffett circulated an email from Ellen Rothman (6 Canterbrook). Ms. Rothman was present and said she was speaking for herself and a friend but not the Canterbrook community. Ms. Rothman said she had moved to a peaceful community in her senior years to look out and enjoy the views of farmland and woods. Ms. Rothman was concerned that the project would disrupt the bucolic feel. Ms. Rothman was hopeful that Peter Britton would relocate the development to the north to allow a little more distance between Canterbrook and the proposed project.

Ellen Rothman supported the concept of affordable housing but wondered how the large size would impact a group of senior citizens who found it important to feel safe. The new residents would look directly into her home and lights would replace the existing darkness at night. Ms. Rothman said she loved Hamilton and didn't want to leave. Andrew DeFranza said he would work with the lighting and would provide significant screening. Mr. DeFranza said the building could not be moved due to the constraints of the conservation restriction, which limited development in other areas of the property. It would be outside the purview of the Planning Board to discuss the relocation of the development.

Leonard Rubin (462 Asbury St.) was present and questioned the entrance location, noting that the one accident that happened was irrelevant. HE thought that the entry location was no more dangerous than any other. Mr. Rubin said the conservation easement could be exchanged and hoped that Mr. Britton would be considerate to abutters. Mr. Rubin also hoped lighting deflectors would be used to deter light from leaving the site along Asbury St. Mr. Rubin said he would now be overlooking a parking lot instead of the current beautiful field. Mr. Rubin was concerned about car doors slamming all night and hoped vegetation or soundproofing could be provided.

Kathleen Steven (14 Canterbrook Lane) asked about the location and decibel level of the mechanicals. Ms. Steven was concerned about septic effects on the active farming nearby. Andrew DeFranza said quiet "mini splits" would be used instead of a central mechanical system and the septic system would be a biofilter system, which would be approved through the Board of Health. Neither system had been designed, however. Ms. Steven requested that proposed trees be fully mature. Mr. DeFranza responded that the trees would be large enough to provide a significant impact upon planting.

Ellen Rothman said a path that continued along Asbury St. and connected to Vineyard Hill, the Greenbelt site, and Bradley Palmer State Park would be helpful. Ms. Rothman noted the increase in development in the 2/10th of a mile area with 45-units from Harborlight, ten units from Habitat for Humanity across the street, and then 23 units from Canterbrook. Andrew DeFranza assured neighbors that Harborlight would treat the neighbors well if changes needed to occur.

Andrew DeFranza said once he received a project eligibility letter, he would submit an application to the Zoning Board of Appeals. Mr. DeFranza would meet with department heads and start design work on septic and drainage. Mr. DeFranza expected to file around October 1, 2021.

Scenic Public Road Hearing. Rebecca Campbell representing John Gardner at 375 Bridge St. for the removal/alternation of a 20' section of stone wall.

Rick Mitchell read the public hearing notice to open the public hearing. The Commonwealth enabled the Board to have purview over scenic roadway, including cutting trees and the removal of stone walls along the road.

The Board discussed the use of the stone removed from the driveway cut and the use of the stones for a curvature of the stone wall at the driveway entrance.

Motion made by Jonathan Poore that the approval be predicated on reusing old existing stone to make a curve into the driveway consistent with the needed turning radius into the driveway.

Seconded by Richard Boroff.

Roll Call Vote: Richard Boroff - aye, Marnie Crouch -aye, Emil Dahlquist - aye, Bill Wheaton - aye, Corey Beaulieu - aye, Jonathan Poore - aye, and Rick Mitchell-aye.

Board Business.

Review/approve Meeting minutes of July 13, 2021.

Motion made by Richard Boroff to approve the minutes of July 13, 2021 with a minor change to a member's name.

Seconded by Emil Dahlquist.

Roll call vote: Jonathan Poore - aye Corey Beaulieu – aye, Emil Dahlquist – aye, Bill Wheaton – aye, Marnie Crouch – aye, Richard Boroff – aye, and Rick Mitchell – aye. Unanimous in favor.

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

Adjournment.

Motion made by Richard Boroff to adjourn at 10:50 pm.

Seconded by Marnie Crouch.

Roll call vote: Jonathan Poore – aye, Corey Beaulieu – aye, Emil Dahlquist – aye, Bill Wheaton – aye, Marnie Crouch – aye, Richard Boroff – aye, and Rick Mitchell – aye. Unanimous in favor.

Respectfully submitted, as approved by Marnie Crouch.

Marcie Ricker

Attest

Date