

HAMILTON PLANNING BOARD
MINUTES OF MEETING
Webinar 84516608189
Hybrid with Members in the
Memorial Room
Hamilton Town Hall
October 5, 2021

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

This meeting was called to order by Rick Mitchell at 7:05 pm with a quorum established. Roll call vote: Corey Beaulieu - present, Marnie Crouch - present, Rick Mitchell - present, Richard Boroff - present, Bill Wheaton – present, Jonathan Poore – present, and Emil Dahlquist – present.

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

Jill Mann and Larry Smith were present. Ms. Mann shared her screen to show a power point presentation. Ms. Mann said the proponents would discuss project eligibility and compliance; density; and the cross sections and 3-D renderings of the intersection of the development and Chebacco Road and trails. The Approval Not Required (ANR) would also be discussed.

Jill Mann said the farmland would be dedicated as open space and become a separate lot. The removal of the farmland, would leave 26% of the land under the Groundwater Protection Overlay District (GPOD). Ms. Mann described the eligibility of the lot: no other over 55+ developments existed within a one-mile radius; 85 senior housing units would exist Town wide if the project is approved and only 50 units would be built in accordance with the Bylaw. She stated that there was compliance with the requirement that residents be over 55 years in age and that only two-bedroom units would be built. Ms. Mann indicated that there were 44.6 developable acres (56.8 acres minus 12 acres of wetland). The development could yield 88 units in the R1-B District, but only 50 are proposed.

Members discussed the base density and its limitations due to steep slopes, natural areas, and primary/secondary conservation areas. Members discussed that base calculations should include the intent of other by-laws, site conditions, and blasting of the proposed site. Patrick Reffett noted that the Senior Housing Bylaw came before the town several times for approval with several discussions regarding the ceiling number of 50 units. Jill Mann said the Bylaw had set density without discretion unlike incentives, which were discretionary. Emil Dahlquist said the

Open Space Farmland Protection Development and Estate Overlay District Bylaw had applied conservation areas and steep slopes when considering base density. Rick Mitchell said the Board needed to apply the standards of the Senior Housing Bylaw.

Debra Eliason (attorney for Save Chebacco Trails and Watershed Association) was present to note that the maximum number of 50 units should not be allowed if six affordable units are provided, leaving 44 market rate units. Attorney Eliason said the maximum should be 44 market rate units.

A consensus of the Board was that 50 units would be the base density number which could be reduced. Members wanted to see calculations of how many units might be built with constraints such as ledge.

Al DeGroot was present to offer his concern regarding the separation of the farmland lot from the main parcel. Jill Mann responded that it was personal property that the owner had the right to subdivide the parcel if it had adequate frontage and access.

Brent Cole and Jeff Merritt (Granite Engineering) presented cross sections of the site. Tom Henaghen of Ransom Consulting, on behalf of Save Chebacco Woods Trails and Watershed, shared his screen to show the contrast between existing and proposed elevations. Mr. Henaghen was concerned that test boring and the removal of rock ledge had not been considered. A materials management plan was requested. Mr. Cole and Mr. Merritt responded that the plans presented included the existing elevation (dash line) and proposed elevation (dark line) on all elevations.

Brent Cole and Jeff Merritt showed perspectives: from Chebacco Road heading south before the entrance; from the center of the entrance from Chebacco Road; and from Chebacco Road looking north. Jonathan Poore noted that he wanted 3-D models and not perspectives. Deborah Eliason showed a short video of Chebacco Road, noting that neighborhood character and the environment would be affected by the development. Attorney Eliason noted that protecting trails should be included as part of the general requirements. She argued that the Special Permit process should consider the impact to abutting properties and the noise and visual impacts that would affect abutters that were not in keeping with the neighborhood. According to Attorney Eliason, adverse impacts would outweigh the positive impacts, including impacts to municipal and private wells.

Larry Smith said the application preserved the natural character of the Town as the applicant intended to maintain the farmland as open space, as well as maintain the view corridor and provide parking at the trail entrance. Mr. Smith explained that currently the land was privately held, but the trails would be preserved and open to the public as part of the development.

An abutter at 14 Villa Lane said she would be impacted. Mike Massini (19 Appaloosa Lane) was concerned about the preservation of trails and the amount of fill to be removed when cuts were conducted. Heather Ensworth (Villa Road) requested that the Board consider a holistic approach to the approval.

Rick Mitchell answered questions regarding curbing, the cutting of upland that contains ledge, and the general timeline.

Members discussed the timeline of future discussions and how topics, such as grading, blasting, geotechnology, and geology; site plan; design; and traffic circulation should be considered. The applicant would provide the information when available and the schedule would be set. Patrick Reffett would work with Jill Mann and Larry Smith to determine a proposed structure for a more efficient discussion at future meetings. Other planning board members would provide input as to the agenda for future meetings as well.

Brent Cole and Jeff Merritt shared their screen to show the trail map. Larry Smith indicated that there were no legal trails for people to enter the property, but the proposed development would make the currently illegal trespassing legal in the future. There was currently no maintenance of the trails. Deborah Eliason refuted the legality of the trails, based on adverse possession as the trails had been used for decades. Rick Mitchell noted that no one had claimed adverse possession and the letter from the Conservation Commission had not been done in a legal manner as the previous Coordinator had not followed the proper process to make the trails legal. Mr. Smith said that the property owner's attorney (Marshal Hadley) had opined that no one, except the property owner had any rights to the property. Jill Mann added that the land was completely private and no one was entitled to use the property.

Jill Mann would work with Patrick Reffett regarding a comparison of what would be allowed by right versus what would be allowed via a Special Permit; the affordability issues; and the general purposes of the Bylaw.

Mike Massini said the trails were listed on the Essex Country Trail Association maps as open to the public for decades. Jill Mann responded that there was no doubt the trails were listed but that did not make preclude the owner from denying their use by the public. Heather Ensworth was concerned with blasting and cutting. Ms. Ensworth asked the developer for documentation. Rick Mitchell said there would be a third-party review.

Kathy Rich (owner) was present and stated that people had made pathways on the property, which should not be considered trails. Ms. Rich sought to have the trails removed from trail maps and her attorney would provide documentation regarding their removal from maps. Ms. Rich had put up "private property" and "no trespassing" signs on the land which is owned by Country Squire Realty Corporation. Ms. Rich considered cutting trees by others to be vandalism and trespassing on the property as the trails were never legal. She stated that orange

net fencing that was installed had been torn down, jersey barriers were turned over and chain saws had been used to cut trees. Ms. Rich said she had been accosted by others on her land. Ms. Rich was amazed that visitors had written letters to the Town, admitting that they had illegally trespassed on someone else's property. Ms. Rich asserted that the property would be developed in one fashion or another.

ANR REQUEST – 133 Essex Street. Country Squire Realty/Chebacco Hill Capital Partners, LLC. The owners / applicants are seeking to subdivide the one parcel into two lots (Lot 1 and Lot 2). Both proposed parcels will have appropriate size and frontage for the R1B zoning district

Lot 1 had a frontage of over 1,000 feet on Essex St. and 500 feet on Chebacco Road, both of which had access to the lot. The plan showed the creation and formalization of the existing boundary of the Rich's property and the farmland that had been leased out.

Motion made by Bill Wheaton to approve the ANR for 133 Essex St.

Marnie Crouch seconded.

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

The next meeting would include discussions regarding the peer review, the updated plan, blast/ledge removal plan, grading of roadway, foundations of buildings, hydrology report, grade changes, material exportation, and resolution of the affordable component. The segmentation and timing of information for submittal for information and opponent response time was discussed. Providing information and response would be one week before the meeting. Patrick Reffett noted that the next meeting would be October 19, 2021 with a follow up meeting on November 9, 2021.

Motion made by Bill Wheaton to continue the public hearing until October 19, 2021.

Richard Boroff seconded.

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

ANR REQUEST – 617 Highland Avenue. Paul and Amy Roberts. The owners / applicants seek to remove an existing lot line and merge the property as one parcel. The proposed new parcel would be in excess of the required 20,000 square foot lot size minimum as required by the R-1A zoning district with 125 feet of frontage.

Tracy Hutchinson was present to represent the applicant. Ms. Hutchinson said the applicant requested to have 609 and 617 Highland St. merged into one lot. The lot had appropriate frontage and access.

Motion made by Richard Boroff to approve the ANR for 617 Highland St.
Bill Wheaton seconded.

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

Board Business.

The October 19, 2021 meeting would feature the Warrant Article hearing to change the term “Board of Selectmen” to “Selectboard” and the public hearing for the Chebacco Road Scenic Road changes. The public hearing on the application for 133 Essex Steet would be considered as well.

Members thanked Patrick Norton for his valuable technical assistance.

Documents Considered.

Power point presentation by Jill Mann
Granite Engineering presentations of elevations, perspectives, and trails.
Video by Deborah Eliason.
Elevations by Tom Henaghen

Adjournment.

Motion made by Bill Wheaton to adjourn at 9:20 pm.
Seconded by Emil Dahlquist.
Roll Call Vote: Emil Dahlquist – aye, Jonathan Poore – aye, Bill Wheaton – aye, Richard Boroff – aye, Marnie Crouch – aye, Corey Beaulieu – aye, and Rick Mitchell – aye. Unanimous in favor.

Respectfully submitted, as reviewed by Marnie Crouch,

Marcie Ricker

