

**From:** Ben Galuza <bgaluza@hamiltonma.gov>

**Sent:** Monday, August 4, 2025 10:49 AM

**To:** Mary Ellen Feener <permitting@hamiltonma.gov>; Richard Maloney <rmaloney@hamiltonma.gov>

**Subject:** 42 Maple Street Application

To the zoning board of appeals, Marry-Ellen, and Richard,

First, thank you for your service ensuring developers and owners comply with all of our town's zoning by-laws, that create the fabric of our town and assure that new structures blend in with the neighboring homes.

We are the property owners at 40 Maple Street, Ben Galuza and Caitlin Inglehart, for which the right of way passes through to 42 and 44 Maple street.

We cannot attend the ZBA meeting on Wednesday, we are out of town, we would like this letter read into the record, to the extent that time allows.

It appears that the developer has applied for a special permit, when they should be requesting multiple variances if there are areas and ways in which they are not complying with our Town's Zoning By-Laws - they appear to be attempting to avoid needing to do the work themselves and instead shifting the diligence onto the ZBA and abutters.

We believe that the application is incomplete and should be rejected.

Two specific points:

1. We did not receive any abutters' notices in the mail - while some of our other neighbors did (but not all) all of whom are named in the packet, and were required to have been alerted to the application.
2. The meeting packet with the application for 42 maple street is illegible and we cannot read the text, dimensions, or scale and do not know what the total intent is, of the speculative developer.

Their cover letter leaves a lot to the imagination and as such not being able to read the plans, we cannot know what their full intent is. However, based on what has been submitted and made available, while we are not able to dimension it to confirm any of the claims in their cover letter, it appears to exceed local zoning requirements in several important aspects: total square footage, potential building height, and impermeable site area - there is no community benefit for doing so - and the application should be rejected.

Of particular issues and risks to us as the direct abutter are as follows:

- Noncompliance:

- There is much voided volume and square footage - not labelled as "finished" - in the plans shown, that is attached to the home and will no doubt be used to market the home for future space that can be finished (namely, above the garage and adjacent to the garage).
  - The elevations appear to exceed building height restrictions.
- Stormwater runoff and impacts to our property:
  - They appear to intend to excavate for a daylight basement, this will increase the overall finished grade of the 42 Maple site.
  - No bioswales, ditches, or basins have been shown to capture and retain their stormwater runoff, as the existing landscaping currently does.
  - They appear to intend to cut all trees along our shared property line (which aid in privacy and shade in the summer), they most measurably provide storm water quantity and quality management - the tree canopies slow down rain fall, and the tree root systems speed up and deepen water infiltration.
  - Based on their plans, they intend to disrupt all of the land right up to and against our shared property line, where they will shed water from their buildings and driveway onto our property this is where we have our established and existing septic system and garden.
- Tree cutting:
  - The trees that are there, are old and established many of which were planted at the same time as our trees (namely the cedars) and we question the exact location of the property line that has been shown on the plans.
  - The maple tree (on "Maple Street") on the south intersecting corner of the property lines is extremely healthy and established, providing shade for many neighbors - us being one of them in the evening (others enjoying morning shade) - this prevents homes from overheating. Their intended development area would impact this tree, and it would take over 100 years to replace.
- ROW repair
  - The shared drive on the ROW will certainly need repair after their construction activities are completed - it is currently in good condition and not needing significant repairs for at least a decade.
- Consultant Fees
  - Before attempting to move any further, the Developer should be required to pay any fees to the ZBA such that appropriate impact studies can be conducted for a development of this scale - so much so that they are requesting a special permit; otherwise they should comply with all Zoning By-Laws and request itemized variances that are minimal, identifiable, and measurable.

**Please note, we currently have no water in our basement (field stone foundation) or issues with our septic field (which was new when we purchased our home).**

These sites, in this neighborhood are essentially sitting on top of a wetland, the property at 52 Maple Street has their yard turned into a pond in the spring and after major rain events due to the high density (proportional to the existing nature and watershed) that already exists.

While we are in favor of the property being redeveloped, it should be done so in a fashion and at a scale that is more respectful to site size (stormwater retention capability), existing aesthetics of the neighborhood, and in keeping with the neighboring style, size and volume of homes.

Below are some recommendations for the ZBA to consider as potential appropriate restrictions. This type of information should be provided as part of their narrative application and backed up with their plans through a variance process, not a special permit process.

The developer should, at a minimum:

- Locate in plan and quantify the existing total footprint of impermeable surfaces (roofs and driveway) as a starting point baseline, develop calculate and present the amount of existing open space.
- Adapt a design to the local neighborhood: the design should not exceed the average and typical square footage of its surrounding homes, and the design should aim to comport with new form based code, or the surrounding colonial or victorian home styles.
- Locate in plan existing roof ridge and eave heights as a starting baseline.
- The final ridge and eave heights should be annotated.
- Document how storm water management is currently retained onsite and what measure will be used to keep storm water on their site.
- Provide a tree survey. with photographs of established trees.
- Provide a tree cutting plan.
- Document the gross square footage currently allowed by zoning of the home, document the zoning plan and districts.
- Make a clear variance request of allowed additional volume, gross square footage, building height, that they are seeking to add that exceeds existing structures, and zoning by-laws - state the values and quantify.

After all of this type of diligence has been completed by the Developer and variances are enumerated in full, itemized by quantity, and outcome - the ZBA can then determine if it is beneficial to the community that a variance should be granted without causing burden or harm to the abutters.

Ben + Caitlin