

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
Zoom 8451660818999  
Hybrid with Members in the  
Memorial Room  
Hamilton Town Hall  
October 19, 2021

Members Present: Corey Beaulieu, 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 7:03 pm with a quorum established.  
Roll call vote: Pat Norton – present, Corey Beaulieu – present, Marnie Crouch – present,  
William Wheaton – present Jonathan Poore – present, Emil Dahlquist – present, and Rick  
Mitchell present.

**PUBLIC HEARING – CHANGE OF THE ZONING BY-LAW.**

The public hearing to change the term “Board of Selectmen” to “Select Board” within the  
Zoning By-law was opened. The goal was to be gender non-specific. The term “Board of  
Selectmen” appeared in eighteen locations within the Zoning By-law and each one would be  
changed to “Select Board.” A two-thirds approval was required of the Planning Board and Town  
Meeting.

Motion made by to Bill Wheaton to change the term “Selectmen” to “Select Board” in each and  
every applicable location within the Zoning By-law.

Seconded by Marnie Crouch.

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

**SCENIC ROAD HEARING – CHEBACCO ROAD.**

Patrick Reffett reviewed the proposal. Ken Mavrogeorge (Woodward and Curran) and Tim  
Olson (Hamilton DPW) were present to discuss the project. Tim Olson said the Town of  
Hamilton had approved spending \$2M on the project 2.5 years ago. The required easement  
article would be discussed at Manchester’s next Special Town Meeting. The road would be  
relocated in accordance with the new easement and then paved from Essex St. to the Manchester  
town line. The public road would be made safer through the use of cross walks, signage, and  
shoulder parking. It was unclear if Manchester would pave the remaining 600’ within their town  
to access route 128.

Tim Olson said it would be difficult to determine if there would be additional traffic or if an  
increase in speed would be experienced. Site views would be improved and the pavement would

be consistent. The project had the full support of the Hamilton Police and Fire Departments. Members discussed whether the proposed Senior Housing project would be allowed to access the new roadway or if they would be directed to use route 22. The topic would be further discussed.

Nancy Peterson (11 Chebacco Road) said the project should not proceed until neighborhood impacts had been assessed. Tim Olson said he had been given instructions to pave the roadway in accordance with design standards. The goal was to protect the nearby water source. Ms. Peterson hoped that “no pass through” signs could be posted. The Select Board could make a decision to limit traffic once the project was completed and a traffic study had been conducted.

John Cole (Chebacco Road) was concerned that trucks using GPS would use the road as a cut-through. Mr. Cole was concerned that traffic would quadruple.

Eric Brooks (444 Chebacco Road) said he lived on the unpaved portion of the road. Mr. Brooks wondered about temporary speed bumps. Mr. Brooks hoped the road would be paved for safety reasons. Tim Olson responded that it was his job to pave the road and make it safer for any user.

The project would be funded through the Town of Hamilton and Chapter 90 funds. There are thirteen scenic roads in Hamilton, most of which allow all types of traffic. The only Scenic Byway protection is that reconstruction is under the purview of the Planning Board.

Christina Delisio (Manchester resident) wondered which trees would be cut and worried about the safety of water in Manchester. Ms. Delisio noted the salamander crossing, which Tim Olson said had been blocked but would be reconstructed to allow for the salamanders to cross. Mr. Olson added that the gravel road was being moved away from Gravelly Pond to mitigate the sediment wash that was currently an issue. The reconstruction would incorporate stormwater management controls, drainage swales, and a retention area to infiltrate sediment before it reached the resource. Improvements would help protect Manchester’s water source. Native plantings would be used where the land had been disturbed. Additional parking would be gravel shoulders to eliminate users from parking on the roadway.

Ken Mavrogeorge shared his screen to give a PowerPoint presentation of the project that he said would maintain the country feel while limiting impacts and improving safety. Runoff would be reduced near Gravelly Pond and stormwater management would be improved. Of the 11,000’ road, 7,300’ had already been paved but is in poor condition. The existing roadway would be milled and paved. Some places are in poor shape and might need to be reconstructed. The 3,500’ remaining (unpaved) roadway needs to be reconstructed.

The 1964 right of way was shown in green on the screen. The area to be deeded back to Manchester would total 45,000 sf. The area in red would be the new right of way. The area in yellow would be the temporary grading area as a result of construction. The road would be relocated 100’ away from Gravelly Pond. Two failed retaining walls (15’ and 15” would be

replaced with two new concrete retaining walls (30' and 20') with wooden guardrails. Orders of Conditions had been issued by the Conservation Commission. Hamilton Town Meeting had approved the project. Legislation would need to be approved for any changes to the 40' right of way. Thirty-one thousand sf would be allowed to return to a natural state when the road is relocated. The Scenic Road permit would provide for pavement of the existing 17' to 22' wide roadway to a consistent 20' width.

Patrick Reffett asked about the intersection of Essex St. and Chebacco Road and if the confusing layout could be improved. Project managers would determine where the limits of work would be and, if the intersection was within those limits, the designer could make suggestions as to how to improve the area.

Ken Mavrogeorge showed views of various trees that would be removed along the roadway. Trees would be removed because they were dying or blocked the sight lines of a curve. Trees were noted on the plan set. Trees would also be removed in the relocated right of way, but the area that would be abandoned would be restored to offset the trees removed. In response to a suggestion that better visibility would lead to more careless driving, Mr. Mavrogeorge said Hamilton Police would enforce speed limits. Signage would also increase safety for the residents, pedestrians, and motorists. Tim Olson added that once the roadway was up to Town standards, the Town would monitor and review the roadway as part of its pavement management program. Portions of the road were currently in the program.

Motion made by Corey Beaulieu to approve the plan as presented.

Bill Wheaton seconded.

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

**SENIOR HOUSING SPECIAL PERMIT PUBLIC HEARINGS 133 ESSEX ST - CONTINUED** Chebacco Hill Capital Partners LLC's applications for (1) Senior Housing Special Permit to develop Property as a fifty (50) unit, age-restricted condominium development; and (2) Stormwater Management Permit.

Members created roadmaps to approach the analysis of the project elements and to make findings. Discussion ensued regarding which format to use and potential improvements to the documents/charts. The applicant and the public would be given access to the document.

The site entrance intersection was discussed. Jill Mann (Chebacco Hill Capital Partners LLC) was present. Ms. Mann noted that she had provided a narrative outline that could have been used as a roadmap. Ms. Mann noted that public trails did not exist on the property and no one had legal entitlement to use them. The public would not be able to establish a right to the land and maps and plans that had been created and distributed showing trails were done erroneously and without the consent of the property owner.

Jill Mann said it was irrational to compare the roadway entrance to that of a driveway and showed comparative intersections near the property. Members discussed ways to improve the intersection to make it more harmonious with the neighborhood, including replacing the stone wall with a split rail fence or dry-stone wall, planting fewer formal plants, removing the monolith, alter the entrance trees to make a less formal entrance, move the closest two houses (units 33 and 34) and leave the granite rock face.

Jonathan Poore wanted to understand the topography and slopes behind the proposed units, which are not apparent in the perspective views. Brent Cole (Granite Engineering) had provided the project architect with the cross sections, who depicted the grades behind the buildings. Mr. Cole thought the trees would actually be taller than the renderings and that the cut slope would not be seen, although the tree line would be seen. It was argued that the top of slope would be seen from various viewpoints as rooflines were considerably lower.

Jonathan Poore said he had assessed the features of Chebacco Road and found that the 300' of disturbance of the proposed project was not harmonious with the neighborhood. Mr. Poore asked the applicant to look at grading and road alignment and consider the patterns of Chebacco Road as ways to screen the proposal and create less disturbance along the entrance. Mr. Poore suggested using a variety of housing types in a cluster pattern in the middle of the developed area rather than having homes so close to Chebacco Road. Mr. Poore said the steepest slopes for driveways and sidewalks were at a critical intersection. Jill Mann responded that the road was allowed under the Subdivision Regulations for minor roads. Ms. Mann suggested that the Board compare the proposal to a conventional subdivision and not undeveloped land. Ms. Mann asserted that 75% of the land would remain untouched and that the proposal was a cluster style development. Brent Cole added that the peer reviewer did not comment on the roadway being unsafe. There was less than a 3% grade at the entrance.

Emil Dahlquist said the applicant had not synthesized what existed into what was proposed. Mr. Dahlquist hoped to see a site plan showing all conservation features including steep slopes (greater than 25% and 50%). While they were located on the site plan, it would be useful if the applicant increased the scale and colored it for the Board's review. Mr. Dahlquist said choosing to have single family dwellings on a steep slope site was the worst choice for keeping the character of the land as it would create a sprawling land grab. Mr. Dahlquist said the impervious area was six acres or 40% of the property while a low impact development would be 15%. Jill Mann responded that 75% of the clustered development property was untouched. The impervious surface was less than 10% of the entire site, according to Ms. Mann. Ms. Mann added that the Senior Housing By-law was about the right choices and this proposal was better for the Town as it provided all the purposes.

Deborah Eliason (Save Chebacco Trails and Watershed, Inc.) commented on the framework stating that making findings would be premature. Ms. Eliason suggested adding a column for

conditions. Mr. Eliason said the Board should not compare the proposal to a conventional subdivision as one had not been approved. Ms. Eliason said that most of the land saved was wetland. Jill Mann responded that most of the open space was not wetland.

John Cole said the previous developer, Toll Brothers, had only found five buildable lots. Mr. Cole said the blasting would remove 540,000 cubic feet of granite. Jill Mann responded that the Toll Brothers reference was irrelevant and that the cubic yards would be discussed in the blast plan, but was overstated. Elizabeth Ransom reiterated concern for the amount granite removed. Bill Wheaton noted that any development, including a conventional subdivision, would require the same amount of rock removal.

Discussion ensued regarding Inclusionary Housing Bylaw. Marnie Crouch had submitted a memo to Patrick Reffett and Rick Mitchell for transmittal to Town Counsel asking for clarification regarding the Inclusionary Housing Bylaw "Fee in lieu" payment. Town Counsel (Robin Stein, Esq.) had been given the memo and had offered an opinion on how to interpret the By-law.

Motion made by Corey Beaulieu to accept into the record Town Counsel's opinion in response to the board's request for clarification.

Bill Wheaton seconded.

Vote: Emil Lindquist - aye, Jonathan Poore, - Bylaw aye, Bill Wheaton - aye, Marnie Crouch - aye, Corey Beaulieu - aye, and Rick Mitchell - aye. Unanimous in favor.

Patrick Reffett read the letter into the record. (See attached) Town Counsel opined that each unit would be assessed at three times the base area median income as determined by HUD without accounting for household size or income level. Minutes prior to the April 19, 2019 Town Meeting reflected that the Board wanted to obtain the full area median income rather than a percentage. The units at 80% of AMI would result in a total payment of \$242,550 ( $\$80,850 \times 3$ )  $\times 6$  or \$1,455,300, but at 100% AMI the payment would be \$362,400 ( $\$120,800 \times 3$ )  $\times 6$  or \$2,174,400. Jill Mann responded that income limits were stated in the. The applicant and public would have a chance to review the document before any decision would be decided.

Discussion ensued regarding the consequences if the six units are not built on site. Members questioned if the number of units (50) would be reduced to 44 as the six units would not be constructed on site. It was agreed that the Planning Board allowed the full number of units in exchange for payment in lieu of building on site for two prior projects (Patton Ridge and Canterbrook). Rick Mitchell noted that precedent had been set for the interpretation. Jill Mann said the applicant was entitled to rely on two previous decisions and that reducing the number of units allowed would have the effect of the applicant paying twice for the affordable units. Deborah Eliason disagreed stating the Board was not bound by prior decisions. Ms. Mann said the two prior decisions would have to be found erroneous.

Jonathan Poore, Corey Beaulieu, and Emil Dahlquist agreed that the units should be reduced. Marnie Crouch did not agree that units should be reduced, but suggested an opinion from Town Counsel would be worthwhile. Members agreed that Town Counsel should opine on the matter as it may be a point that could generate an appeal.

Motion made by Bill Wheaton to refer the matter to Town Counsel.

Corey Beaulieu seconded.

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

Questions from the audience: Cathy Duval contested the applicability of subdivision plan from Toll Brothers. Elizabeth Ransom apologized for discussing items outside the topics on the agenda. Christina Delisio said she had not received notice of the meeting and wondered how many trees would be removed (Scenic Road Discussion). Tim Majcieowski wanted Town Counsel's memo to be public.

Jill Mann said the applicant would need to have the number of affordable units resolved before more work could be done regarding other topics.

Motion made by Marnie Crouch to continue the public hearing for 133 Essex St. until November 9, 2021.

Bill Wheaton seconded.

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

### **BOARD BUSINESS**

Discuss upcoming schedule and agenda items;

New stormwater regulations, based on change to State and Federal requirements, would be reviewed in a public hearing at the next meeting.

Motion made by Emil Dahlquist to approve the meeting minutes of October 5, 2021.

Seconded by Bill Wheaton.

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

### **Documents Considered**

Plans of Chebacco Road.

PowerPoint by Woodard and Curran

Schedule for Senior Housing Special Permit

Proposed framework of Planning Board review by Emil Dahlquist/Jonathan Poore.

Two organizational charts by Marnie Crouch.

Town Counsel opinion regarding the Inclusionary Housing Bylaw.

Memo from Marnie Crouch to Patrick Reffett and Rick Mitchell forwarded to Town Counsel  
Minutes of October 5, 2021

**Adjournment.**

Motion made by Bill Wheaton to adjourn at 10:21 pm.

Seconded by Emil Dahlquist.

Vote: Unanimous in favor.

Respectfully submitted as approved at the meeting of 11-09-2021 by  
Marnie Crouch.