

HAMILTON PLANNING BOARD
PUBLIC MEETING MINUTES

Date: February 8, 2022
Location: Meeting held remotely via Zoom
Members Present: Rick Mitchell (Chair), Corey Beaulieu, Richard Boroff, Marnie Crouch, Emil Dahlquist, Jonathan Poore, William Wheaton, and Pat Norton (Associate).
Members Absent: No members were absent
Others Present: Patrick Reffett, Director of Planning and Inspections, Jill Mann (Applicant's Counsel), Larry Smith (Manager, Chebacco Hill Capital Partners, LLC), Brent Cole (Granite Engineering for Applicant), Jeff Merritt (Granite Engineering for Applicant), Gregory Hochmuth (Williams & Sparages for Applicant), Peter Ellison (Town Peer Reviewer-TEC, Inc), Elizabeth Oltman (Town Peer Reviewer -TEC, Inc), Tom Henaghen (Ransom Consulting, LLC), Scott Thornton (Vanasse & Associates, Inc. for Applicant), Deborah Eliason (Counsel - Save Chebacco Trails & Watershed).

A full recording of the Hamilton Planning Board Meeting is available on the HWCAM channel located on YouTube at <https://www.youtube.com/watch?v=RCp-KKOkHDQ>.

Call to Order

Rick Mitchell called the meeting to order at 7:09 pm and took roll call attendance.

Roll Call: William Wheaton – present, Corey Beaulieu – present, Patrick Norton – present, Marnie Crouch – present, Jonathan Poore – present, Emil Dahlquist – present, Richard Boroff - present, and Rick Mitchell – present.

Announcements

Rick Mitchell said the meeting would focus on traffic and stormwater management. Mr. Mitchell asked Board members whether they had specific questions related to hydrology, hydrogeology, the blasting plan, and other information presented at the last meeting so that those questions could be submitted to interested parties and discussed at a future meeting.

William Wheaton, citing the evidence and argument presented to date with respect to stormwater management, noted a dichotomy between the science and the apparent fear of abutters and others from the potential of water running underground and affecting the nearby wells, ponds, and lake, as well as climate change. He sought clarity from the experts as to whether the concerns raised by abutters and Save Chebacco Trails and Watershed (SCT & W) were valid given the scientific information presented.

Marnie Crouch suggested that questions be submitted in writing, and Board members agreed questions could be submitted to Patrick Reffett, who then would compile them in

one document, distribute them to all interested parties, and set a date to discuss the questions at a future meeting.

Richard Boroff requested that Board members see the questions compiled by Mr. Reffett before they were distributed to other parties.

Mr. Mitchell reiterated that Board members were welcome to submit written questions to Mr. Reffett.

Mr. Beaulieu questioned whether there were mechanisms in place to observe effects of basting which would alert the applicant to the need for action. He sought examples of what type of mitigation techniques would be used to abate adverse effects.

Mr. Wheaton indicated that he wished to see engineers address issues raised in the submissions of SCT & W and other members of the public to assess the validity of its concerns versus fear apparent in some comments and submissions.

Pat Norton and Emil Dalquist indicated they would forward questions to Patrick.

SENIOR HOUSING SPECIAL PERMIT PUBLIC HEARINGS - CONTINUED –

The application of Chebacco Hill Capital Partners LLC in accordance with the following described applications for the development of the property located at 133 Essex Street, Hamilton, MA, and shown on the Town Assessor's Map as Parcel ID No. 65-000-0001: (1) Senior Housing Special Permit, pursuant to §8.2 of the Town of Hamilton Zoning Bylaw, to develop the Property as a fifty (50) unit, age-restricted condominium development; and (2) Stormwater Management Permit, pursuant to Chapter XXIX of the Town of Hamilton Bylaws, dated April 2, 2016.

Granite Engineering Presentation on Stormwater Management

Attorney Jill Mann, representing the applicant, stated that Brent Cole and Jeff Merritt of Granite Engineering would make a presentation on the applicant's Stormwater Management Plan. In addition, she indicated that Scott Thornton of Vanasse & Associates Inc, Transportation Engineers & Planners, would be presenting a traffic impact assessment.

Brent Cole and Jeff Merritt presented the Stormwater Management Plan for the 133 Essex Street project. Mr. Cole shared his screen and presented a PowerPoint, captioned "Stormwater & Erosion Control." He stated that the stormwater management and erosion control measures complied with Massachusetts Department of Environmental Protection (MassDEP) policies and was reviewed by Peter Ellison of TEC, the Town's peer review firm. Mr. Cole's presentation covered the watershed, construction erosion control practices, and the long-term maintenance agreement that would need to be adopted by the owner post-construction. He noted that, in preparing a stormwater management plan, the first task is to analyze existing conditions. With respect to the 133 Essex Street property, he stated water sheds off the property in a 360-degree direction with water predominantly

discharging to the watershed area to the north and east of the property and eventually discharging into a culvert under Chebacco Road. He noted the goal of the stormwater management plan was to prevent impacts downstream.

Mr. Cole then reviewed the post-development plan, observing that engineers chose a series of stormwater practices which treat or infiltrate stormwater - all intended to reduce peak flows off site. He discussed the treatment practices consisting of five rain gardens and an infiltration pond as well as other practices, including deep sump catch basins with oil/water separators, sediment forebays for sedimentation control, a level spreader, a detention pond, and a proprietary “stormceptor” system. He showed a map depicting five rain gardens, which he stated are a low impact development practice that are aesthetically pleasing and also treat stormwater and remove pollutants; the infiltration pond, which is above the water table and recharges and treats stormwater and removes pollutants; and the detention pond. He stated that infiltration will be three-times that required by MassDEP policy.

Mr. Cole discussed pre-treatment devices which are mainly in the roadways where the majority of the water is collected. He stated that deep sump catch basins were in the roadway. He emphasized the outlet structure and the level spreader, a device that discharges concentrated water with associated reduction in flows. He noted reduced roadway width, disconnected roof runoff from roadway runoff, and other low impact development techniques.

In addition, Mr. Cole discussed the Long-Term Pollution Prevention Plan and the Operation and Maintenance Manual (O & M manual) for the Village at Chebacco Hill. The Stormwater Pollution Prevention Plan, known as a SWPPP, must be approved via permits from the EPA and the MassDEP. Its provisions require inspections after significant rainstorms and, at a minimum, weekly and that those inspections must be conducted by a highly qualified individual. The plan requires a stabilized construction exit, perimeter controls, such as mulch socks, storm drain inlets in the catch basins, “dandy” bags, and erosion control blankets. He also referenced dust control, stabilization of stockpiles, settling basins, and a spill prevention plan. He stated that, after construction, the stormwater management system requires maintenance. The owner and then the homeowners’ association will be responsible for that maintenance.

Board Discussion of Granite Engineering Presentation

Mr. Wheaton asked a question about accidental spills and how contaminants would be kept out of the water supply. Ms. Mann indicated spills would have to be reported to the fire department. Mr. Cole said the deep pump catch basins have an oil/water separator hood that prevents oil from entering the water. He noted that the catch basins need to be cleaned annually or bi-annually to remove excess build-up of oil.

Mr. Mitchell asked for clarification about the PowerPoint slide related to pollutant removal from rain gardens. Mr. Cole said the information about contaminant removal was from MassDEP. Mr. Mitchell said that adherence to DEP standards would result in removal of a range of phosphorus and other metals listed on the slide. Mr. Cole confirmed that was correct.

Mr. Boroff asked how often the rain gardens are inspected and who inspects them. Mr. Cole said rain garden maintenance is done for every 2 ½ inch storm. When a storm occurs, it has to be documented, and someone must be dispatched for inspection and maintenance. He added that homeowners' associations often subcontract the work to an engineer or an entity that regularly does the inspections, pruning, and maintenance.

Mr. Mitchell, noting that systems operate only as well as they are maintained, asked about strictures in place to ensure the homeowners' association complies with the requirements of the O & M manual. Ms. Mann said the O & M is attached to the Master Deed of the condominium association. Mr. Mitchell then asked if the condominium association was the self-enforcing entity. Ms. Mann said the Town could require evidence of inspections and the Conservation Commission and the Board could be involved in inspecting and taking action in the event the condominium association defaults in its obligations.

Mr. Mitchell asked where the flow into the infiltration pond was from. Mr. Cole said it was from rain garden 5 and was already treated when it entered the infiltration pond.

Mr. Boroff asked about the removal of pollutants from the rain gardens and elsewhere. Mr. Cole indicated removal was done through micro-activity.

Mr. Mitchell asked about the erosion control plan – when it was put in place and when it would be operational. Mr. Cole discussed the settling basins to remove stormwater and noted the contractor would have guidelines. Mr. Smith referenced filter socks around non-disturb areas. Mr. Cole referenced perimeter controls to prevent sediment runoff and noted the stormwater pond and mulch socks which are constructed first along with the stabilized construction exit.

Patrick Norton asked how the applicant planned to address dewatering, specifically asking about the extent of dewatering, given the height of the water table, and how dewatering would be dealt with during construction. Mr. Cole said that the SWPPP dealt with dewatering practices, adding, typically, such water goes into “filtering bags” to ensure no erosion before discharge. Mr. Norton noted the possibility of a lot of water on the site from ground water owing to the depth of the water table (3' to 7' in test pits). Ms. Mann said the issue will be addressed as the project proceeded, adding the SWPPP dealt with it. Ms. Mann emphasized a more detailed plan would be developed.

Mr. Norton suggested the applicant should develop a better way of dealing with the water so it does not have to be addressed on an emergency basis. Ms. Mann again said the applicant would develop a more robust plan.

Emil Dahlquist asked if the intention was to build fifty percent of the development in the first phase and the remaining half at a later date. Ms. Mann confirmed the applicant's intention is to construct fifty percent of the development in phase one of the project. Mr. Dahlquist asked for clarification on what will happen in the different phases to manage runoff assuming all blasting and tree clearing is completed. Ms. Mann indicated that

blasting would be done in two phases. She shared a rendering of the sequencing which showed what will take place in phase one and two. Ms. Mann stated the blasting and tree removal would be done in two phases with a temporary cul-de-sac constructed in phase one, although the stormwater management systems would be in place. Mr. Cole said that 5 of the 6 stormwater ponds, including the infiltration pond, would be constructed. Rain garden #3 would not be constructed, however.

Mr. Boroff asked about touring the construction site.

Mr. Wheaton asked for clarification on where the water from the wetland flows pre- and post-construction. Mr. Cole said pre-construction, the water goes under Chebacco Road, which then flows into Beck Pond and then Chebacco Lake. He said peak flows going through the culvert and into the lake system will go down post-development. Mr. Wheaton then suggested fear of runoff into the lakes is misplaced. Mr. Cole agreed.

Mr. Boroff asked what caused the drop in the runoff into the lake after construction. Mr. Cole said the stormwater ponds are the main mitigation component. The stormwater ponds have an outlet structure or a series of outlet structures that help restrict the flow and slowly discharge stormwater over 24 hours.

Ms. Crouch asked about the cost of the long-term pollution prevention plan and maintenance requirements. She further asked, in the event the condominium association is not willing or able to fulfill its responsibilities under the M & O manual, whether the Town should have the right to engage a contractor to perform those duties and obtain a lien on the condominium association's property. Ms. Crouch suggested legal counsel should look into the matter as the Town should have the opportunity to take measures to protect the natural resources adjacent to this site. Ms. Crouch also asked about what the annual cost of maintenance might be, recognizing it would fluctuate owing to disparities in the amount of rainfall in any given year. Ms. Mann said the applicant had not hired a contractor yet, but the typical cost is somewhere between \$2,500 and \$3,000 per basin. Mr. Smith said the cost is about \$2,000 a year per basin. Mr. Smith also indicated the applicant would be willing to have the Board condition the permit on the submission of annual reports, thus allowing the Town to step in and perform maintenance functions if necessary. Ms. Mann noted the owner and trustees of the condominium association would have tremendous liability for failing to meet obligations under the SWPPP and the M & O manual. Mr. Smith further noted the Board could condition that the declarant and the future homeowners' association be required to provide annual reports. Secondly, Mr. Smith observed that every homeowner that moves into developments in which he has been involved must pay five to seven months of HOA fees into a reserve fund so there is a decent-sized capital reserve fund when his company hands responsibility for maintenance over to the condominium association.

Ms. Crouch asked about as part of the long-term pollution prevention plan the Board should consider requiring organic practices and elimination of use of pesticides on the site. Ms. Crouch also noted that on page 3 of the M & O manual there was a reference to the Town of Wilmington instead of Hamilton and asked for that to be corrected. Ms. Mann apologized and said they would make that correction. Ms. Mann said the applicant

could make additions to the stormwater prevention plan regarding the use of harmful materials and pesticides. Ms. Mann said that the applicant was willing to put appropriate restrictions in place in conjunction with input from the Conservation Commission. Ms. Mann invited Mr. Hochmuth, a wetland scientist from the firm of Williams & Sparages, to address what methods can be put in place to avoid the use of certain chemicals on-site to create the best environment possible relative to run off. Mr. Hochmuth said a couple of boilerplate conditions are typically included in the permit. One restriction restricting the use of de-icers that can be used and the other is the type of fertilizer that can be used. Mr. Hochmuth said he would be happy to come up with some suggestions for the Board to consider for the project. Ms. Mann said those conditions would be part of the SWPPP and could be attached to the permit.

Mr. Reffett asked to have Peter Ellison, the Town's peer reviewer from TEC, speak about the Stormwater Management Plan. Mr. Ellison reviewed the plan prepared by Granite Engineering and found what it is proposing is a robust stormwater management system. Mr. Ellison said he reviewed all ten of the state-mandated standards and confirmed that the plan fully met applicable standards.

Ms. Crouch commented on item number 46 from the TEC document in which there is a reference to a NPDES permit that must be obtained prior to the start of construction. She noted that NPDES stands for National Pollution Discharge Elimination System. Ms. Crouch wanted to know if the permit has to be obtained before blasting as it will most likely cause as much disruption to the landscape as the actual construction itself. She also said it is predicated on compliance with the Clean Water Act. Mr. Ellison confirmed that the permit would be in place before the start of any blasting and that the NPDES permit is specifically linked to the SWPPP. The SWPPP document is the key piece of information that is provided as part of the NPDES permit process. The permit is submitted online to the EPA for review. There is a fourteen-day review period for the EPA before it issues a permit number that allows construction to begin. Ms. Crouch asked if the EPA scrutinizes the application or whether it is a relatively routine matter for the EPA to grant the permit. Mr. Ellison said the EPA goes through a checklist of items and reviews the project for high-level requirements from a federal perspective, such as the existence of federally protected wildlife species. Because the EPA does not review the SWPPP document, Mr. Ellison suggested that the Town obtain a peer review of that document when it is prepared.

Jonathan Poore stated that he had questions concerning runoff that is out of bounds of what the rain gardens are capturing. He asked that grading plan showing south-facing units, which was part of Granite Engineering's PowerPoint be presented. He noted a number of south facing slopes that were "outboard" from capturing runoff to rain gardens. He noted a series of area drains at the top of south and west facing slopes and asked how they functioned. He also observed that there were 2:1 slopes in rear yards that met a bigger 2:1 slope that eventually headed down the hill leading to the buffer area. He observed approximately 22 foundation drains that pointed in the same direction all of which appeared to be out of the design of stormwater management strategies of the rain gardens. Mr. Poore wanted to know the point of discharge for the foundation drains. Mr. Cole responded that the area drains being referred to were designed to collect the roof

water. If the roof water was not collected in those area drains, it would increase the velocity to the slopes. Mr. Cole stated it was important to collect that water and redirect it to the stormwater ponds for treatment. The area drains are hard-capped, and they are not supposed to collect water from lawns because it is not required to treat the lawns nor to mitigate the lawns because the system provided enough mitigation through collection of water from roadways and roofs. He added that there is a minimal amount of water coming from the foundation drains. He stated that the point discharge of the foundation drains involved just ground water so there would be no issue with what Granite Engineering proposed.

Mr. Poore asked Mr. Ellison if he had any concerns with the number of 2:1 slopes, including the interior 2:1 slope, as those slopes are mowed lawns over structural fill which would allow water to runoff fairly quickly. He asked about the number of 2:1 slopes and especially those outside of the requirement of being managed by the rain gardens. Mr. Ellison said the 2:1 slopes are a concern and that they will need to be monitored closely during construction and beyond. In his letter to Granite Engineering, Mr. Ellison recommended the inclusion of some type of erosion control blanket or work stabilization measure on those slopes to achieve permanent stabilization. Beyond that, those slopes are included in the long-term O & M manual that the homeowners' association must oversee. According to Mr. Ellison, the documents prepared by Granite Engineering included in their submittal outline the plan to provide construction monitoring and long-term monitoring of the slopes. Mr. Poore said he still had significant concerns about the 2:1 slopes, adding that there are many instances where an individual cannot get from the front yard to the backyard of a unit without traversing a 2:1 slope. He expressed concern about safety, the practicality of mowing 2:1 slopes, and ultimately good practice.

Ms. Crouch had a follow-up question regarding item number 27 on the August 30, 2021 TEC document. Ms. Crouch said TEC recommended a fence on top of a 3:1 slope where pedestrians and cyclists may be present. Ms. Crouch wanted to know whether safety fencing would be recommended for a 2:1 slope if it were recommended for a 3:1 slope. In her research, Ms. Crouch found that on highways with 2:1 slopes, a guardrail is required. She asked if both 3:1 and 2:1 slopes should have safety fencing. Ms. Mann responded that many of the 2:1 slope would not have grass requiring mowing, but rather would have plantings that will be pruned periodically. Mr. Cole said the site where safety fencing was recommended was an area where pedestrian traffic was redirected along the berm of a stormwater pond to allow connection to existing paths. Mr. Cole said the recommendation from Mr. Ellison to add a fence along that area was to prevent anyone from navigating into the stormwater pond. He stated that that area is not an area where pedestrians should be walking so fencing was recommended for those higher-risk areas.

Mr. Dahlquist asked about areas where there was vertical ledge and a chain link fence. He asked about what would prevent someone from accessing that area. Mr. Dahlquist asked about whether there was a regulation to address his concern. Ms. Mann said there would be appropriate measures.

Public/Viewer Input on Stormwater Management

Participants were afforded the opportunity to ask questions, including the following:

Christina [no last name given] noted that the project is complex. She observed that the project appeared to be low risk, but had high consequences if unanticipated issues were to arise in the future. She said the public was required to put a lot of trust in a homeowners' association over time. She wondered about alternative locations. Ms. Mitchell said that was outside the discussion. She then asked what is the plan if drinking water was contaminated? Ms. Mann stated that the project is norther in a well head protection area nor a surface water protection area.

Mr. Mitchell read questions and comments from the Zoom discussion board submitted by public viewers including the following:

How many 2" rain events occur in Hamilton? Mr. Cole could not answer that question, but stated the system could handle eight (8) 2" rain events and 10- and 100- year rain events.

Is Hamilton prepared to police the project for compliance with the M & O? Mr. Mitchel stated the question had been answered.

There was a question regarding flying rock hitting users of public trails. Ms. Mann stated blast mats would be used to prevent flying rock.

There was a question regarding the grass mix and the amount of fertilizer that would be used on the site. Mr. Cole stated the hydro-seed mix involved a variety of grasses and clover that the hydroseeder would have to follow.

There was a question regarding the planting list and use native species. Ms. Mann stated the landscape designer was not present to answer that question. Mr. Cole stated the plant list for the rain gardens came from MassDEP.

There was a question about mitigating measures and who will be liable if the water is contaminated? Mr. Mitchell stated there would be five monitoring wells to determine if there was contamination from the project site. Ms. Mann indicated that actually there were eight monitoring wells.

Al DeGroot, 193 Chebacco Road, commented on the stormwater management plan and environmental issues related to the project. He stated it was the Board's responsibility in considering a special permit to ascertain whether the project makes sense on many levels. He referenced the need to closely monitor the stormwater system and the need for on-going maintenance and inspections. He also referenced human error, adding that a decision by the Board to grant a special permit would be irresponsible due to the potential environmental risks associated with the highly sensitive area. He noted the need for a hydrogeological study, particularly owing to climate change and the frequency of 100-year storms that could happen as often as every three years. Mr. DeGroot also noted that Mr. Boroff had never followed through on his commitment to retract his erroneous social

media posting, does not appear to understand that a special permit can be denied, and suggested that Mr. Boroff's credibility is an issue.

Deborah Eliason of Ellison Law Office, representing SCT & W, an organization which represents thousands of Hamilton residents, stated that it has engaged very well-respected experts in this field, such as Ransom Consulting and Mary Rimmer from Rimmer Associates, and its membership includes professionals from the community with expertise in pertinent areas. She stated those experts welcome the opportunity to respond to the Board and the applicant. She also commented on her experience with condominium associations, noting that they do not always pay close attention to long-term monitoring and adding that the Town has limited capacity to monitor and inspect the stormwater system. She referenced dewatering and references to "the need to figure it out as we go." With respect to the NPDES permit and the SWPPP, she also commented that the requests for those permits are not given strict scrutiny, and the Town she be afforded the right to look at the applications beforehand. Citing Section 8.2.20 of the Senior Housing Bylaw, she stated she that the Town's peer reviewer examined the plan based on the state code, not our bylaw, adding that the state code sets forth minimum requirements. She indicated that the applicant has not complied with section 8.2.20 of the Senior Housing Bylaw, pointing out that the developer has just done the bare minimum. She also cited section 8.2.31.2 of the Senior Housing Bylaw and suggested that the Board could not find compliance with that requirement.

Ransom Consultants Presentation on Erosion Control/Slope Drainage

Tom Henaghen of Ransom Consultants, representing SCT &W, shared a slide, captioned "Slope Drainage." Mr. Henaghen agreed with Mr. Ellison from TEC that Granite Engineering did a good job creating a robust design for a complicated site, noting that the stormwater design was peer-reviewed and checked all the boxes required by MassDEP policy. He stated he wanted to talk about erosion control and steep slopes. Mr. Henaghen highlighted 2:1 slopes around the perimeter of the 16-acre development site, through the middle of the site, and even between some of the units depicted on the applicant's grading plan. He stated the reasons the slopes were so steep was to "tie the grades in" prior to reaching the 100-foot buffer zone so as to keep the project out of the Conservation Commission's jurisdiction. While observing that 2:1 slopes are not uncommon, in the case of this project, he stated he was concerned about the number of the steep slopes. He recognized the use of erosion control fabrics for 3:1 or steeper slopes, adding that any slope steeper than 2:1 would have to be reinforced with stone. During construction and without an established root system and vegetation, the slopes under construction would have new loam and seed over a small amount of fill. Larger storm event could cause water to rundown those slopes and remove the top layer of soil causing erosion when saturated. The soil could cause channels to form, the soil could potentially slough off, and the areas above the slopes could permit more water to flow over relatively impervious surfaces resulting in more erosion. He discussed erosion control socks that would have to be placed between the steep slopes and the wetland buffers and that it would not take much to inundate a 12" diameter silt sock with any type of failure over the 12-foot to 18-foot slopes on the project site. He stated that it would be difficult to get equipment to the bottom of the 2:1 slope to repair erosion controls or pull back soils without encroaching the buffer. While planning and good housekeeping could

address some issues, given the large earthwork operation, he stated it would take a significant length of time to stabilize slopes. For example, he said that it would be several growing seasons before vegetation would stabilize slopes. If this site is to be integrated into the terrain, he concluded the height and quantity of 2:1 slopes is a little bit excessive. In his experience, the SWPPP plan tends to be very generic. The SWPPP provides tools and mechanisms for erosion control, the applicant is pushing that onto the contractor, and there is not a lot of information beyond the phasing plan. He stated that there has been no soil management plan to show how soils would be processed, what material would be brought onto the site, and how grading would be done on an interim basis. Given the complexity, he suggested the need for more advanced planning rather than a “we have it covered, don’t worry” approach.

Discussion of Ransom Consulting Presentation-Board Questions

Rick Mitchell asked Mr. Henaghen, based on Mr. Henaghen’s experience with similar projects, if there were any techniques to handle the problems he discussed. Mr. Henaghen suggested a silt fence but more room at the toe of the slopes would be a better answer as the site is “packed right up to the edges” of the wetland. Mr. Henaghen noted the potential to disturb the very areas that must be protected when trying to repair or maintain some of the erosion control measure located at the bottom of steep slopes abutting the buffer zone. Mr. Henaghen suggested redundant measures, but the problem of maintenance would remain an issue.

Mr. Poore observed that in the lower part of the sheet (the southeast portion of the site) the 2:1 slope is actually in the required 20’ landscape buffer that showed up in his forest management plan. He observed that if something needed to be fixed in that area, workmen would actually be off the property.

Mr. Dahlquist asked Mr. Henaghen about where a failure would most likely occur in view of the steep slopes around the perimeter and elsewhere. Mr. Henaghen stated that in view of the height and extent of the slope there were several areas, including one on the southern portion of the site and the other in the interior of the site where a 2:1 slope existed between units with a 25-foot vertical difference. He noted that a thin layer of soil over rock could become saturated pretty quickly and fail.

Mr. Poore observed that, where the 2:1 slopes aim at buildings instead of buffer zones, they run right up against the protection slope that is required by code around buildings. Referencing buildings 1 and 2, he observed that the protection slope which is required to be 10-feet, is only 5- to 7-feet with an 18- foot drop aiming at it, adding that there is more of that along the eastern side of the property. The way the grading plan is shown there is a 2:1 slope meeting a protection slope almost as a crease and that condition is not very stable. Mr. Poore stated in those circumstances, the 2:1 slope “wins.” Mr. Henaghen stated that when things come together and for a “V” it becomes a channel with the potential to scour resulting in erosion. Mr. Poore stated he would like to see more gentle transitions. Mr. Henaghen agreed transitions were abrupt.

Mr. Cole stated he understood the comments. He said it was more common than Mr. Henaghen suggested to have silk socks or silt fences along the limit of disturbance. He stated that he was not opposed to a silt fence, and the contractor could swap that out as part of the SWPPP and take other measures if erosion was occurring. He stated that the areas that are loamed and seeded are the only permeable areas, that the seed mix takes quickly, and that erosion control mats that are proven to work will be used. He noted that his firm is not concerned with the slopes, and the contractor could adjust measures to mitigate problems. Mr. Henaghen stated that there are challenging areas on any site, but on this site, he was concerned about the extent of the steep slopes and the extent of the erosion controls which would need to be maintained.

Mr. Dahlquist noted the percentage of the site that is impervious according to a peer reviewer is 6 acres or 38% of the development site (roadways and roofs). He asked Mr. Henaghen to confirm whether that is an extraordinary number for a project that is supposed to be environmentally sensitive. Mr. Cole said 10 % of the site was impervious (6 acres out of 66 acres). Mr. Dahlquist suggested the calculation should be with reference to the 16 acres that are to be developed.

Discussion of Ransom Consulting Presentation-Public Questions

Jim Younger commented about the steep slopes and stated that in his experience the project was untenable. He asked how long the contractor would guaranty the work. Ms. Mann stated that under the NPDES permit the project would be monitored and the applicant would agree to have a professional engaged to monitor the project. She also stated that the applicant would agree and to have the SWPPP peer reviewed. She added that the applicant would have no problem bonding its work and also suggested the applicant would be willing to set aside a perpetual fund to secure monitoring and other obligations.

Ms. Eliason stated that there is no space between the slopes and the buffer zone and the applicant and its contractors may have to engage with the Conservation Commission to make repairs.

David Lash, 73 Lake Shore Avenue, representing the Chebacco Lake & Watershed Association, shared a PowerPoint presentation captioned "Remarks to the Hamilton Planning Board on 133 Essex Street." Mr. Lash had previously submitted a 9-page letter to the Board. He stated all the issues related to the watershed are below the surface and Chebacco Lake has been under tremendous pressure for 35 years. He indicated that he intended to address downstream impacts. He stated that there are only 300 hundred homes within the Chebacco Lake aquifer system. Mr. Lash said that Beck Pond and Chebacco Lake are interconnected and at the same elevation so that water flows between them, adding that Round Pond is at a slightly higher elevation. While technically true that the site is not part of any recharge protection or water supply protection areas, he said that the Mass DEP Water Supply Protection Area Map showed sensitive areas, adding that the site sits on a granite hill from which the water flows into other areas. He said his association's focus has been at the north end of Chebacco Lake and rising water levels. Any increase in flow into the water system could be harmful, citing an algal

bloom that closed the Chebacco Lake for over two weeks in 2020. He stated that the EPA is calling attention to algal blooms because of climate change. Mr. Lash identified a number of risks to the watershed from the proposed development. He stated that Massachusetts stormwater standards address surface flow and not how water moves underground. As soon as water penetrates the surface, there is no analysis of where the water would flow. He stated a hypothesis that the 16 acres of the development site, consisting of overburden acts as a sponge and slows down runoff from the site. Once the overburden is blasted away, there will be a stone table top with a porous layer that might permit runoff into the wetlands with excess volume hitting Beck Pond with the threat of pollution. He discussed rill erosion which may be in the buffer zone. He noted that the development is 50-feet above the wetlands and that Massachusetts is looking to adopt newer standards owing to increased precipitation events in the northeast. He also noted that phosphates may affect the watershed. He concluded by noting that the Planning Board is the only entity that can look at the project holistically, unlike the Conservation Commission and the Board of Health.

Mr. Wheaton noted contradictory information, referencing Mr. Cole's points versus Mr. Lash's presentation.

When questioned by Mr. Mitchell about his qualifications, Mr. Lash stated he had two master's degrees in engineering and 25 years of commercial real estate experience. He also recognized that the applicable, existing standards were being followed. Mr. Cole stated Mr. Lash's letter was riddled with inaccuracies and that Granite Engineering's report has been peer reviewed. Mr. Lash stated that the purpose of his presentation was for the Board to stress test the proposed stormwater design.

Traffic Report

Scott Thornton with Vanasse & Associate shared his screen to show five slides summarizing the data collected during his firm's traffic assessment of the area. Mr. Thornton said the traffic study was prepared consistent with state and local guidelines. The firm looked at a couple of intersections on Essex Street and did counts in April of last year. It also looked at crash data, sight distances, and vehicle speeds during critical periods, and made adjustments for the effects of the pandemic. Mr. Thornton estimated that the project would be adding about 14 trips on Essex Street in the morning and 17 trips in the evening and there would be minimal intersection delays added by project, i.e., 1.5 seconds or less at the study area locations. Mr. Thornton stated that the project design has clear sightlines to and from the entrance driveway on Chebacco Road. In addition, the applicant will add "Intersection Ahead" and STOP Ahead" warning signs on Essex Street and Woodbury Street for advance notice to motorists.

Mr. Thoron stated that his firm responded to TEC's peer review comments. He noted that TEC recommended a number of things and his firm satisfied requirements.

Board Discussion of Vanasse & Associates Traffic Report Presentation

Mr. Poore said he believed that in TEC's comments Elizabeth Oltman, as TEC's traffic impact peer reviewer, expressed concerns about the slope of the sidewalks within the

property. Ms. Oltman stated that TEC had made a comment about the slope. She stated that, while she understood the slope of the sidewalk could match the slope of the road, she believed that the applicant should acknowledge, given the type of development, i.e., senior housing, that the slope of sidewalks should be adjusted if possible. Mr. Poore stated that he was concerned for the mobility safety of the residents and wondered if TEC had any specific recommendations on how to remediate the steep slope sidewalk issue. Ms. Oltman said the applicant's engineer would have to see if there were any places where it could make switchbacks or provide additional areas to reduce the steepness of the sidewalks. She stated that Granite Engineering had tried to meet the ADA requirements, but that its engineers were permitted match sidewalks and roadway slopes.

Mr. Wheaton noted that parts of Chebacco Road are decrepit. Ms. Oltman noted the Town was going to improve the road, and the applicant would likely improve the road at the entrance.

Mr. Mitchell asked how many truckloads are estimated to travel on Chebacco over the entire project. Ms. Mann said there would be around 400 truckloads for the septic system. During construction, there would be about 46-50 truckloads per day. Ms. Crouch requested confirmation that the estimated amount of material that would be removed from the site during the blasting phase of the project would be 98,000 cubic yards. Ms. Mann confirmed that amount and that each truck could carry approximately 28 cubic yards of material, resulting in at least 3,500 trucks traversing Chebacco Road during the blasting phase of the project. Mr. Henaghen noted that a 28 cubic yard truck might not meet the regulation for the road. Ms. Mann confirmed that the number of cubic yards was correct and noted that the road was rated to meet the requirements needed for larger trucks carrying heavy materials such as granite.

Mr. Dahlquist asked about snow events and problems associated with snow removal. His calculations suggested that snow would have to be removed from the site in the event of a severe snow storm.

Mr. Reffett stated that he checked with the state, Hamilton's DPW, and the police and fire departments to ascertain whether there were any weight limits on Chebacco Road and found there were none after a member of public asked about the danger of collapsing the culvert under Chebacco Road.

Mr. Reffett said he would recommend that the Board, as part of its decision, require a construction management plan prepared by the contractor in consultation with an engineer, the Hamilton Police Chief, the Fire Chief, and the DPW Director. He stated that the construction management plan needs to address traffic routing, dust control, and keeping the street clean. Ms. Eliason stated that this plan had to be prepared before the issuance of the permit because it should be part of the Board's decision-making process. Ms. Mann agreed to prepare such a plan.

Ani Sarkisian, 307 Essex Street, commented on the dust produced by construction trucks. Ms. Mann stated the SWPPP handles dust control and the trucks have covers. She added that the Board can condition the permit on suitable dust control measures.

Ms. Eliason reiterated the need for a construction management plan, raising issues about traffic flow and safety. She asked for a specific study about the truck traffic going to and from the site. Ms. Mann stated that type of study is not done until a permit is obtained. Ms. Mann said it would be at least 50-55 trucks per day, and the applicant would never queue trucks on the public road.

Senior Housing Special Permit Public Hearings 133 Essex St - Continued to March 1, 2022

William Wheaton moved to continue the Senior Housing Special Permit hearing to Tuesday, March 1, 2021 at 7 p.m., seconded by Richard Boroff. **Roll Call Vote:** Marnie Crouch - aye, Emil Dahlquist - aye, Jonathan Poore - aye, William Wheaton - aye, Corey Beaulieu - aye, Richard Boroff - aye, Rick Mitchell - aye. Unanimous in favor.

Board Business

Mr. Reffett announced that the Conservation Commission issued a permit for the project at its January 26, 2022 meeting.

The next Planning Board Meeting is scheduled for Tuesday, February 15, 2022.

Mr. Mitchell proposed having a round table discussion on March 1, 2022, to answer all questions from Board members, the public, and SCT & W.

Documents Covered

- Village at Chebacco Hill Stormwater & Erosion Control PowerPoint Presentation by Granite Engineering, LLC
- Long-Term Pollution Prevention Plan Operation and Maintenance (O&M) Manual for the Village at Chebacco Hill by Granite Engineering, LLC
- Rendering of Proposed Construction: Phase 1 and 2 for Village at Chebacco Hill
- Grading and Drainage Plan for the Village at Chebacco Hill
- Slope Drainage Report from Ransom Consulting, LLC
- Chebacco Lake & Water Shed Association PowerPoint Presentation/David Lash
- Traffic Study PowerPoint by Vanasse & Associate Inc

Adjournment

Richard Boroff moved to adjourn the meeting at 11 p.m., seconded by Corey Beaulieu. **Roll Call Vote:** Corey Beaulieu - aye, Bill Wheaton - aye, Jonathan Poore - aye, Emil Dahlquist - aye, Marnie Crouch - aye, Richard Boroff - aye, and Rick Mitchell - aye. Unanimous in favor.

Respectfully submitted as approved at the meeting of March 1, 2022.
by Jennifer Woodin.