HAMILTON PLANNING BOARD
PUBLIC MEETING MINUTES

Date:	March 15, 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), Gregory Hochmuth (Williams & Sparages for Applicant), Andy Dufore (Applicant's Representative - Maine Drilling & Blasting); Richard Frappa, P.G. (Applicant's Geohydrologists, GEI Consultants), William Fleming (Applicant's Landscape Architect), James Emery, P.G (Town's Peer Reviewer – Hydrogeologist, Garrett & Emery Groundwater Investigations), Thomas Neilson, L.G, Elizabeth Ransom, P.G. and Tom Henaghen, P.E. (Geologists - Ransom Consultants – Save Chebacco Trails & Watershed); and 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=zik73XSUcNk

Call to Order
Rick Mitchell called the meeting to order 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.

Senior Housing Special Permit Public Hearings – Continued - 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.

Mr. Mitchell announced that the focus of the meeting was exclusively on questions posed by Planning Board members with respect to hydrology and hydrogeology. He stated that there were approximately 50 questions addressed to the applicant's experts and the Town's peer review

consultant. He added that Ransom Engineering's experts would have an opportunity to answer questions posed to them. He also stated that the public would have an opportunity to ask questions, if time was available.

Ms. Crouch responded to Mr. Mitchell's opening remarks by noting that, when she posed her questions, she directed them in some instances to all experts, adding that it made no sense to have Ransom Engineering's experts respond to a question after all questions had been answered and discussed by the applicant's experts and the Town's peer reviewer. Mr. Wheaton agreed.

Mr. Mitchell disagreed, noting that Ransom Engineering represented the public and stating that Ransom Engineering's work product had not been peer reviewed. Ms. Crouch and Mr. Wheaton objected, indicating that their questions were directed to <u>all</u> experts. Mr. Poore, referencing a PowerPoint prepared by the applicant's attorney, indicated that Board members' questions were reformatted and rephrased, and some were omitted, adding that Board members received the PowerPoint only an hour before the meeting. He requested that the Board refer to the original document that was transmitted to Board members rather than the applicant's PowerPoint. Ms. Crouch stated that she agreed with Mr. Poore. Mr. Wheaton stated that he also agreed with Mr. Poore.

Mr. Mitchell stated that Board members could verbally ask questions that were omitted at the appropriate time, but Mr. Poore and Ms. Crouch observed there was no time to adequately review the PowerPoint to ascertain which questions were omitted. Ms. Crouch reiterated that the PowerPoint was presented to Board members less than an hour before the meeting, adding the purpose of the meeting was to have Board members' questions answered, not questions edited by the applicant's attorney answered. She noted that questions were added and questions appeared as part of the applicant's PowerPoint which included information about its development and its development team. She stated that those circumstance created an appearance of impropriety and bias and was unethical.

Ms. Mann stated the purpose of the PowerPoint was to streamline questions, and the criticism by Board members was "insanity." She suggested that what she did was entirely legitimate and would serve to answer all Board members' questions. Mr. Dahlquist questioned Ms. Mann as to the identity of the person who told her to prepare the PowerPoint and observed that it is the Board's job to run the meeting, adding that, if there were duplicative questions, members could withdraw if necessary. Mr. Mitchell said the goal was to get the information on the table. Ms. Crouch requested that questions inserted by the applicant be eliminated, and Mr. Dahlquist repeated that it was difficult to determine what questions were eliminated and needed to be asked because the Poweroint was not provided to Board members in a timely fashion.

<u>Presentation</u>

Ms. Mann shared her screen and presented the PowerPoint which included slides showing the applicant's development team, an overview of the project, including an artist rendering of the entrance. Mr. Poore objected to the artist rendering, observing that Ms. Mann's presentation of the project and, in particular, the artist rendering raised issues that were not part of the agenda. Mr. Mitchell and Ms. Mann suggested that the Board in their view was being hostile.

The first questions, which Ms. Mann read, concerned: 1) whether the experts confined their review to technical aspect of the blasting plan, or 2) whether each expert conducted an overall hydrogeologic assessment of the project site and surrounding area without regard to blasting. Mr. Frappa said a proper review of a blasting plan requires an understanding of the physical, hydrogeologic, and environmental aspects of the site. He added that his team also considered surrounding land use and proximity of homes and water resources. As a hydrogeologist with 35 years of experience, he said he had sufficient hydrogeologic information to reach his conclusions from test pit data, topographic maps, and geologic and hydrogeologic mapping, including information from the Mass GIS site. He said that information allowed him to assess risks to human health and the environment from blasting and site development. Mr. Emery, the Town's peer reviewer, said he had 40 years of experience and worked for 2,000 municipalities on projects, including very large blasting projects. He said his firm went well beyond local issues about well water and municipal water systems. He stated he made recommendations to increase protections of ground water resources and made appropriate hydrogeologic assessments for the site.

Mr. Poore said the second question regarding an overall hydrogeological assessment had nothing to do with controlled blasting. Ms. Crouch stated that the questions were hers, and she wanted to know about hydrogeology after blasting and project completion. Mr. Emery answered the second question in the affirmative. Mr. Dahlquist asked about evidence in support of the answer. Mr. Emery said the evidence was in the blasting plan, and he said activity would not affect sensitive receptors, such as residential wells. He said off-site migration of contaminants would not affect municipal water supplies. Mr. Wheaton said engineering deals in probabilities. He stated that although Mr. Emery did not see any problems now, he asked him about the probability of a problem in the future. Mr. Emery said that was a hard question to answer, but on a scale of sensitivity issues he said the project was "down on the scale of concerns for impacts."

Mr. Dufore of Maine Drilling and Blasting answered questions about detection of deviations from plans and prevention of damage from such deviations, as well as what measures would be taken to reverse or repair damage and measures employed to make blasting safe, including monitoring. Mr. Dufore discussed an "exceedance," which occurs when there are increased vibrations or air pressure, stating that, if those events were to happen, the blast design would be reconfigured by, among others, the local fire department. Mr. Dufore said the plan will comply with state regulations and "IME" requirements. He added seismographs are used to monitor the blasting and will indicate whether there is compliance. Mr. Frappa said the type of blast material used is critical, stating that nitrates containing fuel oil will not be used; non-perchlorate materials are used instead to minimize risk of solubility of nitrates. With respect to groundwater protection and the proximity of the GPOD, he said there would be 8 monitoring wells in addition to 12 offsite wells. He added there was a rock handling plan to avoid leaching of nitrates from stockpiles. There would be routine testing and, if nitrate concentrations were to increase, blasting would be suspended. Mr. Emery said that an impervious liner would be placed under the muck piles to contain nitrates, if any, and there would be sampling every day. He noted it would be almost impossible to get to a damage control situation because of protections in place, adding that Maine Drilling and Blasting's practices set the "gold standard."

With the extent of exposed vertical ledge (i.e., 440 linear feet of vertical ledge, a good portion of which is 20'-30' high), there was a question regarding seepage from under the soil on top of the

ledge and the formation of icicles and ice sheets during winter months, coupled with the potential need for safety measures, remediation strategies, and the determination of who would bear the associated costs. Mr. Frappa said the formation of the ice happens when water weeps through a cut, adding icicles will sublimate or melt, but, nevertheless, have to be dealt with. Brent Cole from Granite Engineering said that the average height of the vertical ledge was 19 feet. He said there is a safety zone at the toe of the ledge face for ice and debris to collect to prevent hazards to pedestrians and vehicles. He said the ledge face was to designed to Mass DOT highway guidelines. He also noted a chain link fence on top of the ledge and a fence below the ledge to contain fallen debris and ice. He stated remediation would consist of picking up debris, and the safety zone is designed to prevent need for further remediation. Ms. Mann said there would be liability insurance carried by the homeowner's association for remediation.

Mr. Wheaton suggested Ransom Engineering be given the opportunity to address the issues. Elizabeth Ransom of Ransom Engineering indicated that she had 30-years of experience. She noted, in response to the first two questions [appearing on p. 3] that she did not understand whether there were complete answers provided by Mr. Frappa and Mr. Emery to the second question about hydrogeological issues of the site as a whole without regard to blasting.

Mr. Frappa wanted the Board to understand the background associated with the hydrogeological analysis. Ground surface elevations and the ground water elevations were obtained from existing on-site test pits and from USGS maps and Mass GIS maps - - information with includes aquifer data. He stated that his firm also had practical information from its work around the state, and basic principles of hydrogeology. He pointed to ground water flow and the low permeability of crystalline granite, adding that, if the granite had large fractures, the wetlands probably would not exist on the site. He also noted monitoring of private wells and additional monitoring wells that will be drilled as part of the blasting plan to ascertain ground water quality, noting that the residential wells are deep (200-400 feet) - - an indication that there is little water flowing through the granite. The depth of the wells was necessary to provide adequate water storage for household use because of the limited water flow.

Mr. Frappa stated that given the amount of rock and stored water in the fracture porosity that exists, the amount of water flowing from the site bedrock is minimal compared to the amount of water in the surrounding aquifer so that removing rock that has little water in it is inconsequential to the overall aquifer.

Mr. Cole addressed a question regarding increased rainfall from global warming and the potential failure of the stormwater management system. He said there was no increased risk because they system was designed to a standard that is consistent with Mass DEP policy, adding it was designed for 100-year storms and the required standard was exceeded by about 10% and, in addition, there were measures designed to reduce the flow of water from the site and limit environmental risk.

Mr. Mitchell asked Mr. Emery to comment on issues posed by the question regarding the potential failure of the stormwater management system. Mr. Emery stated that he reviewed information and determined there were sufficient redundancies for him to conclude that the stormwater management system was adequately designed to prevent problems from occurring.

Mr. Ellison, the Town's peer reviewer from TEC for the stormwater management system, indicted that the system satisfied state standards.

Mr. Norton observed that USGS and other mapping sources were grossly inaccurate based on his experience with projects on the Northshore and that Mr. Frappa appeared to rely both on mapping and test holes. Mr. Frappa said that inaccurate mapping would not be an issue because the firm did not rely on mapping very much, adding that the aquifer does not encroach on the property being developed, such that receptor information that exist on Mass GIS system is perfectly adequate.

Mr. Frappa addressed a Mass GIS map identifying medium yield aquifers in the area, which map was used by Ransom Engineering in a PowerPoint presentation at a prior meeting. He provided an illustration of the water flow directions, using that map. Noting a thin layer of soil on bedrock in the area, he stated that there is little water in the non-aquifer area as granite has no porosity and water is not collected and stored in fractures. He reiterated that "storactivity" in granite is very low. The aquifers hold millions and millions of gallons of water while water held in the granite onsite would only hold about 10,000 gallons. The flow is to the east and "daylights" to the surface on Chebacco Road and then water reenters the aquifer at the north end of Beck Pond. Accordingly, any contaminants would be undetectable because of low concentrations (less than 10 mg per liter) if they entered the aquifer and even monitoring wells would not be able to detect contaminants. He also noted that, because of the engineering controls that would be implemented, no ground water would contain nitrate above the applicable standard and, worse-case scenario, if nitrate made its way into an aquifer, the resulting concentration would not increase the existing nitrate level there. Mr. Emery agreed. He rejected concerns raised by Ransom Engineering about the water supply, pointing to the water flow paths that would not result in contaminants getting into those sources. Mr. Beaulieu asked about where the well water for Chebacco Road residents was from. Mr. Emery said water was in the bedrock and had to be pumped. Mr. Emery noted that data from the wells would be collected every 30 minutes.

Ms. Ransom addressed a question regarding criticism that her firm's work was theoretical and impractical. She stated that she believed it was not, adding the firm had been requesting information about the hydrogeology of the site as a whole and how it would behave as a whole over time. She noted that common monitoring tools, such as 2-3 monitoring or engaging events that span seasons (7-8 months), and a fate and transport analysis, should be used to create a base line for assessing ecological and water quality data to help the Town and the applicant understand potential impacts. She also recommended a residential well survey because of knowledge that some wells in the area are, in fact, quite shallow. In her view, in order for statements such as the ones made by Mr. Frappa and Mr. Emery to have been made, more specific data should be collected, something for which she has been advocating for seven months. She observed that, if data had been obtained, the conversation would involve "real" data.

Mr. Mitchell asked Ms. Ransom about the flow arrows and whether she disagreed with Mr. Frappa's depiction. She stated that she lacked information in front of her to verify the flow directions, but that it may be correct. He also asked whether the proposed well monitoring for 30-days prior to the commencement of blasting would create a baseline. She said "no," as it would be incomplete. She said that testing was part of the blasting plan to monitor for nitrate

impacts from blasting, but a more expansive set of wells to assess conditions after blasting and site development is needed. Ms. Ransom stated the eight monitoring wells are insufficient because they are not focused on the site development as a whole or on the long-term impacts of the project which would require additional site-specific parameters and locations, as well as additional wells, gauges, and transducers placed near the steams, wetland and leech field.

Mr. Emery observed that there was more testing than just for nitrates as individual wells would be tested for sodium, copper, iron, manganese, arsenic, etc., as well as for turbidity every two weeks. Given 20 monitoring wells, he stated more data is not always better data. He said discharge from a 7,500 gallon per day septic system was a small input into a major aquifer area, and there is "no possible way" that the project would impair municipal water systems. Ms. Ransom stated that site specific data was warranted and the volume of water in Beck Pond could be affected.

A statement was made that there would be a 38,000 gallon per day discharge from that medium yield aquifer into Beck Pond compared to an aquifer containing 65 million gallons. Mr. Frappa said Ransom Engineering's requests would be pertinent to a landfill operation, not a project like the one under consideration. In a residential setting, he stated he could not understand what the contaminants of concern were given the level of risk. He added nitrates and phosphorus are nutrients. Mr. Neilson of Ransom Engineering responded, agreeing that they are necessary to sustain life, but in excess quantities they can cause substantial harm downgradient. Mr. Neilson noted that there is low risk of existing wells being contaminated from the site, but, owing to population growth and new demands on water resources, Beck Pond exists as a potential future water resources. Without understanding what is in the groundwater flowing into the adjacent aquifer and then into Beck Pond, it would be difficult to assess the impact, if any, from the development, noting potential nutrification of groundwater sources. A nitrogen/nitrate transport model should address this issue, because of the location of the septic system and its high nitrate levels. He said there was no site- specific information to support the conclusion that there will not be an impact downstream.

Mr. Mitchell noted David Lash provided information about nutrification from homes in the vicinity of Chebacco Lake, and he observed that any water from the project site would be diluted before it was ever added to Beck Pond. He said that it was like "shaving pieces of ice" because Ransom Engineering did not identify potential sources of pollution. Ms. Ransom said that there are existing homes adding to water flowing into Beck Pond, noting that there is no data to know whether Beck Pond is in a healthy state or whether it is at risk. Site specific data given the addition of more water to surface water features, such as the stream under Chebacco Road, would allow a more informed decision. Mr. Mitchell indicated that, if pollution of Beck Pond was such a concern, Save Chebacco Trails & Watershed should conduct the necessary work and share it with the applicant. Ms. Ransom responded that it was the applicant's responsibility to demonstrate lack of harm. Mr. Mitchell disagreed, pointing to Mr. Emery's peer review report and the absence of any data. Ms. Ransom observed, however, that she and her firm are barred from accessing the site to conduct any research. Mr. Emery stated that there were 63 million gallons stored in the aquifer and over 100 million gallons stored in Beck Pond compared to a 7,500-gallon discharge from a treatment facility that is state of the art and approved by the Commonwealth. Due to dilution and treatment, he agreed that "we are shaving ice."

Greg Hochmuth discussed resource areas, including four vernal pools, (one of which is certified and the others probably could be certified) and a question regarding the effects of blasting on the vernal pools. He stated the vernal pools are identified on the Overview Plan prepared by Granite Engineering. He noted that there is no buffer zone to a vernal pool required at the state level, but the Hamilton Conservation Commission regulations have an associated upland resource area for vernal pool that extends outward from the mean high water of the vernal pool, adding that the project area itself is outside the 100-foot buffer and also is 100 feet from vernal pool habitat. He said his firm worked hard to keep the project outside the jurisdiction of the Conservation Commission with the exception of three temporary activities. When asked about the potential effects of blasting around the vernal pools and wetlands on the water table and wildlife, Mr. Hochmuth stated the site is not an area of critical environmental concern and is not mapped as priority habitat by the Division of Fisheries and Wildlife or the National Heritage and Endangered Species Program. He said it was not a nitrogen sensitive area, not a wetland protection area, and not in Zones I or II. He also said the intermittent stream is not a mapped tributary to a water supply. Mr. Frappa stated the wetlands and vernal pools are within the non-aquifer area except for an area on the northern boundary distant from the blasting area. He stated that the pools near the working area of the site collect precipitation and snowmelt, adding that because the bottoms of the wetlands are full of detrital muck, there is a low permeability skin that sits on top of the non-porous crystalline rock. He said there was a bowl that collects water when transpiration rates do not overwhelm recharge. He said there was not enough interaction between the fractured bedrock and the wetlands, given the 100-foot buffer, to cause recharge/discharge disturbance. By creating 40-foot cuts, the hydrogeology will not change at all based on the low permeability skin. He stated that there was no hydrologic connection between the areas of bedrock.

Although Mr. Mitchell observed the question was too open ended, Ms. Ransom to whom the question about the effects of blasting on vernal pools and wildlife was directed, noted that Mr. Frappa had just answered the question. She stated, however, that she would not say there is "no chance" that the wetlands and vernal pools would not be affected by blasting "because that is not how nature works." She said her firm in evaluating the relationship between the vernal pools and blasting would look at whether the stormwater runoff would impact them throughout the construction period. She noted potential hydrogeologic changes through the construction cycle and the potential for fracture patterns to change by blasting. Mr. Frappa said there would only be a concern if there were open fractures connecting the vernal pool to the bedrock, adding that, if that circumstance were to exist, there probably would not be vernal pools as there would be a drain below them. Ms. Ransom said that when the site was stripped of trees, soil, and rock the stormwater will runoff in a different way that currently and interact with the wetlands and vernal pools differently as well. Mr. Mitchell asked whether the questions were addressed by the Conservation Commission, and the answer was no.

With respect to climate change issues and potentially stricter regulations, Ms. Mann stated "you can't change the rules in the middle of the game" and any attempt to impose stricter standards would be legally untenable. Ms. Crouch clarified that, while she understood that the project could be built to today's standards, but because of climate change and the likelihood of increased rainfall and aberrant weather patterns, the project also could be built to higher standards to

improve it. Mr. Boroff stated that was not a valid thing to do because "we don't know what is going to happen in the future" and we should not try to predict the future. Mr. Wheaton observed that failing to account for climate change was "a form of human behavior called myopia." He added that 100-year floods and storms are now 10-year floods and storms. He stated it was not unreasonable to have the site engineered to a stricter albeit reasonable standard. Mr. Mitchell questioned under those circumstances what standard should be chosen and stated that Ms. Mann was correct, noting the cost of making adjustments. Mr. Wheaton stated that engineers and scientists are recommending building in cushions because of the clarity of what is likely to happen due to climate change. He suggested that there is nothing in our regulations that state we have to use a particular standard and, if the Board were more cautious, it would not be extending its reach.

Ms. Mann stated that the Board had no ability to change the protocols. Mr. Cole stated that he over designed the systems and was conservative in his approach. He dismissed the idea that 100-year storms are now 10-years storms. He stated the Mass DEP regulations were implanted a few years back and are robust and that the system is designed to a 100-year standard with redundancy. Mr. Norton stated Massachusetts will impose different regulations in the future and will impose fees and fines if they are not met, noting that this statement constituted both a concern and warning.

Mr. Heneghan addressed the stormwater management system as designed. He stated that the calculations were correct and state requirements were met. Mr. Norton raised a concern about water management on site during construction and dewatering. Ms. Mann stated that there was a construction management plan.

Ms. Crouch, noting the requests for a hydrogeological study were raised at a pre-application conference, asked about the cost and duration of a hydrogeologic study to ascertain the actual versus theoretical impacts on the Town's potential future sources of drinking water. She asked a subsidiary question: if the cost of a hydrogeologic study is de minimis in relation to the overall cost of the project, why shouldn't such a study be done now, rather than having to address potentially expensive mitigation measures in the future. Mr. Frappa said he had a hard time understanding the rationale to support the need for a hydrogeologic study without ascertaining risks of nutrification of Beck Pond. He said a 7,500 gallon per day discharge would not result in a measurable increase in nitrate so there is no risk. He stated that such a study was irrelevant regardless of cost. Ms. Crouch noted that Dave Thompson, a renowned expert in the field, had recommended a hydrogeologic study. The response was that his position was of no concern because he lacked information. Ms. Ransom observed that the type of study her firm recommend would cost approximately $150,000 and could be completed in seven months. Mr. Neilson referenced a loading calculation for the septic system that exceeded that referenced by Mr. Frappa. Mr. Frappa said that, even if he was off by an order of magnitude, there would be no effect on the medium yield aquifer, concluding the subject was trivial. Mr. Hochmuth said the system was Title V complaint which by definition meant that it includes protections of water supplies.

Mr. Dahlquist asked what jurisdiction would oversee remediation and monitoring in the event it was required from pollution on the site. Mr. Emery indicated that the Town would have to hire a

consultant to monitor and evaluate the project to see if the applicant complies, a cost typically paid for by the applicant or through an escrow account. He added that the Town had "put the clamp" on the applicant in a lot of ways, adding that a hydrogeologic study is unwarranted. He stated that the applicant would be monitoring the muck pile and ascertaining when blasting can occur, a weather dependent event, as well as monitoring data from well sites, and potentially stopping the blasting if the data collected were to indicate potential problems. Ms. Ransom noted a lot of material would be used on site and asked how it would be monitored. Mr. Emery described how the muck pile would be handled and monitored through sampling at significant cost to the applicant. Mr. Emery said the muck piled cannot be used if it generating nitrates.

Mr. Hochmuth indicated that he and his firm would try to be the monitor agent for the project, but the monitor required by the order of conditions would not include monitoring the upland portion of the site, adding that the Conservation Commission would address issues.

Mr. Cole addressed Stormwater Management Plan questions. He said less than 30% of the lawns were 2:1 slopes. He added that the Stormwater Management Regulations are directed at more than impervious surfaces, adding that the entire watershed had to be considered, as well as hydrology pre- and post-development. If there were damage to water quality, a Board member asked about who would pay for it. Mr. Cole stated that, if the stormwater management systems are constructed and maintained properly, there would be no need for remediation. Ms. Mann emphasized the goal was to build and maintain the stormwater management system consistent with requirements, and compliance with those requirements would be provided by a bond given by the developer or provisions in the condominium association documents. Mr. Frappa said wells would be monitored for up to a year following completion of construction to ascertain post-construction groundwater quality.

Mr. Cole discussed the migration of phosphorus, noting that the rain gardens remove 50-70% of phosphorus. He said a lot of the accumulation of phosphorus is from leaf litter on lawns and that a lawn maintenance service would remove much of that. Mr. Hochmuth noted that the landscape plans call for the use of slow-release fertilizers that do not contain phosphorus.

Mr. Reffett stated it was important to understand the Board's special permit process versus the Conservation Commission's Order of Conditions. Mr. Cole said it would make sense to put this information together for the Construction Management Plan presentation at a future meeting.

Mr. Cole discussed the Phasing Plan. It provides for two phases. Phase 1 involves construction of the entrance drive and looped roadway, the construction of 24 units, and the construction of a temporary cul-de-sac, as well as the septic system and the majority of the stormwater management system features. Phase 2, which begins after the sale of 50% of the units in Phase 1, involves completion of the project, which the applicant estimates will take between 4 and 6 years. There will be a fully functional drainage system across Phase 1, including stabilizing stormwater ponds. Phase 2 will involve completion of all systems. Mr. Cole addressed Phase 2 construction during Phase 1, noting it was extremely difficult to fully answer the question as Granite Engineering will not be the construction firm. He noted that Phase 1 will involve disturbance of 0-25% of the Phase 2 area for cutting, grubbing, and removal of organic matter. Material from blasting, scraping ledge, digging for underground utilities from Phase 1 work may

be stored in the Phase 2 area. The completion of underground utilities and shaping the earth and laying roadways and housing sites with structural fill and completion of rough grading around building sites for Phase 2 will not occur in Phase 1. Mr. Cole further explained that there was a temporary access road and a storage and construction storage area to the west of the access road as part of Phase 1.

In response to observations and questions about an approximate 18-foot drop on the southern perimeter of the Phase 2 area onto pre-existing steep slopes and hard onto the property of an abutter or a wetland buffer zone, Mr. Cole indicated that in response to concerns such as that set forth in the question, a stone armor was added to the back side of the 2:1 slopes. He explained that stone armor takes blasted rock and puts it on slopes. He stated that a mulch berm also was added to the tops of slopes and a silt sock to the toe of 2:1 slopes. He concluded that there now were three robust erosion control measures in place to prevent any erosion. Mr. Dahlquist indicated that he was concerned about the state of the top of the hill between Phase 1 and 2. Mr. Cole clarified that more blasting and concomitant clear cutting would occur in Phase 2, such that the cul-de-sac road area would be unaffected by Phase 1 and the natural hydrology would remain until work began. Mr. Dahlquist confirmed that work on Phase 2 would not being until 50% of the units were sold. Mr. Hochmuth indicated that, if there were to be disruption in areas under the jurisdiction of the Conservation Commission, it could take actions, including issuance of enforcement orders.

Mr. Henaghen indicated that he had no comments regarding the stormwater system calculations. He stated that there was no reference to temporary stormwater controls and there was the potential for uncontrolled runoff. Mr. Cole indicated that the Construction Management Plan would address issues regarding those outstanding issues. Ms. Crouch raised an issue about selling units in a construction site, but indicated the issue could be discussed at a later date.

With respect to questions about snow removal and the use of deicers. Mr. Cole indicated that snow melt would not be an issue, particularly as snow would be removed from the site, if necessary, and there would be no risk of contamination as use of environmentally friendly deicers (calcium chloride) would be required.

With respect to the septic system. Mr. Hochmuth indicated the system was approved and is presumed to comply with the Wetland Protection Act. Mr. Dahlquist had a question regarding the proposition that any disturbance should be considered a "potential groundwater threat." Ms. Mann indicated that she did not understand the question, but Mr. Dahlquist stated that the question was pertinent to GPOD designation. Mr. Frappa said that the delineation of the GPOD is further to the north of where the septic and leech filed are located which are outside the GPOD.

Mr. Mitchell then read public comments. Ms. Eliason objected to the process which excluded public participation. Mr. Mitchell said it was within the discretion of the chair to determine whether the public can participate or not. A question was asked about whether Mr. Emery's services were obtained through an RFP. Mr. Reffett answered in the negative, indicating his services were obtained as a subconsultant to TEC, the primary consultant to the Town. In response to a statement that the presentation was biased, Mr. Mitchell whose internet connection

made the audio recording unintelligible at intervals, indicated the process was inclusive over the past several months, and he did not know how to answer the question. In response to concern about the questions and their alteration, Mr. Mitchell said that the questions had been shared with Save Chebacco Trails & Watershed and their consultants so everyone had been fully aware of them. There were other statements about the depth of neighboring wells which were not as deep as stated. Mr. Norton took over reading questions and comments due to Mr. Mitchell's tenuous internet connection at his home. Mr. Frappa clarified he was speaking of only bedrock wells which are required to be deep when he made his statements.

The agenda for the next meeting was discussed. The applicant indicated that it would present the Construction Management Plan on April 21, 2022. Lighting, Landscaping, and Architectural Design would be discussed on April 5, 2022.

Mr. Boroff moved to continue the public hearings on the Senior Housing Special Permit and Stormwater Management applications to April 5, 2022 at 7:00 pm by Zoom. Mr. Beaulieu seconded the motion. Vote: Unanimous in favor.

Mr. Mitchell, who had experience internet connection problems earlier during the meeting, unexpectedly left the meeting without a motion to adjourn. Ms. Crouch, as Clerk, entertained a motion to adjourn which was made by Corey Beaulieu and seconded by Bill Wheaton. The motion passed unanimously with the consent of all members remaining on the Zoom call which included Acting Chair Marnie Crouch, Corey Beaulieu, Jonathan Poore and William Wheaton. The meeting was adjourned at 10:56 pm.

Documents Considered: PowerPoint captioned Village at Chebacco Hill/March 15, 2022 Round Table Discussion /Hydrogeology

Respectfully submitted as approved at the meeting on
Marnie Crouch