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May 30, 2024

***VIA ELECTRONIC MAIL ONLY***

Mr. Phillip DeMartino  
Community Assistance Unit  
Executive Office of Housing and Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114  
[phillip.demartino@mass.gov](mailto:phillip.demartino@mass.gov)

Re: ***Request to Strike Memorandum of May 29, 2024***  
Appeal of Notice of Safe Harbor  
Village at Chebacco Hill Comprehensive Permit Application  
133 Essex Street, Hamilton, MA

Dear Mr. DeMartino:

Reference is made to the above identified matter. In that regard, this office serves as counsel to Chebacco Hill Capital Partners, LLC (“Chebacco”). Yesterday, May 29, 2024, this office was copied on a submission by Daniel C. Hill, Esq. entitled “Memorandum in Defense of the Hamilton Zoning Board of Appeals’ Invocation of the ‘Related Application’ Safe Harbor,” purportedly submitted on behalf of Heather Ensworth, an individual with no standing in these proceedings. Accordingly, Chebacco respectfully requests that the aforementioned Memorandum and its accompanying correspondence be stricken from the record of proceedings in this matter.

Pursuant to 760 CMR 56.03(8)(a), the only parties with standing in proceedings concerning the invocation of a related application safe harbor are (a) the applicant and (b) the Board. Moreover, even under Housing Appeals Committee rules permitting intervention in certain circumstances, such intervention may only occur after being allowed by the presiding officer in response to a motion whereby “[t]he presiding officer shall not allow a person to intervene if his or her interests are substantially similar to those of any party and no showing is made that one or more of the parties will not diligently represent those interests.” 760 CMR 56.06(2)(b). Therefore, even when assuming arguendo that intervention were available by motion in this matter (which, to be clear, Chebacco does not believe is the case), Attorney Hill’s client has both failed to make such a motion and fails to meet the standard for intervention, as the Board is more than capable of diligently representing the interests of individual citizens of the Town, and in fact, the Board is specifically designated as the exclusive entity for representing such interests under the applicable regulatory framework.

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In any event, Attorney Hill's submission presents no compelling facts or arguments that warrant its inclusion in the record before EOHLC. Therefore, for all of the foregoing reasons, Chebacco respectfully requests that the Memorandum and email correspondence submitted on May 30, 2024 be stricken from the record in the above-referenced proceedings.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

*Stephen J. Chaplin*

Stephen J. Chaplin, Esq.

SJC/

Encl.

cc: Patrick Reffett, Director of Planning and Inspectional Services (via *email* only)  
Town of Hamilton Building Department (via *email* only)  
Amy E. Kwesell, Esq. (via *email* only)  
Chebacco Hill Capital Partners, LLC (via *email* only)  
Daniel C. Hill, Esq. (via *email* only)