



**Town of Hamilton – Select Board  
Town Hall – 577 Bay Road  
Hamilton, MA 01982**

Katherine Miller, Planning & Programs Specialist  
MassHousing  
One Beacon Street  
Boston, MA 02108

November 20, 2023

**Re: Local Government Comments on Proposed 40B – Village at Chebacco Hill, Hamilton (MHFA Application ID 273)**

Dear Ms. Miller:

You have requested local comments regarding the above referenced 40B project. We have solicited input from various town staff and local boards based upon their review of the site and the Comprehensive Permit Site Application – Homeownership package which was received electronically by the Town of Hamilton on October 13, 2023. Their comments are compiled as attachments to this letter from the Hamilton Select Board in the following order:

- Planning Board – Marnie Crouch, Chair
- Conservation Commission – Kristan Farr, Agent
- Septic System Inspector – Greg Bernard
- DPW Director – Timothy Olson
- Planning Director – Patrick Reffett
- Hamilton Police Department – Chief Russ Stevens
- Hamilton Fire Department – Ray Brunet

Thank you for your consideration in this matter. Should you have questions or follow-up please notify Planning & Inspections Director Patrick Reffett.

Regards,

Shawn Farrell,  
Chairman, Hamilton Select Board

cc: Joseph J. Domelowicz, Jr., Town Manager  
Hamilton Select Board  
Amy Kwesell, Special Town Counsel, KP Law  
Hamilton Planning Board

**PLANNING BOARD COMMENTS REGARDING PEL APPLICATION FILED BY  
CHEBACCO HILL CAPITAL PARTNERS, LLC WITH MASSHOUSING**

- A review of the PEL application does not contain sufficient information about site conditions, including difficult topography and steep slopes, particularly as the application itself reveals that it is intended to gauge whether the site is "generally appropriate for residential development" and whether "the project design is generally appropriate for the site." A representative of Mass Housing reviewing the PEL Application would have no idea about the numerous issues considered by the Planning Board in meetings that spanned over a year's time, including ramifications of extensive blasting and rock crushing; well monitoring on and off site; extensive ledge removal traffic and other safety concerns on Chebacco Road, which is a Scenic Road, as well as Essex Street and other nearby streets; noise levels; prolonged project duration; and subsurface runoff concerns. **The decisions of the Planning Board should be attached to any submission transmitted by the Town to MassHousing.**
- Under "Construction Costs-Site Work (Hard Costs)", "Earth Work" is listed at \$8,700,537 or \$140,000 per built unit; presumptively, those high costs are associated with "Unusual Site Conditions/Other Site Work," resulting from extensive blasting and rock removal. Other Ch. 40B projects in this Town do not have such extraordinary costs. In addition, there are no costs associated with peer reviewers. Although the proposed Ch. 40B project is similar to the 50-unit Senior Housing project under Section 8.2 of the Hamilton Zoning Bylaw, the two projects are not identical and additional peer reviews must be required and paid for by the Applicant. That same issue arises in the context of the applicant's reliance of the DEP-issued Superseding Order of Conditions for its Senior Housing project, dated April 24, 2022, well before the applicant's October 12, 2023 proposal for 59 units with its concomitant higher resident population. Despite substantial similarities, the two projects are different and should be treated as such.
- The PEL application reflects an intention to limit both the number and age of children residing on the site. Not only do the affordable units contain just two-bedrooms [*See Guidelines for G.L. Ch. 40B Comprehensive Permit Projects/Subsidized Housing Inventory* which indicates that projects must comply with the "Bedroom Mix Policy" as set forth in the "Interagency Agreement Regarding Housing Opportunities for Families with Children"].
- There is an age restriction requiring at least one resident of each affordable unit to be 55 years of age or older. Accordingly, the likelihood of young children living on the site would be artificially and improperly circumscribed. Moreover, there are no amenities of the site for either adults or children, other than the perimeter walking trails. Steep sidewalks and roadways would pose significant risks to children riding bicycles or playing on the site.

## Patrick Reffett

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**From:** Patrick Reffett  
**Sent:** Monday, November 20, 2023 10:20 AM  
**To:** Patrick Reffett  
**Subject:** FW: Con Comm Comments re 133 Essex PEL

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**From:** Kristan Farr <kfarr@hamiltonma.gov>  
**Sent:** Monday, November 20, 2023 10:16 AM  
**To:** Patrick Reffett <preffett@hamiltonma.gov>  
**Cc:** Joe Domelowicz <jdomelowicz@hamiltonma.gov>  
**Subject:** RE: Con Comm Comments re 133 Essex PEL

At the November 16<sup>th</sup> meeting of the Conservation Commission, the board stated that regarding the 133 Essex Street Chapter 40B application: "We require the prior permit (Order of Conditions, DEP #172-0629) be followed and if project deviations occur, the applicant is responsible for appropriate follow up which honors the prior permit and it's criteria."

Kristan Farr, Conservation Coordinator  
Town of Hamilton  
577 Bay Road, Hamilton, MA 01982  
978-626-5247

[kfarr@hamiltonma.gov](mailto:kfarr@hamiltonma.gov)

*Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10*

## Patrick Reffett

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**From:** Patrick Reffett  
**Sent:** Monday, November 13, 2023 3:10 PM  
**To:** Patrick Reffett  
**Subject:** FW: 133 Essex 40b application

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**From:** Greg Bernard <gbernard@hamiltonma.gov>  
**Sent:** Thursday, October 26, 2023 12:02 PM  
**To:** Patrick Reffett <preffett@hamiltonma.gov>; Dennis Palazzo <dpalazzo@hamiltonma.gov>  
**Cc:** David Smith <dsmith@hamiltonma.gov>  
**Subject:** Re: 133 Essex 40b application

Patrick,

My only comment thus far is I will need a new septic plan and application.  
The proposed system will be larger than the previously approved system.

Greg Bernard  
Hamilton Septic Inspector

## Patrick Reffett

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**From:** Tim Olson  
**Sent:** Thursday, November 9, 2023 5:11 PM  
**To:** Patrick Reffett  
**Subject:** RE: External Email Warning RE: External Email Warning 40B PEL Application for 133 Essex Street Hamilton MA

Hi Patrick,

Three main points I would like more clarity on:

Drainage plans, impacts to downstream and existing infrastructure. Confirmation that the existing infrastructure is sufficient in size or may need to be increased

Limits of water main, hydrant work

Limits of roadway paving and roadway improvements adjacent to the development on the public roadways.

Thank you

Tim Olson

### ***Timothy J. Olson***

Town of Hamilton  
Director of Public Works  
577 Bay Road  
PO Box 429  
Hamilton, MA 01982  
P: 978-626-5227  
F: 978-468-5582  
[tolson@hamiltonma.gov](mailto:tolson@hamiltonma.gov)

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**From:** Patrick Reffett <[preffett@hamiltonma.gov](mailto:preffett@hamiltonma.gov)>  
**Sent:** Thursday, November 9, 2023 1:58 PM  
**To:** Tim Olson <[tolson@hamiltonma.gov](mailto:tolson@hamiltonma.gov)>; Scott Janes <[sjanes@hamiltonma.gov](mailto:sjanes@hamiltonma.gov)>; Russell Stevens <[rstevens@hamiltonma.gov](mailto:rstevens@hamiltonma.gov)>; Ray Brunet <[rbrunet@hamiltonma.gov](mailto:rbrunet@hamiltonma.gov)>; Robert Wallace <[rwallace@hamiltonma.gov](mailto:rwallace@hamiltonma.gov)>; Dennis Palazzo <[dpalazzo@hamiltonma.gov](mailto:dpalazzo@hamiltonma.gov)>; Kristan Farr <[kfarr@hamiltonma.gov](mailto:kfarr@hamiltonma.gov)>  
**Cc:** Joe Domelowicz <[jdomelowicz@hamiltonma.gov](mailto:jdomelowicz@hamiltonma.gov)>  
**Subject:** RE: External Email Warning RE: External Email Warning 40B PEL Application for 133 Essex Street Hamilton MA



## **Hamilton Planning Department**

Town Hall – 577 Bay Road  
Hamilton, MA 01982

To: Whom It May Concern

From: Patrick Reffett, Director of Planning & Inspections

Re: Comments regarding 133 Essex St 40B – MHFA Application ID 273

Date: November 13, 2023

The following are planning related points to convey to MassHousing, the Executive Office of Housing and Livable Communities (EOHLC) and the Applicant, Heritage Capital Partners, LLC., regarding the proposed project to be located at 133 Essex Street, Hamilton, also known as MHFA Application ID 273.

### **RELATIVE LOCATION COMMENTS**

The project site is approximately 3.4 miles in roadway distance from the Hamilton Wenham MBTA Commuter Rail Station. This distance is considerably further than what would be considered walkable (.5mile).

No bus or other transit service is currently available near the site

No permanent, daily shopping is available within walking distance however the Meadow Brook Farm Store (open seasonally) is within comfortable walking distance.

Employment centers are distant.

Distance from State Route 128 is 4.2 miles.

### **RELATIVE SITE COMMENTS**

The Site is considered a “green” site having not been previously developed.

The site is in a sparsely developed residential portion of Hamilton, near its easterly border with Manchester and Essex.

A considerable portion of the site is determined to be subject to the MA Wetlands Protection Act.

### **AFFORDABLE HOUSING RELATED**

As the site is privately owned, available and has been for sale for a number of years by its owners it has been listed as a possible affordable housing site within the Town’s Housing Production Plan largely since the owners have desired to sell the property.

Hamilton, with 4.1 percent of its local housing stock designated as affordable, is far beneath its State required 10 percent subsidized housing inventory.

The Town of Hamilton has recently issued a 45 unit 40B project approval for a project called Asbury Commons.

The Town of Hamilton asks that the affordable units be deed restricted and affordable in perpetuity.

A safe harbor request in response to the 45 unit Asbury Commons project has been requested of EOHLC as Hamilton has an up to date Housing Production Plan.

The Town requests that the MHP and the Applicant advise us as to the total number of units that will be added to the Town's SHI from the proposed project.

As documented within the Housing Production Plan and the Housing Master Plan update by Goldson and Partners, Hamilton has a limited amount of housing options for special needs and mobility impaired individuals. Would the developer consider constructing units (market and affordable) which can accommodate those with mobility issues and special needs?

The above mentioned housing planning reports have documented that the Town contains limited housing stock diversity and asserts the need for more rentals, more affordable units, and more types of residential dwellings.

### **TOWN INFRASTRUCTURE**

Please prepare a traffic study related to the 59 unit project which addresses daily volumes, peak hour traffic, Level of Service impact upon the intersection of Chebacco with Essex Street and other applicable intersections in the immediate area. Please illustrate an appropriate calculation which determines an adequate provision of parking spaces upon the site in convenient locations.

Evaluate the condition and capacity of the town water service which is beneath Chebacco Road. Determine its ability to satisfy the water demand from the project and its 59 units. Make systematic upgrades if needed to address any system deficits if any.

The Town expects to require funding for a full peer review of engineering elements of the project including traffic, utilities, drainage, septic system, lighting, with full adherence to ITE, NPDES, MDOT and DEP requirements.

### **DEVELOPMENT & ENVIRONMENTAL IMPACTS**

As the Town of Hamilton is to repave Chebacco Road in the very near future we ask that the developer coordinate with the Town's DPW so no damage to the new paving occurs. In the event that damage does take place we ask that repairs be the responsibility of the developer.

Understanding that a great deal of site preparation and grading is necessary, drainage and runoff must satisfy the NPDES permitting requirements. We ask that low impact development techniques be extensively utilized to retain site moisture and recharge groundwater. We ask that appropriate measures be taken to limit site erosion.

As the development is near regional water sources we ask that the project protect these resources and assure that they are not being contaminated or otherwise degraded. We ask that periodic checks occur to assure that said resources are not being degraded during the construction phase.

The use of low impact development techniques (reduced paving widths of drives/parking, use of natural stormwater treatment techniques, and limiting of site clearance are all employed by the project for environmental betterment and is highly encouraged.

Considering the construction will require a significant amount of blasting to create a development "pad" for the units, parking and immediate green space an extensive amount of blasting will be required. We ask that State and EPA sound limits be adhered to during the period. We ask that rock grinding and truck loading be shielded with ground forms or other means of sound deflection to limit sound impact upon abutters to the extent possible.

We ask that the amount of site grading be minimized to the extent possible so as to limit the amount of blasting, trucking and disruption.

An extensive amount of environmental protections have been placed within the Hamilton Conservation Commission's wetlands permit dated August 24, 2022 for the previously proposed development on the subject site which is to be used for the proposed development. We embrace these measures and request they be robustly utilized and made publicly known as they are highly encompassing and protective of the on-site and off-site environments.

#### **COMMENTS UPON PROPOSED PLAN**

The provision of extensive amounts of open space (41 acres) and a functional, connective, accessible trail is advantageous to the general public with free, legal, improved access.

Proposed project require extensive site work and should not exceed appropriate grades and slopes for future residents.

The development area is focused upon the upland area of the site with wetlands and environmentally sensitive areas of the site being preserved and protected.



## Patrick Reffett

---

**From:** Joe Domelowicz  
**Sent:** Monday, November 20, 2023 9:34 AM  
**To:** Patrick Reffett  
**Cc:** Shawn Farrell  
**Subject:** RE: Chebacco  
**Attachments:** Reply to 40B letters.docx

Patrick, overall, very good I just made a few minor changes...please feel free to send this reply to all letters we've received.

Thank you,  
Joe

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**From:** Patrick Reffett <preffett@hamiltonma.gov>  
**Sent:** Monday, November 20, 2023 8:18 AM  
**To:** Joe Domelowicz <jdomelowicz@hamiltonma.gov>  
**Subject:** Chebacco

Joe – In response to Shawn's email re this yesterday I've prepared the below. LMK what you think – feel free to add/edit/etc.

Regarding the full package – it's done except I'm still waiting on a brief statement from Con Comm. Once I have that I'll send to Amy and then get Shawn's sig.

Thx, Patrick

*To Concerned Citizens - We are in receipt of your email regarding Chebacco Woods and presumably the proposed 40B project for 133 Essex Street. In response to comments made within many of the emails it appears that a number of clarifications could be useful.*

- The project is not being proposed by the Town of Hamilton*
- The project is a Mass General Law 40B project which is an affordable housing project that intends upon utilizing state funding (in part) from the MassHousing Partnership (MHP).*
- An important aspect of 40B projects is that it makes a commitment to providing affordable units in exchange for relief from local zoning restrictions, most notably density.*
- The process requires an initial local review in response to what is known as a Project Eligibility Letter (PEL) application. The Town, various boards and town staff are preparing and providing their review comments to MHP so they may have a cursory understanding of project challenges and feasibility. The Town is submitting this base-line information today November 20, 2023. This preliminary review does not include the Zoning Board of Appeals review as they are the statutory review authority on behalf of the town. That process will review the project specifics in a detailed fashion as well as incorporate public comment.*

- *In the event MassHousing commits funding to the project the State will notified the Town at a later date and a formal 40B application will be submitted to the Zoning Board of Appeals for their formal review which carries a maximum review period of 180 days.*

*Thank you for sharing your considerations and concerns.*

*Sincerely,  
Patrick Reffett  
Director of Planning & Inspections*

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Director of Planning & Inspections*