

15 Canter Brook Lane
South Hamilton, Massachusetts 01982-5200

October 11, 2022

William Bowler, Chairman
Hamilton Zoning Board of Appeals
577 Bay Road
Hamilton, Massachusetts 01936

BY HAND DELIVERY

Re: Proposed ZBA Application for Construction of "Asbury Commons" as Multifamily Housing ("Asbury HCP") under MGL Ch. 40 B by Harborlight Community Partners ("Harborlight") to be located at 466 Highland Street, Assessor's Map 28-8, Lot 1, Zoning District RA

Dear Chairman Bowler & ZBA Board Members:

We are abutters of the above-captioned proposed multi-family development under consideration, and are submitting this feedback, having actively monitored the monthly hearings this year. The Board has on file two letters that we separately submitted last Spring.

We hope that this project will be denied at the local level. Many reasons for denial are obvious. Our understanding of the 40B process, is that the Town of Hamilton ZBA may condition its approval by compelling restrictions on this development. The fact that Harborlight has been engaging with Gordon Conwell officials to develop affordable housing, is evidence that alternatives exist for the Town to fulfill its affordable housing obligations.

If Asbury Commons is approved, we respectfully request the following restrictions and plan modifications be actively discussed, and requirements included, as part of the permitting process. The ZBA at this moment has the greatest degree of leverage to cause changes to the development plan that will better align interests of residents, abutters, and the developer.

Canter Brook is an "over-55" community, at least half of whose residents are over age 70. Owners chose to live at Canter Brook in part for the peace and quiet afforded by an attractive rural location. We know the Town does not intend to foster degradation of the living environment along Asbury Street, and we know that the ZBA can control outcomes with sensible requirements as part of the permitting process.

We respectfully request the following items be actively discussed and negotiated as part of any considered permit approval process, as specific restrictions.

1. **Density.** A 45-unit multifamily apartment building is huge. We request there be an active discussion with Harborlight about reducing the number of apartments.

Otherwise, the Town will surrender the treasured agricultural and rural character of this neighborhood for a building with density suitable only for urban locations.

The mass of a building having over 60,000 square feet of internal space is **enormous.** Tucking the design into the terrain at this site will not hide the immensity of this structure. **The proposed building size is seriously detrimental.**

We find it insufficient to have the ZBA or other Town of Hamilton entity simply accept an assertion by Harborlight that development of fewer than 45 units cannot be financed. Any such assertion should be independently evaluated. **The number of apartments must be materially reduced.**

Affordable housing alternatives exist that include consideration of better located development parcels that will meet the affordable housing mandate. Alternative locations can be actively discussed with the Developer without prejudice to the Town under its affordable housing objectives. Massachusetts DCHD would agree.

2. **Landscape Design.** The architectural drawings do not depict the impact Asbury Commons will have on Canter Brook. For instance, renderings show a dense tree line separating the properties, consisting of existing deciduous trees. The existing vegetation is not dense. For at least six months, sight lines between the properties will be unscreened, and the looming proximity of a 45-unit apartment building will be gargantuan. This cannot be viewed on a cropped architectural rendering. In this sense the design drawings create misdirection.

The landscape design drawings show plantings of additional deciduous and some evergreen trees on the northeast side. Screening landscape should instead include mostly dense, fast-growing evergreens to assure year-round privacy.

As a condition of its approval, the ZBA should require that a specific number of mature evergreen trees be installed in all areas requiring natural screening – particularly the east and south sides. The number, variety, size, and placement of such trees should be specified in the permit approval document. Mature trees and stone walls along Asbury Street should be preserved. The filed plans have only species details and installation requirements. As we have seen at Canter Brook, installed landscaping often falls short of the filed design.

3. **Trash Compactor.** Design plans call for the Trash Compactor and pick up lane for refuse trucks to be on the Canter Brook side of Asbury Commons. This is unacceptable and necessitates re-design. Refuse pick-up frequency and noise, and attendant site litter, will create serious problems for Canter Brook residents whose homes are closest. We urge ZBA to insist that the Trash Compactor, and access by refuse trucks, be re-oriented to the opposite side of Asbury Commons. We also wish to have the Town create

enforceable time-of-day restrictions on trash and recycling pick-up at Asbury Commons to avoid engine noise and heavy traffic at inappropriate hours.

4. **Utility and Equipment Shed(s)**. Interior or exterior equipment and storage buildings should be required by ZBA conditions to be built further away from the Canter Brook property line. No storage of supplies, pallets, barrels, etc. should be allowed to be outside or visible at any location or beneath awnings or temporary structures.
5. **Traffic and Parking**. Fewer units in a less-dense development will mean fewer parking spaces, less traffic, and a safer transit on Asbury Street. We assert that the Town of Hamilton and Harborlight develop a plan providing for:
 - a. A 20 MPH speed limit on Asbury Street between the intersection with Highland Street, westward to the Topsfield town line.
 - b. Sidewalks, speed humps and curbs.
 - c. Cautionary and Speed Signage.

The existing Traffic Study for Asbury Commons does not appear to account for expected traffic activity associated with the Habitat for Humanity development. Something was stated about a standard formula being applied in the Traffic Study to accommodate “future development.” This is unmeaningful to us. We believe the Traffic Study has played-down actual conditions on Asbury Street at the site location by relying on standardized estimates and extrapolations that do not correspond to this location.

The lack of traffic enforcement in this area – especially during commuting hours – will continue to present serious risks for pedestrians and cyclists. Commercial truck traffic is significant during the 7 AM – 10 AM and 3 PM – 7 PM hours and is often at high speeds. Vehicular and pedestrian accidents will occur if precautions are not taken by the Town.

6. **Property Management**. The ZBA should require Asbury Commons to have an on-site property manager, accessible to abutters. Harborlight should be required to provide specific property management resources so that abutters can register concerns about nuisances, commotion, loud music, vehicular activity and so forth, to be immediately dealt with. Providing a toll-free number, an answering service or process steps alone are insufficient. As a good neighbor, Asbury Commons should have management personnel available to be immediately responsive to neighborhood concerns, 24 x 7.
7. **Environmental, Site Drainage, Septic Drainage, Water Table, Water Supply**. These considerations call for explicit restrictions as part of the approval process. We are particularly concerned about the water supply issues discussed in a prior ZBA meeting, affecting the entire Town of Hamilton and the region, especially given drought conditions of the past several years.

Septic engineering plans submitted by the developer have illegible information. Criteria associated with Title V Nitrogen Loading do not appear to have been met. See letter from Attorney Hill dated September 5, 2022. Stress on the water supply in drought conditions is of high concern. The ZBA should insist that legible information and a complete analysis of all environmental matters be provided for evaluation and potential explicit requirements, prior to rendering its decision.

The awarding of a comprehensive permit that allows the developer to redesign septic and drainage if, after the granting of the permit, actual site conditions so require remains a significant issue, because of potential adverse implications for the environment and abutters. No redesign should be permitted after a permit is issued, without further review and approval by the Town of Hamilton.

In short, the planned development is not absolved of meeting reasonable obligations because the process of 40B creates a runway for affordable housing development. Rather than witness process momentum and one-sided Developer feasibility presentations, we think the Hamilton ZBA can make meaningful changes to create a win-win result for the parties. The outcome should be a realistic meeting of the minds if Asbury Commons is to go forward.

We expect that prior to closing hearings next month, and before issuing any ZBA approval, there will be an active public discussion of these matters with Harborlight.

Thank you again for your consideration, and for your hard work.

Respectfully,



Paul DeSimone



Amy Clark