Appendix:

PHASE I MASTER PLAN REPORT

Growth and Change: Hamilton, Massachusetts

Master Plan Phase I Report
Produced for the Hamilton Citizens Action Planning Committee
July 2002

Community Opportunities Group, Inc.
Boston, Massachusetts

Growth and Change: Hamilton, Massachusetts

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Preface

Community Opportunities Group, Inc., is pleased to submit this final report on Phase I of the Hamilton Master Plan. Our report provides a historic trends analysis of land use, open space and housing in Hamilton, an "existing conditions" snapshot of land use and town finance, a discussion of present zoning policies as they relate to the town's master plan goals, and an overview of Hamilton's past efforts to plan for growth. It also includes recommendations to the Citizens Action Planning Committee (CAPC) on ways to organize for the challenging work of Phase II, which starts in September.

We are grateful for the assistance and cooperation that we have received from many individuals since the beginning of our engagement with the Town of Hamilton, in particular:

The CAPC Steering Committee: Peter Clark (chair), Marc Johnson, Peter Twining, Chris Davis, Robin Willcox, Susan Wiltshire and Rick Mitchell.

CAPC subcommittee members who gave us invaluable information and shared their knowledge of the town, including Evelyn Shuman, Jackie Hodge, Michelle Teal, Wendy DeFelice, Alice Griffin, John Rhoads and Gretel Clark, along with many others.

Jean Nelson, Planning Coordinator, Hamilton Planning Department.

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Community Opportunities Group, Inc.
July 2002

Growth and Change: Hamilton, Massachusetts

Master Plan Phase I Report

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Executive Summary

Phase I Accomplishments

The Hamilton Citizen's Action Planning Committee (CAPC) has completed the first phase of a planning process that will culminate in an updated master plan for the town. Between November 2001-June 2002, the CAPC:

- Organized and successfully recruited 40 interested residents to serve on planning subcommittees.
- Selected Community Opportunities Group, Inc., as the town's master plan consultants.
- Conducted a town-wide opinion survey on a variety of planning, development and open space issues, and then tallied, analyzed and reported the results of 543 questionnaires received from Hamilton households.
- Sponsored two forums in April 2002 in order to engage the community in a visioning process, encourage public dialogue about Hamilton's present and future needs, and develop master plan goals.[1]
- Obtained town meeting support to prepare a new plan by securing an appropriation for the remainder of the planning process.
- Reached agreement about the major goals of the master plan and the work program for Phase II.

The final report on Phase I, *Growth and Change: Hamilton, Massachusetts*, records the CAPC's accomplishments to date and outlines the major goals of the master plan. It also provides baseline information about the town's recent development history and efforts to plan for a high-quality future. In addition, the report includes a review of Hamilton's zoning regulations as they relate to the master plan goals.

Phase I Impressions

The CAPC's public opinion survey, the April 2002 community meetings and research conducted for the Phase I report point to several issues that will be important topics for the new master plan. For example:

- Hamilton residents worry about losing open space to new growth. They want the town to be more pro-active about saving open space, and they see zoning, land acquisition grants and cooperation with conservation groups as the most attractive ways to achieve that end. Many say they would support spending tax dollars to buy open space in order to protect wetlands, water resources and wildlife habitat.

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[1] See Appendix A of the Phase I Report for a summary of results from the town-wide survey and April 2002 public meetings.

- Residents are also very concerned about the adequacy and quality of their drinking water. They want more action taken to address the town's water needs – even if it means increasing local expenditures for search, exploration and development of new water supplies.
- On balance, residents value all that Hamilton has to offer. They think highly of services they receive from the town and the regional school district. Although they also think their tax bills have risen too quickly, most residents seem reluctant to cut local government spending.
- A sense of community matters deeply in Hamilton. Bicycle paths, walking trails, parks, playing fields and places for young children to play all rank high on the list of recreation priorities, and housing suited for senior citizens ranks high on the list of residential development priorities.
- Hamilton residents appreciate both the ambiance and the mix of businesses in their downtown, although they would like more shops and food service establishments. Economic development policies that encourage a vital downtown, preserve Hamilton's equestrian traditions and make room for "neighborhood-friendly" home-based businesses seem to have broad support from most people in town.
- Though many residents think the town's tax base should be expanded, they are divided over the desirability of more business growth. Hamilton's long-standing disdain for industrial, office and research & development zoning endures today.
- Regional cooperation is important to Hamilton. The town's efforts with Manchester to protect Chebacco Woods, and its inter-local arrangements with Wenham for library, recreation, emergency response and school services all suggest that Hamilton is the kind of community that can work with other towns to accomplish mutual goals. Residents think that regionalism may hold the key to addressing other needs, including public safety facilities and water supply.
- Like most small towns, Hamilton sees the state's comprehensive permit law, Chapter 40B, as a threat. However, many residents support such ideas as requiring developers to include affordable single-family homes in new developments and creating affordable housing for seniors.

Phase II Agenda

The "Phase II" process will conclude with the production of an updated master plan – a detailed report that identifies and explains the steps that Hamilton should take to achieve its community development goals. The CAPC expects to initiate Phase II in September 2002 and pursue a several-month work plan that includes these components:

- A review of the recently completed "build-out study" by the Metropolitan Area Planning Council under an agreement with the Executive Office of Environmental Affairs, and an updated analysis of Hamilton's future development potential.

- An analysis of Hamilton's needs, opportunities and challenges in land use, open space and natural resource protection, historic preservation, residential development, the local economy, transportation, and community services – e.g., schools, facilities for public safety, public works and recreation, water supply, and other services essential to the quality of life in Hamilton.
- A public consultation process to explore alternative land use plans and the policies required to implement them.
- An analysis of the fiscal implications of future growth under current town policies, and growth under a preferred alternative land use plan.
- The preparation of "existing conditions" inventories that will be used to establish a baseline for Hamilton's master plan goals.
- The production of maps and other visual representations of information assembled for the master plan.
- Detailed recommendations on zoning and other regulatory changes required to achieve the goals of the master plan.
- An analysis of the organizational, financial and other resources that Hamilton needs to implement its new master plan.
- Community meetings and hearings to consider the master plan's recommendations and proposals.

The town plans to use additional grant resources from state government to help finance the cost of Phase II. A scope of services for the consultants has been agreed upon locally and forwarded to the Massachusetts Department of Housing and Community Development (DHCD) for review.

Introduction

In November 2001, the Hamilton Planning Board established a special committee to oversee an update of the town's Master Plan. Like master plan committees in most communities, Hamilton's Citizens Action Planning Committee (CAPC) includes members of other local boards and commissions, interested citizens, business owners and recognized community leaders. An outreach process to secure broad participation ultimately attracted over 40 volunteers, most of whom serve on topic-area subcommittees. Acting as a coordinating council for the master plan effort, the seven-member CAPC Steering Committee has a demanding set of responsibilities to fulfill over the next 12-15 months. If Hamilton's experience mirrors that of other communities, the CAPC faces at least three difficult tasks: staying focused, retaining an adequately broad base of participants, and communicating openly and often with the town's key policy-makers.

That Hamilton's master plan initiative came at the heels of a land use controversy is not at all unusual. A little more than one year ago, the Planning Board hoped to change the zoning bylaw for a proposed elderly housing development on Essex Street. The proposal sparked substantial opposition from neighborhood residents, who objected to both the project and what they viewed as a closed decision-making process at town hall. To the Planning Board, the Essex Street plan brought more benefits than costs: development that would generate surplus revenue, keep elders in Hamilton, and preserve important open space. To abutters, the costs outweighed the benefits: density, traffic, loss of valuable open space, and an unwanted departure from their neighborhood's tradition of single-family homes. By all accounts, however, they were most disturbed by negotiations that had taken place between town officials, the land owner and prospective developer – negotiations that were initiated by the town. What the Planning Board saw as leadership was perceived by neighborhood residents and their sympathizers as an end-run around citizen participation. The Essex Street episode left many people unhappy, yet it became the catalyst for a new master plan.[2]

Master Plan (1965)

Hamilton was a different place when landscape architect Charles W. Eliot prepared the town's first master plan in 1965. At the time, Hamilton had about 6,140 year-round residents. Its civilian labor force consisted of some 2,250 people and overall, they were more highly educated and held better jobs than many workers across the Commonwealth. Still, the median family income in Hamilton was 1.03 times the median for the state as a whole – higher, but not substantially so.[3]

[2] "Proposed Comprehensive Planning Process," Report of the Hamilton Planning Board to Annual Town Meeting, 7 May 2001.

[3] Bureau of the Census, 1960 Census of Population and Housing.

The regional high school had opened three years before. In response to population growth that occurred throughout the 1950s, the town had recently built a new library and public safety building as well. Small, "grandfathered" businesses operated in residential neighborhoods around East and South Hamilton, and the emergence of three contrasting development traditions – large family estates, old subdivisions with small homes concentrated on narrow streets, and new subdivisions with 20,000- and 40,000-ft^2 lots – gave testimony to the conditions that inspired Hamilton to embark on a town plan.[4]

Eliot figured prominently in state historical society circles and was renowned as an advocate for housing quality and public open space. He urged Hamilton to adopt several protective zoning measures: a conservancy (wetlands protection) district, a residential district for two-acre lots in the northwest section of town, a cluster bylaw to save open space from development, and a so-called "institutional" district to gain control over changes in use on large, tax-exempt properties. In addition, he encouraged Hamilton to establish a local historic district on Bay Road, pursuant to what was then a five-year-old state law. Eliot imagined Hamilton as a community of "intimate," tree-lined country roads, where an interconnected system of open space and bridle paths would preserve not only the town's rural fabric, but also its equestrian identity. He also imagined Hamilton as a town of 10,000 residents by 1985.[5]

Hamilton Hardware Store, c. 1974
Photo Courtesy of Hamilton Historical Society (Supplied by Marc Johnson)

In fact, the rate of population growth in Hamilton had already begun to decline when Eliot wrote the master plan, and it continued to decline thereafter. By 1985, the town's population was approximately 7,000. Six years after Eliot submitted the *Comprehensive General Development Plan* to the Hamilton Planning Board, voters agreed to establish the Conservancy District (1971). Over time, the two-acre zoning that Eliot had recommended for northwest Hamilton was expanded and today, the Residence-Agriculture District covers about 44% of the town.[6] Eliot's proposal for an institutional district never left the drawing board, and 20 years passed before Hamilton found a type of cluster bylaw that town officials and voters could accept. Most of the non-conforming small businesses that Eliot catalogued in 1965 are gone, and a business district at Essex and School Streets was erased from the zoning map many years ago. After completing the requisite property surveys,

[4] Charles W. Eliot, *Comprehensive General Development Plan* (1965), I.22-I.26.

[5] *Ibid*., 12-13; II.3, II.5-9.

[6] Metropolitan Area Planning Council (MAPC) [CD-ROM], filename "hamilton_buildout.xls," 5 December 2001.

Hamilton established a local historic district on Bay Road several years after the master plan was adopted.

Today, 8,315 people call Hamilton their year-round home. Compared to the state's labor force overall, a much higher percentage of Hamilton workers are well educated, hold high-paying jobs or own a small business than was the case in 1965. As a result, the relative economic position of Hamilton households has changed: now, the town's median family income is 1.30 times higher than the statewide median, as opposed to 1.03 times higher in the mid-1960s. The foreseen expansion of rail service to points north of Boston took many years for the MBTA to complete, but trains now run to Ipswich and Newburyport, and they run more frequently. When Eliot studied Hamilton's demographic characteristics 40 years ago, the average household consisted of 3.73 people. Today, the average household size in Hamilton is 2.87. Hamilton has many more "modern" subdivisions, as Eliot classified them, along with 1,085 housing units than did not exist when the Census Bureau reported Hamilton's 1960 population and housing characteristics.[7] Together with more homes and people, the town has absorbed more traffic, more demands for water, and more school children. When the 1965 master plan was prepared, the Hamilton-Wenham Regional School District had barely been formed and it covered only grades 9-12.[8] Full K-12 regionalization came later, though not without disputes over the location of a future elementary school in Hamilton.

Master Plan Update (1985)

Eliot recommended that Hamilton conduct more planning studies in the future, notably for transportation and community facilities. Heeding his advice, the town continued to plan: at times on its own, at other times in concert with area communities or regional organizations. In 1985, the Hamilton Planning Board hired Philip Herr to update the 20-year-old master plan. Although Herr's update was never formally adopted, the town acted on some of his recommendations.[9] For example, town meeting approved a cluster-style bylaw and subsequently amended it to allow for a density bonus of up to 1.5 times the number of units that could be built in a conventional subdivision. Voters also endorsed a proposed elderly housing bylaw in 1986. In addition, Herr encouraged the town to become more pro-active about open space protection, to use and replenish funds set aside for conservation land purchases, and to compete for land acquisition grants from the state. Hamilton worked closely with the Hamilton-Wenham Open Land Trust and the Essex County Greenbelt Association, and today both groups control, through ownership or conservation

[7] Bureau of the Census, 1960 Census of Population and Housing, Census 2000.

[8] Eliot, 13. See also, *Hamilton Town Report*, 1964.

[9] Courtesy of Peter Clark, CAPC Chairman, "Summary: Findings and Recommendations, 1985 Master Plan Update for Hamilton, Massachusetts," unpublished document, c. January 2002.

restrictions, about 863 acres of land in town.[10] In 1998, Hamilton joined with Manchester in a major conservation project known as the Chebacco Woods acquisition. Money that Hamilton had reserved for conservation land enabled the town to qualify for a crucial "Self-Help" grant, as Herr predicted it would.

Hamilton changed considerably between 1965-1985 and so did Massachusetts planning practice. In the intervening years, the state legislature adopted a new zoning act (1975) and several court decisions expressed modern judicial thought on the limits of zoning power. Fiscal impact studies came into vogue, largely as a by-product of two events: a state supreme court ruling that changed property valuation procedures across the state (1974) and Proposition 2 ½ (1980). In the late 1970s, Hamilton and 314 other communities participated in a statewide growth policy project that sought to encourage more regional planning and rejuvenate the Commonwealth's urban and rural centers, yet by 1985 there was no longer an Office of State Planning to direct (or fund) the recommendations of that study.[11]

Other changes that were barely on the horizon in Eliot's day had produced new law by 1985. Among them: the federal Clean Water Act of 1972, which directed states to adopt and enforce uniform water quality regulations, also created new obligations for cities and towns. Word such as "mandate" and "compliance" appear nowhere in Hamilton's 1965 master plan, yet two decades later, they were common vocabulary for policymakers and planners. The library and public safety facilities that Hamilton built in the early 1960s were subject to the most basic of state requirements. However, by 1985, Massachusetts had adopted new, more complicated bidding laws in response to a report by the Ward Commission (1980) on contract award scandals in state and county construction projects. During the 1980s, town planning was also influenced by the Massachusetts Anti-Snob Zoning Act, or Chapter 40B, a law that did not exist when the first master plan was written. Significantly, in the same year that Philip Herr worked on Hamilton's update, state government unveiled the Massachusetts Housing Partnership, a program designed to change public attitudes toward low-income housing and entice reluctant communities to become "partners" in developing affordable homes. Still, while one state agency launched ambitious plans to produce more low-income housing units, another agency promoted open space acquisition and a policy agenda known as "quality development." It fell to Herr and other planners to sort through the mosaic of laws, regulations and policies that left many communities confused and worried about an eclipse of local control.

Herr recognized that Hamilton's land use regulations were unwittingly accelerating the loss of open space. He suggested several innovative remedies: a flexible development bylaw, which Hamilton adopted, and critical resource districts, transfer of development rights and agricultural protection incentives, which Hamilton did not adopt. He also identified ways for the town to provide

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[10] Hamilton open space inventory supplied by CAPC Open Space & Recreation Subcommittee (untitled document), 8 July 2002.

[11] Massachusetts Office of State Planning, *City and Town Centers: A Program for Growth. The Massachusetts Growth Policy Report*, September 1977, 88.

affordable housing and reclaim some of the regulatory control that is frequently usurped by Chapter 40B, yet most of these recommendations also were not adopted. Like countless other small towns, Hamilton found it difficult to embrace and implement the novel planning methods of the 1980s. However, many of the issues that Herr saw in local regulations and from his visual inspections of the town remain true today.

Master Plan Update (2002)

Living in Hamilton is a privilege not only because the town is affluent, but also because it is a strikingly beautiful place. The results of an opinion survey conducted by the CAPC and two public meetings this spring indicate that most residents value Hamilton's unusual open space features, its tradition as a family town, and the convenience of living close to Boston yet far from the commotion of urban life.[12] Downtown Hamilton appeals to just about everyone, though parking is a problem and some would like a broader mix of business establishments. Residents dislike their high property taxes, but they praise the quality of town and school services. Except for lingering concerns that the school budget may be too high, there is little if any support for reducing expenditures on core public services. To the extent that Hamilton people perceive recurring needs in their town, they worry most about the supply and quality of town water and the risk of losing more open space.

Just as Philip Herr and the Hamilton Planning Board operated in a different policy arena from that of the mid-1960s, the present master plan update will be shaped by new opportunities and constraints. For example, Hamilton town officials have worked hard to prevent development on significant parcels of open space, yet they have very few resources and tools to sustain programs of open space protection. The purchase of Chebacco Woods all but depleted the town's conservation fund. Hamilton's ability to save open space in the future will depend on more effective development regulations, systematic appropriations to the conservation fund, continued efforts by area land trusts, and new mechanisms like the Community Preservation Act (CPA), or a combination of these techniques.

Fifteen years ago, only Martha's Vineyard and Nantucket had special "land bank" legislation that allowed them to collect fees when real property transferred from one owner to another. The fees supplied a source of revenue to buy open space. After Cape Cod won approval for a similar law, the state legislature closed the door to new "transfer tax" petitions and for many years, the issue remained paralyzed on Beacon Hill. The legislature finally passed CPA as an enabling act in September 2000. Unlike the first generation of land bank laws, CPA requires that a portion of the revenue be divided equally among three statutory objectives: open space, affordable housing, and historic preservation. In addition, towns that adopt CPA collect fees not from the transfer of real estate, but as a surcharge on property tax bills. For homeowners who think their taxes are already too high, the surcharge may be unpalatable. However, many planners and fiscal impact analysts say that in the long run, protecting open space helps to reduce the rate of growth in town and school

[12] See also Appendix A, Phase I Public Participation Summary.

service costs – and the tax bills that pay for those services.[13] Hamilton residents face some difficult choices, and one may be whether to adopt CPA. If voters decide to accept the surcharge, another set of choices will arise when Hamilton has to decide how to spend its CPA revenue.

A second master plan topic that will be influenced by recent events is Hamilton's future development potential. In the late 1990s, the Executive Office of Environmental Affairs (EOEA) commissioned a series of build-out studies and ultimately supplied one to every city and town in the Commonwealth. A build-out study is an analysis of a community's future development potential and its purpose is to illustrate the outcomes of growth under current regulations and policies. The state's regional planning agencies and a few private consulting firms prepared the studies for EOEA, using Geographic Information System (GIS) technology and standardized methods that enabled the state to "mass produce" 351 build-out projections in a relatively short period of time. According to the study of Hamilton's growth potential, the town has enough developable land to support 1,484 more single-family homes. Assuming no significant change in the town's demographic profile, build-out means 12,300 residents – nearly 50% more people than Hamilton's current year-round population.

The state build-out projections were developed concurrently with efforts by EOEA Secretary Robert Durand and others to press for passage of CPA. Today, all 351 reports are available from the agency's "Community Preservation Initiative." Planners disagree about the validity of EOEA's estimates, but the program has made local officials think about the future of their towns in ways that otherwise may not have occurred to them. Every town has places that the public considers timeless – places that have remained in a particular use for many years. However, communities that have been through a reuse planning process for a closed state hospital or an abandoned military base know that open space is only as secure as its level of protection. In addition, while CPA drew most of its support from the conservation lobby, the law's recognition of three public interests says a great deal about the political power of housing advocacy and historic preservation groups in Massachusetts today. Addressing Hamilton's open space, housing and preservation goals in ways that relate rationally to an overall land use plan for the town will be an important task for the master plan.

Housing development is a third master plan topic for which recent state policy changes will have some bearing. Since 99% of the town's land is zoned for residential use, housing is Hamilton's

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[13] For example, Trust for Public Lands, *Community Choices: Thinking Through Land Conservation, Development and Property Taxes in Massachusetts* (1999); Southern New England Forest Consortium, Inc., *Cost of Community Services in Southern New England* (1995); Robert Burchell and Naveed A. Shad, "A National Perspective on Land Use Policy Alternatives and Consequences," (Conference Paper, National Public Policy Education Conference, Oregon: 1998); Burchell and David Listokin, "Land, Infrastructure, Housing Costs and the Fiscal Impacts Associated with Growth: the Literature on the Impacts of Sprawl v. Managed Growth," Lincoln Institute of Land Policy (1998); Charles J. Faushold and Robert J. Lilieholm, "The Economic Value of Open Space," *Land Lines* v. 8, N. 5 (September 1998).

central development issue and it has at least four dimensions: affordability, housing choice for elders, preservation of older housing stock, and residential land consumption. The dimension most affected by state policy is affordable housing. Although it appears to have been a challenge for Herr and the Hamilton Planning Board in 1985, affordable housing is a more prominent issue today and in some ways, a more complicated one. Most people associate "affordable" with very-low-income families, but the definition of "low-income" is not widely understood. "Low-income" refers to households whose income is equal to or less than 80% of the median family income for the region in which they live. In the Boston metropolitan area, including Hamilton, a four-person family with annual earnings of $58,300 or less meets the federal definition of a low-income household.[14]

In January 2000 – less than nine months before the passage of CPA – former Governor Cellucci issued an executive order to encourage more affordable housing production in Massachusetts. Under Executive Order 418, "affordable" carries a different meaning, however. Cellucci's interest lay in housing affordable not only to the low-income, but also to middle-class families. He believed that local development regulations, mainly zoning, are largely responsible for the high cost of housing in Massachusetts.[15] E.O. 418 directs state agencies to give preference in grant awards to communities that produce housing affordable to low- and middle-income households. It is also the genesis of the "Community Development Plan" grant program that supports a variety of local development studies. Hamilton and many other towns are using E.O. 418 funds to finance a portion of their master plans.

E.O. 418 has changed the terms of the debate about housing in Massachusetts. While most communities dislike Chapter 40B, they know that with enough low-income housing units, the risk of an unwanted comprehensive permit sharply declines. There is no corresponding 10% threshold for housing units that sell or rent at below-market levels, and the comprehensive permit is not intended to act as a vehicle for middle-income affordability. E.O. 418 implies that by relaxing their zoning rules or offering incentives to develop more homes, communities can alter the market enough to bring down the cost of housing. Many housing policy analysts disagree with the premise of E.O. 418. In addition, towns with fiscal, water supply, traffic and other growth-related problems fear that encouraging more development will overwhelm their limited resources. Moreover, some of the Commonwealth's highest-growth communities also have the highest housing costs.

[14] U.S. Department of Housing and Urban Development (HUD), [online] "FY02 Section 8 Income Limits," 10 December 2001 [cited 12 December 2001]. Available from the World Wide Web, ‹http://www.hud.gov/pdruser› select "data sets."

[15] See also, Massachusetts Executive Office of Administration and Finance, *Bringing Down the Barriers: Changing Housing Supply Dynamics in Massachusetts*, Policy Report Series No. 4, October 2000.

Hamilton Trends

Growth & Development

Myopia Hunt Club Postcard, c. 1949.
Photo Courtesy of Hamilton Historical Society (Supplied by Marc Johnson)

The 2,000 people who lived in Hamilton on the eve of World War II must have sensed that change loomed large over their small town. By 1950, 700 newcomers could be seen at the post office and in downtown shops, yet they were only the beginning of a growth wave that transformed several Essex County communities in the ensuing years. Lynnfield, Hamilton, Wenham, Georgetown, Rowley, Topsfield and Boxford each experienced profound population changes during the 1950s. Of the 46,447 people added to Essex County's population roster at the time, 30% lived in these seven small towns. In Hamilton alone, the influx of 2,724 residents between 1950-1960 translated into a growth rate of 98.5%.[16]

What happened in Hamilton and other communities nearby was neither an isolated nor a short-lived phenomenon. The convergence of regional highway improvements, federal housing policies and the baby boom triggered suburban development throughout the Boston metropolitan area, making the statistics in several Middlesex County communities equally daunting. The populations of North Reading, Bedford, Lincoln, Wayland and Sudbury more than doubled between 1950-1960. In the same decade, a then very-small Burlington set the state's modern record for rate of growth: its population tripled as large farms succumbed to relentless market demand for new homes.[17] Against the backdrop of intense, region-wide development pressures, Hamilton braced itself for change.

Not surprisingly, Hamilton adopted its first zoning bylaw in 1954.[18] In doing so, the town essentially endorsed its existing development pattern and sought to curb the amount of future growth by imposing a one-acre lot requirement over much of the land that remained vacant at the time. Like most zoning bylaws written in the 1950s, Hamilton's recognized two possibilities: housing on one hand, and business development on the other. For Hamilton, "business development" consisted of two commercial areas: downtown in South Hamilton, and a much smaller, triangular district framed by Essex, Elm and Schools Streets in East Hamilton.

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[16] Massachusetts Institute for Social and Economic Research (MISER), [online] "Population of Massachusetts Cities, Towns and Counties: Census Counts and Estimates, 1930-1998," filename pop30-90.xls, February 2000 [cited 24 March 2000]. Available from World Wide Web: ‹http://www.umass.edu/miser›.

[17] *Ibid.*

[18] Hamilton Zoning Bylaw.

Although the town's noble efforts to check residential development helped to stabilize growth in later years, during the 1950s Hamilton absorbed about 620 new homes. A decade later, the town found itself with a *surplus* of approved house lots – that is, lots waiting for a builder and homebuyer, enough to meet two years of demand under mid-1960s market conditions.[19] By 1971, Hamilton had lost 41.5% of the agricultural land that existed in 1951 while the amount of urban land – that used for homes, businesses and transportation – increased 212%.[20] Land use changes that occurred as a result of late-20th century growth are summarized below and illustrated in Map 1. Hamilton's present development pattern (1999) is shown in Map 2. [21]

Table 1: Land Use Change: 1951-1999

	Acres in Use by Year			
Class of Land Use	1951	1971	1985	1999
Agricultural Land	2,161	1,308	1,247	1,212
Forest	5,746	5,181	4,996	4,945
Recreation & Public Space	28	308	329	344
Residential	512	1,580	1,820	2,032
Commercial	39	32	37	37
Water	196	231	231	233
Wetlands	888	786	786	646
Other	0	144	124	121

Total Area: 9,570 acres

Data sources: MassGIS (1971-1999), McConnell Project, U-Mass Amherst (1951). See f. 19.

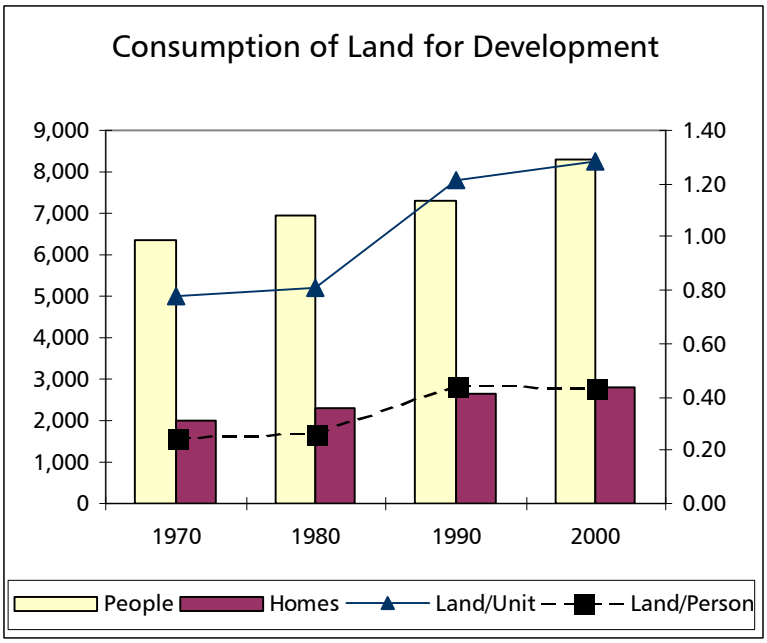
Housing starts in Hamilton would spike and decline periodically until the close of the 20th century, corresponding to market and employment base changes in the Boston area. At no point did growth revert to the rate experienced in the 1950s, however. The town's voters amended their zoning bylaw several times after 1954, eliminating the East Hamilton business district, mandating two-acre lots and adopting basic environmental protection rules. By the time a new round of federal census

[19] Eliot, *Comprehensive Plan*, II-20.

[20] Data derived from two sources: MassGIS, Statewide Vector Data [CD-ROM], filename lus119ph.dbf, updated 1999; Eliot, *Comprehensive Plan*, I-18 to I-22.

[21] Notes to Table 1. Methodology and land use classification changes occurred between 1951-1971. The 1951 profile is an estimate of acres in use for land use classifications as they were redefined in 1971. In addition, the reduction in wetland acreage reported from 1985-1999 does not represent wetlands lost to development. When land use profiles were updated (statewide) in 1999, approximately 140 wetland acres in Hamilton were reclassified as forest, agriculture and open water.

data were collected in April 2000, Hamilton had added 547 housing units to its pre-1980 base. Housing starts dropped considerably after 1990, averaging 19 new homes per year for the past decade.[22]



The profiles in Table 1 represent visible evidence of growth: acres occupied by homes and businesses, outbuildings, yards, driveways and parking areas. However, they do not convey a complete image of the consequences of new *development*. Hamilton's recent growth history is striking not because of the number of new homes in town, but rather the amount of land consumed by development. Seemingly, land use policies adopted to contain growth have spawned a pattern of very low density development that has parcelized open space and forested land at an increasingly rapid pace. For example:

- Hamilton gained 257 new homes between 1970-1980. In the same period, residential development absorbed 370 acres of land, mainly farmland and forests, resulting in an average lot size of 1.4 acres per dwelling unit.
- When Hamilton's housing base increased by 357 units between 1980-1990, 570 acres were subdivided for new house lots for an average lot size of 1.5 acres per dwelling unit.
- During the 1990s, Hamilton's housing base increased by 190 homes, yet the development process consumed about 428 acres of land – an effective average lot size of 2.3 acres per unit.

Taken together, all of the homes that existed in Hamilton as of 1970 occupied an average of .78 acres per unit. Owing to the rate of residential land consumption by the town's newer homes, aggregate residential land use today equals 1.20 acres per unit: a 58% increase in 30 years. At the same time, the number of homes in Hamilton increased by 40%.[23] Hamilton seems to have changed quite a bit

[22] Bureau of the Census, [online] Census 2000 Summary File 1 [cited 24 August 2001]. Available at World Wide Web: ‹http://www.census.gov›.

[23] Data derived from three sources: Hamilton Assessor's Office [disk], filename Hamilton Assessor2000Data.xls, supplied to author on 25 March 2002 and cited hereafter as "parcel data file"; Bureau of the Census [online], 1990 Census of Population and Housing, Summary File 3 [cited 21 March 2002], see also f.20; MassGIS, filename lus119ph.dbf, see f. 19. Acreage reported in the

in the past 30 years. A number of land use and demographic trends run parallel to the town's unfolding development:

- Over time, the town's population has become more homogenous. Long-time residents recall that Hamilton had a fairly diverse mix of people 30-40 years ago, due in part to an employment base that was organized around equestrian activities. Though Hamilton showed signs of becoming a commuter town in the mid-1960s, today its labor force is dominated by commuters who travel about 30 minutes to work each day, mainly by car.
- Hamilton has been a community of single-family homes for many years. In 1970, single-family homes constituted about 88% of all dwelling units in Hamilton. Today, they are estimated to supply more than 95% of all housing units in town.[24]
- Hamilton's housing stock has influenced changes in households by type and the age mix of the town's population. Between 1990-2000, elderly persons as a percentage of the state's total population increased from 13.6% to 17.2%. In Hamilton, the elderly as a percentage of the town's population dropped slightly: 10.69% in 1990, 10.35% in 2000.[25] However, Hamilton ranks 11th out of 34 communities in Essex County for rate of growth among pre-school and school-age children. The under-18 population in Hamilton increased more than 25% during the 1990s, compared to 10.9% statewide and 14.9% in Essex County overall.[26]
- Land used for commercial development increased during the past 30 years, although the percentage of land devoted to business remains very low. Significantly, there is *no* vacant commercial land in Hamilton today. The potential for commercial growth exists in business-zoned areas that are presently used for housing. However, development that has occurred since 1970 consumed all of the land that Hamilton had zoned for office, retail and related uses.

Although the rate of population growth in Hamilton declined steadily from 1970-1990, Table 2 shows that during the past decade, Hamilton experienced the fourth highest growth rate in the immediate area. Growth throughout the subregion has implications for the resources shared by these nine small communities.

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assessor's file differs from acreage reported in MassGIS files; the former reports land use by parcel while the latter measures land coverage.

[24] Hamilton Assessor's Office, "parcel data file." Note: housing data reported by the Bureau of the Census indicate a lower percentage of single-family homes because the total housing unit count for Hamilton includes residences at Gordon-Conwell Seminary in South Hamilton.

[25] Bureau of the Census, Census 2000, 1990 Census of Population and Housing, Summary File 1.

[26] MISER [online], filename "popbyage18yrs90to2000.xls," reporting data from the Bureau of the Census: Census 2000 Redistricting Data File Summary and 1990 Census STF1a.

Table 2: Sub-Regional Population Change, 1940-2000

Geography	Census 1940	1960	20-Yr Change	Census 1970	1990	20-Yr Change	Census 2000	10-Yr Change
Essex County	496,313	568,831	14.6%	637,905	670,080	5.0%	723,419	8.0%
Boxford	778	2,010	158.4%	4,032	6,266	55.4%	7,921	26.4%
Essex	1,384	2,238	61.7%	2,670	3,260	22.1%	3,267	0.2%
HAMILTON	2,037	5,488	169.4%	6,373	7,280	14.2%	8,315	14.2%
Ipswich	6,348	8,544	34.6%	10,750	11,873	10.4%	12,987	9.4%
Manchester	2,472	3,932	59.1%	5,151	5,286	2.6%	5,228	-1.1%
Newbury	1,599	2,519	57.5%	3,804	5,623	47.8%	6,717	19.5%
Rowley	1,533	2,783	81.5%	3,040	4,452	46.4%	5,500	23.5%
Topsfield	1,150	3,351	191.4%	5,225	5,754	10.1%	6,141	6.7%
Wenham	1,220	2,798	129.3%	3,849	4,212	9.4%	4,440	5.4%

Data source: MISER, 2001.

Open Space

Hamilton is part of a region that values open space. Trails, water, open fields and large forests lend an aura of New England small-town charm to Hamilton and the surrounding towns of Manchester, Essex, Ipswich, Rowley, Newbury, Boxford and Topsfield. The variety, abundance and unspoiled beauty of land and water resources make these nine communities very attractive places to live and work. Through inter-local cooperation, partnerships with regional and national conservancy groups, and investment by state agencies, a considerable amount of land has been sheltered from development. According to state data, protected open space constitutes about 28% of the entire 157 mi^2 area, including such major holdings as Bradley Palmer State Park, the Massachusetts Audubon Society's Ipswich River Wildlife Sanctuary, and Appleton Farms Grass Rides.[27] However, as Map 3 illustrates, a large amount of the region's open space remains unprotected.

Open space is a broad term for several types of land that serve a significant public interest. Lands defined as open space may be publicly or privately owned, and they generally fall into one or more of these categories:

- Conservation land: land for wetland or habitat protection, not for active recreation, although conservation land often provides for *passive recreation* such as walking trails.

[27] MassGIS, Statewide Vector Data [CD-ROM], filenames os38p.dbf through os320p.dbf, updated through 2001.

- Town forests.
- Land used for agricultural, horticultural or forest management purposes.
- Recreation land: parks, playing fields, school fields, golf courses, fish and game clubs, other outdoor recreation facilities.
- Land subject to restrictions for aquifer or watershed protection purposes.
- Land with significant scenic, historic or cultural importance.
- Permanently protected by form of ownership or a parkway, i.e., green buffers adjacent to major roads, if they are recognized by local or state authorities as an open space resource.

Hamilton and its neighbors have worked very hard to secure additional protected open space, though a considerable amount of land remains temporarily protected or unprotected. "Protected" open space refers to land that is *permanently* protected, e.g., land owned for conservation and wildlife habitat by federal and state agencies, town-owned conservation land, and private land that is subject to a conservation restriction or an Agricultural Preservation Restriction (APR). "Temporarily protected" open space includes land covered by a *revocable* restriction against development or change in use, such as a farm that is differentially assessed for tax purposes as long as the owner continues to use the land for agriculture. "Unprotected" open space is land with no legal restrictions against future development. It typically includes municipal land that has not been designated for conservation or park purposes, and land owned by academic, religious and charitable organizations, by individuals, or by private for-profit entities.

Despite the efforts of conservation commissions and regional land trusts, open space resources are unevenly distributed compared to the sub-region's population and land area (Table 3). Open space as a percentage of total land area is quite high in Hamilton, but for acres of *protected* open space per capita, the town's .339 acres per person is roughly at the regional mid-point. This represents a significant increase over a decade ago, when protected open space in Hamilton was only .292 acres per person. Recently, voters in Hamilton and Manchester agreed to a joint acquisition of 114 acres known as "Chebacco Woods." In addition, about 105 acres of open space in Hamilton have been placed under conservation restrictions with the Essex County Greenbelt Association since 1995.[28] The high amounts of protected open space per capita in neighboring Essex, Ipswich, Newbury and Rowley also reflect their abundant coastal marsh areas.

[28] CAPC Open Space and Recreation Subcommittee, Open Space Inventory, 8 July 2002; comparative data obtained from MassGIS [CD-ROM], see f.23.

Table 3: Sub-Regional Distribution of Open Space

Town	Total Open Space (Acres)	Protected Open Space (Acres)	Open Space % of Town Area	Open Space Per Capita	Protected Open Space Per Capita
Boxford	4,829	2,454	31.7%	0.610	0.310
Essex	2,779	1,648	30.6%	0.851	0.504
HAMILTON	4,357	2,820	46.4%	0.524	0.339
Ipswich	10,321	7,818	48.6%	0.795	0.602
Manchester	1,115	836	22.6%	0.213	0.160
Newbury	7,474	6,790	48.7%	1.113	1.011
Rowley	5,102	2,652	41.9%	0.928	0.482
Topsfield	3,243	2,142	39.6%	0.528	0.349
Wenham	2,182	1,490	44.0%	0.491	0.336

Data sources: MassGIS, 2002; CAPC Open Space & Recreation Subcommittee, 8 July 2002.

The important role that private land trusts play in preserving open space is evident in Hamilton, for the Essex County Greenbelt Association controls more acres of land through conservation restrictions than all open space acres owned by the town itself. Hamilton's *town-owned* land per capita ranks lowest in the region: .032 acres per person.[29] "Town-owned" land includes not only protected conservation land, but also parks, playing fields, cemeteries and the grounds of libraries and town halls: land that is not always protected in perpetuity. It measures the cumulative investment of local taxpayers in their own public open space. Town holdings in Ipswich, Boxford and Rowley equal .092-.079 acres per person.

Today, about 1,536 acres of open space in Hamilton remain temporarily protected or unprotected, meaning open space that is vulnerable to development in the future. Estimates vary, but according to town records, about 700 acres of land are covered by Chapter 61 (forest) and 61-A (farmland) agreements. The 328-acre Myopia Hunt Club and the Gordon-Conwell Theological Seminary's 127 acres are examples of unprotected open space in Hamilton.[30]

[29] *Ibid.*

[30] *Ibid.*, and Hamilton Assessor's Office, "parcel data file."

Housing

Few topics ignite more controversy during a master plan process than the rate of residential growth and affordable housing. Small towns find housing growth of any kind a thorny issue because a surge of new homes brings fiscal consequences for which they are ill-prepared. However, the debate over housing has many dimensions: political, social, cultural and environmental. It invokes deeply rooted feelings about property rights, property values, the meaning of "community," and a concept that is curiously taboo in America: social class. Of the many factors that define "town character," housing is among the most potent. The styles and types of homes, the eras of development they represent and the settings they occupy say a great deal about the people who built a town from its earliest days to the present. The condition and value of a community's housing stock also shed light on the socioeconomic make-up its population.

The Character of Hamilton's Housing Stock

Hamilton is a prestigious town, so it comes as no surprise to find that its homes are valuable, well maintained and in many cases, quite large. Recent market data show that sales of both new and older homes in Hamilton have been attended by a dramatic rise in the cost of housing. As the regional economy began to rebound from the recession of the early 1990s, sales activity and sale prices in Hamilton responded in kind. By 2000, the median single-family sale price had nearly doubled in less than a decade. Despite the high cost of a home in Hamilton, houses for sale move quickly, as evidenced by the town's low owner-occupied vacancy rate of .5%.[31]

Hamilton's 2,825 housing units are predominantly single-family homes, a statistic mirrored in the characteristics of its population. Of all households in Hamilton today, 80% are families and 42% have children under 18. On both counts, Hamilton exceeds state norms: 65% of all Massachusetts households are families and 30% have children under 18.[32] Families find Hamilton attractive because it offers them suitable homes, fine schools, recreation areas, and a pleasant small-town environment.

The abundance of single-family homes in Hamilton did not happen overnight. Throughout the 20th century, housing growth meant single-family residences, just as it does now. Before the 20th century, however, Hamilton's housing inventory included a broader mix of units. For example, local data suggest that two-family homes were fairly common in Hamilton in the mid- to late-1800s.[33] Hamilton also has several properties with more than one residence. Townspeople would recognize many of them as Hamilton's family estates, but there are also smaller, perhaps less visible

[31] Bureau of the Census [online], Census 2000, Summary File 1.

[32] Bureau of the Census [online], Census 2000, Summary File 1, Hamilton and Massachusetts (state) records.

[33] Hamilton Assessor's Office, "parcel data file."

multi-residence properties of late 19th century vintage, and a number of mixed-use buildings that include a dwelling unit.

The degree of diversity that exists within Hamilton's base of single-family homes is a noteworthy feature of the town. It is also central to Hamilton's visual and social identity. While spaciousness characterizes the most recently built houses in Hamilton -- an average of 3,750 ft^2 of living area -- homes built 50-60 years ago are much smaller, 1,613 ft^2 of living area. The spread in property values is equally significant. Homes built since 1995 in Hamilton carry an average assessed value of $680,000, but the 300+ houses that were built during the 1930s and 1940s are assessed, on average, between $185,000-$225,000.[34]

These differences in building size and value run parallel to differences in amenities and parcel size. New homes in Hamilton consist almost universally of 4-5 bedrooms and 2.5+ bathrooms, and they occupy parcels of 2.8 or more acres. The supply of homes built during the inter-war years is generally modest: 1.5 stories high, 2-3 bedrooms, .72 acres of land. In contrast, the housing that pre-dates 1900 is more like newer homes in terms of size and value. Assessments of $800,000 to more than $1 million are not uncommon in Hamilton's historic housing inventory; as a group, they are valued at $335,000-$445,000, with variations driven by the type of residence, its location and clearly, the size of the land parcel.[35]

It is within Hamilton's single-family home inventory -- more than in its spread of housing types overall -- that one finds evidence of a local society that embraced, and perhaps depended on, a range of households, incomes and employment. It is also within Hamilton's single-family inventory that one finds the greatest potential for a gradual eclipse in the diversity of people who once called Hamilton their home. Between 1996-2001, the town issued more than 50 building permits for new residential construction. In the same period, the town issued at least 16 residential demolition permits -- that is, permits to take down an older residence, usually to replace it with a modern (larger) one. The rate of demolition activity seems to be increasing, for about half of the 16 permits were issued after 1999.[36] Significantly, these permit data measure complete demolition only. They do not report the more common, *also* increasing practice of partially demolishing and then enlarging an older structure. The likelihood of demolition or substantial reconstruction appears to be greatest among homes built during the interwar period and shortly thereafter: properties for which the value of the land parcel outweighs the value of the improvements, i.e., the home itself.

Across the community, the average ratio of single-family building value to land value is 1.13. This ratio measures the value of residences to land and does not include accessory buildings such as

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[34] *Ibid.*

[35] *Ibid.*

[36] Hamilton Building Department [disk], filenames "buildpermitsum96.xls" through "buildpermitsum01.xls" sequentially, supplied to author 25 March 2002 and cited hereafter as "building permit files."

barns, garages or sheds. It means that on average, homes are worth 1.13 times more than the value of the land parcels they occupy. Among homes built between 1930-1955, the building-to-land value ratio drops to .93, which means that on average, the value of land parcels exceeds the value of the homes.[37] When older properties offer an easier path to buildable lots for a new, or substantially new, residence than a community's vacant land offers, housing stock that once supplied reasonably affordable homes begins to disappear. This trend has long been evident in many towns in the "inner-Route 128" core around Boston. Sometimes it involves outright demolition of a small home or a cottage; in other cases, the buildings are partially demolished, saving enough of the pre-existing structure to retain "grandfathered" rights on small house lots.

Housing Affordability

Affordable housing is a contentious topic nationally, but for Massachusetts cities and towns it is aggravated by a state law that places low-income housing ahead of local zoning policy. Chapter 40B, the so-called "Anti-Snob Zoning Act" of 1969, establishes a threshold for the issuance of "comprehensive permits" to develop low- and moderate-income housing. A comprehensive permit offers communities and developers a mechanism to waive local zoning regulations that would otherwise make affordable housing development uneconomic, i.e., not financially feasible.

Towns in which less than 10% of the year-round housing stock is "affordable" to low- and moderate-income people, meaning people whose incomes fall below 80% of the median family income for their region, are generally obligated to issue a comprehensive permit unless there is an unusual, compelling basis to deny one. Developers, in turn, may ask the state's Housing Appeals Committee (HAC) to overturn a local Zoning Board of Appeals decision. More often than not, they negotiate a compromise with town officials or prevail by persuading HAC to issue the permit instead.

State government maintains and periodically updates a subsidized housing inventory that documents the accomplishments of Chapter 40B. Today, the inventory shows that 8.45% of all homes and apartments across the state meet the statutory definition of "low- and

Table 4: Subregional Chapter 40B

Community	% Affordable Housing
Boxford	.58%
Essex	2.95%
HAMILTON	2.54%
Ipswich	6.48%
Manchester	3.79%
Newbury	3.59%
Rowley	3.93%
Topsfield	4.75%
Wenham	7.02%

Source: DHCD, April 2002.

[37] Hamilton Assessor's Office, "parcel data file."

moderate-income housing units," and that 27 cities and towns have produced enough subsidized housing to satisfy the 10% goal that legislators set when they passed the law in 1969. Most of the communities with high percentages of subsidized housing are cities: Boston, Cambridge, Worcester, Springfield, and 15 others. However, some of the state's smallest towns also exceed the 10% threshold, e.g., Aquinnah (Gay Head) on Martha's Vineyard, or Middlefield and Wendell in western Massachusetts. In addition, Amherst, Orange, Greenfield, and Framingham – towns with different histories, land use patterns and labor force characteristics – rank near the top of an updated subsidized housing list that state officials released in April 2002. Lincoln, previously one of the "above-10%" communities, still has a high percentage of low- and moderate-income units, 8.43%.[38]

The Chapter 40B subsidized housing inventory implies that if rural hamlets and affluent suburbs can reach the 10% threshold, all of the state's 351 municipalities should be able to do so. However, the inventory raises many questions about whether Chapter 40B is an effective or reasonable tool for producing affordable housing. Forty-three towns have no subsidized housing and many of them are resort communities, i.e., with real estate markets dominated by seasonal and vacation homes. Others are very small towns located far from employment centers, with little development activity of any kind occurring within their borders. To complicate matters, the state has periodically issued other housing directives that leave cities and towns confused about what they are supposed to do. In the absence of a clear, consistent statewide housing policy, Massachusetts communities have wrestled with the issue of affordable housing largely on their own.

Historically, the Commonwealth's cities have been under tremendous pressure to provide affordable housing. Since they receive large federal grants each year, cities also have the resources to preserve and expand their low-income housing inventories. Suburbs and small towns do not have the same access to state or federal housing dollars, which not only makes their job more difficult, but also increases the likelihood that Chapter 40B will be the vehicle for low-income housing development. Since Chapter 40B developments are usually larger and more dense than traditional housing, many towns fear that comprehensive permits will cause unmanageable fiscal and environmental impacts. Seeing Chapter 40B as a threat, they sometimes pursue local initiative projects – also known as "friendly comprehensive permits" – so they can reach 10% and reduce the risk of an unwanted development.

The 10% threshold was constructed by lawmakers to measure the "fair-share" distribution of low-income housing across the state. It is not a measure of affordable housing need. The national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs – a mortgage payment, property taxes, and house insurance – are equal to or less than 28-30% of their gross income per month. Similarly, an apartment is considered affordable to tenants if they pay 30% of their gross monthly income, or less, for rent and utilities. Using these

[38] Department of Housing and Community Development [online], Chapter40B Subsidized Housing Inventory, April 2002 [cited 24 April 2002]. Available from World Wide Web at ‹http://www.mass.gov/dhcd› select Chapter 40B.

criteria, "affordable housing need" exists when households pay more than 30% of their gross income for housing costs. They are, in housing industry parlance, "housing-cost burdened."[39] When the federal definition of affordable housing is applied to demographic data recently released by the Census Bureau, 23.4% of all homeowners and 36.9% of all renters in the Boston metropolitan area qualify as housing-cost burdened. In Hamilton, the percentages are somewhat lower: 23.3% of the town's homeowners and 23.8% of its renters.[40]

The federal definition of a low-income household varies by household size and region. In April 2000 (the effective date of Census 2000), a one-person household earning at or below $35,150 qualified as low-income in the Boston metro area, which includes Hamilton. Similarly, a family of four earning $50,200 or less was considered low-income under federal guidelines.[41] The annual income that defines "low-income" increases with household size. Although the Census Bureau has released summary tabulations of household size and household income for all communities in the United States, the microdata sets that are necessary to compute the percentage of lower-income households will not be available for several months. Using available demographic data, however, it is possible to derive a conservative estimate of lower-income households living in any city, town, metropolitan area or state, simply by tallying the number of households that had incomes below the one-person household tier (meaning the lowest tier) in the income guidelines for federal housing assistance. In the Boston metro area, 31.6% of all households earned $35,000 or less, and in Hamilton, 18.3%, as of April 2000.[42]

According to the state's Chapter 40B inventory, Hamilton has 69 units of low- and moderate-income housing.[43] Most are rental units, restricted for occupancy by the elderly and persons with disabilities. During the 1990s, the town also approved a "Local Initiative Program" (LIP) development with six homeownership units. The 69 Chapter 40B units in Hamilton today are equal to 2.54% of the town's year-round homes. Possibly, hidden market opportunities such as those found in the town's inventory of small dwelling units may offer Hamilton a development avenue that not only increases the percentage of affordable units, but also preserves a housing heritage that seems particularly at risk.

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[39] U.S. Department of Housing and Urban Development [online], "Who Needs Affordable Housing?" updated 20 January 2002 [cited 4 March 2002]. Available from the World Wide Web at ‹http://www.hud.gov/offices/cpd/affordablehousing/index/cfm›.

[40] Bureau of the Census [online], Census 2000, Demographic Table DP-4, 21 May 2002 [cited 21 May 2002].

[41] HUD [online], FY00 Section 8 Income Limits, filename "incfy00.xls," 13 March 2000 [cited 14 October 2001]. Available at World Wide Web, ‹http://www.huduser.org/datasets/il.html›.

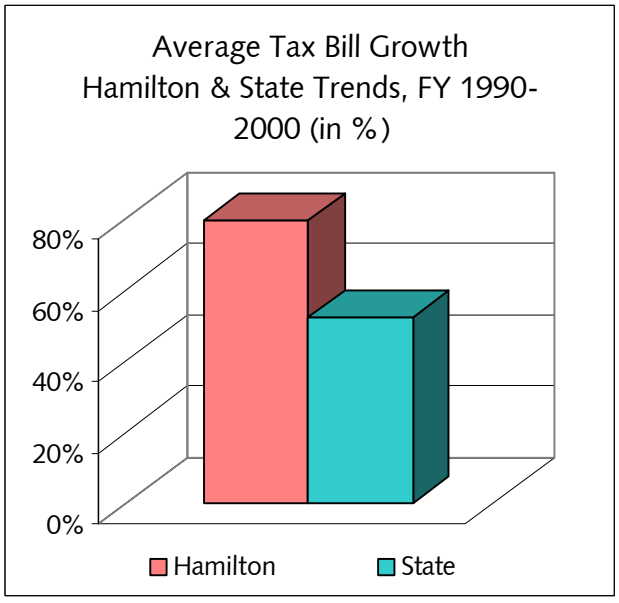
[42] Bureau of the Census, Census 2000, Demographic Table DP-3, 21 May 2002.

[43] DHCD, Chapter 40B Inventory.

Town Finance

Like other predominantly residential towns across the state, Hamilton depends on tax revenue from homeowners to finance the cost of municipal and school services. Over the past 15 years, 93-94% of Hamilton's property tax revenue has come from residents and 6-7% from its base of small businesses.[44] Since Hamilton applies a uniform tax rate to residential and non-residential property, the proportion of tax revenue from homeowners mirrors the proportion of residential to non-residential assessed values. In turn, both the tax base and trends in local spending are a reflection of Hamilton's development pattern, which is not only residential, but almost exclusively *single-family* residential.

Communities use the tax levy, other local sources of revenue and aid from the state to pay for municipal and school services, and Hamilton is no exception. What separates Hamilton from many Massachusetts communities is the amount of state aid it receives: directly for the cost of town services, and indirectly, through the regional school district, for the cost of public schools. Hamilton is among the towns that receive relatively little revenue from state government each year. Under state formulas that define and classify cities and towns according to "local wealth," Hamilton can afford to pay for the services it provides to residents and local businesses. Measured by median family or per capita income, overall property values in the community or population density per mi^2, Hamilton appears to be well-off compared to most towns in Massachusetts. However, median income statistics sometimes belie the socioeconomic distinctions that exist in cities and towns – distinctions that affect how much the resident population, viewed in its entirety, can afford to pay for the services It expects from local government.



In Hamilton, expenditures per capita for town and school services are fairly low compared to many communities across the state and to other towns nearby. Whether ability to pay, fiscal conservatism or local government efficiency explains Hamilton's expenditures profile, the reality is that the town spends less on services than one might imagine – particularly considering the rate of single-family tax bill growth during the past 5-10 years. A decade ago, the average single-family tax bill in Hamilton was 1.53 times higher than the median for the state as a whole. By

[44] Mass. DOR Municipal Data Bank [online], filenames "asva87.xls" through "asva02.xls" sequentially [cited 14 October 2001, 8 January 2002]. Available from the World Wide Web at ‹http://www.mass.gov/dls› select Municipal Data Bank.

this year (Fiscal Year 2002), it was 1.88 times higher than the state median. Although the town's single-family tax bill increased by 79.6% between 1990-2000, local government expenditures increased by 64.8%. More significantly, however, expenditures per capita for municipal and school services rose by only 44.3%.[45] The extent to which Hamilton residents "make do" with what they have is evident in what they spend on local government and the emphasis they place on some services over others.

In Hamilton and its eight neighboring towns, residents value the quality of their public schools. It comes as no surprise that education spending outpaces municipal spending in most of these communities. Since the rate of school enrollment growth in Boxford and Topsfield substantially exceeds the state average, it is also no surprise that education spending per capita in both communities tops the region. The state Department of Education (DOE) classifies Hamilton as an "average growth" community for its rate of school enrollment increase in recent years. Hamilton ranks fifth regionally for education spending per capita.[46] It also ranks fifth regionally for its average single-family tax bill (in FY 2002, $4,953). However, it places *ninth* for municipal spending per capita.[47] This means that in relation to the number of people served, Hamilton spends less for police, fire, public works and other traditional town services than all other towns nearby.

Justice Oliver Wendell Holmes Jr. described taxes as "what we pay for a civilized society." In Hamilton, local taxes pay for a civilization that residents seemingly cherish – even though they think taxes have risen too quickly. Undeniably, property taxes paid by Hamilton homeowners have increased at a faster pace than residential tax bills across the Commonwealth. However, Hamilton's overall spending has not accelerated at the same pace. What factors might account for the difference?

Neither population nor housing growth alone during the 1990s explain Hamilton's higher tax bills or its rising cost of community services. The town's 14% population growth rate, while strong, hardly qualifies Hamilton as a high-growth community. In the same period, Hamilton gained 190 new homes, for an increase of only 7%. The rate of housing turnover – i.e., the sale of existing homes to newcomers – intensified as the decade progressed, although not quite to the degree experienced by many high-growth towns along the I-495 corridor. Most likely, the composition of Hamilton households and changing population demographics have contributed to a gradual shift in expenditures that favors schools over town services. That Hamilton's housing stock is comprised almost entirely of single-family homes makes the town attractive to households with children. In fact, Boxford, Topsfield and Hamilton have the largest average family sizes in the region (3.32-3.22

[45] DOR, Municipal Data Bank, filenames "taxbl90.xls" through "taxbl00.xls" sequentially, "exp90.xls" through "exp00.xls" sequentially.

[46] Mass. Department of Education (DOE) [online], filename "foundenapp.xls," [cited 20 March 2000]. Available from the World Wide Web at ‹http://www.mass.gov/doe/schoolfin.htm›.

[47] DOR, Municipal Data Bank, filename "exp00.xls."

persons/family). Not every home generates students, but the number of Hamilton children in grades K-12 equals .49 students per household – much higher than the state average of .37.[48]

In addition, while Hamilton homes command high prices in the housing market, the town's median sale price is lower than that of several communities nearby and so, too, is the average single-family home assessment. This year's average single-family assessment in Hamilton is $341,118, yet in Wenham – which contributes 28-29% of the children attending Hamilton-Wenham Regional Schools – it is $468,378. In Boxford, the average assessment is $451,283; in Manchester, $691,401.[49] Variations in the taxable value of property and family incomes are much greater than variations in spending on community services, as suggested by Table 5, which compares Boxford, with the highest median family income in the nine-town region, to Hamilton.

Table 5: Hamilton Expenditures and Ability to Pay

		Boxford	Hamilton	Ratio Hamilton to Boxford
Median Family Income	$	119,491	$ 79,886	0.65
Average Value Home (FY02)	$	451,283	$ 341,118	0.76
Expenditures Per Capita (FY00)				
Total	$	2,007	$ 1,631	0.81
Schools	$	1,316	$ 1,052	0.80

Data sources: Bureau of the Census, Census 2000 DP-3; Mass. DOR.

For many years, Hamilton residents have resisted encouraging more commercial development as a way to finance town and school services. They want to protect Hamilton's character as a small residential community with well-preserved historic buildings, a vibrant downtown and plenty of open space. At the same time, many recognize that high tax bills will make it increasingly difficult to retain the population mix that historically made Hamilton cohesive and strong.

Land use has environmental, economic, community character and fiscal implications for all cities and towns. Local governments everywhere depend on the property tax as their principal source of revenue. Given the inextricable relationship between land use policy and municipal finance, it comes as no surprise that Hamilton's tax base, much like its development pattern, is predominantly residential. To consider how development in Hamilton affects town finances, a "Cost of Community Services" study has been prepared for Phase I of the Master Plan. "Cost of Community

[48] Bureau of the Census, Census 2000, DP-1.

[49] Mass.DOR, Municipal Data Bank, "asva02.xls".

Services, " or COCS, measures relationships between revenue generated by different types of development and the cost incurred by local government to serve them.

Unlike a fiscal impact study, which estimates the *future* costs and revenue associated with a particular development proposal or a zoning change, COCS reports a snapshot of *current fiscal conditions*. Hamilton's fiscal profile today suggests that the cost and revenue consequences of land use will be important considerations for Phase II of the Master Plan Update.

Standardized tax assessment data such as those reported by state agencies describe a community's base of real and personal property in very general terms. For example, the Massachusetts Department of Revenue (DOR) characterizes Hamilton's tax base as 95% residential and 5% non-residential. This information is useful for some audiences, but it reveals little about the *structure* and *characteristics* of the base: attributes that affect not only the supply and amounts of tax revenue but also, present-day demands for local government services. The classification of real property for assessment purposes reflects a different land use vocabulary from that used by planners. In the world of tax assessment, land is valued according to its residential, commercial and industrial use, existing or potential. In DOR's reporting system, "residential property" consists of all land with existing homes, along with vacant land zoned for residential use and in most cases, land under Chapter 61, 61A and 61B agreements. "Commercial" property consists of developed and vacant commercial land. As indicators of demand for community services and the town's capacity to finance the costs of government, the criteria that DOR uses to classify property tell a story – but an incomplete one.

COCS (and similar models of fiscal analysis) calls for a modified approach to classifying property in order to determine how *land use* relates to service costs and local revenue. Specifically, it recognizes open space as a class of land use with unique costs and revenue implications, just as homes and businesses have unique revenue implications. COCS studies require a detailed analysis of town assessment data so that land which functions as open space can be identified and tracked separately from other land uses. Consistent with long-standing practice in the field of fiscal impact research, COCS assumes that the *proportional value* of properties in a given land use category is a reasonable indicator of the community service costs they generate.

A central feature of the COCS method is the "fall-back ratio," or the proportion of residential, commercial, industrial and open space assessments in a community. Fall-back ratios support an assignment of community service costs and non-tax revenue to each class of land use when more precise data do not exist or cannot be obtained easily. However, public schools are an exception to proportional value rule because education costs are triggered only by residential land uses. Accordingly, COCS and other models of fiscal analysis charge 100% of a community's school costs to residential development.

Many factors influence long-term fiscal outcomes, but all analytical models assume to some degree that today's land use-service cost-tax revenue relationships are useful indicators of a community's fiscal future *if* new growth adheres to historic trends. "Cost-revenue ratios" express an estimate of growth impacts based on the probability of recent trends holding true in the future. Still, unforeseen changes can and do alter the relationship between service costs and revenue: federalism,

state policies governing the distribution of local aid, the expectations that voters place on local government service delivery, the complex network of laws and credit practices that affect municipal bonds, the economy, zoning and other development regulations, and population cycles are among the obvious factors that alter local government realities. Additionally, present costs are not always indicative of historical trends. One-year aberrations happen, even in communities with a stable growth history and a conservative approach to fiscal administration.

Table 6 summarizes the Hamilton COCS study. It shows that Hamilton pays for resident services with revenue from homeowners, commercial establishments and privately owned open space. The study's key conclusions:

- Under current land use and fiscal conditions in Hamilton, residential development costs more for town and school services than the revenue it generates – including property taxes, user fees and other charges, and state aid. This imbalance between residential costs and revenue is not unique to Hamilton. It exists in most communities, although the degree of imbalance varies from town to town.
- For every $1.00 of property tax and other revenue generated by homes in Hamilton *today*, the town spends approximately $1.08 to serve its residents.
- The town's existing commercial base, which consists mainly of shops and offices downtown, costs very little to serve and generates surplus revenue that Hamilton needs in order to pay for good schools and other services used by residents. For every $1.00 of revenue from commercial properties in Hamilton, the town spends about 27 cents to serve them.
- Private open space – vacant land not yet developed, farmland under Chapter 61-A agreements, or a large taxpayer such as Myopia Hunt Club – supplies a revenue surplus. Today, open space costs about 41 cents for every $1.00 it generates in tax and other revenue.

Table 6
Cost of Community Services in Hamilton

Land Use Ratios		86.24%	2.32%	11.44%
	FY 2001	Residential	Commercial	Open Space
Expenditure Category				
General Government	$ 963,921	$ 831,299	$ 22,374	$ 110,248
Public Safety*	$ 1,682,121	$ 1,450,685	$ 39,044	$ 192,391
Public Works	$ 1,603,307	$ 1,382,715	$ 37,215	$ 183,377
Health & Human Services	$ 120,805	$ 104,184	$ 2,804	$ 13,817
Culture & Recreation*	$ 305,387	$ 263,370	$ 7,088	$ 34,928
Schools (Operating & Debt)	$ 9,039,149	$ 9,039,149	$ -	$ -
Debt Service				
Municipal	$ 288,640	$ 248,928	$ 6,700	$ 33,013
Schools (included above)				
Insurance & Benefits	$ 891,417	$ 768,771	$ 20,691	$ 101,955
Subtotal Expenditures	$ 14,894,746	$ 14,089,101	$ 135,916	$ 669,730
Other Expenditures	$ 40,000	$ 34,497	$ 928	$ 4,575
GENERAL FUND EXPENDITURES	$ 14,934,746	$ 14,123,597	$ 136,845	$ 674,305
In %		94.59%	0.91%	4.50%
Revenues (Local/Non-Local Totals)	$ 15,352,887	$ 13,038,941	$ 507,051	$ 1,632,763
Cost-Revenue Ratio		1.08	0.27	0.41

Notes: (1) The sum of revenue generated by residential, commercial and open space land uses is $174,131 less than the town's actual FY 01 revenue of $15,352,887. Revenues not directly generated by any of these land uses, e.g. Wenham's share of the recreation and public safety budgets, and payments in lieu of taxes by non-taxpayer organizations, were removed from the total. Recreation and public safety expenditures were also adjusted accordingly. (2) In this analysis, commercial revenue of $507,051 is lower than Hamilton's actual FY01 commercial real estate tax levy of $565,644. This is because some of the land that Hamilton taxes as "commercial" qualifies as "open space" in the American Farmlands Trust model. As a result, the revenue generated by commercial open space appears in the "open space" column. Example: Myopia Hunt Club.

Summary

Maintaining and enhancing the diversity of land uses in Hamilton while safeguarding the town's special character will be important challenges for the Master Plan Update. Over time, Hamilton has become increasingly dependent on property tax revenue to finance the cost of local government. Today, the ratio of *tax levy per capita* to *expenditures per capita* in Hamilton is .85, the second highest in the region. A fiscal indicator that measures relative tax levels in cities and towns, the levy-expenditure per capita ratio helps to explain why some Hamilton residents believe their taxes are too high. Ten years ago, Hamilton's levy-expenditure per capita ratio was .76; in 1975, before Proposition 2 1/2, it was .65. [50]

A sustainable tax policy requires more strategies than simply reducing the number of new homes built in the future. The same can be said for managing development toward a sustainable land use plan. Unlike many over-built communities that succumbed long ago to the visual, environmental and fiscal consequences of sprawl, Hamilton still has room to make choices.

[50] Mass. DOR, Municipal Data Bank; Metropolitan Area Planning Council (MAPC), *State of the Region: 1975.*

Phase II Master Plan Goals

Hamilton's master plan update will be guided by several goals that the CAPC developed for each element of the plan. The goals are informed by several sources: local government policies and traditions, past plans, studies and reports that continue to guide decision-making in Hamilton today, and the Phase I survey and public meetings. Appendix A includes a summary of the survey responses, a list of the priorities expressed by participants at the public meetings and a conceptual map of the important places they identified.

The CAPC's goals include:

Land Use

- Reach consensus as to preferred outcomes for Hamilton's remaining land and identify realistic opportunities to achieve them.
- Develop a comprehensive strategy to address the goals of the master plan, considering regulatory and non-regulatory techniques and the town's implementation capacity.
- Through appropriate regulation and other policies, protect Hamilton's large estates from land use changes that cause environmental, social, economic or fiscal harm to the town.
- Coordinate the roles, responsibilities and actions of Hamilton's town boards and committees to assure consistent implementation of the master plan.
- Work effectively with large landowners in Hamilton to enlist their cooperation in achieving the goals of the master plan.

Natural & Cultural Resources

- Secure permanent protection for large, ecologically significant tracts of forest.
- Calibrate the rate and amount of new development with the town's water supply.
- Preserve and encourage working farms and equestrian land uses.
- Identify and protect Hamilton's historic resources.
- Seek effective inter-local solutions to water quality problems at Chebacco Lake and other surface water areas of regional significance.
- Identify and protect scenic corridors and their associated trees, stone walls, and other character-defining features.

Open Space & Recreation

- Significantly increase the amount of protected open space.
- Provide adequate playing fields to support demand for youth and other sports.
- Encourage public use and enjoyment of Hamilton's open space areas by maintaining, linking and integrating the existing network of trails.
- Identify and permanently protect important scenic resources.

Housing

- Provide housing that supports an economically diverse population.
- Provide housing affordable and/or suitable for elderly residents.
- Protect and retain Hamilton's inventory of small homes.
- Provide tax and other incentives to encourage elderly to remain in their homes.
- Promote residential alternatives to single-family development.

Economic Development

- Substantially increase the non-residential share of Hamilton's assessed valuation in ways that are compatible with other goals of the master plan.
- Provide an environment that enables residents to work at home and also protects surrounding neighborhoods from unreasonable traffic, parking and other impacts of business activity.
- Provide adequate public facilities to support a diverse business base in downtown Hamilton, including but not limited to parking, public realm and beautification features, facilities maintenance, and solutions to the area's long-term wastewater disposal needs.
- Create and sustain a vibrant, "walking downtown" area with entertainment, hospitality and other businesses that attract local patrons and meet the town's needs for goods and services.
- Maintain agricultural and equestrian activity as part of Hamilton's economic base.

Community Facilities & Services

- Establish acceptable methods of evaluating and forecasting Hamilton's community service needs, particularly in the areas of public safety, water, solid waste disposal, education and elder services.
- Establish and implement an effective five-year capital improvements plan (CIP) process.

- Analyze Hamilton's current and foreseen needs for municipal facilities and services, explore economies of scale through regional solutions, and pursue them accordingly.
- Provide high-quality community services at levels adequate to meet Hamilton's present and future needs, considering the town's size, population, and ability to pay.
- Establish a process for identifying, selecting and pursuing opportunities to reuse obsolete or decommissioned public buildings.

Traffic & Circulation

- Provide and maintain trails, sidewalks and bicycle paths to promote non-vehicular travel throughout the town.
- Identify and address high-priority traffic safety areas, considering vehicular, pedestrian, bicycle and equestrian activity.
- Evaluate and strengthen the town's scenic road policies, emphasizing the desirability of street trees and other features that contribute to Hamilton's visual character.
- Recognize the cultural, scenic and environmental value of Hamilton's unpaved roadways and protect them accordingly.
- Work effectively with regional, state and federal officials to assure that transportation development policies respect the character of Hamilton's bridges.
- Coordinate public and private efforts to assure an adequate supply of parking in downtown Hamilton.

Zoning Policies

Hamilton adopted its first zoning bylaw in 1954 and has amended it many times in the past 40 years. In its present form, the Hamilton Zoning Bylaw is similar to many suburban bylaws in Massachusetts. It divides the town into traditional use districts and, through overlay zones, discourages development in significant natural resource areas, notably wetlands and groundwater recharge zones. The bylaw also includes an unusual special use district for elderly housing. Since zoning will be a critical tool for master plan implementation, it is important to review the construction and operation of the current bylaw and compare the outcomes it seeks to achieve – i.e., the bylaw's development blueprint – to the master plan goals.

The following is not an exhaustive analysis of Hamilton's zoning bylaw. Rather, it is a review of the bylaw's requirements as they pertain to the goals of the master plan, emphasizing potential regulatory impediments.

Basic Zoning Requirements

Compared to zoning bylaws in many communities, the Hamilton Zoning Bylaw is reasonably well organized and accessibly written. It includes a descriptive overview of the town's development regulations and in most cases, it supplies the effective dates of various zoning requirements. The Hamilton bylaw omits features that are common in other bylaws, such as a table of uses, a table of dimensional regulations, and drawings that illustrate, by example, the meaning of a dimensional standard. Though not essential, the absence of "user-friendly" features makes the Hamilton bylaw somewhat difficult to interpret.

Hamilton's zoning bylaw provides for the following eight districts:

- Residence District: R-1a
- Residence District: R-1b
- Residence-Agricultural Districts: R-A
- Business District: B
- Conservancy District: C
- Flood Plain District: FP
- Groundwater Protection Overlay District: GP
- Elder Housing Special District: EH

Map 4 identifies the location and boundaries of Hamilton's zoning districts.

Residence Districts

Hamilton's three Residence Districts are operationally similar, i.e., they are governed by a common set of use regulations. The districts differ mainly in terms of their dimensional requirements, which consist of the following:

Table 7
Summary of Residential District Dimensional Requirements

	Residential Districts		
Standard	R-1a	R-1b	R-A
Height: Feet	35	35	35
Height: Stories	3	3	3
Minimum Lot Area (ft^2)	20,000	40,000	80,000
Minimum Contiguous Upland (ft^2)	10,000	20,000	40,000
Lot Coverage	25%	25%	25%
Frontage	125	175	175
Front Yard Setback	50	50	50
Rear/Side Yard Setback	15	15	15
Building Setback	20	20	20

It is important to point out that additional development regulations apply to activity in Hamilton's residential districts. For example, the town specifies a method of "lot area" computation that aims to prohibit irregularly shaped lots. Thus, a parcel in the R-1b District with 40,000 ft^2 of area, 20,000 ft^2 of contiguous upland and 175 linear feet of frontage may not constitute a buildable lot in Hamilton unless it also meets lot shape, width and depth requirements. Like most suburban zoning bylaws, Hamilton's also provides for frontage waivers in exchange for larger lots. In Hamilton, the Planning Board may grant a special permit for what is usually referred to as a "pork-chop lot" by allowing a minimum frontage of 50 feet if the lot exceeds the minimum area by three acres. The three-acre standard applies regardless of the zoning district where the parcel is located, which is unusual. The additional lot area required to qualify for a reduced-frontage lot in the R-A district is 1.63 times the district's minimum lot size, but in the R-1a district, it is 6.53 times the minimum lot size. In all cases, the buildable area (contiguous upland) requirement increases proportionally.

The following uses are allowed as of right in the R- 1a, R-1b and R-A Districts:

- One detached single-family dwelling per lot.
- Agricultural and horticultural activity.
- A boarding house for up to four lodgers.

- A home occupation.
- Signs, subject to the town's sign regulations at Section VI.E of the bylaw.
- Accessory uses such as tennis courts, swimming pools, and agricultural buildings.
- Conservation areas.
- Outdoor recreation facilities, except under certain circumstances (see also, special permitted uses below).

In addition, these uses are allowed as of right subject to Site Plan Review:

- Religious and educational uses.
- Public facilities, e.g., schools, museums, libraries, parks and playgrounds.

Hamilton also provides for a limited number of special permitted uses in all Residence Districts. In Hamilton, the special permit granting authority for most uses is the Zoning Board of Appeals. By special permit from the Board of Appeals, the following uses may be developed in any of the town's Residence Districts:

- Hospital, clinic, sanitarium, nursing home, cemetery, or a camp operated by an educational or charitable organization, subject to Site Plan Review.
- Private club of a non-profit organization, subject to Site Plan Review.
- Raising or keeping of farm animals for use by persons other than the occupants of the property, and maintaining a stable or a dog kennel.
- Roadside farm stand, subject to Site Plan Review.
- Garage for more than four cars, but subject to Site Plan Review when operated for commercial purposes.
- Uses related to scientific research, subject to Site Plan Review.
- Wind energy conversion systems, subject to special development regulations at Section VI.I of the bylaw.
- A temporary accessory apartment for occupancy by an elderly or disabled relative, or a health care provider for the owner of the property, provided that the principal residence is at least two years old. The apartment permit must be renewed every four years, and it lapses when the unit is not longer occupied by the tenants for whom it was originally created.
- Conversion of a single-family home that pre-dates the bylaw (1954) to a two-family residence.
- An accessory apartment in a home or an accessory building on a lot of ten or more acres, intended for occupancy by family members or caretakers, provided that the principal residence and the apartment are held in common ownership and the lot is not reduced to less than ten acres.

Finally, the Planning Board acts the special permit granting authority for two uses in the Residence Districts. The uses include telecommunication towers and a "flexible plan subdivision," which provides for a form of cluster development on parcels of 10 or more acres. The flexible plan subdivision offers the possibility of a density bonus of up to 1.5 times the number of dwelling units that could be developed under a conventional subdivision plan. In addition, it allows a choice of residential use types, e.g., detached and attached single-family homes and multi-unit buildings, and requires that at least 40% of the site be reserved as permanent, protected open space. The Planning Board also has power to issue special permits for common driveways that serve more than two homes.

Business District

Hamilton provides for a single Business District that covers a 26-acre area in South Hamilton (see Zoning Map). It is a conventional business zone, designed to meet the goods and service needs of the local population. Development in the Business District follows some of the same dimensional regulations that apply to residential districts, e.g., building height and setback regulations. The minimum lot size is 20,000 ft^2, though the Zoning Board of Appeals may grant a special permit for a smaller lot.

The following uses are allowed as of right in the Business District:

- All uses allowed in the R-1a and R-1b Districts.
- Retail, service, office, bank and food service establishments, subject to Site Plan Review.
- Government, non-profit civic and fraternal buildings, subject to Site Plan Review.
- Parking areas and accessory buildings, subject to Site Plan Review.
- Business signs, subject to Section VI.E of the bylaw (sign regulations).

The bylaw also provides for uses that require a special permit from the Zoning Board of Appeals. In most cases, they are subject to Site Plan Review:

- Gasoline service stations.
- Rail or bus terminal.
- Funeral home.
- Manufacture of products to be sold at retail on the same premises, subject to certain limitations.
- Repair shop.
- Auto salesroom.
- Uses associated with scientific research.
- Wind energy conversion systems.

In addition, the bylaw identifies a small area within the Business District where "adult entertainment uses" may be allowed by special permit from the Zoning Board of Appeals.

Conservancy District

The Conservancy District is a special zoning district that the town adopted to protect wetland and water resource areas. Its boundaries are defined by topographic elevation and overall, the district includes approximately 26% of the town. The Conservancy District effectively operates as an overlay district in that it applies additional requirements to land that is also contained in a conventional district. The zoning bylaw provides for a limited number of uses as of right, including:

- Conservation
- Passive recreation uses that require no paving or construction of facilities.
- Agricultural uses, subject to limitations on fertilizer, pesticide and defoliant applications.
- Religious, educational and other non-profit charitable uses that are otherwise exempt from local zoning purview, although they remain subject to Site Plan Review.

A small group of uses are also allowed by special permit in the Conservancy District. The Zoning Board of Appeals acts as the SPGA for the following:

- Boat houses and landings.
- Farm stands, subject to Site Plan Review.
- Dams and drainage works when part of a basin plan.
- Uses associated with scientific research.
- Wind energy conversion systems.

The bylaw explicitly prohibits several uses in the Conservancy District, including land filling, buildings or structures, paving, driveways and roadways, chemical storage, commercial burrows, dams or watercourse alterations that accelerate drainage, and any land alterations that would result in an increase of storm water runoff into the district.

Under Hamilton's zoning bylaw, land within the Conservancy District is presumed to be a protected resource area unless a land owner proves otherwise. The Zoning Board of Appeals is empowered to grant a special permit for the construction of a single-family home when an applicant demonstrates that a parcel of land is suitable for development, i.e., land not subject to flooding. The process for obtaining a special permit requires concurrence from the Conservation Commission, Board of Health and Planning Board.

Groundwater Protection District

Hamilton adopted a Groundwater Protection District in 1985. Pursuant to the original bylaw and amendments made in 1990 and 2000, the district operates as a protective overlay zone in four areas defined on the Zoning Map. They include the original district boundaries (1985), "Zone II" areas for

public water supplies, as approved by DEP after the original bylaw was adopted, "Zone III" or recharge areas for the same, and "interim wellhead protection zones" for water supplies that do not have an approved Zone II. An interim wellhead protection zone extends one-half mile from well sites with an authorized pumping capacity of 100,000 gallons per day (gpd) or more. In Hamilton, the Groundwater Protection District recognizes not only the town's aquifer protection areas but also those of neighboring communities. It is unclear why the present district includes areas that were part of the original district but which were later determined to fall outside the boundaries of a Zone II.

The bylaw allows development consistent with regulations of the underlying district, though in residential areas that fall within the Groundwater Protection District, the minimum lot size is 80,000 ft^2. In effect, wherever the Groundwater Protection District applies, it makes the R-A district the underlying zone, reducing the density of development and the risk of groundwater contamination. Like most groundwater protection bylaws, Hamilton's seeks to ban activities that place drinking water supplies at undue risk. For example, the following uses are explicitly prohibited:

- Landfills and dumps, including septage residual landfills
- Auto junkyards
- Uses that generate, store or dispose of hazardous waste, with limited exceptions, e.g., "small-quantity" generators as defined by state law. This provision essentially bans uses such as dry cleaning establishments, vehicle maintenance and photo processing operations.
- Storage of liquid hazardous materials, except that small, above-ground or indoor heating oil tanks for farm and residential use are allowed subject to state requirements.
- Storage of sludge, septage, deicing materials, manure or commercial fertilizers, except that these uses may be permitted if they are designed in accordance with state environmental code. The stockpiling of snow or ice containing deicing chemicals is similarly prohibited.
- Earth removal within four feet of the high water line.

In nearly all respects, Hamilton's Groundwater Protection District bylaw follows the "Model Groundwater Protection District Bylaw" developed by the Massachusetts Department of Environmental Protection (DEP). The model bylaw was designed to help communities comply with CMR 22.21(2), DEP's Wellhead Protection Regulation. Since its original publication in 1991, the model has been revised somewhat and Hamilton's bylaw should be updated to reflect changes made by the state.

The Zoning Board of Appeals acts as the special permit granting authority in Hamilton's Groundwater Protection District. Subject to certain limitations, the Board may grant special permits to expand pre-existing uses that do not conform to the district's requirements, uses that involve handling toxic materials beyond normal household levels, and uses that will result in impervious cover of more than the greater of (a) 15% of a lot or (b) 2,500 ft^2. The special permit process appears to combine a review for use with a review for site plan approval. Hamilton's

regulations direct the Board of Appeals to consider, in addition to standard special permit granting criteria, a series of performance standards that apply uniquely to uses in the Groundwater Protection District. As constructed, the bylaw places the burden on applicants to demonstrate their compliance with these performance standards.

Elder Housing District

Hamilton's Elder Housing District is a classic "floating zone," which in substance is much like a conventional zoning district. Floating-zone bylaws describe the allowed uses, dimensional and other requirements that govern development activity in the district. However, floating zones do not appear on the official zoning map. Rather, they "float" until they are assigned to a specific parcel by way of a zoning map amendment, which follows approval of an application.

In Hamilton, the Elder Housing District provides a mechanism to develop housing for two-person households with one member who is at least 60 years old. All projects require a special permit from the Planning Board. A number of restrictions and design guidelines apply to elder housing in Hamilton, such as:

- A qualifying site must have at least five acres of upland and 100 feet of frontage on an existing way.
- A qualifying project may not exceed seven units per developable (upland) acre and must be owned by a non-profit organization, the Hamilton Housing Authority, or the town itself.
- A qualifying project must comply with a lot coverage requirement of 25%. Specific rules apply to driveway widths, sidewalks and parking, including a requirement of five parking spaces for every three elder housing units.
- Applications for a special permit to develop elder housing require a plan that meets the definitive plan requirements of Hamilton's subdivision regulations, a site plan, and information relevant to the proposed use, such as a homeowners association agreement.

The bylaw provides for a concurrent review process, i.e., a review of the special permit and the subdivision plan. Since different review periods apply to a special permit under Chapter 40A and a subdivision under the Subdivision Control Law, it is possible that the approvals will not coincide. Regardless, the special permit does not take effect unless town meeting agrees to amend the zoning map by locating the Elder Housing District on the site of the proposed project.

Flood Plain District

The Flood Plain District was added to Hamilton's Zoning Bylaw in 1993. It is very similar to floodplain zoning in other Massachusetts communities. The Flood Plain District is an overlay district, the purpose of which is to regulate activity in flood hazard areas identified as Zones A and AE on the Federal Emergency Management Agency's flood insurance maps. The district's regulations do not alter the basic permitted use structure of the underlying zone. Rather, they hold otherwise permitted uses to a series of performance standards, including compliance with state wetland laws, Title V and local health board regulations, and the state building code for

construction in floodplains. The ultimate objective of Hamilton's flood plain district is to prevent filling or alterations that would obstruct the natural movement of flood water in a 100-year storm event.

Sign Regulations & Site Plan Review

The Hamilton bylaw contains a conventional set of site plan standards and a limited set of sign regulations. Site plan review is required for virtually all uses that call for a special permit, all commercial uses in the Business District, and uses that are otherwise exempt from zoning, e.g., religious institutions. It is not required for interior alterations to an existing structure unless the alterations will result in greater use intensity of the lot, such as an increase in floor area or the division of a commercial building into more rentable space. A project that results in a small increase in use intensity qualifies for an "abbreviated site plan review" procedure, which requires no public hearing. An atypical feature of Hamilton's site plan review process is that the Zoning Board of Appeals acts as the site plan review authority. The Planning Board has a technical review role in the permitting process, and the bylaw requires developers to meet with the Planning Board before or when they apply to the Board of Appeals for site plan approval.

Generally, the site plan submission standards in Hamilton mirror those of other suburban bylaws. The purpose of a site plan review process is to assure that development will not be detrimental to surrounding land uses. It is not an additional permitting procedure for *land use*. Factors such as traffic safety, the location of utilities, parking and loading areas, landscaping and exterior lighting are routine considerations, which means that application requirements need to meet the needs of decision-makers. In Hamilton, the bylaw's list of submission requirements includes architectural drawings of a proposed building and the site plan review criteria include design compatibility with the surrounding area. In effect, design review is incorporated within the site plan approval process. However, the bylaw does not establish design guidelines. Large or complicated projects may also be required to provide traffic and environmental impact studies at the discretion of the Board of Appeals.

Naturally, the site plan review process considers adequacy of off-street parking. Hamilton's parking regulations call for one space per 100 ft^2 of service and retail uses, an unusually restrictive standard for a downtown or suburban business zone. In most communities, business district parking requirements generally average one space per 250-300 gross ft^2 of development for retail and service uses, and one space per four seats for restaurants. They often set different standards for downtown areas, e.g., one space per 350-400 ft^2 of development, or grant parking waivers in a downtown zone in exchange for contributions to an off-street parking fund. The Hamilton bylaw further requires one space per dwelling unit for residential uses,[51] and one space per three seats in places of public assembly. It does not specify a minimum number of parking spaces for food service establishments.

[51] Exception: parking requirements for a flexible plan subdivision call for two spaces per dwelling unit.

Hamilton's sign regulations provide dimensional standards but they are silent as to design (aesthetic) guidelines. The only design-related standards address manner of lighting. All signs require the building inspector's approval, though the Board of Appeals may authorize larger signs for one-year periods.

Relationship to Master Plan Goals

Open Space Zoning

Open space protection is very important to Hamilton residents. Zoning regulations can be an effective vehicle for preserving open space and scenic views, but Hamilton has not had the success that many other communities have had with "cluster," planned development and other techniques. Hamilton's bylaw provides for a "flexible plan subdivision," which is similar to a cluster development bylaw, yet only one project in Hamilton has resulted from the flexible-plan approval process. A flexible-plan subdivision requires a special permit from the Planning Board, which means the permit is discretionary.

The lack of interest from developers in using the flexible-plan subdivision process may be attributable to several factors. One possibility is that the flexible-plan regulations were unsuitable for sites that developed since the bylaw was adopted in 1985. Second, applicants may have believed the Planning Board would impose unreasonable demands on a special permit, so they relied on the conventional subdivision or approval-not-required (ANR) process instead. Third, the bylaw may contain features which unwittingly discourage developers from using it, making conventional development more palatable even for a site that could meet flexible-plan requirements. For example:

- The variable density allowance of 1 to 1.5 times the units permitted in a conventional plan, while advantageous to the town, gives no assurance to applicants that a proposal for a higher-than-conventional density will be approved. The bylaw is silent as to performance standards that an applicant must meet in order to qualify for the higher density, and it establishes no explicit criteria for the Planning Board's review. Rather, the bylaw makes a general reference to the design and siting of proposed buildings and their contribution to significant open space. Ambiguous or vague language in zoning bylaws nearly always acts as a disincentive, even if the intent is to encourage creative development practices.
- The application process requires a dual submission: a preliminary plan to establish the number of units that could be built in a conventional subdivision, and a definitive plan for the proposed project. (However, developers are encouraged to meet with the Planning Board in a pre-application conference and file preliminary plans for both conventional and flexible-plan developments so they can discuss their proposal in concept.) Ultimately, "approval" consists of a special permit and an approved subdivision plan. Cluster bylaws that call for a dual-submission procedure are often less effective than a bylaw that relies on a simpler method for determining allowable density. They add time and expense to the permitting process, and in Hamilton that process gives considerable discretion to the Planning Board. Together, the

additional cost and greater uncertainty may reduce the attractiveness of a flexible plan subdivision unless the Planning Board actively "markets" the bylaw to developers.

- The bylaw was written to facilitate a negotiated approach to land development. As the bylaw's title implies, its design criteria are highly flexible – to a point. Frontage, lot width and lot coverage regulations may be waived, and the location of open space is subject to a limited set of regulations. However, projects must meet a number of design standards which, though noble in their intent, are also complicated. The flexible-plan subdivision bylaw aims to achieve sensitive use of land, but its requirements are unusually open-ended. Developers may be reluctant to engage in a negotiated process like Hamilton's unless they believe the Planning Board genuinely wants to negotiate.

It is unclear how many of the sites that were developed since 1985 would have met all of the thresholds for a flexible plan subdivision. Qualifying tracts must be at least ten acres. As for dimensional requirements, the bylaw calls for a minimum lot size of 10,000 ft^2 and a buildable lot area (upland) of 5,000 ft^2 for each dwelling unit. It further requires a minimum of 40% open space, and no more than 25% of the dedicated open space may be wetlands. These are the bylaw's *basic* design criteria, but other rules apply as well. Assuming the accuracy of data used to develop Hamilton's recent build-out study (EOEA, 2000), 10 out of 18 tracts that were subdivided between 1986-1998 met the 10-acre minimum for a flexible plan subdivision.[52] One of these parcels resulted in Taft Woods Row, Hamilton's only flexible plan development. Though a few more developers considered cluster projects in Hamilton, they opted for the simpler – and guaranteed – procedure of ANR.

Several Massachusetts towns have flexible plan subdivision bylaws that differ from Hamilton's. Typically, a flexible plan bylaw establishes a framework for creative approaches to subdivision design. Since its main purpose is to reduce construction impacts on natural features, a flexible plan bylaw may promote narrow roads, provide incentives to reduce clearing and grading, and allow frontage, lot size and common driveway variations when necessary to achieve the bylaw's intent. In these respects, a flexible plan bylaw is much like an open space-cluster bylaw. However, under a flexible plan subdivision, the entire tract is still divided into private house lots; there is no dedicated open space. Sometimes, a flexible plan subdivision (as used in other communities) works well on tracts *smaller* than 10 acres.

In Hamilton, developers seem to prefer the ANR process to creating new house lots. This is not uncommon in small towns, where "development" is often the enterprise of a few home builders. Elsewhere in Massachusetts, "back-lot development" bylaws have been enacted to manage the impact of ANR lots on the visual character of roadways. Back-lot development bylaws provide incentives to locate homes toward the back of a house lot rather than close to the street, to serve multiple ANR lots by a common driveway, and to place the front land under a conservation

[52] MAPC [disk], Hamilton Build-Out Study, filename "hamilton_buildout.xls" [date uncertain]. List does not include ANR lots.

restriction. Hamilton may want to consider this technique as a strategy to protect smaller areas of open space and views from the road.

Unfortunately, Hamilton's flexible plan subdivision bylaw has not produced the open space benefits the town hoped to achieve. Finding the right tool – or blend of tools – that relates well to Hamilton's remaining developable land will be an important challenge for the master plan.

Housing and Residential Development

Hamilton is concerned about retaining a mixed population: the different ages and class backgrounds that traditionally characterized the town. The make-up of any community's population is shaped in part by the availability of housing choice. Accordingly, Hamilton's experience as a maturing suburb of family households is a mirror of its housing stock. Today, the town offers few choices to elderly residents who cannot afford to live in Hamilton or who find the burdens of single-family homeownership too demanding. Suitable housing for senior citizens appears to be an important priority to many people in Hamilton, though the Planning Board's attempt to facilitate an elderly housing development on Essex Street backfired last year. Another housing concern in Hamilton is the risk of unwanted comprehensive permits. Since the town has so few Chapter 40B units, the risk of a large comprehensive permit development *does* exist. The present zoning bylaw is not designed to help Hamilton address either of these issues. It reinforces the town's long-standing preference for detached, single-family homes. The single-family residential character of Hamilton is clearly very important to residents and it must be respected by the master plan process. At the same time, it is important to acknowledge that some of the master plan's housing goals require alternatives to single-family development.

Elderly Housing

Much like the flexible plan subdivision, the Elder Housing District in Hamilton's bylaw has noble intentions but is unlikely to produce what the town hoped to achieve. Non-traditional zoning approaches such as the "floating zone," while attractive to local officials, are difficult to implement. Though common in many mid-western and mid-Atlantic states, the "floating zone" and related techniques are not standard practice in Massachusetts and may be of dubious legal standing under state law. Hamilton's elder housing bylaw exemplifies a well-constructed floating zone, however. It explains the district's purposes and the public benefits the bylaw seeks to provide, it sets fairly specific regulations and performance standards, and it describes clear application, review and approval procedures. The Elder Housing District's weaknesses are not in the construction of the bylaw. Rather, they stem from an approval process that is very high-risk from a developer's point of view, contains too many restrictions as to form of ownership, and imposes density and design requirements that may be unrealistic for the type of housing involved.

A number of Massachusetts communities have adopted so-called "over-55" bylaws that establish elder housing as a use permitted as of right or by special permit in one or more conventional residential districts. Overlay districts are also used as a device to allow elder housing, i.e., a district with boundaries identified on the zoning map, laid on top of one or more traditional districts, for

the purpose of providing development incentives and setting special development rules for over-55 housing. The content and requirements of elderly housing bylaws vary by the objectives they are designed to serve and how they define "elderly housing." The over-55 concept has become popular throughout the Commonwealth, but there are other types of elderly housing: congregate units, assisted living facilities, and the continuum-of-care model that offers independent dwelling units through nursing home facilities in one (usually large or contiguous) development compound. These uses differ significantly, and so must the regulations that govern them.

Hamilton's interests appear to lie in providing small, independent housing units suitable for elderly occupants, much like a development in neighboring Wenham. If the town wants to facilitate this type of project, the zoning bylaw needs to offer a fair, predictable and clear mechanism that can attract the desired investment. The issue for Hamilton will be whether enough public consensus exists to support a workable bylaw. Given the number of communities that have adopted over-55 zoning in the last several years, it is unlikely that Hamilton will be able to obtain a share of the market unless the town takes a different approach to regulation. For example, establishing an overlay district in which over-55 housing is allowed as of right, subject to design review and site plan approval, would encourage the *land use* and simultaneously protect a neighborhood's interest in public safety and compatible building design. In addition, Hamilton may want to require dedicated open space in an elder housing development on parcels over a certain size, and waive the requirement for elder housing produced by conversion or redevelopment. Mandatory open space is a common, though not universal, feature of over-55 bylaws in Massachusetts.

Other Alternatives to Single-Family Homes

Through the flexible plan subdivision, the Hamilton bylaw provides an opportunity to develop residences other than single-family homes. The regulations permit attached and detached single-family homes and multi-unit buildings, but even at the maximum allowable density of 1.5 times the base density in a conventional plan, the incentive to develop townhouses or multi-family structures is probably inadequate. Since the flexible plan subdivision bylaw has been ineffective at preserving open space, it holds little promise as a tool for diversifying Hamilton's housing stock.

Hamilton's zoning bylaw also recognizes three "apartment options," but for different reasons, they have also limited value as tools to create housing choice. All three provisions require a special permit from the Zoning Board of Appeals. The first option is not designed to produce permanent housing. Rather, its allowance for "temporary additional living area" is intended to meet short-term needs of households with an elderly or disabled family member. The second option allows for conversion from a one- family to a two-family residence for buildings that pre-date the zoning bylaw. The assessor's records suggest that a number of conversions have occurred in Hamilton, but it is not clear when these conversions actually occurred. The desirability of conversion depends largely on market conditions and the preferences of a particular owner. To some extent, Hamilton's conversion regulations are reasonable, i.e., they do not inherently impede the creation of an apartment. However, to qualify for conversion under the town's rules, the existing residence must contain a minimum of 4,000 ft^2 of gross floor area. According to assessing records, few homes built

in Hamilton before 1954 would meet the size threshold for conversion. The third option provides for accessory apartments in homes or accessory buildings on large lots. The regulations for this option significantly restrict the universe of eligible properties because in order to qualify for an accessory apartment, the property must have at least 10 acres of land.

Affordable Housing

Hamilton's zoning bylaw does not give local officials any regulatory tools to address affordable housing need. A number of zoning and other techniques to encourage affordable housing development have been used successfully by Massachusetts communities. They include:

- Incentive zoning, which encourages affordability by offering an increase in the usual number of allowed units in exchange for deed-restricted units affordable to lower-income households. A density bonus of 1.1 to 1.25 is common, though for single-family homes it often runs higher.
- Inclusionary zoning, which mandates the inclusion of affordable units in developments of attached residential use types (townhouse or multi-family buildings). An inclusionary bylaw may work within the context of traditional residential zoning districts or as part of an overlay district applied to areas with soils suitable for higher-density development.
- Locally initiated redevelopment of existing properties: the acquisition and renovation of deteriorated homes, large, older homes that can be converted inconspicuously to multi-family units, or non-residential buildings that have become obsolete for their intended use.
- Locally initiated or sponsored comprehensive permits, also known as "friendly" comprehensive permits.
- The adoption of local policies and guidelines which, taken together, set *realistic* expectations for developers to meet if they apply for a comprehensive permit on their own. Local guidelines usually establish submission and review procedures, describe the types of development a community prefers (e.g., rental or homeownership units), and explain any trade-offs a community is willing to consider. Thus, a "friendly" comprehensive permit may also come about through private initiative – one that meets local guidelines.

Estates

Among the unusual "place" features of Hamilton are the town's large family estates. Some town officials and residents worry about the future of these important sites, but others think the estates are reasonably secure from development. Regardless of whether Hamilton's estates are at an imminent or a distant risk of conversion, the town's zoning allows only one development outcome: a division of the land into single-family house lots.

Hamilton officials have discussed the desirability of a bylaw similar to one that neighboring Ipswich adopted to protect and control the fiscal impacts of development on large estates. Known as a "Great Estates Bylaw," the Ipswich model allows for a mix of residential and non-residential

uses on substantial tracts of land with at least one historically significant structure. It provides considerable flexibility in site design, requires a large set-aside of permanent open space, and aims to protect both natural and built assets, namely a historic building. In Ipswich, the Great Estates bylaw was instrumental in preserving the significant features of a former Catholic retreat center that New England Biolabs, Inc., now occupies. At least two Western Massachusetts communities have adopted zoning bylaws similar to the one in Ipswich. The "great estates" approach may be useful in Hamilton, though market forces, local initiative, and the amount of additional investment value that the bylaw creates will largely determine its success. The town should also consider strategies such as a planned development district (by overlay) for its remaining large tracts of land. During Phase II, the planning process should give due emphasis to modeling alternatives for properties with significant open space value.

Historic Preservation

In response to recommendations made in the 1965 Master Plan, Hamilton instituted a local historic district along Bay Road many years ago. In Massachusetts, a local historic district is the strongest available mechanism for protecting historic architecture. Local historic districts are not zoning districts, i.e., they afford no controls over *land use*. Rather, they establish a framework for review and control over exterior alterations, including the power to prevent demolition. Hamilton has the regulatory tools it needs to preserve the appearance of historically significant buildings within the district, but no tools to apply to properties outside the district.

The historic district contains a collection of well preserved buildings that establish a clear sense of place in Hamilton Center. Old buildings exist throughout town, however. Though some are quite large, many are small houses that some residents may not even consider "historic." Like the older housing stock in many communities close to Boston, Hamilton's is exposed to market pressure for expansive homes – the type of residence humorously referred to as a "trophy house." High land costs have led to the increasingly common practice of acquiring and demolishing small, lower-value homes and replacing them with a much larger building. The diversity of single-family homes in Hamilton is as essential as open space to the town's character. Unfortunately, town officials have no power to reinforce and preserve Hamilton's built traditions. According to Census 2000, there are 742 buildings in Hamilton that pre-date 1939. Since the local historic district is a relatively small area, alterations to most of the older buildings in town are not subject to any review for historic significance. Demolition requires only a permit from the building inspector.

If Hamilton wishes to protect its built assets, additional local historic districts ought to be considered. People often think of a "district" as consisting of multiple properties, but the enabling statute for local historic districts in Massachusetts allows for a district of one building. The process for establishing local districts requires communities to conduct historic property inventories: in order to protect a resource, it must first be identified. Inventories that adhere to the protocol for a nomination to the National Register of Historic Places are not particularly expensive, and from time to time the Massachusetts Historical Commission (MHC) makes matching grants available for this purpose.

An interim measure that seems germane to Hamilton is demolition delay. Approximately 70 cities and towns in Massachusetts have adopted demolition delay through an amendment to the section of their zoning bylaw that establishes procedures for obtaining a building permit (in Hamilton, Section VIII.B). Demolition delay bylaws vary considerably, but they contain common features and they share a universal goal: to prevent needless demolition of older buildings. All demolition delay bylaws define the properties that merit review by classifying them in some fashion. For example, many demolition delay bylaws are triggered by an application to demolish a building over 50 years old. The bylaw requires the building inspector to notify the local historical commission and withhold a demolition permit until the commission has reviewed the property and determined whether it merits preservation. A "preferably preserved" building may not be demolished for a period of 6-12 months, depending on the delay period imposed by the town's bylaw. Some communities limit their demolition delay bylaws to buildings listed on the State Register of Historic Places or to a specific inventory of properties deemed worthy of review by the town's historical commission. Nantucket extends demolition delay to all buildings on the island, regardless of their age. In addition, some of these bylaws apply to full demolition while others are triggered by whole or partial demolition.

Delay means *delay*, which means that a demolition delay bylaw cannot protect buildings indefinitely. During the delay period, however, active historical commissions usually work with property owners to identify alternatives to demolition. Buildings may be relocated in the interests of preserving them. Zoning bylaws tailored to support historic preservation often become central to making demolition delay an effective preservation strategy. For example, zoning in small towns typically restricts residential development to one single-family home per lot. Incentives that allow two structures on a lot, conversions of single-family homes to multi-family buildings, of non-residential buildings to a residential use, or of large residential buildings to a mixed-use property, may be essential the feasibility of saving a "preferably preserved" building. Naturally, these incentives should be limited to preservation projects. They can be facilitated through a special overlay district or through a little-used tool in Massachusetts known as a neighborhood conservation district. Preservation and affordable housing incentives could also be paired, such as by allowing the conversion of a large, historic single-family home to three multi-family units if one of the units is restricted for occupancy by a lower-income household.

Business Development

Downtown is Hamilton's only business zone. Its relatively compact form and attractive buildings make the downtown area a very appealing place. At the same time, the limited size of Hamilton's business district is a constraint against tax base expansion. Since one of the master plan goals calls for an increase in the non-residential share of Hamilton's assessed valuation, economic development promises to be a lively topic for Phase II. Moreover, if the town were to allow business activity outside the downtown, regulations designed for the present Business District may not be appropriate in other locations. For example, a small neighborhood or "pocket" business zone would need a different mix of allowed uses and design standards tailored to the predominantly residential character of the surrounding area. The zoning bylaw's Business District use regulations and for the most part, the flexibility found in Hamilton's site plan standards, fit well within a downtown

context. A formal design review process would enhance the town's ability to control the appearance of downtown buildings, whether new or remodeled.

Another zoning issue that Hamilton seems destined to confront is the regulation of home-based businesses. There appears to be a considerable amount of at-home employment in Hamilton, both entrepreneurs and tele-commuters. A goal of the master plan is to find ways to accommodate home occupations and simultaneously protect neighborhoods from the noise, traffic, and parking associated with commercial activity. The home occupation provisions of Hamilton's zoning bylaw (V.A.8) should be revisited in light of the apparent increase in home-based businesses around town. The phrase "customary home occupation" needs refinement, and a process comparable to an abbreviated site plan review may be in order for certain types of businesses.

Zoning Administration

Hamilton assigns site plan review and nearly all special permits to the Zoning Board of Appeals. In Hamilton, the Board of Appeals consists of three members and two associate members. The practice of assigning special permit granting powers to a board of appeals, i.e., beyond its statutory purview over non-conforming uses, is fairly common in Massachusetts. It is unusual for a board of appeals to act as the site plan review authority, however. If this arrangement meets Hamilton's needs, there is no reason to change it. Amendments to the zoning bylaw since the mid-1980s have resulted in some special permits being assigned to the Planning Board: elder housing, flexible plan subdivision, and common driveways. In some communities, the division of special permit granting powers between two boards signals local disagreement about the more appropriate body to handle this function. Owing to Hamilton's clear preference for discretionary permits, it is important that the Board of Appeals and Planning Board operate from a shared understanding not only of the bylaw's regulations and intent, but also its relationship to the master plan. A review of Hamilton's approach to zoning administration should be conducted during Phase II.

Phase II Process Recommendations

During Phase I, the CAPC sponsored a public opinion survey and two participation events to identify issues of importance to the community at large. The results of these parallel efforts form the basis for the CAPC's preliminary master plan goals and several points of emphasis in the Phase II work plan. The recommendations below are intended to enhance the management of Hamilton's master plan process during Phase II.

CAPC Organization

The CAPC is a very large committee. To function effectively throughout the master plan process, the CAPC will benefit from an organizational structure that is conducive to participation by many individuals. For example:

- Each subcommittee should have a simple work plan that clarifies its role, the tasks it needs to complete, and its responsibilities to the larger group. More often than not, subcommittees wither unless they have a meaningful role and a sense of efficacy in the planning process. Work plans are an invaluable tool for accomplishing large amounts of work in a short period of time. They also help to coordinate multiple subcommittees and reduce the potential for duplication of effort. Finally, because subcommittees are attractive to residents who want to focus on a specific issue, a work plan helps by setting parameters for the entire group, defining a manageable charge and establishing the "exit point" for subcommittees that do not want to remain involved for the entirety of Phase II.
- To facilitate communication, there should be a Steering Committee member on every subcommittee. It may be advantageous to increase the size of the existing Steering Committee by two people so that the group has enough members to share in the Phase II workload.
- The subcommittees should be more evenly sized. Many residents have volunteered to serve on the open space, natural resources and land use subcommittees while the housing subcommittee has only two members. Since Hamilton is a predominantly residential town, housing promises to be a challenging, potentially controversial issue for the master plan. The housing subcommittee ought to have more members and possibly, its charge needs to be clarified and/or expanded. Housing affordability is one aspect of a master plan housing element, but it is not the only consideration and in some communities it is not even the most important one.
- During Phase II, the CAPC Steering Committee will need to meet on a predictable schedule, and more frequently than during Phase I because its workload will increase.

To assure that master plan information is communicated consistently throughout the planning process, the Steering Committee should act as the official speaker for the CAPC. However, it is always advisable to present both majority and minority points of view and to acknowledge when the CAPC is divided on a particular issue. Master plans trigger major policy debates and the CAPC

will not always reach a unanimous decision. Clear decision-making procedures need to be ratified by the CAPC as a whole before the Phase II work program begins. This is especially important in Hamilton because the town's project time line is very ambitious. If the CAPC needs more time to deliberate than the schedule currently provides, the time line is too ambitious and it will need to be modified.

An open line of communication with key policy boards, e.g., the Board of Selectmen, Planning Board and Finance Committee, is essential to the success of most master plan committees. Toward this end, the CAPC Steering Committee may find it helpful to establish a calendar of discussion meetings with major policy-makers in Hamilton, perhaps at quarterly intervals, through the production of a draft master plan report.

Outreach & Public Participation

Outreach, public education and public participation are always difficult tasks during a master plan process. They require considerable time and coordination. Methods that work in one community sometimes fail dismally in others. An effective outreach program must account for the social and political customs of each city or town. It also must be realistic in relation to a master plan committee's internal capacity. For example, a "master plan update" column in the local newspaper may be useful, but only if the CAPC has enough volunteers to staff the column every week. A bi-weekly or monthly column is more appropriate if it translates into a commitment that volunteers can sustain. Consistency is more important than frequency.

In addition, public education is generally more beneficial than argumentation to the success of a master plan process. Whether the CAPC decides to arrange space for master plan news in the local paper or distribute it through some other mechanism – such as posters, mailings, fliers or the master plan web site – it will help to be clear about the purposes the CAPC wants to accomplish. In most communities, public information about a master plan process works constructively if it serves educational rather than advocacy purposes. It is also *very important* to separate a master plan public information program from other local issues and controversies. Master plan committees occasionally find it frustrating to refrain from taking a position on significant political questions in their towns, particularly committee members who serve on other town boards or who are activists in a particular cause. However, if the goal is consensus about the vision and strategies that the master plan will ultimately embrace, the CAPC needs to devote all of its energy, resources and political capital to developing the master plan.

Hamilton's public participation meetings (April 2002) were well attended, particularly for a small town. Although the CAPC hoped to attract a much larger audience, the 40+ participants made a number of important observations about their town. For the most part, their ideas and priorities echoed the results of the CAPC's community survey. However, it takes more effort to attend and speak out at a public meeting than to respond to a survey. In addition, while surveys like the CAPC's are highly informative, meetings facilitate dialogue – and dialogue will be essential to developing the new master plan.

There are many ways to approach citizen participation. Large public gatherings are generally useful for presentations, hearings, and visioning or goal-setting activities (which require a combination of large- and small-group work). They tend to be less useful for the strategic consensus-building work that often attends the later phases of a master plan process. In some communities, the planning committee organizes neighborhood-level meetings in private homes to present the major findings and recommendations of the master plan. Over a period of weeks, teams of volunteers make presentations and answer questions, ultimately canvassing the entire town. This method has numerous advantages, not the least of which is that committee members become experts in presenting and explaining the master plan. However, it requires a great deal of coordination and a significant time commitment from volunteers. Hamilton is fortunate to have a number of articulate, well-respected people on the CAPC – a condition that bodes well for the success of a neighborhood meeting program. In other towns, master plan committees have sponsored two or three information forums in lieu of neighborhood meetings, holding each forum in a different part of town. Hamilton used a similar process when the original master plan was nearing completion in 1964-1965. A forum series generally requires less effort than smaller neighborhood meetings, yet it has many of the same benefits. The underlying point is that taking the master plan "on the road" can be a highly effective way to build public support and dilute opposition.

The CAPC has established a master plan web site that can support a variety of public information and education needs. It may also act as a vehicle for public participation, although the experience of other communities that have used web site participation strategies varies considerably. In its present form, the web site seems labor-intensive. Possibly a less ambitious web site design would be simpler to maintain and easier for users to navigate.

Local Administration of the Master Plan Process

The Hamilton Planning Board is staffed by a part-time planning coordinator whose assistance has been invaluable during Phase I. Her role in the remainder of the master plan process needs clarification. The planning coordinator may be instrumental in locating and supplying information to subcommittees and she should be consulted throughout for her experience with Hamilton's development regulations. Since her position is part-time, it will be important to assure that demands associated with the master plan are reasonable in relation to the rest of her workload.

Preparing a master plan usually requires a commitment of administrative assistance from the community because there are tasks that consultants cannot – and should not – perform. For example, setting up and maintaining the central planning file is a very important job that should be done soon, i.e., before the beginning of Phase II. A central planning file typically contains:

- Copies of prior plans, reports, meeting minutes and data that the CAPC and consultants will need to review while developing the new master plan.
- Maps – in particular, a set of assessor's maps for use by the CAPC and consultants. This will be particularly important in Hamilton because the town does not have digitized parcel maps for GIS analysis.

- Regionally significant information that affects the master plan, e.g., reports or data obtained from the regional planning agency and other organizations.
- Current data collected or assembled by the CAPC and consultants.
- Minutes of CAPC Steering Committee and subcommittee meetings.
- Newspaper articles about the master plan process and relevant local issues.
- Draft and final documents produced in connection with the master plan.

A well organized central planning file will enable CAPC members and the Planning Coordinator to retrieve and file documents efficiently. It should be located in the Planning Department with a circulation log so the Steering Committee and Planning Coordinator can track borrowed files.

Appendix

- Citizen Survey Results
- Public Meeting Summary

Hamilton Master Plan Survey Results

Below are the survey results of responses received as of April 10th, 2002. The survey results will also be presented at the April 22nd workshop (Miles River Middle School at 7:30 PM) and on the CAPC's web site http://www.hamiltonmasterplan.com. The survey results will also be made available to the Hamilton-Wenham Chronicle for publication.

We received 543 responses, out of 3,200 delivered to each household. The percentages presented tallied here are based on the number of people who answered individual questions, since not every respondent answered every question. In certain instances, the percentages are of the entire 543 responses (Part I, Questions 4 & 5; Part III, Question 11; Part VI Question 11).

Part I. Information about you and your household.

1. How long have you lived in Hamilton?

13 % < 5 yrs | 18 % 5-10 yrs | 26 % 11-25 yrs | 33 % 26-50 yrs | 10 % 51+ yrs

2. How old are you?

1 % 20-24 yrs | 6 % 25-34 yrs | 48 % 35-54 yrs | 18 % 55-64 yrs | 28 % 65+ yrs

3. How many people are in your household?

14 % 1 | 36 % 2 | 15 % 3 | 31 % 4-5 | 3 % 6+

4. Does your household include (check all that apply):

41 % Children <18 years old | 4 % An elderly parent who lives with you | 6 % A person with a disability

5. Do you (check all that apply):

96 % Own your home | 3 % Rent your home | 8 % Work in Hamilton | 6 % Own a business in Hamilton

Part II. Living in Hamilton. For each statement, check one item that most closely reflects your opinion.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
1. I am satisfied with the level of town services in Hamilton.	2 %	11 %	18 %	50 %	17 %	2 %
2. Hamilton has experienced too much residential growth.	2 %	11 %	25 %	28 %	29 %	3 %
3. My property taxes have risen too quickly.	2 %	6 %	21 %	23 %	46 %	3 %
4. Hamilton has enough recreation space.	5 %	20 %	16 %	42 %	15 %	1 %
5. Hamilton's roads are adequately maintained.	4 %	22 %	16 %	50 %	7 %	0 %
6. Hamilton has done enough to address the supply and quality of our drinking water.	15 %	31 %	19 %	27 %	4 %	4 %
7. Hamilton provides adequate facilities and services for teens.	7 %	22 %	26 %	17 %	5 %	23 %
8. I am satisfied with Hamilton's public safety services.	1 %	3 %	12 %	58 %	24 %	2 %
9. Hamilton provides adequate facilities and services for seniors.	7 %	19 %	27 %	18 %	5 %	24 %
10. I am satisfied with the quality of our public schools.	2 %	9 %	12 %	41 %	28 %	8 %
11. The Town of Hamilton (excluding land preservation organizations and private citizens) has taken adequate steps to prevent the development of important open space.	13 %	23 %	23 %	28 %	6 %	7 %

Part III. Open Space, Recreation & Historic Preservation

Should the Town of Hamilton:	Yes	No	No Opinion
1. Put more effort into protecting open space?	74 %	15 %	11 %
2. Use taxes or other local revenue to buy land or development rights in order to preserve open space?	55 %	34 %	12 %
3. Use taxes or other local revenue to acquire more recreation land?	36 %	50 %	13 %
4. Seek grants or work with existing land preservation organizations to buy land or development rights in order to preserve open space?	82 %	10 %	8 %
5. Put more effort into protecting the historic district and historically significant properties ?	55 %	27 %	19 %
6. Require that large new developments include a percentage of permanent open space?	90 %	6 %	5 %
7. Develop more bicycle paths and/or bicycle lanes?	67 %	20 %	13 %
8. Develop more trails for passive uses such as horseback riding, walking, and cross country skiing?	59 %	27 %	14 %
9. Increase the number of scenic roads which have restrictions on tree cutting, changing stone walls and fence building?	26 %	28 %	16 %
10. Adopt the Community Preservation Act in order to finance open space land acquisitions, affordable housing and historic preservation?	49 %	23 %	28 %

11. Check up to 10 recreational facilities that you think are important to the community, and circle the two that are most important to you.

61 %	a. Bike trails or bike lanes	53 %	k. Children's play areas
51 %	b. Local neighborhood parks	22 %	l. Public access to water bodies for boating
25 %	c. Family picnic areas	34 %	m. Public access to water bodies for swimming
57 %	d. Conservation areas	56 %	n. Fields for soccer, softball, baseball and football
50 %	e. Swimming pool	36 %	o. Recreation center building
18 %	f. Skateboard park	32 %	p. Teen center
50 %	g. Hiking and skiing trails	47 %	q. Patton Park improvements
30 %	h. Ice skating rink	20 %	r. Horse trails
46 %	i. Tennis courts	33 %	s. Cultural, arts and crafts facilities
1 %	j. Other (list)_____		

Part IV. Growth Management

Should the Town of Hamilton:	Yes	No	No Opinion
1. Restrict new development through zoning?	81 %	12 %	8 %
2. Use tax revenue or bonds to buy land for the purpose of reducing Hamilton's future growth potential?	52 %	34 %	14 %
3. Adopt zoning to encourage market-rate housing for the elderly?	59 %	19 %	22 %
4. Adopt zoning to encourage townhouse or multi-family units in order to accommodate one-person and small households?	41 %	43 %	16 %
5. Increase the minimum lot size required for new homes to reduce the potential number of lots in town?	68 %	24 %	8 %
6. Adopt special zoning that allows planned, residential and commercial development in exchange for open space preservation on large estates – as Ipswich did recently?	66 %	16 %	18 %

Part V. Housing

Should the Town of Hamilton:	Yes	No	No Opinion
1. Sponsor or encourage housing affordable to senior citizens living on fixed incomes?	72 %	16 %	11 %
2. Sponsor or encourage housing affordable to low- or moderate-income people of all ages?	49 %	37 %	14 %
3. Sponsor or encourage housing affordable to town and school employees?	43 %	43 %	13 %
4. Buy land for the purpose of developing affordable housing?	28 %	55 %	17 %
5. Sponsor the development of elderly housing exclusively for seniors already living in Hamilton or whose adult children live in Hamilton?	56 %	28 %	16 %
6. Adopt zoning that requires the inclusion of some affordable housing units in new residential developments?	54 %	34 %	12 %
7. Apply for grants to buy existing homes and sell or rent them as affordable housing?	47 %	39 %	15 %
8. Adopt zoning that encourages "infill" housing in existing developed areas and discourages development on large tracts of open space?	51 %	27 %	22 %
9. Adopt zoning providing for a mix of housing by allowing two-unit or multi-family homes, subject to design review?	38 %	46 %	15 %
10. Should the town relax existing zoning so as to permit a rental unit in a single family home?	49 %	40 %	11 %

Part VI. Community Facilities and Services

Should the Town of Hamilton:	Yes	No	No Opinion
1. Sponsor or develop bicycle lanes on key connector roads?	66 %	25 %	9 %
2. Provide more services and programs for youth?	45 %	27 %	28 %
3. Provide more services and programs for senior citizens?	50 %	21 %	29 %
4. Provide services and facilities for cultural activities (art, theatre, music, crafts, etc)?	50 %	28 %	22 %
5. Be more pro-active about investigating and securing additional water supplies to serve Hamilton residents and businesses?	81 %	8 %	12 %
6. Be more pro-active about encouraging or enforcing more water conservation?	75 %	15 %	11 %
7. Encourage private wells for lawn watering and other irrigation in order to reduce the use of town water?	60 %	28 %	12 %
8. Increase annual spending on road maintenance and drainage?	31 %	46 %	23 %
9. Improve access for persons with disabilities in public & commercial buildings, parks or other public places? If yes, where? _____	19 %	31 %	50 %
10. Build more sidewalks in residential neighborhoods? If yes, where? _____	27 %	45 %	28 %
11. Should the town more aggressively enforce regulations to protect surrounding residents from home-based businesses?	54 %	28 %	19 %

If Yes, for what issues:

a. Noise	40 %	d. Parking in Residential Zone	37 %
b. Traffic	37 %	e. Inventory storage	30 %
c. Aesthetics/Signage	37 %	f. Hours of operation	33 %

12. Please also tell us:	Yes	No
Do you have a private well?	16 %	84 %

a. If you have a private well, approximately how deep is it? _____ feet

b. If you have a private well, for what purposes is it used? (check all that apply)

Landscaping	43 %	Agricultural / equestrian	4 %	Home Water	23 %
Landscaping & Agr	13 %	Landscaping & Home	14 %	ALL	3 %

Part VII. Economic Development and Downtown Business Activity in Hamilton

Should the Town of Hamilton:	Yes	No	No Opinion
1. Work to facilitate more commercial development in Hamilton to expand the town's tax base?	52 %	41 %	6 %
2. Provide more short-term parking spaces in the downtown area?	47 %	38 %	15 %
3. Provide more parking for commuters?	52 %	30 %	18 %
4. Do more to enforce parking regulations in downtown residential areas?	35 %	35 %	31 %
5. Spend tax or other local revenue to bury public utilities in the downtown area?	31 %	50 %	19 %
6. Improve pedestrian and bicycle access in the downtown area?	56 %	27 %	17 %
7. Locate community services in the downtown area, such as a senior center?	53 %	19 %	28 %
8. Sponsor or encourage shared wastewater disposal facilities or a sewer district to serve downtown businesses to enable more restaurants and other food related businesses?	44 %	38 %	18 %
9. Encourage more agricultural businesses activity in Hamilton?	60 %	17 %	22 %
10. Adopt zoning that encourages office or research developments in Hamilton?	45 %	40 %	15 %

11. What kind of businesses would you like to see more of in downtown Hamilton? *(check all that apply)*

28 % a. offices	29 % d.retail stores	14 % g. home business	20 % j. recreation
21 % b. grocery/food	58 % e. bakery/deli	29 % h. more restaurants	23 % k. service businesses
35 % c. senior center	9 % f. tourism	25 % i.bed and breakfast inns	10 % l. other _____

Part VII-A. Home-Based Businesses in Hamilton

	Yes	No	No Opinion
1. Do you presently have an in-home office, studio or business, or do you telecommute? If Yes, please answer the following questions. Otherwise, please go to the next page.	31 %	68 %	1 %
2. Is cell phone reception and coverage a problem for your business?	37 %	53 %	9 %
3. If your business grows, are you likely to move to a commercial location in Hamilton?	13 %	73 %	13 %
4. Generally, is the town's zoning acceptable to your business?	68 %	11 %	22 %

Please also tell us:

5. How long ago did you start a business in, or relocate a business to, your home in Hamilton?

15 % <1 yr. 24 % 1-2 yrs. 24 % 3-5 yrs. 16 % 5-10 yrs. 22 % 10+ yrs.

6. If internet/email is important to your business, how satisfied are you with your connection options?

25 % Very satisfied 60 % Satisfied 11 % Not Satisfied 4 % Very dissatisfied

7. Are you actively involved in agricultural or equestrian activities in Hamilton?

4 % Professional 15 % Recreational 3 % Service 79 % Not involved

Part VIII. Trade-Offs

A. How important is it to you, even if it may involve public spending, to:		Very Important	Important	Neutral	Not Important	Very Unimportant
1	Preserve buildings of historical or architectural interest?	23%	33%	28%	12%	4%
2	Preserve farmlands?	39%	37%	17%	5%	2%
3	Preserve open space to protect wetland and water resources?	56%	30%	8%	4%	2%
4	Preserve open space to protect wildlife habitat?	45%	31%	15%	7%	2%
5	Maintain current recreational areas and facilities?	42%	45%	10%	3%	1%
6	Acquire land for recreational needs?	16%	29%	29%	20%	5%
7	Increase the supply of parking in downtown Hamilton?	10%	26%	32%	25%	7%

B. If you could determine how your tax dollars were spent, would you allocate more, less or the same amount to the following areas?		More	Same	Less	No Opinion
1	Active recreation facilities, e.g., athletic fields, tennis courts	23%	61%	12%	4%
2	Planning and growth management	38%	47%	9%	6%
3	Maintenance of streets, sidewalks, and parks	30%	65%	4%	2%
4	Land acquisition for conservation or passive recreation	43%	37%	15%	5%
5	Build more bicycle and walking paths	47%	31%	16%	6%
6	Drinking water supply & quality	66%	31%	1%	2%
7	Senior services	33%	44%	10%	13%
8	Public Safety: Staff and Facilities	19%	67%	9%	5%
9	Public Schools: Staff and Facilities	26%	44%	27%	3%
10	Land acquisition for affordable or senior housing	25%	43%	21%	11%
11	Other (identify): _____	N/A	N/A	N/A	N/A

Hamilton's Strengths

Citizen Comments	Ranked Importance
Open space	29
Good schools	24
Sense of community (small town)	18
Natural resources	13
Accessibility to major urban center (RR)	11
Sense of "living in the country"	10
Mix of ages	5
Efforts to keep paths/trails	4
Historic town center scaled to community demands	4
Safe feeling community	4
Commuter train	3
Horses	3
Patton Park	3
Mix of income	1
Close to beaches/mountains	1
Scenic town & varied	1
Houses more clustered in neighborhoods	1
Near ocean	1
Can walk to town, open spaces, etc.	1
Great pool of talented people who volunteer	0
Low crime rate	0
Great downtown neighborhood	0
Public confidence in local government	0
Volunteer fire dept.	0
Community center	0
Community House opportunities	0
No traffic	0
Reasonably good utilities	0
Opportunity for water (fresh) recreation	0

Hamilton's Weaknesses

Citizen Comments	Ranked Importance
Lack of willingness to merge town services	31
Unprotected open spaces	24
Many seniors feeling squeezed out	12
Lack of reimbursement from State for mandated programs	12
No tax base	9
Lack of substantial commercial tax base	9
Vulnerability of water supply. Lack of regional cooperation on water	7
Low income people squeezed out	5
Lack of citizen participation	4
Amount of houses being built and on small lots and style	4
Unregulated over-growth of weeds in our rivers	3
Desire to make public schools like private schools, i.e. buses too short of a distance	3
Current form of town government-should have Town Mgr. form of government	3
Lack of safe places to ride bikes	2
Traffic on Rt. 1A	1
The name of S. Hamilton	1
Boring town for grown-ups	1
Beavers	1
Lack of consciousness about recycling	1
Rampant "yuppie" influx	1
Attitude toward Wenham	1
Many neighborhoods isolated, therefore difficult for walking	1
Lack of planning	0
No services for seniors	0
Lack of maintenance of waterways	0
No ethnic diversity	0
Inadequate utilities	0
Lack of attractions for single population & "20-Somethings"	0

Hamilton's Weaknesses

Citizen Comments	Ranked Importance
Downtown boring i.e. restaurants, shopping, limited mix of businesses	0
Transients & yuppies	0
Public services not great- roads, public works	0

Hamilton's Opportunities

Citizen Comments	Ranked Importance
Regionalization of public safety and services	29
Zoning to limit growth & promote open space	27
Zoning & tax policy to encourage agriculture/horses	17
Programs for elderly to offset their taxes	17
Pass the CPA	11
Churches- increase revenue (& universities)	9
Zoning to increase commercial base	5
Opportunity to encourage eco-tourism	3
Cooperation with Wenham on improving Patton Park	2
Provide services for elderly	2
Tap potential students from colleges for economic	0
More intra-regional transportation buses	0

Hamilton's Threats

Citizen Comments	Ranked Importance
Development of remaining unprotected open space	31
Potential of developers enforcing Chapter 40B	24
Squeezing out elderly & lower income & moderate residents	12
Risk of running out of water	9
Lack of state support/funding	8
Unchecked single family development	7
Insufficient reserve funds for purchase of land	7

Hamilton's Threats

Citizen Comments	Ranked Importance
Lack of volunteers – will create stagnation in all areas of town life	6
Risk to class size in schools & school programs (type of development presents fiscal constraints)	5
Complacent public	5
Unrestricted expansion of private wells- aquifer risk	4
Installing public sewer system	2
Way we are building houses	2
Traffic- speeding	1
Increase in local service expenditures	0
Lack of public sewer system	0
Lack of full time fire department	0