



Special Town Meeting

November 4, 2017

At the close of registration on October 25, 2017 there were 5968 registered voters.

Precinct 1 – 2048

Precinct 2 – 2102

Precinct 3 – 1818

Appointed Tellers: Heather Ford, William Bowler, Alex Dale, Marc Johnson

The Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 9:07 A.M. with voters checked and present. Three tellers had been properly sworn, Heather Ford, Marc Johnson and Bill Bowler. There was an overflow room in the back and Jeff Melick said he appointed Alex Dale to serve as Special Town Meeting counter back there.

Pledge of Allegiance

The Moderator said he had four general reminders: Orange voter cards would be raised to vote; cell phones should be placed on silent and if a residents needed to make or take a call, they should leave the room; non-voters would sit in the visitors area; and registered votes could sit in the overflow room with Bill Bowler having been appointed as special Town Moderator there.

The Moderator introduced Wilma McDonald (Acting Town Clerk), Donna Brewer (Town Counsel), Jenny Merrill, (Town Counsel's Associate), Michael Lombardo (Town Manager), Jeff Hubbard, Allison Jenkins, Shawn Farrell, Bill Wilson, Scott Maddern (Selectmen), David

Wanger, John Pruellage, Phil Stearns, Darcy Dale, Nick Tensen (Finance Committee), and Marisa Batista (Finance Director).

Town Moderator said Town meeting would begin by having brief reports by Bill Wilson and Michael Lombardo. The rules of conduct for Town Meeting would follow.

SECTION 1: REPORTS AND PROCEDURES

Board of Selectmen Report

The Moderator recognized Bill Wilson, Chairman of the Board of Selectmen.

Bill Wilson said: “Good morning and welcome to your Special Town Meeting. Town Meetings have been conducted since the mid-17th century and is one of the oldest and purest forms of democracy intended to ensure policy decisions are made in the best interest of the public. I encourage all of you to take this opportunity to respectfully voice and debate your opinions, sharing your thoughts with your neighbors, and we cast votes on Warrant articles.

We are fortunate to have an involved and vocal community that constructively voice opinions to help shape our town. We have generous open spaces, great schools in which we take pride in high National and State rankings, we have active recreation programs, and committed volunteers. Financially, Hamilton is in excellent condition. Our tax rate has stabilized after many years of increases. We have received clean financial audits and have a AAA bond rating. Although our total population hasn’t changed much in the last decade our demographics are shifting. Seniors are a quarter of our town’s population. Our school enrollment has declined more than 15% since 2002 and while overall it is expected to be relatively stable over the next ten years, Hamilton’s share of students compared to Wenham in the regional district continue to decline. These are key considerations as we plan for the future.

To provide town services, our staff of 68 employees hasn’t changed in years, but healthcare and retirement costs continue to rise. Operationally the Selectmen continue to look for cost savings. Our regionalized services of Schools, Recreation, Pool and Library are exceptional and as a small town, where it makes sense, we should look for more opportunities to share services that reduce our cost structure while improving the delivery of those services.

Our last town wide survey received over 530 responses, double the response rate from the prior survey. Some of the things we heard to focus on are: Reduce high taxes, drinking water supply and quality, protect open space, and manage new development through zoning, a need for affordable housing with an emphasis for seniors but family as well. You asked for improved mobile phone coverage and an artificial turf field at the High School to reduce the excessive burden on our parks and fields. All with more communication from Town Hall, Boards, Committees and your elected officials. I hope you’ve noticed that in the past year.

Before closing I would like to read into the record a proclamation that has been drafted and endorsed unanimously by your Board of Selectman, Finance Committee and I believe already reflective of our community!

The Proclamation reads: "Be it resolved and proclaimed that the Town of Hamilton condemns and rejects bigotry and supports the promotion of understanding and acceptance of individual differences for the welfare and betterment of the community. The resolution shall be made part of the public record.

Thank you for attending today and for your continued contributions that cumulatively make Hamilton a great place to live."

Town Moderator recognized Michael Lombardo.

Michael Lombardo offered an overview of the water treatment plant. 22% of the infrastructure had been replaced costing \$5.4M for the water mains and \$1.5M for the plant. \$3.1M remained for future water main replacement for a total of \$10M in bonds. The water treatment plant was constructed in 2000. The plant was built on a beta design to ensure correct processing. A chlorine based system worked for several years, then problems occurred. The four filters (three active, one back up) should process 900 gallons per minute (gpm). Discoloration occurred. The Town switched from chlorine to potassium hyper chlorite then noticed the media was bogging down. The Town switched to green sand plus. Green sand plus was designed to have larger filters and process at a smaller rate. Since 2010 the Town kept the plant processing efficiently but due to the design and green sand plus, the plant did not process at 900 gpm but rather a fraction of that rate. An air scour system was recommended, but did not happen. There were ongoing challenges to filter water free of sediment. Site and building constraints prohibited the Town from going to a larger tank. The Town was currently working with Dewberry Consultants, who recommend going back to filtronics media, which was a chlorine based system, which would process water to maximum capacity. According to Mr. Lombardo, the plant was 17 years old so valves and other things needed to be replaced. The software was out of date. Mr. Lombardo announced that the plant would be running at full capacity by early spring or late winter.

Michael Lombardo said the water bans had not been based on flow from Ipswich River but rather troubles based on filtration issues. Residents had been asked to scale back their usage to provide relief to the plant to make it through design stage without burdening the system. Currently the Town had been operating at half capacity with discoloration due to operating at half the capacity. There had also been water main breaks throughout the summer. The Town operated under a registered volume of under 1M per minute, which was approved by the State and grandfathered. The town had a difficult time meeting the summer cap of 400 gmp. When the regulations were fully implemented, the Town would be hard pressed to comply with the regulations. The Ipswich watershed was over taxed so the Town was commencing Exploration into a second watershed, the North Coastal Basin in an effort to solve the Town's growing water needs. Chebacco Road was being considered with water mains running out to the Manchester water plant. The road would be paved at a cost of \$1.5M as part of the water exploration plan.

The Moderator announced the overflow room was the school cafeteria with televised recording and voting ability.

The Moderator said: "I hope you have all read and brought with you a copy of the Town Warrant. The agenda for the meeting is the Warrant. It was prepared by the Selectmen. To bring an agenda item before the meeting, I will recognize the sponsoring Committee to make a motion. If the motion is seconded, I will recognize the proponent to speak to you about it. Once they are done, I will open it up for discussion for you. If you wish to speak, you must ask me to recognize you. To save time, I ask that you be standing at one of the two microphones in the room. Once you have been recognized, please state your name and address. You may then make comments and ask questions about the motion. You will have three minutes to do so. Your comments must be within the four corners of the motion and please do not make comments about the person in favor of the motion, just comment on the merits of the motion itself. Please no applause.

All motions to amend a motion must be submitted to the Town Clerk in writing. If you need assistance in framing it, Town Counsel will provide you with assistance. No more than two amendments may be pending at the same time. As I mentioned when a vote is taken, I will ask you to raise your voting cards. I will then decide visually that there is the necessary majority or two thirds vote. If I am in doubt or seven votes question the vote immediately after I declare the outcome, I will have the vote counted by the tellers. Finally, let me say this, I am aware that some of the articles considered here this morning have engendered a certain amount of emotion on behalf of some people who are on one side or the other. Please keep in mind, that those standing before you speaking about the article have the town's best interest in their hearts. You may not agree with them, but that's alright. Disagreement is a natural thing, but please keep your comments to the merits of the motion and not the people involved. It's okay to disagree, but it's not okay to be disagreeable."

ARTICLE 2017/10 1-1

Town Moderator said: "To hear reports of Town Officers and selected committees and to take action thereon and relative thereto. Reports will appear in the Town Report for the Calendar Year 2017." Town Moderator recognized Bill Wilson.

Bill Wilson said: "I move the reports of Town Officers and committees be received and placed on file."

Seconded.

Vote: Unanimous in favor. Motion carried.

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2017/10-2-1

The Moderator read: "To see if the Town will amend the Town operating budget for FY'18 by adjusting the appropriation for certain Town expenses, or take any action thereon or relative thereto." The Moderator noted there would be two motions on this and recognized John Pruellage.

Motion moved by John Pruellage who said: "I move that the Town 1) transfer \$7,500 from certified free cash to increase General Government; and 2) decrease Public Safety by \$11,899; 3) transfer \$4,634 from certified free cash to increase Health and Human Services; and 4)

decrease unclassified by \$155,000.”

Seconded

John Pruellage said the government increased the audit fees for Federal funds that were received. An additional audit and Hamilton Development Corporation services were the causes. The Health Department proposed to increase their post-partum services. Costs were reduced as there was a reduced need for on-call firefighter training. Another financial item was the \$155,000 for a double appropriation, which was in addition to the \$10,000 needed for salary reserve. The Town had set aside \$45,000, but negotiations settled upon \$55,000, so an additional \$10,000 was needed.

Vote: Unanimous in favor. Motion carried.

Motion made by John Pruellage who said: “I move that the Town transfer funds from Unclassified to the following functions in the following amounts: \$4,313.13 to General Government; \$21,084.38; to Public Safety; 24, 466.14 to Public Works; \$2,647.50 to Health and Human Services; and \$1,892. 60 to Culture and Recreation.

Seconded.

John Pruellage said the appropriation divided up the salary reserve to the departments that were allotted to receive the funds for budget tracking. The \$55,000 was in reserve.

Vote: Unanimous in favor. Motion passed.

ARTICLE 2017/10 2-2

The Town Moderator read: “To see if the Town will transfer the remaining balance from the Waste Enterprise Fund to the General Fund, or take any action thereon or relative thereto.” The Moderator recognized John Pruellage.

Motion made by John Pruellage who said: “I move that the Town transfer \$79,557.43 from the Waste Enterprise Fund to the General Fund.”

Seconded

John Pruellage recalled that Annual Town Meeting approved the Waste Enterprise fund be closed out as it was not a true enterprise fund. The fund could not be transferred out until the end of the fiscal year when the exact amount was known.

Vote: Unanimous in favor. Motion carried.

ARTICLE 2017/10 2-3

Town Moderator said: “To see if the Town will transfer money from the Recreation Revolving Fund to the Pool Revolving Fund or take any action thereon or relative thereto.” Town Moderator recognized Scott Maddern.

Motion made by Scott Maddern who said: “I move that the Town transfer \$25,000 from the Recreation Revolving Fund to the Pool Revolving Fund.”

Seconded.

Scott Maddern said that Sean Timmons had worked hard on the pool. The funds should have been transferred the previous year. Start-up expenses had not been allocated properly between

the funds.

Vote: Unanimous in favor. Motion carried.

ARTICLE 2017/10 2-4

The Town Moderation read: "To see if the Town will raise and appropriate or transfer from available funds, money to fund old grant deficits and close out funds, or take any action thereon or relative thereto. Town Moderation recognized John Pruellage.

Motion made by John Pruellage who said: "I move that the Town transfer \$22,422.42 from certified free cash to fund old grant deficits and close out funds."

Seconded

John Pruellage said the article was an account cleanup of funds that were established three to seven years ago. Marisa Batista reportedly noted the deficits in accounts when there was either a situation when the cost exceeded the grant or the matching fund was withdrawn from the grant itself rather than the General Fund.

Vote: Unanimous in favor. Motion carried

ARTICLE 2017/10 2-5

Town Moderator said: "To see if the Town will raise and appropriate or transfer from available funds money to retain a licensed surveyor to provide metes and bounds descriptions for two town-owned parcels dedicated as open space, as shown on Assessors Map 47, lots 84 and 85, or take any action thereon or relative thereto." Town Moderator recognized Jeff Hubbard.

Motion made by Jeff Hubbard who said: "I move that the Town transfer \$3,500.00 from certified free cash to retain a licensed surveyor to provide metes and bounds description for two town-owned parcels dedicated as open space as shown on Assessors Map 47, lots 84 and 85.

Seconded.

Jeff Hubbard recalled that at the Annual Town Meeting, the town voted to declare the two parcels on Central Avenue as open space. The money was to survey the land.

Vote: Unanimous in favor. Motion carried.

ARTICLE 2017/10 2-6

The Town Moderator read: "To see if the Town will raise and appropriate or transfer from available funds money to pay for the design, fabrication, and installation of a commemorative bronze plaque at Chebacco Lake, or take other action thereon or relative thereto." Town Moderator recognized Bill Wilson.

Motion made by Bill Wilson who said: "I move that the Town transfer \$2,675.00 from certified free cash to pay for the design, fabrication, and installation of a commemorative bronze plaque at Chebacco Lake."

Seconded.

Bill Wilson asked Town Moderator to recognize Ray Whipple.

Ray Whipple (49 Mill St.) said 117 years ago, an airplane made a flight from the ice surface at

Chebacco Lake. 100 years later, the paper said a plaque would be erected on the shores of the lake. Mr. Whipple hoped the plaque could be erected now.

Vote: Unanimous in favor. Motion carried.

ARTICLE 2017/10 2-7

Town Moderator said: "To see if the Town will appropriate monies from Community Preservation Fund special revenues, specific revenues, or other available funds for the undertaking of Community Preservation projects as recommended by the Community Preservation Committee or take any action thereon or relative thereto. The proposed projects are set forth in appendix A of the Fall 2017 Warrant Book. There are three items in the article on which the Community Preservation Committee recommends favorable action."

The Town Moderator would read each one separately and if asked that if anyone had a question about any of them to yell out hold. The Moderator would then take their name and address. The item would be held for discussion. The Moderator added that if no one said hold, the Town would proceed to vote on that item without discussion with all other items for which there was no hold. If there was a hold, a discussion would be held.

Town Moderator read: "Project One, an open Space and Recreation project. To appropriate \$7,500 from the Community Preservation balance for the ongoing removal of Japanese knotweed, an invasive plant on Town conservation land and conditioned upon the placement on the letter from the Conservation Commission certifying the removal has begun by June 30, 2019.

Project Two, a Historic Preservation project. To appropriate \$75,000 from the Historic Preservation reserves to fund the Owner's Project Manager (OPM) for the restoration of the Hamilton Town Hall conditioned upon the signing of a contract of the OPM by June 30, 2010.

Project Three, a Community Housing project. To appropriate \$162,516 from the Community Preservation fund balance to the Hamilton Housing Authority to complete renovations to the Brooks House 121 Railroad Ave to include roof replacement, window replacement, selective replacement of siding and trim and repainting, conditioned upon the commencement of construction by June 30, 2019 as established by the issuance of a building permit."

Town Moderator said he did not hear any holds and recognized Jay Butler

Motion made by Jay Butler (78 Old Cart Road and Vice Chair of the CPC) who said: "I move that the Town act on the Town Community Preservation Committee recommended specified projects and appropriate monies from specified reserves for the undertaking of Community Preservation projects as read by the Moderator with each item to be considered as a separate appropriation and further that the Town authorize the Town Manager to execute agreements on terms acceptable to the Town to the extent necessary to effectuate the public benefits of such projects."

Seconded

Jay Butler displayed the power point presentation. There had been two previous approvals to

hire DeRosa Environmental to remove knotweed in the past. The Town Hall Building Committee asked for \$75,000 for an OPM, which was required for projects over \$1.5M. The Community Housing Authority had requested funds to renovate the Brooks House, a 12 unit affordable housing structure built in 1894 and converted to housing in 1964. The building needed windows, roof, and cupola. The previously approved Lamson project had been completed under budget, according to Mr. Butler. Mr. Butler displayed the fund balances.

Vote: Unanimous in favor. Motion carried

ARTICLE 2017/10 2-8

The Moderator read: "To see if the Town would establish a Capital Stabilization Fund for the special purpose of funding capital budgets and all incidental and related costs and further to raise and appropriate or transfer from available funds money to fund this special purpose stabilization fund or take any action relative thereon or relative thereto." Town Moderator recognized Phil Stearns.

Motion made by Phil Stearns who said: "I move that the Town take no action on this article."
Seconded.

Mr. Stearns said the Capital Stabilization Fund would be formed from free cash. The Fund was a fiscally responsible thing to do, but the Town should wait until the Financial Policies were in place. Mr. Stearns noted to put money into the fund would take a 2/3 vote and to take money out would require a 2/3 vote. Annual Town Meeting would consider the proposal.

Vote: Unanimous in favor. Motion to take no action carried.

ARTICLE 2017/10 2-9

Town Moderator read: "To see if the Town will raise and appropriate or transfer from available funds money to pay for SCBA units for the Fire Department, or take any action thereon or relative thereto." Town Moderator recognized Darcy Dale.

Motion made by Darcy Dale who said: "I move that the Town transfer \$203,204 from certified free cash to pay for the SCBA units for the fire department."
Seconded.

Ms. Dale explained the air packs were for the fire department. The State grant was not offered to the Town.

Vote: Unanimous in favor. Motion carried.

ARTICLE 2017/10 2-10

The Moderator read: "To see if the Town will amend the government department of the Town operating budget for the year FY 2018 so as to adjust the compensation plan for the Town Clerk or take any action relative thereon or relative thereto." Town Moderator recognized Allison Jenkins.

Motion made by Allison Jenkins who said: "I move that the Town take no action on this article."
Seconded.

Vote: Unanimous in favor. Motion carried.

SECTION 3: PLANNING / ZONING ACTIONS

ARTICLE 2017/10 3-1 Marijuana Cultivation and Sales.

The Moderator read: "To see if the Town will amend the Zoning By-law by adding to language set forth in Appendix B, or take any action thereon of relative thereto." Town Moderator recognized Allison Jenkins.

Motion made by Allison Jenkins who said: "I move that the Town amend the Zoning By-law by adding the language set forth in Appendix B of the 2017 Fall Warrant Book."
Seconded.

Ms. Jenkins said MA General Law said it was legal to cultivate and sell marijuana similar to a liquor store if the Town voted to allow it. Ms. Jenkins said there were no regulations for the sale as it was so new. Marijuana could still be grown and used at home for personal use.
Seconded

Dawn Dexter (80 Honeysuckle Road) thought the article was unclear as to how to deny the sale. Michael Lombardo explained that a yes vote would mean the cultivation and sale would be prohibited. The Moderator noted that this motion required a two-thirds vote.

Vote: Majority in favor of the ban. The Moderator declared a two thirds vote had been established.

ARTICLE 2017/10 3-2 Willow Street Overlay District By-law Amendment.

Town Moderator read: "To see if the Town will amend the Zoning By-law Section 9.5 'Willow Street Overlay District' by adopting the language set forth in Appendix C, or take any action thereon or relative thereto." Town Moderator recognized Bill Wilson.

Motion made by Bill Wilson who said: "I move the Town amend the Zoning By-law Section 9.5 Willow Street Overlay District by adopting the language set forth in Appendix C in the 2017 Fall Warrant Book."
Seconded.

The Town Moderator noted the article required a two third vote. Town Moderator recognized Brian Stein.

Brian Stein (Chairman of the Planning Board, 175 Willow St.) explained the district contained four properties. The article consisted of wording changes to strengthen the existing (2010) By-law. Floor Area Ratio (75:1 maximum) was added as was the requirement that the applicant supply multiple off site views, the applicant follow the Downtown Design Guidelines, and that structural and non-structural features be included on the permit plans. The Planning Board would review the Building Permit plans before a Building Permit was issued.

Steven Porter (18 Cunningham Drive) asked about the height limitations. Brian Stein responded that the limitations had not changed. Jack Hauk (18 Knowlton St.) asked if the amendments were

in place, would 227 Willow St. have happened, to which Mr. Stein responded no, the Planning Board would be able to review plans post approval. Donna Brewer added that the change to the By-law would not affect the pending litigations.

Vote: Majority in favor. Town Moderator noted that a two thirds majority had been established. Motion carried.

ARTICLE 2017/10 3-3 Estate Overlay District By-law Amendment.

Town Moderator read: "To see if the Town will amend the Zoning By-law Section 9.4 'Estate Overlay District' by deleting the current language and substituting the language set for the in Appendix D, or take any action thereon or relative thereto."

Motion made by Shawn Farrell who said: "I move that the Town amend the Zoning By-law Section 9.4 'Estate Overlay District' by deleting the current language and substituting the language set forth in Appendix D of the 2017 Fall Warrant Book."
Seconded.

The Moderator recognized Brian Stein.

Brian Stein said the modifications were to an existing By-law. The intent was to preserve 19 existing estate houses. The amendment decreased potential additions from three times to twice the existing footprint of the original home if it were improved to historic standards and to only double for non-historic standard rehabilitation. Residential uses were the same, but were reworded to match the definitions within the By-law. Commercial uses were intended to allow for similar uses in the current By-law. Non-motorized recreation was a new use.

Dave Thompson (103 Essex St) spoke against the proposal due to commercial uses in residential neighborhoods. Lynnette Fallon (38 Goodhue St.) asked if there was an expiration date, but it was determined that the expiration date was for Senior Housing, which had been deleted in further amendments. Doug Trees (557 Bay Road) spoke in favor of the proposal comparing the By-law to the one in Ipswich. Jonathan Poor (30 Woodbury St.) spoke against it. Marc Johnson (Patton Drive) spoke in favor and Forrester Clark (308 Sagamore St.) spoke against it. Michael Geogali (31 Chestnut St.) asked about commercial uses. Tom Keene (81 Old Cart Road) spoke against the proposal. Jack Lawrence (105 Rock Maple) asked if a developer could carve 30 acres off a 100 acre parcel and develop some of the land and renovate the estate house to have a development permitted under the By-law, to which Brian Stein responded that it was allowable.

Vote: Majority not in favor. Town Moderator noted a two thirds vote was not established. Motion did not carry.

ARTICLE 2017/10 3-4 Cottage Housing By-law.

The Moderator read: "To see if the Town will amend the Zoning By-law by adding a new section, Section 8.4 'Cottage Housing,' to provide for cottage housing development by adopting the Cottage Housing Overlay District, as set forth in appendix E or take any action thereon or relative thereto." Town Moderator recognized Scott Maddern.

Motion made by Scott Maddern who said: "I move that the Town amend the Zoning By-law by adding a new section, Section 8.4 'Cottage Housing,' to provide for cottage housing development by adopting the language for the Cottage Housing Overlay District, as set forth in Appendix E of the 2017 Fall Warrant Book."

Seconded.

The Moderator recognized Bill Olson.

Bill Olson (Planning Board Member, Anthony Road) said the By-law was to create an option that would allow young families and seniors to have a smaller home in a community. The By-law was in response to the Master Plan. The infill housing would be a smart growth project increasing a varied housing stock and open space. Mr. Olson noted that 70% of survey respondents wanted Cottage Housing. There would be 4.5 houses per acre in the R1a and R1b districts. The 800 to 1,500 sf cottages would be approved via a special permit. Sites would be one to five acres with an 18 unit maximum and a four unit minimum.

Bill Wheaton (Bridge St) spoke against the article, Suzanne Soffa (Prospect St) spoke against the article, Steven McWhirter (18 Cunningham Drive) spoke against the article, Clark Sanders (37 Essex St) said he was concerned that there was a coincidence with the pressure of 40B to which Brian Stein responded that there was no coincidence but noted the inclusionary By-law. Lynnette Fallen (30 Goodhue St.) was concerned that parcels could be conjoined to create a development. Rob Harring (50 Walnut St.) wanted to know if an analysis had been conducted and where water would come from. Michael Lombardo responded that once the filtration plant was in full service, there would be enough water for several hundred more homes. Norm Kramer (4 Forest St.) said he was in favor due to student enrolment decline. Jonathan Poor (30 Woodbury St.) spoke against the proposal. Steven Grasso (43 Moynihan Road) was worried about conjoining properties. Michael Magin (112 Goodhue St.) was worried about abutter recourse. A resident (Tally Ho Rd.) referred to the increased need of affordable housing. Fred Mills (Arthur Ave.) spoke in favor of the proposal. Doug Trees (577 Bay Road) wanted to connect Cottage Housing to affordable housing. Mehran Nasser (42 Boardman Lane) wanted to understand the tax impact, burden on society, and did not think enough thought had gone into the By-law and also added the Town could not manage a single building downtown. Ed McCarthy (60 Cunningham Drive) spoke against the article. Rick Mitchell (36 Rock Maple, Planning Board) spoke in favor. Michele Hogan (141 School St.) spoke against the article. Patrick Reffett (Director of Planning and Inspections) spoke in favor of the proposal. Tosh Blake (Sagamore St.) was not in favor of the proposal. Rudolf Pizzano (77 Essex St.) was not in favor due to the cost of the units. Edward Clapp (47 Hamilton Ave.) was concerned about where families would go after they outgrew the small units. Bob Curry (713 Bay Road) was concerned about the price point. Charlie Thiebow (30 Lois St.) was not in favor. Jack Lawrence (105 Rock Maple) was not in favor. Phil Masses (17 Patton Lane) spoke in favor. Mitch Goldfeld (38 Porter) was worried about conjoining properties and asked about the Planning Board vote to which Brian Stein responded the vote was 5:2 in favor of the By-law. Jean Towne (20 Savoy Road) spoke in favor. Terry Fallon (38 Goodhue) recalled that Jeff Hubbard said there were 78 houses sold in the current year, eight were over \$1M and 28 sold for less than \$400,000. Mr. Fallon was skeptical as to the price estimates. Marc Johnson (Patton Drive) recalled that Patton Ridge condos sold for \$650,000 which were larger units. Susan Lawrence (105 Rock Maple) spoke against the article.

Vote: Majority not in favor. Town Moderator said two thirds majority was not established.
Motion did not carry.

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2017/10 4-1

The Moderator read: "To see if the Town will amend the Town By-law Ch. V, Section 3.A Denial or Revocation of License or Permit for Nonpayment of Local Taxes, Fees or Other Charges, by amending the current subsection as set forth in Appendix F, or take any action thereon or relative thereto." Town Moderator recognized Jeff Hubbard.

Motion made by Jeff Hubbard who said: "I move that the Town amend the Town By-laws, Ch. V, Section 3.A, Denial or Revocation of License or Permit for Nonpayment of Local Taxes, Fees or Other Charges, by adopting the language set forth in appendix F of the 2017 Fall Warrant Book."

Seconded

Donna Brewer said the article was in response to the Massachusetts Municipal Act. Previously the Town needed to wait 12 months to revoke a license for non-payment of taxes. The new period would be one month.

Vote: Majority in favor. Motion carried.

ARTICLE 2017/10 4-2

Town Moderator read: "To see if the Town will amend the Town By-laws, Ch. V, Collection of Taxes, by adopting a new Section 5 to accept G.L. c. 58 section 8C and specify the method by which the Town may negotiate and approve agreements to abate delinquent real estate tax obligations, interest, and penalties to support affordable housing as set forth in Appendix G, or take any action thereon or relative thereto." Town Moderator recognized Bill Wilson.

Motion made by Bill Wilson who said: "I move that the Town amend the Town By-laws, Ch. V, Collection of Taxes, by adopting a new Section 5 to accept G.L. c. 58, § 8C and specify the method by which the Town may negotiate and approve agreements to abate delinquent real estate tax obligations, interest and penalties to support affordable housing as set forth in Appendix G".
Seconded.

Donna Brewer explained that a delinquent taxpayer could sell land to a developer who would get a tax relief if the developer built affordable housing.

Jack Funaro (12 Hatfield Road) said the 100 units at Longmeadow would have a tax burden of \$170,000 and the town would be forgiving \$127,000. Kate Walker (82 Ortins Road) said the benefit would be for the developer with the burden on the taxpayers. Donna Brewer responded that it was in reaction to a State law. Jerry Bearegard (50 Hamilton Ave)) asked about zoning. Michael Lombardo said it was for properties that were going through a foreclosure process. Robin Sears (14 Bridge St.) asked if there would be an incentive to stop paying taxes. Mr.

Lombardo said the incentive was to develop affordable housing. Rick Mitchell (36 Rock Maple) said it was in conformance with State law. Ms. Brewer added that the State law had a local option. Jack Fumaro (12 Hatfield Road) suggested a dollar cap to protect the town. Ms. Brewer said the percentage was State law.

Vote: Majority not in favor. Motion not carried.

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2017/10 5-1

Town Moderator read: "To see if the Town will authorize the Board of Selectmen to petition the Legislature to enact special legislation authorizing the Town to establish a special fund for the Patton Homestead, in the form attached as Appendix H to the Fall 2017 Appendix Book, provided, however, that the Legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the Legislature, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action thereon or relative thereto." Town Moderator recognized Scott Maddern.

Motion made by Scott Maddern who said: "I move that the Town authorize the Board of Selectmen to petition the Legislature to enact special legislation authorizing the Town to establish a special fund for the Patton Homestead, in the form attached as Appendix H to the Fall 2017 Appendix Book, provided, however, that the Legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the Legislature, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition." Seconded

Mr. Maddern said the article was in response to a Citizen's Petition to clarify the Patton Homestead reporting.

Vote: Majority in favor. Motion passed.

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2017/10 6-1 Free Cash Application

Town Moderator read: "To see if the Town will reserve, appropriate and authorize the Assessors to use available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2017 or take any other action thereon or relative thereto." Town Moderator recognized David Wanger.

Motion made by David Wanger who said: "I move that the Town transfer \$175,000 from certified free cash to reduce the tax rate for the fiscal year beginning July 1, 2017." Seconded

Mr. Wanger said free cash was the product of the budget and the underestimate of revenue and expenses being less than projected. In the spring, the \$650,000 was reduced to \$550,000 until

free cash was certified. The amount would be applied to FY18 for the last two quarters and the first two quarters of FY19. The \$175,000 would change the current rate of 16.81 to 16.69. In FY 14 the rate was \$17.40, which represented a 3.5% reduction since FY14. The tax rate was applied to evaluation. The town assessors' evaluation of homes increased 1% with a practical affect that the rate reduction would not reduce the tax bill. The Town was in good financial shape with reserves above the recommended level. The Finance Committee voted 3 to 2 to allow free cash to be used to reduce the tax rate. Mr. Wanger said free cash was not a repeatable phenomenon as budgets would be tighter reducing free cash. The town faced capital expenditures and the school expenses, which were two-thirds of the budget. The school and Town both had OPEB obligations and unforeseen emergencies. According to Mr. Wanger, the FinCom was conservative dealing with the Town's money.

Vote: Unanimous in favor. Motion carried.

ADJORNMENT

The Moderator announced that the Special Town Meeting was dissolved at 11:45 am.

Prepared by:

Marcie Ricker

/Wilma M. McDonald November 14, 2017
A True Copy Attest

APPENDIX A FOR ARTICLE 2-7

COMMUNITY PRESERVATION COMMITTEE BUDGET RECOMMENDATIONS

1) Open Space and Recreation – Project

To appropriate \$7,500 from the Community Preservation Fund Balance to the Hamilton Conservation Commission for ongoing removal of Japanese Knotweed, an invasive plant, on Town conservation lands, conditioned upon the commencement of the project through a letter from the Commission certifying that removal has begun by June 30, 2019. *Six members voted in favor and no members voted in opposition.*

2) Historic Preservation – Project

To appropriate \$75,000 from the Historic Preservation Reserves to fund the Owners Project Manager (OPM) for the restoration of Hamilton Town Hall, conditioned upon the signing of a contract with the OPM by June 30, 2019. *Six members voted in favor and no members voted in opposition.*

3) Community Housing – Project

To appropriate \$162,516 from the Community Preservation Fund Balance to the Hamilton Housing Authority to complete renovations at the Brooks House (121 Railroad Avenue), including roof replacement, window replacement, selective replacement of siding and trim and repainting, conditioned upon the commencement of construction by June 30, 2019, as established by the issuance of a building permit. *Six members voted in favor and no members voted in opposition.*

APPENDIX B FOR ARTICLE 3-1

**PROHIBITION ON THE SALE AND DISTRIBUTION OF RECREATIONAL
MARIJUANA**

Amend the Zoning By-law by:

A. Inserting into Section 11.0, in appropriate alphabetical order, the following:

Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, whether as a principal use, or as an accessory or incidental use thereto, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

B. Inserting into Part D of the Table of Uses in Section 3.1, after “23. For Profit Educational Facility,” the following:

D. Commercial	R-1a	R-1b	RA	B
Marijuana Establishment	N	N	N	N

and;

C. Inserting into Part E of the Table of Uses in Section 3.1, after “12. Adult Social Day Care,” the following:

E. Accessory	R-1a	R-1b	RA	B
Marijuana Establishment	N	N	N	N

9.5 WILLOW STREET OVERLAY DISTRICT (WSOD).

9.5.1 Purpose. The general purpose of the Willow St. Overlay District (WSOD) is to encourage planned and orderly development of land within the boundaries of the WSOD. These areas are designated for special land use, planning, environmental, and access considerations that warrant careful control of development under a special permit procedure using appropriate standards. The specific purposes of the WSOD are the following:

1. To support land uses and activities that will promote economic development in Hamilton, thereby generating substantial increases in net tax revenue from new development and business growth as well as additional local jobs;
2. To allow for the phased development of new uses and activities that are appropriate and desirable for the WSOD, based on planning and market opportunities identified in the Hamilton Master Plan;
3. To provide for mitigation of any negative impacts caused by new development, including but not limited to transportation and environmental impacts;
4. To consider the design review and permitting process input from Hamilton's land use boards, nearby residential abutters and citizens; and
5. To improve the aesthetics, vibrancy and quality of life for the neighborhoods that include the downtown business district.

9.5.2 Overview. The Willow Street Overlay District shall consist of an area within the Business District, west of the railroad tracks and along Willow Street from Asbury Street, including 203 Willow Street. The specific parcels within the district include parcels known as and located upon Hamilton Assessors Map 55, Lots 225, 235, 236, 237 and 237A.

9.5.3 Applicability. The WSOD provides for additional uses through a special permit process. All underlying uses remain available to property owners. If an applicant elects to apply for a special permit to develop in accordance with the WSOD, the provisions of this Section shall apply. All underlying zoning district requirements still apply, unless they are superseded by this Section. By filing an application for a special permit under this Section, the applicant shall be deemed to accept and agree to the terms and provisions set forth herein.

If the applicant elects to proceed under the zoning provisions of the underlying district, the zoning By-laws applicable in the underlying district shall control and the provisions of the Willow Street Overlay District shall not apply.

9.5.4 Pre-Application Conference. The applicant shall request and attend a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Board of Selectmen, Building Commissioner, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Hamilton Development Corporation to

attend. The primary purpose of the pre-application conference is to provide an information exchange and feedback regarding how the applicant intends to use the site. The secondary purposes of a pre-application review are to commence discussions with the Planning Board at the earliest possible stage of development, and to set a timetable for submittal of a formal application. Meetings may be held by mutual agreement of the Planning Board and the applicant.

9.5.5 Application Process. The Planning Board shall be the SPGA in the WSOD. An applicant may file an application with the Planning Board in conformance with this Section and Planning Board WSOD Rules and Regulations.

1. The applicant shall furnish a copy of the application to the Town Clerk. The applicant shall furnish sufficient copies of the special permit application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Commissioner, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Hamilton Development Corporation. Reports from the above-named boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party.
2. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty (30) day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty (30) day period.
3. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.
4. Once a WSOD Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, dredging or filling and no construction of Buildings or Structures shall be done on any part of the site until the application has been reviewed and decided as provided by this Section.

9.5.6 Design Standards - General Requirements. A proposal must comply with all other applicable Town By-laws, and the applicable rules, regulations, and requirements of all departments, boards and commissions.

1. *Low Impact Development.* The use of low-impact development techniques is required, where applicable. The applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings not limited to but including those indigenous to the area. The use of recycled or recaptured rainwater is encouraged.
2. *Minimizing Disturbance.* The applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area. Streets within the site shall be designed and

located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; and to minimize cut and fill. Buildings shall be designed to relate harmoniously to the terrain.

3. *Location of Wastewater Treatment.* All wastewater shall be treated and discharged on-site. Off-site wastewater treatment may be allowed if a suitable tie in can occur with an available sewer system.

4. *Paths and Trails.* All existing paths and trails shall be connected, preserved, and increased when possible.

5. *Visual Appearance from Offsite.* The orientation of individual Buildings and Structures shall be designed to preserve and enhance views and vistas on or off the subject property. Off-site views of the proposed project shall be illustrated to fully depict visual appearance from major vantage points such as intersecting public streets. The Planning Board will as part of the pre-application process determine the locations from which applicants are required to provide perspective sketch drawings of the proposed project. Building elevation drawings are required for all sides of a proposed building during pre-application and formal application processes.

6. *Inclusionary By-law.* In the case that proposed developments in the WSOD include multi-family units such as apartments or condominiums then the developments must comply with the Section 8.3, Inclusionary Housing, with regard to the residential component of the projects.

7. *Sidewalks.* Sidewalks will be created between the Buildings and the Street wherever possible.

8. *Design Guidelines.* All proposed buildings within the Willow Street Overlay District (WSOD) should be designed in conformance with the Hamilton Downtown Design Guidelines (available at Hamilton Town Hall).

9. *Pre-Application and Formal Submission Plan Elements.* Pre-Application submissions shall include conceptual level plans with a site plan, floor plan and building elevations on all sides.

Formal Plan submittals shall illustrate all above features as listed in Section 9.5.9 and full dimensioning shall be provided. Plans shall include but not be limited to existing conditions plan (site survey), site plan, demolition plan (if applicable), utilities plan, drainage plan, roadway/access layout plan, building plans (plan drawings), building elevations on all sides, landscape plans, signage plans and lighting plans. Rooftop plans shall also be provided. If building elements (including rooftop elements) have not been fully designed at the time of application submission to allow the Board and public to understand height, mass, presence of rooftop features of the project, the applicant shall advise the Board that the submitted plans are not fully completed. Further, the applicant shall advise the Planning Board as to what features are still in design.

9.5.7 Design Standards - Buildings . The following shall apply.

1. *Setbacks.* The setbacks of the underlying zone shall apply.
2. *Height.* Provided the use of the Building is either non residential or Mixed Use, building heights may be increased at the discretion of the Planning Board. Current zoning requires heights not to exceed thirty five (35) feet. Spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical equipment normally built above the roof may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve if shown on plan submittals and approved by the Planning Board as part of the Special Permit approval process.
3. *Exceptions.* The building height maximum of 35 feet may be increased upon issuance of a special permit by the Planning Board if the Board finds that the increase is consistent with public health and safety, or that the increase promotes a public benefit. The Board is under no obligation to approve a waiver of height regulations.
4. *Floor to Area Ratio (FAR).* Within the WSOD District, a Floor to Area Ratio shall be imposed to address building size and maintain an appropriate level of building mass so as to not be out of scale with surrounding structures. FAR is defined as a measurement of a building's gross square footage compared to the square footage of the land upon which it is located. The Willow Street Overlay District FAR is a maximum of .75: 1.
5. *Parking.* Within the WSOD District, off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities and shall be in compliance with the parking requirements of the underlying business district unless the applicant can prove that mixed-use shared parking between the residential and commercial uses is appropriate.

Parking areas shall:
 - a. be located so as to serve the uses to which they are related;
 - b. be designed to serve more than one use or facility;
 - c. be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety;
 - d. be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and,
 - e. unless otherwise approved by the Planning Board, be striped with spaces of at least eight (8) feet width and nineteen (19) feet length.
6. *Lighting.* All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design. All exterior light sources shall be appropriately shielded from off-premise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.

7. *Signs.* The Business District provisions of Section 6.3 shall apply for all building specific signage (tenants' identification, directory, parking, etc.) within the Willow Street Overlay District, subject to the following:

- a. Site signage for developments with multiple structures within the Willow Street Overlay District. Site signage at the main entrance to the entire project for identification of the project is permitted, to be located on free standing structure. Such sign shall not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign;
- b. A single project tenant directory sign is permitted, to be located on a free standing structure. Such directory sign shall for each of the WSOD's commercial buildings' main tenants not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign;
- c. Site directional signage is allowed provided each such sign may be no larger than three (3) square feet in size. Such signs may be posted not closer than twenty (25) feet on center; and
- d. No other additional signs or increases in sign dimensions are allowed except by special permit from the Planning Board.

8. *Internal Building Separation:* the minimum distance between all freestanding Buildings in the WSOD shall be free of any obstruction which would interfere with the passage of a fire-safety vehicle to the complete site.

9.5.8 Permitted Uses. In addition to the uses provided in the underlying zoning district, the following additional uses shall be permitted in the WSOD:

1. Athletic facilities;
2. Accessory infrastructure facilities;
3. Retail or Restaurant;
4. Multi-family residential;
5. Mixed residential and commercial;
6. Business or Professional Office;
7. Ancillary parking and commercial services that serve the primary uses; and

8. Public spaces.

9.5.9 Conditions. The Planning Board may impose certain conditions, but shall not be limited to, safeguards, requirements, and other standards to:

1. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff;
2. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency;
3. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity;
4. Provide for visual and noise buffering of the development to minimize impact to abutting properties; and
5. Provide for the perpetual preservation and maintenance of any open space and recreation areas.
6. Provide for a thorough understanding of the proposed building height, mass and rooftop features.



Town of Hamilton Planning Board
PO Box 429, 577 Bay Road
Hamilton, MA 01936
978-626-5248

9.4 ESTATE OVERLAY DISTRICT (EOD).

9.4.1 Purpose. The purpose of the Estate Overlay District ("EOD") is:

1. To allow for the preservation of the buildings of large estate properties that characterize and distinguish the Town of Hamilton, while allowing for appropriate development which has a positive net fiscal benefit to the Town and is an alternative to the subdivision of an estate property;
2. To allow for the efficient use of such land in harmony with the natural features of the district while preserving open space for conservation, agricultural, or passive recreational use, and providing appropriate public access to open space;
3. To protect natural features that are important to the character of the Town, including public vistas of fields, lakes, and rivers from town roads as well as the existing non-vehicular connections through trails and pathways;
4. To protect cultural features, such as architectural materials and details as well as the sites and settings, such as gardens, stone walls, fences and other landscape features;
5. To protect Hamilton's rural and agricultural New England character and provide for its continued uses by permitting a mix of commercial and residential development in a manner which is in harmony with Hamilton's historic development patterns; and
6. To allow for a varied housing stock, including attached and detached dwelling units of various sizes and affordability.

9.4.2 Overview. The Estate Overlay District By-law is a special district overlaying the R-1a, R-1b and RA districts. The By-law is an Estate House Adaptive Reuse Permit, which allows for new commercial and/or residential uses in the existing Estate House as well as in existing accessory buildings. Additions to the Estate House (New Floor Space) are allowable under certain conditions as listed in Section 9.4.22 of this By-law. The New Floor Space may allow for residential and/or commercial uses as permitted in Section 9.4.21 in additions to the Estate House, existing accessory buildings, and/or in new construction on the lot as a bonus for

rehabilitating the estate house as is indicated in Section 9.4.19. The By-law shall allow development via a Special Permit issued from the Planning Board.

9.4.3 Applicability. A property in the EOD is eligible for a Special Permit if it has a minimum lot size of fifteen (15) acres. In calculating the Lot size:

1. Contiguous Lots may be combined provided that:
 - a. At least one (1) of the lots contains an Estate House of over five thousand (5,000) Residential Gross Square Feet of living area, built before December 31, 1950;
 - b. The Lots as combined have the required acreage; and
 - c. The Lots have been under common ownership prior to July 1, 2010.
3. Lots may be considered combined regardless of whether a private or public road dissects the parcels.
4. Land restricted by conservation easements/restrictions or wetlands will count toward the fifteen (15) acre thresholds.

9.4.4 Access Requirements for the EOD. Access to the Lot must be through existing frontage on a public way or through existing frontage on a private way if all abutters to the entire length of the private way agree in writing to the development proposal.

9.4.5 Open Space Requirement. An EOD project must contain a minimum of forty (40) percent open space. The following options shall be used to meet this requirement:

1. A minimum of forty (40) percent of the parcel must already be or shall be conveyed to the Town and/or accepted by it for open space use;
2. A minimum of forty (40) percent of the parcel must be made subject to a conservation restriction prepared in accordance with the provision of G.L. c. 184, ss. 31-33, running in favor of either the Town or, upon the approval of the Board of Selectmen with advice from the Planning Board, to a non-profit corporation or the Hamilton Conservation Commission, the principal purpose of which is the conservation of open space;
3. Land that has already been made subject to a conservation restriction as delineated above shall count toward the forty (40) percent threshold;
4. No more than fifty (50) percent of the required open space shall consist of resource areas subject to the Wetlands Protection Act, G.L. c. 131, s. 40, (excepting the resource area "isolated land subject to flooding") or land within the Conservancy District;

5. Land used for common or shared septic systems may not be counted toward the minimum common open space requirement unless authorized by the Planning Board.

6. Land dedicated as open space shall be contiguous to the greatest extent practicable.

9.4.6 Open Space Access. Unless the applicant can provide a compelling reason to the Planning Board why public access would be infeasible, a portion of the open space shall be available for public access and use, for example, wildlife corridors, water protection, view-sheds, trails or other access which provides a public benefit. The Planning Board shall take into account the size of the parcel, the customary and agricultural uses, and whether or not it can provide adequate parking and other facilities to allow for public use. If the property size or structure cannot meet public parking requirements, or if public use does not fit with the character of the neighborhood, the Planning Board may permit restriction of public use.

9.4.7 Review Criteria. The Planning Board is the SPGA for the EOD and shall apply the provisions of Section 10.5.2 consistent with the purposes set forth in Section 9.4.1.

9.4.8 Advisory Opinions. Within ten (10) days of the receipt of a special permit application in the EOD, the Planning Board shall transmit copies of the application to the Historical District Commission, Board of Health, Department of Public Works, Conservation Commission, Zoning Board of Appeals, and the Fire and Police Departments for their review and advisory opinions, which shall be submitted within thirty (30) days. If the proposal includes a commercial use component, the application shall also be forwarded to the Hamilton Development Corporation (HDC) for its review and advisory opinion.

9.4.9 Phasing. Phasing in the EOD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in a subsequent special permit application. The special permit approval shall not be deemed to have lapsed as long as the applicant shall have commenced use of the phasing time frames set forth in the special permit application. The Planning Board shall have the authority to require one or more performance bonds or other similar mechanisms if it determines that such mechanisms are necessary to ensure that the key components or phase of a project are satisfactorily completed.

9.4.10 Pre-Application Conference. The applicant shall request and attend an EOD pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Building Commissioner, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals to attend the pre-application conference. The primary purpose of the EOD special permit pre-application conference is to identify the site's natural or historically important features, riding or walking trails on the site and abutting parcels, public safety, traffic or infrastructure issues, and areas the Town prefers to see preserved as open space, for agricultural or equestrian uses. The secondary purpose of a pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage of development. A site walk and meetings will be held by mutual agreement of the Planning Board and the applicant. At the pre-application review, the applicant shall outline the proposed Estate

Overlay District proposal, seek preliminary feedback from the Planning Board and other Boards, and set a timetable for submittal of a formal application. At the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an Estate Overlay District special permit.

9.4.11 EOD Special Permit Design Process.

1. *Identify Conservation Areas.* The first step in the design process requires identification of conservation areas on the site, including wetlands, areas located in the Hamilton Conservancy District, riverfront areas, and floodplains regulated by state, federal, or local law, unprotected natural landscape features such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and wildlife corridors or connections thereto, cultural features such as historic and archeological sites and scenic views, and recreational features such as established trails used for horseback riding, walking and cross-country skiing. To the maximum extent feasible, conservation areas shall include areas identified by the Planning Board during the pre-application conference and site walk after receiving comments from other Boards.
2. *Identify and Delineate the Proposed Development Area.* The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for the development. To the maximum extent feasible, the proposed development area shall consist of land outside the identified conservation areas.
3. *Locate Dwelling and Commercial Units.* The third step in the design process is to identify and delineate the approximate location of Dwelling Units or commercial units in the existing Estate House and in the proposed development area. The location, height, density, and architectural treatment of all Buildings proposed for construction, renovation or re-use should be included.
4. *Locate Open Space.* The fourth step in the design process is to identify and delineate the open space to be dedicated along with any potential uses.
5. *Roads and Trails.* The fifth step in the design process is to identify and delineate the approximate location of roads, parking area and trails. Roads shall be aligned to access the Dwelling Units and commercial units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails and sidewalks.
6. *Utilities.* The type and probable location of the proposed utilities should be included.

9.4.12 Certification. The special permit plan should be accompanied by a certification or letter from the Hamilton Historic District Commission of all Historically, Culturally and/or Architecturally Significant Buildings, landscape features, and supporting Structures located on the site if the applicant intends on using this determination as a way to obtain new floor area.

9.4.13 Special Permit Application. All special permit applications for an EOD shall be made and filed with the special permit application form and shall include building plans prepared by a registered architect. For an application to be considered complete, it shall provide all information required by the Planning Board's Rules and Regulations Governing Special Permits. The special permit application shall also be accompanied by certification from the Hamilton Historic District Commission of all Historically, Culturally and/or Architecturally Significant Buildings (if applying for the bonus square footage for renovation), a plan of all existing and proposed buildings, landscape features, and supporting structures located on the site and by nine (9) copies of a site plan development report. The site plan development report should include, at minimum, an inventory and analysis of:

1. Natural resource features, wildlife and their habitat;
2. All buildings and structures;
3. Pedestrian and vehicular access to the site;
4. Public safety issues;
5. Provision of landscaping/buffering;
6. Protection of wildlife habitats;
7. Provision of and design of proposed utilities;
8. Open space and recreation, including trail development and/or maintenance;
9. Water supply and drainage issues;
10. Layout and density of site development;
11. Preservation and rehabilitation of the exterior features, character and structural integrity of the estate house, and the open space, vistas, stonework, gardens, and other historic features and supporting structures;
12. Building design and materials, including exterior elevations of existing and proposed buildings and additions;
13. Proposed uses for commercial space;
14. Trails or pathways provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible; and
15. To the extent possible, the information provided in the report shall be shown in plans and map form, accompanied by written narrative.

9.4.14 Criteria. In addition to the criteria set forth in Section 10.5.2, the Planning Board shall consider the feasibility of the project given the size, location, and scope of the property, impact to abutters, safety concerns, environmental and visual impacts on the property, and whether the proposed use is compatible with the character of the Town of Hamilton and the neighborhood of the property.

9.4.15 Modifications. Any new use or change of use will require an amendment of the EOD special permit by the Planning Board. The Planning Board shall determine at a public meeting whether the new use constitutes the need for such an amendment.

EOD Estate House Adaptive Reuse.

9.4.16 Estate House Adaptive Reuse allows for the estate owner to apply for a special permit from the Planning Board to use the Estate House in accordance with one of the following adaptive reuse criteria. Special permits allow for each application to be considered individually based on their specific location and impact of the project to the existing neighborhood. Throughout this Section, residential dwelling units are limited to a maximum of four (4) bedrooms each.

9.4.17 Dimensional Requirements for Adaptive Reuse. A minimum vegetated buffer strip of one hundred (100) feet shall be a minimum provided, provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to: the size and location of the parcel, the character of the neighborhood and the intended use.

EOD New Floor Area Construction

9.4.18 New Floor Area construction allows for the estate owner to improve the existing Estate House with expanded residential and/or commercial uses while increasing floor space by construction of an addition to the original Estate House, additions to accessory buildings, and/or constructing associated buildings for commercial and/or residential uses as indicated below.

9.4.19 Methods of Achieving New Floor Area. There are two methods to obtain New Floor Area to construct commercial and/or residential buildings on the property in addition to re-use of the original Estate House. The methods are intended to promote development which encourages preservation of both Hamilton's historic buildings and its open space.

1. *Historic Rehabilitation of the Original Estate House.* An application that proposes to rehabilitate or renovate buildings and supporting structures certified by the Historic District Commission as being Historically, Culturally, or Architecturally Significant may increase New Floor Space by two (2) times the amount of square footage contained in all existing Buildings that are rehabilitated or renovated as part of the EOD development. The Historic District Commission shall base its certification on important cultural, historical, or architectural characteristics in terms of period, style, method of construction, or association with a noted architect, landscape architect or builder, either by itself or in the context of a group of buildings, structures, or

landscape features. The Planning Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated.

2. *Non-historic Rehabilitation of Original Estate House.* If the Planning Board determines that the reconstruction or replacement of existing buildings or supporting structures that have not been certified by the Historic District Commission as being Historically, Culturally or Architecturally Significant are more consistent with the building's rehabilitation or renovation, then the applicant may increase New Floor Area by the amount of square footage contained in all existing buildings that are rehabilitated or reconstructed.

9.4.20 Dimensional Requirements. The following dimensional requirements apply for New Floor Space:

1. Newly constructed or renovated buildings in an EOD shall be thirty-five (35) feet or lower in height unless the original Estate House is greater than thirty-five (35) feet high in which case, newly constructed or renovated additions or any other new buildings will be limited to the height of the original Estate House, but in no case greater than four (4) stories;
2. In no event will new construction within the one hundred (100) foot buffer be permitted; and
3. A vegetated buffer strip with a minimum depth of three hundred (300) feet shall be provided between the buildings of an EOD and any public or private way provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to the size and location of the parcel, the character of the neighborhood and the intended use. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip. Buildings viewed from the road must match the architectural style of the main house or blend in with the architectural theme of the main house.

9.4.21 Permitted Uses. The following use or a combination of the following uses may be permitted in the Estate House, accessory buildings, or New Floor Space:

1. Any uses listed in the Table of Uses as an allowable use in the zoning district in which the property currently exists, whether by special permit or otherwise;
2. Residential uses shall include single family detached, semi-attached, two family, townhouse, three family, four family and multi-family dwelling units provided that residential units shall be limited to no more than four (4) bedrooms each;

3. For Profit Function Halls, Meeting Rooms, Inns, Bed and Breakfasts, Spas, Restaurants (excluding Fast Food or Drive In or Drive Through Establishments) and Commercial uses deemed appropriate by the Planning Board;
4. For Profit Educational Facilities;
5. Business or Professional Offices;
6. Child Care Centers, Long Term Care Facilities, and Adult Social Day Care age restricted to Elderly Persons.
7. Museums; and/or
8. Non-motorized commercial recreation.
9. Non-profit organizations.

9.4.22 Required Information. The special permit application shall include a plan of the existing Estate House, renovation plan for the Estate House, and, if applicable, any new construction or renovation proposed in accessory buildings, and nine (9) copies of a Site Re-use Report. The Site Re-use Report should include an outline of how the following issues and impacts will be addressed by the re-use and, if applicable, new construction or renovation of accessory buildings:

1. Pedestrian and vehicular access to the site including anticipated changes to vehicular traffic patterns;
2. Public safety issues;
3. Provision of landscaping/buffering and plans;
4. Open space and recreation, including trail development and/or maintenance;
5. Water supply and drainage issues and plans;
6. Proposed uses for commercial space, if any;
7. Conceptual floor plans for units within and outside the estate house;
8. Trails or pathways will be provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible; and
9. To the extent possible, the information provided in the report shall be shown in building and site plans, accompanied by a written narrative describing the proposed adaptive

reuse of the estate house and any other buildings on the property as well as proposed new construction.

8.4 COTTAGE HOUSING

8.4.1 Purpose: The purpose of this section is:

1. To provide for a specific residential development type ("cottage housing") featuring modestly sized single family detached residences with commonly held community amenities, and oriented around commonly held open-space areas.. .
2. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs.
3. Provide opportunities for more affordable housing choices within single-family neighborhoods and the community.
4. Encourage creation of functional usable open space in residential communities.
5. Promote neighborhood interaction and safety through design.
6. Ensure compatibility with neighboring land uses and surrounding properties.
7. Provide opportunities for infill development that support the growth management goal of more efficient use of land.

8.4.2 Eligible Locations.

A special permit may be granted for Cottage Housing on Lots(s) in the R-1a and R1b districts that meet the requirements of this section and other applicable provisions of this bylaw. An increase in allowable density over the maximum density shall be allowed in the underlying zoning district to provide an incentive to encourage development of Cottage Housing, and in recognition of its reduced land use and environmental impacts versus typical single-family residential development. The provisions of individual zoning districts shall be applicable to cottage housing developments; provided, that where a conflict exists, the provisions of this section shall have control.

8.4.3 Administration. The Planning Board shall be the SPGA for this Section. An applicant may file an application with the Planning Board in conformance of this Section and the Planning Board Special Permit Rules and Regulations.

8.4.4 Planning Board Rules and Regulations. The Planning Board shall adopt and from time to time may amend Cottage Housing Special Permit Rules and Regulations to implement this Section. Such regulations shall include but will not be limited to Submission Requirements, Fees, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under G. L. c. 40A, s. 9, and shall be adopted after vote by the Planning Board

8.4.5 General Provisions - Cottage Housing.

- A. Individual cottage units shall contain at least eight hundred (800) and no more than one thousand five hundred (1,500) square feet of gross floor area. A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space shall not be converted into habitable space. Maximum single floor area should not exceed 1,000 sf. Maximum 2 bedrooms with max 1 bedroom allowed on first floor.

- B. A community building of up to 2,500 square feet in size may be provided for the residents of the cottage housing development. Roof pitch, architectural themes, materials and colors shall be consistent with that of the dwelling units within the cottage housing development.
- C. Accessory dwelling units shall not be permitted in cottage housing developments.

8.4.6 Development Standards—Cottage.

Cottage housing development shall be subject to the following development standards.

A. Density.

1. Cottage housing development shall be allowed a density not to exceed 4.5 houses per acre.
2. On a site to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, may be permitted to remain at the discretion of the Planning Board per the special permit review but the extent of the nonconforming shall not be increased.

B. Limitation on Cottage Housing Development.

1. The minimum area for a cottage housing project is 1 acre, which may include more than one contiguous lot. Maximum size is 5 Acre
2. Cottage housing development shall be separated from another cottage housing development by a minimum of 1/3 of a mile measured between the closest points of the subject properties.
3. No more than 36 cottage housing units be approved per year; the year is determined by the issuance date of the building permit.

C. Site Design.

1. Cottage housing development shall consist of a minimum of four (4) dwelling units and a maximum of Eighteen (18) dwelling units.
2. At least seventy-five (75) percent of dwelling units shall abut the common open space.
3. Common open spaces shall have dwelling units abutting at least two (2) sides.
4. Creation of individual lots shall only be permitted through the residential binding site plan process
5. Requirement of Private open space, 400 sf per unit courtyard or patios. Clotheslines can only be used within the Private open space.
6. Siting of dwelling units or common *open* space in areas with slopes exceeding fifteen (15) percent is discouraged. Dwelling units shall not be placed in such areas if extensive use of retaining walls is necessary to create building pads or *open* space areas.

7. Fencing and Screening. The intent of internal decorative fencing and screening is to

delineate private yards, screen parking areas and structures, community assets, refuse and recycling areas, and unit walls. A cottage housing development is intended to be an internally open community sharing common areas. The intent of external fencing and screening is to conceal the higher density development from adjacent lower density land uses. Chain link and solid fences shall not be allowed internally. Solid fencing is allowed on the perimeter boundary, except where bordering an external street where streetscape landscaping is required.

D. Setbacks and building separation.

1. Dwelling units shall have at least a twenty-five (25) foot front setback, ten (10) foot side yard setback and a fifteen (15) foot rear setback.
2. Dwelling units shall be separated from one another by a minimum of ten (10) feet, not including projections.
3. Dwelling units not abutting or oriented toward a right of way shall have a front yard oriented towards the common open space.
4. The planning board thru special permit approval may use appropriate discretion, consistent with the intent of this chapter, in determining orientation of yards.

E. Lot Coverage (all impervious surfaces).

Impervious Surfaces shall not exceed fifty (50) percent. Lot coverage shall be calculated for the overall cottage housing development, not for individual lots. Paved components of common open space areas and walkways shall not be counted in lot coverage calculations.

F. Refuse and Recycling.

Refuse and recycling containers shall be screened from view by landscaping or architectural screening, and shall not be located in the front yard setback area, or in locations where smells may be offensive to adjacent properties.

G. Pedestrian Network.

Within the confines of the cottage housing development a network of pedestrian pathways shall be provided. Connections to the wider neighborhood shall be made where appropriate and allowed. All such pathways shall be accessible by the general public, except that walkways into and through the cottage housing development may be limited to residents and their guests.

8.4.7 Open Space Requirements.

1. A minimum of one thousand (1000) square feet of common open space shall be provided per dwelling unit.
2. Common open space shall be a minimum of five thousand (5,000) square feet in size, regardless of number of dwelling units.
3. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than ten (10) feet, unless part of a pathway or trail.
4. Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.

5. Common open space shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common open space shall include amenities such as but not limited to seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or water features.
6. Surface water management facilities may be commonly held, but shall not counted toward meeting the common open space requirement.
7. Parking areas, required setbacks, private open space, and driveways do not qualify as common open space area.
8. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

8.4.8 Building Design Standards - Cottage Housing.

A cottage housing development is expected to reflect a coherent and high quality design concept and include architectural elements that ensure compatibility with the existing neighborhood and community character. The following design elements are intended to provide compatibility with existing residential environments. Alternative designs may be submitted to the Planning Board for review and approval, but the Planning Board must find that any such concepts meet or exceed the design quality of the prescriptive standards, and fulfill the stated purpose and intent of this chapter. *Hamilton Design Guidelines reference material can be found at Town Hall.*

A. Building Height.

1. The maximum building height for dwelling units shall be twenty-five (25) feet measured to the highest peak.
2. The maximum building height for garages, community buildings, and accessory structures shall be Thirty (30) feet.

B. Roofs.

1. Dwelling units shall have a minimum 6:12 roof pitch. Up to thirty-five (35) percent of roof area may have a slope not less than 4:12. Portions of a roof with a pitch of less than 6:12 shall be limited to architectural features such as dormers, porch roofs and shed roofs.
2. Garages shall have a minimum 6:12 roof pitch.
3. Cottages shall be a maximum of one and one half (1.5) stories. Any upper floor shall be located within the roof structure, not below it, in order to reduce building massing as much as possible.

C. Entries and Porches.

1. Each dwelling shall have a primary entry and covered porch a minimum of eighty (80) square feet in size, oriented toward the common open space.
2. If the dwelling unit abuts a public right of way, this may be a secondary entrance, and the minimum porch size shall be fifty (50) square feet. If not abutting a public right of way, this shall be the primary entrance, and the minimum porch size shall be eighty (80) square feet.
3. Covered porches shall be a minimum of six (6) feet deep.

8.4.9 Streets, Driveways and Parking is created and read as follows.

- A. Minimum 2-way Driveway Width is: 20 feet
- B. Minimum 1-way Driveway Width is 10 feet
- C. All or a portion of new on-street parking provided as a component of the development may be counted towards minimum parking requirements if the approval authority finds that such parking configuration will result in adequate parking, and is compatible with the character and context of the surrounding area.
- D. Dwelling units shall not include attached garages
- E. A minimum of 2.0 parking spaces per cottage shall be provided for the entire development. An additional fifteen (15) percent of total required spaces shall be designated for guests.
- F. Detached garages. Each dwelling unit shall have no more than one detached garage. The size of the garage shall not exceed two hundred and seventy five (275) gross square feet in size. Garages can be combined into one garage structure; however, no garage structure may exceed one thousand one hundred (1,100) square feet in size for a total not to exceed four garage spaces. Carports are not permitted.
- D. Shared detached garages and surface parking design. Parking areas should be located so their visual presence is minimized and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.
 - 1. Shared detached garage structures may not exceed four (4) garage doors per building, and a total of one-thousand one hundred (1,100) square feet.
 - 2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
 - 3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping.
 - 4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
 - 5. Surface parking areas may not be located in clusters of more than four (4) spaces. Clusters must be separated by a distance of at least 20 feet.
 - 6. The design of garages must include roof lines similar and compatible to that of the dwelling units within the development.
 - 7. Parking lots shall be set back at least twenty (20) feet from front property lines and ten (10) feet from external side and rear property lines.
 - 8. Garage doors shall not be oriented toward a public right of way with the exception of an alley.

8.4.10 Common Area Maintenance – Cottage Housing.

Cottage housing development shall be required to implement a mechanism, acceptable to the approval authority, to ensure the continued care and maintenance of all common areas including common open space, parking, surface water management facilities (if applicable) and any other common area or shared facilities. Such a mechanism shall include creation of either a homeowners' or condominium association with authority and funding necessary to maintain the common areas.

8.4.11 Cottage Housing – General Requirements Low Impact Development Standards created to read as follows.

A. The proposed site design shall incorporate the use of low impact development (LID) strategies to meet storm water management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of storm water in numerous small, decentralized structures.
4. Use of natural topography for drainage ways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

8.4.12 Special Permit Evaluation Review Criteria -Cottage Housing.

Special Permit. The special permit review shall consider all aspects of the project, and shall ensure that the project is well designed and compatible with existing and planned development in the vicinity. The review shall include: building materials and finishes, articulation and modulation, massing, trim details, colors, exterior lighting, special building heights, paving materials, mechanical equipment screening, fencing, tree retention and landscaping.

Applicants may request modifications to the open space, site design, design standards, setbacks and parking provisions.. The Planning Board may grant exceptions from the above referenced provisions of the Cottage Housing bylaw if any of the following apply:

- A. The site is constrained due to unusual shape, topography, easements or critical environmental areas;
- B. The modification will not result in a project that is less compatible with neighboring land uses and character of the surrounding neighborhood than would have occurred under strict adherence to the provisions of this chapter.
- C. The Planning Board may permit modifications to the building design standards if it finds the alternative design concept provides a high level of design quality and compatibility with the character of the surrounding neighborhood.

8.4.13 COTTAGE HOUSING OVERLAY DISTRICT CHART - DESIGN ELEMENTS LIST:

1. TOTAL FLOOR AREA PER COTTAGE – 1,500 SF
2. MAXIMUM MAIN LEVEL UNIT AREA - 1,000 SF
3. MAXIMUM NUMBER OF BEDROOMS – 2 Bedrooms per unit
4. CLUSTER QUANTITY SIZE – Minimum 4 dwelling units; Maximum 18 dwelling units
5. HEIGHT LIMIT – 25 (twenty – five) feet (to peak)
6. MIN COMMON OPEN SPACE PER COTTAGE – 1,000 SF per unit
7. MIN COMMON OPEN SPACE OVERALL – 5,000 SF per unit
8. MIN DISTANCE BETWEEN STRUCTURES – 10 (ten) feet
9. PARKING SPACES – Two spaces per units plus 15% of project total for guest parking
10. INTERIOR SETBACKS TO ADJACENT PROPERTIES – 10 (ten) feet
11. SETBACK FROM PUBLIC STREET – 25 feet
12. NUMBER OF GARAGE SPACES - project specific
13. ONE WAY DRIVEWAY WIDTH – 10 (ten) feet
14. TWO WAY DRIVEWAY WIDTH – 20 (twenty) feet

APPENDIX F FOR ARTICLE 4-1

REMEDIES AGAINST DELINQUENT TAXPAYERS

Amend the Town By-laws, Chapter V, Section 3.A, by striking the language lined through and adding the language in bold as set forth below:

A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, or other municipal charges, hereinafter referred to as the tax collector, shall ~~annually~~ **monthly** furnish to each department, board, commission, or division that issues licenses or permits including renewals and transfers, hereinafter referred to as the licensing authority, a list of any person, corporation, or business enterprise that has neglected or refused to pay local taxes, fees, assessments, betterments, or other municipal charges ~~for not less than a twelve-month period,~~ and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

APPENDIX G FOR ARTICLE 4-2

TAX ABATEMENTS IN SUPPORT OF AFFORDABLE HOUSING

Amend the Town By-laws, Ch. VIII, Town Contracts by adding the following section:

SECTION 5. Pursuant to G.L. c. 58, § 8C as accepted by the Town Meeting, the Town Manager may negotiate and execute agreements with developers to abate up to 75% of the outstanding real estate tax obligations and up to 100% of the outstanding interest and costs of a site or portions of a site or sites for the purpose of developing affordable housing on such sites and redevelopment of affordable housing in Hamilton. The Town Manager has discretion to set terms of repayment and level of abatement. The Board of Selectmen must approve each such agreement prior to execution by the Town Manager. All such agreements must comply with G.L. c. 58, § 8C.

APPENDIX H FOR ARTICLE 5-1

**AN ACT AUTHORIZING THE TOWN OF HAMILTON
TO ESTABLISH A SPECIAL FUND FOR THE PATTON HOMESTEAD**

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Hamilton may establish a special fund for the Patton Homestead for be known as the Patton Homestead Fund.

The fund shall be used for the following purposes:

To operate, maintain, repair, restore, and preserve the Patton Homestead buildings, structures, and property.

SECTION 2. The fund shall be kept separate and apart from all other monies and managed under the direction and control of the Town Manager who hereby designates the treasurer/collector of the Town of Hamilton as the custodian of the fund.

SECTION 3. The Finance Director of the Town of Hamilton shall keep a full accounting of the fund and make an annual report, on a fiscal year basis, to the town of Hamilton and that report shall be incorporated into the annual report of the Town of Hamilton. The report shall include the total amount of the fund and the investments, receipts, and disbursements on account of same and shall set forth in detail the sources of all income and receipts, the purposes of expenditures, and other information as the Finance Director deems appropriate. Receipts, for the purposes of this Act, comprises all monies generated from the use of the property, gifted or donated to support the property, and all other revenue of any kind or nature related directly or indirectly to the Patton Homestead, excepting only tax and grant receipts.

SECTION 4. In addition to administering the proceeds of the Patton Homestead Fund, the Town may solicit, receive, and deposit into the fund any other money donated to this fund, including but not limited to any gifts designating a specific purpose-The existing Patton Gift Fund will be merged into the Patton Homestead Fund created pursuant to this act. It shall be the duty of the Treasurer/Collector to prudently invest the funds deposited in the Patton Homestead Fund in accordance with the standards set forth in chapter 203C of the General Laws. To assist the Town Manager in carrying out his duties, the Town Manager may issue a request for proposals to assist him in the professional financial management of the fund and may enter into contracts with qualified investment managers, registered as such under the United States Investment Advisors Act of 1940, on such terms and conditions as the Town Manager determines shall assist him in carrying out the purposes of the fund.

SECTION 5. Expenditures made by the Town Manager in accordance with the terms of this act may be made without further appropriation.

SECTION 6. This act shall take effect upon its passage.