

HAMILTON PLANNING BOARD

RULES AND REGULATIONS

GOVERNING

SPECIAL PERMITS



Adopted September 25, 2001

AMENDED September 27, 2005

AMENDED March 24, 2009

Adopted pursuant to M.G.L. Ch. 40A, The Zoning Act

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**HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT**

SPECIAL PERMIT APPLIED FOR:

☐ Cell Tower and Tower Antenna Facility Special Permit (Section VI.20.)
☐ Open Space and Farmland Preservation Development (Section V.A.12.)
☐ Senior Housing Special Permit (Section V.E.)
☐ Common Driveway Special Permit (Section VI.12.c.)
☐ Other (explain) _____

Check the appropriate category above, and outline basis for request for Special Permit:-

Name of Applicant _____ **Telephone Number** _____
(if acting as Agent, attach authorization signed by Owner)

Address _____ City _____ State _____ Zip Code _____

Name of Owner _____ **Telephone Number** _____

Address _____ City _____ State _____ Zip Code _____

Name of Engineer/Representative _____ **Telephone Number** _____

Address _____ City _____ State _____ Zip Code _____

Location of Proposed Project

Street Address _____ Assessors Map & Lot # _____

Zoning District _____ Soils Classification _____ Overlay Districts _____

Registry of Deeds Book _____ Page _____ Plan Book _____ Page _____

Special Permit recorded Book _____ Page _____ Date Recorded _____

Title of Plan/Submittal _____

**HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT
Page Two**

Date of Plan _____ Number of Plan Sheets _____

If a curbcut approval is required, have you obtained approval for curbcut(s) from the State Department of Public Works? _____. If so, please attach copy of approval.

List any other approvals or variances received, applied for, or required from other Town or State departments, boards, or agencies:

DEPARTMENT/AGENCY	APPROVAL REQUIRED	DATE RECEIVED
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have read the Town of Hamilton Rules and Regulations Governing Special Permits, and agree to the terms and conditions specified. I am herewith applying for a Special Permit.

Signature of Owner _____ Date _____
Signature of Applicant _____ Date _____

For Planning Board Use:

<i>Date Application Filed</i>	_____
<i>Date of Public Hearing</i>	_____
<i>Date Hearing Closed</i>	_____
<i>Date Decision Due</i>	_____
<i>Date of Extension(s)</i>	_____
<i>(Must be filed with Town Clerk and copy furnished to Applicant)</i>	
<i>Date Decision Filed with Town Clerk</i>	_____
<i>Date Decision Mailed to Applicant</i>	_____

Date Adopted: September 25, 2001
Amended: September 27, 2005
Amended: _____, 2009

INFORMATION AND PROCEDURES FOR SPECIAL PERMITS

Massachusetts General Laws Ch. 40A Section 9, Special Permits, provides for a Special Permit Granting Authority (SPGA) to adopt and amend rules relative to the issuance of such permits. At a Public Hearing held on September 25, 2001, the Hamilton Planning Board voted to adopt Rules and Regulations Governing Special Permits. These regulations and associated fees may be amended by the Planning Board subject to proper notification and public hearing as specified in M.G.L. 40A, Section 9.

M.G.L. 40A, Section 9, also requires the following timelines:

..Public Hearing must be held within sixty-five days after filing of an application with the SPGA and Town Clerk

..The SPGA shall act within ninety days after the close of the Public Hearing. (The date may be extended by mutual agreement, at the request of the Applicant. See Request by *Applicant for Extension of Time* form included in this package.)

APPLICATION SUBMITTAL FOR SPECIAL PERMITS

1. **Submit 16 copies** of application and corresponding plan/data to Hamilton Planning Board. The Planning Board will distribute plans and application to departments for comment. (If drainage calculations are required, only 2 sets need to be submitted to the Planning Board.) (Note: M.G.L. Ch. 40A Sec. 9 requires that petition shall be filed with the Town Clerk by the Applicant.)

Distribution of Plans:

Board of Health	Police Department
Building Inspector	Department of Public Works
Fire Department	Conservation Commission
Planning Board (9)	Technical Review Agent

2. All Special Permit Application submittals must include the following:

- a. Completed Application. (If the Applicant is not the Owner, a letter authorizing the Applicant or his Agent to act on his behalf must be submitted with the Application.)
- b. Filing Fee as per current Fee Schedule for Special Permits shall be submitted with the application to the Planning Board, payable to "Town of Hamilton".
- c. Copy of deed of current owner.
- d. Before approval, modification, or disapproval of a Special Permit is given, a Public Hearing shall be held by the Planning Board. Notice of such hearing shall be given by the applicant in an official publication of, or in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than fourteen days before the day of such public hearing. A copy of said notice shall be sent (Certified Mail with Return Receipt) by the applicant to a certified list of abutters from the Assessor's Office as required by M.G.L. Ch.40A Sec. 11, at least fourteen days before the date of the hearing. The applicant shall bring the Certified Mail receipt cards, received from the abutters, with him at the time and place of the hearing. All expenses incurred in advertising the hearing and mailing the notices shall be paid by the applicant. (Adapted from Section IV.B.5 of Hamilton's Subdivision Regulations).

- e. Calculations and/or documents (i.e. plans, visibility map, site plans, narrative descriptions, etc., required by the pertinent section of the Zoning Bylaw.)
- f. At the time of submittal, an electronic copy of the filing shall be submitted to the Planning Board either by e-mail or other arrangement.

3. General Notes:

- a. The Applicant is urged to meet with the Planning Board for a pre-application conference prior to submitting an application.
- b. Plan is to be stamped and signed by a Registered Professional Civil Engineer, or Registered Land Surveyor, or other qualified professional as required.
- c. Applicant is responsible for recording the Planning Board's Approval and Conditions of Approval, and any other documents which must be recorded, after the Appeal Period has expired. Proof of recording shall be submitted to the Planning Board prior to beginning of construction.
- d. The Planning Board reserves the right to hire a consultant, at the Applicant's expense, if deemed necessary, to review plans, supporting data, calculations, etc., as per M.G.L. Ch. 44, Sec. 53G, and Section 4 below.
- e. The Applicant agrees to permit inspection by the Planning Board or its agent to confirm construction as per plan during ordinary business hours. The Applicant shall be responsible for fees associated with inspection as per M.G.L. Ch. 44, Sec. 53G, and Section 4 below.

4. Employment of Outside Consultants for Technical Review: (as authorized in M.G.L. Ch. 44, Sec. 53G)

- a. When reviewing an application for (permit/approval), the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that Applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- b. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.
- c. The Board and/or the consultant will estimate the review fee, and the funds shall be deposited prior to commencement of review or services. These fees are good faith estimates of cost of review/inspection and may be modified at the discretion of the Planning Board as warranted by a particular project. Funds received by the Board pursuant to this section shall be deposited with the municipal Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a review fee shall be grounds for denial of the (application/permit). Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- d. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specified project, shall be repaid to the Applicant or the Applicant's successor in interest. A final

report of said account shall be made available to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- e. Any Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or related field. The required time limit for action upon an application by the board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

5. Fee Schedule for Special Permits:

- a. Cell Tower and Tower Antenna Facility Special Permit (Section VI.20) - \$750.00
- b. Open Space and Farmland Preservation Development Bylaw (Section V.2) – filing fee of \$2,000 and a Per Dwelling Unit Fee of \$500. For OSFPD units which are to be deed restricted as Affordable Housing, the per unit fee will be waived.
- c. Common Driveway Special Permit (Section VI.12.c.) - \$200.00
- d. Senior Housing Special District (Section V.E.) - filing fee of \$1,500, and a Per Dwelling Unit Fee of \$200.00. For Senior Housing Special District units which are to be deed restricted as Affordable Housing, the per unit fee will be waived.

CONCESSIONARY FEE STRUCTURE:

For lots to be dedicated to Affordable Housing, the per-lot fee for those lots shall be waived by the Planning Board. ("Affordable" housing shall comply with specific price limits, in accordance with the provision set forth in any State or Federal rental assistance programs, or other programs that provide for affordable housing for low and moderate income persons, and that are in effect at the time that the project application is made to the Planning Board.)

FORM J

HAMILTON PLANNING BOARD

REQUEST BY APPLICANT FOR EXTENSION OF TIME

Adopted September 25, 2001

The undersigned Applicant hereby requests that the date for final action by the Hamilton Planning Board on a:

_____ Definitive Subdivision Plan entitled _____, or an

_____ ANR Plan for land located at _____, or a

_____ Special Permit for _____, or a

_____ OSFPD Special Permit for _____, or a

_____ Senior Housing Special Permit for _____ be

extended until _____
(Date)

Signed: _____ Date: _____
Owner or Authorized Agent

NOTICE OF EXTENSION

At a meeting held on _____, the Hamilton Planning Board voted to agree to the above Request for Extension of Time.

ATTEST: _____
Planning Board Member

TOWN CLERK'S RECEIPT

Received Notice of Extension on _____
(Date)

Town Clerk

**OPEN SPACE AND FARMLAND PRESERVATION DEVELOPMENT BYLAW
(OSFPD)**

RULES AND REGULATIONS

Adopted September 27, 2005

The OPEN SPACE AND FARMLAND PRESERVATION DEVELOPMENT BYLAW (OSFPD) Rules and Regulations have been written as an addendum to the Hamilton Planning Board Rules and Regulations Governing Special Permits. The Application Form, Fee, and General Notes apply to the OSFPD Bylaw Special Permit section 2. below.

In addition, the following requirements apply to OSFPD (Note: All Section references are to the OSFPD Zoning Bylaw, Section V.12.)

1. Pre-Application Conference: (Section 12.5)

- A. The Applicant should request a meeting date at least two weeks prior to the Planning Board meeting.
- B. The Planning Board will notify all parties listed in Section 12.5 of the upcoming meeting, and forward the information listed in C. below.
- C. Sufficient information should be furnished to identify the parcel and parties involved:
 - 1) Name, address, and phone number of Owner
 - 2) Name, address, and phone number of Applicant
 - 3) Address of the parcel, Assessors' Map and Lot Number, Zoning District, and locus map.
 - 4) A brief description of the property including area, frontage, existing structures, general topography, soils, easements, restrictions, and known resources.
 - 5) Data available, as listed in Section 12.6.a, should be submitted
- D. The Applicant is required to submit an electronic copy of the above to the Planning Board, in addition to eighteen copies of the submittal.
- E. The Design Process outlined in Section 12.7 shall be discussed at the Pre-Application conference.
- F. If a Site Walk is scheduled, and the Applicant is not the Owner, written authorization from the Owner allowing public officials and interested parties to enter upon the property must be received prior to the Site Walk.

2. Special Permit Application Procedures: (Section 12.6-7)

- A. The Application to the Planning Board should include the following:
 - 1) Completed Application Form, signed by all Owners and Applicants.
 - 2) Required Fee.
 - 3) A copy of the recorded deed to the property.
 - 4) Acknowledgment that item 2.d of the Application Submittal For Special Permit contained herein is being followed regarding notice of the Public Hearing to the Certified List of Abutters by Certified Mail.
 - 5) All data used to prepare Yield Analysis & Concept Plan.
 - 6) Yield Analysis, size 24" x 36".
 - 7) Concept Plan, consisting of all items listed under Section 12.6.d., and design process outlined in Section 12.7, size 24" x 36".
 - 8) A written summary of the proposal and plan details as outlined in Section 6.d.1-10: number and type of units, number of bedrooms, square footage of units, parking calculations, length of driveways, common driveways, square footage of developed area, open space area, percentage of impervious area, location of percolation and groundwater tests, type and general location of wastewater disposal system.

- 9) Conceptual locations of buffer areas (Section 12.10.b.iii) and for Stormwater Runoff and Drainage (Section 12.12.b.iv).
- 10) Public Benefit Incentives: List of Public Benefit Incentives sought, and calculations for increase in density, must be provided.
- 11) Common Open Space: (Section 12.8)
 - a. Calculations of open space and developed land shall be provided, with percentages of each, in order to prove compliance with Section 12.8.
 - b. A statement as to proposed ownership and management of the Common Open Space must be provided.
- B. Nineteen copies of the filing shall be submitted to the Planning Board for distribution to public officials listed in Section 12.11.b. The Applicant is responsible for submitting a copy to the Town Clerk to be time-stamped.
- C. The Applicant is required to submit an electronic copy of the above to the Planning Board, in addition to copies of the submittal.
- D. Following filing of the Planning Board Decision, and appeal period, the Applicant must record the Decision at the Registry of Deeds and supply the Board with proof of recording before filing a Definitive Subdivision Plan or Cluster Design Plan for approval.

3. Cluster Design Plan Submittal: (Section 12.17.a.)

- A. Nineteen copies of the filing shall be submitted to the Planning Board for distribution to public officials listed in Section 12.11.b. The Applicant is responsible for submitting a full copy to the Town Clerk to be time-stamped. The Applicant is required to submit an electronic copy to the Planning Board also.
- B. Distribution of the plans will be as follows: 9 complete copies for the Planning Board (7 board members, Planning Coordinator, Technical Review Agent), and 10 copies of items 1), 6), 7), 8) a. and 14) below.
- C. The Application to the Planning Board shall include the following:
 - 1) Completed Application Form, signed by all Owners and Applicants.
 - 2) A copy of the recorded deed to the property.
 - 3) Fees per the following Fee Structure.
 - a. A Filing Fee of \$2000.00 and a Per Dwelling Unit Fee of \$500.00.
 - b. For units which are to be deed restricted as Affordable Housing, the per-unit fee will be waived.
 - 4) Technical Review Fee deposit in the amount of \$5000.00 per M.G.L. Chapter 44, Section 53G.
 - 5) Acknowledgment that item 2.d of the Application Submittal For Special Permit is being followed regarding notice about the Public Hearing to the Certified List of Abutters by Certified Mail.
 - 6) The name and address of the property owner and the applicant, if different from the property owner; a narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; Assessor's Map and lot numbers; the proposed building or addition size with a breakdown of proposed use(s); a description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand; projected parking spaces required for the development, as applicable a description of the applicant's plans for ongoing site maintenance following project completion; and a discussion of how the proposed development furthers the goals of the Hamilton Master Plan.
 - 7) A list of Requested Waivers.

- 8) The Cluster Design Plan must include the following information unless the Planning Board agrees in writing to waive any materials not relevant to a proposed development:
- a. A one-page sheet showing general site plan, driveway layout, proposed location of buildings and amenities, and open space parcel(s), and locus map. The purpose of this sheet is for distribution to public officials other than Planning Board.
 - b. Scale, elevations and locus map. The Cluster Design Plan shall include a site plan at a scale of one-inch equals forty feet (1"= 40') or such other scale as the Planning Board may allow. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"= 4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.
 - c. Contents: The Cluster Design Plan shall include one or more appropriately scaled maps or drawings of the property, stamped by a Massachusetts Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and wastewater portions of the site plan must be stamped by a Registered Professional Engineer. At minimum, the submittal shall include:
 - d. A site plan that contains:
 - (1) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer, Architect or Landscape Architect.
 - (2) North arrow and benchmarks used.
 - (3) Parcel lot lines, dimensions, area and zoning classification(s) for the tract and abutting parcels.
 - (4) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
 - (5) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
 - (6) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
 - (7) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor.
 - (8) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
 - (9) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and the Town of Hamilton Wetlands Bylaw, Chapter 17, Conservation, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified

through field survey acceptable to the Conservation Commission; flood plain boundaries; and erosion control measures.

- (10) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
 - (11) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
 - (12) Landscaping plan showing the location, botanical and common names, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices such as tree wells, tree walls, or specialized fill and pavement designs, shall be fully detailed on the landscape plan. Low Impact Development Techniques shall be utilized.
 - (13) Location and description of all proposed open space.
 - (14) Location, height, elevation, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units; location of emergency exits, retaining walls, existing and proposed signs.
 - (15) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by this Bylaw.
- e. Analysis of environmental impacts: The applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to the use of best practices proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, conserve water, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment.
 - f. Construction Design Requirements: Construction details shall conform with Section VI. Required Improvements in Hamilton Planning Board Subdivision Regulations.
 - g. Analysis of traffic impacts: The Planning Board may require a traffic study unless a traffic study was previously submitted to and accepted by the Planning Board during the OSFPD Special Permit process. The Planning Board may require the applicant to prepare a traffic study for an OSFPD if the site location, anticipated total trip generation, circulation patterns or other factors warrant a more extensive review of traffic impacts.

4. Waivers: Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with OSFPD.

5. Cluster Design Plan Standards. A Cluster Design Plan will be reviewed for consistency with the following Development Standards. A standard expressed as "shall" is a requirement for any OSFPD Development unless the applicant demonstrates to the satisfaction of the Planning Board that strict compliance would render the development infeasible. A standard expressed as "should" indicates a local priority that the applicant is expected to meet through all commercially reasonable efforts.

A. General Site Planning Standards:

- 1) Access roads, off-street parking, sidewalks, pathways, trails, buildings and lots in the proposed development should integrate with surrounding properties without undue safety problems or undue nuisance compared to a conventional single-family home development.
- 2) Overall layout and design should achieve a reasonable and appropriate relationship between the proposed development and the topography on the site, considering features that are important to the site, the surrounding area, or the Town as a whole.
- 3) Natural features such as topography, streams, mature trees or clusters of trees, slopes, natural drainage areas, views, vistas, and historic or archeological features should be treated as fixed determinants of road configuration and building envelopes rather than as elements that can be changed for a particular development scheme.
- 4) The development should make adequate provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.
- 5) The use of Low-Impact Development Techniques is encouraged.

B. Open Space Design:

- 1) Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should connect areas designated as common open space and where applicable, to adjoining public areas.
- 2) Large buffer areas of existing vegetation should be provided around building groupings and building envelopes, thereby minimizing the amount of site clearing and grading required and preserving existing land cover and mature vegetation.
- 3) Access to open spaces and recreation areas or facilities should be barrier-free to serve the physically handicapped, elderly, and children through the provision of accessible, pedestrian-oriented features such as walkways, outdoor sitting plazas, and drop-off areas.

C. Environmental Standards:

- 1) Common open space requirements in a Cluster Design Plan shall be met first by protecting features of the environment, which are unique or peculiar to the site and its context as identified in the OSFPD design process. These features include species or complexes of flora or fauna or their habitats, areas of strong scenic quality, soils, geology and topography. Interruption of ecologically significant systems such as trails to food, water or wildlife habitats should be avoided or kept to a minimum. Maintenance of common open space or facilities and reserved land shall include specific provisions to protect the natural environment, as it exists.
- 2) Trees and shrubs already existing on the site should be preserved to the greatest extent feasible, as agreed by the applicant and the Planning Board.
- 3) New plantings shall consist of non-invasive species. The Planning Board maintains a list of recommended plants, which an Applicant should consider.
- 4) All slopes in excess of fifteen (15%) percent and any unstable soils, trees and rocks shall be protected against erosion and runoff. The applicant shall take reasonable and appropriate measures to stabilize the land surface from unnecessary disruption.
- 5) The storm water management system shall comply with the Massachusetts Department of Environmental Protection (DEP) Storm Water Management Policy as most recently amended. Surface water runoff from structures and impervious surfaces shall be collected on site, but in no case shall surface water drainage be directed across sidewalks or public or private ways. In general, an OSFPD should use non-structural storm water management techniques wherever possible, e.g., swales or vegetated draining channels, and other techniques that reduce

impervious surface, facilitate infiltration and allow for adequate settling of suspended solids, incorporating best management practices to prevent non-point source pollution.

- 6) An OSFPD shall not adversely affect groundwater resources. All systems which deliver or may discharge water into the ground shall be adequate to treat the water and to monitor treatment so as to meet any and all applicable effluent standards of the Board of Health or DEP, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site.
- 7) An OSFPD shall be designed to conserve water for domestic consumption and for lawn and landscaping maintenance.
- 8) The Planning Board encourages, where practical and appropriate, site and buildings in an OSFPD that incorporate Leadership in Energy and Environmental Design for residential dwellings (LEED-H) and, compliance with Low-Impact Development (LID) techniques, policies, or guidelines of DEP.

D. Lighting and Landscaping:

- 1) The development should provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. No freestanding illumination devices shall be installed to a height exceeding 15 feet. Lighting should not unreasonably interfere with the use and enjoyment of property within an OSFPD or in surrounding areas. Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security should be employed wherever possible.
- 2) The scale and nature of landscaping materials should be appropriate to the size of the structures in an OSFPD, and the available space and growth characteristics of proposed plantings. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility.
- 3) Plant materials should be selected to achieve their intended purpose, such as shade, screening, or ornamentation. When located within 20 feet of any road, parking lot or other paved area, plant materials shall consist of species recognized by the nursery, horticulture and botanical industries as being tolerant of roadway deicing salts.
- 4) Plantings should be arranged in relation to buildings to promote energy conservation wherever practicable. For example, tall deciduous trees might be placed to provide shade from the summer sun and evergreens might be concentrated where they will dissipate the effect of winter winds.
- 5) Parking lots shall be landscaped with landscaped islands and screened with landscaping along the perimeter of the property.
- 6) The entity that owns and is legally responsible for common open space and common facilities in an OSFPD shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. Plant material not in healthy condition shall be replaced or nursed to restore good health, and shall be kept free of refuse and debris. In addition, fences, walls, and other barriers shall be maintained in good repair. Failure to install or to maintain all landscaping shown on the approved Development Plan shall be a violation of this Bylaw.

E. Building Placement:

To the extent reasonable and practical, an OSFPD should:

- 1) Preserve attractive views, especially from the vantage point of major roadways and adjacent or nearby residential neighborhoods.

- 2) Avoid regular spacing and building placements that will be viewed as continuous walls from important vantage points.
- 3) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas.
- 4) Locate taller buildings away from public ways existing prior to the development and abutting residential areas existing prior to the development.
- 5) Orient structures toward the street or access road serving the premises, not toward parking areas.

F. Building Design:

To the extent reasonable and practical, the design of buildings in an OSFPD should:

- 1) Provide human-scale features, especially at lower levels.
- 2) Avoid unarticulated and monotonous building facades and window placement.
- 3) Incorporate materials and building treatments that reduce the visibility of the buildings from distant vantage points and are compatible with backgrounds and surroundings.
- 4) Incorporate materials and colors compatible with other quality buildings of similar scale in the vicinity.
- 5) Provide variety in building heights and varied roofline articulation that stresses New England vernacular architecture.

G. Circulation, Parking and Public Safety:

- 1) All areas designed for vehicular use shall be surfaced in accordance with current Town standards.
- 2) Walkways and bicycle paths should link buildings with parking areas, recreation facilities and, where applicable, adjacent public land. For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a visually distinctive raised, textured or color-treated surface.
- 3) Bridle paths and trails should be connected, preserved, and increased when possible.
- 4) Parking. Two off-street parking spaces shall be provided per dwelling unit.
- 5) Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not unduly interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
 - a. All roadway and driveway designs shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Hamilton Public Works Department, Planning Board, and the Chief of Police. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment. The applicant shall use all appropriate, commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance
 - b. An OSFPD shall be designed to include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of development adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the foregoing public safety measures shall be to the reasonable satisfaction of the Hamilton Police Chief and Fire Chief, as applicable.

H. Other Requirements:

- 1) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable lines shall be placed underground.
- 2) Exposed storage areas, machinery, solid waste dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. All dumpsters shall be covered at all times (except when being emptied or filled) and shall be located in designated areas
- 3) All lots in an OSFPD shall contain a reference in the title to a requirement that circulation systems and drainage areas shall remain in private ownership in perpetuity.

6. Recording of Documentation:

- A. In its Decision, if necessary, the Planning Board shall create a timetable for transfer of open space, recording of Conservation Restrictions, Deed Restrictions, trail, bridle path, and other easements, etc.
- B. A note must appear on the approved plan: "This plan has been approved subject to a Special Permit for Open Space and Farmland Preservation Development, Recorded in Book _____ Page _____, and no further subdivision of lots or parcels may take place."
- C. Following the appeal period for a positive decision, the Applicant shall be responsible for recording all documentation and plans and shall provide the Planning Board with proof of recording, prior to any infrastructure construction or issuance of a Building Permit
- D. Draft legal documents, as applicable, to provide for common open space or facilities, deeds, restrictions, easements and other documentation for the Common Open Space shall be prepared by the Applicant, and reviewed by Town or other Counsel at the Applicant's expense, and shall be recorded with the Planning Board Decision at the Registry of Deeds, unless otherwise addressed in the Planning Board Decision. A note to that effect should be written in the Planning Board's Conditions of Approval.

7. Digital Data Requirement. Digital data of the final approved plan shall be provided for incorporation into the Town's GIS software package, in accordance with the Hamilton Planning Board Subdivision Regulations.

8. Performance Guarantee.

- A. As a condition of Cluster Design Plan approval, the Planning Board shall require that a Performance Guarantee, in one of the methods described in M.G.L. Chapter 41, Section 81U, with such method approved by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 250% of the full cost of all site construction improvements as determined by an estimate from the Applicant's engineer, which may be confirmed or increased by the Planning Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements.
- B. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or another mutually agreed upon date, or extension thereof.

9. Construction and Inspections

- A. A Pre-Construction Conference shall be scheduled prior to construction of infrastructure or buildings. The Fire and Police Chiefs, Town Administrator, Director of Public Works, Conservation Commission, Building Inspector, and Board of Health, and the Town's Consulting Engineer shall be invited to attend. The Owner, Applicant, Construction Manager, Contractor, and any other necessary

personnel, shall also attend on behalf of the developer. A Construction Schedule, List of Name, Address, and Contact Information for all of the Applicant's contractors shall be provided, and anticipated dates for which building permit applications will be submitted to the Town, which schedule may be subject to revision.

- B. The Planning Board shall hire an Inspector (Agent) to review and inspect various stages of construction, as outlined in the Decision of the Planning Board. No succeeding operation or phase of an operation shall commence until the previous phase has been approved by the Board or its Agent.
- C. The project may be inspected at any time by any officer or board of the town or any agent of such officer or board.
- D. All fees for inspection shall be paid for by the developer, under the terms of M.G.L. Section 44, Section 53G, and the Hamilton Zoning Bylaw.

10. As-Built Plan:

Prior to the release of a construction bond, an As-Built Plan and a letter of certification shall be submitted to the Planning Board by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Cluster Design Plan. The As-Built Plan shall attest to the development's conformity to its approved plan by indicating landscaping, buildings, drainage flow, number of parking spaces, and limits of parking areas and drives, location of utilities, and shall be prepared in accordance with the Planning Board's Subdivision Regulations.

LIST OF APPENDICES TO OSFPD RULES & REGULATIONS

Appendix A - Thresholds

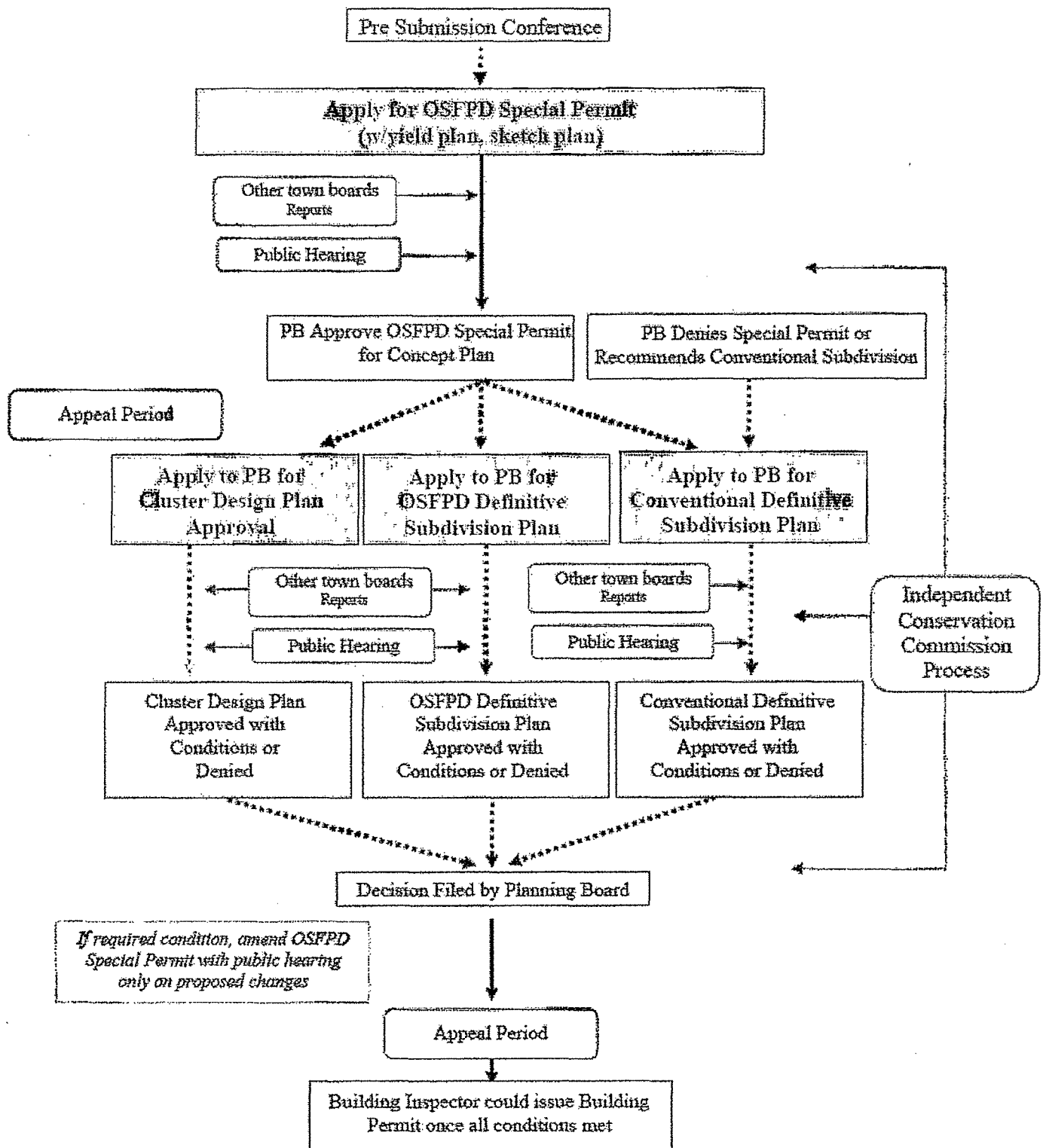
Appendix B - Flow Chart

APPENDIX A
HAMILTON PLANNING BOARD
OSFPD RULES AND REGULATIONS
THRESHOLDS

The following Thresholds have been outlined in order to assist in assessing Applicability of the OSFPD Zoning Bylaw.

- **First Threshold:** Does the applicant propose to divide a ten+ acre site into five or more house lots? If YES, the bylaw applies.
- **Second Threshold:** Does the applicant propose to divide a ten+ acre site into fewer than five lots? If YES, the bylaw does not apply unless the site was already divided in the past 24 months and the sum of previously approved lots plus the proposed ones equals five or more new residential lots. This is the definition of "segmentation." To administer it, the Planning Board would need to determine what was on the site 24 months ago.
- **Third Threshold:** Does the applicant want to build five or more dwelling units on a single parcel of land, without lotting, regardless of parcel size? If YES, the bylaw applies.
- **Fourth Threshold:** Even if the bylaw applies on the basis of land area or project size, are there any conditions that would be exempt? YES: construction on lots created prior to the effective date of the bylaw, and dwelling units created by conversion of an existing building.

APPENDIX B **HAMILTON PLANNING BOARD** **OSFPD RULES AND REGULATIONS** **FLOW CHART**



SENIOR HOUSING BYLAW RULES AND REGULATIONS

Adopted March 24, 2009

The SENIOR HOUSING BYLAW (SH Bylaw) Rules and Regulations have been written as a chapter of the Hamilton Planning Board Rules and Regulations Governing Special Permits. The Application Form, Fee, and General Notes apply to these SH Bylaw requirements. In addition, some elements of the Open Space and Farmland Preservation Development Bylaw apply to the SH Bylaw also, and will be referenced in these SH Bylaw Rules and Regulations.

1. Special Permit Application Procedures: (V.E.23)

- a. The Application to the Planning Board should include the following: (See Hamilton Zoning Bylaw Sec. V.E.23 for general information and "Application Submittal for Special Permits" Section 3 (General Notes) contained herein.)
 - i. Completed Application Form, signed by all Owners and Applicants, contained herein.
 - ii. A letter signed by all owners of record, authorizing the Applicant to act on their behalf, if applicable.
 - iii. A copy of the recorded deed to the property.
 - iv. Required Fee (as specified in Section 3.a.i below).
 - v. Technical Review Fee deposit in the amount of \$5,000.00 per M.G.L. Chapter 44, Section 53G.
 - vi. Acknowledgment that item 2.d of the Application Submittal For Special Permit (contained herein) is being followed regarding notice of the Public Hearing to the Certified List of Abutters by Certified Mail.
 - vii. A written narrative of the proposal and plan details:
 1. Developable Acres: Total area of the parcel, area of upland, area of wetlands, Conservancy District, and other exclusions as listed in Section V.E.8. of the SH Bylaw, and calculation of Developable Acres.
 2. Public Benefit Incentives: List of Public Benefit Incentives sought, and calculations for increase in density, and maximum Density per Developable Acre applied for.
 3. Minimum Distance Between Projects: A plan indicating approved multi-family projects, as defined in Section V.E.11.B. of the SH Bylaw, in compliance with requirements for 1/3, 2/3 and one mile distances, in order to determine number of units allowable for this filing. (Per Section V.E.11.B., this plan will be updated and reviewed at the time of project approval.)
 4. Building Information: Number and type of units, number of units per building, number of bedrooms, square footage of units, distance separation between buildings, location and description of amenities.
 5. Other Data: Square footage of developed area, open space area in square feet (where applicable), percentage of impervious area, total amount of area to be disturbed during construction
 6. Parking calculations, length of driveways, and location of common driveways.
 7. Traffic statement: Estimated number of trips per day, indication of site distance from all access and egress points, and proposed methods to mitigate traffic impacts.
 8. Low Impact Development: A statement of LID design features proposed.

9. Water Conservation Measures: A statement of proposed methods to conserve water and minimize watering methods, and a statement as to proposed area of lawn to be created and proposed preservation of site in its natural state.
10. Wastewater: Location of percolation and groundwater tests, type and general location of wastewater disposal system.
11. Conceptual locations of buffer areas and plans for stormwater runoff and drainage.
12. Fiscal Benefit: A statement of estimated tax benefit. Value of each building, total value upon completion, estimate of building permit fees, and estimate of excise taxes
13. Sign: If proposed, a drawing of the sign including dimensions, colors, and lighting.
14. Smart Growth: If the project contains a request for increases to Base Senior Housing Density due to Smart Growth incentives (Section V.E.10, Column E of the SH Bylaw), then the Smart Growth Principles to be applied are listed in Senior Housing Rules and Regulations Appendix A attached hereto.

b. Filing requirements:

- i. Nineteen copies of the filing shall be submitted to the Planning Board for distribution to public officials listed in Section V.E.23.E.2 of the SH Bylaw. Distribution shall be as follows:
 9 full copies: Planning Board members, staff, and Technical Review Agent
 10 limited copies: Board of Health, Board of Selectmen, Building Inspector, Conservation Commission/Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals. (See Section 3.c.1. below.)
- ii. The Applicant is responsible for submitting a copy to the Town Clerk to be time-stamped. A copy of the time-stamped application shall be provided to the Planning Board by the Applicant.
- iii. The Applicant is required to submit an electronic copy of the above to the Planning Board, in addition to copies of the submittal.
- iv. An 8.5" x 11" reduced-size conceptual plan shall be submitted for distribution at a public hearing and other uses.
- c. If a Site Walk is scheduled, and the Applicant is not the Owner, written authorization from the Owner allowing public officials and interested parties to enter upon the property must be received prior to the Site Walk.
- d. Following filing of the Planning Board Decision of Approval, and appeal period, the Applicant must record the Decision of Approval and all corresponding plans, agreements, easements, etc., at the Registry of Deeds and supply the Board with proof of recording before construction may begin.

2. **Plans that have an Open Space Element** must meet Section V.E.23.B of the SH Bylaw which requires that elements of OSFPD Sections V.A.12.5 (Pre-Application Conference) and 7 (Design Process) must be met. The rules and regulations applicable for the V.A.12.5 and V.A.12.7 requirements are provided above in the OSFPD Rules & Regulations chapter of these Rules & Regulations Governing Special Permits.

3. **Senior Housing Design Plan Submittal:** (Section V.E.23.D., if a Definitive Subdivision Plan is not to be filed:)

- a. A Senior Housing Design Plan is filed with the Application for Senior Housing Special Permit. The following shall apply:
 - i. Filing Fees: A Filing Fee of \$1,500.00, and a Per Dwelling Unit Fee of \$200.00.
 - ii. For units which are to be deed restricted as Affordable Housing, the per-unit fee will be waived.

- b. A list of Requested Waivers.
- c. Limited Copy of Plan: A one-page sheet showing general site plan, driveway layout, proposed location of buildings and amenities, and open space parcel(s), and locus map. The purpose of this sheet is for distribution to public officials other than Planning Board. (See 1.b.i. above)
- d. The Senior Housing Design Plan must include the following information unless the Planning Board agrees in writing to waive any materials not relevant to a proposed development.
 - i. Detailed Plan: Scale, elevations and locus map. The Senior Housing Design Plan shall include a site plan at a scale of one-inch equals forty feet (1"=40') or such other scale as the Planning Board may allow. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"= 4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.
 - ii. Contents: The Senior Housing Design Plan shall include one or more appropriately scaled plans or drawings of the property, stamped by a Massachusetts Registered Professional Engineer or Registered Land Surveyor, as appropriate to the work involved, except that the water and wastewater portions of the site plan must be stamped by a Registered Professional Engineer. At minimum, the submittal shall include:
 - 1. A site plan that contains:
 - (i) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer.
 - (ii) North arrow and benchmarks used.
 - (iii) Parcel lot lines, dimensions, area and zoning classification(s) for the tract and abutting parcels.
 - (iv) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
 - (v) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a Registered Professional Engineer.
 - (vi) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
 - (vii) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor.
 - (viii) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
 - (ix) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and the Town of Hamilton Wetlands Bylaw, Chapter 17, Conservation, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to the Conservation Commission; flood plain boundaries; and erosion control measures.

- (x) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
 - (xi) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to eliminate light spillage onto adjoining properties.
 - (xii) Landscaping plan showing the location, botanical and common names, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices such as tree wells, tree walls, or specialized fill and pavement designs, shall be fully detailed on the landscape plan. Low Impact Development Techniques shall be utilized.
 - (xiii) Location and description of all proposed open space.
 - (xiv) Location, height, elevation, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units; location of emergency exits,
 - (xv) retaining walls, and other features
 - (xvi) existing and proposed signs.
 - (xvii) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by the Bylaw.
2. Analysis of environmental impacts: The applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to the use of best practices proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, conserve water, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment.
 3. Construction Design Requirements: Construction details shall conform with Section VI. Required Improvements in Hamilton Planning Board Subdivision Regulations.
 4. Analysis of traffic impacts: The Planning Board may require a traffic study unless a traffic study was previously submitted to and accepted by the Planning Board during the Senior Housing Special Permit process. The Planning Board may require the applicant to prepare a traffic study for Senior Housing if the site location, anticipated total trip generation, circulation patterns or other factors warrant a more extensive review of traffic impacts.
4. **Waivers:** Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Senior Housing Bylaw.
 5. **Senior Housing Design Plan Standards:** A Senior Housing Design Plan will be reviewed for consistency with the following Development Standards. A standard expressed as “shall” is a requirement for any Senior Housing Development unless the applicant demonstrates to the satisfaction of the Planning Board that strict compliance would render the development infeasible. A standard expressed as “should” indicates a local priority that the applicant is expected to meet through all commercially reasonable efforts.

- a. General Site Planning Standards:
 - i. Access roads, off-street parking, sidewalks, pathways, trails, buildings and lots in the proposed development should integrate with surrounding properties without undue safety problems or undue nuisance compared to a conventional single-family home development.
 - ii. Overall layout and design should achieve a reasonable and appropriate relationship between the proposed development and the topography on the site, considering features that are important to the site, the surrounding area, or the Town as a whole.
 - iii. Natural features such as topography, streams, mature trees or clusters of trees, slopes, natural drainage areas, views, vistas, and historic or archeological features should be treated as fixed determinants of road configuration and building envelopes rather than as elements that can be changed for a particular development scheme.
 - iv. The development should make adequate provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.
 - v. The use of Low-Impact Development Techniques is encouraged.
- b. Open Space Design Standards.
 - i. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should connect areas designated as common open space and where applicable, to adjoining public areas.
 - ii. Large buffer areas of existing vegetation should be provided around building groupings and building envelopes, thereby minimizing the amount of site clearing and grading required and preserving existing land cover and mature vegetation.
 - iii. Access to open spaces and recreation areas or facilities should be barrier-free to serve the physically handicapped, elderly, and children through the provision of accessible, pedestrian-oriented features such as walkways, outdoor sitting plazas, and drop-off areas.
- c. Environmental Standards
 - i. Common open space requirements in a SH Design Plan shall be met first by protecting features of the environment, which are unique or peculiar to the site and its context as identified in the open space design process. These features include species or complexes of flora or fauna or their habitats, areas of strong scenic quality, soils, geology and topography. Interruption of ecologically significant systems such as trails to food, water or wildlife habitats should be avoided or kept to a minimum. Maintenance of common open space or facilities and reserved land shall include specific provisions to protect the natural environment, as it exists.
 - ii. Trees and shrubs already existing on the site should be preserved to the greatest extent feasible, as agreed by the applicant and the Planning Board.
 - iii. New plantings shall consist of non-invasive species. The Planning Board maintains a list of recommended plants, which an Applicant should consider.
 - iv. All slopes in excess of fifteen (15%) percent and any unstable soils, trees and rocks shall be protected against erosion and runoff. The applicant shall take reasonable and appropriate measures to stabilize the land surface from unnecessary disruption.
 - v. The storm water management system shall comply with the Massachusetts Department of Environmental Protection (DEP) Storm Water Management Policy as most recently amended, and other applicable bylaws, including any Town of Hamilton Stormwater bylaws. Surface water runoff from structures and impervious surfaces shall be collected on site, but in no case shall surface water drainage be directed across sidewalks or public or private ways. In general, a Senior Housing Design Plan should use non-structural storm water management techniques wherever possible, e.g., swales or vegetated draining channels, and other techniques that reduce

impervious surface, facilitate infiltration and allow for adequate settling of suspended solids, incorporating best management practices to prevent non-point source pollution. A Senior Housing Design shall not adversely affect groundwater resources. All systems which deliver or may discharge water into the ground shall be adequate to treat the water and to monitor treatment so as to meet any and all applicable effluent standards of the Board of Health or DEP, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site.

- vi. A Senior Housing Design Plan shall be designed to conserve water for domestic consumption and for lawn and landscaping maintenance.
 - vii. The Planning Board encourages, where practical and appropriate, site and buildings in a SH Design Plan that incorporate Leadership in Energy and Environmental Design for residential dwellings (LEED-H) and compliance with Low-Impact Development (LID) techniques, policies, or guidelines.
- d. Lighting and Landscaping Standards:
- i. The development should provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. No freestanding illumination devices shall be installed to a height exceeding 15 feet. Lighting should not unreasonably interfere with the use and enjoyment of property within a senior housing development or in surrounding areas. Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security shall be employed.
 - ii. The scale and nature of landscaping materials should be appropriate to the size of the structures of the development, and the available space and growth characteristics of proposed plantings. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility.
 - iii. Plant materials should be selected to achieve their intended purpose, such as shade, screening, or ornamentation. When located within 20 feet of any road, parking lot or other paved area, plant materials shall consist of species recognized by the nursery, horticulture and botanical industries as being tolerant of roadway deicing salts.
 - iv. Plantings should be arranged in relation to buildings to promote energy conservation wherever practicable. For example, tall deciduous trees might be placed to provide shade from the summer sun and evergreens might be concentrated where they will dissipate the effect of winter winds.
 - v. Parking lots shall be landscaped with landscaped islands and screened with landscaping along the perimeter of the property.
 - vi. The entity that owns and is legally responsible for common open space and common facilities in a SH development shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. Plant material not in healthy condition shall be replaced or nursed to restore good health, and shall be kept free of refuse and debris. In addition, fences, walls, and other barriers shall be maintained in good repair. Failure to install or to maintain all landscaping shown on the approved plan shall be a violation of this Bylaw.

e. Building Placement Standards:

To the extent reasonable and practical, a Senior Housing project should:

- i. Preserve attractive views, especially from the vantage point of major roadways and adjacent or nearby residential neighborhoods.
- ii. Avoid regular spacing and building placements that will be viewed as continuous walls from important vantage points.
- iii. Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas.
- iv. Locate taller buildings away from public ways existing prior to the development and abutting residential areas existing prior to the development.
- v. Orient structures toward the street or access road serving the premises, not toward parking areas.

f. Building Design:

To the extent reasonable and practical, the design of buildings in a Senior Housing project should:

- i. Provide human-scale features, especially at lower levels.
- ii. Avoid unarticulated and monotonous building facades and window placement.
- iii. Incorporate materials and building treatments that reduce the visibility of the buildings from distant vantage points and are compatible with backgrounds and surroundings.
- iv. Incorporate materials and colors compatible with other quality buildings of similar scale in the vicinity.
- v. Provide variety in building heights and varied roofline articulation that stresses New England vernacular architecture.

g. Circulation, Parking and Public Safety Standards:

- i. All areas designed for vehicular use shall be surfaced in accordance with current Town standards.
- ii. Walkways and bicycle paths should link buildings with parking areas, recreation facilities and, where applicable, adjacent public land. For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a visually distinctive raised, textured or color-treated surface.
- iii. Bridle paths and trails should be connected, preserved, and increased when possible.
- iv. Two off-street parking spaces shall be provided per dwelling unit.
- v. Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not unduly interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- vi. All roadway and driveway designs shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Hamilton Public Works Department, Planning Board, and the Chief of Police. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment. The applicant shall use all appropriate, commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance.
- vii. A Senior Housing development shall be designed to include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of development adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the

foregoing public safety measures shall be to the reasonable satisfaction of the Hamilton Police Chief and Fire Chief, as applicable.

h. Other Requirements:

- i. All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable lines shall be placed underground.
- ii. Exposed storage areas, machinery, solid waste dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. All dumpsters shall be covered at all times (except when being emptied or filled) and shall be located in designated areas
- iii. All lots in a Senior Housing project shall contain a reference in the title to a requirement that circulation systems and drainage areas shall remain in private ownership in perpetuity.

6. **Recording of Documentation.** In its Decision, if necessary, the Planning Board shall create a timetable for transfer of open space, recording of Conservation Restrictions, Deed Restrictions, trail, bridle path, and other easements, etc. A note must appear on the approved plan: "This plan has been approved subject to a Special Permit for Senior Housing Special Permit and no further subdivision of lots or parcels may take place." Following the appeal period for a positive decision, the Applicant shall be responsible for recording all documentation and plans and shall provide the Planning Board with proof of recording, prior to any infrastructure construction or issuance of a Building Permit. Draft legal documents, as applicable, to provide for common open space or facilities, deeds, restrictions, easements and other documentation for the Common Open Space shall be prepared by the Applicant, and reviewed by Town or other Counsel at the Applicant's expense, and shall be recorded with the Planning Board Decision at the Registry of Deeds, unless otherwise addressed in the Planning Board Decision. A note to that effect should be written in the Planning Board's Conditions of Approval.
7. **Digital Data Requirement.** Digital data of the final approved plan shall be provided for incorporation into the Town's GIS software package, in accordance with the Hamilton Planning Board Subdivision Regulations.
8. **Performance Guarantee.** As a condition of Senior Housing Plan approval, the Planning Board shall require that a Performance Guarantee, in one of the methods described in M.G.L. Chapter 41, Section 81U, with such method approved by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 250% of the full cost of all site construction improvements as determined by an estimate from the Applicant's engineer, which may be confirmed or increased by the Planning Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or another mutually agreed upon date, or extension thereof.
9. **Construction and Inspections.** A Pre-Construction Conference shall be scheduled prior to construction of infrastructure or buildings. The Fire and Police Chiefs, Town Administrator, Director of Public Works, Conservation Commission, Building Inspector, and Board of Health, and the Town's Consulting Engineer shall be invited to attend. The Owner, Applicant, Construction Manager, Contractor, and any other necessary personnel, shall also attend on behalf of the developer. A Construction Schedule, List of Name, Address, and Contact Information for all of the Applicant's contractors shall be provided, and

anticipated dates for which building permit applications will be submitted to the Town, which schedule may be subject to revision. The Planning Board shall hire an Inspector (Agent) to review and inspect various stages of construction, as outlined in the Decision of the Planning Board. No succeeding operation or phase of an operation shall commence until the previous phase has been approved by the Board or its Agent. The project may be inspected at any time by any officer or board of the town or any agent of such officer or board. All fees for inspection shall be paid for by the developer, under the terms of M.G.L. Section 44, Section 53G, and the Hamilton Zoning Bylaw.

10. **As-Built Plan.** Prior to the release of a construction bond, an As-Built Plan and a letter of certification shall be submitted to the Planning Board by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Senior Housing Design Plan. The As-Built Plan shall attest to the development's conformity to its approved plan by indicating landscaping, buildings, drainage flow, number of parking spaces, and limits of parking areas and drives, location of utilities, and shall be prepared in accordance with the Planning Board's Subdivision Regulations. Electronic as-built plans are required.

APPENDIX A

HAMILTON PLANNING BOARD

SENIOR HOUSING RULES AND REGULATIONS

SMART GROWTH PRINCIPLES

The Commonwealth of Massachusetts shall care for the built and natural environment by promoting sustainable development through integrated energy and environment, housing and economic development, transportation and other policies, programs, investments, and regulations. The Commonwealth will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver good jobs and good wages, transit access, housing, and open space, in accordance with the following sustainable development principles. Furthermore, the Commonwealth shall seek to advance these principles in partnership with regional and municipal governments, non-profit organizations, business, and other stakeholders.

- 1. Concentrate Development and Mix Uses** - Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.
- 2. Advance Equity** - Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.
- 3. Make Efficient Decisions** - Make regulatory and permitting processes for development clear, predictable, coordinated, and timely in accordance with smart growth and environmental stewardship.
- 4. Protect Land and Ecosystems** - Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.
- 5. Use Natural Resources Wisely** - Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, and materials.
- 6. Expand Housing Opportunities** - Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.
- 7. Provide Transportation Choice** - Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling, and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.
- 8. Increase Job and Business Opportunities** - Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training, and entrepreneurial opportunities. Support the growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology, and fisheries.
- 9. Promote Clean Energy** - Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.
- 10. Plan Regionally** - Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long-term costs and benefits to the Commonwealth.

APPENDIX B
HAMILTON PLANNING BOARD
SENIOR HOUSING RULES AND REGULATIONS
FLOW CHART

