

WORKING DRAFT

9.6 GORDON CONWELL OVERLAY DISTRICT (GCOD)

9.6.1 Purpose and Intent. The Gordon Conwell Overlay District (GCOD) is hereby established:

1. To enable the continued use and intentionally planned redevelopment of portions of the Gordon-Conwell Theological Seminary (“Seminary”) campus;
2. To ensure that the review and approval of redevelopment and new development of the campus be consistent with a concept plan as defined in §9.6.4. and as applied during the site plan and special permit review process;
3. To encourage and authorize the mixed-use development of the campus by means of permitting a combination and variety of building types and uses with conditions and safeguards;
4. To encourage the adaptive reuse of existing structures into year-round housing units, many of which will be rented at below market rates;
5. To encourage the adaptive reuse of existing structures into mixed nonresidential uses that are compatible with abutting residential neighborhoods; and
6. To ensure that the redevelopment of the campus includes necessary infrastructure, open space preservation, public access and related public and private benefits.

9.6.2 Applicability. The GCOD is an overlay district to be included as the Gordon Conwell Campus Overlay District in §2.3 of the Zoning Bylaw. The GCOD is superimposed over, rather than replacing, the applicable underlying zoning district [**NOTE: AN OVERLAY NEEDS AN UNDERLYING USE BY RIGHT**]. The GCOD authorizes certain uses, dimensional requirements and densities not allowed in the underlying zoning district provided certain special terms and conditions are met as set forth herein.

9.6.3 GCOD Three (3) Districts and Three (3) Subdistricts. The GCOD is divided into three (3) distinct subdistricts (“Upper Campus”, “Central Campus” and “Lower Campus”), each with identified permitted uses by right and permitted only by special permit. See “Campus Plan Clusters”, adopted and incorporated herein as if attached hereto. The “Lower Campus” subdistrict contains three (3) additional divisions (“Lower Campus” A, B and C). See “Campus Plan Clusters, Lower Campus A, B and C”.

9.6.4 Requirement for Approval of and Amendments to, a Concept Plan at Town Meeting. No development for uses not otherwise allowed in the underlying zoning district shall be permitted on any land within the GCOD without first obtaining approval, by a majority vote at Town Meeting, of a Concept Plan that identifies the proposed development within all or a portion of one or more of the three subdistricts defined more fully in §9.6.6, §9.6.7 and §9.6.8.

At the property owner's discretion, one or more Concept Plans may be submitted at different times and a Concept Plan may include development of all, or any smaller portion, of the relevant parcel, lot, or subdistrict(s). Each Concept Plan submitted for approval at Town Meeting shall include the following information:

1. The area of land proposed to be developed under the GCOD regulations, which may be less than the total area of the applicable parcel, lot or identified subdistricts.
2. The location of wetland resources.
3. The location of existing and proposed roads and ways serving the land to be developed.
4. The location, size, and shape of existing structures on the applicable parcel, lot or identified subdistricts, as well as identification of all existing structures or portions thereof, to be removed.
5. The location of the GCOD that will be left undisturbed and not further developed or disturbed, including existing trails and paths historically used by the public.
6. Examples of amenities and design features to be included as part of the proposed development.
7. A preliminary traffic impact analysis that includes an estimated analysis of the full buildout of the GCOD based upon uses permitted by right and based upon an estimated range of special permits.
8. A written proposal from the property owner that addresses, but is not limited to, the following:
 - a. Payment for consultant review of plans and documents accompanying the Concept Plan;
 - b. Payment for project impacts to municipal infrastructure, including but not limited to roadway, stormwater, and public safety;
 - c. Agreement to permit the public's historic and permitted access on private property within those portions of the District as shown on the Concept Plan;
9. The property owner's proposal shall be incorporated into the terms of a development agreement before site plan approval or a special permit, as required by §9.6.12 or §9.6.8, is granted by the Planning Board. The development agreement shall be a binding contract, applicable for the longest period authorized by law, and shall be negotiated in public meetings between the property owner and the Town of Hamilton, acting by and through the Selectboard. The development agreement may include any or all lawful provisions intended to protect the public health, safety, and welfare of the residents of the Town. The provisions of the development agreement shall be binding on the property owner and any successors and assigns and shall be recorded

at the Essex County Registry of Deeds within fourteen (14) days following execution by the property owner and the Town of Hamilton.

9.6.5 Subsequent Permits. Following approval of a Concept Plan at Town Meeting as provided in Section 9.3.3, a qualified applicant shall be entitled to apply for any other permits and approvals required for all or any portion of the development shown on the Concept Plan or as amended.

9.6.6 Permitted Principal Uses. The uses and structures supporting the same set forth in Tables 1A- 1E below are allowed by right, without need for a special permit, in the Upper, Central and Lower portions of Overlay District together with the identified maximum number of dwelling units and/or gross floor area, where relevant.

TABLE 1A: GCOD USES PERMITTED BY RIGHT: Upper Campus

Principal Use	Maximum Gross Floor Area
Research and development, life sciences biotechnology, business or professional office, medical clinic or medical office, light manufacturing and assembly example [NOTE: Add defined terms for above]	
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	
Senior Housing, see §8.2 example	
Retail example	
Lodging example	
Retail example	
Transitional and supportive housing [NOTE: Add defined terms]	

TABLE 1B: GCOD USES PERMITTED BY RIGHT: Central Campus

Principal Use	Maximum Gross Floor Area
Research and development, life sciences biotechnology, business or professional office, medical clinic or medical office, light manufacturing and assembly [NOTE: Defined terms needed for above]	
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	
Senior Housing, see §8.2	
Dwelling, two-family; dwelling, townhouse; dwelling, three-family, dwelling, four-family, dwelling, multifamily.	

TABLE 1C: GCOD USES PERMITTED BY RIGHT: Lower Campus A

Principal Use	Maximum Number of Dwelling Units
Dwelling, two-family; dwelling, townhouse; dwelling, three-family, dwelling, four-family, dwelling, multifamily.	
Senior Housing, see §8.2	

TABLE 1D: GCOD USES PERMITTED BY RIGHT: Lower Campus B

Principal Use	Maximum Number of Dwelling Units
Dwelling, two-family; dwelling, townhouse; dwelling, three-family, dwelling, four-family, dwelling, multifamily.	
Senior Housing, see §8.2	Notwithstanding and superseding the limitations imposed by §8.2.6(1) within the Lower Campus A, B or C portion of the GCOD only, a maximum of [NOTE: # of dwelling units.] dwelling units.

TABLE 1E: GCOD USES PERMITTED BY RIGHT: Lower Campus C

Principal Use	Maximum Number of Dwelling Units
Dwelling, two-family; dwelling, townhouse; dwelling, three-family, dwelling, four-family, dwelling, multifamily.	
Senior Housing, see §8.2	Notwithstanding and superseding the limitations imposed by §8.2.6(1) within the Lower Campus A, B or C portion of the GCOD only, a maximum of NOTE: # of dwelling units.

9.6.7 Permitted Accessory Uses. The following uses shall be available as accessory to the above principal uses and as accessory to uses permitted in the underlying district(s).

1. Uses and structures customarily incidental to any permitted principal use.

9.6.8 Uses Permitted by Special Permit of the Planning Board. The following uses are allowed only by special permit and are subject to the requirements set forth in §10.5 (Special Permits) and § 10.6 (Site Plan Review) in addition to the requirements set forth herein:

TABLE 2A: GCOD USES PERMITTED BY SPECIAL PERMIT: Upper Campus

Principal Use	Maximum Gross Floor Area
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	
Use and structures with a Gross Floor Area greater than that set forth in § 9.6.6 or §9.6.10	See §9.6.10 unless otherwise increased pursuant to a special permit.

TABLE 2B: GCOD USES PERMITTED BY SPECIAL PERMIT: Central Campus

Principal Use	Maximum Gross Floor Area
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	
Use and structures with a Gross Floor Area greater than that set forth in § 9.6.6 or §9.6.10	See §9.6.10 unless otherwise increased pursuant to a special permit.

TABLE 2C: GCOD USES PERMITTED BY SPECIAL PERMIT: Lower Campus A

Principal Use	Maximum Number of Dwelling Units
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	
Residential dwelling units with a total density greater than that set forth in § 9.6.6 or §9.6.10	See §9.6.10 unless otherwise increased pursuant to a special permit.

TABLE 3D: GCOD USES PERMITTED BY SPECIAL PERMIT: Lower Campus B

Principal Use	Maximum Number of Dwelling Units
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	N/A
Residential dwelling units with a total density greater than that set forth in § 9.6.6 or §9.6.10	See §9.6.10 unless otherwise increased pursuant to a special permit.

TABLE 3E: GCOD USES PERMITTED BY SPECIAL PERMIT: Lower Campus C

Principal Use	Maximum Number of Dwelling Units
Multiple uses and structures on a single lot or parcel containing uses permitted by right or special permit.	N/A
Residential dwelling units with a total density greater than that set forth in § 9.6.6 or §9.6.10	See §9.6.10 unless otherwise increased pursuant to a special permit.
Senior Housing, see §8.2	Notwithstanding and superseding the limitations imposed by §8.2.6(1) within the Lower Campus C portion of the GCOD only, a maximum of fifty (50) dwelling units.

9.6.9 Dimensional Requirements. Within the GCOD, the requirements contained in the Table of Dimensional Regulations (§4.1.2) are superseded by Table 4, below.

TABLE 4: GCOD DIMENSIONAL REQUIREMENTS

Principal Use	GCOD Requirement
Minimum Lot Area	
Maximum Building Height	
Maximum Number of Stories	
Minimum Setback from Property Outside of GCOD	

9.6.10 District Total Square Footage. The total gross floor area for all principal structures within the GCOD, including nonresidential portions of mixed-use structures, excluding multifamily dwellings and residential components of mixed-use structures, shall not exceed (NOTE) square feet without receipt of a special permit from the Planning Board in accordance with §9.6.8 and §10.5 of the Zoning Bylaw.

9.6.11 District Total Dwelling Units. The maximum number of housing units in the GCOD shall not exceed (NOTE) without receipt of a special permit from the Planning Board in accordance with § 9.6.8 and §10.5 of the Zoning Bylaw.

9.6.12 Site Plan Approval. The provisions of §10.6 Site Plan Approval where applicable, shall apply to uses, buildings and structures permitted by right or by special permit in the GCOD.

1. In addition to the requirements of §10.6, the Planning Board may not issue Site Plan Review approval for a use or structure by right or by special permit unless the proposed Site Plan substantially conforms to the Concept Plan approved by the Town Meeting. The Planning Board may permit minor modifications to the proposed development in connection with its site plan review, provided that the Planning Board finds, in its reasonable discretion and in writing, that any such modifications do not materially conflict with the general intent of the approved Concept Plan.
2. Parking. Notwithstanding the requirements of §6.1, the Planning Board is authorized to issue Site Plan Approval with fewer parking and loading spaces and areas if, in its sole judgment, the number of otherwise required parking spaces and loading areas set forth in §6.1.1 is determined to be inconsistent with the planning and land use goals of the GCOD. Where the Planning Board approves a Site Plan or special permit that deviates from the requirements of §6.1, the Planning Board shall include in its decision the basis for such deviation.

9.6.13 Structures Lawfully In Existence as of the Effective Date of this Bylaw. Structures lawfully in existence or lawfully begun as of the effective date of this Bylaw shall, for the purposes of G.L. c.40A, §6 and § 5.0 of the Zoning Bylaw, be deemed lawfully conforming to the Zoning Bylaw.