

MEMORANDUM

TO: All Planning Board Members
From: Marnie Crouch
Re: April 4th Meeting
Date: April 3, 2032

At our meeting tonight, we will be working toward the adoption of a final zoning map. Once we have done that, we can turn our focus to the intensity of development and uses within each zone. Accordingly, the Board should develop a list all potentially advantageous uses for each zone even if they are unlikely.

I have been working on a draft Overlay District that is derived from the second draft Jon Witten prepared. I have called it the Brown’s Hill Overlay District to distinguish it from Jon Witten’s version and to reflect the significance of the site as containing the highest point in Essex County. The draft I am working on is more expansive than his draft as I have added numerous provisions, many of which are “boilerplate.” Nevertheless, will the Planning Board consider endorsing the following concepts in an Overlay District?

- Applicants electing to utilize Illustrative Plans adopted by the Planning Board without substantial alteration will have their development proposal considered “as of right,” subject to site plan review.
- Applicants electing to reuse existing buildings, plus a TBD amount of additional square footage, will have their development proposal considered “as of right,” subject to site plan review.
- All new construction, untethered to an Illustrative Plan, shall require a special permit. (As Jon Witten noted, that permitting process can be tailored to be more like site plan review.)

In drafting the Overlay District, I have utilized materials and concepts from our existing Zoning Bylaw, including the OSFPD Bylaw and the Senior Housing Bylaw. I believe this is advisable for several reasons: 1) it will be familiar to the citizens of Hamilton who must endorse the new Overlay District; and 2) it demonstrates consistency in usage and ultimately application of provisions appearing in the Zoning Bylaw. Here is an outline of the draft.

9.6 BROWN’S HILL OVERLAY DISTRICT (BHOD)

9.6.1 Purpose and Intent.

9.6.2 Applicability.

9.6.3 Zoning Map and Zones.

9.6.4 Requirement for Approval of a Concept Plan.

9.6.5 Pre-Application Conference.

9.6.6 Application Process.

9.6.7. Development Agreement.

9.6.8 Illustrative Plans.

9.6.9 BHOD Special Design Process.

9.6.10 BHOD Special Design Principles

9.6.11 Building and Public Space Standards for New Residential and Commercial Development.

9.6.12 Reuse of Existing Structures.

9.6.13 Permitted Accessory Uses.

9.6.14 Uses Permitted by Special Permit.

9.6.15 Uses Subject to Site Plan Approval.

9.6.16 Structures Lawfully in Existence as of the Effective Date of Bylaw.

9.6.17 Applicability of §8.2 (Senior Housing Bylaw) and §8.3 (Inclusionary Housing) (i.e., the limit on the number of Senior Housing units would be eliminated as well as other provisions; regarding Inclusionary Housing, that section would mirror Jon Witten's provision).

9.6.18 Planning Board Findings for Special Permits.

9.6.19 Expansion.

9.6.20 Annual Reporting.

I urge members to read the Zoning Bylaw and to identify provisions that may be wise to include in the Draft Overlay District, as well as provisions that will need to be amended to reflect adoption of a new Overlay District. Many of the provisions I have incorporated culled from other bylaws, such as §8.1 and §8.2. In addition, and by way of example, §2.3 of the Zoning Bylaw will have to be amended. What other provisions will need to be amended? How should §10.7 which implements the Dover Amendment, be addressed?

One final matter that we must discuss is the feasibility of having the draft Overlay District ready for a Special Town Meeting before the end of June. The Planning Board has meetings scheduled for 4/4, 4/20, 5/2, 5/16, 6/6, and 6/20. The meeting scheduled for 4/20 will involve two site plan review applications, an Executive Session, approval of minutes and other Board business. Within that time, the Planning Board will have to:

- Finalize the zoning map and the Overlay District so the public will have definitive materials to assess, subject to only minor modifications following public hearings, and the public also will receive the requisite advanced notice of the date and time of

the public hearings and the Overlay District, Zoning Map and Development Agreement that will be adopted.

- Amend all necessary Zoning Bylaw provisions to reflect the addition of the new bylaw.
- Identify and provide notice of public hearings on all amendments to the Zoning Bylaw impacted by the BHOD bylaw.
- Review a finalized version of the Development Agreement which is integral to the Overlay District.
- Determine whether the parcel is in the GPOD or whether the Seminary can address that issue such that the underlying district is R1-B.
- Carefully proof read all documents and have them reviewed by Attorney Jon Witten and others.

As we proceed with the reuse initiative, it is incumbent for the Board also to consider “the case unprovided for.” Obviously, this is the hardest task. What have we inadvertently omitted? What might happen that could derail the purposes and intent of the bylaw? In the last analysis, we must ask ourselves, “Will the public endorse the Overlay District that is produced? To answer that question, we must assure ourselves that the concerns of all parties, including abutters and members of the public, have been heard.