

Hamilton Town Center Base Zoning

FIRST DRAFT for Planning Board Review

2025-04-03

1. INTRODUCTION

1.1. Purpose & Intent

1.1.1. Purpose

The purpose of this Article is to regulate the use of land, buildings, and structures in the Town in a way that preserves the historic village character of downtown Hamilton, and to provide standards for multifamily housing development that are both in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC) and consistent with the Town's existing character.

1.1.2. Intent

This Article is intended to:

- (a) Ensure that new development is compatible with the historic and village character of downtown Hamilton.
- (b) Preserve and enhance the historic commercial corridor along Railroad Ave and Depot Square.
- (c) Promote the activation of the Downtown, support the commercial uses and promote increased walkability.
- (d) Provide a variety of housing types that cater to the diverse and changing needs of Hamilton's residents.
- (e) In conjunction with section 9.6 3A-MFOD, comply with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC).

1.2. Applicability

1.2.1. Territorial Application

This article is applicable to all real property, structures, and uses located in the Depot Square, Bay Road Mixed Use, Downtown Mixed Use, Downtown Residential District, and Bay Road Civic Districts as these districts are depicted on the zoning map dated XXXXX

1.2.2. Required Conformance

- (a) All buildings, structures or land, in whole or in part, must be used or occupied in conformance with this Article. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Article.
- (b) If any condition or requirement imposed by this Form-Based Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition or requirement from this Article governs.

1.2.3. Conflicting Provisions

- (a) If any condition or requirement imposed by this Article contains an actual, implied or apparent conflict with another provision of this Article, the more restrictive condition or requirement controls.
- (b) If any condition or requirement imposed by this Article contains an actual, implied or apparent conflict with any condition or requirement of any other provision of the Town of Harvard's Bylaws, the provisions of this Article control.

1.2.4. Text and Graphics

Illustrations, photographs and graphics are included in this Article to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Article and any illustrations, the text governs.

1.2.5. Existing Applications and Permits

- (a) Any project for which a valid and complete application for a permit was received prior to the effective date of this Article remains valid and, at the applicants option, may proceed to completion and permits may be issued under the regulations of the Town in place immediately prior to the effective date of this Article, provided that the permit is or can be issued within 90 calendar days of this Article effective date and all time frames associated with the permit are observed.
- (b) Any project for which a permit cannot be issued within 90 calendar days from the effective date of this Article must proceed in accordance with these regulations.

2. GLOSSARY AND INTERPRETATION

2.1. Glossary

[TBD]

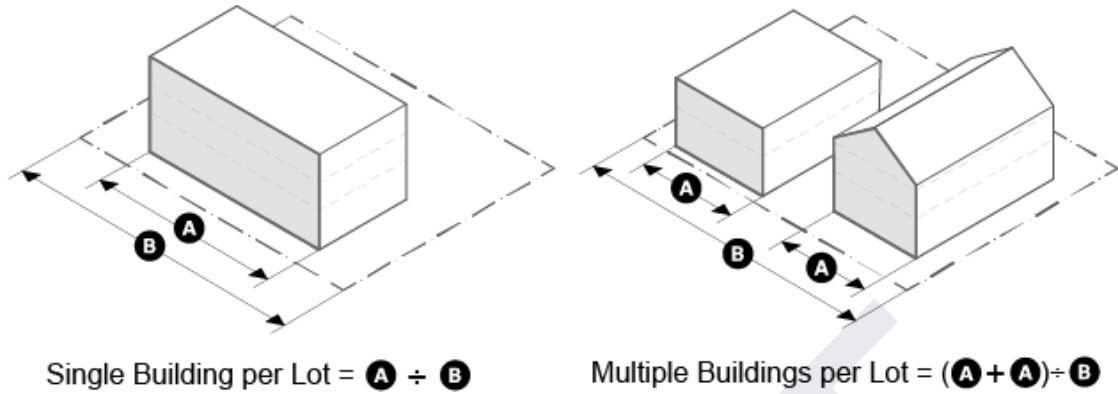
2.2. Standards and Measurements

2.2.1. Dimensional Requirements

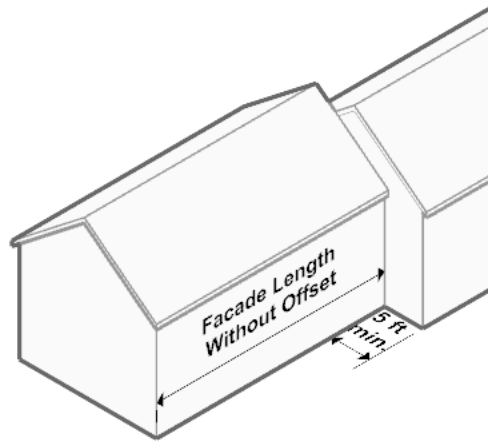
- (a) **Building Setbacks:** All buildings or structures must be located behind the setback lines. Each setback measurement is made perpendicular to the property line and begins at the property line.
- (b) **Frontage:** The side of a lot that faces a street or public way. For lots bounded by more than one street, all frontages shall conform to the dimensional standards applicable to Front.
- (c) **Lot Size:** The area of a lot measured as the land within the parcel lines. Building on a lot below the minimum is not allowed by-right.
- (d) **Lot Width:** The length of a parcel as measured along the lot line on that parcel's front facing property line. Building on a lot below the minimum lot width is not allowed by-right.
- (e) **Open Space:** Land within a lot not covered by any structures or area dedicated to vehicular use including parking spaces and drive aisles.
- (f) **Parking Setbacks:** All parking spaces must be located behind the parking setback lines. Each setback measurement is made perpendicular to the property line and begins at the property line.

2.2.2. Building Standards

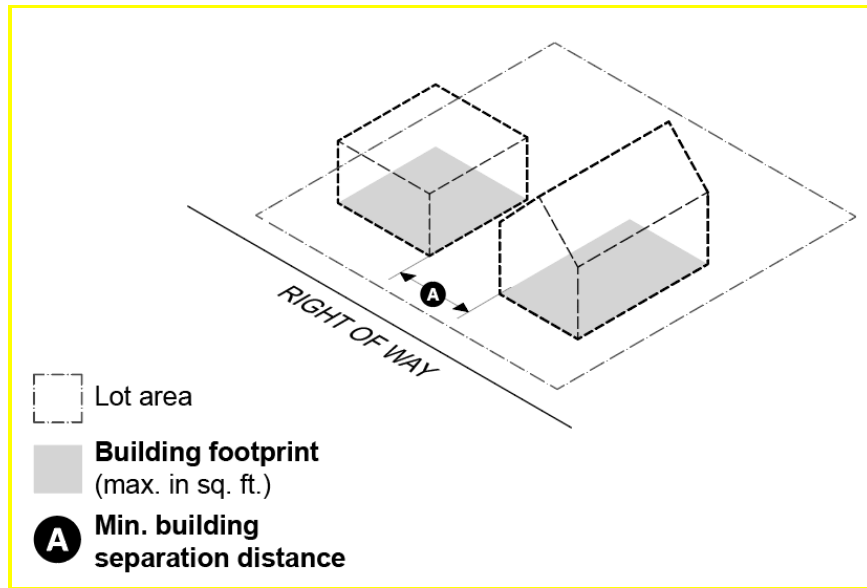
- (a) **Depth:** Measurement of a building or setback measured perpendicular to a Front lot line.
- (b) **Facade Build Out:** The ratio of the façade width within the Front setback to the lot width, calculated by dividing the cumulative façade width by the lot width.



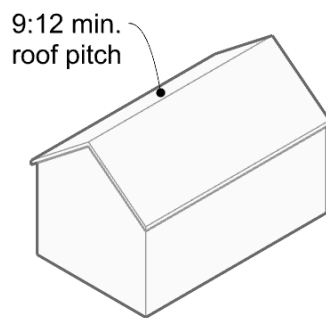
- (c) **Facade Length Without Offset:** The maximum allowable length of a building facade without a change in the plane of 5 ft. or greater, extending from the ground plane to the roof.



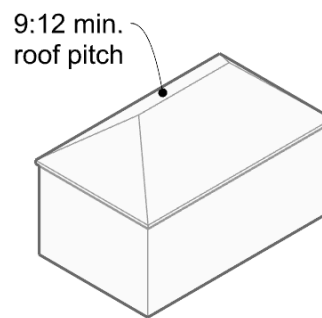
- (d) **Footprint:** The sum area of all ground gross floor areas, inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of footprint area provided they do not protrude more than 3 ft. from the face of the building.
- (e) **Building Separation:** The distance between buildings on a lot, measured from the nearest primary face of each building at its closest point, excluding bay windows less than 3 ft. deep and porches less than 8 ft. deep.



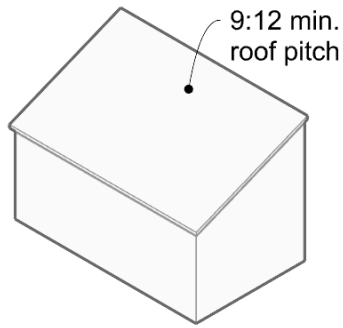
- (f) **Height:** Building height shall be measured as the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof, and to the mean height between the plate and the ridge in the case of a pitched roof.
- (g) **Roof:** Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 3.7 Building Standards. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



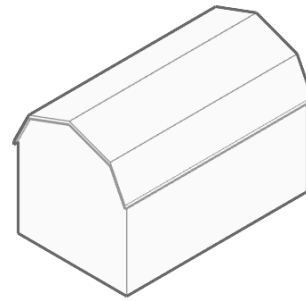
Gable Roof



Hipped Roof

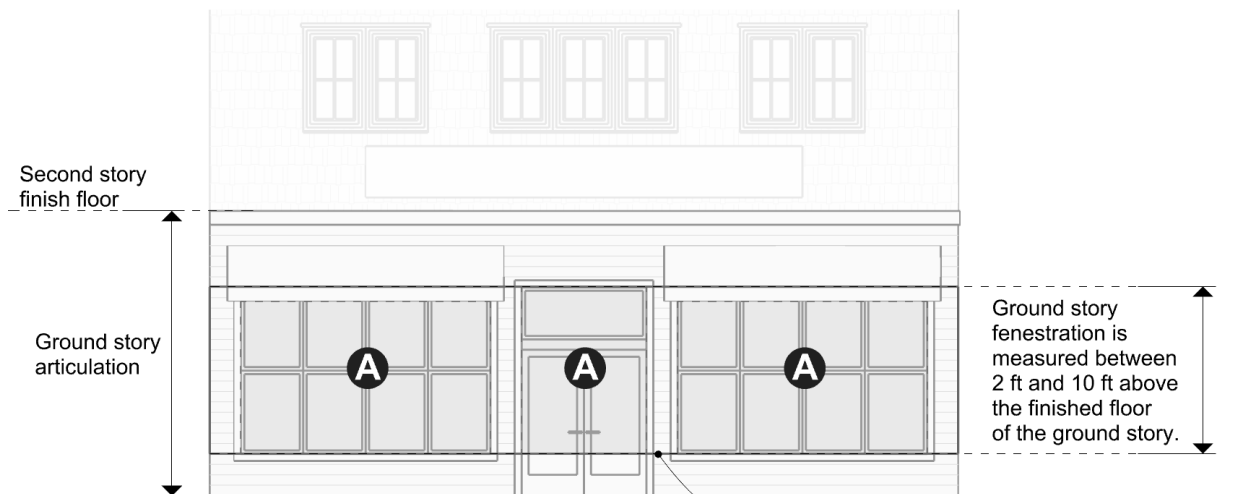


Shed Roof



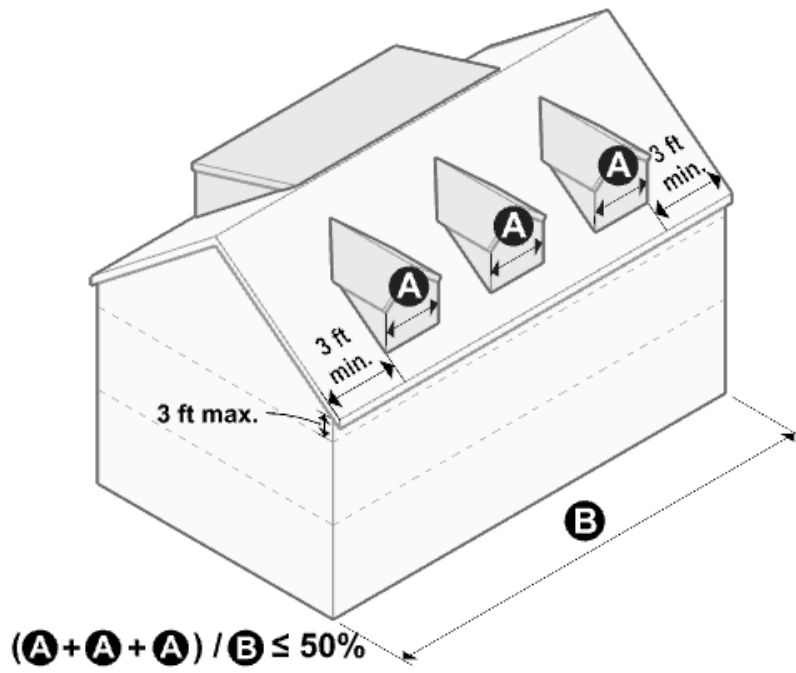
Gambrel Roof

- (h) **Width:** Measurement of the length of a building parallel to a Front lot line.
- (i) **Fenestration:** The percentage of glazing at the ground level, measured between 2 ft. and 10 ft. above the finished floor of the ground story. Where fenestration requirements apply, ground story windows should be display windows that may or may not have muntins and/or mullions, decorative stiles and or a combination of display windows and transoms supported by appropriate kickplates. The windows may be segmented with trim, piers or wall plane.



$$\text{Ground story fenestration \%} = (\text{A} + \text{A} + \text{A}) / \text{B}$$

- (j) **Half story:** The occupiable portion of a building between the uppermost floor and a pitched roof supported by a bottom plate no greater than 3 ft. above the floor level, and containing dormers whose aggregate length is less than 50% of the length of the roof measured horizontally. Where a story is being counted as a half story, dormers shall be located a minimum of 3 ft. from the edge of the primary roof.



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3. TOWN CENTER DISTRICTS

3.1. Depot Square

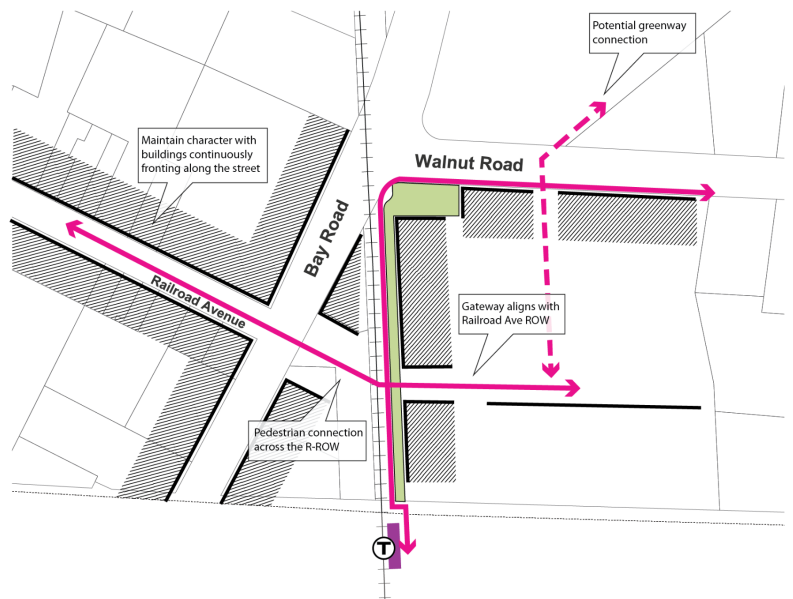


3.1.1. Description

The Depot Square district is characterized by buildings with small floor plates up to two and a half (2.5) stories in height. This area has the character of a small and historic town center; **most** buildings along Railroad Ave sit close together and near the sidewalk, while other buildings maintain some space between one another and include parking lots. The district is primarily commercial, with some mixed-use residential near the edges. Most buildings in this district were designed to accommodate commercial use with form consistent with the historic residential buildings nearby.

3.1.2. Purpose and Intent

- (a) To foster a mixed-use and vibrant town center and preserve the existing small-scale commercial character along Railroad Ave.
- (b) To enhance a continuously built front along main public thoroughfares frontages in the district.
- (c) To extend the small-scale commercial character pattern to future development in other parcels of the district.
- (d) To preserve and extend the visual and pedestrian corridor along Railroad Ave across the MBTA tracks.
- (e) To preserve existing open space/green space areas at critical intersections



3.2. Bay Road Civic



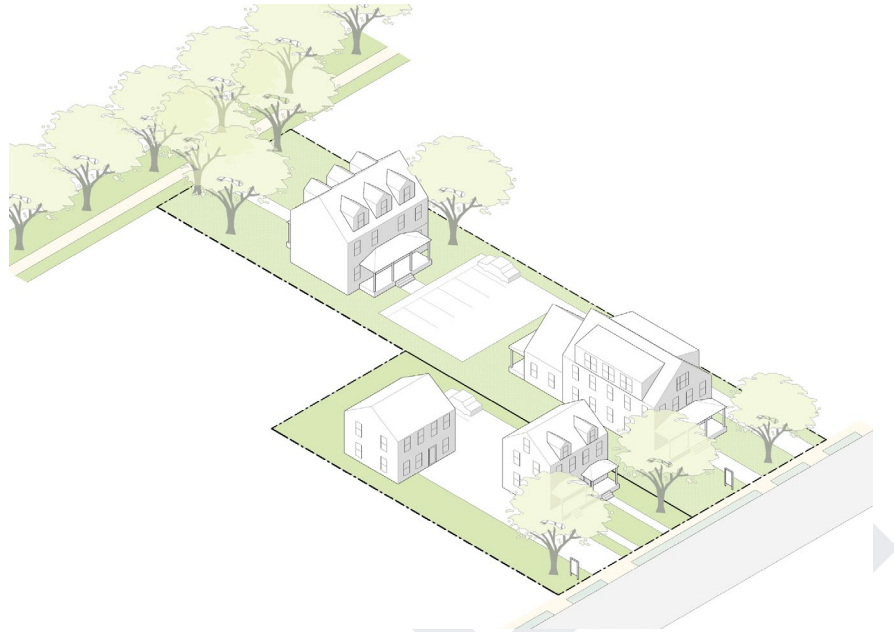
3.2.1. Description

The Bay Road Civic district is owned by the Town and hosts municipal functions. The current arrangement of buildings and parking do not align with the traditional frontages of the Bay Road corridor. The site occupies an important “gateway” moment for the Downtown, where the alignment of Bay Road straightens out and the historic pattern of large structures set back behind generous lawns begins.

3.2.2. Purpose and Intent

The purpose of this district is to guide the placement and scale of potential future buildings on this site that can improve and restore the consistency of Bay Road frontages. The regulations are crafted to ensure that the desirable patterns of Bay Road are enhanced while allowing the flexibility that may be required for additional municipal uses.

3.3. Bay Road Mixed-Use

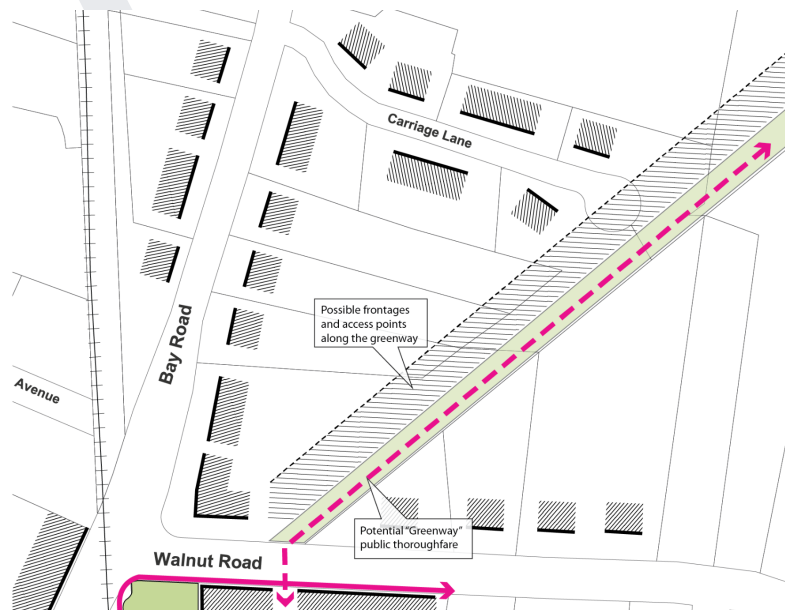


3.3.1. Description

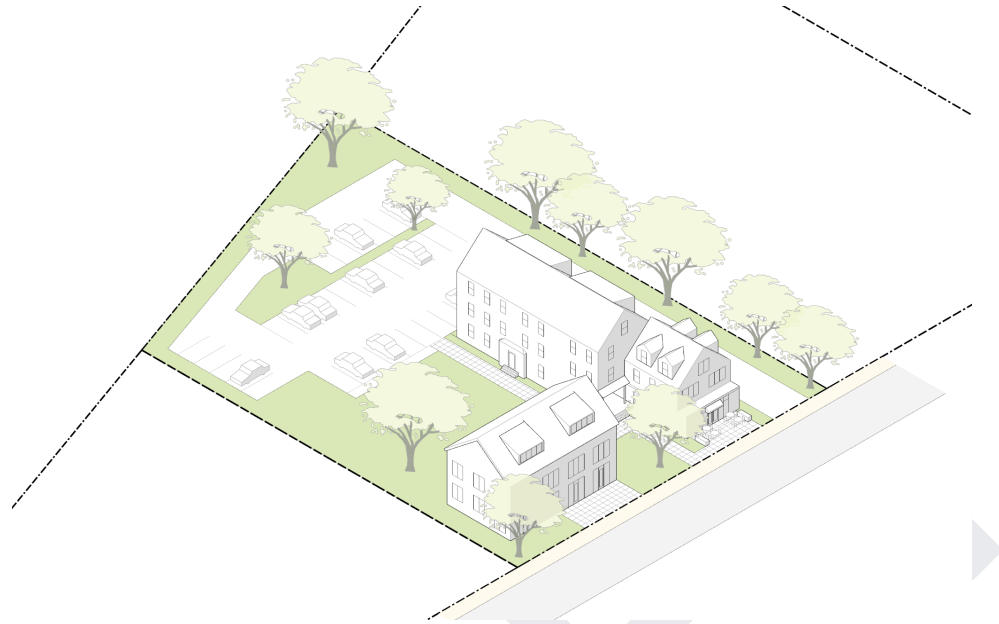
Most of the Bay Road Mixed-use district matches the form of nearby residential areas where buildings have small floorplates and a maximum height of two and a half stories (2.5). The eastern half of the district contains a mix of residential, commercial, and civic uses, and is characterized by generous front yards and building types that are residential in form. The western side of Bay Road has a greater mix of building types and uses, and hence less consistent street edge and front yard conditions.

3.3.2. Purpose and Intent

The regulations for Bay Road are intended to preserve and restore the historically scenic character of Bay Road while allowing a variety of uses, including residential and commercial. Several parcels on the east side of Bay Road abut an unused rail corridor and potential future recreational pathway. Consideration should be given to these important future connections in the planning of these deep lots where multiple frontages and access points may be possible.



3.4. Willow Street Mixed-Use



3.4.1. Description

The Willow Street Mixed Use district contains a variety of forms and uses. Portions of the district have commercial and/or light industrial-use buildings with relatively large floor plates, other portions have mixed-use buildings with moderately sized floor plates, while other portions of the site are primarily residential with smaller floor plates. The orientation of the rail corridor is such that rear yards are rarely consistent in depth. The objective of the code is to promote a more vibrant and walkable district through the activation of mixed use building frontages while respecting the scale and residential character of the adjacent Downtown Residential District.

3.4.2. Purpose and Intent

The objective of the code is to promote a more vibrant and walkable district by activating mixed-use building frontages while respecting the scale and residential character of the adjacent Downtown Residential District. Already mixed-use in character, the east side of Willow Street can accommodate more pedestrian-friendly ground floor uses and frontage conditions, supported by new residential uses. The code restricts the scale of buildings directly along Willow Street to match the abutting Downtown Residential district and allows for taller buildings toward the rear of the lot.

3.5. Downtown Residential



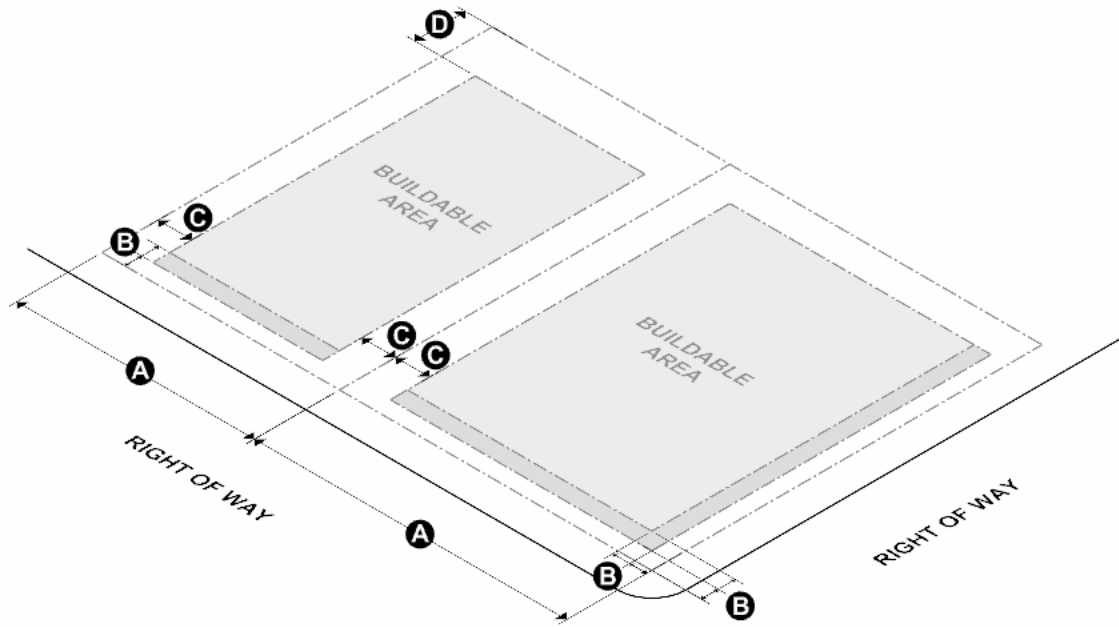
3.5.1. Description

The Downtown Residential district is characterized by buildings that sit on small lots with small floor plates and with a height of about 2.5 stories. This district is almost entirely residential with a very small selection of parcels with commercial or day-care uses.

3.5.2. Purpose and Intent

The regulations seek to preserve the existing scale and character of the neighborhood while permitting incremental infill development and adaptation. The dimensional standards reflect the current single-family patterns while allowing for additional units within those envelopes.

3.6. Dimensional Requirement



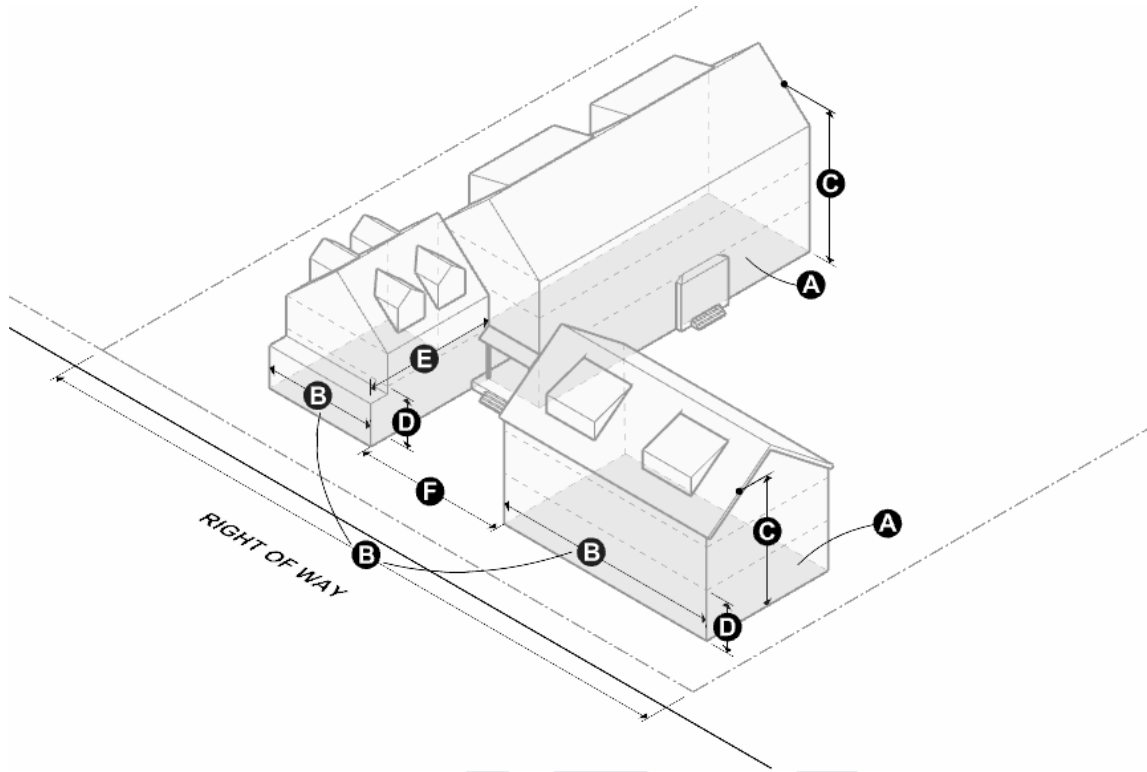
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	Lot Dimensions	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Lot Size (min)	1,000 ft	5,000 ft	3,000 ft	3,000 ft	5,000
A	Lot Width (min)	20 ft	40 ft	40 ft	30 ft	40 ft
	Coverage	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Open Space (min)	0%**	40%	40%	40%	40%
	Building Setbacks	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
B	Front Setback on streets *(min/max)	0 / 10ft.	20 / 35 ft	10 / 20 ft	10 /20 ft	20 / 35 ft
C	Side Setback (min)	0 ft	5 ft	5 ft	10 ft	10 ft
D	Rear Setback (min)	0 ft	20 ft	20 ft	20 ft	10 ft
	Parking Setbacks	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Front Setback (min)	10 ft	Aligned with, or set back further than, building frontage			
	Side Setback (min)	0 ft	5 ft	5 ft	5 ft	5 ft
	Rear Setback (min)	0 ft	5 ft	5 ft	5 ft	5 ft
	Parking Requirements	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Parking spaces (min)	Per section 6.1 or by Special Permit				

* Includes frontage along the rail corridor within the Depot Square district. Porches less than 8ft in depth and bay windows less than three feet in depth may protrude into the Front Setback in all districts except Depot Square.

** Corner lots in the Depot Square District must preserve existing contiguous patches of open space that are 3,000 sf or more.

3.7. Building Standards



	Massing	Depot Square*	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
A	Footprint (max)	5,000 sf**	3,000	5,000	3,000	N/A
B	Facade Build Out (min)	60%	N/A	N/A	N/A	N/A
C	Height (max)	35 ft / 2.5 stories	35 ft / 2.5 stories	35 ft / 2.5 stories for the first 60 ft from the front lot line, 45 ft / 3.5 stories elsewhere	35 ft / 2.5 stories	35 ft / 2.5 stories
D	Ground Floor Height (min/max)	13 / 15 ft	13 / 15 ft	13 / 15 ft	N/A	N/A
	Floor Area Ratio (max)	N/A	0.40	0.42	0.40	N/A
E	Facade Length without Offset (max)	70 ft	70 ft	70 ft	70 ft	70 ft
F	Building Separation (min)	30 ft	10 ft	10 ft	20 ft	0 ft

	Roof	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Allowed Roof Type	Gable, hip, gambrel, mansard, shed, flat	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed, flat
	Windows	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Ground Story fenestration (min)	50%	N/A	N/A	N/A	20%
	Doors	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Street Facing Entry Feature	Required	Required	Required	Required	Required

- * The Depot Square District requirements only apply to the first 80 ft as measured perpendicular from a property line bounded by the street. Additional development area requires a special permit.
- ** Larger building footprints allowed by special permit process as described in 10.6.

3.8. Use Provisions

A. Community Facilities	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
A1. Use of land or Structures for religious purposes	Y	Y	Y	Y	N
A2. Museums, libraries and parks, playgrounds, conservation areas, water supply areas and other land owned and operated for the public enjoyment or service by a public or semi-public agency	Y	Y	Y	Y	Y
A3. Use of land or Structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y
A4. Hospital, medical clinic, cemetery, and camps of educational and charitable institutions	ZBA	ZBA	ZBA	N	ZBA
A5. Community or private club, not conducted for profit	ZBA	ZBA	ZBA	N	ZBA
A6. Nonprofit civic or fraternal building	N	N	N	N	N
A7. Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
A8. Commercial Recreation, Outdoors	SB	SB	SB	N	SB
A9. Temporary use for amusements and recreation	SB	SB	SB	N	SB

B. Residential	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
B1. One Single Family Dwelling	N	Y	Y	Y	N
B2. Two Family Dwelling	N	Y	Y	Y	N
B3. Multi Family Dwelling	N	Y	Y	Y	N
B4. Conversion of a Single Family Dwelling existing at the time of the adoption of the ordinance (1954) into a Two Family Dwelling (see Section 3.5)	Y	Y	Y	Y	N
B5. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
B6. Senior Housing (see Section 8.2)	PB	PB	PB	PB	PB
B7. Long Term Care Facility	ZBA	ZBA	ZBA	ZBA	ZBA
B8. Garage with more than 4 motor vehicle spaces	ZBA	Y	Y	Y	ZBA
B9. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	Y
B10. Municipal Buildings or facilities	Y	ZBA	ZBA	ZBA	Y
B11. Essential Services	Y	N	N	N	Y
C. Agricultural	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
C1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	Y	Y	Y	Y	Y
C2. Gardens; riding stables; growing and	Y	ZBA	ZBA	ZBA	ZBA

storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses					
C3. The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	ZBA	ZBA	ZBA	ZBA	ZBA
D. Commercial	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
D1. Adult Entertainment Uses	ZBA	N	N	N	N
D2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	ZBA	N	N	N	N
D3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
D4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
D5. Kennel	ZBA	ZBA	ZBA	ZBA	ZBA
D6. Funeral homes	ZBA	N	N	N	N
D7. Garage with more than four automobile/truck spaces	ZBA	Y	Y	Y	Y
D8. Motor Vehicle Light Service Station	Y	N	N	N	N
D9. Manufacturing of products sold on the premises at retail, where no more than five operators are employed in such manufacture	ZBA	N	N	N	N
D10. Rail or bus station or terminal	ZBA	N	N	N	N

D11. Motor Vehicle Repair Shop	ZBA	N	N	N	N
D12. General Service Establishment	Y	N	N	N	N
D13. Personal Service Establishment	Y	Y	Y	N	Y
D14. Restaurant	Y	Y	Y	N	Y
D15. Restaurant, Fast Food	ZBA	N	N	N	N
D16. Retail Store	Y	Y	Y	N	Y
D17. Veterinary Facility or Clinic	ZBA	ZBA	ZBA	N	ZBA
D18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	Y	Y	Y	Y	Y
D19. Wind Energy Facility (not in COD) (see Section 7.3)	ZBA	ZBA	ZBA	ZBA	ZBA
D20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
D21. Mixed Use, subject to site plan approval	Y	Y	Y	N	Y
D22. Drive-In or Drive-Through Establishment	ZBA	N	N	N	N
D23. For Profit Educational Facility	ZBA	ZBA	ZBA	N	ZBA
D24. Commercial Development with a gross area of 25,000 or more square feet	ZBA	N	N	N	N

3.9. Development Standards

3.9.1. Access

All development must provide vehicle, pedestrian, and bicycle access to and from a street.

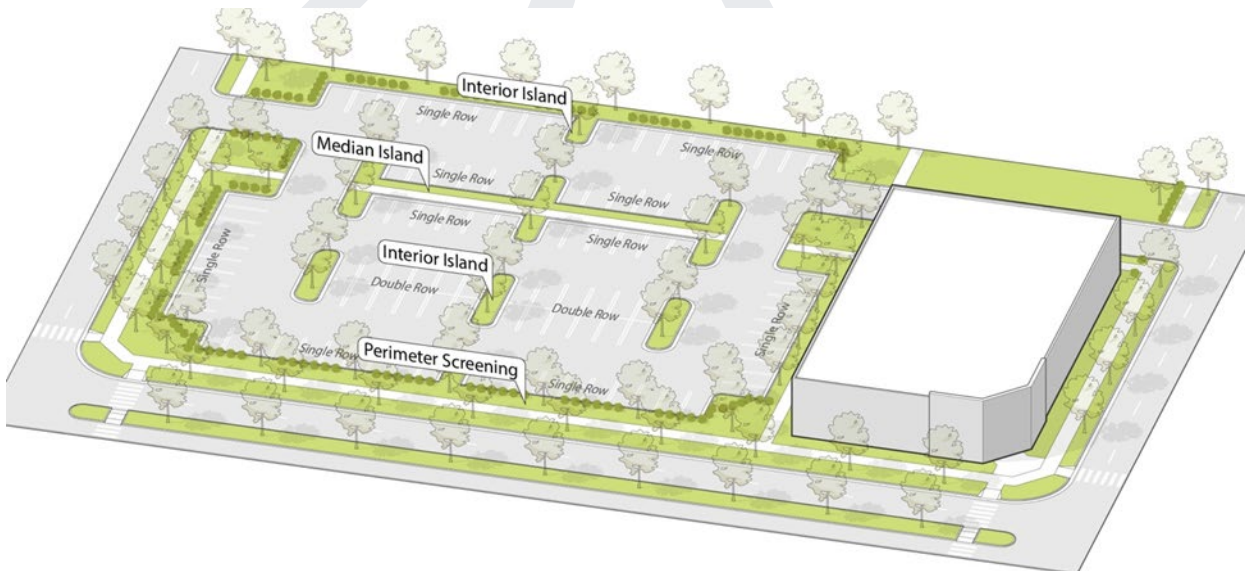
3.9.1.1. Pedestrian Access

- (i) All development must provide pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other public entrances with available access points including adjacent rights of way, all parking lots, and sidewalks.
- (ii) Pedestrian access must consist of an accessible, easily discernible walkway with a minimum width of 5 feet.
- (iii) Pedestrian access routes between buildings must be physically separated from parking lots, except where required to cross a drive aisle; crossings must be perpendicular wherever practicable.

3.9.1.2. Vehicle Access

- (i) All parking spaces, parking lots, and driveways must have vehicle access from a street.
- (ii) No parking spaces or parking lots shall be located within the required minimum yard setback requirements for principal structures from access roads and property lines except that the parking of vehicles shall be allowed within driveway areas providing access to a principal structure, as long as the driveway is designed at a proper width for parking.
- (iii) No parking areas, parking lots or access drives shall be located within the minimum separation area between structures.

3.9.2. Parking



- (a) Off-street parking is required in accordance with Section 6.1 of Hamilton's Zoning By-Law.
- (b) All driveways must comply with Section 6.2 of Hamilton's Zoning By-Law.

- (c) Parking Lots must have interior islands, median islands, and perimeter islands that conform with the following requirements

3.9.2.1. Interior Islands

- (i) An interior landscape island must be provided every 10 parking spaces and at the end of every parking row. Intervals may only be modified to preserve existing trees. Interior islands must be distributed evenly throughout the parking area.
- (ii) An interior landscape island abutting a single row of parking spaces must be a minimum of 8 feet in width and 150 square feet in area (measured inside the curb). The island must include 1 tree with a minimum caliper of 2½ inches.
- (iii) An interior landscape island abutting a double row of parking spaces must be a minimum of 8 feet in width and 300 square feet in area (measured inside the curb). This island must include 2 trees with a minimum caliper of 2½ inches.

3.9.2.2. Median Islands

- (i) A median landscape island must be provided between every 4 rows of parking. Intervals may be modified to preserve existing trees.
- (ii) A median landscape island must include a tree with minimum caliper of 2½ inches spaced every 30 feet on average. Trees planted in an interior landscape island that overlap may be included in the count.
- (iii) A median landscape island must be a minimum of 6 feet wide. A landscape median island with a pedestrian walkway must be a minimum of 12 feet wide (measured inside the curb).

3.9.2.3. Perimeter Islands

- (i) A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.
- (ii) A perimeter landscape island must be a minimum of 10 feet wide not including any curbing.
- (iii) Landscaping of perimeter islands must include evergreen shrubs planted 3 feet on center in a planting bed that is of a width suitable for the required plant spacing, but at least 36 inches wide.
- (iv) A perimeter landscape island must include a tree with minimum caliper of 2½ inches spaced every 30 feet on average.

3.9.3. Screening

3.9.3.1. Waste Receptacles

- (i) Outdoor waste receptacles must be located to the side and rear of buildings.
- (ii) Outdoor waste receptacles must be screened on three sides by an opaque wall or fence a minimum height of 6 feet.
- (iii) Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.

3.9.3.2. Roof-Mounted Equipment

All outdoor mechanical, electrical or utility equipment (except for solar panels, wind turbines and antennas) must be screened on the roof edge by an opaque parapet wall or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.

3.9.3.3. Ground-Mounted Equipment

- (i) Ground-mounted mechanical, electrical or utility equipment must be located to the side and rear of buildings.
- (ii) Ground-mounted mechanical, electrical or utility equipment visible from Ayer Road must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.

3.9.3.4. Wall-Mounted Equipment

- (i) Wall-mounted mechanical or electrical equipment must be located to the side and rear of buildings.
- (ii) Wall-mounted mechanical, electrical or utility equipment visible from Ayer Road must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.

3.9.4. Building Materials

3.9.4.1. Applicability

The exterior visible surfaces of buildings and structures, including accessory structures.

3.9.4.2. For All Structure Exteriors

- (i) Existing structures undergoing regular maintenance or enlargement must use materials similar in color, size and texture to the original structure's materials as to blend patch or repair work seamlessly with existing materials.
- (ii) Replacement of existing materials that are no longer allowed must be completed by permitted materials. This standard does not apply to small patches, rather it is intended for whole replacement, i.e. whole roof replacement or whole facade reconstruction.
- (iii) Exterior building materials must be those typically used in historic construction or be a composite or synthetic material that bears a strong resemblance to traditional building materials, including but not limited to brick, wood siding, asphalt shingle, tile roof shingle, stone masonry, and stucco.
- (iv) Concrete masonry units, pre-cast concrete panels, cinder block, ribbed metal siding or roofs, EIFS is not allowed unless required due to the expansion of an existing building to match the original structure.
- (v) Deviation from the standards above will require approval from the Planning Board deeming that the finishes are of a design and quality that will elevate rather than detract from the appearance of the corridor.

4. ADMINISTRATION

4.1. Site Plan Review

Proposed residential-only developments in the Bay Road Mixed Use, Willow Street Mixed Use and Downtown Residential districts that conform to the design and dimensional standards of this section are to be considered as-of-right in accordance with the requirements of G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC). As-of-right residential development may be subject to Site Plan Review as required by section 10.6.

4.2. Special Permit

Proposed developments in the Bay Road Mixed Use, Willow Street Mixed Use and Downtown Residential districts that contain non-residential uses that are not permitted as-of-right shall be subject to review by the appropriate SPGA as indicated in the allowed use table.

Any proposed development in the Depot Square district beyond a depth of 80' from a lot line fronting a public way or the rail corridor shall be permitted only through a special permit, granted by the appropriate SPGA applicable to the proposed uses.

4.3. Sunset Clause

[Text TBD - Wenham as possible model]

Hamilton 3A Multifamily Overlay District

FIRST DRAFT for Planning Board Review

2025-04-03

9.6 3A Multifamily Overlay District (3A-MFOD).

9.6.1 Purpose. The purpose of the 3A-Multifamily Overlay District (3A-MFOD) is to allow multifamily housing development as of right in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. This overlay district, in combination with the Town Center base zoning subdistricts Downtown Residential, Willow Street Mixed Use, and Bay Road Mixed Use **Section XXXXX**, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, **Section 9.6** is intended to:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels
2. Increase the municipal tax base through private investment in new residential developments.
3. Develop affordable housing in support of the Town's inclusionary housing goals as outlined in Section 8.3.

9.6.2 Applicability. The 3A-MFOD will have a land area of approximately **27 acres**, and it shall be superimposed over underlying zoning district(s). The 3A-MFOD shall not replace any underlying zoning district(s). The regulations for use, dimension, and all other underlying provisions of the Zoning Bylaw(s) governing the respective underlying zoning district(s) shall remain in full force, except for uses and dimensions allowed as of right in the 3A-MFOD. Uses that are not identified in **Section 9.6.3** are governed by the requirements of the underlying zoning district(s).

The 3A-MFOD contains the following sub-districts as shown on the 3A-MFOD boundary map, which can be found in the zoning map dated **xxxx**. If an applicant's property sits entirely within a 3A-MFOD sub-district, then they may elect to use the zoning provisions of the applicable 3A-MFOD sub-district as described in **Section 9.6.3 and 9.6.4**.

If the applicant elects to proceed under the zoning provisions of the underlying district, the Zoning Bylaws applicable in the underlying district shall control and the provisions of the 3A-MFOD shall not apply. If the applicant elects to proceed under the zoning provisions of the 3A-MFOD, they may develop multi-family housing within the district in accordance with the provisions for the 3A-MFOD subdistrict their property falls within, as described in **Section 9.6.3 and 9.6.4**.

9.6.3 Permitted Uses. Multi-family housing is allowed by-right for all parcels within the 3A-MFOD. Where the underlying zoning allows for other uses, the 3A-MFOD also allows those uses.

9.6.4 Dimensional Standards. The table of dimensions below determines the dimensional requirements for land within the 3A-MFOD.

	Asbury St.
Minimum Lot Size (ft)	80,000
Minimum Lot Frontage (ft.)	175
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building
Maximum Building Height (ft.)	35
Maximum Number of Stories	3.0
Maximum Building Coverage (%)	20
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 (note 1)
Minimum Side Yard and Rear Yard (ft.)	15
Maximum Floor Area Ratio (FAR)	0.45

Note 1: Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater

9.6.5 Severability. If any provision of Section 9.6 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.6 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.6 shall not affect the validity of the remainder of Hamilton’s Zoning Bylaw.

9.6.7 Sunset Clause. [Text TBD - Wenham as possible model]

Proposed Amendments to Existing Code

The following sections of the existing code will be re-written as follows. Additions are underlined, deletions are ~~struck through~~.

2.3 OVERLAY DISTRICTS.

The following Overlay Districts are also established, as set forth in Section 8.0, herein.

Groundwater Protection Overlay District	GPOD
Flood Plain Overlay District	FPOD
Estate Overlay District	EOD
Willow Street Overlay District	WSOD
Commercial Overlay District	COD
<u>3A Multifamily Overlay District</u>	<u>3A-MFOD</u>

9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

9.1.9 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of Special Permit by the Zoning Board of Appeals under such conditions as it may require. Proposed development in the 3A-MFOD electing to seek a permit through the provisions of that overlay, and not through the provisions of the underlying district, are exempt from the Special Permit Requirement.

8.3 INCLUSIONARY HOUSING

8.3.3 Mandatory Provision of Affordable Housing Units. In any development subject to this Section, the tenth dwelling unit and every seventh unit thereafter shall be an Affordable Housing Unit, except in the 3A-MFOD district, where the tenth dwelling unit and every tenth unit thereafter shall be an Affordable Housing Unit. Nothing in this Section shall preclude a developer from providing more Affordable Housing Units than are required hereunder.

11.0 DEFINITIONS

Floor Area Ratio (FAR): The ratio of the total Gross Floor Area of all buildings on a lot to the total lot area.

Gross Floor Area, Residential: The area of all floors of a residential structure measured from the exterior face of the exterior walls, inclusive of all areas within the building's footprint, such as wall thicknesses, columns, hallways, stairs, elevators, storage rooms, and mechanical equipment, but excluding basement and attic areas, garages and interior parking spaces.