



Town of Hamilton
Select Board
Monday, May 19, 2025

- Bill Olson,
Chair
- Bill
Wilson
- Rosemary
Kennedy
- Tom
Myers
- Benjamin
Galuzo

7:00 p.m.

The Meeting Room
Hamilton-Wenham Library
14 Union St. Hamilton

AGENDA

This is an IN PERSON meeting. As courtesy for the public, zoom access will also be provided via the below link. However, the meeting will not be terminated in the event that technological issues disrupt the zoom broadcast.

Join ZOOM Meeting at:

<https://us02web.zoom.us/j/87540357484?pwd=exm9DFRmwcXk2fNKgc9cPNHBnkWXii.1>

Meeting ID: 875 4035 7484

Passcode: 914737

One tap mobile

+13092053325,,87540357484#,,,,*914737# US
+13126266799,,87540357484#,,,,*914737# US (Chicago)

Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)

7:00 p.m.	Call to Order
ANNOUNCEMENTS & BOARD OPENINGS	
	Board and Committee openings: <ul style="list-style-type: none">• Affordable Housing Trust – 1 opening• Conservation Commission – 2 openings• Community Preservation Committee – 1 opening for member of Historic District Commission• Historic District Commission - 2 openings for 3 year terms, 2 openings for 2 year terms (one must be a resident of the Historic District and one must be a resident Realtor)• Human Rights Commission – 1 at-large opening• Hamilton Wenham Cultural Council – 1 opening
	<ul style="list-style-type: none">• Public Comment – Will be taken for a maximum of twenty (20) minutes, no speaker will be allowed to speak for more than three (3) minutes

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

	<ul style="list-style-type: none"> • Board and Town Manager Reports
AGENDA	
7:25 p.m.	<ul style="list-style-type: none"> • Open the Warrant for June 26, 2025 Special Town Meeting – Discuss and Vote <ul style="list-style-type: none"> ○ Discuss Memo from Planning Board Chair Marnie Crouch • Close Warrant for June 26, 2025 Special Town Meeting – Vote • Select Board Liaison Roles for 2025-26 – Discuss and Vote • Acknowledge citizen’s complaint against Chair Olson – Discuss and Vote • Review latest offer for buy-out of cell tower lease – Discuss and Vote • Review next steps for approval of second cell tower at 265 Bay Road – Discuss and Vote • New Business • Adjourn

Proposed articles for Thursday, June 26, 2025

Special Town Meeting in Hamilton

- Article to approve amendments to the Downtown Zoning District that contribute to an MBTA Community Housing Compliant District
- Article to approve other amendments to the Downtown Zoning District that do not contribute to an MBTA Community Housing District
- Article to approve an overlay district on a portion of Asbury Street to contribute to an MBTA Community Housing Compliant District

June 26, 2025 Special Town Meeting

From Marnie Crouch <mcrouch@hamiltonma.gov>

Date Mon 5/12/2025 4:52 PM

To SelectBoard <selectboard@hamiltonma.gov>; allplanningboard <allplanningboard@hamiltonma.gov>

Cc Joe Domelowicz <jdomelowicz@hamiltonma.gov>; Mark Connors <mconnors@hamiltonma.gov>

 1 attachment (23 KB)

5.12.25 Memo re 6.26.25 STM.docx;

All:

Attached please find a Memorandum which outlines the position that Emil and I have discussed with respect to the postponement of the June 26, 2025 Special Town Meeting in view of the insufficient time remaining for the Planning Board to fully vet and the public to reasonably understand and endorse the "Hamilton Town Center Base Zoning" and the "Hamilton 3A Multi-family Overlay District," as well as "Proposed Amendments to Existing Code." Compounding insufficient time to ensure a positive vote on the proposed changes to the Hamilton Zoning Bylaw and Section 3A zoning, multiple law suits are now pending challenging provisions of the Regulations issued by the EOHLC and its alleged failure to comply with the Unfunded Mandate Law.

Best,

Marnie

MEMORANDUM

To: Hamilton Select Board, Hamilton Planning Board, Joe Domelowicz, Mark Connors
From: Marnie Crouch, Emil Dahlquist
Re: June 26, 2025 Special Town Meeting to Consider Section 3A Zoning
Date: May 12, 2025

The Town has scheduled a Special Town Meeting for June 26, 2025 to comply with the July 14, 2025 deadline set forth in the Regulations promulgated by the EOHLC, *see* 760 CMR 72.00.

Two reasons counsel for a postponement of the Special Town Meeting.¹

1. Insufficient time to finalize zoning amendments and insufficient time to engage in public outreach.

In the first place, the Planning Board did not receive a third draft of the “Hamilton Town Center Base Zoning,” the “Hamilton 3A Multi-family Overlay District,” and “Proposed Amendments to Existing Code” in response to comments made at the joint Planning Board/Select Board meeting held on April 29, 2025 until *after* May 6, 2025, the date of the Planning Board meeting scheduled to consider that third draft. The Planning Board will consider the third draft at its meeting on May 13, 2025, and problems associated with this draft (and there are several) cannot be resolved until May 20, 2025. Practically speaking, time has run out. Even if the Planning Board were to finalize comments to the draft on May 13, 2025, the public hearing is scheduled for May 20, 2025 and the Planning Board must formulate its Report and Recommendation on June 3, 2025. Notably, the last day to close the Warrant Book is June 10, 2025.

As was evident from the discussion on April 29, 2025, there were several outstanding and critical issues about aspect of the Town Center Base Zoning. Moreover, confusion among board members as to how the form-based code component of the zoning amendments would work in practice was evident at the joint meeting.

In late March of 2025, Emile presented the Planning Board with a document captioned, “Scope of Services: Progress Assessment,” regarding Utile’s performance in which omissions in the promised scope of work were noted. Regardless of whether Utile has fully complied with its obligations, public outreach to create a vision for the downtown largely failed because public forums intended to create that vision were derailed by opposition to Section 3A, especially the Guidelines/Regulations promulgated by the EOHLC.

The time for vetting the Town Center Base Zoning by the Planning Board and the time for educating the public about the Town Center Base Zoning and proposed Section 3A districts by Utile, particularly the rationale for it as a brake on Section 3A is so circumscribed that the likelihood of a negative vote at the Special Town Meeting is all but certain. Therefore, assuming a negative vote, the Town will not be in compliance with the Section 3A mandate on July 14,

¹ Emil and I have discussed the contents of this Memorandum. The Planning Board’s first meeting after the April 29, 2025 Joint Meeting is on May 13, 2025. Accordingly, the Planning Board has not voted to endorse the position set forth in this document.

2025, the deadline set forth in the EOHLC's Regulations. The question then becomes whether attempted compliance with the July 14, 2025 deadline is warranted given the all but certain outcome of the vote.

2. Pendency of litigation.

When the Special Town Meeting was scheduled, there was some litigation pending. Now, there is considerably more litigation that has been consolidated in the Plymouth Superior Court before Judge Mark Gildea, including motions for preliminary injunctions filed by the Towns of Duxbury and Wenham, represented by Gregg Corbo and Amy Kwesell of KP Law PC, and by Ten Taxable Inhabitants of Hamilton, represented by Daniel Hill and Denis Murphy of Hill Law.² The Town of Wenham also has commenced an action that has been assigned to Judge Gildea.

The issues raised in the complaints filed Duxbury, Halifax, Hanson, Holden, Marshfield, Middleton, Wenham, Weston, Wrentham, and, especially those raised by the Ten Taxable Inhabitants of Hamilton, are germane to a decision to postpone the Special Town Meeting. The issues raised are not frivolous and should be determined before the Town potentially binds itself to Regulations that might ultimately be altered in its favor. Significantly, the caliber of the firms and attorneys representing the plaintiffs attests to that potential.

At this juncture, it would appear to be ill-advised to proceed with a vote on Section 3A given 1) lingering issues with the documents prepared by Utile, 2) lack of public engagement to foster understanding of the underpinnings of Utile's work, 3) the likelihood of a negative vote at Special Town Meeting, and 4) the uncertainty surrounding the viability of all provisions of the Regulations promulgated by the EOHLC which have been characterized as arbitrary and capricious.

For the foregoing reasons, Emil and I would support cancelation or postponement of the Special Town Meeting scheduled for June 26, 2025.

² The Ten Taxable Inhabitants of Hamilton have standing to bring their Complaint pursuant to M.G.L. c. 29, § 27C(e) of the Local Mandate Law.

Proposed Amendments to Existing Code

DRAFT for Planning Board Review

2025-05-06

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

HAMILTON ZONING BYLAW TABLE OF CONTENTS

Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.5:

9.7 3A Multi-family Overlay District (3A-MFOD)

- 9.7.1 Purpose
- 9.7.2 Applicability
- 9.7.3 Permitted Uses
- 9.7.4 Dimensional Standards
- 9.7.5 Severability
- 9.7.7 Sunset Clause

9.8 Hamilton Town Center Districts

- 9.8.1 Purpose and Intent
- 9.8.2 Interpretation
- 9.8.3 Town Center Districts
- 9.8.4 Dimensional Standards
- 9.8.5 Use Provisions
- 9.8.6 Site Standards
- 9.8.7 Administration

2.1 CLASSES OF DISTRICTS.

The Town of Hamilton is hereby divided into the following districts:

Residence District R-1A

Residence District R-1B

Residence-Agricultural District RA

~~Business District B~~

Depot Square

Bay Road Mixed-Use

Willow Street Mixed-Use

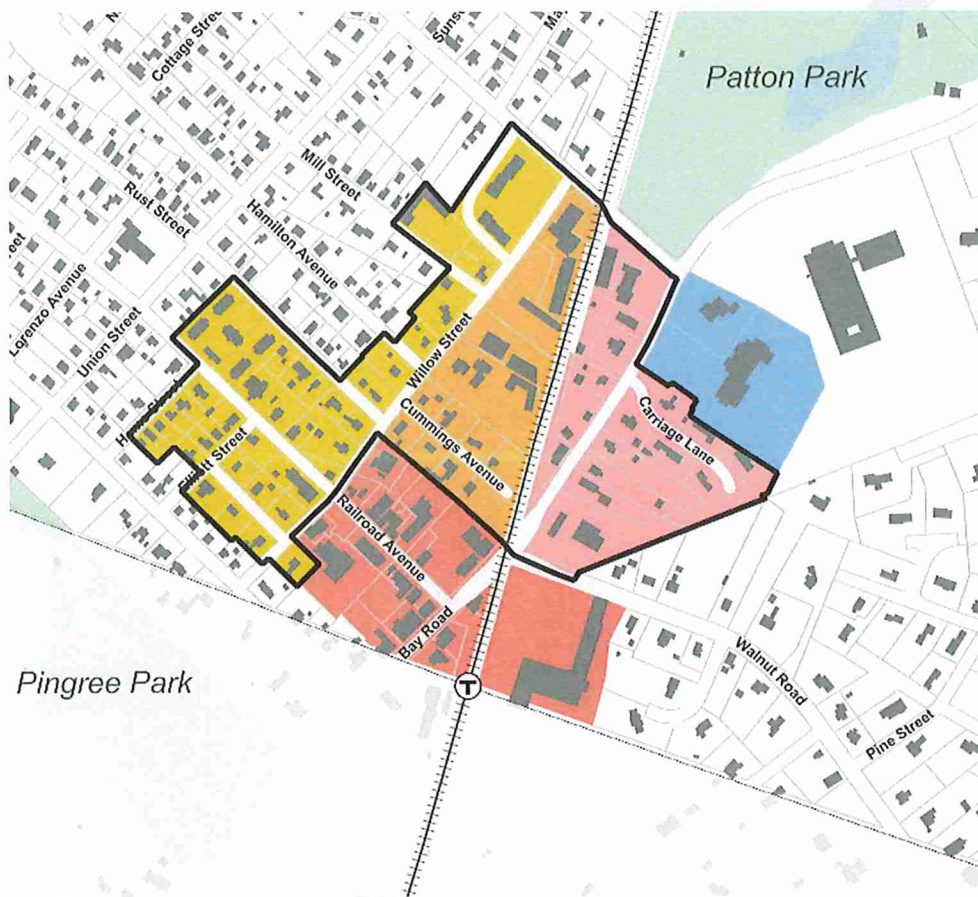
Downtown Residential

Bay Road Civic

2.2 ZONING MAP.

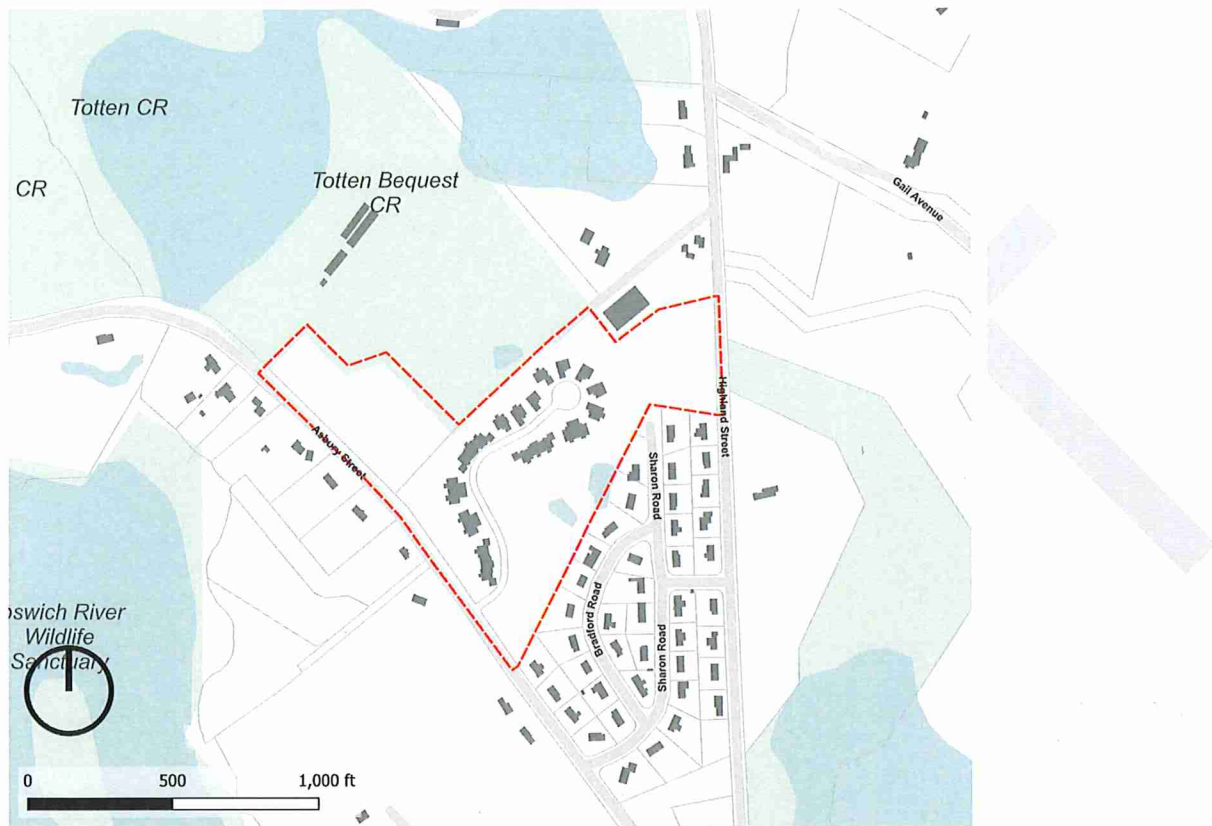
The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, and May 5, 2009, and June 26, 2025 ("Zoning Map") is hereby made a part of this Bylaw.

In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include any parcels currently within the Business District and not included in the proposed Depot Square Mixed-Use District.



- Depot Square Mixed Use
- Bay Road Mixed Use
- Willow St Mixed Use
- Downtown Residential
- Bay Road Civic
- Contribute to 3A

TOWN CENTER DISTRICTS



3A-MFOD

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
3A Multi-family Overlay District	3A-MFOD

2.5 SPLIT LOTS.

2.5.2 By District Boundary. Where a district boundary line between a residential and a business district an R District and a Town Center District divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district.

3.1 PRINCIPAL USES.

TABLE OF USE REGULATIONS

Delete the last Column "B" Business District from the Table

Add the following uses under residential: A8 - Two Family Dwelling, A9 - Multi Family Dwelling.

Indicate in the table that A8 and A9 uses are not allowed ("N") in the R-1A, R-1B and RA districts

Add 5 additional columns to include Depot Square, Bay Road Scenic, Willow Street Mixed Use and Downtown Residential Districts as follows:

A. Residential	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. One Single Family Dwelling	N	Y	Y	Y	N
2. 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
3. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
4. Senior Housing (see Section 8.2)	N	N	N	N	N
5. Long Term Care Facility	ZBA	ZBA	ZBA	ZBA	ZBA
6. Garage with more than 4 motor vehicle spaces	ZBA	Y	Y	ZBA	ZBA
7. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	Y
8. Two-Family Dwelling	N	Y	Y	Y	N
9. Multi-Family Dwelling	N	Y	Y	Y	N

B. Community Facilities	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Use of land or Structures for religious purposes	Y	Y	Y	Y	N
2. 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
3. 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
4. Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions	ZBA	ZBA	ZBA	N	N
5. Community or private club, not conducted for profit	ZBA	ZBA	ZBA	N	ZBA
6. Nonprofit civic or fraternal building	N	N	N	N	N
7. Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
8. Commercial Recreation, Outdoors	N	N	N	N	SB
9. Temporary use for amusements and recreation	SB	SB	SB	N	SB
10. Municipal Buildings or facilities	Y	ZBA	ZBA	ZBA	Y
11. Essential Services	Y	N	N	N	Y

C. Agricultural	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	N	N	N	N	N
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
3. The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	N	N	N	N	N
D. Commercial	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Adult Entertainment Uses	ZBA	N	N	N	N
2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	N	N	N	N	N
3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
5. Kennel	ZBA	ZBA	ZBA	N	N
6. Funeral homes	ZBA	N	N	N	N
7. Garage with more than four automobile/truck spaces	N	N	N	N	N
8. Motor Vehicle Light Service Station	ZBA	N	N	N	N
9. 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

10. Rail or bus station or terminal	ZBA	N	N	N	N
11. Motor Vehicle Repair Shop	N	N	N	N	N
12. General Service Establishment	Y	N	N	N	N
13. Personal Service Establishment	Y	Y	Y	N	Y
14. Restaurant	Y	Y	Y	N	Y
15. Restaurant, Fast Food	ZBA	N	N	N	N
16. Retail Store	Y	Y	Y	N	Y
17. Veterinary Facility or Clinic	ZBA	ZBA	ZBA	N	ZBA
18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
19. Wind Energy Facility (not in COD) (see Section 7.3)	ZBA	ZBA	ZBA	ZBA	ZBA
20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
D21. Mixed Use Development, subject to site plan approval	Y	Y	Y	N	Y
D22. Drive-In or Drive-Through Establishment	N	N	N	N	N
D23. For Profit Educational Facility	ZBA	ZBA	ZBA	N	ZBA
D24. Marijuana Establishment	N	N	N	N	N
E. Accessory	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Up to three boarders in a Single Family Dwelling	N	Y	Y	Y	N

2. Accessory Dwelling Unit (see Section 3.6)	Y	Y	Y	Y	Y
3. Large Accessory Dwelling Unit (See Section 11.0)	PB	PB	PB	PB	PB
4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)	Y	Y	Y	Y	Y
5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises	Y	Y	Y	Y	Y
6. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are both: (a) accessory to activities permitted as a matter of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2)	ZBA	ZBA	ZBA	ZBA	ZBA
7. Parking area or garage for use of employees, customers or visitors	Y	Y	Y	N	Y
8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	ZBA	ZBA	ZBA	ZBA	ZBA
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	ZBA	ZBA	ZBA	ZBA	ZBA
12. Marijuana Establishment	N	N	N	N	N

3.2 ACCESSORY USES.

3.2.2 Accessory Uses and Structures in the Residence Districts R1-A, R1-B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts.

3.2.3 Accessory Uses in the Business-Town Center Districts.

In the Business-Depot Square Mixed Use, Bay Road Mixed Use and Willow Street Mixed Use Districts any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

4.1.2 Table of Dimensional Regulations. The Table of Dimensional Regulations is hereby declared to be a part of this By-law.

TABLE OF DIMENSIONAL REGULATIONS¹

	R-1a	R-1b	RA	B
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA ¹
Minimum Lot Frontage (ft.)	125	175	175	ZBA ²
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building	100 at building	100 at building	ZBA ³
Maximum Building Height (ft.)	35	35	35	35
Maximum number of Stories	3	3	3	3
Maximum Building coverage of Lot (%)	25	25	25	75 ⁴
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 ⁵	25/50 ⁵	25/50 ⁵	25/50 ⁵
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA ⁶

1. Dimensional Requirements for the Hamilton Town Center Districts are found in Section 9.8 of the Zoning Bylaw.
1. For each Dwelling Unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during site plan review.
2. For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during site plan review.
3. To be determined during site plan review.
4. Or as determined during site plan review.
5. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.
6. For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.

6.1 OFF-STREET PARKING AND LOADING AREAS.

6.1.3 No Reduction. Required off-street parking and loading spaces shall not hereafter be reduced, except at the discretionary review of the Planning Board pursuant to Section 6.1.6, nor any loading space counted as or substituted for a parking space.

~~6.1.6 Shared Parking. No part of an off-street parking or loading space required for any Building or use shall be included as a part of an off-street parking area required for another Building or use unless a determination is made by the Board of Appeals to the effect that the period of usage of such structure or uses will not be simultaneous. In the Hamilton Town Center Districts, shared parking may be permitted by the Planning Board for a mix of uses on a single site or between sites during the Site Plan Review process, if the applicant can demonstrate that shared spaces will adequately meet parking demands because uses have varying peak parking demands, will reduce excess parking, and if the Planning Board determines shared parking will serve as a benefit to the Town Center. The minimum number of parking spaces for a mixed-use development or between sites where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally accepted procedures.~~

6.1.9 Site Plan. Parking areas and loading areas in the Business Depot Square District shall be shown on a site plan, as provided in Section 10.6.

6.3 SIGNS.

6.3.2 Residence R-1A, R1-B, RA, and Downtown Residential Districts

6.3.3 Business Depot Square, Bay Road Mixed Use and Willow Street Mixed Use Districts.

1. No more than three (3) signs are permitted per business establishment.
 - a. A-frame or sandwich board signs, whether temporary or permanent, shall only be permitted by special permit.
 - b. Only one sign may project from the exterior wall surface of the business establishment. Any sign projecting over a pedestrian path shall have a clear space of not less than 12 feet below all parts of such signs. Projecting signs are not allowed over vehicular pathways except by Special Permit.
 - c. Signs that are inside the business establishment but legible from the exterior shall be counted as one of the three permitted signs.

6.3.4 Standards

8. A sign in the business Depot Square, Bay Road Mixed Use, Willow Street Mixed Use, and Bay Road Civic Districts shall not exceed a total area of (6) square feet.

6.3.6 Special Permit Granting Authority: The Special Permit Granting Authority for this Section 6.3 is the Planning Board.

- ~~1. Other and larger signs may be allowed by Special Permit in any district provided such signage is for a specified period not to exceed one year. Proposed signage that deviates from these requirements may be permitted by Special Permit.~~

8.2 SENIOR HOUSING.

8.2.2 Eligible Locations. A Special Permit may be granted for Senior Housing on any lot(s) in the R-1A, R-1B, or R-A. ~~or B~~, Districts that meet the requirements of this Section and other applicable provisions of this By-law. Parcels in existence as of May 5, 2008, may not be assembled to create a larger parcel for Senior Housing development.

8.2.7 Permitted Uses. A Senior Housing development may include the following uses:
~~13. In the Business District a mixture of residential and business uses.~~

8.2.9 Base Senior Housing Density. The Base Density per Developable Acre for a Senior Housing Special Permit shall be: four (4) Dwelling units in the Business District; three (3) Dwelling units in the R1-A District, two (2) Dwelling units in the R1-B District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre	Incentives to Increase Base Senior Housing Density for:					Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density per Dev. Acre
			Mix of Smaller Units (50% units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. Criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units			
1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
2	R-1a	3	25%	25%	25%	25%	25%	125%	1.0	4.00
3	R-1b	2	25%	25%	25%	25%	25%	125%	1.0	4.00
4	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

EXPLANATION OF COLUMNS:

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the Business, R1-a, and R1-b Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance Between Projects. In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance Between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under G.L. c. 40B, or any existing or approved project including multi-family residential buildings under any other provision or By-law. Excluded from this calculation and this Section are any existing multi-family projects approved prior to January 1, 2003, multi-family dwellings or mixed-use developments in the Hamilton Town Center Districts, and apartments under Sections 3.4, 3.6 or 3.7.

4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.

8.2.15 Dimensional Standards. The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

TABLE OF DIMENSIONAL REQUIREMENTS

	A	B	C	D	E	F	G	H	I
	Zoning District	Underlying Zoning District Requirement (s.f.)	Minimum Parcel Size (sq.ft.) to be eligible for development	Minimum Parcel Frontage Required (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Minimum Open Space Required of total acreage	Maximum Lot Coverage of entire parcel
4	Bus. District		none	site specific	0	0 ¹	0 ¹	0	site specific
2	R-1a	20,000	80,000	125	25	25 ²	20	0	25%
3	R-1b	40,000	80,000	175	25	25 ²	20	15%	25%
4	RA	80,000	80,000	175	50	25 ²	20	25%	25%

NOTES ON HOW TO READ THE MATRIX:

Delete entire row for B District

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the Business, R1-A, and R1-B Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance between Projects.

4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.

8.2.13 General Requirements. The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. ~~An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.~~

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, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential districts, 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.

9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

9.1.4 Dimensional Requirements. Regardless of the minimum Lot size of the underlying zone, there shall be a minimum lot area of eighty thousand (80,000) square feet per dwelling unit in the GPOD. 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 minimum lot area per dwelling limitation.

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.

9.5 ~~WILLOW STREET OVERLAY – Reserved~~ *(Willow Street Overlay District deleted in June 2025)*

Remove this section entirely. Provisions no longer necessary due to replacement of underlying zoning.

9.6.13 Signs. The Business-District Depot Square Mixed Use, Willow Street Mixed Use, and Bay Road Mixed Use District provisions of Section 6.3 shall apply for all Building specific signage (tenant identification, directory, parking, etc.) within the Commercial Overlay District.

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. For the purposes of calculating FAR, basements, cellars, attics, garages and interior parking spaces shall be excluded from the GFA. Half-stories that meet the criteria listed in 9.7.2.1.2 (j), Half Story, shall be counted as one half of the GFA of the floor below.

Dwelling, Three-family: ~~A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

Dwelling, Four-family: ~~A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

Dwelling, Multi-Family: A building containing ~~five~~three or more dwelling units, or two or more buildings on the same lot with more than one residential dwelling unit in each building, except as otherwise defined in this Bylaw.

Mixed Use Development: ~~Two or more uses on a single parcel as a part of a single development plan.~~
A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building as part of a single development plan.

DRAFT

Hamilton Town Center Base Zoning

DRAFT for Planning Board Review
2025-05-06

9.8 HAMILTON TOWN CENTER DISTRICTS.

The Hamilton Town Center Districts Section consists of 4 sub-sections:

Purpose and Intent

This section introduces the purpose and intent of the zoning generally, how and where it is to be applied, and how the regulations of this section relate to other sections of the bylaw.

Interpretation

This section provides definitions and explanations of the terms and metrics that are used to regulate building scale, form and placement. Many of the terms are unique to this section.

Town Center Districts

This section describes the purpose and intent of each subdistrict, as well as any relevant planning considerations. It also includes district-wide tables with dimensions for lots and buildings. A complete allowed use table is included as well which is specific to the Town Center sub-districts.

Administration

This section outlines the permitting path for proposed development, including whether Site Plan review or a Special permit are required.

9.8.1. PURPOSE AND INTENT.

1. Purpose. The purpose of this Section 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 multi-family housing development that are both in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC) set forth at 760 CMR 72.00 and consistent with the Town's existing character.

2. Intent. This Section is intended to ensure development in Hamilton's downtown contributes to the realization of the Hamilton Town Center Vision Plan developed over the course of a townwide visioning process conducted throughout 2024 and 2025. Specifically, this Section intends 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 9.7 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).

3. Applicability.

- (a) *Territorial Application.* This Section 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 official Town of Hamilton Official Zoning Map dated June 26, 2025.
- (b) *Required Conformance.*
 - (i) All buildings, structures or land, in whole or in part, must be used or occupied in conformance with this Section. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Section.
 - (ii) If any condition or requirement imposed by this Section 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 Section governs.
- (c) *Conflicting Provisions.*
 - (i) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with another provision of this Section, the more restrictive condition or requirement controls.
 - (ii) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with any condition or requirement of any other provision of the Town of Hamilton's Bylaws, the provisions of this Section control.
- (d) *Text and Graphics.* Illustrations, photographs and graphics are included in this Section to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Section and any illustrations, the text governs.
- (e) *Existing Applications and Permits.* The applicability of this Section with respect to existing applications and permits is governed by Section 1.4.1, Applicability/Nonconformities, and Section 1.4.2, Commencement of Construction or Operation.
- (f) *Severability.* If any provision of Section 9.8 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.8 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.8 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.
- (g) *Nonconforming Uses.* Conversion to, the creation of, or extension of a Nonconforming use shall be governed by Section 5.2 Nonconforming Uses.
- (h) *Nonconforming Structures.* Nonconforming structures shall be governed by Section 5.3, Nonconforming Structures. Per Section 5.3.2 Variance Required, a variance from the Zoning Board of Appeals shall be required for the change of a nonconforming Structure in such a manner as to increase an existing nonconformity or create a new nonconformity. The circumstances described in Section 5.3.4(1) and 5.3.4(3) under which an alteration, extension, reconstruction or

repair shall not be deemed to increase the nonconforming nature of Nonconforming Single and Two Family Dwelling Structures, shall also include any of the following circumstances in the Bay Road Mixed Use, Willow Street Mixed Use and Downtown Residential Mixed Use Districts only:

The Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not reduce the setback which fails to conform.

The Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform.

The Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform.

The location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform.

The Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform.

The Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio.

The Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type or steepness.

The Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition.

The minimum Open Space requirements are not met and the proposed alteration or extension will not reduce the amount of Open Space.

In the Depot Square District, the following circumstances shall not be deemed to increase the nonconforming nature of Nonconforming Structures and the Building Commissioner may issue a building permit:

(i) The existing Structure is on a conforming Lot but is nonconforming because

it encroaches on a setback or the Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not change the setback which fails to conform; or

the Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform; or

the Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform; or

the location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform; or

the Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform; or

the Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio; or

the Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type; or

the Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition; or

the Structure does not meet the minimum fenestration requirements and the proposed alteration or extension will not reduce the percentage of fenestration; or

the Structure exceeds the maximum Building Footprint allowed and the proposed alteration or extension will not increase the Building Footprint;

and the entire structure meets all other requirements of this By-law including but not limited to height.

- (ii) The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Frontage as the result of a zoning change, and the existing Structure and proposed alteration or extension meets all other current requirements of the By-law including but not limited to setbacks, height and Lot coverage.

9.8.2. INTERPRETATION.

1. Site Dimensional Standards and Measurements.

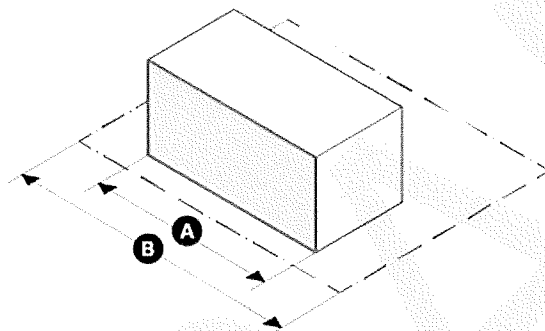
- (a) *Yards.* See Definitions Section 11. Each yard measurement is made perpendicular to the property line and begins at the property line. Measurements are made to the nearest portion of the building, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Frontage.* The side of a lot that faces a street or public way as defined in Section 11. 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.
- (d) *Open Space.* Land within a lot not covered by any structures or area dedicated to vehicular use including parking spaces and drive aisles.
- (e) *Parking Setbacks.* All parking spaces must be located behind the parking setback lines or as otherwise indicated. Each setback measurement is made perpendicular to the property line and begins at the property line.
- (f) *Number of Buildings.* Multiple buildings are permitted on each lot, subject to the dimensional requirements listed in Section 9.8.3. Where there are more than one building, FAR limitations

shall apply to all buildings cumulatively, and Maximum Building Footprints limitations shall be applied on a per building basis.

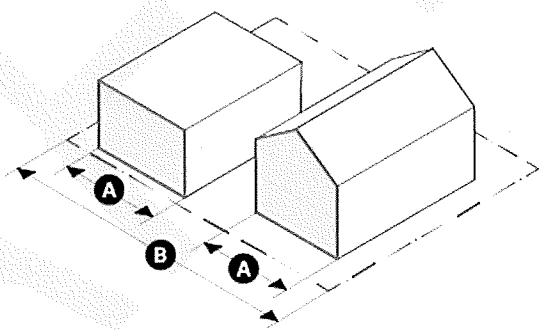
- (g) *Street Facing Entry Feature*. Building entry that is directly accessible and visible from a Street. Entry doors are not required to face the street so long as they are accessed through a porch, patio, plaza, canopy or other element facilitating direct visual and physical access from the Street.

2. Building Dimensional Standards and Measurements.

- (a) *Depth*. Measurement of a building, yard, or setback measured perpendicular to a Front lot line, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Facade Build Out*. The ratio of the façade width within the minimum and maximum Front Yard dimensions to the lot width, calculated by dividing the cumulative façade width by the lot width. Facade build out is intended to ensure that new development addresses the street in a pedestrian-friendly manner and that frontage conditions are compatible with existing patterns.

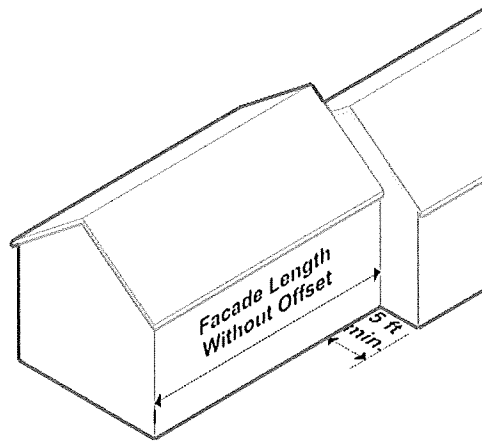


Single Building per Lot = $A \div B$

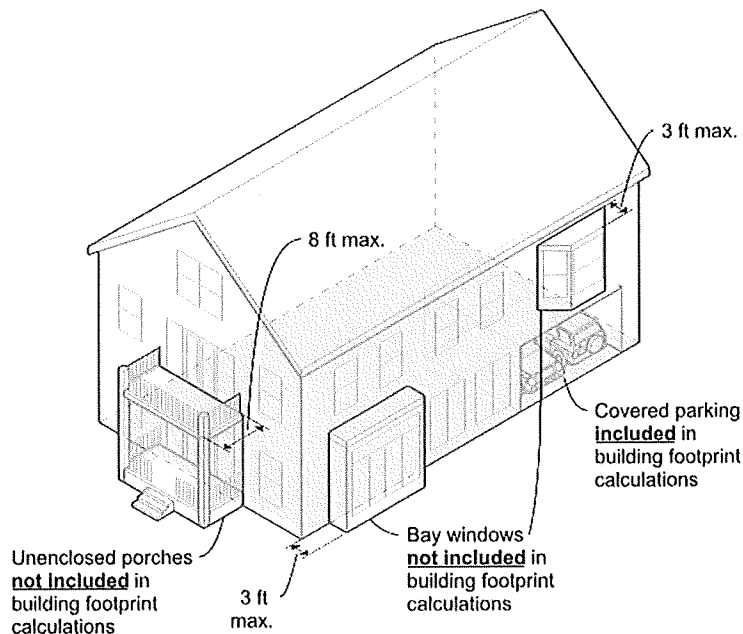



Multiple Buildings per Lot = $(A + A) \div B$

- (c) *Facade Length Without Offset*. The maximum allowable length of any building facade, front, side or rear, without a change in the plane of 5 ft. or greater, extending from the ground plane to the roof. The purpose of offset requirements is to limit long, undifferentiated facades and to ensure that larger building massings are broken down into smaller elements that are more reflective of the existing context.

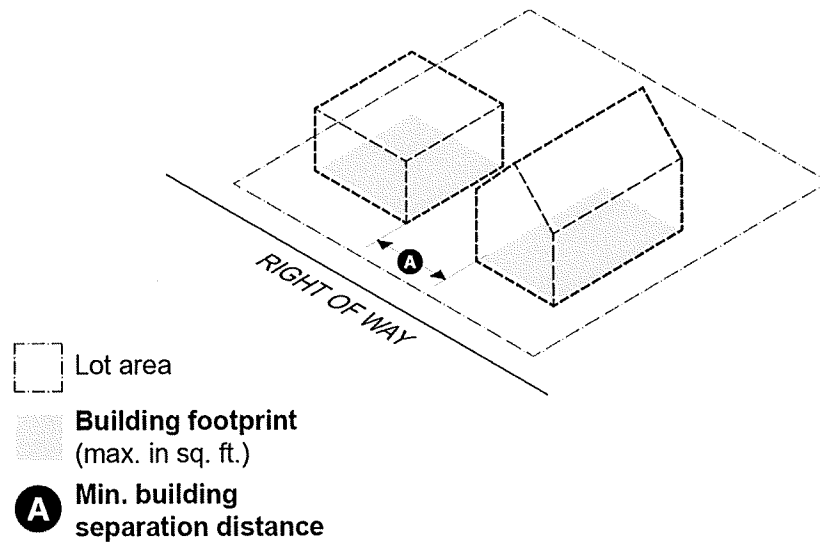


- (d) *Building Footprint.* The area of land occupied by a building, defined by the outer edge of its foundation and exterior walls inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of footprint area provided they do not protrude more than 3 ft. from the face of the building. Unenclosed porches less than 8 ft deep do not contribute to the calculation of the building footprint.

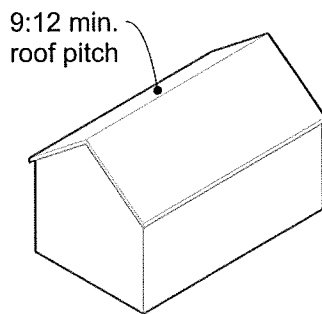


 Building Footprint

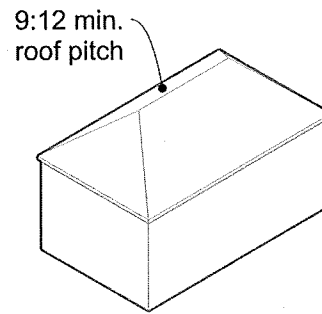
- (e) *Building Separation.* The distance between buildings on a lot, measured from the nearest primary face of each building at its closest point, excluding bay windows less than 3 ft. deep and porches less than 8 ft. deep.



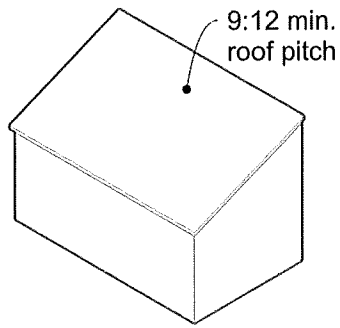
- (f) *Height.* See Definitions Section 11. In the Town Center Districts , for buildings on lots fronting more than one public way, height shall be measured from all frontages.
- (g) *Roof.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 3.7 Building Standards. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



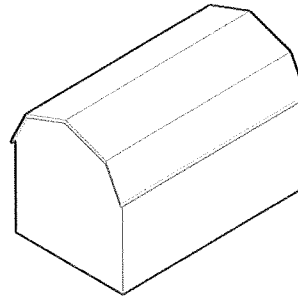
Gable Roof



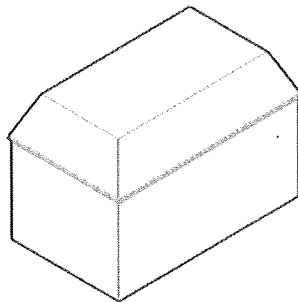
Hipped Roof



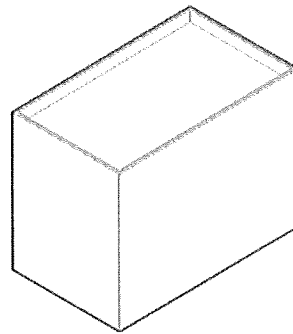
Shed Roof



Gambrel Roof



Mansard Roof

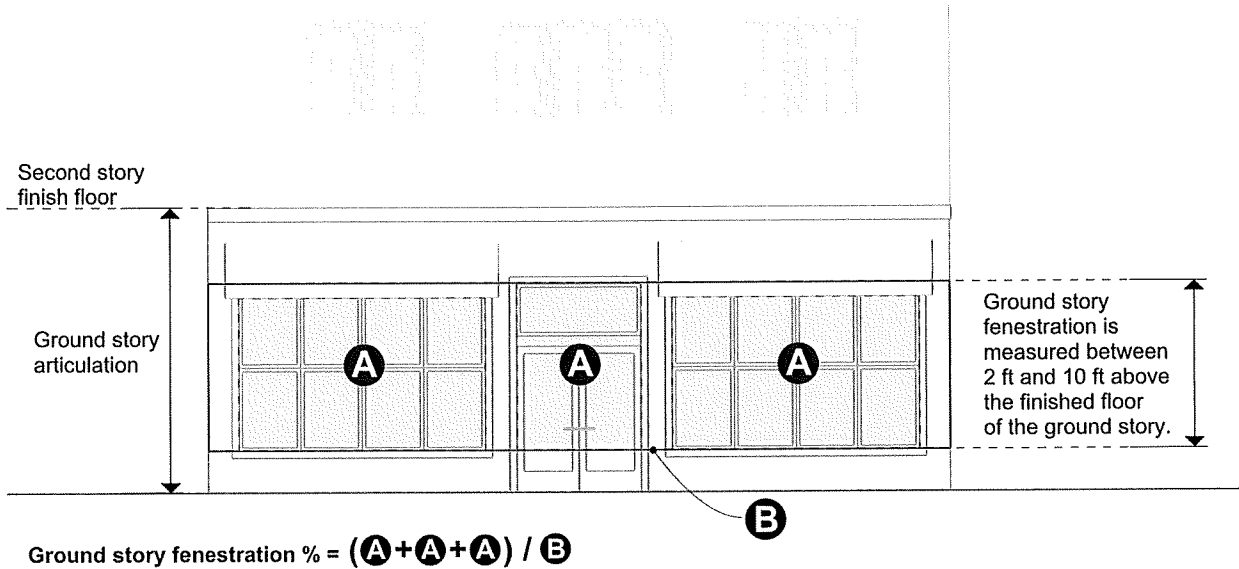


Flat Roof

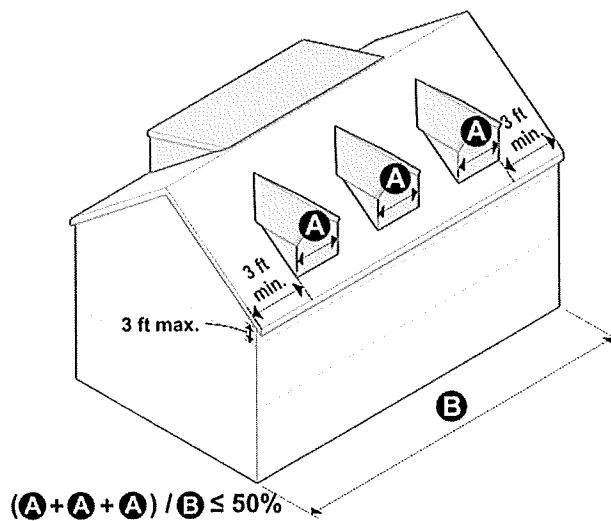
- (h) *Width.* Measurement of the length of a building parallel to a Front lot line.

- (i) *Fenestration.* The percentage area 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. Where required, minimum ground floor fenestration is intended to ensure that ground floor uses can activate the public realm.



- (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. The uppermost level of gambrel, mansard and flat roofs may not be considered a half story and shall be considered a full story.



9.8.3. TOWN CENTER DISTRICTS.

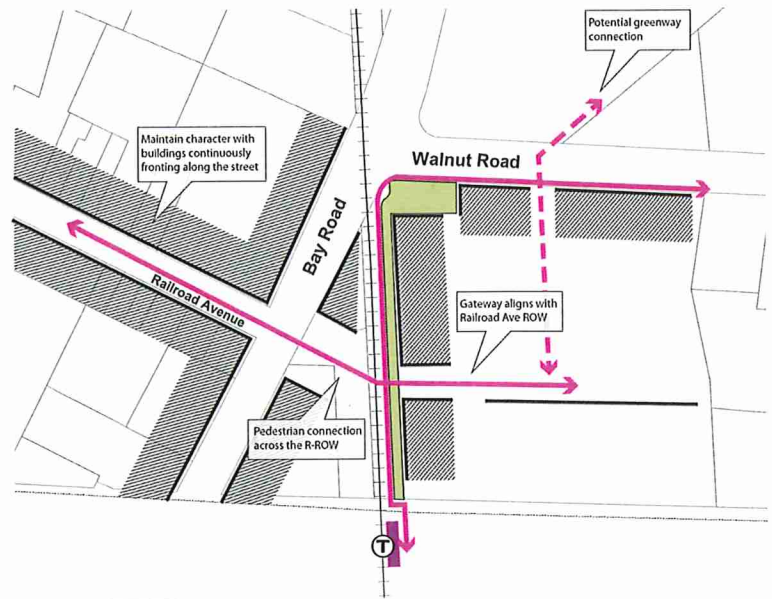
1. Depot Square.



- (a) *Description.* The Depot Square district is characterized by two distinct conditions - on Railroad Ave by buildings with small footprints up to two and a half (2.5) stories in height, and east of the rail corridor, a large auto-centric shopping center. The area along Railroad Ave has the character of a small and historic town center; most buildings sit close together and near the sidewalk, while other buildings maintain some space between one another and include parking lots. The shopping center features large, one story buildings separated from its frontage by large parking areas. The district is primarily commercial, with some mixed-use residential near the edges. Most buildings west of the rail corridor were designed to accommodate commercial uses with form consistent with the historic residential buildings nearby.

(b) *Purpose and Intent.*

- (i) To foster a mixed-use and vibrant town center and preserve the existing small-scale commercial character along Railroad Ave.
- (ii) To enhance a continuously built front along main public thoroughfare frontages in the district.
- (iii) To extend the small-scale commercial character pattern on Railroad Ave to future development in other larger parcels of the district.
- (iv) To preserve and extend the visual and pedestrian corridor along Railroad Ave across the MBTA tracks.
- (v) To preserve existing open space/green space areas at critical intersections.
- (vi) To promote walkability and safety along all street frontages.



2. Bay Road Civic.



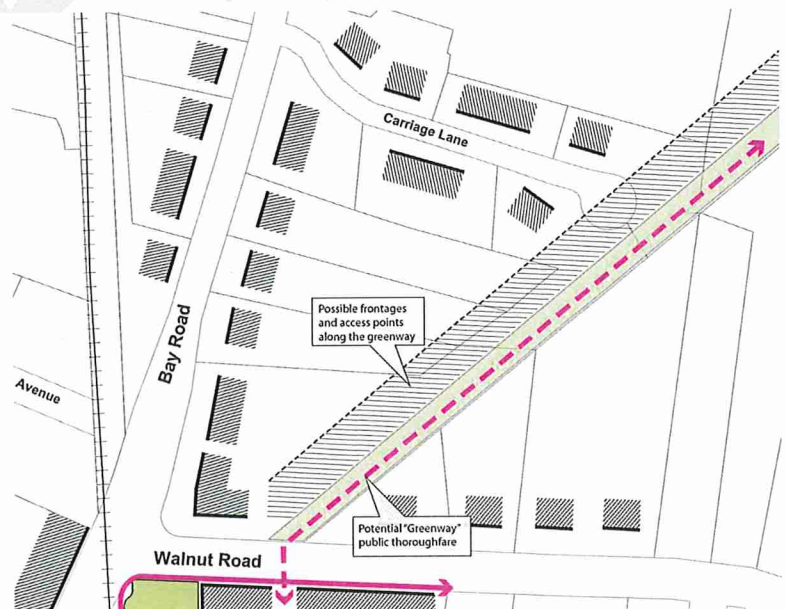
- (a) *Description.* The Bay Road Civic district is owned by the Town and hosts municipal functions, including the Public Safety Complex, the Council on Aging, and the Building and Health Departments. The current arrangement of buildings and parking do not align with the traditional frontages of the 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.
- (b) *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. Bay Road Mixed-Use.



(a) *Description.* Most of the Bay Road Mixed-Use district matches the form of nearby residential areas where buildings have small footprints 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.

(b) *Purpose and Intent.* The regulations for Bay Road are intended to preserve and restore the historically scenic character of Bay Road, when the thoroughfare was tree-lined and more pedestrian-oriented in nature, 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.

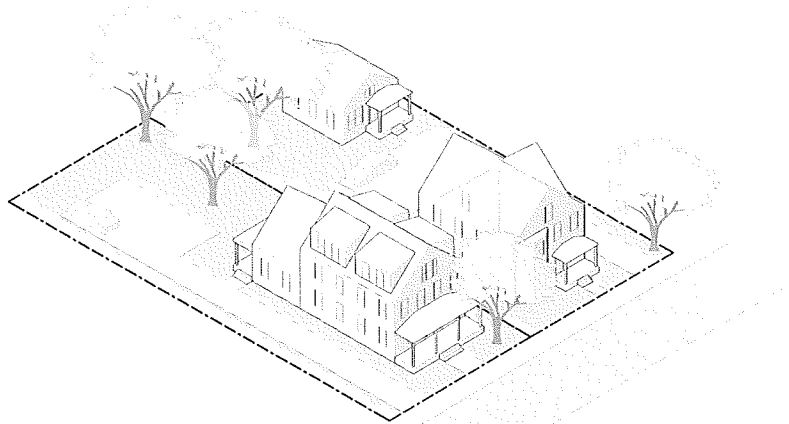


4. Willow Street Mixed-Use.



- (a) *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.
- (b) *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.

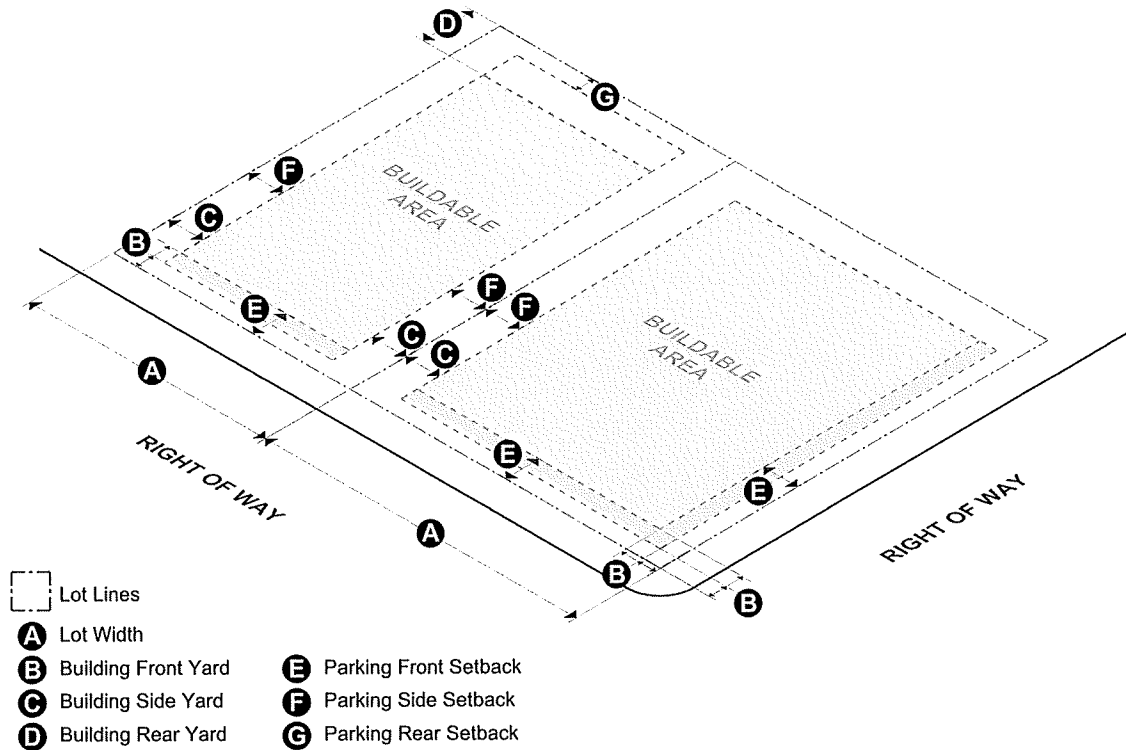
5. Downtown Residential.



- (a) *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 institutional uses.
- (b) *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.

9.8.4. DIMENSIONAL STANDARDS.

1. Site Dimensional Requirements.



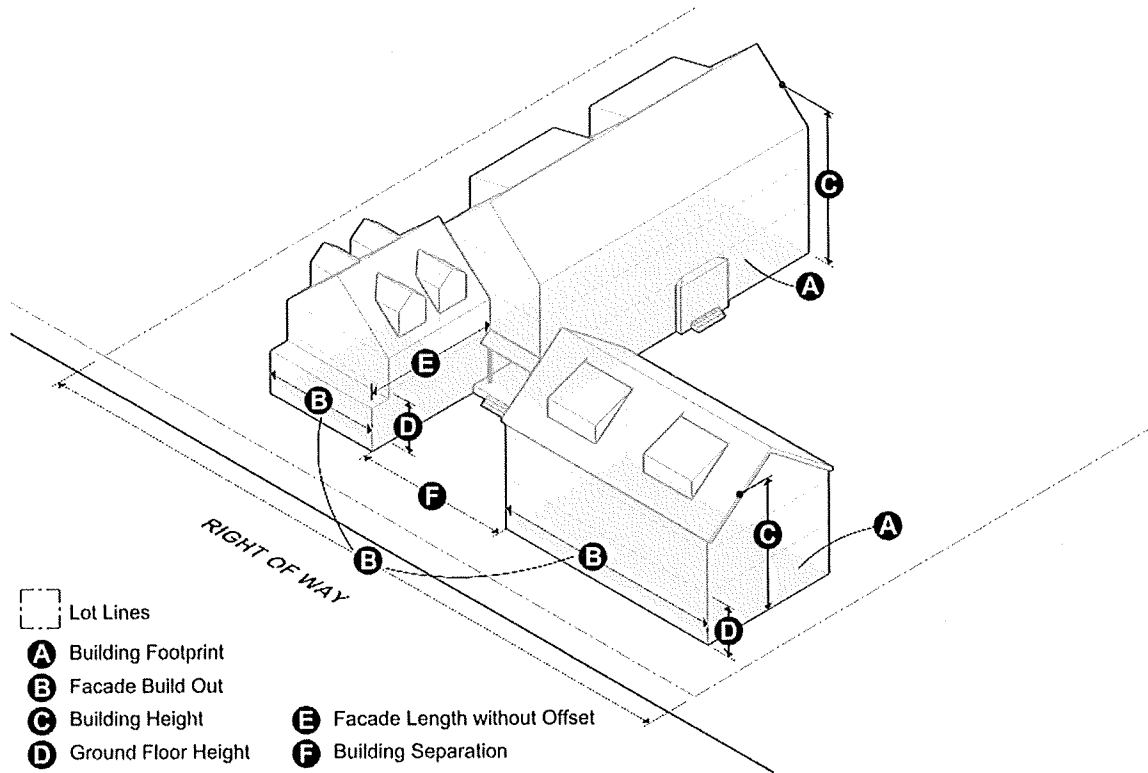
	Lot Dimensions	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Lot Size (min)	1,000 ft	5,000 ft	3,000 ft	3,000 ft	5,000
A	Lot Width (min)	20 ft	40 ft	40 ft	30 ft	40 ft
	Coverage	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Open Space (min)	0%	40%	40%	40%	40%
	Building Yards Setbacks	Depot Square (note 2)	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
B	Front Yard Setback on streets (min/max) (note 1)	0 / 10ft.	20 / 35 ft	10 / 20 ft	10 / 20 ft	20 / 35 ft
C	Side Yard Setback (min)	0 ft	5 ft	5 ft	10 ft	10 ft
D	Rear Yard 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
E	Front Setback (min)	10 ft	Aligned with, or set back further than, building frontage			
F	Side Setback (min)	0 ft	5 ft	5 ft	5 ft	5 ft
G	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				

Note 1: Includes frontage along the western edge of 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 Yard in all districts except Depot Square.

Note 2: Side and Rear Yards in the Depot Square District that directly abut a different zoning district shall conform to the minimum setbacks required in the abutting district.

2. Building Standards.



	Massing	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
A	Building Footprint (max per building)	5,000 sf	3,000 sf	5,000 sf	3,000 sf	N/A
B	Facade Build Out (min)(note 1)	60%	35%	35%	35%	35%
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
	Number of Stories Minimum	N/A	2	2	2	2
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	0.39 0.45 by SP	0.42 0.45 by SP	0.40 0.45 by SP	N/A
E	Facade Length without Offset (max)	70 ft	70 ft	70 ft	70 ft	70 ft
F	Building Separation (min)	10 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 (note 2)	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

Note 1: For Lots with more than one Frontage, the minimum Facade Buildout requirements shall apply to each Frontage individually, and not cumulatively.

Note 2: Roof forms may be combined, so long as minimum roof steepness is maintained.

3. Depot Square Additional Dimensional Requirements and Interpretation

The following requirements and interpretations apply to the Depot Square District only:

- (a) New Structures are only permitted within 80 ft. from a property line bounded by a public way, including the western edge of the rail corridor which shall be considered a Front Yard. 80 ft shall be measured perpendicular to the Frontage. Structures beyond 80 ft. from the Front property line, and/or individual structures with a Building Footprint greater than 5,000 sf, shall be permitted only through a Special Permit.
- (b) Lots in the Depot Square District with more than one frontage and a Lot Area greater than 35,000 sf shall provide a minimum of 3,500 sf of Open Space at the intersection of the two frontages.
- (c) Facade Build Out: On Lots where Open Space is required at an intersection, the length of the required Open Space along any frontage may be subtracted from each Frontage length for the purpose of calculating minimum Facade Build Out. On Lots greater than 45,000 sf and containing more than one Frontage, Facade Build Out requirements shall apply only to the Frontage where new structure(s) are proposed.
- (d) Total Gross Floor Area of greater than 12,500 sf on a Lot is not permitted by right. Additional Gross Floor Area shall be permitted only through a Special Permit, granted by the appropriate SPGA applicable to the proposed uses.

9.8.5. USE PROVISIONS.

The allowable uses and accessory uses in the Town Center Districts are contained in Section 3.0 Use Regulations. The following clarifications and exceptions are made with respect to the Town Center Districts:

Use A6, a Garage with more than 4 motor vehicle spaces, is permitted in the Bay Road Mixed Use, and Willow Street Mixed Use districts provided it is:

- (a) Accessory to a Multi Family Dwelling, and;
- (b) Located below grade or at grade beneath the primary building massing and not in a stand-alone structure.

Use A7, Two or more dwelling units, second floor and above when part of a mixed-use building or development, is allowed in the Depot Square District provided all of the following criteria are met:

- (a) the ground floor area associated with the dwelling units are limited to entry areas, lobbies and vertical circulation elements such as stairs and elevators
- (b) the residential ground floor uses occupy a minimum of 10% of the primary building frontage, or 10 ft., whichever is greater
- (c) the ground floor non-residential uses are a minimum of 20 ft. deep

9.8.6. SITE STANDARDS.

1. Site Access.

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

(a) *Pedestrian Access.*

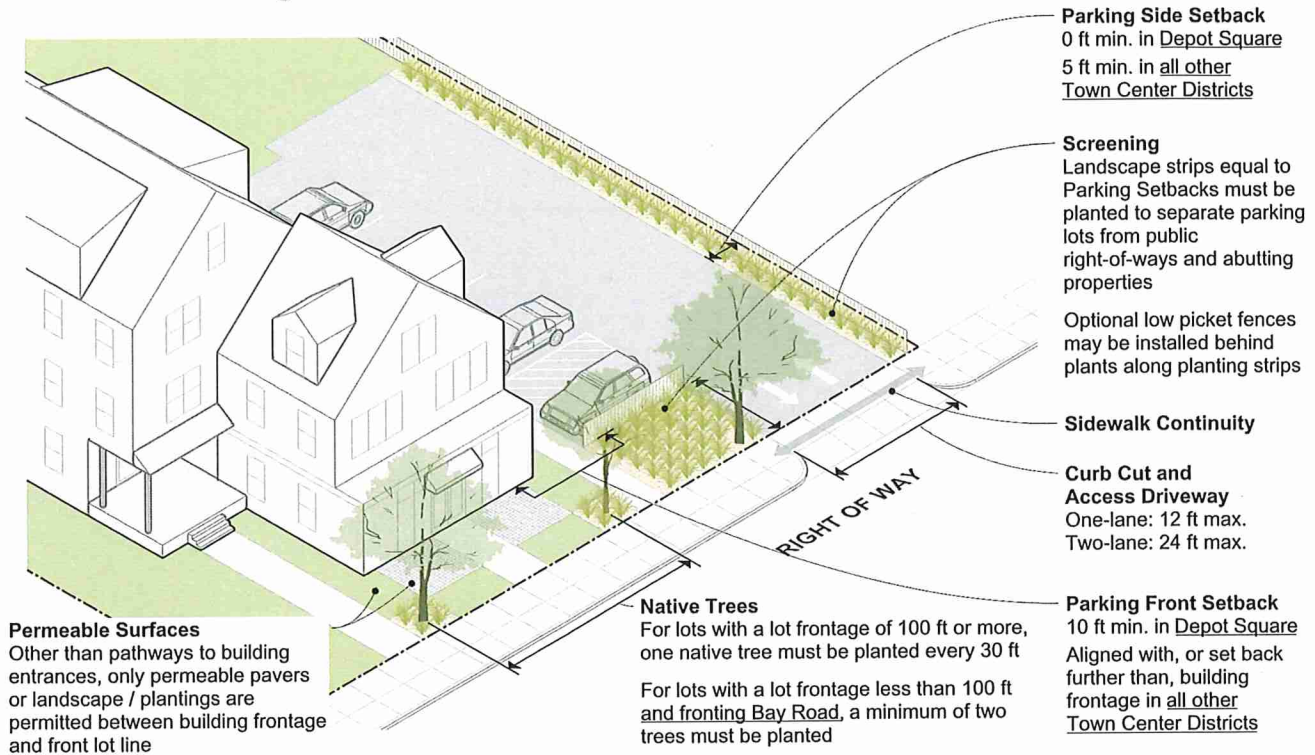
- (i) All development must provide pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other public entrances with available access points including adjacent rights of way, all parking lots, and sidewalks.
- (ii) Pedestrian 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.

(b) *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 front yard for principal structures. 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.

- (iv) Parking garage entries that face a public way must be set back 60 ft. from the property line(s) abutting the public way.

2. Parking.



- (d) The quantity of off-street parking spaces shall be in accordance with the requirements of Section 6.1 of Hamilton's Zoning By-Law.
- (e) All driveways must comply with Section 6.2.2 of Hamilton's Zoning By-Law.
- (f) All parking spaces and structures must be located at or behind any required parking setback as specified for each Town Center District.
- (g) The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:
- One-lane: 12 ft
Two-lane: 24 ft
- (h) Each lot is limited to one curb cut per street frontage. Lots with more than 200 feet of frontage are allowed one additional curb cut every 200 feet.
- (i) The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.

- (j) Shared driveways are encouraged where they reduce the interruption of curb cuts and allow for more landscape treatment. Permits shall be issued subject to the requirements of 6.2.6 Common Driveway.
- (k) Parking Lots with 10 or more parking spaces must have interior islands, median islands, and perimeter islands that conform with the following requirements:
 - (i) *Interior Islands.*
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (ii) *Median Islands.*
 - (1) A median landscape island must be provided between every 4 rows of parking. Intervals may be modified to preserve existing trees.
 - (2) 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.
 - (3) 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).
 - (iii) *Perimeter Islands.*
 - (1) A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.
 - (2) A perimeter landscape island must be a minimum of 10 feet wide not including any curbing.
 - (3) 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.
 - (4) A perimeter landscape island must include a tree with minimum caliper of 2½ inches spaced every 30 feet on average.

3. Screening.

- (a) *Parking Lots.* Parking lots must be separated from the public right-of-way and abutting properties by a landscaped strip with a depth equal to the parking setback as specified in the Dimensional Requirements for each Town Center District. The landscaped strip must adhere to the following design standards:
 - (i) The landscape strip must run the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways.
 - (ii) The landscape strip must be planted with shrubs, perennials, native grasses, and other planting types that provide screening from the public right-of-way.
 - (iii) An optional low picket fence or pedestrian wall may be installed behind the landscape strip and set back up to 24" from the adjacent parking lot to accommodate for car overhang.
 - (iv) The use of Low-Impact-Development (LID) stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- (b) *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.
- (c) *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 a height 6 inches higher than the topmost point of the equipment being screened.
- (d) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.
- (e) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.

4. Building Materials.

- (a) *Applicability.* The exterior visible surfaces of buildings and structures, including accessory structures, subject to Site Plan Review.
- (b) 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, engineered wood, or fiber cement artificial wood siding, asphalt shingle, tile roof shingle, copper roofing, stone masonry, and stucco.
 - (iv) Concrete masonry units, pre-cast concrete panels, cinder block, vinyl siding, 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) All windows and doorways shall be encased with wood or simulated wood trim; decorative trim is preferred. Aluminum windows shall be finished to match the proposed trim color of the building.
 - (vi) 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.

5. Landscape Standards.

- (a) *Native Trees.* Native deciduous shade trees must be spaced linearly and parallel to the public right-of-way, and planted at a minimum of 2.5 inches in tree caliper. The number of trees planted must be in accordance with the following:
 - (i) For lots with Frontage of 100 feet or more, one native deciduous shade tree must be planted every 30 ft in the Front Yard unless at least three trees already exist in the Front Yard.
 - (ii) For lots with a lot frontage less than 100 feet and fronting Bay Road, a minimum of two trees must be planted in the Front Yard unless at least two trees already exist in the Front Yard.
- (b) *Permeable Surfaces.* Other than pathways to building entrances or driveways, only permeable pavers or landscape / plantings are permitted within the front yard between building frontage and the front lot line. Permeable pavers include brick, stone and/or cementitious materials, with joints that allow for the infiltration of water.

6. Exterior Lighting.

In order to ensure that impacts of exterior lighting on adjacent properties are controlled, exterior lighting shall adhere to the following requirements:

- (a) A lighting plan must be submitted in conjunction with a required site plan.
- (b) No glare onto adjacent properties is permitted.
- (c) Excessive illumination is prohibited.
- (d) Non-overhead light sources, such as bollards and path lights, are encouraged.
- (e) The following light sources and fixtures are prohibited:
 - (i) Any exterior uplighting. Lighting fixtures for all areas of vehicular and/or pedestrian access must be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures, or must be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
 - (ii) Low-pressure sodium and mercury vapor light sources
 - (iii) Searchlights, laser source lights, or any similar high-intensity narrow-beam fixtures
 - (iv) Flickering or flashing lights

9.8.7 ADMINISTRATION.

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 Regulations set forth in 760 CMR 72.00, Multi-Family Zoning Requirement for MBTA Communities issued by 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. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.
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 that exceeds the limitations set forth in 9.8.4.3 shall be permitted only through a Special Permit.

Hamilton 3A Multi-family Overlay District

DRAFT for Planning Board Review

2025-05-06

NOTE: proposed amendments to existing code have been separated into their own standalone document.

9.73A MULTI-FAMILY OVERLAY DISTRICT (3A-MFOD).

9.7.1 Purpose. The purpose of the 3A-Multi-family Overlay District (3A-MFOD) is to allow multi-family housing development as of right in accordance with G.L. c. 40A, § 3A and the Regulations issued by 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 as described in Section 9.8, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, Section 9.7 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.

9.7.2 Applicability. The 3A-MFOD 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 9.7.3 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 official Town of Hamilton Official Zoning Map dated June 26, 2025. 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 9.7.3 and 9.7.4.

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 9.7.3 and 9.7.4. When a building permit is issued for any Project approved in accordance with this Section 9.7, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 10 for such Project.

9.7.3 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.

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

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
Maximum Building Footprint (ft.)	8,000 (note 2)

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

Note 2: As defined in Section 9.8.2. Applies to any single building. Multiple buildings on one lot are permitted.

9.7.5 Design and Building Standards.

1. *Roof Form.* All buildings shall have pitched roofs, or the appearance of pitched roofs, with a steepness no less than 9:12 and not greater than 14:12.
2. *Allowed Building Materials.* Refer to Section 9.8 for applicability and permitted material.

9.7.6 Severability. If any provision of Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.7 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.

This map illustrates the land use zones and landmarks in the Asbury North area. The zones are color-coded and labeled as follows:

- Depot Square Mixed Use** (Red)
- Bay Road Mixed Use** (Orange)
- Willow St Mixed Use** (Yellow)
- Downtown Residential** (Light Green)
- Bay Road Civic** (Blue)
- Contribute to 3A** (White)

Key landmarks and features include:

- Winthrop School**
- Public Safety**
- Public Library**
- Senior Center**
- Patton Park**
- Hamilton/Wenham Station** (Newburyport/Rockport Commuter Rail Line)
- Pingree Park**

The map also shows a network of streets, including Bay Road, Willow Street, Cummings Avenue, Railroad Avenue, and others. A scale bar indicates distances up to 0.2 miles, and a north arrow is provided for orientation.

Town of Hamilton
Select Board - Liaison Roles, effective May 2025

The Select Board is aware that coordination and cooperation is needed among the town's boards, committees and commissions to: 1) Set and implement consistently, town wide goals and priorities, 2) Identify and anticipate major problems and then work together towards their resolution, 3) Collaborate on long-range planning understanding that long-range capital planning is the authority of the Town Manager and 4) Work cooperatively toward revenue generation.

The liaison often attends meetings to listen, help answer questions and to help prepare for joint meetings with the Select Board and other boards. The role can also help the Board by communicating information among its members. The liaison role should not be interpreted as the only communication path with the Board but it is the primary means to help with interaction amongst the Town's boards & committees.

Board/Committee/Agency (* member)	Bill Olson	Bill Wilson	Rosie Kennedy	Tom Myers	Ben Galuza	Town Manager
Agricultural Commission (not active)						
Board of Assessors						
Board of Health						
Capital Committee						
Chebacco Woods Land Management Committee						
Community Preservation Committee*						
Conservation Commission						
Council on Aging						
Environmental Impact Committee						
Essex North Shore Agricultural & Technical School						
Finance and Advisory Committee						
Hamilton Affordable Housing Trust*						
Hamilton Development Corporation						
Hamilton Foundation (Committee)						
Hamilton Historic District Commission						
Hamilton Historical Society						
Hamilton Housing Authority						
Hamilton Human Rights Commission*						
Hamilton-Wenham Community Access Board (Cable)						
Hamilton-Wenham Cultural Council						
Hamilton-Wenham Public Library Trustees						
Hamilton-Wenham Recreation Board						
Hamilton-Wenham School Committee						
Master Plan Steering Committee*						
MBTA Representative (agency)						
Metro. Area Planning Council (MAPC) (agency)						
Open Space Committee (not active)						
Patton Homestead Inc. (Non-profit Founding Board)						
Planning Board						
Veterans Services* (agency)						
Zoning Board of Appeals						



Outlook

External Email Warning Re: OML Compliance

From Jeff Austin <jeffrey.austin@comcast.net>

Date Fri 5/9/2025 11:41 AM

To Joe Domelowicz <jdomelowicz@hamiltonma.gov>; Cyndi Farrell <cfarrell@hamiltonma.gov>; SelectBoard <selectboard@hamiltonma.gov>; Ben Galuza <bgaluza@hamiltonma.gov>; Bill Olson <bolson@hamiltonma.gov>; Bill Wilson <bwilson@hamiltonma.gov>; Rosie Kennedy <rkennedy@hamiltonma.gov>; Thomas Myers <tmyers@hamiltonma.gov>

Cc Emma Fringuelli <emma@h-w-news.com>; akwesell@k-plaw.com <akwesell@k-plaw.com>; rstein@k-plaw.com <rstein@k-plaw.com>; smeyers@k-plaw.com <smeyers@k-plaw.com>; DBraun@k-plaw.com <DBraun@k-plaw.com>; TMcEnaney@k-plaw.com <TMcEnaney@k-plaw.com>; Carin Kale <ckale@hamiltonma.gov>

 1 attachment (306 KB)

OML%20Complaint%20Form%202018.pdf;

To all,

To underscore this is procedural and not personal or frivolous.

I offer the following insight for the town and its counsel (KP Law) to review.

I understand there are a lot of contentious issues in town, however we must try our best to maintain decorum and decency to each other even in times of contention. We must do our best to follow the law and be sure to not silence each other in the process.

I do not feel there is any "gray" in this law, but if you see fit to disregard it, I hope at minimum we learn from this perceived overstep and not only allow respectful dialog, but set the proper exceptions among the board and the public, while adhering to state and federal law surrounding freedom of speech.

Best regards,
Jeff Austin

Regarding Public Comment and Input sessions

Once a Select Board invites or allows public comment during the business portion of a meeting, First Amendment protections and Massachusetts constitutional rights apply, even though the Open Meeting Law (OML) only mandates openness, not participation. Here's a breakdown of the legal framework:

1. Massachusetts Open Meeting Law (OML)

- The OML **does not require** boards to allow public comment at any time, but when they do, it becomes a **designated limited public forum**.
- **Citation:** M.G.L. c. 30A § 20(g)

"No person shall address a meeting of a public body without permission of the presiding officer..."

*****. —> **However, once a board grants that permission—even outside the designated public comment period—they are bound by constitutional constraints.**

2. Constitutional Law Applies When Public Is Allowed to Speak

- **U.S. Constitution – First Amendment:** Once a government body opens part of a meeting for public input, that portion becomes a **limited public forum**, and **viewpoint discrimination is prohibited**.
 - **See:** *Rosenberger v. Rector*, 515 U.S. 819 (1995)
 - **See:** *City of Madison Joint School District v. Wisconsin PERC*, 429 U.S. 167 (1976)
- **Massachusetts Constitution – Article 19:** Extends similar protections under the right to petition the government and speak freely in civic proceedings.
- **Barron v. Kolenda (SJC-13284, 2023):** Confirmed that when a board opens any part of a meeting to the public for comment—even beyond formal public comment slots—it **cannot suppress speech based on viewpoint or tone**.

3. What This Means Practically

If the board chair invites or permits public comment during the “business” section (e.g., agenda items, deliberations), then:

- They cannot censor comments because they are critical or emotional.
- They may impose neutral, content-free rules (e.g., time limits or speaking order), but they must apply them uniformly.
- Once the public is participating, it’s no longer a closed discussion — constitutional rights are triggered.

Conclusion on Public Comment / Input

If a Select Board invites or allows public input during any portion of the meeting (including business discussions), **they must respect constitutional protections**. They cannot selectively silence residents based on **what** they say or **how** they say it, provided it’s not disruptive or threatening.

Regarding relative relationships between the Chair and other board members.

Citing Massachusetts General Laws, Open Meeting Law, and applicable legal precedents:

1. Massachusetts General Law – Structure of Select Boards

There is no specific statewide statute that elevates the Chair’s authority beyond parliamentary function. The general municipal structure is governed by:

- M.G.L. c. 41, § 1 & § 81A

These sections define general roles for town officers, including select boards. They do not grant additional powers to the Chair beyond organizational duties unless the town charter or bylaw explicitly does so.

- Equal Status of Board Members:

The Select Board acts **collectively**. All decisions must be made by **majority vote**, not by the Chair alone. The Chair has **no authority to make binding decisions unilaterally** unless specifically authorized by a board vote or town charter/bylaw.

2. Role of the Chair – Procedural, Not Executive

Under Robert's Rules of Order (commonly adopted for municipal procedure unless otherwise specified):

"The presiding officer has no greater authority than any other member of the assembly."

— *Robert's Rules of Order, 11th Ed., §47:9*

The Chair:

- **Chairs the meeting**, maintains order, and ensures the agenda is followed.
- **Cannot suppress discussion or silence board members arbitrarily.**
- **Must act impartially and only enforces rules adopted by the board** or laid out in law/bylaw.

3. Massachusetts Open Meeting Law (OML) – M.G.L. c. 30A

The OML governs how boards must operate transparently and equally:

- **§ 20(g):**

"No person shall address a meeting of a public body without permission of the chair..."

But this refers only to public participation. It does not apply to board members.

- There is **no provision in the OML** that gives the Chair the right to **prevent another board member from speaking** during deliberations, except to maintain order consistent with adopted rules.

4. Federal & Constitutional Considerations

If a Chair attempts to block board members from speaking based on viewpoint or content of their comments (e.g., political disagreement), this could raise **First Amendment** issues:

- Public officials (including other board members) retain **free speech rights** during governmental functions.
- Arbitrary suppression could violate both the **First Amendment** and **Article 16** of the Massachusetts Constitution.

Summary of Legal Relationship

Chair of Select Board	Other Board Members
Presides over meetings	Equal voting rights
Can manage public comment (within limits)	Full right to participate in debate
Cannot censor or silence members without legal basis	Protected by OML and constitutional speech rights
Acts on behalf of board only when authorized by vote	Shares in board authority and responsibilities

Supporting References:

- [Mass. General Laws – Chapter 41: Officers of Cities and Towns](#)
- [Open Meeting Law Guide \(AG’s Office\)](#).
- [Robert’s Rules Summary – Presiding Officer Role](#)

Filed Complaint:

- Hamilton Select Board Meeting 05/05/25
 - <https://www.youtube.com/watch?v=VFQVigThZ5Y&list=PLPKNy9OyAYJTQkzazHoIMbcfZZdWvzmw>
 - 37:30 - questions only are allowed.
 - 1:23:30 - Stopping another select board member from input.

- 1:31:30 - Questions only repeated
- 1:31:40 - Questions only repeated
- 1:32:20 - No Select board questions
- 1:35:40 - Questions only repeated to resident
- 1:55:00 - Questions only segment was not on the agenda.
- 1:59:48 - Shutting down another board member
- 2:02:10 - Shutting down another board member again
- 2:04:35 - Shutting down another board member again
- 2:05:25 - Questions only repeated to resident
- 2:06:00 - Questions only repeated to resident

Best Regards,
Jeff Austin

On May 6, 2025, at 12:48 PM, Jeff Austin <jeffrey.austin@comcast.net> wrote:

Dear Members of the Select Board, Town Manager and Town Counsel,

I am writing to express serious concern regarding recent procedural conduct at your public meetings, particularly involving the restriction of both public comment and full participation by particular elected board members.

During recent sessions, it was observed that the Chairperson restricted public input solely to questions, disallowing general comments from residents even when the topic involved a high-impact issue such as the proposed school consolidation. Additionally, there appeared to be procedural interference with other Select Board members attempting to offer opinions or engage in relevant discussion.

I respectfully remind the Board that once public input is allowed on an agenda item, that portion of the meeting becomes a **designated public forum**. As affirmed in *Barron v. Kolenda*, 489 Mass. 759 (2023), **government bodies may not restrict speech based on viewpoint or content** during such forums. The Massachusetts Supreme Judicial Court clearly ruled that municipal bodies cannot impose rules that prohibit residents from expressing opinions, including criticism, during public comment. Limiting public contributions to only questions, while preventing broader commentary, undermines the very transparency and democratic engagement that Open Meeting Law (M.G.L. c. 30A, §§ 18–25) seeks to protect.

Equally troubling is the suppression of input from fellow Select Board members. It is essential to clarify that the Chair **serves as a procedural facilitator, not** as a superior officer with authority to silence peers. Each board member holds an equal and elected mandate to participate in public deliberation. According to both **standard parliamentary procedure**(e.g., Robert's Rules of Order) and Massachusetts governance norms, the Chair may recognize speakers to maintain order but **cannot selectively block the participation of other members** during lawful deliberations. Doing so not only breaches ethical standards, it may constitute a violation of Open Meeting Law and interfere with the public's right to a transparent process.

I urge the Select Board to take the following corrective steps:

1. Publicly affirm that **all board members** have equal standing and participation rights during meetings.
2. Ensure that **public comment periods allow both questions and viewpoint-neutral commentary**, in accordance with *Barron v. Kolenda* and constitutional protections.
3. Clarify the Board's operating procedures and bring them into full compliance with Massachusetts Open Meeting Law and established case law, if not already done so.
4. Recognize that repeated violations of these principles may result in formal complaints to the **Attorney General's Division of Open Government**, civil litigation, or public demands for leadership accountability.

The town expects and deserves a deliberative body that upholds not only procedural formality but the democratic spirit of open, inclusive government.

I trust the Board will take this matter seriously and restore proper norms moving forward.

Best Regards,

Jeff Austin

Hamilton Resident.



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body **AND** to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Jeff Last Name: Austin

Address: 50 Sharon Road

City: Hamilton State: MA Zip Code: 01982

Phone Number: 6174017115 Ext.

Email: jeffrey.austin@comcast.net

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Hamilton Select Board

Specific person(s), if any, you allege committed the violation: William Olsen

Date of alleged violation: 5/5/25

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On 05/05/25, during a publicly recorded meeting of the Select Board, the Chairperson prohibited members of the public from making comments, allowing only questions, despite the presence of School Committee members discussing a major public school consolidation proposal. Additionally, certain Select Board members were improperly denied their right to speak on the matter during a relevant portion of the meeting. These actions appear to violate the spirit and letter of the Open Meeting Law and the ruling in Barron v. Kolenda, which bars viewpoint or content-based restrictions during public comment periods. A copy of the recorded meeting can be found at the following public link:

Hamilton Select Board Meeting 05/05/25 - Most specifically the Chair's behavior.
Govt. Accesshwcam.org

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Select Board Chair was just elected 2 weeks ago.
Preferably he steps down and a new chair is elected.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 05/06/25



Outlook

External Email Warning Hamilton Select Board - OML Complaint (Extension Request)

From Devan C. Braun <DBraun@k-plaw.com>

Date Thu 5/8/2025 9:49 AM

To OpenMeeting (AGO) <openmeeting@mass.gov>

Cc Joe Domelowicz <jdomelowicz@hamiltonma.gov>; jeffrey.austin@comcast.net <jeffrey.austin@comcast.net>; Thomas W. McEnaney <TMcEnaney@k-plaw.com>

 1 attachment (306 KB)

OML%20Complaint%20Form%202018.pdf;

Dear Attorney Benedon:

The Hamilton Select Board (Board) is in receipt of an Open Meeting Law complaint from Mr. Jeffrey Austin, dated May 6, 2025. A copy of the complaint is attached and Mr. Austin is copied here. In light of the Board's significant work load in preparation for two upcoming Special Town Meetings and other outstanding obligations, and in an effort to take the time to carefully review the allegations raised by Mr. Austin, the Board respectfully requests, pursuant to 940 CMR 29.05(5)(b), a brief extension of time to forward its response to the complainant and to the Division of Open Government, through and until June 18, 2025.

Thank you kindly for your attention to this matter. Please contact me with any questions.

Best,

Devan

Devan C. Braun, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

617-654-1703

DBraun@k-plaw.com

www.k-plaw.com

Proposed Amendments to Existing Code

DRAFT for Planning Board Review

2025-05-06

The following sections of the existing code will be re-written as follows. Unless specifically indicated in the document, a additions are underlined, deletions are ~~struck through~~, and additional instructions are *italicized*.

HAMILTON ZONING BYLAW TABLE OF CONTENTS

Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.5:

9.7 3A Multi-family Overlay District (3A-MFOD)

- 9.7.1 Purpose
- 9.7.2 Applicability
- 9.7.3 Permitted Uses
- 9.7.4 Dimensional Standards
- 9.7.5 Severability
- 9.7.7 Sunset Clause

9.8 Hamilton Town Center Districts

- 9.8.1 Purpose and Intent
- 9.8.2 Interpretation
- 9.8.3 Town Center Districts
- 9.8.4 Dimensional Standards
- 9.8.5 Use Provisions
- 9.8.6 Site Standards
- 9.8.7 Administration

2.1 CLASSES OF DISTRICTS.

The Town of Hamilton is hereby divided into the following districts:

Residence District R-1A
Residence District R-1B
Residence-Agricultural District RA
~~Business District B~~
Depot Square
Bay Road Mixed-Use
Willow Street Mixed-Use
Downtown Residential
Bay Road Civic

Commented [RS1]: This will need to be reformatted as an Article for the warrant and may require more than one article given that different quantum of vote may apply.

For example, To see if the Town will vote to Amend the Zoning Bylaw of the Town of Hamilton and Town of Hamilton Zoning Map with new language to be added shown as underlined and language to be deleted shown as strike through unless otherwise specifically indicated as set forth in Appendix _____, which also includes a depiction of the map amendment, or take any other action relative thereto.

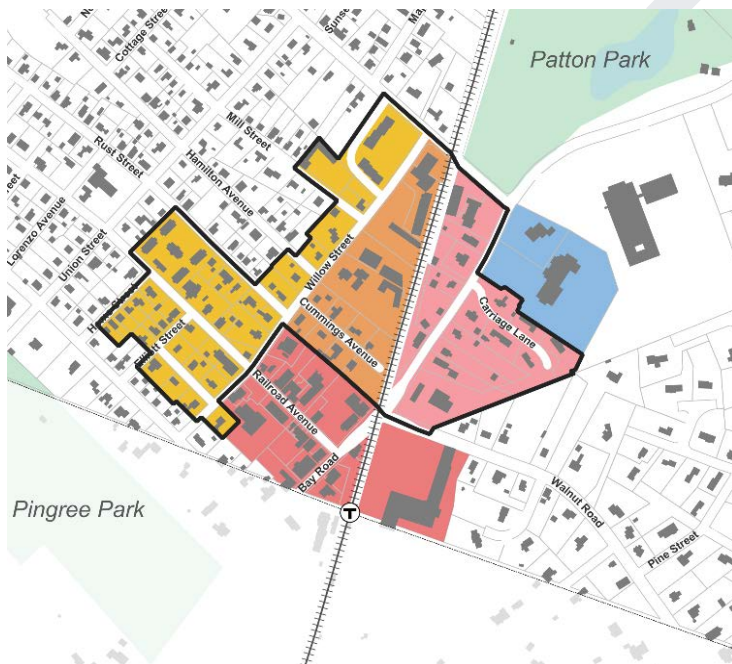
Commented [RS2]: What does this mean? Do the italics go in the bylaw? Generally what goes in the bylaw v. what is included in the draft for comment needs to be clarified.

Commented [RS3]: Should this be 9.6?

2.2 ZONING MAP.

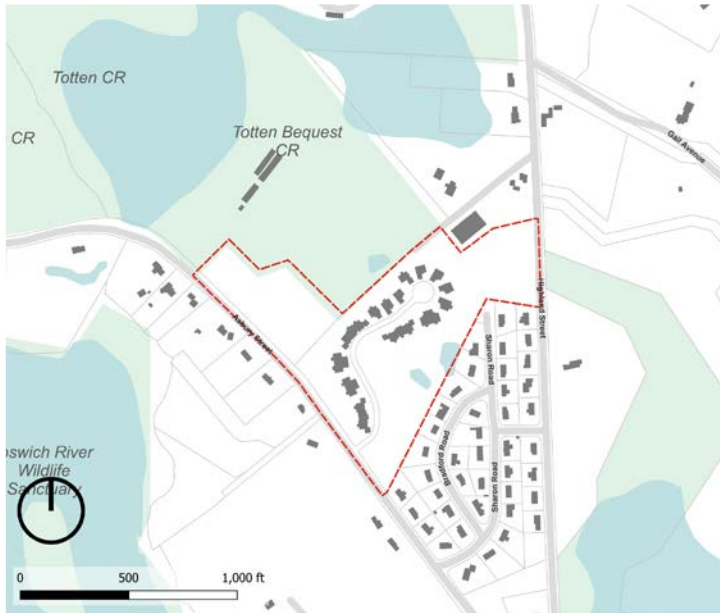
The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, and May 5, 2009, and June 26, 2025 ("Zoning Map") is hereby made a part of this Bylaw.

In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include any parcels currently within the Business District and not included in the proposed Depot Square Mixed-Use District.



- Depot Square Mixed Use
- Bay Road Mixed Use
- Willow St Mixed Use
- Downtown Residential
- Bay Road Civic
- Contribute to 3A

TOWN CENTER DISTRICTS



3A-MFOD

2.3 OVERLAY DISTRICTS.

The following Overlay Districts are also established, as set forth in Section 98.0, herein.

Groundwater Protection Overlay District	GPOD
Flood Plain Overlay District	FPOD
Estate Overlay District	EOD
Willow Street Overlay District	WSOD
Commercial Overlay District	COD
3A Multi-family Overlay District	3A-MFOD

Commented [RS4]: Overlay districts should be shown on the zoning map also.

2.5 SPLIT LOTS.

2.5.2 By District Boundary. Where a district boundary line between a residential and a business district an R District and a Town Center District divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district.

Commented [RS5]: What if the split is between, for example, 2 Town Center Districts? Do you only want this to apply to in some instances of split lots?

Commented [RS6]: The terms R District and Town Center District should be clearly defined. There appears to be inconsistency in how the terms are used throughout this document. See, for example, Sections 3.2.2 and 3.2.3 which both reference Willow Street Mixed Use and 3.2.3 which only references 3 districts where 9.8.3 references 5?

3.1 PRINCIPAL USES.

TABLE OF USE REGULATIONS

Given the extensive changes to the Table of Use Regulations, the following changes are described but not shown by underlined and strikethrough text., except that the word “development” is being added to D. 21 and is shown as underlined.

Delete the last Column “B” Business District from the Table

Add the following uses under residential: A8 - Two Family Dwelling. A9 - Multi Family Dwelling.

Indicate in the table that A8 and A9 uses are not allowed (“N”) in the R-1A, R-1B and RA districts

Add 5 additional columns to include Depot Square, Bay Road Scenic, Willow Street Mixed Use and Downtown Residential Districts as follows:

A. Residential	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. One Single Family Dwelling	N	Y	Y	Y	N
2. 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
3. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
4. Senior Housing (see Section 8.2)	N	N	N	N	N
5. Long Term Care Facility	ZBA	ZBA	ZBA	ZBA	ZBA
6. Garage with more than 4 motor vehicle spaces	ZBA	Y	Y	ZBA	ZBA
7. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	Y
<u>8. Two-Family Dwelling</u>	N	Y	Y	Y	N

9. Multi-Family Dwelling	N	Y	Y	Y	N
B. Community Facilities	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Use of land or Structures for religious purposes	Y	Y	Y	Y	N
2. 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
3. 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
4. Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions	ZBA	ZBA	ZBA	N	N
5. Community or private club, not conducted for profit	ZBA	ZBA	ZBA	N	ZBA
6. Nonprofit civic or fraternal building	N	N	N	N	N
7. Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
8. Commercial Recreation, Outdoors	N	N	N	N	SB
9. Temporary use for amusements and recreation	SB	SB	SB	N	SB
10. Municipal Buildings or facilities	Y	ZBA	ZBA	ZBA	Y

11. Essential Services	Y	N	N	N	Y
C. Agricultural	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	N	N	N	N	N
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
3. The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	N	N	N	N	N
D. Commercial	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Adult Entertainment Uses	ZBA	N	N	N	N
2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	N	N	N	N	N
3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
5. Kennel	ZBA	ZBA	ZBA	N	N
6. Funeral homes	ZBA	N	N	N	N
7. Garage with more than four automobile/truck spaces	N	N	N	N	N
8. Motor Vehicle Light Service Station	ZBA	N	N	N	N
9. Manufacturing of products sold on the premises at retail, where no more than	ZBA	N	N	N	N

five operators are employed in such manufacture					
10. Rail or bus station or terminal	ZBA	N	N	N	N
11. Motor Vehicle Repair Shop	N	N	N	N	N
12. General Service Establishment	Y	N	N	N	N
13. Personal Service Establishment	Y	Y	Y	N	Y
14. Restaurant	Y	Y	Y	N	Y
15. Restaurant, Fast Food	ZBA	N	N	N	N
16. Retail Store	Y	Y	Y	N	Y
17. Veterinary Facility or Clinic	ZBA	ZBA	ZBA	N	ZBA
18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
19. Wind Energy Facility (not in COD) (see Section 7.3)	ZBA	ZBA	ZBA	ZBA	ZBA
20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
D21. Mixed Use Development, subject to site plan approval	Y	Y	Y	N	Y
D22. Drive-In or Drive-Through Establishment	N	N	N	N	N
D23. For Profit Educational Facility	ZBA	ZBA	ZBA	N	ZBA
D24. Marijuana Establishment	N	N	N	N	N
E. Accessory	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic

Commented [RS7]: Why is this bold?

1. Up to three boarders in a Single Family Dwelling	N	Y	Y	Y	N
2. Accessory Dwelling Unit (see Section 3.6)	Y	Y	Y	Y	Y
3. Large Accessory Dwelling Unit (See Section 11.0)	PB	PB	PB	PB	PB
4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)	Y	Y	Y	Y	Y
5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises	Y	Y	Y	Y	Y
6. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are both: (a) accessory to activities permitted as a matter of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2)	ZBA	ZBA	ZBA	ZBA	ZBA
7. Parking area or garage for use of employees, customers or visitors	Y	Y	Y	N	Y
8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	ZBA	ZBA	ZBA	ZBA	ZBA
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	ZBA	ZBA	ZBA	ZBA	ZBA

12. Marijuana Establishment	N	N	N	N	N
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3.2 ACCESSORY USES.

3.2.2 Accessory Uses and Structures in the Residence Districts R1-A, R1-B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts. The following provisions shall apply to Accessory Uses and Structures in the Districts:

3.2.3 Accessory Uses in the Business-Town Center Districts.

In the Business-Depot Square Mixed Use, Bay Road Mixed Use and Willow Street Mixed Use Districts any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

4.1.2 Table of Dimensional Regulations. The Table of Dimensional Regulations is hereby declared to be a part of this By-law.

TABLE OF DIMENSIONAL REGULATIONS¹

	R-1a	R-1b	RA	B
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA ¹
Minimum Lot Frontage (ft.)	125	175	175	ZBA ²
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building	100 at building	100 at building	ZBA ³
Maximum Building Height (ft.)	35	35	35	35
Maximum number of Stories	3	3	3	3
Maximum Building coverage of Lot (%)	25	25	25	75 ⁴
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 ⁵	25/50 ⁵	25/50 ⁵	25/50 ⁶
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA ⁶

1. Dimensional Requirements for the Hamilton Town Center Districts are found in Section 9.8 of the Zoning Bylaw.

- For each Dwelling Unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during site plan review.
- For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during site plan review.
- To be determined during site plan review.
- Or as determined during site plan review.

Commented [R58]: Please confirm the district references below are accurate- the use of the term Town Center District in this bylaw does not appear consistent.

For example, 9.8 has 5 districts- this has 3 and Willow Street and Bay Road Mixed-Use are listed in both of 3.2.2 and 3.2.3 and Bay Road Civic is not listed at all.

Commented [R59]: See my prior comment about this term.

5. ~~Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.~~
6. ~~For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~

6.1 OFF-STREET PARKING AND LOADING AREAS.

6.1.3 No Reduction. Required off-street parking and loading spaces shall not hereafter be reduced, unless approved by except at the discretionary review of the Planning Board pursuant to Section 6.1.6, nor any loading space counted as or substituted for a parking space.

Commented [RS10]: This change is recommended because site plan is non-discretionary.

6.1.6 Shared Parking. No part of an off-street parking or loading space required for any Building or use shall be included as a part of an off-street parking area required for another Building or use unless a determination is made by the Board of Appeals to the effect that the period of usage of such structure or uses will not be simultaneous. In the Hamilton Town Center Districts, shared parking may be permitted by the Planning Board for a mix of uses on a single site or between sites during the Site Plan Review process, if the applicant can demonstrate that shared spaces will adequately meet parking demands because uses have varying peak parking demands, will reduce excess parking, and if the Planning Board determines shared parking will serve as a benefit to the Town Center. The minimum number of parking spaces for a mixed-use development or between sites where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally accepted procedures.

Commented [RS11]: See my prior comment about this.

6.1.9 Site Plan. Parking areas and loading areas in the Business Depot Square District shall be shown on a site plan, as provided in Section 10.6.

Commented [RS12]: Just this district?

6.3 SIGNS.

Commented [RS13]: What about Bay Road Civic?

6.3.2 Residence R-1A, R1-B, RA, and Downtown Residential Districts

6.3.3 Business Depot Square, Bay Road Mixed Use and Willow Street Mixed Use Districts.

1. No more than three (3) signs are permitted per business establishment.
 - a. A-frame or sandwich board signs, whether temporary or permanent, shall only be permitted by special permit.
 - b. Only one sign may project from the exterior wall surface of the business establishment. Any sign projecting over a pedestrian path shall have a clear space of not less than 12 feet below all parts of such signs. Projecting signs are not allowed over vehicular pathways except by Special Permit.
 - c. Signs that are inside the business establishment but legible from the exterior shall be counted as one of the three permitted signs.

6.3.4 Standards

8. A sign in the business Depot Square, Bay Road Mixed Use, Willow Street Mixed Use, and Bay Road Civic Districts shall not exceed a total area of (6) square feet.

6.3.6 Special Permit Granting Authority: The Special Permit Granting Authority for this Section 6.3 is the Planning Board.

1. Other and larger signs may be allowed by Special Permit in any district provided such signage is for a specified period not to exceed one year. Proposed signage that deviates from these requirements may be permitted by Special Permit.

8.2 SENIOR HOUSING.

8.2.2 Eligible Locations. A Special Permit may be granted for Senior Housing on any lot(s) in the R-1A, R-1B, or R-A. or B, Districts that meet the requirements of this Section and other applicable provisions of this By-law. Parcels in existence as of May 5, 2008, may not be assembled to create a larger parcel for Senior Housing development.

8.2.7 Permitted Uses. A Senior Housing development may include the following uses:
13. In the Business District a mixture of residential and business uses.

8.2.9 Base Senior Housing Density. The Base Density per Developable Acre for a Senior Housing Special Permit shall be: four (4) Dwelling units in the Business District; three (3) Dwelling units in the R1-A District, two (2) Dwelling units in the R1-B District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre	Incentives to Increase Base Senior Housing Density for:					Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density per Dev. Acre
			Mix of Smaller Units (50% units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. Criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units			
1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
2	R-1a	3	25%	25%	25%	25%	25%	125%	1.0	4.00
3	R-1b	2	25%	25%	25%	25%	25%	125%	1.0	4.00
4	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

EXPLANATION OF COLUMNS:

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-a, and RI-b Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance Between Projects. In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance Between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under G.L. c. 40B, or any existing or approved project including multi-family residential buildings under any other provision or By-law. Excluded from this calculation and this Section are any existing multi-family projects approved prior to January 1, 2003, multi-family dwellings or mixed-use developments in the Hamilton Town Center Districts, and apartments under Sections 3.4, 3.6 or 3.7.

4. ~~Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

8.2.15 Dimensional Standards. The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

TABLE OF DIMENSIONAL REQUIREMENTS

	A	B	C	D	E	F	G	H	I
	Zoning District	Underlying Zoning District Requirement (s.f.)	Minimum Parcel Size (sq.ft.) to be eligible for development	Minimum Parcel Frontage Required (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Minimum Open Space Required of total acreage	Maximum Lot Coverage of entire parcel
1	Bus. District		none	site specific	0	0+	0+	0	site specific
2	R-1a	20,000	80,000	125	25	25 ²	20	0	25%
3	R-1b	40,000	80,000	175	25	25 ²	20	15%	25%
4	RA	80,000	80,000	175	50	25 ²	20	25%	25%

NOTES ON HOW TO READ THE MATRIX:

Delete entire row for B District

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant

may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-A, and R1-B Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance between Projects.

~~4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

Commented [RS14]: This change is shown above?

8.2.13 General Requirements. The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. ~~An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.~~

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, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential districts, where the tenth dwelling unit and every tenth unit thereafter shall be an Affordable Housing Unit, affordable to a moderate-income household and the total number of affordable units shall be capped at 10%. Nothing in this Section shall preclude a developer from providing more Affordable Housing Units than are required hereunder.

Commented [RS15]: See and confirm compliance with 760 CMR 72.04:

"For purposes of making compliance determinations with M.G.L. c. 40A, § 3A, EOHLC will consider an affordability requirement to be consistent with As of right zoning as long as the zoning requires not more than 10% of the units in a project to be Affordable units, and the cap on the income of families or individuals who are eligible to occupy the Affordable units is not less than 80% of area median income."

9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

9.1.4 Dimensional Requirements. Regardless of the minimum Lot size of the underlying zone, there shall be a minimum lot area of eighty thousand (80,000) square feet per dwelling unit in the GPOD. 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 minimum lot area per dwelling limitation.

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.

Commented [RS16]: Are any of the districts being used for 3A compliance in the GPOD? If so, they need to be exempted from the per dwelling unit minimum and special permit minimum also.

Also- if any of the 3A land is in the Floodplain we recommend you consult with DCR and EOHLC about addressing that.

9.5 ~~WILLOW STREET OVERLAY – Reserved~~ *(Willow Street Overlay District deleted in June 2025)*

Remove this section entirely. Provisions no longer necessary due to replacement of underlying zoning.

9.6.13 Signs. The Business District Depot Square Mixed Use, Willow Street Mixed Use, and Bay Road Mixed Use District provisions of Section 6.3 shall apply for all Building specific signage (tenant identification, directory, parking, etc.) within the Commercial Overlay District.

Commented [RS17]: Please confirm.

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. For the purposes of calculating FAR, basements, cellars, attics, garages and interior parking spaces shall be excluded from the GFA. Half-stories that meet the criteria listed in 9.7.2.1.2 (i), Half Story, shall be counted as one half of the GFA of the floor below.

Dwelling, Three-family: A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

Dwelling, Four-family: A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

Dwelling, Multi-Family: A building containing ~~five~~ three or more dwelling units, or two or more buildings on the same lot with more than one residential dwelling unit in each building, except as otherwise defined in this Bylaw.

Mixed Use Development: ~~Two or more uses on a single parcel as a part of a single development plan.~~

~~A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building as part of a single development plan.~~

Commented [RS18]: I recommend using the statutory/eohlc regulation definition being:

a building with three or more Residential dwelling units or two or more buildings on the same Lot with more than one Residential dwelling unit in each building.

Commented [RS19]: What does this mean or reference?

Commented [RS20]: I recommend using the statutory/eohlc regulation definition being:

"development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses."

Hamilton Town Center Base Zoning

DRAFT for Planning Board Review
2025-05-06

Commented [RS21]: We defer to the Town and its planning consultant to determine compliance with dimensional/modeling requirements for 3A- that is outside of legal review.

9.8 HAMILTON TOWN CENTER DISTRICTS.

The Hamilton Town Center Districts Section consists of 4 sub-sections:

Purpose and Intent

This section introduces the purpose and intent of the zoning generally, how and where it is to be applied, and how the regulations of this section relate to other sections of the bylaw.

Interpretation

This section provides definitions and explanations of the terms and metrics that are used to regulate building scale, form and placement. Many of the terms are unique to this section.

Town Center Districts

This section describes the purpose and intent of each subdistrict, as well as any relevant planning considerations. It also includes district-wide tables with dimensions for lots and buildings. A complete allowed use table is included as well which is specific to the Town Center sub-districts.

Administration

This section outlines the permitting path for proposed development, including whether Site Plan review or a Special permit are required.

9.8.1. PURPOSE AND INTENT.

1. Purpose. The purpose of this Section 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 multi-family housing development that are both in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC) set forth at 760 CMR 72.00 and consistent with the Town's existing character.

2. Intent. This Section is intended to ensure development in Hamilton's downtown contributes to the realization of the Hamilton Town Center Vision Plan developed over the course of a townwide visioning process conducted throughout 2024 and 2025. Specifically, this Section intends 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 9.7 3A-MFOD, comply with G.L. c. 40A, § 3A and the Section 3A Compliance [Regulations Guidelines](#) of the Executive Office of Housing and Livable Communities (HLC) [\(760 CMR, 72.00\)](#).

3. Applicability.

- (a) *Territorial Application.* This Section 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 official Town of Hamilton Official Zoning Map dated June 26, 2025.
- (b) *Required Conformance.*
 - (i) All buildings, structures or land, in whole or in part, must be used or occupied in conformance with this Section. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Section.
 - (ii) [If any condition or requirement imposed by this Section 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 Section governs.](#)
- (c) *Conflicting Provisions.*
 - (i) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with another provision of this Section, the more restrictive condition or requirement controls.
 - (ii) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with any condition or requirement of any other provision of the [Town of Hamilton's Bylaws](#), the provisions of this Section control.
- (d) *Text and Graphics.* Illustrations, photographs and graphics are included in this Section to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Section and any illustrations, the text governs.
- (e) *Existing Applications and Permits.* The applicability of this Section with respect to existing [and proposed uses and structures applications and permits](#) is governed by Section 1.4.1, [Applicability/Nonconformities](#), [and Section 1.4.2, Commencement of Construction or Operation and Section 5.0 \(Nonconforming Uses and Structures\)](#).
- (f) *Severability.* If any provision of Section 9.8 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.8 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.8 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.

Commented [RS22]: This cannot be applied more restrictively than state law, for example, 40A or the building code.

Commented [RS23]: Do you mean the rest of the zoning bylaw?

Commented [RS24]: Existing Section 1.4.2 should be amended as it is not consistent with G.L. c. 40A, s. which allows for 1 year to use a building permit and 3 years for a special permit or site plan approval

Commented [RS25]: If you mean to change how any part of 5.0 applies in these districts, that needs to be explicitly addressed here.

- (g) *Nonconforming Uses.* ~~Conversion to, the creation of, or extension of~~ A change to a Nonconforming use shall be governed by Section 5.2 Nonconforming Uses.
- (h) *Nonconforming Structures.* Nonconforming structures shall be governed by Section 5.3, Nonconforming Structures. Per Section 5.3.2 Variance Required, a variance from the Zoning Board of Appeals shall be required for the change of a nonconforming Structure in such a manner as to increase an existing nonconformity or create a new nonconformity. In addition to the circumstances described in Section 5.3.4(1) and 5.3.4(3) under which an alteration, extension, reconstruction or structural change repair shall not be deemed to increase the nonconforming nature of Nonconforming Single and Two Family Dwelling Structures, ~~shall also include any of the following circumstances~~ in the Bay Road Mixed Use, Willow Street Mixed Use and Downtown Residential Mixed Use Districts only the following shall also be deemed not to increase the nonconforming nature of a nonconforming single- or two-family dwelling:

Commented [RS26]: If this is just repeating and not changing 5.3.2, you don't need to say it here.

Commented [RS27]: What about 5.3.4(2)?

The Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not reduce the setback which fails to conform.

The Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform.

The Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform.

The location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform.

The Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform.

The Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio.

The Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type or steepness.

The Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition.

The minimum Open Space requirements are not met and the proposed alteration or extension will not reduce the amount of Open Space.

In the Depot Square District, the following circumstances shall not be deemed to increase the nonconforming nature of Nonconforming Structures and the Building Commissioner may issue a building permit:

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Commented [RS28]: Just for single and two family? Also, what about the existing items in Section 5.4.3?

- (i) The existing Structure is on a conforming Lot but is nonconforming because

it encroaches on a setback or the Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not change the setback which fails to conform; or

the Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform; or

the Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform; or

the location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform; or

the Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform; or

the Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio; or

the Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type; or

the Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition; or

the Structure does not meet the minimum fenestration requirements and the proposed alteration or extension will not reduce the percentage of fenestration; or

the Structure exceeds the maximum Building Footprint allowed and the proposed alteration or extension will not increase the Building Footprint;

and the entire structure meets all other requirements of this By-law including but not limited to height.

- (ii) The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Frontage as the result of a zoning change, and the existing Structure and proposed alteration or extension meets all other current requirements of the By-law including but not limited to setbacks, height and Lot coverage.

9.8.2. INTERPRETATION.

1. Site Dimensional Standards and Measurements.

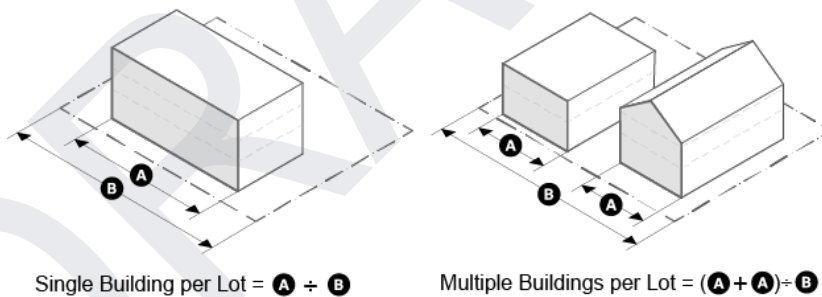
- (a) *Yards*. See Definitions Section 11. Each yard measurement is made perpendicular to the property line and begins at the property line. Measurements are made to the nearest portion of the building, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Frontage*. The side of a lot that faces a street or public way as defined in Section 11. 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.

Commented [RS29]: If you have not done so already, I recommend reviewing and confirming this with the Building Commissioner. Is this intended to change anything? Are you intending to measure things differently in the Town Center than elsewhere in Town?

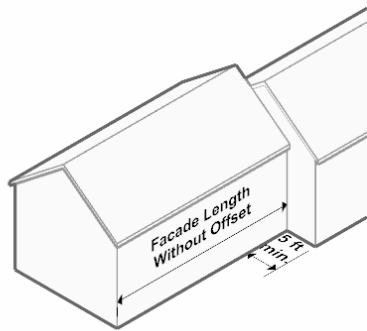
- (d) *Open Space*. Land within a lot not covered by any structures or area dedicated to vehicular use including parking spaces and drive aisles.
- (e) *Parking Setbacks*. All parking spaces must be located behind the parking setback lines or as otherwise indicated. Each setback measurement is made perpendicular to the property line and begins at the property line.
- (f) *Number of Buildings*. Multiple buildings are permitted on each lot, subject to the dimensional requirements listed in Section 9.8.3. Where there are more than one building, FAR limitations shall apply to all buildings cumulatively, and Maximum Building Footprints limitations shall be applied on a per building basis.
- (g) *Street Facing Entry Feature*. Building entry that is directly accessible and visible from a Street. Entry doors are not required to face the street so long as they are accessed through a porch, patio, plaza, canopy or other element facilitating direct visual and physical access from the Street.

2. Building Dimensional Standards and Measurements.

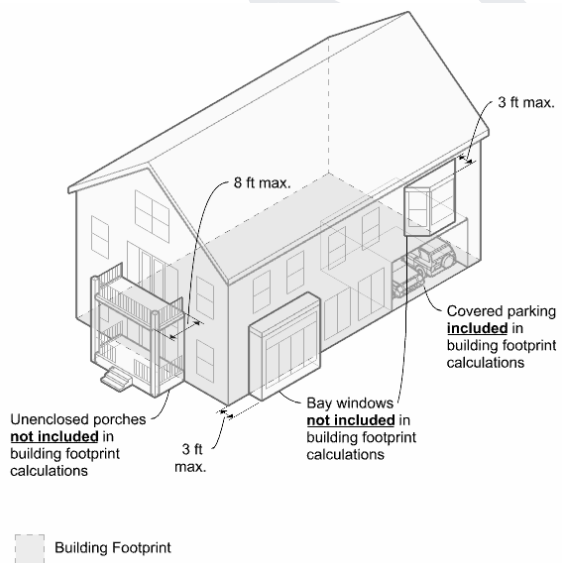
- (a) *Depth*. Measurement of a building, yard, or setback measured perpendicular to a Front lot line, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Facade Build Out*. The ratio of the façade width within the minimum and maximum Front Yard dimensions to the lot width, calculated by dividing the cumulative façade width by the lot width. Facade build out is intended to ensure that new development addresses the street in a pedestrian-friendly manner and that frontage conditions are compatible with existing patterns.



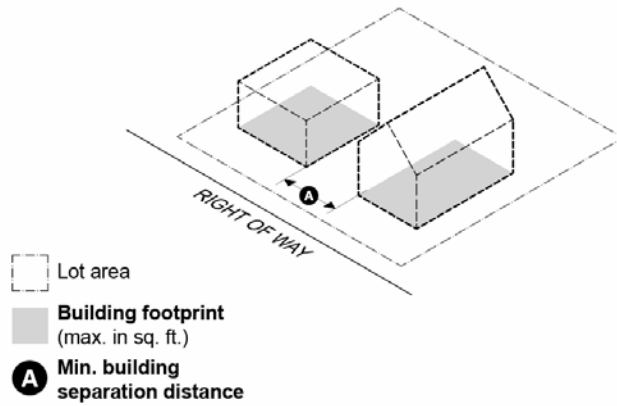
- (c) *Facade Length Without Offset*. The maximum allowable length of any building facade, front, side or rear, without a change in the plane of 5 ft. or greater, extending from the ground plane to the roof. The purpose of offset requirements is to limit long, undifferentiated facades and to ensure that larger building massings are broken down into smaller elements that are more reflective of the existing context.



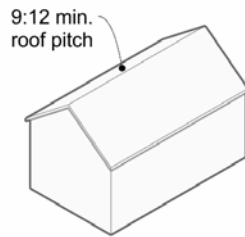
- (d) **Building Footprint.** The area of land occupied by a building, defined by the outer edge of its foundation and exterior walls inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of footprint area provided they do not protrude more than 3 ft. from the face of the building. Unenclosed porches less than 8 ft deep do not contribute to the calculation of the building footprint.



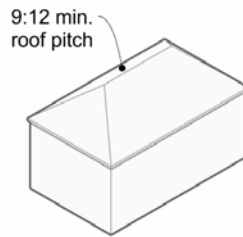
- (e) **Building Separation.** The distance between buildings on a lot, measured from the nearest primary face of each building at its closest point, excluding bay windows less than 3 ft. deep and porches less than 8 ft. deep.



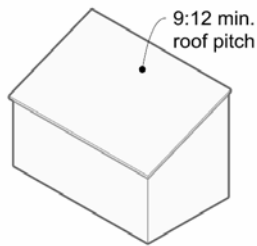
- (f) *Height.* See Definitions Section 11. In the Town Center Districts , for buildings on lots fronting more than one public way, height shall be measured from all frontages.
- (g) *Roof.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 3.7 Building Standards. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



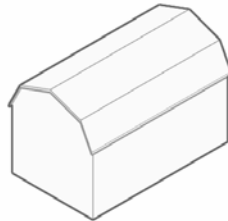
Gable Roof



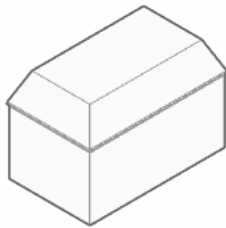
Hipped Roof



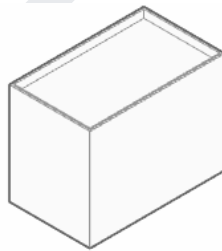
Shed Roof



Gambrel Roof



Mansard Roof

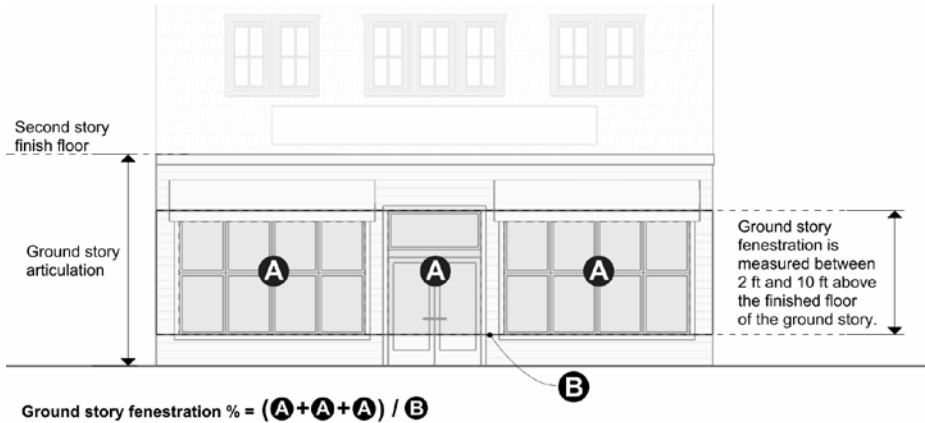


Flat Roof

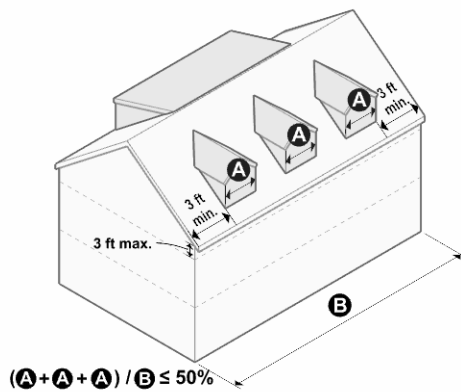
- (h) **Width.** Measurement of the length of a building parallel to a Front lot line.

- (i) **Fenestration.** The percentage area 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. Where required, minimum ground floor fenestration is intended to ensure that ground floor uses can activate the public realm.



- (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. The uppermost level of gambrel, mansard and flat roofs may not be considered a half story and shall be considered a full story.



9.8.3. TOWN CENTER DISTRICTS.

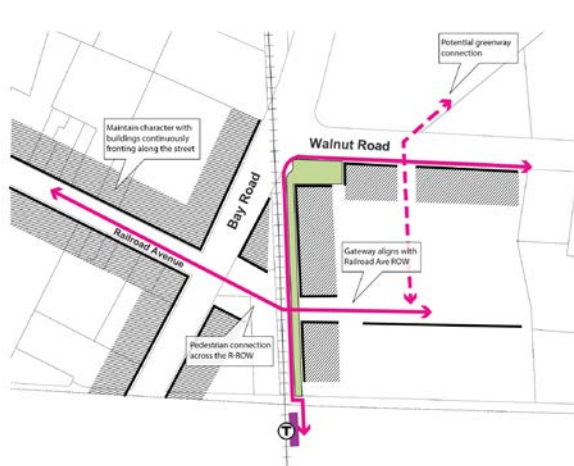
1. Depot Square.



- (a) *Description.* The Depot Square district is characterized by two distinct conditions - on Railroad Ave by buildings with small footprints up to two and a half (2.5) stories in height, and east of the rail corridor, a large auto-centric shopping center. The area along Railroad Ave has the character of a small and historic town center; most buildings sit close together and near the sidewalk, while other buildings maintain some space between one another and include parking lots. The shopping center features large, one story buildings separated from its frontage by large parking areas. The district is primarily commercial, with some mixed-use residential near the edges. Most buildings west of the rail corridor were designed to accommodate commercial uses with form consistent with the historic residential buildings nearby.

(b) *Purpose and Intent.*

- (i) To foster a mixed-use and vibrant town center and preserve the existing small-scale commercial character along Railroad Ave.
- (ii) To enhance a continuously built front along main public thoroughfare frontages in the district.
- (iii) To extend the small-scale commercial character pattern on Railroad Ave to future development in other larger parcels of the district.
- (iv) To preserve and extend the visual and pedestrian corridor along Railroad Ave across the MBTA tracks.
- (v) To preserve existing open space/green space areas at critical intersections.
- (vi) To promote walkability and safety along all street frontages.



2. Bay Road Civic.



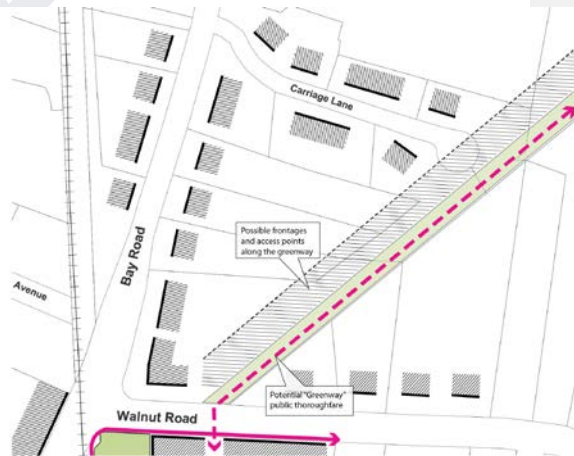
- (a) *Description.* The Bay Road Civic district is owned by the Town and hosts municipal functions, including the Public Safety Complex, the Council on Aging, and the Building and Health Departments. The current arrangement of buildings and parking do not align with the traditional frontages of the 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.
- (b) *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. Bay Road Mixed-Use.

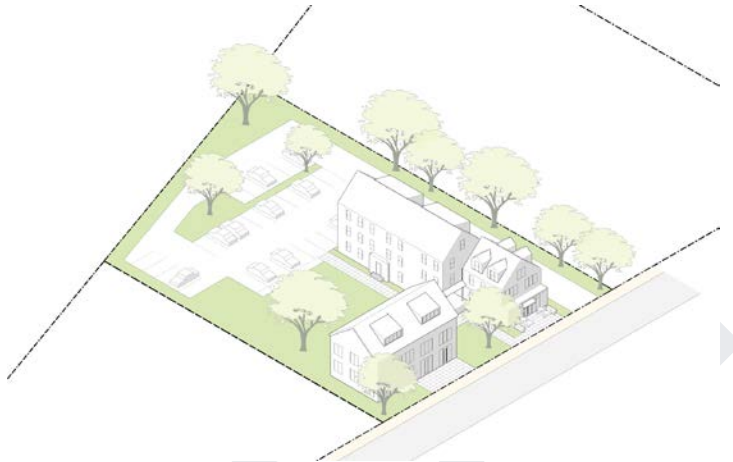


(a) *Description.* Most of the Bay Road Mixed-Use district matches the form of nearby residential areas where buildings have small footprints and a maximum height of two and a half stories (2.5). The eastern half of the district contains a mix of residential, commercial, and civic uses, and is characterized 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.

(b) *Purpose and Intent.* The regulations for Bay Road are intended to preserve and restore the historically scenic character of Bay Road, when the thoroughfare was tree-lined and more pedestrian-oriented in nature, 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.



4. Willow Street Mixed-Use.



- (a) *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.
- (b) *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.

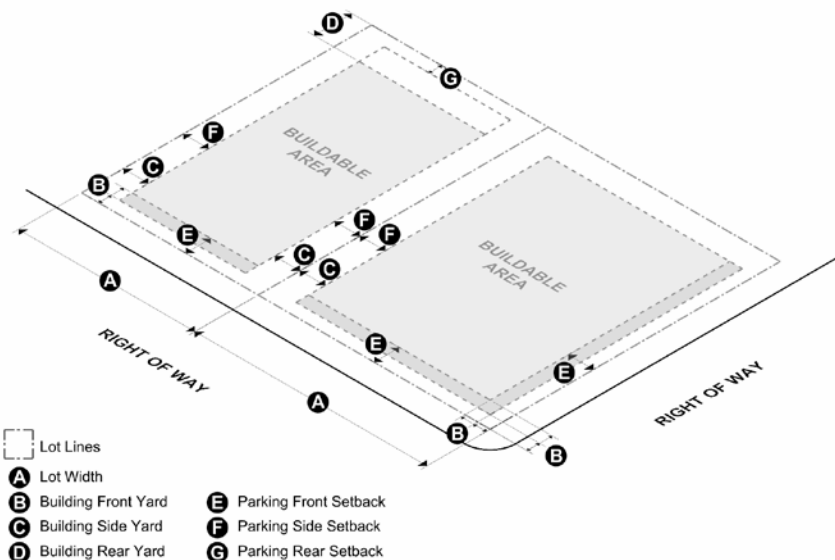
5. Downtown Residential.



- (a) *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 institutional uses.
- (b) *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.

9.8.4. DIMENSIONAL STANDARDS.

1. Site Dimensional Requirements.



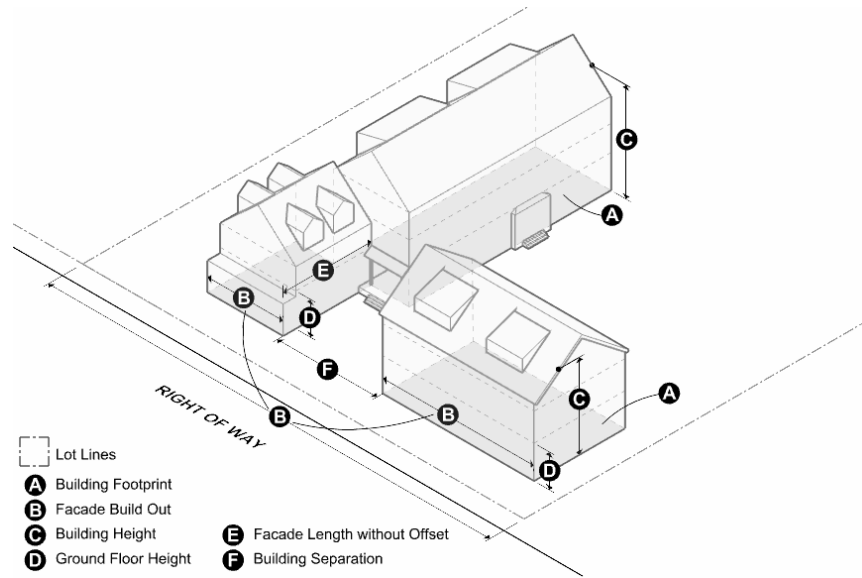
	Lot Dimensions	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Lot Size (min)	1,000 ft	5,000 ft	3,000 ft	3,000 ft	5,000
A	Lot Width (min)	20 ft	40 ft	40 ft	30 ft	40 ft
	Coverage	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Open Space (min)	0%	40%	40%	40%	40%
	Building Yards Setbacks	Depot Square (note 2)	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
B	Front Yard Setback on streets (min/max) (note 1)	0 / 10ft.	20 / 35 ft	10 / 20 ft	10 / 20 ft	20 / 35 ft
C	Side Yard Setback (min)	0 ft	5 ft	5 ft	10 ft	10 ft
D	Rear Yard 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
E	Front Setback (min)	10 ft	Aligned with, or set back further than, building frontage			
F	Side Setback (min)	0 ft	5 ft	5 ft	5 ft	5 ft
G	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				

Note 1: Includes frontage along the western edge of 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 Yard in all districts except Depot Square.

Note 2: Side and Rear Yards in the Depot Square District that directly abut a different zoning district shall conform to the minimum setbacks required in the abutting district.

2. Building Standards.



Massing	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
A Building Footprint (max per building)	5,000 sf	3,000 sf	5,000 sf	3,000 sf	N/A
B Facade Build Out (min)(note 1)	60%	35%	35%	35%	35%
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
Number of Stories Minimum	N/A	2	2	2	2
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	0.39 0.45 by SP	0.42 0.45 by SP	0.40 0.45 by SP	N/A
E Facade Length without Offset (max)	70 ft	70 ft	70 ft	70 ft	70 ft
F Building Separation (min)	10 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 (note 2)	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

Note 1: For Lots with more than one Frontage, the minimum Facade Buildout requirements shall apply to each Frontage individually, and not cumulatively.

Note 2: Roof forms may be combined, so long as minimum roof steepness is maintained.

3. Depot Square Additional Dimensional Requirements and Interpretation

The following requirements and interpretations apply to the Depot Square District only:

- New Structures are only permitted within 80 ft. from a property line bounded by a public way, including the western edge of the rail corridor which shall be considered a Front Yard. 80 ft shall be measured perpendicular to the Frontage. Structures beyond 80 ft. from the Front property line, and/or individual structures with a Building Footprint greater than 5,000 sf, shall be permitted only through a Special Permit.
- Lots in the Depot Square District with more than one frontage and a Lot Area greater than 35,000 sf shall provide a minimum of 3,500 sf of Open Space at the intersection of the two frontages.
- Facade Build Out: On Lots where Open Space is required at an intersection, the length of the required Open Space along any frontage may be subtracted from each Frontage length for the purpose of calculating minimum Facade Build Out. On Lots greater than 45,000 sf and containing more than one Frontage, Facade Build Out requirements shall apply only to the Frontage where new structure(s) are proposed.
- Total Gross Floor Area of greater than 12,500 sf on a Lot is not permitted by right. Additional Gross Floor Area shall be permitted only through a Special Permit, granted by the appropriate SPGA applicable to the proposed uses.

9.8.5. USE PROVISIONS.

The allowable uses and accessory uses in the Town Center Districts are contained in Section 3.0 Use Regulations. The following clarifications and exceptions are made with respect to the Town Center Districts:

Use A6, a Garage with more than 4 motor vehicle spaces, is permitted in the Bay Road Mixed Use, and Willow Street Mixed Use districts provided it is:

- (a) Accessory to a Multi Family Dwelling, and;
- (b) Located below grade or at grade beneath the primary building massing and not in a stand-alone structure.

Use A7, Two or more dwelling units, second floor and above when part of a mixed-use building or development, is allowed in the Depot Square District provided all of the following criteria are met:

- (a) the ground floor area associated with the dwelling units are limited to entry areas, lobbies and vertical circulation elements such as stairs and elevators
- (b) the residential ground floor uses occupy a minimum of 10% of the primary building frontage, or 10 ft., whichever is greater
- (c) the ground floor non-residential uses are a minimum of 20 ft. deep

9.8.6. SITE STANDARDS.

1. Site Access.

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

(a) *Pedestrian Access.*

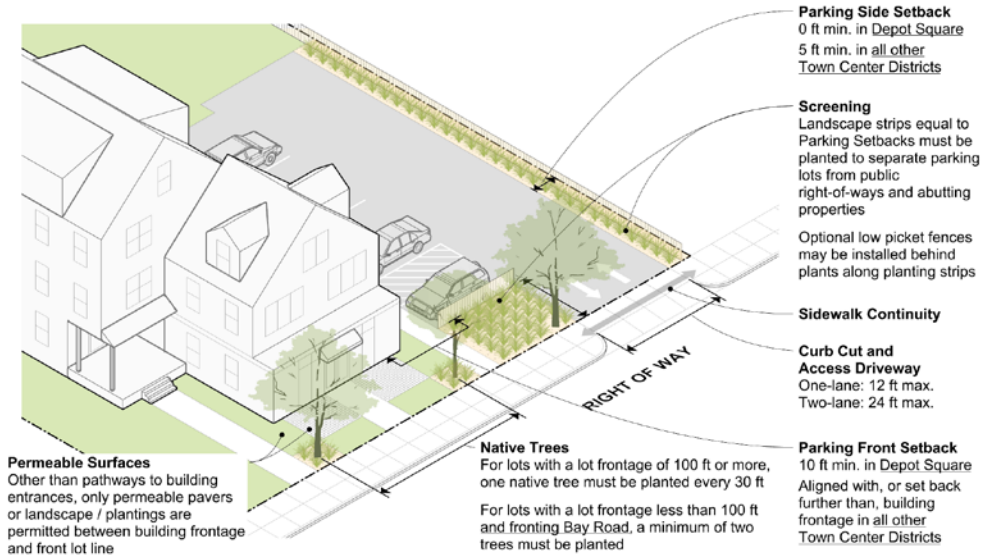
- (i) All development must provide pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other public entrances with available access points including adjacent rights of way, all parking lots, and sidewalks.
- (ii) Pedestrian 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.

(b) *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 front yard for principal structures. 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.

- (iv) Parking garage entries that face a public way must be set back 60 ft. from the property line(s) abutting the public way.

2. Parking.



- (d) The quantity of off-street parking spaces shall be in accordance with the requirements of Section 6.1 of Hamilton's Zoning By-Law.
- (e) All driveways must comply with Section 6.2.2 of Hamilton's Zoning By-Law.
- (f) All parking spaces and structures must be located at or behind any required parking setback as specified for each Town Center District.
- (g) The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:
One-lane: 12 ft
Two-lane: 24 ft
- (h) Each lot is limited to one curb cut per street frontage. Lots with more than 200 feet of frontage are allowed one additional curb cut every 200 feet.
- (i) The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.

- (j) Shared driveways are encouraged where they reduce the interruption of curb cuts and allow for more landscape treatment. Permits shall be issued subject to the requirements of 6.2.6 Common Driveway.
- (k) Parking Lots with 10 or more parking spaces must have interior islands, median islands, and perimeter islands that conform with the following requirements:
 - (i) *Interior Islands.*
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (ii) *Median Islands.*
 - (1) A median landscape island must be provided between every 4 rows of parking. Intervals may be modified to preserve existing trees.
 - (2) 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.
 - (3) 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).
 - (iii) *Perimeter Islands.*
 - (1) A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.
 - (2) A perimeter landscape island must be a minimum of 10 feet wide not including any curbing.
 - (3) 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.
 - (4) A perimeter landscape island must include a tree with minimum caliper of 2½ inches spaced every 30 feet on average.

3. Screening.

- (a) *Parking Lots.* Parking lots must be separated from the public right-of-way and abutting properties by a landscaped strip with a depth equal to the parking setback as specified in the Dimensional Requirements for each Town Center District. The landscaped strip must adhere to the following design standards:
 - (i) The landscape strip must run the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways.
 - (ii) The landscape strip must be planted with shrubs, perennials, native grasses, and other planting types that provide screening from the public right-of-way.
 - (iii) An optional low picket fence or pedestrian wall may be installed behind the landscape strip and set back up to 24" from the adjacent parking lot to accommodate for car overhang.
 - (iv) The use of Low-Impact-Development (LID) stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- (b) *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.
- (c) *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 a height 6 inches higher than the topmost point of the equipment being screened.
- (d) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.
- (e) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.

4. Building Materials.

- (a) *Applicability.* The exterior visible surfaces of buildings and structures, including accessory structures, subject to Site Plan Review.
- (b) 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, engineered wood, or fiber cement artificial wood siding, asphalt shingle, tile roof shingle, copper roofing, stone masonry, and stucco.
 - (iv) Concrete masonry units, pre-cast concrete panels, cinder block, vinyl siding, 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) All windows and doorways shall be encased with wood or simulated wood trim; decorative trim is preferred. Aluminum windows shall be finished to match the proposed trim color of the building.
 - (vi) 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 or, in the case of multi-family housing, application of this section would be prohibitive as determined by the Planning Board through site plan review.

Commented [RS30]: The building code will control over any conflicts.

Also, in my opinion, there are limits to how much zoning can regulate building materials. I recommend making this recommended and not required, especially for 3A purposes.

Commented [RS31]: What does this mean?

Commented [RS32]: What does this mean?

Commented [RS33]: If compliance will be encouraged, not required, then you can delete this paragraph completely.

5. Landscape Standards.

- (a) *Native Trees.* Native deciduous shade trees must be spaced linearly and parallel to the public right-of-way, and planted at a minimum of 2.5 inches in tree caliper. The number of trees planted must be in accordance with the following:
- (i) For lots with Frontage of 100 feet or more, one native deciduous shade tree must be planted every 30 ft in the Front Yard unless at least three trees already exist in the Front Yard.
 - (ii) For lots with a lot frontage less than 100 feet and fronting Bay Road, a minimum of two trees must be planted in the Front Yard unless at least two trees already exist in the Front Yard.
- (b) *Permeable Surfaces.* Other than pathways to building entrances or driveways, only permeable pavers or landscape / plantings are permitted within the front yard between building frontage and

the front lot line. Permeable pavers include brick, stone and/or cementitious materials, with joints that allow for the infiltration of water.

6. Exterior Lighting.

In order to ensure that impacts of exterior lighting on adjacent properties are controlled, exterior lighting shall adhere to the following requirements:

- (a) A lighting plan must be submitted in conjunction with a required site plan.
- (b) No glare onto adjacent properties is permitted.
- (c) Excessive illumination is prohibited.
- (d) Non-overhead light sources, such as bollards and path lights, are encouraged.
- (e) The following light sources and fixtures are prohibited:
 - (i) Any exterior uplighting. Lighting fixtures for all areas of vehicular and/or pedestrian access must be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures, or must be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
 - (ii) Low-pressure sodium and mercury vapor light sources
 - (iii) Searchlights, laser source lights, or any similar high-intensity narrow-beam fixtures
 - (iv) Flickering or flashing lights

9.8.7 ADMINISTRATION.

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 Regulations set forth in 760 CMR 72.00, Multi-Family Zoning Requirement for MBTA Communities issued by 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. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.

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 that exceeds the limitations set forth in 9.8.4.3 shall be permitted only through a Special Permit.

Commented [RS34]: What about other uses/districts? I recommend this be clarified as to what is required for all uses.

Is the normal 10.6 still going to apply? If so, what is this meaning to change?

As to 10.6, for the 3A zones, I recommend adding that site plan approval may not be denied as EOHLC will be looking for that.

Commented [RS35]: Is this meant to change anything on the use table? Will 10.6 still apply?

Commented [RS36]: This appears to be an incorrect reference?

Hamilton 3A Multi-family Overlay District

DRAFT for Planning Board Review
2025-05-06

NOTE: proposed amendments to existing code have been separated into their own standalone document.

9.7 3A MULTI-FAMILY OVERLAY DISTRICT (3A-MFOD).

9.7.1 Purpose. The purpose of the 3A-Multi-family Overlay District (3A-MFOD) is to allow multi-family housing development as of right in accordance with G.L. c. 40A, § 3A and the Regulations issued by 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 as described in Section 9.8, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, Section 9.7 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.

9.7.2 Applicability. The 3A-MFOD 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 9.7.3 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 official Town of Hamilton Official Zoning Map dated June 26, 2025. 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 9.7.3 and 9.7.4.

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 as of right within the district in accordance with the provisions for the 3A-MFOD subdistrict their property falls within, as described in Section 9.7.3 and 9.7.4. When a building permit is issued for any Project approved in accordance with this Section 9.7, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 10.6 for such Project.

9.7.3 Permitted Uses. Multi-family housing is allowed by-right for all parcels within the 3A-MFOD subject to site plan review pursuant to Section 10.6, provided however that site plan review for multi-family cannot be denied. Where the underlying zoning allows for other uses, the 3A-MFOD also allows those uses.

Commented [RS37]: Will inclusionary zoning apply- if so that needs to be referenced and adjusted for 3A. If not, that should be explicit.

Commented [RS38]: What does this mean by sub-districts - this question applies throughout this section.

Commented [RS39]: 9.7.5?

Commented [RS40]: I recommend making it clear that 10.6 applies and that site plan for multi-family cannot be denied.

Commented [RS41]: What does this mean?

Commented [RS42]: What does this mean? I don't think you mean to allow the underlying uses with the mfod dimensions? You may want to strike this.

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

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
Maximum Building Footprint (ft.)	8,000 (note 2)

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

Note 2: As defined in Section 9.8.2. Applies to any single building. Multiple buildings on one lot are permitted.

9.7.5 Design and Building Standards.

1. *Roof Form.* All buildings shall have pitched roofs, or the appearance of pitched roofs, with a steepness no less than 9:12 and not greater than 14:12.
2. *Allowed Building Materials.* Refer to Section 9.8 for applicability and permitted material.

9.7.6 Severability. If any provision of Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.7 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.

Proposed Amendments to Existing Code

DRAFT for Planning Board Review

2025-05-06

The following sections of the existing code will be re-written as follows. Unless specifically indicated in the document, a additions are underlined, deletions are ~~struck through~~, and additional instructions are *italicized*.

HAMILTON ZONING BYLAW TABLE OF CONTENTS

Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.5:

9.7 3A Multi-family Overlay District (3A-MFOD)

- 9.7.1 Purpose
- 9.7.2 Applicability
- 9.7.3 Permitted Uses
- 9.7.4 Dimensional Standards
- 9.7.5 Severability
- 9.7.7 Sunset Clause

9.8 Hamilton Town Center Districts

- 9.8.1 Purpose and Intent
- 9.8.2 Interpretation
- 9.8.3 Town Center Districts
- 9.8.4 Dimensional Standards
- 9.8.5 Use Provisions
- 9.8.6 Site Standards
- 9.8.7 Administration

2.1 CLASSES OF DISTRICTS.

The Town of Hamilton is hereby divided into the following districts:

Residence District R-1A
Residence District R-1B
Residence-Agricultural District RA
~~Business District B~~
Depot Square
Bay Road Mixed-Use
Willow Street Mixed-Use
Downtown Residential
Bay Road Civic

Commented [RS1]: This will need to be reformatted as an Article for the warrant and may require more than one article given that different quantum of vote may apply.

For example, To see if the Town will vote to Amend the Zoning Bylaw of the Town of Hamilton and Town of Hamilton Zoning Map with new language to be added shown as underlined and language to be deleted shown as strike through unless otherwise specifically indicated as set forth in Appendix _____, which also includes a depiction of the map amendment, or take any other action relative thereto.

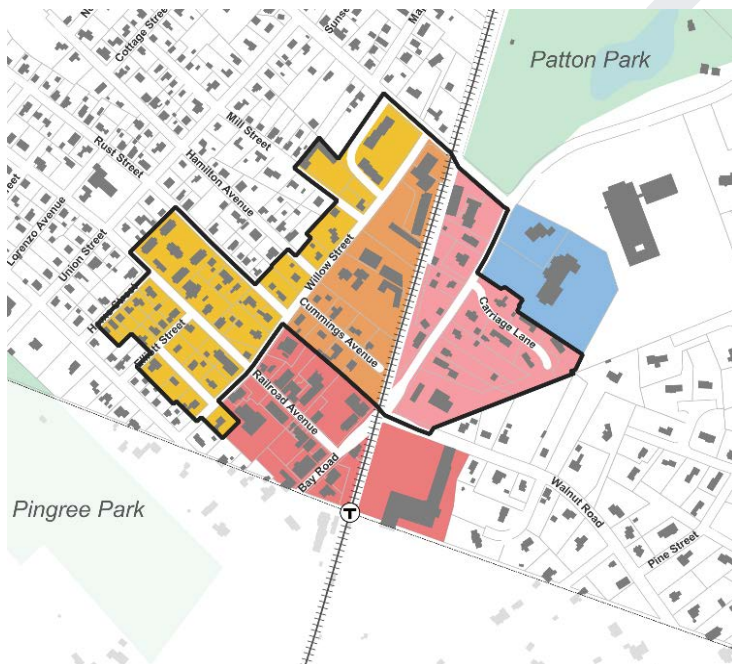
Commented [RS2]: What does this mean? Do the italics go in the bylaw? Generally what goes in the bylaw v. what is included in the draft for comment needs to be clarified.

Commented [RS3]: Should this be 9.6?

2.2 ZONING MAP.

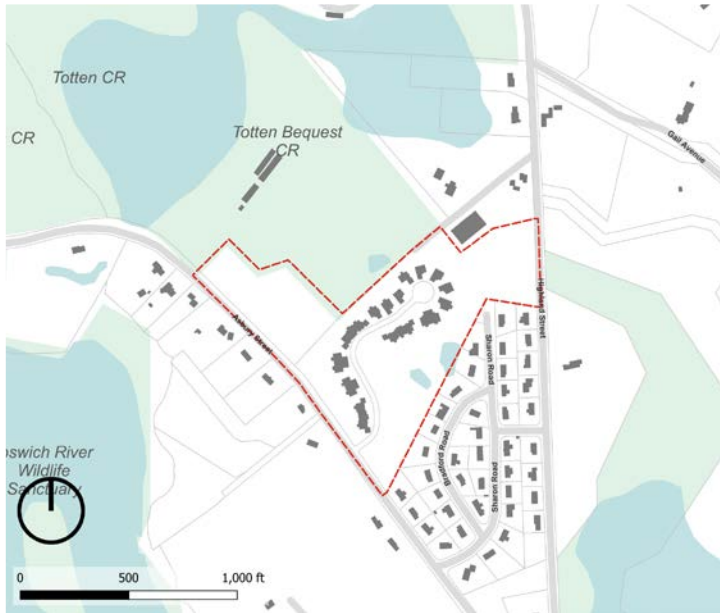
The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, and May 5, 2009, and June 26, 2025 ("Zoning Map") is hereby made a part of this Bylaw.

In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include any parcels currently within the Business District and not included in the proposed Depot Square Mixed-Use District.



- Depot Square Mixed Use
- Bay Road Mixed Use
- Willow St Mixed Use
- Downtown Residential
- Bay Road Civic
- Contribute to 3A

TOWN CENTER DISTRICTS



3A-MFOD

2.3 OVERLAY DISTRICTS.

The following Overlay Districts are also established, as set forth in Section 98.0, herein.

Groundwater Protection Overlay District	GPOD
Flood Plain Overlay District	FPOD
Estate Overlay District	EOD
Willow Street Overlay District	WSOD
Commercial Overlay District	COD
3A Multi-family Overlay District	3A-MFOD

Commented [RS4]: Overlay districts should be shown on the zoning map also.

2.5 SPLIT LOTS.

2.5.2 By District Boundary. Where a district boundary line between a residential and a business district an R District and a Town Center District divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district.

Commented [RS5]: What if the split is between, for example, 2 Town Center Districts? Do you only want this to apply to in some instances of split lots?

Commented [RS6]: The terms R District and Town Center District should be clearly defined. There appears to be inconsistency in how the terms are used throughout this document. See, for example, Sections 3.2.2 and 3.2.3 which both reference Willow Street Mixed Use and 3.2.3 which only references 3 districts where 9.8.3 references 5?

3.1 PRINCIPAL USES.

TABLE OF USE REGULATIONS

Given the extensive changes to the Table of Use Regulations, the following changes are described but not shown by underlined and strikethrough text., except that the word “development” is being added to D. 21 and is shown as underlined.

Delete the last Column “B” Business District from the Table

Add the following uses under residential: A8 - Two Family Dwelling. A9 - Multi Family Dwelling.

Indicate in the table that A8 and A9 uses are not allowed (“N”) in the R-1A, R-1B and RA districts

Add 5 additional columns to include Depot Square, Bay Road Scenic, Willow Street Mixed Use and Downtown Residential Districts as follows:

A. Residential	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. One Single Family Dwelling	N	Y	Y	Y	N
2. 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
3. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
4. Senior Housing (see Section 8.2)	N	N	N	N	N
5. Long Term Care Facility	ZBA	ZBA	ZBA	ZBA	ZBA
6. Garage with more than 4 motor vehicle spaces	ZBA	Y	Y	ZBA	ZBA
7. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	Y
<u>8. Two-Family Dwelling</u>	N	Y	Y	Y	N

9. Multi-Family Dwelling	N	Y	Y	Y	N
B. Community Facilities	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Use of land or Structures for religious purposes	Y	Y	Y	Y	N
2. 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
3. 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
4. Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions	ZBA	ZBA	ZBA	N	N
5. Community or private club, not conducted for profit	ZBA	ZBA	ZBA	N	ZBA
6. Nonprofit civic or fraternal building	N	N	N	N	N
7. Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
8. Commercial Recreation, Outdoors	N	N	N	N	SB
9. Temporary use for amusements and recreation	SB	SB	SB	N	SB
10. Municipal Buildings or facilities	Y	ZBA	ZBA	ZBA	Y

11. Essential Services	Y	N	N	N	Y
C. Agricultural	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	N	N	N	N	N
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
3. The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	N	N	N	N	N
D. Commercial	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Adult Entertainment Uses	ZBA	N	N	N	N
2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	N	N	N	N	N
3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
5. Kennel	ZBA	ZBA	ZBA	N	N
6. Funeral homes	ZBA	N	N	N	N
7. Garage with more than four automobile/truck spaces	N	N	N	N	N
8. Motor Vehicle Light Service Station	ZBA	N	N	N	N
9. Manufacturing of products sold on the premises at retail, where no more than	ZBA	N	N	N	N

five operators are employed in such manufacture					
10. Rail or bus station or terminal	ZBA	N	N	N	N
11. Motor Vehicle Repair Shop	N	N	N	N	N
12. General Service Establishment	Y	N	N	N	N
13. Personal Service Establishment	Y	Y	Y	N	Y
14. Restaurant	Y	Y	Y	N	Y
15. Restaurant, Fast Food	ZBA	N	N	N	N
16. Retail Store	Y	Y	Y	N	Y
17. Veterinary Facility or Clinic	ZBA	ZBA	ZBA	N	ZBA
18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
19. Wind Energy Facility (not in COD) (see Section 7.3)	ZBA	ZBA	ZBA	ZBA	ZBA
20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
D21. Mixed Use Development, subject to site plan approval	Y	Y	Y	N	Y
D22. Drive-In or Drive-Through Establishment	N	N	N	N	N
D23. For Profit Educational Facility	ZBA	ZBA	ZBA	N	ZBA
D24. Marijuana Establishment	N	N	N	N	N
E. Accessory	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic

Commented [RS7]: Why is this bold?

1. Up to three boarders in a Single Family Dwelling	N	Y	Y	Y	N
2. Accessory Dwelling Unit (see Section 3.6)	Y	Y	Y	Y	Y
3. Large Accessory Dwelling Unit (See Section 11.0)	PB	PB	PB	PB	PB
4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)	Y	Y	Y	Y	Y
5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises	Y	Y	Y	Y	Y
6. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are both: (a) accessory to activities permitted as a matter of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2)	ZBA	ZBA	ZBA	ZBA	ZBA
7. Parking area or garage for use of employees, customers or visitors	Y	Y	Y	N	Y
8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	ZBA	ZBA	ZBA	ZBA	ZBA
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	ZBA	ZBA	ZBA	ZBA	ZBA

12. Marijuana Establishment	N	N	N	N	N
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3.2 ACCESSORY USES.

3.2.2 Accessory Uses and Structures in the Residence Districts R1-A, R1-B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts. The following provisions shall apply to Accessory Uses and Structures in the Districts:

3.2.3 Accessory Uses in the Business-Town Center Districts.

In the Business-Depot Square Mixed Use, Bay Road Mixed Use and Willow Street Mixed Use Districts any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

4.1.2 Table of Dimensional Regulations. The Table of Dimensional Regulations is hereby declared to be a part of this By-law.

TABLE OF DIMENSIONAL REGULATIONS¹

	R-1a	R-1b	RA	B
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA ¹
Minimum Lot Frontage (ft.)	125	175	175	ZBA ²
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building	100 at building	100 at building	ZBA ³
Maximum Building Height (ft.)	35	35	35	35
Maximum number of Stories	3	3	3	3
Maximum Building coverage of Lot (%)	25	25	25	75 ⁴
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 ⁵	25/50 ⁵	25/50 ⁵	25/50 ⁶
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA ⁶

1. Dimensional Requirements for the Hamilton Town Center Districts are found in Section 9.8 of the Zoning Bylaw.
1. For each Dwelling Unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during site plan review.
2. For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during site plan review.
3. To be determined during site plan review.
4. Or as determined during site plan review.

Commented [R58]: Please confirm the district references below are accurate- the use of the term Town Center District in this bylaw does not appears consistent.

For example, 9.8 has 5 districts- this has 3 and Willow Street and Bay Road Mixed-Use are listed in both of 3.2.2 and 3.2.3 and Bay Road Civic is not listed at all.

Commented [R59]: See my prior comment about this term.

5. ~~Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.~~
6. ~~For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~

6.1 OFF-STREET PARKING AND LOADING AREAS.

6.1.3 No Reduction. Required off-street parking and loading spaces shall not hereafter be reduced, unless approved by except at the discretionary review of the Planning Board pursuant to Section 6.1.6, nor any loading space counted as or substituted for a parking space.

Commented [RS10]: This change is recommended because site plan is non-discretionary.

6.1.6 Shared Parking. No part of an off-street parking or loading space required for any Building or use shall be included as a part of an off-street parking area required for another Building or use unless a determination is made by the Board of Appeals to the effect that the period of usage of such structure or uses will not be simultaneous. In the Hamilton Town Center Districts, shared parking may be permitted by the Planning Board for a mix of uses on a single site or between sites during the Site Plan Review process, if the applicant can demonstrate that shared spaces will adequately meet parking demands because uses have varying peak parking demands, will reduce excess parking, and if the Planning Board determines shared parking will serve as a benefit to the Town Center. The minimum number of parking spaces for a mixed-use development or between sites where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally accepted procedures.

Commented [RS11]: See my prior comment about this.

6.1.9 Site Plan. Parking areas and loading areas in the Business Depot Square District shall be shown on a site plan, as provided in Section 10.6.

Commented [RS12]: Just this district?

6.3 SIGNS.

Commented [RS13]: What about Bay Road Civic?

6.3.2 Residence R-1A, R1-B, RA, and Downtown Residential Districts

6.3.3 Business Depot Square, Bay Road Mixed Use and Willow Street Mixed Use Districts.

1. No more than three (3) signs are permitted per business establishment.
 - a. A-frame or sandwich board signs, whether temporary or permanent, shall only be permitted by special permit.
 - b. Only one sign may project from the exterior wall surface of the business establishment. Any sign projecting over a pedestrian path shall have a clear space of not less than 12 feet below all parts of such signs. Projecting signs are not allowed over vehicular pathways except by Special Permit.
 - c. Signs that are inside the business establishment but legible from the exterior shall be counted as one of the three permitted signs.

6.3.4 Standards

8. A sign in the business Depot Square, Bay Road Mixed Use, Willow Street Mixed Use, and Bay Road Civic Districts shall not exceed a total area of (6) square feet.

6.3.6 Special Permit Granting Authority: The Special Permit Granting Authority for this Section 6.3 is the Planning Board.

1. Other and larger signs may be allowed by Special Permit in any district provided such signage is for a specified period not to exceed one year. Proposed signage that deviates from these requirements may be permitted by Special Permit.

8.2 SENIOR HOUSING.

8.2.2 Eligible Locations. A Special Permit may be granted for Senior Housing on any lot(s) in the R-1A, R-1B, or R-A. or B, Districts that meet the requirements of this Section and other applicable provisions of this By-law. Parcels in existence as of May 5, 2008, may not be assembled to create a larger parcel for Senior Housing development.

8.2.7 Permitted Uses. A Senior Housing development may include the following uses:
13. In the Business District a mixture of residential and business uses.

8.2.9 Base Senior Housing Density. The Base Density per Developable Acre for a Senior Housing Special Permit shall be: four (4) Dwelling units in the Business District; three (3) Dwelling units in the R1-A District, two (2) Dwelling units in the R1-B District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre	Incentives to Increase Base Senior Housing Density for:					Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density per Dev. Acre
			Mix of Smaller Units (50% units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. Criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units			
1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
2	R-1a	3	25%	25%	25%	25%	25%	125%	1.0	4.00
3	R-1b	2	25%	25%	25%	25%	25%	125%	1.0	4.00
4	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

EXPLANATION OF COLUMNS:

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-a, and RI-b Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance Between Projects. In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance Between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under G.L. c. 40B, or any existing or approved project including multi-family residential buildings under any other provision or By-law. Excluded from this calculation and this Section are any existing multi-family projects approved prior to January 1, 2003, multi-family dwellings or mixed-use developments in the Hamilton Town Center Districts, and apartments under Sections 3.4, 3.6 or 3.7.

4. ~~Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

8.2.15 Dimensional Standards. The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

TABLE OF DIMENSIONAL REQUIREMENTS

	A	B	C	D	E	F	G	H	I
	Zoning District	Underlying Zoning District Requirement (s.f.)	Minimum Parcel Size (sq.ft.) to be eligible for development	Minimum Parcel Frontage Required (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Minimum Open Space Required of total acreage	Maximum Lot Coverage of entire parcel
1	Bus. District		none	site specific	0	0+	0+	0	site specific
2	R-1a	20,000	80,000	125	25	25 ²	20	0	25%
3	R-1b	40,000	80,000	175	25	25 ²	20	15%	25%
4	RA	80,000	80,000	175	50	25 ²	20	25%	25%

NOTES ON HOW TO READ THE MATRIX:

Delete entire row for B District

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant

may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-A, and R1-B Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

~~8.2.11 Minimum Distance between Projects.~~

~~4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

Commented [RS14]: This change is shown above?

8.2.13 General Requirements. The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. ~~An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.~~

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, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential districts, where the tenth dwelling unit and every tenth unit thereafter shall be an Affordable Housing Unit, ~~affordable to a moderate-income household and the total number of affordable units shall be capped at 10%.~~ Nothing in this Section shall preclude a developer from providing more Affordable Housing Units than are required hereunder.

Commented [RS15]: See and confirm compliance with 760 CMR 72.04:

"For purposes of making compliance determinations with M.G.L. c. 40A, § 3A, EOHLC will consider an affordability requirement to be consistent with As of right zoning as long as the zoning requires not more than 10% of the units in a project to be Affordable units, and the cap on the income of families or individuals who are eligible to occupy the Affordable units is not less than 80% of area median income."

9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

9.1.4 Dimensional Requirements. Regardless of the minimum Lot size of the underlying zone, there shall be a minimum lot area of eighty thousand (80,000) square feet per dwelling unit in the GPOD. 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 minimum lot area per dwelling limitation.

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.

Commented [RS16]: Are any of the districts being used for 3A compliance in the GPOD? If so, they need to be exempted from the per dwelling unit minimum and special permit minimum also.

Also- if any of the 3A land is in the Floodplain we recommend you consult with DCR and EOHLC about addressing that.

9.5 ~~WILLOW STREET OVERLAY – Reserved~~ *(Willow Street Overlay District deleted in June 2025)*

Remove this section entirely. Provisions no longer necessary due to replacement of underlying zoning.

9.6.13 Signs. The Business District Depot Square Mixed Use, Willow Street Mixed Use, and Bay Road Mixed Use District provisions of Section 6.3 shall apply for all Building specific signage (tenant identification, directory, parking, etc.) within the Commercial Overlay District.

Commented [RS17]: Please confirm.

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. For the purposes of calculating FAR, basements, cellars, attics, garages and interior parking spaces shall be excluded from the GFA. Half-stories that meet the criteria listed in 9.7.2.1.2 (i), Half Story, shall be counted as one half of the GFA of the floor below.

Dwelling, Three-family: A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

Dwelling, Four-family: A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

Dwelling, Multi-Family: A building containing five-three or more dwelling units, or two or more buildings on the same lot with more than one residential dwelling unit in each building, except as otherwise defined in this Bylaw.

Mixed Use Development: Two or more uses on a single parcel as a part of a single development plan.

A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building as part of a single development plan.

Commented [RS18]: I recommend using the statutory/eohlc regulation definition being:

a building with three or more Residential dwelling units or two or more buildings on the same Lot with more than one Residential dwelling unit in each building.

Commented [RS19]: What does this mean or reference?

Commented [RS20]: I recommend using the statutory/eohlc regulation definition being:

"development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses."

Hamilton Town Center Base Zoning

DRAFT for Planning Board Review
2025-05-06

Commented [RS21]: We defer to the Town and its planning consultant to determine compliance with dimensional/modeling requirements for 3A- that is outside of legal review.

9.8 HAMILTON TOWN CENTER DISTRICTS.

The Hamilton Town Center Districts Section consists of 4 sub-sections:

Purpose and Intent

This section introduces the purpose and intent of the zoning generally, how and where it is to be applied, and how the regulations of this section relate to other sections of the bylaw.

Interpretation

This section provides definitions and explanations of the terms and metrics that are used to regulate building scale, form and placement. Many of the terms are unique to this section.

Town Center Districts

This section describes the purpose and intent of each subdistrict, as well as any relevant planning considerations. It also includes district-wide tables with dimensions for lots and buildings. A complete allowed use table is included as well which is specific to the Town Center sub-districts.

Administration

This section outlines the permitting path for proposed development, including whether Site Plan review or a Special permit are required.

9.8.1. PURPOSE AND INTENT.

1. Purpose. The purpose of this Section 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 multi-family housing development that are both in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC) set forth at 760 CMR 72.00 and consistent with the Town's existing character.

2. Intent. This Section is intended to ensure development in Hamilton's downtown contributes to the realization of the Hamilton Town Center Vision Plan developed over the course of a townwide visioning process conducted throughout 2024 and 2025. Specifically, this Section intends 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 9.7 3A-MFOD, comply with G.L. c. 40A, § 3A and the Section 3A Compliance Regulations, Guidelines of the Executive Office of Housing and Livable Communities (HLC) (760 CMR, 72.00).

3. Applicability.

- (a) *Territorial Application.* This Section 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 official Town of Hamilton Official Zoning Map dated June 26, 2025.
- (b) *Required Conformance.*
 - (i) All buildings, structures or land, in whole or in part, must be used or occupied in conformance with this Section. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Section.
 - (ii) If any condition or requirement imposed by this Section 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 Section governs.
- (c) *Conflicting Provisions.*
 - (i) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with another provision of this Section, the more restrictive condition or requirement controls.
 - (ii) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with any condition or requirement of any other provision of the Town of Hamilton's Bylaws, the provisions of this Section control.
- (d) *Text and Graphics.* Illustrations, photographs and graphics are included in this Section to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Section and any illustrations, the text governs.
- (e) *Existing Applications and Permits.* The applicability of this Section with respect to existing and proposed uses and structures applications and permits is governed by Section 1.4.1, Applicability/Nonconformities, and Section 1.4.2, Commencement of Construction or Operation and Section 5.0 (Nonconforming Uses and Structures).
- (f) *Severability.* If any provision of Section 9.8 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.8 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.8 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.

Commented [RS22]: This cannot be applied more restrictively than state law, for example, 40A or the building code.

Commented [RS23]: Do you mean the rest of the zoning bylaw?

Commented [RS24]: Existing Section 1.4.2 should be amended as it is not consistent with G.L. c. 40A, s. which allows for 1 year to use a building permit and 3 years for a special permit or site plan approval

Commented [RS25]: If you mean to change how any part of 5.0 applies in these districts, that needs to be explicitly addressed here.

- (g) *Nonconforming Uses.* ~~Conversion to, the creation of, or extension of~~ A change to a Nonconforming use shall be governed by Section 5.2 Nonconforming Uses.
- (h) *Nonconforming Structures.* Nonconforming structures shall be governed by Section 5.3, Nonconforming Structures. Per Section 5.3.2 Variance Required, a variance from the Zoning Board of Appeals shall be required for the change of a nonconforming Structure in such a manner as to increase an existing nonconformity or create a new nonconformity. In addition to t~~The~~ circumstances described in Section 5.3.4(1) and 5.3.4(3) under which an alteration, extension, reconstruction or structural change repair shall not be deemed to increase the nonconforming nature of Nonconforming Single and Two Family Dwelling Structures, ~~shall also include any of the following circumstances~~ in the Bay Road Mixed Use, Willow Street Mixed Use and Downtown Residential Mixed Use Districts only the following shall also be deemed not to increase the nonconforming nature of a nonconforming single- or two-family dwelling:

The Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not reduce the setback which fails to conform.

The Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform.

The Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform.

The location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform.

The Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform.

The Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio.

The Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type or steepness.

The Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition.

The minimum Open Space requirements are not met and the proposed alteration or extension will not reduce the amount of Open Space.

In the Depot Square District, the following circumstances shall not be deemed to increase the nonconforming nature of Nonconforming Structures and the Building Commissioner may issue a building permit:

- (i) The existing Structure is on a conforming Lot but is nonconforming because

it encroaches on a setback or the Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not change the setback which fails to conform; or

the Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform; or

Commented [RS26]: If this is just repeating and not changing 5.3.2, you don't need to say it here.

Commented [RS27]: What about 5.3.4(2)?

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Commented [RS28]: Just for single and two family? Also, what about the existing items in Section 5.4.3?

the Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the Facade Length which fails to conform; or

the location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform; or

the Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform; or

the Floor Area Ratio exceeds the required minimum, and the proposed alteration or extension will not increase the Floor Area Ratio; or

the Roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type; or

the Structure does not contain a Front Facing Entry Feature, and the proposed alteration or extension will not change the entry condition; or

the Structure does not meet the minimum fenestration requirements and the proposed alteration or extension will not reduce the percentage of fenestration; or

the Structure exceeds the maximum Building Footprint allowed and the proposed alteration or extension will not increase the Building Footprint;

and the entire structure meets all other requirements of this By-law including but not limited to height.

- (ii) The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Frontage as the result of a zoning change, and the existing Structure and proposed alteration or extension meets all other current requirements of the By-law including but not limited to setbacks, height and Lot coverage.

9.8.2. INTERPRETATION.

1. Site Dimensional Standards and Measurements.

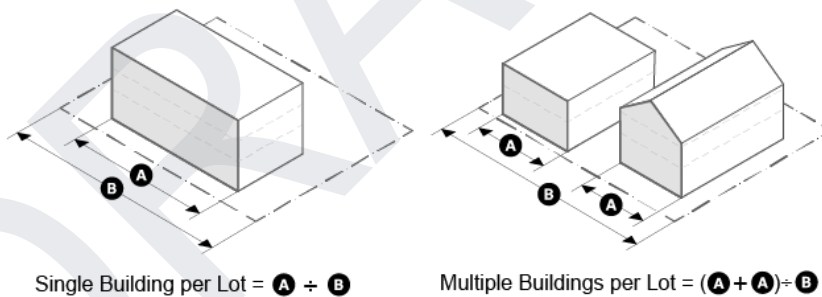
- (a) *Yards.* See Definitions Section 11. Each yard measurement is made perpendicular to the property line and begins at the property line. Measurements are made to the nearest portion of the building, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Frontage.* The side of a lot that faces a street or public way as defined in Section 11. 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.

Commented [RS29]: If you have not done so already, I recommend reviewing and confirming this with the Building Commissioner. Is this intended to change anything? Are you intending to measure things differently in the Town Center than elsewhere in Town?

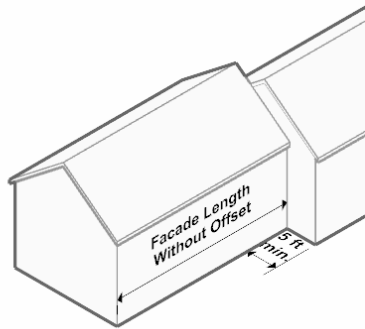
- (d) *Open Space*. Land within a lot not covered by any structures or area dedicated to vehicular use including parking spaces and drive aisles.
- (e) *Parking Setbacks*. All parking spaces must be located behind the parking setback lines or as otherwise indicated. Each setback measurement is made perpendicular to the property line and begins at the property line.
- (f) *Number of Buildings*. Multiple buildings are permitted on each lot, subject to the dimensional requirements listed in Section 9.8.3. Where there are more than one building, FAR limitations shall apply to all buildings cumulatively, and Maximum Building Footprints limitations shall be applied on a per building basis.
- (g) *Street Facing Entry Feature*. Building entry that is directly accessible and visible from a Street. Entry doors are not required to face the street so long as they are accessed through a porch, patio, plaza, canopy or other element facilitating direct visual and physical access from the Street.

2. Building Dimensional Standards and Measurements.

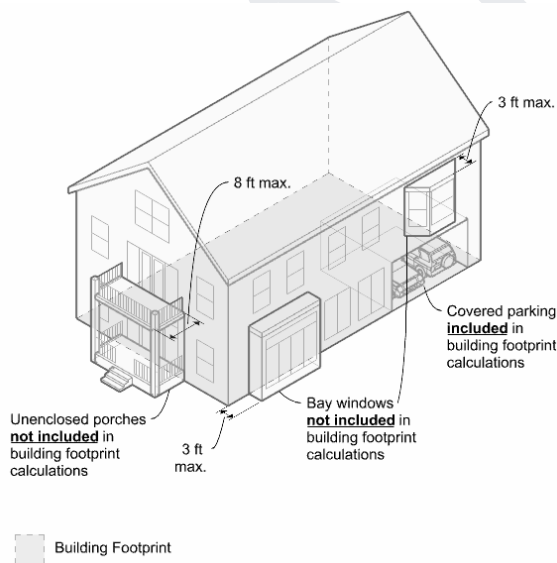
- (a) *Depth*. Measurement of a building, yard, or setback measured perpendicular to a Front lot line, excluding open porches less than 8ft. deep and bay windows less than 3 ft. deep.
- (b) *Facade Build Out*. The ratio of the façade width within the minimum and maximum Front Yard dimensions to the lot width, calculated by dividing the cumulative façade width by the lot width. Facade build out is intended to ensure that new development addresses the street in a pedestrian-friendly manner and that frontage conditions are compatible with existing patterns.



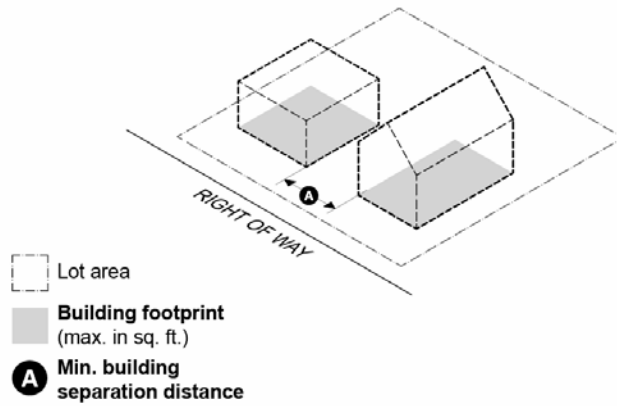
- (c) *Facade Length Without Offset*. The maximum allowable length of any building facade, front, side or rear, without a change in the plane of 5 ft. or greater, extending from the ground plane to the roof. The purpose of offset requirements is to limit long, undifferentiated facades and to ensure that larger building massings are broken down into smaller elements that are more reflective of the existing context.



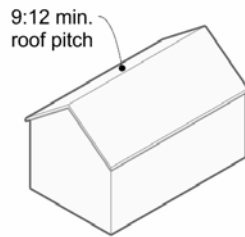
- (d) **Building Footprint.** The area of land occupied by a building, defined by the outer edge of its foundation and exterior walls inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of footprint area provided they do not protrude more than 3 ft. from the face of the building. Unenclosed porches less than 8 ft deep do not contribute to the calculation of the building footprint.



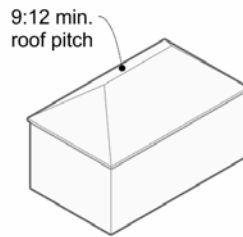
- (e) **Building Separation.** The distance between buildings on a lot, measured from the nearest primary face of each building at its closest point, excluding bay windows less than 3 ft. deep and porches less than 8 ft. deep.



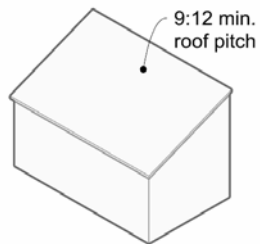
- (f) *Height.* See Definitions Section 11. In the Town Center Districts , for buildings on lots fronting more than one public way, height shall be measured from all frontages.
- (g) *Roof.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 3.7 Building Standards. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



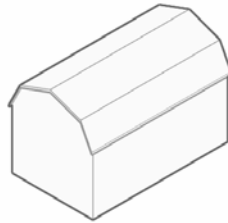
Gable Roof



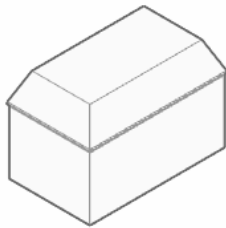
Hipped Roof



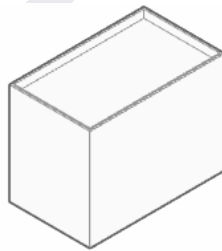
Shed Roof



Gambrel Roof



Mansard Roof

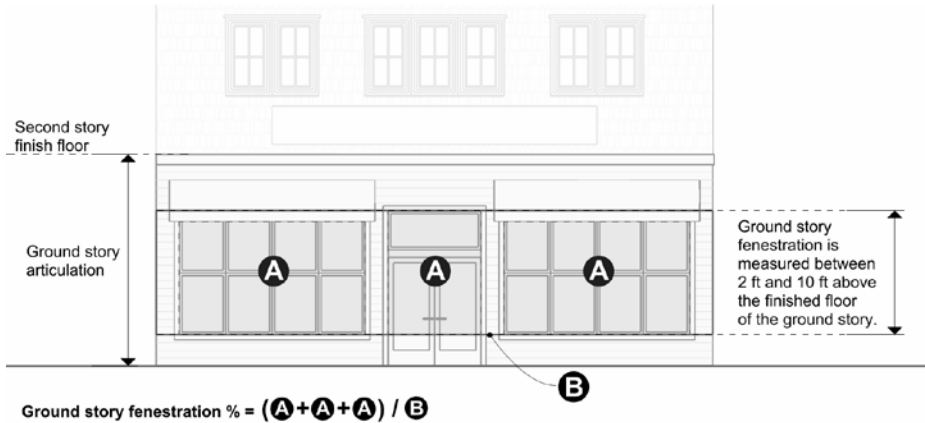


Flat Roof

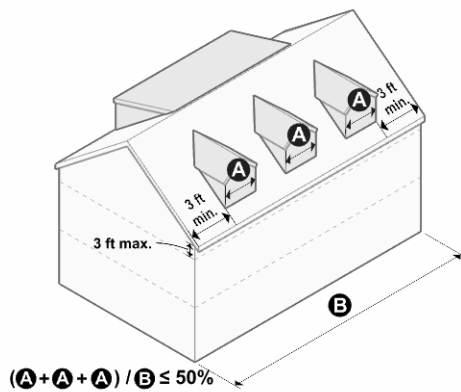
- (h) *Width.* Measurement of the length of a building parallel to a Front lot line.

- (i) *Fenestration.* The percentage area 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. Where required, minimum ground floor fenestration is intended to ensure that ground floor uses can activate the public realm.



- (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. The uppermost level of gambrel, mansard and flat roofs may not be considered a half story and shall be considered a full story.



9.8.3. TOWN CENTER DISTRICTS.

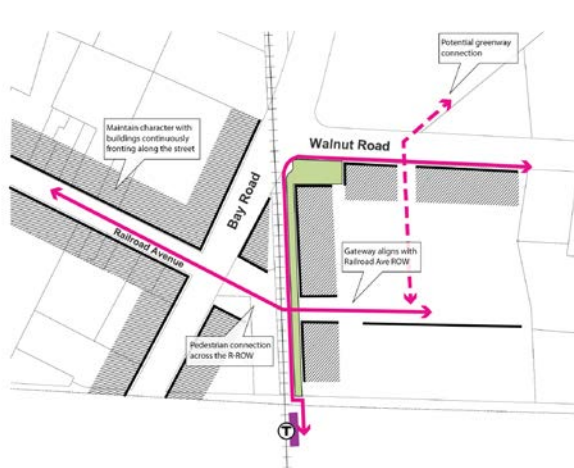
1. Depot Square.



- (a) *Description.* The Depot Square district is characterized by two distinct conditions - on Railroad Ave by buildings with small footprints up to two and a half (2.5) stories in height, and east of the rail corridor, a large auto-centric shopping center. The area along Railroad Ave has the character of a small and historic town center; most buildings sit close together and near the sidewalk, while other buildings maintain some space between one another and include parking lots. The shopping center features large, one story buildings separated from its frontage by large parking areas. The district is primarily commercial, with some mixed-use residential near the edges. Most buildings west of the rail corridor were designed to accommodate commercial uses with form consistent with the historic residential buildings nearby.

(b) *Purpose and Intent.*

- (i) To foster a mixed-use and vibrant town center and preserve the existing small-scale commercial character along Railroad Ave.
- (ii) To enhance a continuously built front along main public thoroughfare frontages in the district.
- (iii) To extend the small-scale commercial character pattern on Railroad Ave to future development in other larger parcels of the district.
- (iv) To preserve and extend the visual and pedestrian corridor along Railroad Ave across the MBTA tracks.
- (v) To preserve existing open space/green space areas at critical intersections.
- (vi) To promote walkability and safety along all street frontages.



2. Bay Road Civic.



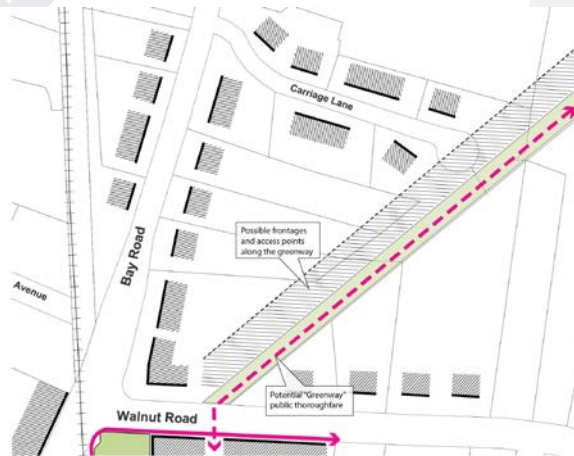
- (a) *Description.* The Bay Road Civic district is owned by the Town and hosts municipal functions, including the Public Safety Complex, the Council on Aging, and the Building and Health Departments. The current arrangement of buildings and parking do not align with the traditional frontages of the 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.
- (b) *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. Bay Road Mixed-Use.

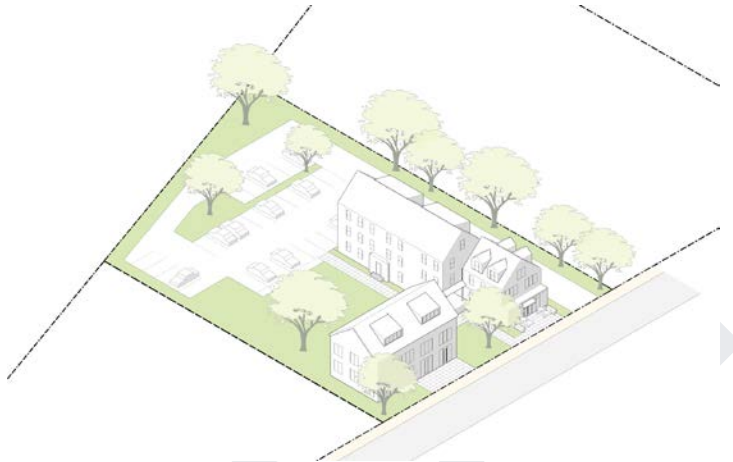


(a) *Description.* Most of the Bay Road Mixed-Use district matches the form of nearby residential areas where buildings have small footprints and a maximum height of two and a half stories (2.5). The eastern half of the district contains a mix of residential, commercial, and civic uses, and is characterized 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.

(b) *Purpose and Intent.* The regulations for Bay Road are intended to preserve and restore the historically scenic character of Bay Road, when the thoroughfare was tree-lined and more pedestrian-oriented in nature, 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.



4. Willow Street Mixed-Use.



- (a) *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.
- (b) *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.

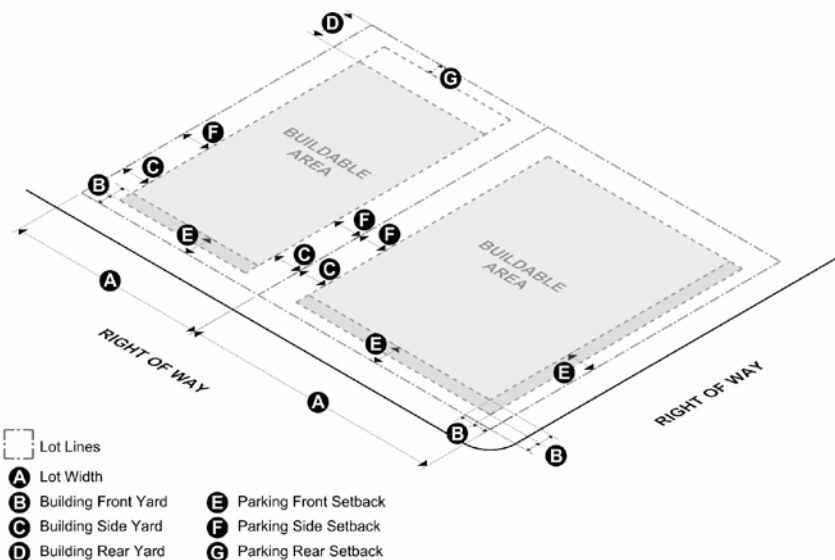
5. Downtown Residential.



- (a) *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 institutional uses.
- (b) *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.

9.8.4. DIMENSIONAL STANDARDS.

1. Site Dimensional Requirements.



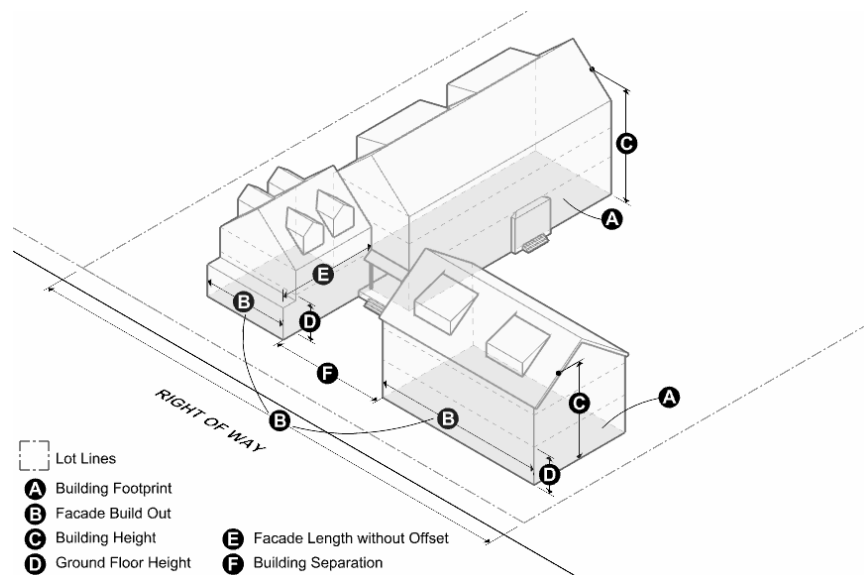
	Lot Dimensions	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Lot Size (min)	1,000 ft	5,000 ft	3,000 ft	3,000 ft	5,000
A	Lot Width (min)	20 ft	40 ft	40 ft	30 ft	40 ft
	Coverage	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Open Space (min)	0%	40%	40%	40%	40%
	Building Yards Setbacks	Depot Square (note 2)	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
B	Front Yard Setback on streets (min/max) (note 1)	0 / 10ft.	20 / 35 ft	10 / 20 ft	10 / 20 ft	20 / 35 ft
C	Side Yard Setback (min)	0 ft	5 ft	5 ft	10 ft	10 ft
D	Rear Yard 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
E	Front Setback (min)	10 ft	Aligned with, or set back further than, building frontage			
F	Side Setback (min)	0 ft	5 ft	5 ft	5 ft	5 ft
G	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				

Note 1: Includes frontage along the western edge of 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 Yard in all districts except Depot Square.

Note 2: Side and Rear Yards in the Depot Square District that directly abut a different zoning district shall conform to the minimum setbacks required in the abutting district.

2. Building Standards.



Massing	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
A Building Footprint (max per building)	5,000 sf	3,000 sf	5,000 sf	3,000 sf	N/A
B Facade Build Out (min)(note 1)	60%	35%	35%	35%	35%
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
Number of Stories Minimum	N/A	2	2	2	2
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	0.39 0.45 by SP	0.42 0.45 by SP	0.40 0.45 by SP	N/A
E Facade Length without Offset (max)	70 ft	70 ft	70 ft	70 ft	70 ft
F Building Separation (min)	10 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 (note 2)	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

Note 1: For Lots with more than one Frontage, the minimum Facade Buildout requirements shall apply to each Frontage individually, and not cumulatively.

Note 2: Roof forms may be combined, so long as minimum roof steepness is maintained.

3. Depot Square Additional Dimensional Requirements and Interpretation

The following requirements and interpretations apply to the Depot Square District only:

- New Structures are only permitted within 80 ft. from a property line bounded by a public way, including the western edge of the rail corridor which shall be considered a Front Yard. 80 ft shall be measured perpendicular to the Frontage. Structures beyond 80 ft. from the Front property line, and/or individual structures with a Building Footprint greater than 5,000 sf, shall be permitted only through a Special Permit.
- Lots in the Depot Square District with more than one frontage and a Lot Area greater than 35,000 sf shall provide a minimum of 3,500 sf of Open Space at the intersection of the two frontages.
- Facade Build Out: On Lots where Open Space is required at an intersection, the length of the required Open Space along any frontage may be subtracted from each Frontage length for the purpose of calculating minimum Facade Build Out. On Lots greater than 45,000 sf and containing more than one Frontage, Facade Build Out requirements shall apply only to the Frontage where new structure(s) are proposed.
- Total Gross Floor Area of greater than 12,500 sf on a Lot is not permitted by right. Additional Gross Floor Area shall be permitted only through a Special Permit, granted by the appropriate SPGA applicable to the proposed uses.

9.8.5. USE PROVISIONS.

The allowable uses and accessory uses in the Town Center Districts are contained in Section 3.0 Use Regulations. The following clarifications and exceptions are made with respect to the Town Center Districts:

Use A6, a Garage with more than 4 motor vehicle spaces, is permitted in the Bay Road Mixed Use, and Willow Street Mixed Use districts provided it is:

- (a) Accessory to a Multi Family Dwelling, and;
- (b) Located below grade or at grade beneath the primary building massing and not in a stand-alone structure.

Use A7, Two or more dwelling units, second floor and above when part of a mixed-use building or development, is allowed in the Depot Square District provided all of the following criteria are met:

- (a) the ground floor area associated with the dwelling units are limited to entry areas, lobbies and vertical circulation elements such as stairs and elevators
- (b) the residential ground floor uses occupy a minimum of 10% of the primary building frontage, or 10 ft., whichever is greater
- (c) the ground floor non-residential uses are a minimum of 20 ft. deep

9.8.6. SITE STANDARDS.

1. Site Access.

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

(a) *Pedestrian Access.*

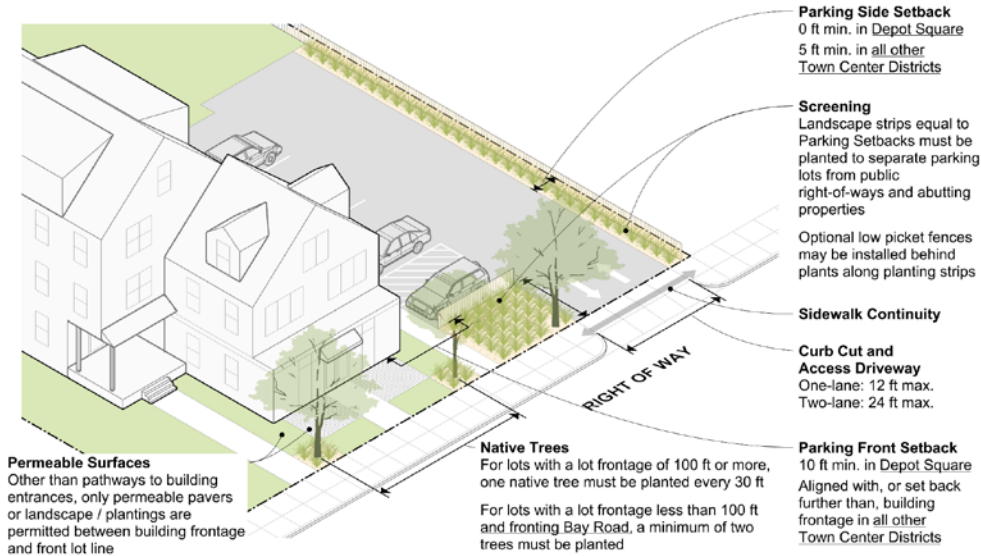
- (i) All development must provide pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other public entrances with available access points including adjacent rights of way, all parking lots, and sidewalks.
- (ii) Pedestrian 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.

(b) *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 front yard for principal structures. 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.

- (iv) Parking garage entries that face a public way must be set back 60 ft. from the property line(s) abutting the public way.

2. Parking.



- (d) The quantity of off-street parking spaces shall be in accordance with the requirements of Section 6.1 of Hamilton's Zoning By-Law.
- (e) All driveways must comply with Section 6.2.2 of Hamilton's Zoning By-Law.
- (f) All parking spaces and structures must be located at or behind any required parking setback as specified for each Town Center District.
- (g) The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:
One-lane: 12 ft
Two-lane: 24 ft
- (h) Each lot is limited to one curb cut per street frontage. Lots with more than 200 feet of frontage are allowed one additional curb cut every 200 feet.
- (i) The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.

- (j) Shared driveways are encouraged where they reduce the interruption of curb cuts and allow for more landscape treatment. Permits shall be issued subject to the requirements of 6.2.6 Common Driveway.
- (k) Parking Lots with 10 or more parking spaces must have interior islands, median islands, and perimeter islands that conform with the following requirements:
 - (i) *Interior Islands.*
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (ii) *Median Islands.*
 - (1) A median landscape island must be provided between every 4 rows of parking. Intervals may be modified to preserve existing trees.
 - (2) 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.
 - (3) 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).
 - (iii) *Perimeter Islands.*
 - (1) A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.
 - (2) A perimeter landscape island must be a minimum of 10 feet wide not including any curbing.
 - (3) 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.
 - (4) A perimeter landscape island must include a tree with minimum caliper of 2½ inches spaced every 30 feet on average.

3. Screening.

- (a) *Parking Lots.* Parking lots must be separated from the public right-of-way and abutting properties by a landscaped strip with a depth equal to the parking setback as specified in the Dimensional Requirements for each Town Center District. The landscaped strip must adhere to the following design standards:
 - (i) The landscape strip must run the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways.
 - (ii) The landscape strip must be planted with shrubs, perennials, native grasses, and other planting types that provide screening from the public right-of-way.
 - (iii) An optional low picket fence or pedestrian wall may be installed behind the landscape strip and set back up to 24" from the adjacent parking lot to accommodate for car overhang.
 - (iv) The use of Low-Impact-Development (LID) stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- (b) *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.
- (c) *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 a height 6 inches higher than the topmost point of the equipment being screened.
- (d) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.
- (e) *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 a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height 6 inches higher than the topmost point of the equipment being screened.

4. Building Materials.

- (a) *Applicability.* The exterior visible surfaces of buildings and structures, including accessory structures, subject to Site Plan Review.
- (b) 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, engineered wood, or fiber cement artificial wood siding, asphalt shingle, tile roof shingle, copper roofing, stone masonry, and stucco.
 - (iv) Concrete masonry units, pre-cast concrete panels, cinder block, vinyl siding, 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) All windows and doorways shall be encased with wood or simulated wood trim; decorative trim is preferred. Aluminum windows shall be finished to match the proposed trim color of the building.
 - (vi) 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 or, in the case of multi-family housing, application of this section would be prohibitive as determined by the Planning Board through site plan review.

Commented [RS30]: The building code will control over any conflicts.

Also, in my opinion, there are limits to how much zoning can regulate building materials. I recommend making this recommended and not required, especially for 3A purposes.

Commented [RS31]: What does this mean?

Commented [RS32]: What does this mean?

Commented [RS33]: If compliance will be encouraged, not required, then you can delete this paragraph completely.

5. Landscape Standards.

- (a) *Native Trees.* Native deciduous shade trees must be spaced linearly and parallel to the public right-of-way, and planted at a minimum of 2.5 inches in tree caliper. The number of trees planted must be in accordance with the following:
- (i) For lots with Frontage of 100 feet or more, one native deciduous shade tree must be planted every 30 ft in the Front Yard unless at least three trees already exist in the Front Yard.
 - (ii) For lots with a lot frontage less than 100 feet and fronting Bay Road, a minimum of two trees must be planted in the Front Yard unless at least two trees already exist in the Front Yard.
- (b) *Permeable Surfaces.* Other than pathways to building entrances or driveways, only permeable pavers or landscape / plantings are permitted within the front yard between building frontage and

the front lot line. Permeable pavers include brick, stone and/or cementitious materials, with joints that allow for the infiltration of water.

6. Exterior Lighting.

In order to ensure that impacts of exterior lighting on adjacent properties are controlled, exterior lighting shall adhere to the following requirements:

- (a) A lighting plan must be submitted in conjunction with a required site plan.
- (b) No glare onto adjacent properties is permitted.
- (c) Excessive illumination is prohibited.
- (d) Non-overhead light sources, such as bollards and path lights, are encouraged.
- (e) The following light sources and fixtures are prohibited:
 - (i) Any exterior uplighting. Lighting fixtures for all areas of vehicular and/or pedestrian access must be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures, or must be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
 - (ii) Low-pressure sodium and mercury vapor light sources
 - (iii) Searchlights, laser source lights, or any similar high-intensity narrow-beam fixtures
 - (iv) Flickering or flashing lights

9.8.7 ADMINISTRATION.

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 Regulations set forth in 760 CMR 72.00, Multi-Family Zoning Requirement for MBTA Communities issued by 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. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.

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 that exceeds the limitations set forth in 9.8.4.3 shall be permitted only through a Special Permit.

Commented [RS34]: What about other uses/districts? I recommend this be clarified as to what is required for all uses.

Is the normal 10.6 still going to apply? If so, what is this meaning to change?

As to 10.6, for the 3A zones, I recommend adding that site plan approval may not be denied as EOHLC will be looking for that.

Commented [RS35]: Is this meant to change anything on the use table? Will 10.6 still apply?

Commented [RS36]: This appears to be an incorrect reference?

Hamilton 3A Multi-family Overlay District

DRAFT for Planning Board Review
2025-05-06

NOTE: proposed amendments to existing code have been separated into their own standalone document.

9.7 3A MULTI-FAMILY OVERLAY DISTRICT (3A-MFOD).

9.7.1 Purpose. The purpose of the 3A-Multi-family Overlay District (3A-MFOD) is to allow multi-family housing development as of right in accordance with G.L. c. 40A, § 3A and the Regulations issued by 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 as described in Section 9.8, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, Section 9.7 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.

9.7.2 Applicability. The 3A-MFOD 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 9.7.3 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 official Town of Hamilton Official Zoning Map dated June 26, 2025. 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 9.7.3 and 9.7.4.

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 as of right within the district in accordance with the provisions for the 3A-MFOD subdistrict their property falls within, as described in Section 9.7.3 and 9.7.4. When a building permit is issued for any Project approved in accordance with this Section 9.7, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 10.6 for such Project.

9.7.3 Permitted Uses. Multi-family housing is allowed by-right for all parcels within the 3A-MFOD subject to site plan review pursuant to Section 10.6, provided however that site plan review for multi-family cannot be denied. Where the underlying zoning allows for other uses, the 3A-MFOD also allows those uses.

Commented [RS37]: Will inclusionary zoning apply- if so that needs to be referenced and adjusted for 3A. If not, that should be explicit.

Commented [RS38]: What does this mean by sub-districts - this question applies throughout this section.

Commented [RS39]: 9.7.5?

Commented [RS40]: I recommend making it clear that 10.6 applies and that site plan for multi-family cannot be denied.

Commented [RS41]: What does this mean?

Commented [RS42]: What does this mean? I don't think you mean to allow the underlying uses with the mfod dimensions? You may want to strike this.

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

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
Maximum Building Footprint (ft.)	8,000 (note 2)

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

Note 2: As defined in Section 9.8.2. Applies to any single building. Multiple buildings on one lot are permitted.

9.7.5 Design and Building Standards.

1. *Roof Form.* All buildings shall have pitched roofs, or the appearance of pitched roofs, with a steepness no less than 9:12 and not greater than 14:12.
2. *Allowed Building Materials.* Refer to Section 9.8 for applicability and permitted material.

9.7.6 Severability. If any provision of Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.7 shall not affect the validity of the remainder of Hamilton's Zoning Bylaw.