



**Town of Hamilton  
Select Board  
Monday, June 2, 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/86323332354?pwd=zZvR5zWqTVu2cOZjLtpLFfEZnvtb8p.1>

**Meeting ID: 863 2333 2354**

**Passcode: 587339**

**One tap mobile**

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• +1 929 205 6099 US (New York)

7:00 p.m.	Call to Order
<b>ANNOUNCEMENTS &amp; BOARD OPENINGS</b>	
	<b>Board and Committee openings:</b> <ul style="list-style-type: none"><li>• Affordable Housing Trust – 1 opening</li><li>• Conservation Commission – 3 openings</li><li>• Community Preservation Committee – 1 opening for member of Historic District Commission</li><li>• 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)</li><li>• Human Rights Commission – 1 at-large opening</li><li>• Hamilton Wenham Cultural Council – 1 opening</li></ul>



	<ul style="list-style-type: none"> <li>• <b>Public Comment</b> – Will be taken for a maximum of twenty (20) minutes, no speaker will be allowed to speak for more than three (3) minutes</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Board and Town Manager Reports</b></li> </ul>
<b>CONSENT AGENDA</b>	
	<ul style="list-style-type: none"> <li>• Approve minutes of March 31, 2025 Select Board meeting</li> <li>• Approve minutes of April 22, 2025 Select Board meeting</li> <li>• Approve minutes of May 5, 2025 Select Board meeting</li> <li>• Approve minutes of May 13, 2025 Select Board meeting</li> </ul>
<b>AGENDA</b>	
7:25 p.m.	<ul style="list-style-type: none"> <li>• Assign motion movers for June 9, 2025 STM Script – Discuss and Vote</li> <li>• Review Draft Warrant for June 26, 2025 STM, make recommendations for warrant articles – Discuss and Vote</li> <li>• Close the Warrant for June 26, 2025 Special Town Meeting – Discuss and Vote</li> <li>• Sign Warrant for June 26, 2025 STM</li> <li>• Finalize Select Board Liaison Roles for 2025-26 – Discuss and Vote</li> <li>• Review latest offer for buy-out of cell tower lease – Discuss and Vote</li> <li>• New Business</li> <li>• Adjourn</li> </ul>





Town of Hamilton  
Select Board  
Meeting Minutes of March 31, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Select Board members, a meeting of the Hamilton Select Board was posted for March 31, 2025 at 6:30pm. This meeting was held at the Hamilton Wenham Library at 14 Union Street.

The Select Board functions as the Chief Executive body of the Town. Its five members are elected to three-year terms with one or two seats up for election each year. The Board acts as the chief policy making body of the Town and directly supervises the activities of the Town Manager. The Select Board typically meets the first and third Monday evening at 7:00 p.m. Select Board: Caroline Beaulieu (2025); Thomas Myers (2025); Bill Wilson (2026); William Olson (2027); Rosemary Kennedy (2027).

**Call to order:** With a quorum present Chair Beaulieu called the meeting to order at 6:30pm. Present: C. Beaulieu, Chair; B.Wilson, Vice-Chair, T.Myers, Clerk; R.Kennedy, W. Olson

**Vote:** *The Board voted unanimously to appoint Russ Stevens as the acting Town Manager in the absence of Joe Domelowicz.*

### AGENDA:

- **Confirm Town Manager's recommendation for Police Chief – Discuss & Vote**

Current Police Chief Russ Stevens outlined the search process to fill the Police Chief position. He explained the process started with the creation of the job description, which was posted for 30 days on a number of websites. The town received 15 applications. The second phase of the process was a response to written questions. The third phase was oral interviews to discuss the candidates' experience and vision for the position. The fourth phase was an assessment center where simulated job challenges were used to gauge a candidate's ability to perform the target job; this was conducted by four Police Chiefs from other communities. The search was then narrowed down to three finalists who met with the full Board in a "meet and greet", followed by one on one interviews with the Town Manager and Select Board Chair. At the conclusion of this process, Chief Stevens was pleased to put forward Lieutenant Edward Guy as the selected candidate as Hamilton's new Police Chief. Chief Stevens has known Lieutenant Guy for twelve years in a professional capacity. He outlined Lieutenant Guy's training and experience, and stated he believes that this candidate has the knowledge, skill set, and demeanor to be the next Police Chief. Lieutenant Guy then introduced himself and offered a number of remarks on his outlook on the job, on policing, and expressed his enthusiasm to take on the role of Chief in Hamilton.

Chair Beaulieu stated all three candidates were exceptional, she was impressed with both the candidates and the process, and was happy to have been part of it.

**Vote:** *The Board voted unanimously by roll call to confirm Lieutenant Edward Guy as the next Hamilton Police Chief.*

- **Assign motion makers for Town Meeting –** Motions were assigned to the Board members to present at Town Meeting.

- **Request to allow placement of campaign signs on town property – Discuss & Vote**

Chair Beaulieu explained there was a request from a candidate to place campaign signs on public property. The question was brought to Town Counsel, who responded with a great deal of case law to explain that it is not a good idea and would expose the Town to liability. Once a policy is in place to allow signs, it opens it up to all groups, and it is difficult to regulate. B.Galuza, who posed the question initially, spoke briefly to ask clarifying questions on the legal opinion. The Board continued to discuss the pros and cons of a potential policy to allow signage to be placed on a temporary basis. Chair Beaulieu advocated for consistency across the policies of the Town, and accessing and messaging on town property should not be treated casually. B.Olson stated when he looked at what other towns do, there was either no stated policy, or a policy that prohibited signage, but none stated that they allow signage on public property.

R.Kennedy made a motion to allow this candidate (B.Galuza) to put his signs up in front of Cumberland's or in front of the blinking sign and have it promptly removed 3 days after. The motion was not seconded.

**Adjournment Vote:** *The Select Board voted unanimously to adjourn the meeting at approximately 7:30PM.*

*Respectfully submitted by D. Pierotti, Recording Secretary, 5/21/25. The minutes were prepared from video.*

Respectfully submitted as approved at \_\_\_\_\_ meeting.

\_\_\_\_\_  
Tom Myers, Clerk





Town of Hamilton  
Select Board  
Meeting Minutes of April 22, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Select Board members, a meeting of the Hamilton Select Board was posted for April 22, 2025 at 6:30pm. This meeting was held via zoom only.

The Select Board functions as the Chief Executive body of the Town. Its five members are elected to three-year terms with one or two seats up for election each year. The Board acts as the chief policy making body of the Town and directly supervises the activities of the Town Manager. The Select Board typically meets the first and third Monday evening at 7:00 p.m.

Select Board: Ben Galuza (2028); Thomas Myers (2028); Bill Wilson (2026); William Olson (2027); Rosemary Kennedy (2027).

**Call to order:** With a quorum present, B.Wilson called the meeting to order at 6:34pm. Present: B.Wilson, R.Kennedy, W.Olson, T.Myers, B.Galuza. Also present: Joe Domelowicz, Town Manager, and others as noted.

• **Organize the Select Board for the coming year**

o **Nominations & Votes for Select Board Chair:** B.Wilson nominated W.Olson for Chair and he accepted the nomination.

*Vote: The Board voted unanimously by roll call to approve W.Olson as Chair of the Select Board*

o **Nominations & Votes for Select Board Vice Chair:** T.Myers nominated B.Wilson as Vice-Chair, and he accepted the nomination. B.Wilson nominated R.Kennedy, but the motion was not seconded.

*Vote: The Board voted unanimously by roll call to approve B.Wilson as Vice- Chair of the Select Board*

o **Nominations & Votes for Select Board Clerk/Secretary:** W.Olson nominated R.Kennedy as Clerk, and she accepted the nomination.

*Vote: The Board voted unanimously by roll call to approve R.Kennedy as Clerk of the Select Board*

**The Vice-Chair announced Board and Committee openings as displayed on the agenda:**

- Affordable Housing Trust – 1 opening
- Conservation Commission – 2 openings
- Council on Aging - 1 associate openings
- Cultural Council - 1 associate 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
- Human Rights Commission - 1 opening
- Hamilton Wenham Cultural Council – 3 openings

**Public Comment – Three (3) minutes per person on items not already on the agenda:**

- **Ned Flynn, Sias Lane, Wenham** questioned whether there would be a vote at the Special Town Meeting to change the threshold for voting on school questions. J.Domelowicz replied that no, there would not be, and explained the process for making changes to the Regional Agreement.
- **Michelle Horgan, School Street**, asked if there could be a forum to explain what could happen to the Winthrop School site if the consolidated school is approved. She believes that there is a lot of confusion around what might happen there. Chair Olson stated that there is nothing currently happening and nothing has been proposed or decided about the Winthrop site.
- **Walter Lizinsky, Honeysuckle Rd.**, stated he has lived in Hamilton for 56 years, and things have changed - that there are many one article voters in town, and they get up and leave Town Meeting after their one item. He believes the Board needs to talk more to these people.

**Town Reports:**

- **B.Galuza** - stated he was grateful for the support and happy to be part of the Select Board.
- **J.Domelowicz** stated that he and R.Kennedy attended a meeting regarding the HW Regional School Agreement, and briefly explained the process.

**CONSENT AGENDA:**

- **Approve HW Garden Club Banner at COA May 3 – May 10, 2025**
- **Approve annual Amphibious Vehicle Race at Patton Park on May 15, 2025**



- **Approve minutes of March 24, 2025**

*Vote: The Board voted unanimously by roll call to approve the consent agenda.*

## AGENDA:

- **Approve appointment of Joanie Melanson to the Hamilton-Wenham Cultural Council – Discuss & Vote**

*Vote: The Board voted unanimously by roll call to approve the consent agenda.*

- **Recap of Annual Town Meeting**

B.Wilson thanked everyone who attended, volunteered, and staffed the Town Meeting, and stated it was a historic turnout and robust discussions. He thought it was a great Town Meeting overall. T.Myers added that he was impressed with the level of dialogue and discussion. B.Galuza echoed the thanks and positive comments, though he noted the need for better family spaces with better A/V support, and hoped there could be improvement, and would like to consider virtual options and other ideas. J.Domelowicz stated that in Massachusetts, the law does not allow for an open Town Meeting to be held remotely or in hybrid format, even though that is an option for representative Town Meetings.

- **Beth Herr, Asbury St.**, expressed thanks for having the scrolling screen that showed people that their voting clickers were working.

- **Updates for Special Town Meeting**

- **Discuss vote of School Committee re: Consolidated School Proposal**

Superintendent Eric Tracy explained the MSBA (Massachusetts School Building Authority) process. February 26, 2025 was when the MSBA board voted to bring HW into project scope and budget, which is the start of a 120 day window for school districts to gain financing approvals. The process that started on that date was quickly done through the town meetings on April 5th and then the ballot votes immediately following. The town meeting votes did not pass at the requisite two-thirds votes, although the ballots did receive majorities. The school committee after some discussion at their last meeting decided to request inclusion on the warrant for the same items in Hamilton: \$142 million for the school department for the Hamilton Wenham Elementary School project, and also the 50-year lease for the Cutler property. The School has been keeping the MSBA apprised of what's been happening. The Select Board has already received a letter from the School Committee chair regarding the request for those items to be placed on the warrant. The Superintendent talked about continuing to do community conversations and community meetings to make sure the facts are known and questions are answered. Anyone can request to subscribe to the Superintendent's newsletter.

The Board stated that there needed to be more conversation about why renovation is not the chosen pathway, and Superintendent Tracy explained that when you renovate, the buildings essentially stay the same, including the layout and the rooms, you don't gain any floor space, which is one of the reasons for choosing this project, that we need more spaces for children in specialized programs, which have expanded significantly in the past 15 years. There are also constraints, such as the laws don't allow kids within a 48-month range to be in the same program, so a second grader and a fifth grader can't be together in the same program, which then requires more space than a regular classroom. The existing schools were not designed for what the needs of children are today. It would be necessary to do a renovation addition to gain any more space. It is difficult to bring back out of district services because of a lack of space. A renovation would also require the children to be relocated to modular buildings while the construction is underway, which equates to paying for portable classrooms. The middle and high school are using all their spaces, and it is not feasible to incorporate elementary school students there, such as moving the 5<sup>th</sup> graders to the middle school.

In order to pursue renovations of the elementary schools, a new MSBA process would have to be started in April, by submitting an expression of interest. Even if accepted within a year or two, it is a five-year process to do the design and the MSBA process. It was clear through the process that the Cutler School has the greatest need in terms of being rebuilt, Winthrop is second, and Buker is third. MSBA will only consider one elementary school renovation for a school district at a time. The cost is also dependent on how the schools currently meet code or not, such as for sprinkler systems, ADA compliance and so forth, Both town Finance Committees did a tremendous amount of work in looking at the cost projections and came to the same conclusions. There are no legal impediments to bringing the vote back to Special Town Meeting. The Buker school is usable and has some life left in it, but will still require some work, including security improvements.

B.Galuza summarized that it sounds like it would be at least 6-8 years before a new process could play out, and he asked how long the timeline would be without going through the MSBA process. The Superintendent clarified that it is still a long process without MSBA because of the State laws on school design, and you still have to hire designers and contractors through bid processes with engineering firms. It would also still have to pass the two votes in each town to move forward. Losing this project means the loss of \$50 million and years before anything else could be done. Superintendent Tracy also pointed out that even if one school were to be done, there is the possibility that the Towns will lose their appetite to do two more and they might never get done. Additionally, if there is a 40% tariff on steel, how will the towns afford the future construction.



- **Deb Stafford, Maple St**, said she needed to take a breath, and feels the Superintendent's comments were re-litigating what has already been discussed the last 18 months and the push back from the community has been clear. She stated the supermajority was not achieved at Town Meeting and to consider a re-vote is like bad parenting. She believes it is reckless of the committee to take another vote, and that the votes that were taken should stand. She then read a statement "from the community" stating that it was signed by over 200 people, and that she had obtained wet signatures from all of them.
- **Jack David, Louis Street**, thanked the Select Board and the Superintendent for good faith efforts, and he believes the vote should not be placed back on the warrant for four reasons including that it will distract from the discussion on 3A, that unless there were irregularities or fraud in the voting, it should not be re-voted as there is no reason to do it. In addition, the most accurate record of Hamilton voting is the ballot, which was evenly divided. He also stated that the polling done was not shared with the public.
- **Rick Mitchell, Rock Maple Ave**, stated in terms of respecting the will of the voters, the vote was over 50% at the ballot, and that is democracy - 50% plus one, and that is what the country was founded on. Less than 20% of the community was at Town Meeting, so there is a large silent majority who didn't express an opinion. He also stated that reconsideration of issues is the norm in Hamilton, as happened with the senior overlay district bylaw and the public safety building. A re-vote is not some unusual occurrence, it is a thoughtful reconsideration. He stated that the elementary schools are defunct, they do not work, and they need to be replaced. He believes nothing will happen if this project is not approved, it will be too costly and take decades. He cited the example of Ipswich, which could not get approval for a consolidated school project and seven years later they are now looking at a cost of \$160million for a school as opposed to the \$60 million in the original proposal. He asked the Board to support the School Committee and the Wenham Select Board in bringing this to Special Town Meeting, and he asked to keep 3A separate from the Special Town Meeting.
- **Cheryl Thompson, Talley Ho Drive**, noted she sent a letter to the School Committee and copied it to both Select Boards, and proceeded to read it for the record. She believes the School Committee asking the two Select Boards to re-vote is not leadership, and that they have ignored the will of the voters, and she asks that there is no re-vote.
- **Beth Herr, Asbury St**, stated the non-pro-consolidation people don't have a level playing field as a superintendent does because if they sign up for his messaging, then they only get that viewpoint. She stated the School Committee just approved a \$450,000 feasibility study for the High School roof. She thinks people should put on their thinking caps and find solutions instead of pointing to roadblocks. She also stated she is not an architect or an engineer but she has heard that there is water on the Cutler property and it is horrible, she would never build there. She also claimed that she was doxxed by someone putting a photo of her house on Facebook which is unacceptable.
- **Ted Ober, Gale Ave**, talked about how the schools were structured in the past with the older and younger kids separated. He believes there are many options for renovation and that people have to question why the schools are in such disrepair. He was here for the Middle School vote and it was a clear no vote, and was brought back three times to get a yes vote. He thinks everyone should go back and find out what the people want.
- **Tosh Blake, Sagamore St**, stated he agreed with previous speakers on postponing a vote on 3A while there are many things up in the air. He believes the Town may need the Winthrop site later for an expanded school, and we should keep that site available for a school. He asked what happens when the population grows beyond the school capacity. Although the renovation can create difficulties, it can be done. He believes there are not the votes to get this project approved.
- **Linda Preston, Highland St**, stated citizens have asked what if the school project did not achieve the required vote. She cited the Middle School vote that was voted a third time against the will of the Town. She asked what part of no the Town doesn't understand. She believes if this is the process of democracy then it is tragic. She asked the Board to do what is right and vote no on a revote.
- **Edward Flynn, Sias Lane, Wenham** stated he has been to the Wenham Select Board to ask what 3A is going to cost and has done some number crunching. He believes there will be 992 new students if all the 3A housing is built. He believes it is short sighted to make a decision on the school now given what may happen.
- **Kathrine Facile, Homestead St**, spoke about the Middle School vote and she was a direct beneficiary of that and is thankful the Town worked so hard to make that a reality. She said she never felt such commitment from her Town as she did upon entering a brand-new school. Her mother fought for the Middle School and likewise, she is fighting for the new elementary school for her two children. She has appreciated the openness and transparency of the process. She believes the school consolidation will bring the children together better. She noted that there is a long history of an open and dynamic legislative process and she advocated for bringing it back for another vote. She also proposed a two-town Town Meeting for everyone to be in the room together.
- **Ashley Gleti Chase, Bridge St**, noted she has attended every Town Meeting since she moved to New England and stayed to the end of the meeting. She stated she is fiercely advocating for this project because she is worried about taxes and believes that the renovation plan in the long run is going to cost us more. She noted she works in education and how we deliver programs and the way we address needs has fundamentally changed in recent decades. She highlighted that if there is a renovation within the existing footprint as some people are advocating, the spaces are still inadequate. She stated that the gym at 3,000 square feet is 50% the size of the standard 6,000, the music room is 30% smaller than it is supposed to be, the media



center is 46% below the standard, special education classroom is undersized and it's supposed to be the same size as the general ed classrooms, the kitchen is half the appropriate size, one of the kindergarten rooms is almost 25% below standard and doesn't have a toilet room. There isn't space for the faculty to eat lunch, and that is a dignity issue. There isn't the space to expand without a renovation/addition. A renovation project would be pouring millions of dollars into an old building that would still not meet the needs of our students. She advocated for a revote.

- **Katherine Spano, Linden St**, supports the School Committee and the Select Board in bringing a revote. After digging into the facts, she became convinced this is the best solution. She is concerned for her kids and for all kids in the community who are not able to be served by buildings built in 1952 and 1961. She stated that although the school vote passed the ballot by a thin margin, the results of the other elections speak to the broader support of this project. She thanked everyone who has been involved.
- **Jeff Austin**, stated it is unfair to hold the time and money over the heads of the anti-consolidation people as the polls told everyone that this plan would not pass. He stated he was told by the Superintendent that there are no structural issues with the current schools. J. Austin therefore believes everything that needs to be done can be done through renovation. He stated that 10 years ago the State rated Cutler and Winthrop as 1s and 2s in their evaluation, which means they need work but they are not horrendous. He believes enrollment is down 30% over the last 20 years and how you can't reconfigure the buildings to make it work is beyond him.
- **Susan McLaughlin, Park St** noted that she emailed the Select Board and asked that to be entered into the record.

J. Domelowicz noted that approximately 70 emails had been submitted to the Select Board and all will be included in the record. R. Kennedy read a letter from resident Mimi Fanning, expressing her concerns on behalf of seniors and questioning why people should vote if the vote will be brought up again and again. She asked for this issue to be given more thought.

Chair Olsen appreciated the passion of tonight's meeting, but a majority of the Town has voted for this, and his opinion is that it is fair to the community to hold a re-vote.

T. Myers agreed, and stated it is important issue and it is very difficult to achieve the 2/3 majority. He stated that bringing it back for a vote is so commonplace that the MSBA has guidance on it. He stated the role of the Select Board is to decide what is in the best interest of the Town, and his opinion is that a revote is in the best interest of the Town.

R. Kennedy stated it is extremely disrespectful of the Select Board to bring this back for a revote, and that they have an obligation to fulfill the rules and law that have been promised to abide by. Citizens deserve to have their votes respected. She would strongly vote against bringing this back for a revote.

B. Wilson noted he was struggling, having heard the crowd and read the communications. All of the elected Boards and the Finance Committee have come together to say this is the most fiscally responsible and far-reaching program to put on the table that covers most children. He reiterated that he is struggling with this as the 2/3 vote was not met, but fiscally the right solution has come forward.

Chair Olsen stated seven votes had been taken, and all were in the majority, including the two Select Boards and the School Committee. He advocated for keeping the discussion open and putting it back on the warrant in June.

B. Galuza stated he was also struggling to see how we go from where the town is now, to entertaining the renovation/expansion idea, which would be very expensive to do, and how would the town move forward on a timeline that could have a positive impact for the kids. He has not heard anything today that told him how the town would practically move forward as an entire community on the renovation path.

Chair Olsen commented there was confusion among many voters as to whether 50% majority was required and therefore many people did not come to vote, not realizing that 2/3 majority is actually required at Town Meeting.

The Board asked if there is more information to come forward from the Schools that may be new information, that may change people's minds, and essentially to keep the dialogue going.

*A motion was made and seconded that the Select Board include the school consolidation vote on the warrant for the June Special Town Meeting.*

After some additional discussion the Board agreed to table the vote.

- **Review timeline for June 26, 2025 Special Town Meeting** - *This item was deferred to the next meeting.*
- **Approve Select Board meeting calendar June – December 2025** - The schedule was briefly discussed, there were no comments from the Board.

### New Business

- ***Communication from President Scott Sundquist at Gordon Conwell Theological Seminary***

The communication from S. Sundquist was included for informational purposes.

- Chair Olsen reminded everyone on zoom that if they would like to participate remotely, they must list their full name on their zoom profile in order to be let into the meeting. The Board will discuss this further at another meeting.



- The Board discussed the possibility of selecting another date for the Special Town meeting, other timelines may be considered next time.

**Adjournment Vote:** *The Select Board voted unanimously by roll call to adjourn the meeting at approximately 9:41PM.*

*Meeting Packet Enclosures:*

- Minutes of March 24, 2025 Select Board meeting
- Request to hang Hamilton Wenham Garden Club Banner
- Request for use of Patton Park Facilities
- Request to appoint Joanie Melanson to HW Cultural Council
- 2025 Special Town Meeting Calendar
- Select Board Meeting Dates
- Email from Scott Sundquist of Gordon Conwell Seminary

*Respectfully submitted by D. Pierotti, Recording Secretary, 4/27/25.*

*The minutes were prepared from video.*

Respectfully submitted as approved at \_\_\_\_\_ meeting.

\_\_\_\_\_  
Rosemary Kennedy, Clerk





Town of Hamilton  
Select Board  
Meeting Minutes of May 5, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Select Board members, a meeting of the Hamilton Select Board was posted for May 5, 2025 at 7:00pm. This meeting was held at the Hamilton Wenham Library, 14 Union St.

The Select Board functions as the Chief Executive body of the Town. Its five members are elected to three-year terms with one or two seats up for election each year. The Board acts as the chief policy making body of the Town and directly supervises the activities of the Town Manager. The Select Board typically meets the first and third Monday evening at 7:00 p.m.  
Select Board: Bill Wilson (2026); William Olson (2027); Rosemary Kennedy (2027); Ben Galuza (2028); Thomas Myers (2028)

**Call to order:** W.Olson called the meeting to order at 6:34pm. Present: W. Olson, Chair; B.Wilson, Vice Chair (arrived late); R.Kennedy, Clerk; T.Myers, B.Galuza. Also present: Joe Domelowicz, Town Manager, and others as noted.

**The Chair announced Board and Committee openings as displayed on the agenda:**

- Affordable Housing Trust – 1 opening
- Conservation Commission – 2 openings
- Council on Aging - 1 associate 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
- Human Rights Commission - 1 opening
- Hamilton Wenham Cultural Council – 2 openings

**Public Comment – *Three (3) minutes per person on items not already on the agenda:***

- **Beth Herr**, 270 Asbury St, brought to the attention of the Board that she believed the citizen's petition asking for the abandonment of the consolidated school, even though it passed at Town Meeting with a majority vote, was being ignored and wanted it addressed by the Select Board.

**Town Reports:**

**B.Galuza** - stated he had held his first office hours and thanked those who came out.

**CONSENT AGENDA:**

- **Approve appointment of Joanie Melanson to the Council on Aging**
- **Approve YuKanRun Half-Marathon annual event May 17, 2025**
- **Approve Re-dedication of Victory Pillars at Patton Park by Friends of the Patton Homestead – May 8, 2025**

*Vote: The Board voted unanimously by roll call to approve the consent agenda.*

**AGENDA:**

- **Presentation of Hamilton Mitigation Plan update with consultant Jamie Caplan – *Discuss & Vote***  
J.Caplan is the lead of the consulting firm hired to update the Town's Hazard Mitigation Plan, and she will summarize what is in the plan. She explained hazard mitigation as the foundation for risk reduction to build community resilience to future hazardous events. FEMA requires the plan to be updated every five years. The plan will increase awareness of hazards and risks. She explained the process of compiling the plan, working together with the Town and residents, and the review process to be done before the plan is finalized. She recommended looking at the Federal emergency preparedness website for valuable information. She explained the factors they look at to determine community risk factors, and to define critical facilities. She showed the summary risk ranking that shows how likely things are to happen. She talked about categories of mitigation risk, and mitigation actions. The plan is over 300 pages, and she briefly talked about the different sections of the report. The Town needs to review the plan, and it should be made available on the Town website. It will be submitted to MEMA and FEMA, and once approved, it will come back to the Town for a vote of acceptance.

- **Accept petition to call a Special Town Meeting to reconsider the Consolidated School Proposal – *Discuss & Vote***  
Chair Olson summarized that at the last meeting there was a robust discussion regarding the School Committee's request to place the school consolidation vote back on the Special Town Meeting warrant, and the Board decided to table the decision. In the



meantime, the Town received a Citizen's Petition requesting a revote, which requires the Town to hold a meeting and a vote within 45 days. The Board must abide by the terms of the Petition. He explained that the Superintendent Eric Tracy and School Committee Chair Dana Allara are present to talk about a few things, and will answer questions. He noted that this is a forum for questions to be answered.

- T.Myers noted there is still a lot of conversation about the renovation reimbursement and the options for renovation. E.Tracy explained that you have to look back at the original 14 possible plans that started the process. In a code update, the facilities would not be expanded. The School Building Committee picked one plan out of the 13 and that is what you are expected to pursue throughout the MSBA process. He explained that the 120 day process is standard and that some communities have extensions beyond that for various reasons. If you change the scope of work for a project, you have to start over, and you lose the funding that you received for the planning and design phases.
- R.Kennedy stated it was her understanding the special town meeting request is solely to revote two previously decided articles that were voted on less than 30 days prior, and asked if that was true to their understanding, and asked for a yes or no answer. D.Allara stated that it was correct that the School Committee voted to ask the Select Boards to add these two articles to a future special town meeting, but that was separate from the Citizen's petition.
- R.Kennedy stated she was perplexed by the requirement to hold a special town meeting given the articles had been previously voted down. Chair Olson clarified that yes, it is legal, and a citizen's petition can in fact compel a vote.
- Chair Olson asked them to speak to why renovation is not what should be voted for. E.Tracy replied that it fundamentally goes back to the educational needs, as the current schools do not have sufficient space to meet the needs of the programs that are in place now, the spaces are just too small and limited. David Polito of the School Committee added that the IT needs exceed the capacity of the current buildings that were not built for current technology. He stated that bringing the buildings just up to code would cost as much as the current plan and would not gain any space. He emphasized that they did look at cost estimates for renovation, but determined that they could get a lot more done for the same funding.
- Chair Olson asked how it would be sequenced to do renovations. E.Tracy stated that it would have to be done in multiple stages, using modular buildings, moving kids from one area of the school to modular spaces, back to new spaces, and moving the next batch of kids to modular spaces. Children are then exposed to the noise of construction as they have to move around the construction areas. There are asbestos and hazardous materials in the buildings which has to be dealt with in any renovation plan. The current plan will see kids in a new school by 2028, in a renovation scenario, it would require a new proposal, new feasibility study, and to repeat the nine modules required by the MSBA. D.Allara stated that for many, many, years, the School District has been using all methods and ingenuity to keep the schools' systems running, and it is time for a new facility.
- R.Kennedy opined there are multiple overrides projected for the next year, and asked how the School Committee can ask parents to pay for all of this. E.Tracy responded that the costs will continue to accelerate and continue to rise, and there is nothing to be gained from waiting.

Chair Olson reiterated that the forum is for questions of the Superintendent and School Committee, and opened it up to the public for questions.

- Ned Flynn, Sias Lane, Wenham, asked how many bites of the apple are there for citizen's petitions, and asked if the vote doesn't go in a way that the people in the room want, how many days do they have to demand a vote in 45 days. E.Tracy responded that the MSBA process allows for a 120 day period, unless an extension is granted.
- Michelle Orlani, Mudge St, agreed the schools do need new facilities, but that it can be done, and she believes the new technology will be outdated by the time the school is done. E.Tracy responded that yes, technology has to be upgraded on a regular basis, and that is planned for in a routine fashion.
- Robin Reyes, Woodland Mead, asked how confident they are in a two-year construction cycle, and how likely is that? He said that the \$140 million cost, and we're not hiring new teachers, are we? What is biking to school going to look like in a couple of years? He stated that no one has shown him how this program is going to improve education. E.Tracy replied that cost estimates ranged from \$48million for a code upgrade to exceeding \$100 million for various levels of renovation and addition. He discussed cost savings in staffing and energy consumption that could be realized through the consolidation. He also discussed in some detail the improvements in education that would be realized with a consolidated school and the efficiencies in programs that could be achieved.
- Marissa Peletus, Beech St, asked if cost estimates were done on the different scenarios. E.Tracy explained how the cost estimates were done on an order of magnitude basis. He talked about stacking debt on top of debt on top of debt to do each of the schools separately, plus the needs of the high school. T.Myers stated that the Wenham Finance Committee looked at the different iterations and mapped out the costs, and it is posted on their website.
- Beth Herr, Asbury St, asked why would we build \$140million property on the wettest part of that land? E.Tracy responded that there was extensive boring testing done by a consulting firm, and there was no river found, there is nothing there, and the site is not in a floodplain. In terms of drainage, the site would be engineered to place the septic systems and mitigation issues get studied as part of any construction project. B.Herr asked why the voices opposed to the consolidation were ignored and continue to be ignored? D.Allara responded they received a lot of communication on this issue, and noted that the community is divided as everyone saw at Town Meeting. She addressed the results of the poll,



which showed that no option met the majority preference, and in light of that, the School Committee had to do something and brought forward the best option that they could see.

- Tom Martin said a Select Board member strongly asserted earlier that there is a better and more financially responsible way to do this, and he asked if that is factually correct, or if she was just speaking her opinion. If there is another plan, then what is it? D.Allara responded that the current option was the one brought forward and that both Select Boards and Financial Committees in both towns voted to recommend this plan. There is currently not another plan to be brought forward. R.Kennedy stated that she was referring to the Welch School renovation in Peabody, and that the total cost four years ago was \$34million.
- Lisa Terranova, Woodland Mead asked why her vote doesn't count, why is the democratic process being undermined, why are the results of two Town Meetings being thrown out? Why has this issue been allowed to rip the fabric of the Towns being ripped apart? She then remarked that no one needs to answer her questions because everyone already knows the answers to them.
- Bib Sinha, North St., referenced the plan for the new Ipswich school and it is spacious, and how is the school going to be jammed into the Cutler area? E.Tracy explained that there was a traffic study done, and it is on the website, and the traffic has been designed to be pulled off the road around the perimeter of the school. B.Sinha then asked about they can ensure a happy environment for kids? E.Tracy clarified that everyone would not have recess at once, it would rotate at the new school location as well. D.Allara explained the outdoor facilities that would be present at the new school.
- Linda Preston, Highland St, referenced the vote for the Middle School that failed and that two more votes were then arranged. How many times will the votes be retaken so that their votes don't count this time?
- Jack Davis, Law St, asked what the voters might expect between now and June 26<sup>th</sup>. Is it the intention of the School Committee to come back and ask the Select Board to vote to put it on the special town meeting again? D.Allara said the School Committee has not taken that up and she is not permitted to speak for the Committee.
- Sandy Fisher, Greenbrook Rd., asked D.Polito why he told her he had been working with the State on this for 9 years. Did the School Committee put off an override until next year? D.Polito clarified that he has been working on this project since the beginning, eight years ago, and that it is the goal of the School Committee to avoid an override in every year's budget. S.Fisher asked how dumping two schools in a landfill and building a new one fits in with reduce, reuse, and recycle. E.Tracy explained that the construction companies are focused on careful deconstruction and reuse of materials to the extent possible.
- Linda Mastriani, Maple St, if we need to do renovations, can we get everything fixed, ADA compliant, and get the spaces we need, and have it be less expensive? D.Polito responded that no, it would not be less expensive, and that each systems upgrade would be significantly more expensive.
- Kelly Fay, Allen Rd. asked if in the new school would her daughter still need to continue her speech lessons on the stage in the cafeteria and at desks and hallways or will there be a designated discreet classroom? If her preschooler is diagnosed with a learning disability, would she need to worry about having her children go to two separate elementary schools like other families in town? Would she still need to be as anxious sending her children to school every day in today's America or would the new consolidated school have improved state-of-the-art safety measures to better protect the town's children? E.Tracy responded that yes, all of those issues would be resolved with the new school, he described how the services would work in the new school, and described the extensive security enhancements that would be present in the new school.
- Ted Ober, Gale Ave., asked if anyone had ever seen a successful renovation. E.Tracy said that he personally had not. T.Ober asked about the amount of green space at Cutler, and E.Tracy said that he would get that number. T.Ober asked why the School Committee did not respect the Town vote? D.Allara stated that she understands that people feel that way, but they made a decision that the majority of residents, although not 2/3, voted that they wanted this project.
- Charlie Pepler, Myer Rd. asked how the Board can reestablish credibility with the Town?

### **Open the Warrant for Special Town Meeting – Discuss & Vote**

J.Domelowicz explained that a citizen's petition under chapter 39 section 10 of Mass General Laws compels the select board to call for a special town meeting within 45 days of the receipt and certification of the petition. The petition was received on May 1st and was subsequently certified by the town clerk later that same day. That gives the town a 45 day window up until June 14<sup>th</sup>, at which time the select board must call a town meeting to address the two questions that were listed on the petition. They law does allow the Board to open the warrant for other things but they do not have to. They have to have a special town meeting that addresses those two items within 45 days. The next step for the board would be to entertain a motion to accept the petition and set a time and date.

**Carin Kale, Town Clerk** spoke regarding the many residents who have been asking why their vote doesn't count. She explained that the voting is a two-step process, and which vote are people talking about. According to the MA Department of Revenue, the ballot vote is to authorize the town to increase its taxing authority, and it has to be a ballot vote per Proposition two and a half.



However, that vote doesn't bring any money with it. To appropriate the money, a town meeting vote is required. In terms of appropriation election sequence, some towns do the ballot vote first, and others do the town meeting vote first. Hamilton typically does the town meeting vote first. Likewise, for the school consolidation, the town meeting vote was first, and then the ballot vote. As Town Clerk, she had the responsibility to certify that ballot vote and notify the Department of Revenue that the Town of Hamilton did vote to give the town the authority to increase its taxing authority. The voters voted 1,014 to 1,000 to allow the town to increase its taxing authority. In terms of the sequencing, if the ballot question passes and the appropriation fails, the ballot question is still valid, particularly for a debt exclusion vote. The city or town then has reasonable time to authorize an appropriation for the same project. She stressed the importance of looking at both of the votes to determine what happened and what the direction is.

The Board discussed the potential times for holding the Special Town Meeting. B.Galuza advocated for staggering the meeting from the Wenham meeting to allow school representatives to move from one to the other. D.Allara stated that they will make it work and have a representative at each meeting. R.Kennedy advocated for a Saturday Town Meeting and argued that an evening meeting disadvantages seniors. T.Myers advocated for aligning with the Wenham meeting, at an earlier time while it is still light out.

- An unidentified resident stated that most special town meetings are in the evening, and that sunset is at 8:30PM.
- Another resident advocated for Saturday.
- A resident on zoom asked which demographic would be disadvantaged on Saturday. He agrees that a weeknight intentionally excludes seniors.
- Jeff Austin argued the Board is 100% changing the demographics of the vote, whether intentional or not, by putting the meeting on a weeknight after 4:00PM. He claimed that older folks don't have options to get to the meeting that late at night. He would like the Select Board to ask Wenham to move the meeting to Saturday, and stated it is not fair to have the meeting on Saturday.
- Ashely Chase, Bridge St, stated that weekends in June are graduation season, and that affects parents and grandparents, and there are two local graduations on June 7.
- Siobhan Manion, Patton Dr, believes a weeknight disadvantages seniors who have vision problems and other medical issues.

Discussion continued around whether to hold the meeting on Saturday or Monday.

**Vote:** The Board voted for Hamilton to hold a special town meeting pursuant to the Citizens Petition to address two questions previously voted on at the April 5th annual town meeting, and to hold the meeting on Saturday morning June 7th at 10:00am. (four in favor, Chair Olson abstained as he cannot attend the meeting on that date).

**Vote:** The Board voted unanimously to open the warrant.

**Vote:** The Board voted to accept the two questions as written in the Citizen's Petition. (four in favor, R.Kennedy opposed)

**Vote:** The Board voted unanimously to close the warrant.

- **Approve use of Cemetery Perpetual Care funds for annual Grub Treatment at Hamilton Cemetery – Discuss & Vote:**  
**Vote:** The Board voted unanimously to approve use of Cemetery Perpetual Care funds for annual Grub Treatment at Hamilton Cemetery.
- **Review list of Select Board Liaison Roles for 2025-26 – Discussion:** Chair Olson asked for this to be completed by email.
- **Review Agenda Setting Schedule for future Select Board meetings – Discuss & Vote:** This is contained in the packet.

## New Business

- **Discuss Wenham's lawsuit against EOHLC**
- **Schedule Executive Session to discuss potential litigation with Town Counsel -**  
The Board will schedule an Executive Session for Tuesday, May 13 at 6:45PM.

**Adjournment Vote:** The Select Board voted unanimously to adjourn the meeting at approximately 10:40PM.

## Meeting Packet Enclosures:

- Email re: nomination of Joanne Melanson to the COA Board, letter of interest and application
- Application for re-dedication of pillars event at the Patton Homestead
- Request for use of Patton Park Facilities
- Hazard Mitigation Plan Development
- 2025 Special Town Meeting Calendar
- Petition for Special Town Meeting
- Grub Treatment Purchase Order



- Select Board Agenda Setting Schedule
- Select Board Liaison Roles
- Town of Wenham Legal Filing and letter to Secretary Augustus

*Respectfully submitted by D. Pierotti, Recording Secretary, 5/19/25.  
The minutes were prepared from video.*

Respectfully submitted as approved at \_\_\_\_\_ meeting.

\_\_\_\_\_  
Rosemary Kennedy, Clerk





Town of Hamilton  
Select Board  
Meeting Minutes of May 13, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Select Board members, a meeting of the Hamilton Select Board was posted for May 13, 2025 at 6:45pm. This meeting was held via zoom only.

The Select Board functions as the Chief Executive body of the Town. Its five members are elected to three-year terms with one or two seats up for election each year. The Board acts as the chief policy making body of the Town and directly supervises the activities of the Town Manager. The Select Board typically meets the first and third Monday evening at 7:00 p.m.  
Select Board: Bill Wilson (2026); William Olson (2027); Rosemary Kennedy (2027); Ben Galuza (2028); Thomas Myers (2028);

**Call to order:** B.Wilson called the meeting to order at 6:45pm. Present: B.Wilson, Vice Chair; R.Kennedy, Clerk; W. Olson, T.Myers, B.Galuza. Also present: Joe Domelowicz, Town Manager, and others as noted.

• **Discussion of status of development agreement and possible zoning options relating to Gordon Conwell Theological Seminary with Attorney Jonathan Witten – *Votes may be taken***

Attorney Witten spoke to the Board regarding the status of the Gordon Conwell development agreement. He noted that there is not a new draft, and suggested to the Board that they wait for the overlay district to be completed by the Planning Board so that the documents could be synchronized. He explained the overlay district is a zoning district that the planning board is working on, would serve as a belt and suspender approach for the campus. The development agreement would be contractual between the seminary and the Town of Hamilton and contract would allow the Select Board to negotiate items not included in a zoning bylaw. It gives the town an opportunity to negotiate items the Planning Board, through a special permit, wouldn't be able to require and allow the town to gain public benefits the planning board would not be able to through the overlay district. It is necessary to have both the overlay district and the development agreement in place and working together.

R.Kennedy noted there is still a lot of work to do to determine what the Seminary is willing to give to the Town in return for being able to sell the apartments for a substantial amount of money. She noted that the Seminary has reneged on pilot payments in the past and it is important to make sure the agreement is airtight and benefits the Town.

J.Domelowicz explained the goal is to bring both documents to a Town Meeting where everyone can see the overlay district and how the development agreement covers the Town in addition. It has been challenging progress bringing these items to conclusion.

Meirwyn Walters, representing the Seminary, spoke regarding the timing of the overlay district, and noted it should be going back to the Planning Board for their review mid-week the following week.

Chair Olson clarified this would hopefully be ready for a fall town meeting vote.

J.Witten stated any issues regarding Dover Amendment would need to be negotiated through the development agreement and not through the overlay district.

There was brief additional discussion regarding the importance of keeping the timeline moving forward.

• **Review Draft Warrant, date, time & calendar for Special Town Meeting scheduled on June 7, 2025 at 10 a.m. – *Votes may be taken***

J.Domelowicz noted the two items on the warrant - the vote on the consolidated elementary school, and the Cutler lease agreement. Chair Olson stated the Board received an extensive amount of feedback about the difficulty of attending a Town Meeting on Saturday, June 7, as there are far too many competing events scheduled for that day. He asked the Board for their current thinking on the date of the meeting, and he recommended Monday, June 7 as the alternative.

T.Myers noted the Town Clerk looked at the demographics of who attended town meetings in the past, and there was no significant difference between weekend mornings to weekday evening meetings. His preference is for June 9 as the best compromise.

B.Galuza concurred regarding the concerns raised about the date, and questioned what the COA can do to assist those who may need it. J.Domelowicz noted the COA can assist with van rides for people who may need it.

B.Wilson said he was initially vocal about keeping the meeting on Saturday, but after reviewing the comments and the data on attendance at town meetings, he believes maximizing attendance requires moving it to a Monday, June 9 date.

R.Kennedy asked when is a vote a vote, opining that the date was already agreed to and she is unsettled about the Board changing their minds. She believes all of their efforts go towards accommodating parents, and not thinking about other demographics. She



believes that they need to think about needs for everyone, but it is clear that the Board has changed its mind, and given that, she wants the meeting to start earlier than 6:30.

Town Moderator Bill Bowler stated he has not noticed a difference in the discussions at a weekend as opposed to a weekday meeting.

R.Kennedy made a motion to start the Special Town Meeting at 6:00PM, but the motion was not seconded.

**Vote:** *The Board voted unanimously by roll call to move the date of the Special Town Meeting to June 9 at 6:30PM.*

There was brief discussion regarding the timeline up to the Special Town Meeting.

**Adjournment Vote:** *The Select Board voted unanimously by roll call to adjourn the meeting at approximately 7:30PM.*

*Meeting Packet Enclosures:*

- Draft Memorandum of Agreement between the Town of Hamilton and Gordon Conwell Theological Seminary
- Draft Brown's Hill Overlay District
- Draft Warrant for Special Town Meeting

*Respectfully submitted by D. Pierotti, Recording Secretary, 5/17/25.*

*The minutes were prepared from video.*

Respectfully submitted as approved at \_\_\_\_\_ meeting.

\_\_\_\_\_  
Rosemary Kennedy, Clerk





**Special Town Meeting**

June 9, 2025  
6:30 p.m.

Hamilton-Wenham Regional High School Gymnasium  
775 Bay Road

*(Please us the Miles River Middle School entrance)*

**1. The constable has confirmed that the warrant for this STM has been properly posted. The Town Clerk has informed me there is a quorum present.**

**This Special Town Meeting of the Town of Hamilton is now open.**

**2. Good morning, my name is William Bowler, and I'm the Town Moderator. Welcome to the June 9, 2025 Special Town Meeting, and thank you for coming.**

**3. To assist me with vote counting if necessary I have appointed five tellers, who have been properly sworn as follows:**

\_\_\_\_\_ [names of tellers]

**4. We will start as we always do by saying the Pledge of Allegiance.**



5. I'd like to start with some general reminders:

First, if you are a registered voter in Hamilton you should have picked up a voting clicker, which looks like this. If you haven't and wish to vote, then I ask you to get one now.

Second, please turn your cell phone to silent. If you need to take or make a call, please leave the meeting to do so.

Third, we welcome non-voters to Town Meeting, but do ask that you sit in the visitors' area, which is located in the back left section of the gymnasium, so it will be easier to know who is able to vote and who is not.

6. I'd like to introduce the people who are sitting up front so you all know who they are.

Tom McEnaney	KP Law, Town Counsel
Carin A. Kale	Town Clerk
Joe Domelowicz	Town Manager
Wendy Markiewicz	Asst. Town Manager/Finance Director
Bill Olson	Select Board Chair
Bill Wilson	Select Board
Rosemary Kennedy	Select Board
Tom Myers	Select Board
Benjamin Galuza	Select Board
John McGrath	FINCOM Chair
Alex Rindels	FINCOM
Chris Woolston	FINCOM
John Pruellage	FINCOM
Harry Philip	FINCOM



I have asked non-resident Town officials and those assisting the Select Board or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present.

7. I hope you all read and brought your copy of the Warrant. If you did not, there may still be some extra copies. Please let me know. The agenda for the meeting is the Warrant. It was prepared by the Select Board.

To bring an agenda item before the meeting, I will recognize a member of the sponsoring board, committee, or individual so they can make a motion. If the motion is seconded, I will recognize the proponent to speak to you about it. Once they are done, I will open discussion up to you.

To ensure that we have an orderly meeting, if you wish to speak, you must first ask me to recognize you. To save time, I ask that you already be standing at one of the microphones.

Once you are recognized, please state your name and street address.

We will use the same rules at today's Town Meeting that we use at



every Town Meeting. You will have 3 minutes to make comments or ask questions about the motion. When your 3 minutes is almost up, I will let you know so that you can wrap up your comments. If you continue to speak once your time has elapsed, my obligation to maintain a fair and efficient meeting requires that I move on to the next speaker.

Your comments and questions must be within what we call “the 4 corners of the motion.” Please remember that we are in a legislative session for the Town of Hamilton. While we can all agree that spirited debate is welcome, we recognize that being cordial and respectful is a priority for the efficiency of the Meeting and that every person who rises to debate a motion has an equal right to be heard. As such, we expect that at this Meeting, like at all Town Meetings, people will refrain from making remarks of a personal nature about any Town or School officials or any person who is in favor of or against the motion, and will just comment on the merits of the motion. Again, to ensure that the Meeting is run efficiently, any comments or questions must be directed to the Moderator rather than any individual or Town official.



If I deem it appropriate, I may then ask the person making the Motion or another Town official to respond through me to the question.

Please, no applause, cheering, booing or any other conduct that will disrupt or delay the Meeting.

All motions to amend must be submitted to the Town Clerk in writing. If you need assistance in framing a motion to amend, Town Counsel will provide you with some assistance.

No more than 1 amendment may be pending at the same time. A vote is first taken on the amendment and then on the main motion.

As I mentioned, when a vote is taken, we will be using the electronic voting clickers. Joe Domelowicz will demonstrate the use of the clickers in just a moment. In the unlikely event that we have trouble with the new technology, we will revert to the use of voter cards, and I will ask you to raise your voter cards and I will then decide visually whether there is the necessary majority or 2/3 vote. If I am in doubt, or 7 voters question the vote immediately after I declare the outcome, I will have the vote counted by the tellers.

Allow Joe Domelowicz to demonstrate the use of the clickers.

8. OK, we will now begin going through the Articles in the warrant.



<p><b>ARTICLE 2025/6 1</b></p> <p><i>HWRSD Consolidated Elementary School Project</i></p>	<p>To see if the Town will approve the \$142,266,034 borrowing authorized by the Hamilton-Wenham Regional School District, for the purpose of paying costs for designing, constructing, and equipping a new Cutler Elementary School at 237 Asbury Street, Hamilton, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Hamilton-Wenham School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-one point twenty-eight percent (51.28%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action thereon or relative thereto.</p> <p><i>A 2/3 vote is required to approve this article.</i></p> <p><b>Brief Summary:</b> <i>This article seeks to approve a borrowing authorized by the Hamilton-Wenham Regional School District for the new Cutler Elementary School project. The Hamilton Finance and Advisory Committee is expected to make a presentation about the potential tax impacts of this question on the floor of Town Meeting. The article above states that the MSBA is projected to cover 51.28% of allowable project costs that would be equal to 35% of total project costs.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>If approved and also approved at Town Meeting in Wenham, the costs of the new school would be added to future years tax bills as a debt-exclusion, which both Towns approved at the April 10, 2025 election, and would be in addition to taxes authorized for the annual operating budgets.</i></p> <p><b>The Select Board (3-1) recommends favorable action. The Finance and Advisory Committee (3-1) recommends favorable action. The HWRSD Committee voted (5-1) to authorize the borrowing for this project.</b></p> <p><b>MODERATOR: I recognize _____</b></p> <p><b><u>Motion of</u></b></p> <p><b>I move that the Town approve Article 1 as printed in the Warrant.</b></p> <p><b>Is there a Second?</b></p> <p><b>Discussion:</b></p>
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**Commented [TM2]:** As you may recall, the Motion at the ATM included the following additional language: "provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA." In my opinion, because the debt exclusion question passed at the Annual Town Election, the contingency language is no longer required. However, as this involves borrowing for a MSBA funded project, I recommend that you forward a copy of the Article and Motion to School District counsel and bond counsel for review and approval.



<p><b>ARTICLE 2025/6 2</b></p> <p><i>Extension of Lease Cutler School</i></p>	<p>To see if the Town will vote to authorize the Select Board to extend a lease with the Hamilton-Wenham Regional School District for the Cutler Elementary School, located at 237 Asbury Street, Hamilton, MA, and identified on Assessor's Map 47, Lot 150, for an additional term of 50 years on such terms and conditions as the Select Board deems to be in the best interests of the Town, and further, to authorize the Select Board to execute any and all documents to carry out the purposes of this article, or take any action thereon or relative thereto.</p> <p><i><b>Brief Summary:</b> This article seeks to authorize the Select Board to extend the existing lease with the Hamilton-Wenham Regional School District for the Cutler Elementary School for an additional 50 year term.</i></p> <p><i><b>Fiscal Year 2026 Tax Rate Impact:</b> None.</i></p> <p><i><b>The Select Board (3-0-1) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</b></i></p> <p><b>MODERATOR:</b> I recognize _____</p> <p><u><b>Motion of</b></u>  I move that the Town approve Article 2 as printed in the Warrant.</p> <p><b>Is there a Second?</b></p> <p><b>Discussion:</b></p>
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**ADJOURNMENT**

**MODERATOR:** I will now accept a Motion to dissolve.

**Second?**

**This Annual Town Meeting is now dissolved.**



# Town of Hamilton

## - MBTA Massachusetts Zoning 3A



## 3A – Headlines

Water: Availability of water will likely be the determining factor of expansion of housing in Hamilton:

- No water - no expansion in the near-term.
- We should focus on this point.

Student population: During the period of 2003 – 2008 the HWRSD had a student population in excess of 2,000 students.

- School variable cost of additional 400 students could be \$5+ M

Annual Financials:

- Revenue: 735 multi-family housing units could generate ~ \$6.5M
- Costs:
  - Additional costs – could be assumed to be \$1M year



# Impact Analysis



# Scenario 1 - Impact Analysis – Multi Family Development

## Revenue

### Property Tax Revenue

- \$534k X 735 Units = \$ 392M
- Current Tax Rate per \$1,000 = \$ 15.65
- \$392M x \$15.65 = \$ 6,200k

### Auto Excise Tax

500 Autos @ 300 each = \$ 150k

### Water Enterprise

735 @ \$550 each = \$ 370k

Hamilton Annual Tax Revenue = \$ 6,720k

## Costs

### School Variable Cost

- 400 incremental students
- Variable Cost per student = \$ 13,962
- 400 x \$13,962 = \$ 5,585k\*

### Other Costs

- Water / Police / Fire / DPW / Other = \$ 1,000k

Hamilton Annual Cost = \$ 6,585k

\* no cost sharing with Wenham assumed



# Impact Analysis – Construction Cost – Boston Globe Spotlight - Dec 2023

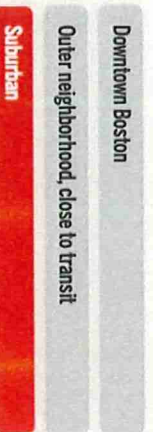
## A DEVELOPER'S PERSPECTIVE

PENCILING OUT A HYPOTHETICAL 170-UNIT RENTAL BUILDING NEAR BOSTON \*



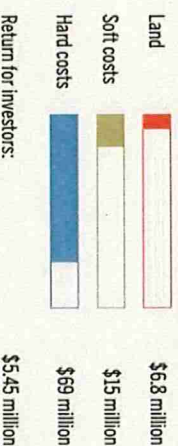
### First: Where would you like to build?

The closer you get to the core of the region, the more land tends to cost.

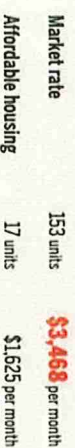


### Total project cost

**\$90.8 million**



### Average rent per unit



\* Sources: The calculator was built off of data from a financial plan for a proposed apartment building in Greater Boston that was provided to the Globe by a developer who requested anonymity in order to share sensitive information. The estimated cost impacts of land, parking, union labor and green energy were drawn from interviews with a number of industry experts. Calculations assume a fully-occupied building and a 6 percent return on cost for equity investors.

## Multi-Family – Development in Hamilton

Using “Developer’s Perspective” Cost for Assessed Value

- \$90.8M per 170 units = \$534k per unit
- 49 Acres X 15\* = 735 Units
- \$534k X 735 Units = \$392M

Market Value of \$392M

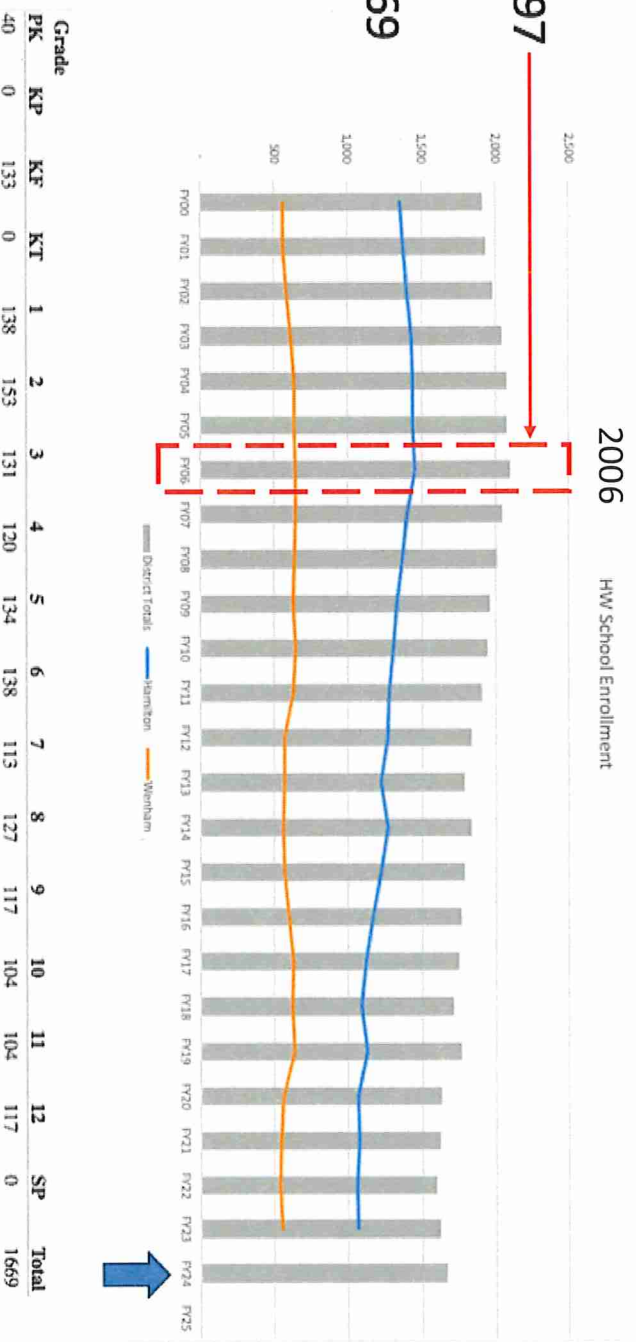
- Current Tax Rate per \$1,000 = 15.65
- \$392M x \$15.65 = \$6.2M Annual Tax revenue



# School Enrollment -

## School Enrollment- FY 2000 – FY 2024

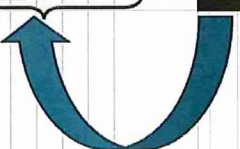
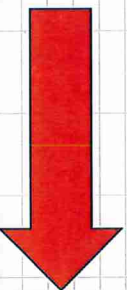
- Peak - FY '06 - 2,097
- June 2024 - 1,669





# HWRSRSD Variable Cost

		FY23 Actuals	FY24 Actuals	FY25 Budget	FY26 Budget	FY'23 & '24 Avg Annual Variable Cost	Less Offsets & revenues	Net Variable Cost Base	Variable Cost Per Student @1,620
46	<b>Gross Budget</b>								
47	<b>School District Spending by DESE Category</b>								
48									
49									
50	1 Administration	1,315	1,359	1,694	1,752	-			
51	2 Operations, Maintenance	2,806	3,616	2,770	3,513	-			
52	3 Capital & Fixed Assets Improvements	375	2,244	1,035	-	-			
53	4 Guidance, Counseling, Testing	1,417	1,390	1,371	1,496	1,403			
54	5 Instructional Materials, Equipment & Technology	1,126	1,056	882	971	1,091			
55	6 Instructional Leadership	2,600	2,640	2,974	2,914	-			
56	7 Benefits & Fixed Charges-Insurance, Retirement, Other	7,256	5,514	7,410	7,105	6,385			
57	8 Other Teaching Services	2,904	3,056	3,423	3,605	2,980			
58	9 Professional Development	507	517	608	620	512			
59	10 Pupil Services	2,998	3,333	3,589	4,121	3,166			
60	11 Teachers	13,559	13,713	14,277	15,786	13,636			
61	12 Programs with Other School Districts (Tuition)	3,946	4,507	4,536	4,707	4,226			
62	Less Offsets						(2,647)		
63	Less Revenue						(8,057)		
64									
65									
66	<b>Total</b>	<b>40,809</b>	<b>42,945</b>	<b>44,569</b>	<b>46,589</b>	<b>33,400</b>	<b>(10,704)</b>	<b>22,696</b>	<b>\$ 13,962</b>
67									
68									
69									
70									
71									
72									
73									
74									
75									



MBTA 3A Discussion – v3 - This document is for community discussion purposes only. The material contained has not been discussed with or voted on by any committee or board.



# HWRSRD Variable Cost – Offsets & Revenue

		FY23 Actuals	FY24 Actuals	FY25 Budget	FY26 Budget	FY '23 & '24 Avg Annual Variable Cost	Less Offsets & revenues	Net Variable Cost Base	Variable Cost Per Student @1,620
100									
101									
102	Recurring Offsets								
103									
104									
105	School Choice	487	110	335	305	298			
106	Preschool Tuition	-	-	117	117	-			
107	Special Education Tuition In	-	-	40	39	-			
108	Facilities Rental	-	-	2	2	-			
109	Special Ed Grants	518	419	480	480	469			
110	ESSER Grants	173	92	-	-	132			
111	Title I	142	69	64	33	106			
112	Circuit Breaker Offset	1,311	1,481	1,352	1,578	1,396			
113	Regional Transportation Revolving Fund		491	455	541	245			
114	Total	2,631	2,662	2,846	3,096	2,647			
115									
116	Revenues								
117									
118									
119	Chapter 70-Base Aid	3,889	4,019	4,019	4,189	3,954			
120	State Transportation	545	-	-	-	273			
121	Charter School Reimbursement	-	-	-	-	-			
122	Medicaid Reimbursement	119	65	105	65	92			
123	Interest Income	182	524	33	50	353			
124	Prior Year Unexpended Encumbrances	103	157			130			
125	E-Rate	68	-			34			
126	Other Income	57	115			86			
127									
128	Excess & Deficiency Returned	775	773	773	2,088	774			
129	Excess & Deficiency Offset by Expenses	2,325	2,399	1,529	-	2,362			
130	Total	8,062	8,053	6,460	6,392	8,057			
131									
132									

MBTA 3A Discussion – v3 - This document is for community discussion purposes only. The material contained has not been discussed with or voted on by any committee or board.



[illegible]





Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Via email: [mconnors@hamiltonma.gov](mailto:mconnors@hamiltonma.gov)

May 29, 2025

Mark Connors  
Planning Director  
650 Asbury Street  
P.O. Box 429  
Hamilton, MA 01982

**Re: Hamilton - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)**

Dear Mr. Connors,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hamilton, requesting that EOHLC review the Town's proposed "Willow Street Mixed Use District," "Bay Road Mixed Use District," "Downtown Residential District," and "Asbury Street 3A Multi-family Overlay District," (together, the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Hamilton staff and consultants last week to discuss this feedback in detail. This letter serves as the formal notice of EOHLC comments.

Hamilton is designated as Commuter Rail community with 2,925 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 731 units, a minimum land area of 49 acres and a gross density of at least 15 dwelling units per acre. At least twenty percent of the district's minimum unit capacity and land area requirements must be met within one half mile of Hamilton's commuter rail station.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. EOHLC recommends reviewing Section 10.6: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

MBTA Communities staff at EOHLA will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at [nathan.carlucci@mass.gov](mailto:nathan.carlucci@mass.gov).

Sincerely,

A handwritten signature in blue ink that reads "Caroline 'Chris' Kluchman". The signature is fluid and cursive, with the first name "Caroline" written in a larger, more prominent script than the last name "Kluchman".

Caroline "Chris" Kluchman  
Director, Livable Communities Division

cc: Senator Bruce Tarr, [Bruce.Tarr@masenate.gov](mailto:Bruce.Tarr@masenate.gov)  
Representative Kristin Kassner, [Kristin.Kassner@mahouse.gov](mailto:Kristin.Kassner@mahouse.gov)  
Joseph J. Domelowicz Jr., Town of Hamilton, [jdomelowicz@hamiltonma.gov](mailto:jdomelowicz@hamiltonma.gov)

Proposed Amendments to Existing Hamilton Zoning By-law

**FOURTH DRAFT for Planning Board Review**

2025-05-28

The following sections of the existing Zoning By-law will be re-written as follows. Unless specifically indicated in the document, additions are underlined, deletions are ~~struck through~~, and explanatory and/or clarifying information for the reader is shown *italicized* and within borders.

*HAMILTON ZONING BY-LAW TABLE OF CONTENTS*

*Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.6:*

**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**

**9.8 TOWN CENTER DISTRICT**

**9.8.1 Purpose and Intent**

**9.8.2 Interpretation**

**9.8.3 Town Center Sub-districts**

**9.8.4 Dimensional Standards**

**9.8.5 Use Provisions**

**9.8.6 Site Standards**

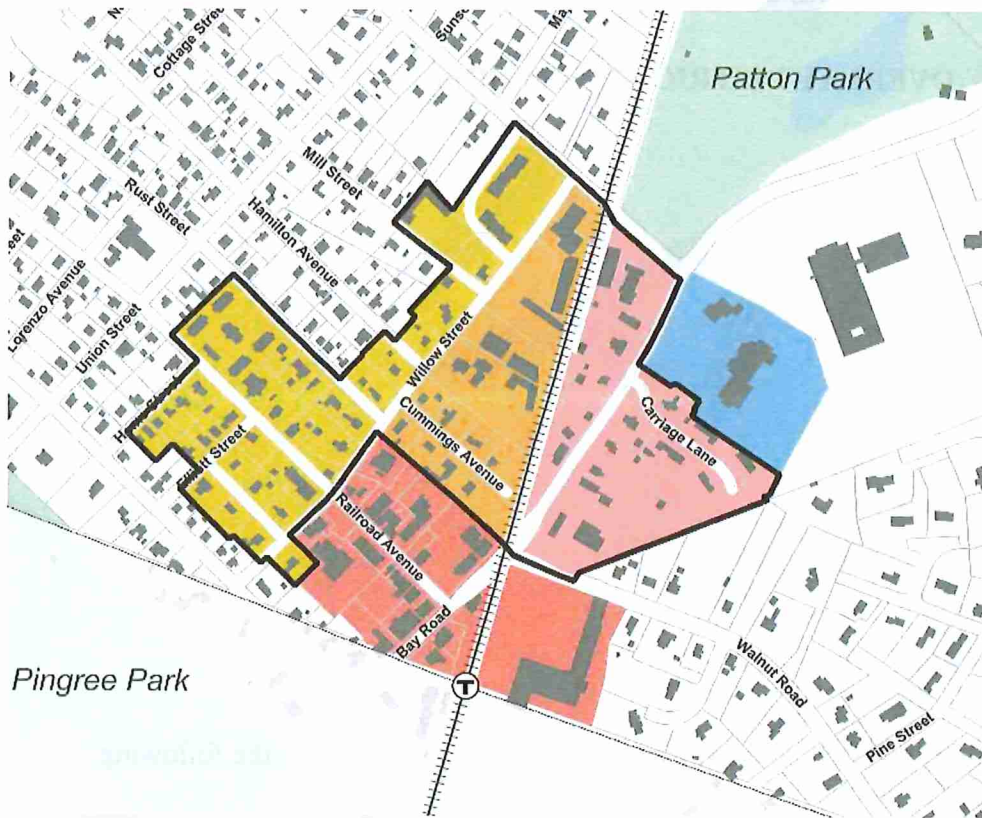
**9.8.7 Administration**

**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	TC-DS
Bay Road Mixed-Use	TC-BRMU
Willow Street Mixed-Use	TC-WSMU
Downtown Residential	TC-DR

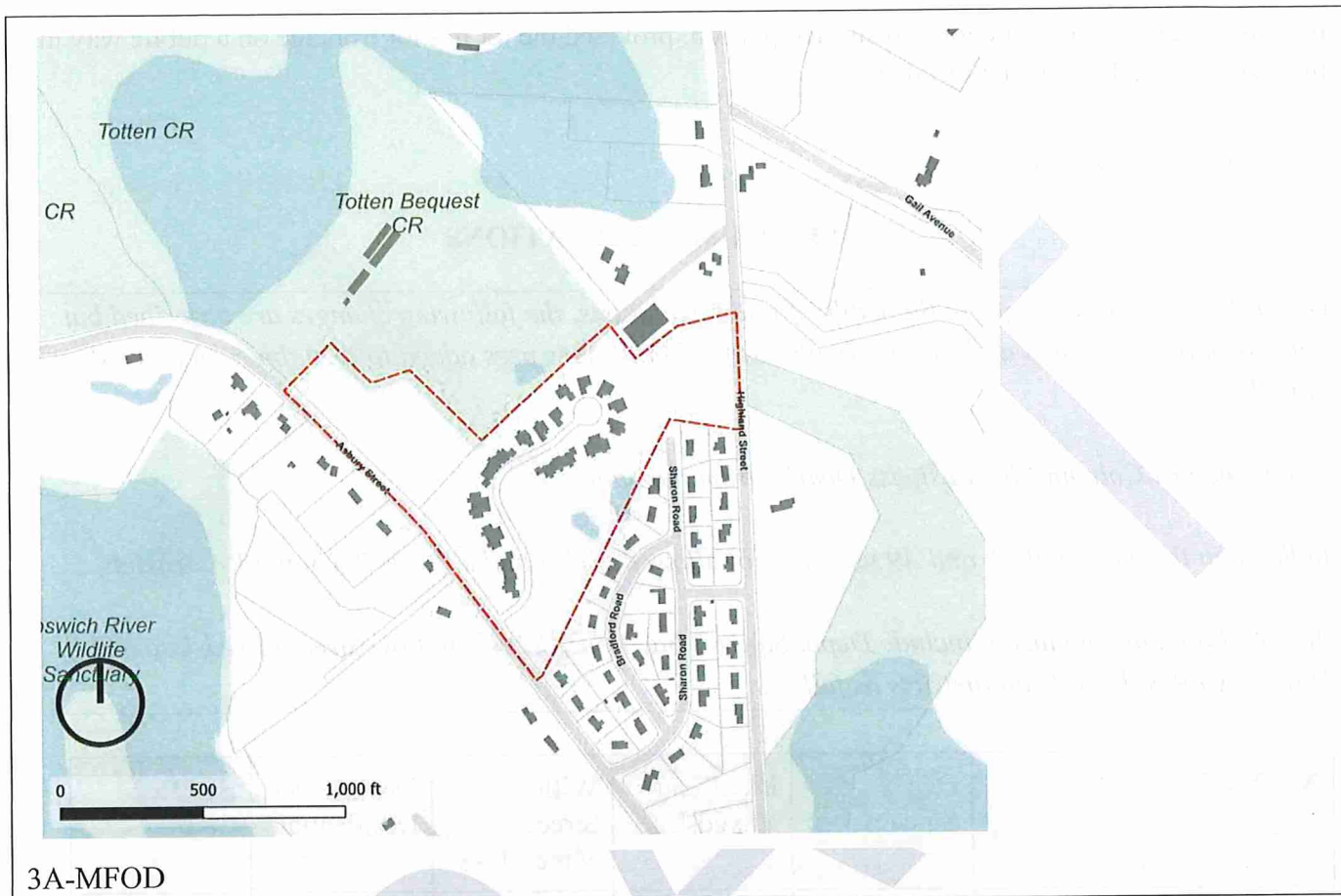
**2.2 ZONING MAP.** The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map - Conservancy District, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, ~~and May 5, 2009,~~ and June 26, 2025 ("Zoning Map") is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

*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**

SUB-DISTRICTS OF THE TOWN CENTER DISTRICT



**2.3 OVERLAY DISTRICTS.** The following Overlay Districts are also established, as set forth in Section 9.0, herein.

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

## 2.5 SPLIT LOTS.

**2.5.2 By District Boundary.** Where a district boundary line between a ~~residential and a business district~~ an R-1A or R-1B District and a sub-district of the 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 or sub-district.

### 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 for new uses added to the table which are shown in underline.*

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

*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 sub-districts as follows:*

<b>A. Residential</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1. One Single Family Dwelling</b>	N	Y	Y	Y	N
<b>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)</b>	Y	Y	Y	Y	N
<b>3. Open Space and Farmland Preservation Development (see Section 8.1)</b>	N	N	N	N	N
<b>4. Senior Housing (see Section 8.2)</b>	N	N	N	N	N
<b>5. Long Term Care Facility</b>	PB	PB	PB	PB	PB
<b>6. Garage with more than</b>	PB	Y	Y	PB	PB

4 motor vehicle spaces subject to the requirements of Section 9.8.5 in the Town Center District					
7. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	N
<u>8. Two-Family Dwelling</u>	N	Y	Y	Y	N
<u>9. Multi-Family Dwelling</u>	N	Y	Y	Y	N
<b>B. Community Facilities</b>	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	PB	PB	PB	N	N
5. Community or private club, not conducted for profit	PB	PB	PB	N	PB
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	PB	PB	PB	Y
11. Essential Services	Y	N	N	N	Y
<b>C. Agricultural</b>	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	N	N	N	N	N

for other than the use of the occupants of the residence					
<b>D. Commercial</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1. Adult Entertainment Uses</b>	PB	N	N	N	N
<b>2. Motor Vehicle and/or Boat Sales and/or Leasing Shop</b>	PB	N	N	N	N
<b>3. Business or Professional Office; bank; financial institution</b>	Y	Y	Y	N	Y
<b>4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)</b>	PB	PB	PB	PB	PB
<b>5. Kennel</b>	N	N	N	N	N
<b>6. Funeral homes</b>	PB	N	N	N	N
<b>7. Garage with more than four automobile/truck spaces</b>	N	N	N	N	N
<b>8. Motor Vehicle Light Service Station</b>	N	N	N	N	N
<b>9. Manufacturing of products sold on the premises at retail, where no more than five operators are employed in such manufacture</b>	PB	N	N	N	N
<b>10. Rail or bus station or terminal</b>	PB	N	N	N	N
<b>11. Motor Vehicle Repair Shop</b>	N	N	N	N	N

<b>12. General Service Establishment</b>	Y	N	N	N	N
<b>13. Personal Service Establishment</b>	Y	Y	Y	N	Y
<b>14. Restaurant</b>	Y	Y	Y	N	Y
<b>15. Restaurant, Fast Food</b>	PB	N	N	N	N
<b>16. Retail Store</b>	Y	Y	Y	N	Y
<b>17. Veterinary Facility or Clinic</b>	PB	PB	PB	N	PB
<b>18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)</b>	N	N	N	N	N
<b>19. Wind Energy Facility (not in COD) (see Section 7.3)</b>	PB	PB	PB	PB	PB
<b>20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)</b>	Y	Y	Y	Y	Y
<b>21. Mixed-Use Development, subject to Site Plan Review and the requirements of Section 9.8.5 in the Town Center District</b>	Y	Y	Y	N	Y
<b>22. Drive-In or Drive-Through Establishment</b>	N	N	N	N	N
<b>23. For Profit Educational Facility</b>	PB	PB	PB	N	PB
<b>24. Marijuana Establishment</b>	N	N	N	N	N

<b>E. Accessory</b>	<b>Depot Square</b>	<b>Bay Road Mixed-Use</b>	<b>Willow Street Mixed-Use</b>	<b>Downtown Residential</b>	<b>Bay Road Civic</b>
<b>1. Up to three boarders in a Single Family Dwelling</b>	N	Y	Y	Y	N
<b>2. Accessory Dwelling Unit (see Section 3.6 and definition)</b>	Y	Y	Y	Y	N
<b>3. Large Accessory Dwelling Unit (see Section 11.0)</b>	PB	PB	PB	PB	PB
<b>4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)</b>	Y	Y	Y	Y	N
<b>5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises</b>	Y	Y	Y	Y	Y
<b>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)</b>	PB	PB	PB	PB	PB
<b>7. Parking area or garage for use of employees, customers or visitors</b>	Y	Y	Y	N	Y

8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	PB	PB	ZBA	PB	PB
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	PB	PB	PB	PB	PB
12. Marijuana Establishment	N	N	N	N	N

### 3.2 ACCESSORY USES.

**3.2.2 Accessory Uses and Structures in the ~~Residence Districts~~ R-1A, R-1B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts of the Town Center District.** The following provisions shall apply to Accessory Uses and Structures in the Residence R-1A, R-1B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts:

**3.2.3 Accessory Uses in the ~~Business~~ Depot Square and Bay Road Civic sub-districts of the Town Center District.** In the ~~Business~~ Depot Square and Bay Road Civic sub-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 GENERAL REGULATIONS.

**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 REGULATIONS<sub>1</sub>**

	R-1A	R-1B	RA	B
--	------	------	----	---

Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA <sub>1</sub>
Minimum Lot Frontage (ft.)	125	175	175	ZBA <sub>2</sub>
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 <sub>3</sub>
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 <sub>4</sub>
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 <sub>52</sub>	25/50 <sub>52</sub>	25/50 <sub>52</sub>	25/50 <sub>5</sub>
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA <sub>6</sub>

1. Dimensional Requirements for the Town Center District are found in Section 9.8 of the Zoning By-law.
2. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.
  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. *Text moved to #2.*
  6. ~~For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~

*Although many passages of Sections 5.3, 5.4, 5.5, 5.6, and 5.7, under Section 5.0 Nonconforming Uses and Structures, are not proposed for revision, these Sections are shown in their entirety to provide context to the reader. Additional clarifying information regarding the proposed modifications to this Section has been provided by Utile Associates and is available for review on the town website under 'Draft Town Center & MBTA Communities Compliant Zoning.'*

**5.3 NONCONFORMING STRUCTURES.** The Zoning Board of Appeals may by Finding allow a change to a nonconforming Structure in accordance with this Section only if it determines that such change shall not be substantially more detrimental than the existing nonconforming Structure to the neighborhood.

**5.3.1 Eligible Changes.** The following types of changes to nonconforming Structures may be considered by the Zoning Board of Appeals:

1. Reconstruction, extension or structural change; and
2. Alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

**5.3.2 Variance Required.** Except as provided in Section 5.3.3, and 5.3.4, and 5.3.5, below, a variance from the Zoning Board of Appeals shall be required for:

1. The change of a nonconforming Structure in such a manner as to increase an existing nonconformity or create a new nonconformity; and
2. The extension of an exterior wall at or along the same nonconforming distance within a required Yard.

**5.3.3 Nonconforming Single- and Two-Family Residential Structures.** Nonconforming Single- and Two-Family Dwelling Structures may be changed only upon a determination by the Building Commissioner that such proposed change does not increase the nonconforming nature of said Structure by more than one hundred (100) percent of the Residential Gross Floor Area.

**5.3.4. Eligible Changes.** The following circumstances shall not be deemed to increase the nonconforming nature of Nonconforming Single- and Two-Family Dwelling Structures and the Building Commissioner may issue a building permit:

1. For Single- and Two-Family Residential Structures in all Districts:
  - a. The existing Structure is on a conforming Lot but is nonconforming because it encroaches on a setback and the proposed alteration or extension will not change the setback which fails to conform, and the entire structure meets all other requirements of

this By-law including but not limited to height and Lot coverage.

- b. 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.
  - c. The existing Structure is a residence in a district where residences are permitted, the Structure is situated on a nonconforming Lot or has nonconforming Yards, and the proposed alteration or extension is a reconstruction or repair which does not change the Lot size or Yards which fail to conform. For the purposes of this subsection only, the term "reconstruction" shall not include the voluntary demolition of such Structure and its rebuilding. See Section 5.5.
2. For Single- and Two-Family Residential Structures in the Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts of the Town Center District only: in addition to the circumstances described in Section 5.3.4(1)(a) and 5.3.4(1)(c) under which an alteration, extension, reconstruction or structural change shall not be deemed to increase the nonconforming nature of nonconforming Single- and Two-Family dwelling Structures, the following shall also be deemed not to increase the nonconforming nature of a nonconforming Single- or Two-Family dwelling:
- a. 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.
  - b. 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.
  - c. 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.
  - d. 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 nor add additional parking.
  - e. 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.
  - f. The Floor Area Ratio exceeds the maximum allowed, and the proposed alteration or extension will not increase the Floor Area Ratio.

- g. 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.
  - h. The Structure does not contain a Street Facing Entry Feature, and the proposed alteration or extension will not change the entry condition.
  - i. The minimum Open Space requirements are not met and the proposed alteration or extension will not reduce the amount of open space.
3. If the Building Commissioner determines that proposed change exceeds one (1) or more of the criteria set forth above, the Zoning Board of Appeals may, by Finding, allow such change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**5.3.5. Nonconforming Structures in the Depot Square Sub-district.** In the Depot Square sub-district, for all existing structures containing allowed uses, the following circumstances shall not be deemed to increase the nonconforming nature of nonconforming structures and the Building Commissioner may issue a building permit, provided the proposed alterations are not a Substantial Improvement (see definition under Section 11.0):

- 1. The existing Structure is on a conforming Lot but is nonconforming because
  - a. 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
  - b. 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
  - c. 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
  - d. 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 nor add additional parking; or
  - e. 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
  - f. the Floor Area Ratio exceeds the maximum allowed, and the proposed alteration or extension will not increase the Floor Area Ratio; or
  - g. 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

- h. the Structure does not contain a Street Facing Entry Feature, and the proposed alteration or extension will not change the entry condition; or
  - i. the Structure does not meet the minimum Ground Story Fenestration requirements and the proposed alteration or extension will not reduce the percentage of fenestration; or
  - j. the Structure exceeds the maximum Building Footprint allowed and the proposed alteration or extension will not increase the Building Footprint;
  - k. and the entire structure meets all other requirements of this By-law including but not limited to height.
2. The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Width 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.

5.4 ABANDONMENT OR NON-USE. A nonconforming use or Structure which has been abandoned or not used for a period of two (2) years shall lose its protected status and be subject to all of the provisions of this By-law.

5.5 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION. Any nonconforming Structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions, except in the Town Center District where nonconforming Structures may be reconstructed after a catastrophe but not after voluntary demolition:

5.5.1 Procedures.

- 1. Reconstruction of said premises shall commence within two (2) years after such catastrophe or demolition, with the reconstruction completed and the Structure occupied within a reasonable time thereafter.
- 2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming Structure and shall be only as great in volume or area as the original nonconforming Structure.
- 3. In the event that the proposed reconstruction would (a) cause the Structure to exceed the volume or area of the original nonconforming Structure, or (b) cause the Structure to be located other than on the original footprint, a special permit shall be required from the Zoning Board of Appeals. In the case of voluntary demolition, the special permit shall be obtained prior to such demolition.

5.6 REVERSION TO CONFORMITY OR MORE RESTRICTIVE USE. No nonconforming use shall, if changed to a conforming use or to a more restrictive use, revert to a nonconforming or less restrictive use.

5.7 SUBSTANDARD LOTS. When a prior lawful nonconforming Structure is located on a Lot which does not meet current dimensional requirements, such Lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

## **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 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 Town Center District, 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 District Depot Square, Bay Road Civic, Willow Street Mixed-Use and Bay Road Mixed-Use sub-districts of the Town Center District shall be shown on a site plan, as provided in Section 10.6.~~

## **6.3 SIGNS.**

**6.3.2 Residence Districts ~~R-1A, R-1B and~~ RA Districts, and Downtown Residential sub-district of the Town Center District.**

**6.3.3 Business District ~~Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use~~ sub-districts of the Town Center District.**

### **6.3.4 Standards**

8. A sign in the ~~Business District Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use~~ sub-districts of the Town Center District shall not exceed a total area of (6) square feet.

## 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,~~

**8.2.7 Permitted Uses.** A Senior Housing development may include the following uses:

~~12. 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 ~~R-1A~~R-1A District, two (2) Dwelling units in the ~~R-1B~~R-1B District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
			Incentives to Increase Base Senior Housing Density for:							
			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		Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre						Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)		Maximum Density per Dev. Acre
1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
1	R-1A	3	25%	25%	25%	25%	25%	125%	1.0	4.00
2	R-1B	2	25%	25%	25%	25%	25%	125%	1.0	4.00

3	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00
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#### NOTES ON HOW TO READ THE MATRIX:

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~~, R-1A ~~R1-A~~, and R-1B ~~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 Town Center District, 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.~~

#### 8.2.13 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 Depot Square and Willow Street Mixed-Use sub-districts of the Town Center District ~~Business District~~, where wastewater treatment may be located off-site.

**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	252	20	0	25%
3	R-1B	40,000	80,000	175	25	252	20	15%	25%
4	RA	80,000	80,000	175	50	252	20	25%	25%

### 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 sub-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. In the 3A-MFOD, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential sub-districts, the cap on the income of families or individuals who are eligible to occupy the Affordable units shall be 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.

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

## **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 9.8.2.2.2 (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.

**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.~~

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which shall be equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

## **9.8 TOWN CENTER DISTRICT.**

*1. Introduction.* The Town Center District consists of 5 sub-districts: Depot Square, Bay Road Mixed-Use, Willow Street Mixed-Use, Downtown Residential, and Bay Road Civic. Collectively, these sub-districts shall be referred to as the Town Center District. This Section consists of 4 sub-sections:

- a. *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 By-law.
- b. *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.
- c. *Town Center Sub-districts.* This Section describes the purpose and intent of each sub-district, 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 sub-districts of the Town Center District.
- d. *Administration.* This Section outlines the permitting path for proposed development, including whether Site Plan Review or a Special Permit is required.

### **9.8.1. Purpose and Intent.**

*1. Purpose.* The purpose of this Section of the Hamilton Zoning By-law 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 activity in the Downtown, support 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 Multi-Family Overlay District, comply with G.L. c. 40A, § 3A and the Section 3A Compliance Regulations 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, and Bay Road Civic sub-districts as these sub-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. When any Buildings or structures, in whole or in part, are erected, constructed, moved, enlarged or structurally altered, they must conform with this Section.
- 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 Zoning By-law, 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 is governed by Section 1.4.1, Applicability/Nonconformities, 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 and 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 By-law. If any metric set forth in the Regulations issued by the HLC at 760 CMR 72.00 is amended, this Section may be amended to utilize the revised metrics set forth in the amended Regulations.
- g. *Nonconforming Uses.* A change to a nonconforming use shall be governed by Section 5.2, Nonconforming Uses.
- h. *Nonconforming Structures.* A change to a nonconforming structure shall be governed by Section 5.3, Nonconforming Structures.

## 9.8.2 Interpretation

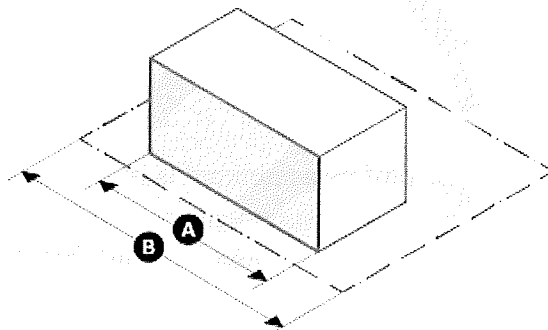
### 1. *Site Dimensional Standards and Measurements.*

- a. *Yards.* See Section 11, Definitions. 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 8 (eight) feet deep and bay windows less than 3 ft. deep.
- b. *Lot Frontage.* See Section 11, Definitions. For lots bounded by more than 1 (one) street, all frontages shall conform to the dimensional standards applicable to the front.
- c. *Lot Size.* The area of a Lot, measured as the land within the parcel lines.
- d. *Open Space.* Refers to 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.

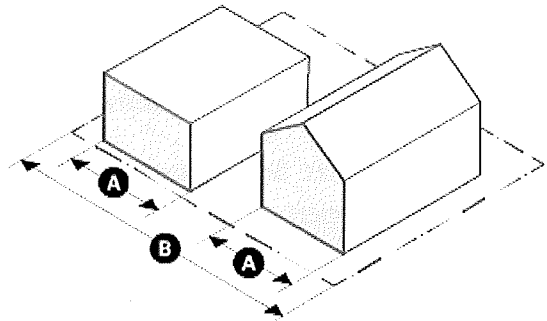
- f. *Number of Buildings*. Multiple Buildings are permitted on each lot, subject to the dimensional requirements listed in Section 9.8.4. Where there are more than 1 (one) Building, Floor Area Ratio limitations shall apply to all Buildings cumulatively, and maximum Building Footprint limitations shall be applied on a per Building basis.
- g. *Street Facing Entry Feature*. Refers to a 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*. Refers to the measurement of a Building, yard, or setback measured perpendicular to a front lot line, excluding open porches less than 8 (eight) feet deep and bay windows less than 3 (three) feet deep.
- b. *Facade Buildout*. The ratio of the facade width within the minimum and maximum Front Yard dimensions to the lot width, calculated by dividing the cumulative facade width by the lot width. Facade Buildout 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 =  $(A + A) \div B$

Figure 1. Facade Buildout

- c. *Facade Length without Offset*. The maximum allowable length of any Building facade, front, side or rear, without a change in plane of 5 (five) feet 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 Buildings are broken down into smaller elements that are more reflective of the existing context.

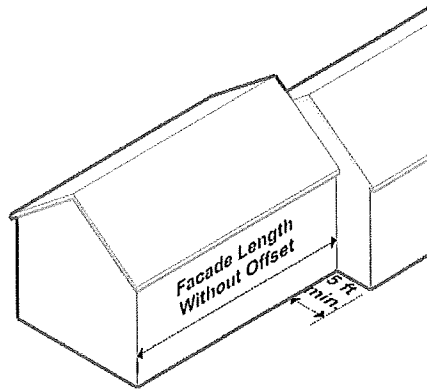
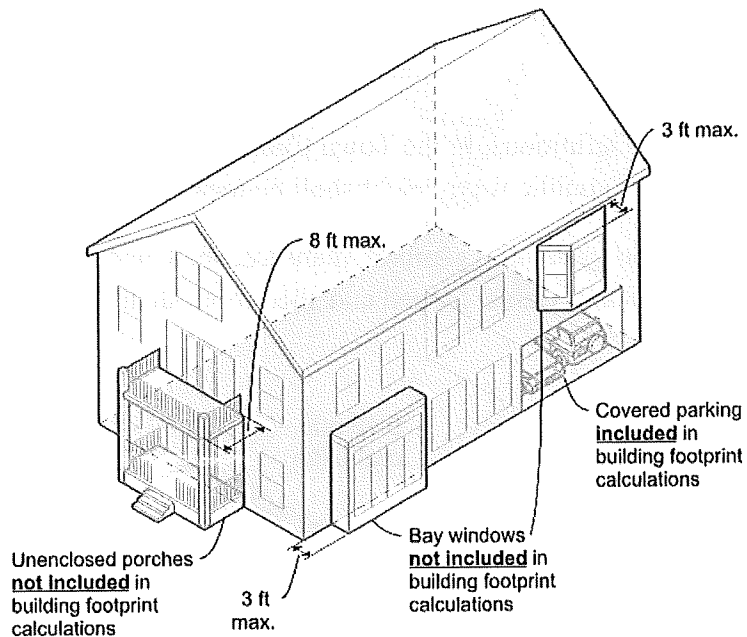


Figure 2. Facade Length without Offset

- 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 (three) feet from the face of the Building. Unenclosed porches less than 8 (eight) feet deep do not contribute to the calculation of the Building Footprint.



 Building Footprint

Figure 3. 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 (eight) feet deep.

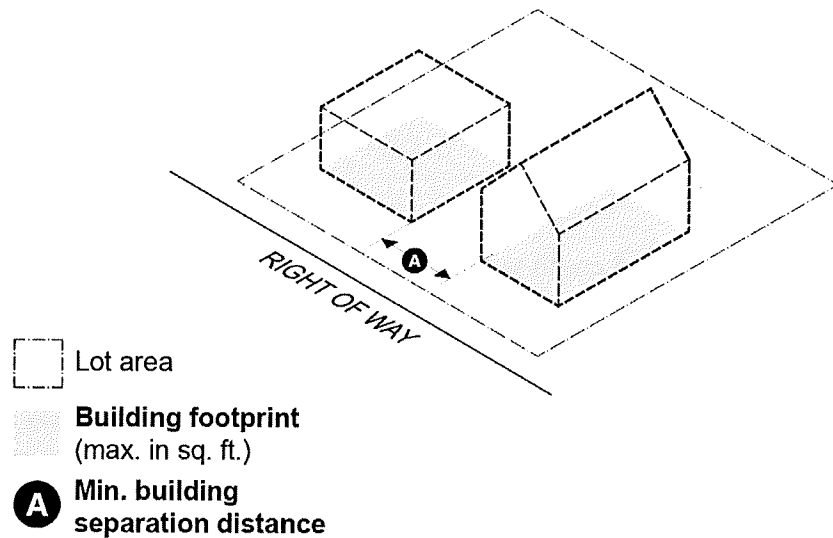
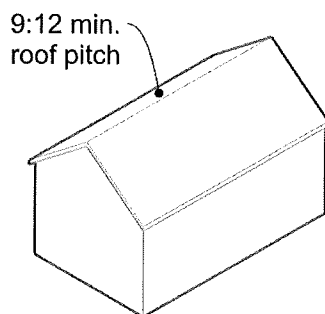
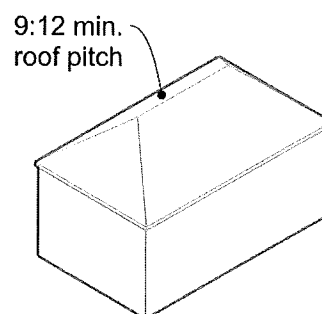


Figure 4. Building Separation

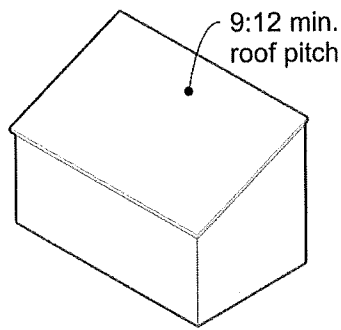
- f. *Height.* See Section 11, Definitions. In the Town Center District, for Buildings on lots fronting more than 1 (one) public way, height shall be measured from all frontages.
- g. *Roof.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 9.8.4.2. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



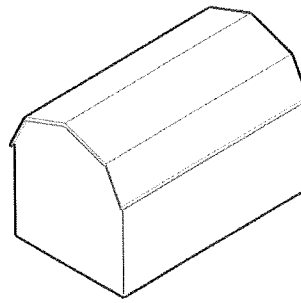
Gable Roof



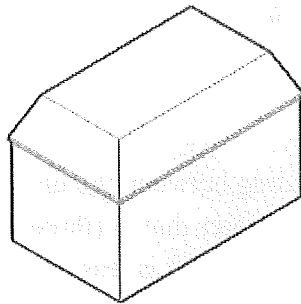
Hipped Roof



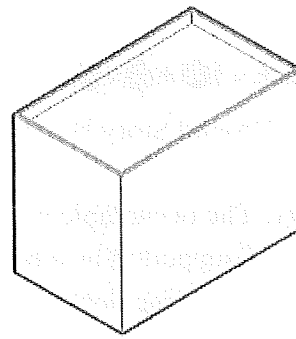
Shed Roof



Gambrel Roof



Mansard Roof



Flat Roof

Figure 5. Roof Type

- 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 (two) feet and 10 (ten) feet 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.

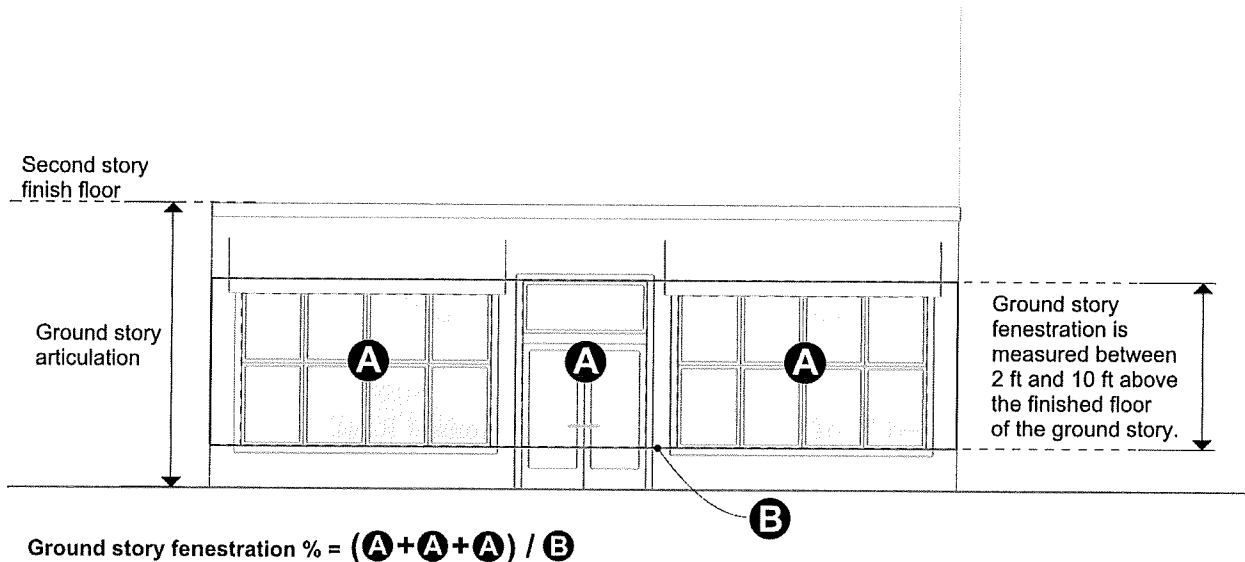


Figure 6. Ground Story Fenestration

- 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 (three) feet 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 (three) feet 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.

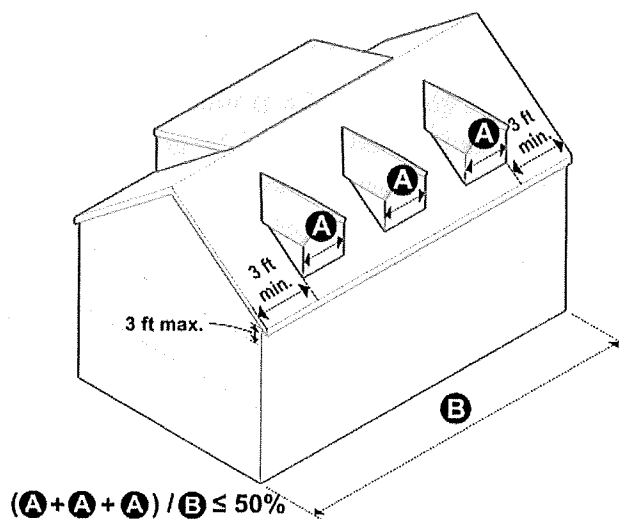


Figure 7. Half Story

### 9.8.3. Town Center Sub-districts.

#### 1. Depot Square.



Figure 8. Depot Square Sub-District Vision Illustration

- a. *Description.* The Depot Square sub-district is characterized by two distinct conditions. On Railroad Ave, buildings have small footprints and are up to 2.5 stories in height. East of the rail corridor, there is 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 one large, L-shaped, and one half-story building with a large parking area between the building and the street and rail corridor. The sub-district is primarily commercial, with some mixed-use residential structures 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.*

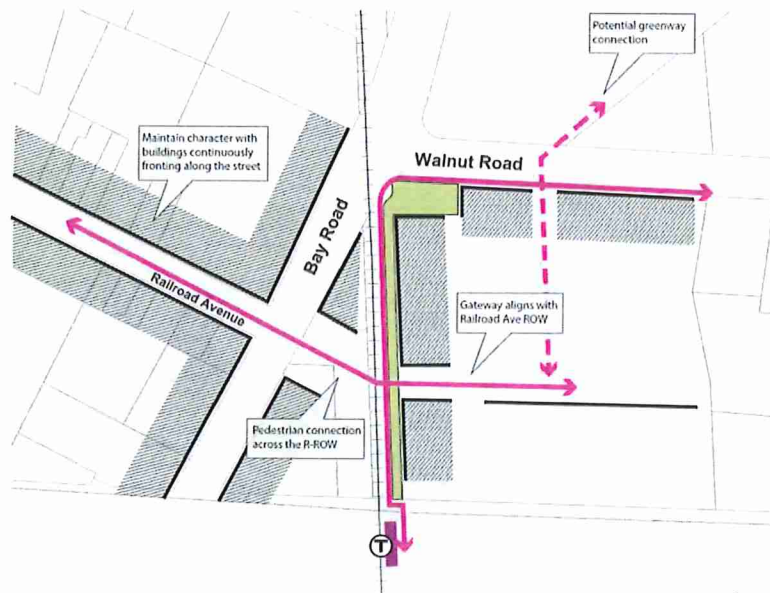


Figure 9. Important Depot Square Visual and Pedestrian Connections

- (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 sub-district.
- (iii) To extend the small-scale commercial character pattern on Railroad Ave to future development in other larger parcels of the sub-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.

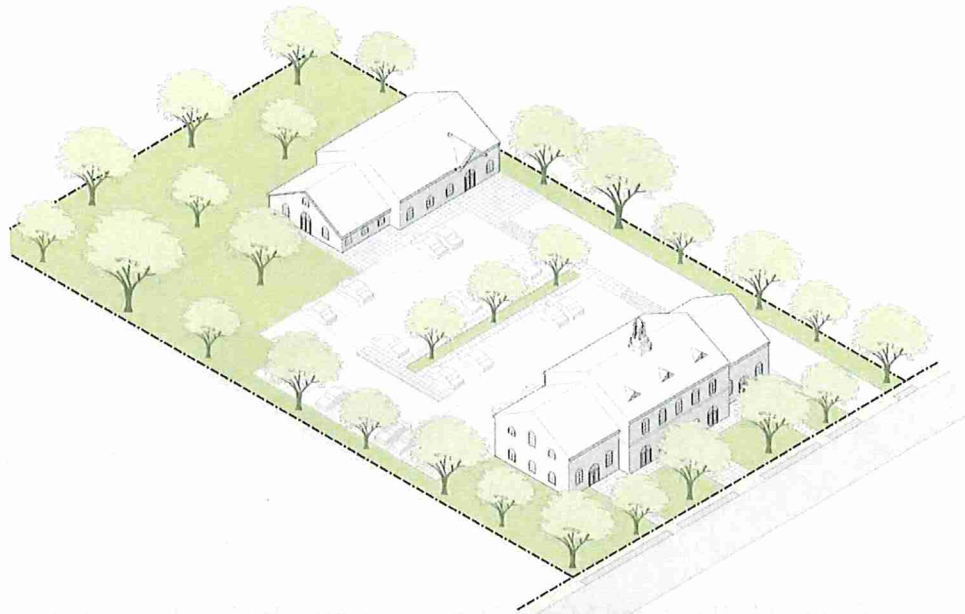


Figure 10. Bay Road Civic Sub-District Vision Illustration

- a. *Description.* The Bay Road Civic sub-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 sub-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.

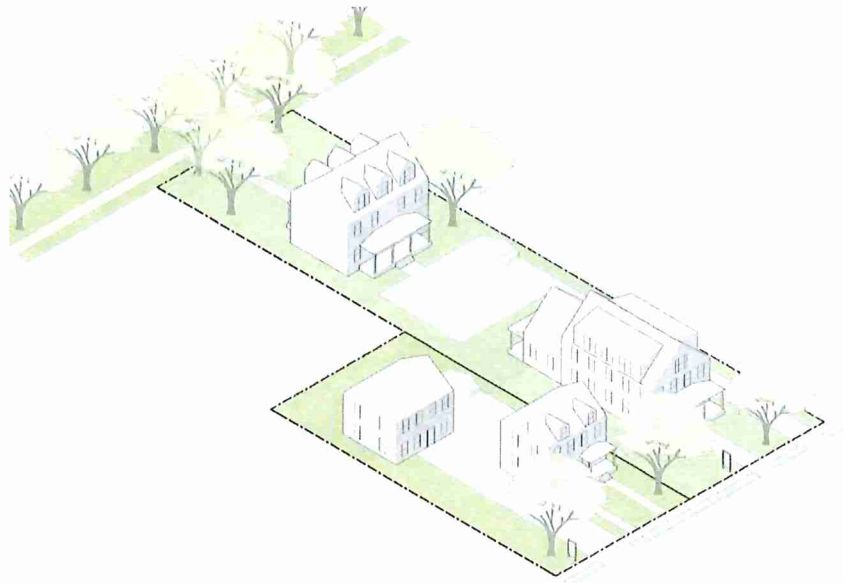


Figure 11. Bay Road Mixed-Use Sub-District Vision Illustration

- a. *Description.* Most of the Bay Road Mixed-Use sub-district matches the form of nearby residential areas where buildings have small footprints and a maximum height of two and a half stories. The eastern half of the sub-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 the Bay Road Mixed-Use sub-district 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.

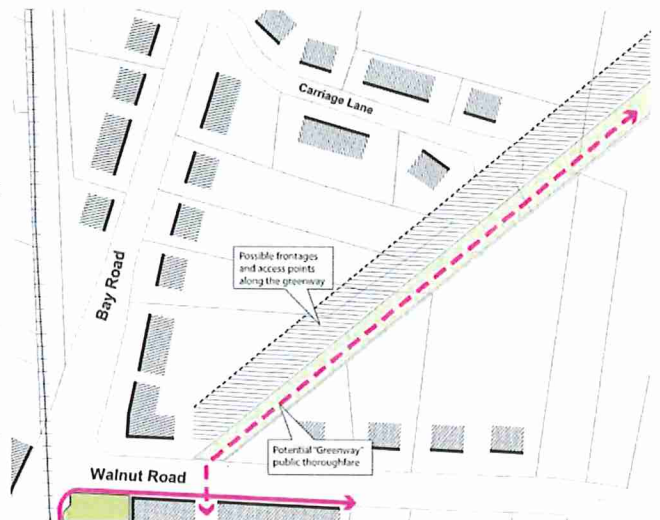


Figure 12. Important Bay Road Mixed-Use Visual and Pedestrian Connections

#### 4. Willow Street Mixed-Use.



Figure 13. Willow Street Mixed-Use Sub-District Vision Illustration

- a. *Description.* The Willow Street Mixed-Use sub-district contains a variety of forms and uses. Portions of the sub-district have commercial and/or light industrial-use buildings with relatively large footprints, other portions have mixed-use buildings with moderately sized footprints, while other portions of the site are primarily residential with smaller footprints. 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 sub-district through the activation of mixed-use building frontages while respecting the scale and residential character of the adjacent Downtown Residential sub-district.
- b. *Purpose and Intent.* The objective of the code is to promote a more vibrant and walkable sub-district by activating mixed-use building frontages while respecting the scale and residential character of the adjacent Downtown Residential sub-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 By-law restricts the scale of buildings directly along Willow Street to match the abutting Downtown Residential sub-district and allows for taller buildings toward the rear of the lot.

## 5. *Downtown Residential.*



Figure 14. Downtown Residential Sub-District Vision Illustration

- a. *Description.* The Downtown Residential sub-district is characterized by buildings that sit on small lots with small footprints and with a height of about two and half stories. This sub-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.

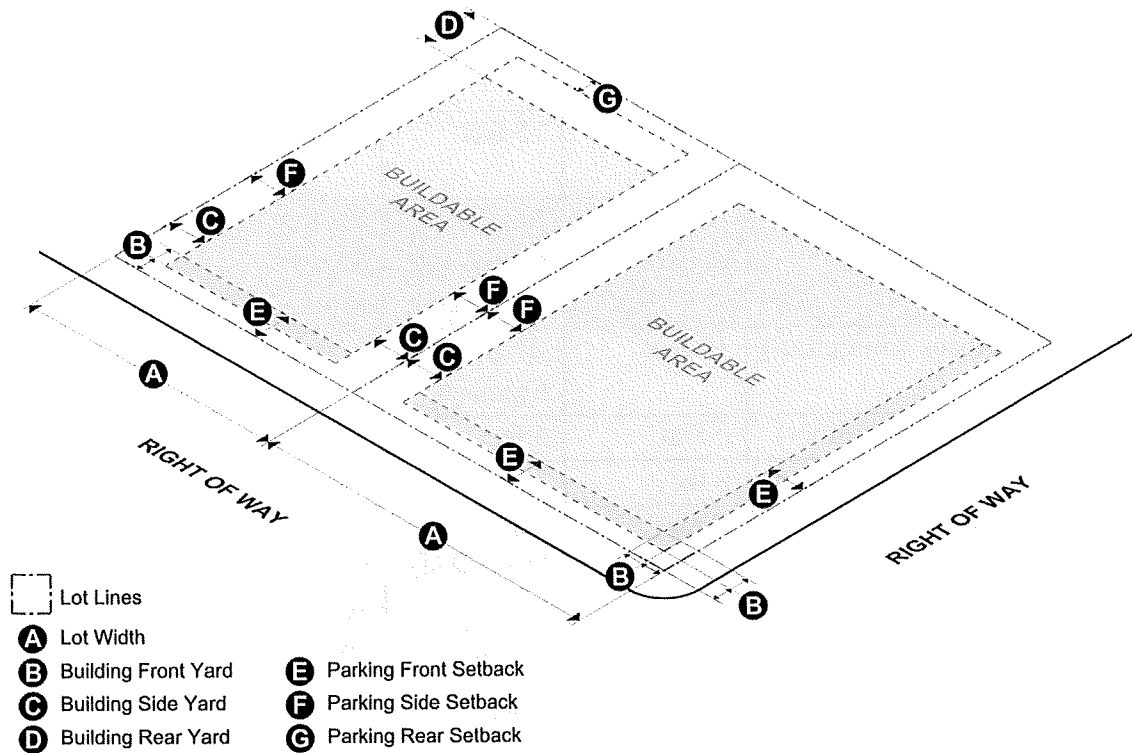


Figure 15. Site Dimensional Requirements (see description of terms in Section 9.8.2)

### TABLE OF SITE DIMENSIONAL STANDARDS: TOWN CENTER DISTRICT

See Footnotes to Table for additional requirements and/or clarifying information.

	Lot Dimensions	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Lot Size (min)	1,000 square-feet	5,000 square-feet	3,000 square-feet	3,000 square-feet	5,000 square-feet
A	Lot Width (min)	20 feet	40 feet	40 feet	30 feet	40 feet
	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 <sup>2</sup>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>B</b>	Front Yard Setback on Streets (minimum / maximum) <sup>1</sup>	0 / 10 feet	20 / 35 feet	10 / 20 feet	10 / 20 feet	20 / 35 feet
<b>C</b>	Side Yard Setback (minimum)	0 feet	5 feet	5 feet	10 feet	10 feet
<b>D</b>	Rear Yard Setback (minimum)	0 feet	15 feet	15 feet	15 feet	10 feet
	Parking Setbacks	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>E</b>	Front Setback (minimum)	10 feet	Aligned with, or set back further than, Building Frontage			
<b>F</b>	Side Setback (minimum)	0 feet	5 feet	5 feet	5 feet	5 feet
<b>G</b>	Rear Setback (minimum)	0 feet	5 feet	5 feet	5 feet	5 feet
	Parking Requirements	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Parking Spaces (minimum)	Per Section 6.1 or by Special Permit				

1. Includes frontage along the western edge of the rail corridor within the Depot Square sub-district. Porches less than 8 (eight) feet in depth and bay windows less than 3 (three) feet in depth may protrude into the Front Yard in all sub-districts except Depot Square.
2. Side and Rear Yards in the Depot Square sub-district that directly abut a different zoning district or sub-district shall conform to the minimum setbacks required in the abutting district or sub-district.

## 2. Building Dimensional Standards.

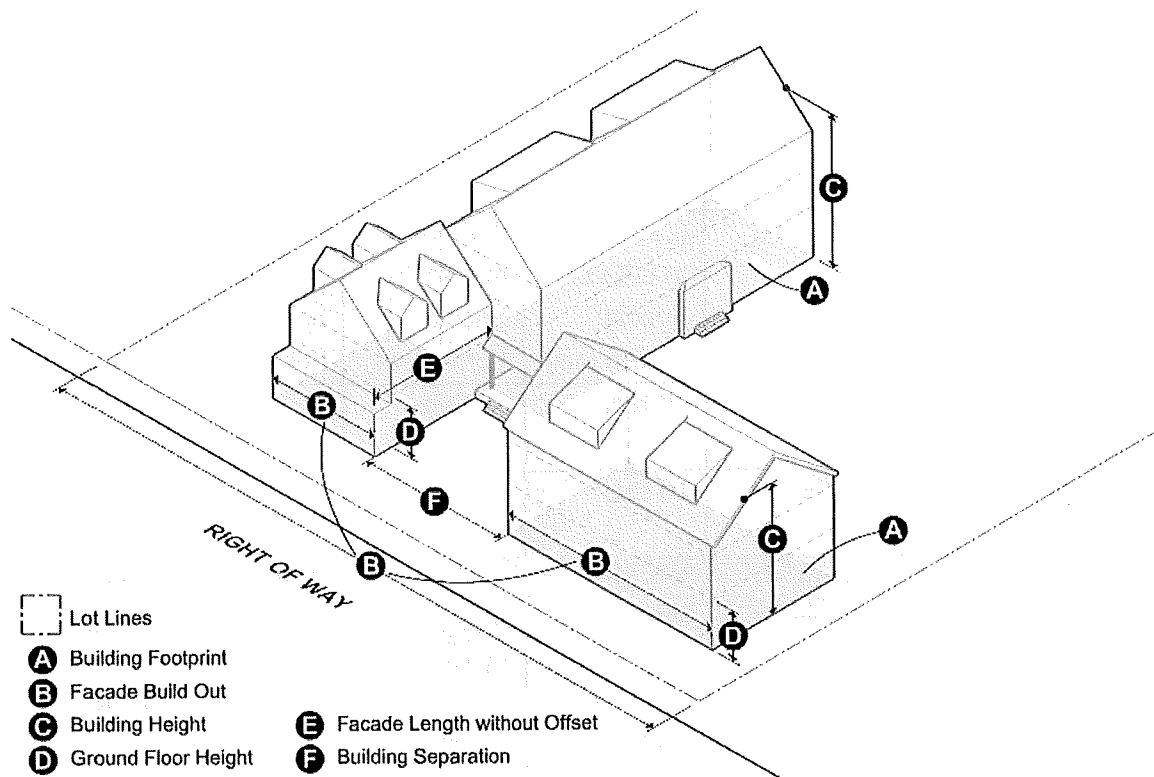


Figure 16. Building Dimensional Standards

### TABLE OF BUILDING DIMENSIONAL STANDARDS: TOWN CENTER DISTRICT

See Footnotes to Table for additional requirements and/or clarifying information.

	Massing	Depot Square <sup>1</sup>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>A</b>	Building Footprint (maximum per Building)	5,000 square-feet	3,000 square-feet	5,000 square-feet	3,000 square-feet	N/A
<b>B</b>	Facade Buildout (minimum) <sup>2</sup>	60%	35%	35%	35%	35%
<b>C</b>	Height (maximum)	35 feet / 2.5 stories	35 feet / 2.5 stories	35 feet / 2.5 stories for the first 60 feet from the front lot line, 45	35 feet / 2.5 stories	35 feet / 2.5 stories

				feet / 3.5 stories elsewhere		
	Number of Stories Minimum	N/A	2	2	2	2
<b>D</b>	Ground Floor Height (minimum / maximum)	13 / 15 feet	13 / 15 feet	13 / 15 feet	N/A	N/A
	Floor Area Ratio (maximum)	N/A	0.39, or up to 0.45 by Special Permit only	0.42, or up to 0.45 by Special Permit only	0.39, or up to 0.45 by Special Permit only	N/A
<b>E</b>	Facade Length without Offset (maximum)	70 feet	70 feet	70 feet	70 feet	70 feet
<b>F</b>	Building Separation (minimum)	10 feet	10 feet	10 feet	20 feet	0 feet
	Roof	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
	Allowed Roof Type <sup>3</sup>	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 (minimum)	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

**Footnotes to Table of Building Dimensional Standards:**

1. Depot Square Additional Dimensional Requirements. The following requirements and interpretations apply to the Depot Square sub-district only:
  - a. New Structures are only permitted within 80 feet from a property line bounded by a public way, including the western edge of the rail corridor which shall be considered a

Front Yard. This 80 (eighty) foot measurement shall be measured perpendicular to the frontage. Structures extending beyond 80 feet from the front property line, and/or individual structures with a Building Footprint greater than 5,000 square-feet, shall be permitted only by Special Permit.

- b. Lots in the Depot Square sub-district with more than one frontage and a Lot area greater than 35,000 square-feet shall provide a minimum of 3,500 square-feet of open space at the intersection of the 2 (two) frontages.
  - c. Facade Buildout: 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 Buildout. On lots greater than 45,000 square-feet and containing more than one frontage, Facade Buildout requirements shall apply only to the frontage where new structure(s) are proposed.
  - d. Total Gross Floor Area of greater than 12,500 square-feet 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.
- 2. For Lots with more than one frontage, the minimum Facade Buildout requirements shall apply to each frontage individually, and not cumulatively.
  - 3. Roof forms may be combined, so long as minimum roof steepness is maintained.

#### **9.8.5. Use Provisions.**

- 1. The allowable uses and accessory uses in the Town Center District are contained in Section 3.0, Use Regulations. The following clarifications and exceptions are made with respect to the Town Center District sub-districts only:
  - a. Use A6, a Garage with more than 4 motor vehicle spaces, is permitted in the Bay Road Mixed-Use, and Willow Street Mixed-Use sub-districts provided it is:
    - (i) Accessory to a Multi-Family Dwelling or Mixed-Use Development, and;
    - (ii) Located below grade or at grade beneath the primary Building massing and not within a stand-alone structure.
  - b. Use D21, Mixed-Use Development, is allowed in the Depot Square sub-district provided that all of the following criteria are met:

- (i) The ground floor area associated with the residential use are limited to entry areas, lobbies, mailrooms, amenities and vertical circulation elements such as stairs and elevators,
- (ii) The residential ground floor uses occupy a minimum of 10% of the primary Building frontage, or 10 (ten) feet., whichever is greater, and
- (iii) The ground floor non-residential uses are a minimum of 20 (twenty) feet. 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 (five) 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 of 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 (sixty) feet from the property line(s) abutting the public way.

## 2. Parking.

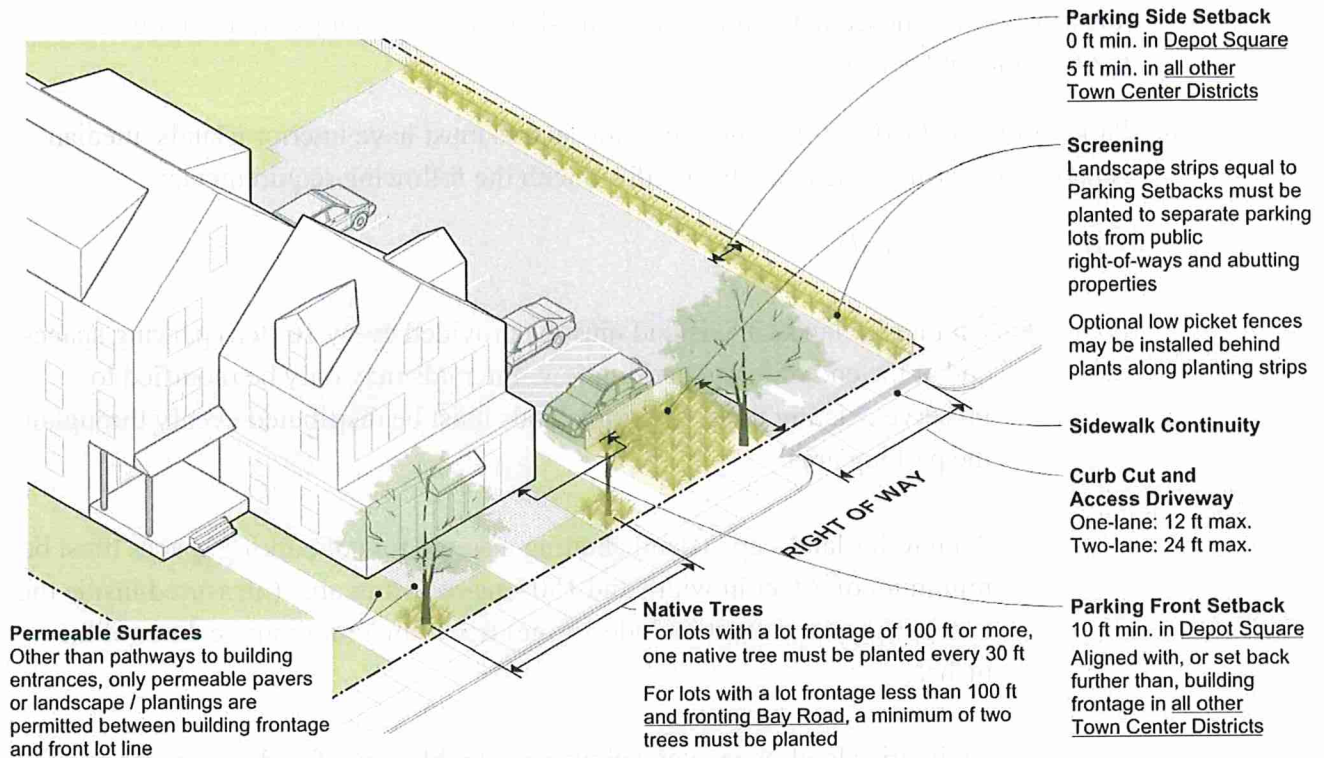


Figure 17. Parking Standards

- a. The quantity of off-street parking spaces shall be in accordance with the requirements of Section 6.1, Offstreet Parking and Loading Areas.
- b. All driveways must comply with Section 6.2.2, Driveway Standards.
- c. All parking spaces and structures must be located at or behind any required Parking Setbacks as specified for each sub-district of the Town Center District.
- d. The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:  
 One-lane: 12 feet  
 Two-lane: 24 feet
- e. Each lot is limited to 1 (one) curb cut per street frontage. Lots with more than 200 feet of frontage are allowed 1 (one) additional curb cut every 200 feet.
- f. 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.

- g. 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.
- h. Parking Lots with 10 (ten) or more parking spaces must have interior islands, median islands, and perimeter islands that conform with the following requirements:
- (i) *Interior Islands.*
    - An interior landscape island must be provided every 10 (ten) 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.
    - 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 (one) tree with a minimum caliper of 2.5 inches.
    - An interior landscape island abutting a double row of parking spaces must be a minimum of 8 (eight) feet in width and 300 square-feet in area (measured inside the curb). This island must include 2 trees with a minimum caliper of 2.5 inches.
  - (ii) *Median Islands.*
    - A median landscape island must be provided between every 4 (four) rows of parking. Intervals may be modified to preserve existing trees.
    - A median landscape island must include a tree with minimum caliper of 2.5 inches spaced every 30 feet on average. Trees planted in an interior landscape island that overlap may be included in the count.
    - A median landscape island must be a minimum of 6 (six) feet-wide. A landscape median island with a pedestrian walkway must be a minimum of 12 (twelve) feet-wide (measured inside the curb).
  - (iii) *Perimeter Islands.*
    - A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.

- A perimeter landscape island must be a minimum of 10 (ten) feet-wide not including any curbing.
- Landscaping of perimeter islands must include evergreen shrubs planted 3 (three) feet on center in a planting bed that is of a width suitable for the required plant spacing, but at least 36 (thirty-six) inches wide.
- A perimeter landscape island must include a tree with minimum caliper of 2.5 inches spaced every 30 (thirty) 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 Setbacks as specified in the Dimensional Requirements for each sub-district of the 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 (twenty-four) inches 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 3 (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 in 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 or 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 or 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 Building material requirements set forth below apply to the exterior visible surfaces of Buildings and structures, including accessory structures, which are subject to Site Plan Review.

- (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 not permitted by this Section 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 District 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.

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, 1 native deciduous shade tree must be planted every 30 (thirty) feet in the Front Yard unless at least three (3) trees already exist in the Front Yard.
  - (ii) For lots with a lot frontage of less than 100 feet and fronting Bay Road, a minimum of 2 trees must be planted in the Front Yard unless at least two (2) 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.* 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 development in Town Center District may be subject to Site Plan Review as required by Section 10.6, Site Plan Review. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.
2. *Special Permit.* Proposed uses in the Town Center District that are allowed by Special Permit shall be subject to review by the appropriate SPGA as indicated in Section 3.1, Table of Use Regulations.

**9.8.8 Design Review.** The Planning Board, at its discretion, may request the Select Board to form a Design Review Committee and adopt Design Review Guidelines to assist the Planning Board in reviewing applicable Special Permit applications for proposed projects located in the Town Center District. Additionally, the Design Review provisions for Site Plan Review applications, authorized under Section 10.6.9 of the Zoning By-law, may contain guidelines specific to projects proposed in the Town Center. The Design Review Guidelines, if adopted by the Planning Board, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning Board concerning the site design and architecture of proposed developments.

Hamilton 3A Multi-Family Overlay District

**FOURTH DRAFT for Planning Board Review**

2025-05-28

*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 Downtown Residential, Willow Street Mixed-Use, and Bay Road Mixed-Use sub-districts of the Town Center District, 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 existing 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 By-law(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 covers one continuous area surrounding Asbury Street 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 By-laws 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 of the 3A-MFOD overlay district. 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, subject to site plan review pursuant to Section 10.6, provided however that site plan review for Multi-Family cannot be denied.

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

**TABLE OF DIMENSIONAL STANDARDS:  
3A MULTI-FAMILY OVERLAY DISTRICT**

*See Footnotes to Table of Dimensional Standards for clarifying information.*

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

Maximum Building Footprint (feet)	8,000 <sub>2</sub>
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**Footnotes to Table of Dimensional Standards:**

1. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater
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. *Permitted Building Materials.* Building materials must comply with the requirements of Section 9.8.6.4 of the Zoning By-law.

**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 By-law.





**KRISTIN E. KASSNER**  
**STATE REPRESENTATIVE**  
SECOND ESSEX DISTRICT  
IPSWICH • HAMILTON • ROWLEY  
NEWBURY • GEORGETOWN • TOPSFIELD

*The Commonwealth of Massachusetts*

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Environment and Natural Resources  
Municipalities and Regional Government  
Revenue

STATE HOUSE, ROOM 254  
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May 19, 2025

MBTA Communities 40A, Section 3A - Funding

Dear Members of the Select Board and Planning Board,

As we approach Town Meeting I wanted to convey information regarding state funding and 3A compliance. In conversation with many of the executive offices we have gleaned the following information.

The [MBTA Communities Act](#) was passed under the Baker administration in 2021. To date 131 communities have approved their local districts at Town Meeting. The legislation included protections under existing wetlands and stormwater laws and protections subject to the availability of water and wastewater systems. I.e if there is no water and land area not large enough to construct a wastewater system and mitigate stormwater runoff the unit count will be significantly reduced from the compliance number.

**Funding:** The MBTA Communities legislation includes listed grant programs that are contingent on approval of the local 3A district in our communities. The Executive Office of Housing and Livable Communities MBTA 3A [Regulations](#) include additional grant programs that require compliance. Further additional funding programs have been identified requiring compliance including within, the Housing and Economic Development Bond Bills, supplemental budgets and executive office advisories.

**What we know to date:** Any state discretionary grant funding is on the table for consideration of compliance with the following exceptions. Federal funding and grants to non-town entities (Iron Ox Farm for example) and more recently Public Safety grants are not linked to compliance. We do not yet have a clear answer as to if MSBA funding is impacted, however we do know that in the [Supplemental Fair Share Budget](#) in the



Senate they included a requirement that a community be in compliance with MBTA 3A for a community to access that supplemental funding from MSBA. Previous funding awards should remain intact as long as the project is under contract by the compliance deadline of July 14, 2025. The funding to the district is significant. Over the past few years there has been millions of dollars that have come out of these programs to the 2nd Essex District for water quality and infrastructure, transportation, education, veterans, mental health, seniors and the environment.

The grants that we have tracked and collaborated with Hamilton since 2023 are below. There may be others for which we were not involved and therefore not included.

Hamilton 2023 to 2024: \$929,138.00, which at this point all are secure, assuming they are all under contract. However \$917, 547 (98%) MBTA 3A may be a factor if the Town pursues these grants in the future.

<b>2023-2024 Awarded Grants</b>	<b>Hamilton</b>
Cultural Council	\$12,100.00
Safe Drinking Water Grants	\$232,490.00
Firefighter Safety Grants	\$11,591.00
Transportation Infrastructure Grants	\$133,505.00
MYCAP (schools)	\$5,500.00
2024 Municipal Road Safety (PD)	\$15,864.00
FY25 Municipal Road Safety Grants	\$11,488.00
Green Communities Competitive Grants	\$500,000.00
MassDEP Sustainable Materials Recovery Program	\$6,600.00
<b>Total</b>	<b>\$929,138.00</b>

Hamilton 2025 to Date: \$\$305,890.37 of that \$279,775 (91%) MBTA 3A may be a factor for which the Town must get under contract for already awarded and may be ineligible for future grants.



<b>2025-2026 Awarded Grants</b>	<b>Hamilton</b>
Firefighter Safety Equipment Grants 2nd Round	\$3,715.37
Firefighter Safety Equipment Grants 1st Round	\$15,500.00
Student Awareness of Fire Safety (SAFE)	\$4,700.00
Senior SAFE	\$2,200.00
MassDEP Ipswich River Grant	\$279,775.00
	\$305,890.37

I do believe that we need to provide a diversity of housing options, in line with community character that our residents need; and that if communities are doing their part to create opportunities for housing funding should be available, that is why I commented along with the Town on the then draft regulations and have sponsored [legislation](#) to that end. While I disagree with the withholding of critical funding, the law is in effect and many communities have already approved their district locally. We are seeing that there are real fiscal consequences from the administration if a community does not approve their local 3A district. Further, we that represent towns that have not yet passed their district have fought fiercely to ensure that funding like public safety money must not be linked to compliance under this section and will continue to fight, however we are an increasingly small faction of the legislature as more and more communities approve their districts.

I commend the Town of Hamilton, Select Board, and Planning Board for their work over the past two years to carefully create the 3A District, providing many open sessions and including input from residents. I hope that this information is helpful. This is a local decision. As the vote is contemplated, consider the lost funding under the many programs affected. I wish that it was not a reality and I will always continue to fight to keep intact funding opportunities for critical programs to bring back every dollar I can to Hamilton. Please reach out at any time with any questions.

Sincerely,

Kristin E. Kassner

State Representative 2<sup>nd</sup> Essex, Room 254

Ipswich, Hamilton, Rowley, Newbury, Georgetown, Topsfield (1)



May 19, 2025

Town of Hamilton, Massachusetts

Attn: Joe Domelowicz, Town Manager  
Mark Connors, Planning & Development Director  
Hamilton Select Board Members

utile

RE: Hamilton Town Center and 3A Zoning - State of the Draft Memo

Dear Joe, Mark, and Hamilton Select Board Members,

In anticipation of the Select Board meeting this evening to consider the zoning amendments drafted for the Town Center and 3A compliance, we wanted to provide you with a summary of the drafting and revision process to date.

#### Summary of Overall Project Process

As with all projects, the scope evolves as the process unfolds in close collaboration with the community we are working with, as priorities and needs become apparent that may not have been evident at the time of scoping. As such, this project included an 8-month visioning phase in 2024 that set the framework for the zoning amendments through public meetings, a survey, and a series of Advisory Committee meetings. The process went on pause in December of 2024 due to uncertainty stemming from the ongoing Supreme Judicial Court (SJC) case against Milton related to MBTA Communities (Section 3A) compliance.

Once the SJC decision upheld the MBTA Communities (Section 3A), the project resumed in February of this year with the goal of drafting of zoning amendments with an accelerated timeframe and modified scope and process expectations in order to complete zoning amendments within the resources originally allocated to the project and in time to allow the Town the option to comply with the updated EOHL Section 3A Regulations.

#### Summary of Code Drafting Process

Utile has since worked with the Town staff and Planning Board to prepare three drafts and is currently working on final revisions for consistency, clarity, and cross-referencing to be incorporated alongside any comments received in the upcoming Public Hearing.

Below are the dates of the meetings and drafts issued for review as part of this second phase of the project, as well as the anticipated Public Hearing, which constitutes the fourth Planning Board meeting anticipated in the schedule as well as the final opportunity for comment before revisions are incorporated for issuance of a fourth and final draft of the zoning for inclusion in the final warrant for the Special Town Meeting:

- April 1, 2025: Planning Board Meeting #1 - Utile in attendance as scoped
- April 3, 2025: Draft 1 issued
- April 8, 2025: Planning Board Meeting #2 - Utile in attendance as scoped
- April 24, 2025: Draft 2 issued
- April 29, 2025: Planning Board Meeting #3a - Utile in attendance as scoped
- *May 6, 2025: Planning Board Meeting #3b - independent meeting of the Board, subsequently cancelled. Original agenda's stated purpose was to "discuss*

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May 19, 2025

Town of Hamilton, Massachusetts

Attn: Joe Domelowicz, Town Manager  
Mark Connors, Planning & Development Director  
Hamilton Select Board Members

## utile

*preparations related to [this project] and associated Design Guidelines including public outreach efforts in advance of a Special Town Meeting"*

- May 8, 2025: Draft 3 issued
- May 13, 2025: Planning Board Meeting #3c - Utile not requested to attend
- May 20, 2025: Planning Board Meeting #4 / Public Hearing on Draft 3
- June 6, 2025: Final (4th) Draft to be issued as part of the final warrant in close collaboration with the Planning and Select Boards and Town staff
- June 26, 2025: Special Town Meeting vote on warrant

### Summary of Revisions and Rationale

Utile completed the following terminology and reference consistency revisions throughout all three amendment documents over the course of the revision process:

- Standardized use of the term "Section" instead of "Article" to refer to sections of the zoning bylaw.
- Standardized use of "Multi-family" or "multi-family" to always include dash.
- Standardized reference to the Hamilton Town Center Districts (vs. prior "Hamilton Town Center Base Zoning").
- Updated all section numbering to be consistent with the last round of zoning changes dated in March.
- Inserted date for amended Zoning Map.

Utile also completed the following revisions to each of the three amendment documents:

### Town Center Districts

#### Draft 2 edits

- *Site Development Standards*: Expanded based on the April 8 meeting comments to include smaller parking areas, front yards planting and paving, tree planting requirements, curb cuts, lighting, and shared driveways.
- *Use Table*: Moved to Section 3 (see below), with the following revisions related to the Town Center Districts
  - Modified allowed uses per Planning Board and Town staff feedback.
  - See the "Changes to General Bylaw" section below for revisions made that were not specifically related to the Town Center Districts.
- *Clarifications*: Text and imagery revised to provide improved clarity on intent and interpretation for the following sections:
  - Interpretation
  - Lot Dimensions
  - Building Dimensions
  - Depot Square District

#### Draft 3 edits

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May 19, 2025

Town of Hamilton, Massachusetts

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Mark Connors, Planning & Development Director  
Hamilton Select Board Members

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- *Applicability:* At the request of the Planning Board, added additional language to clarify how nonconformities in existing structures should be interpreted relative to the dimensional standards. Modified language around existing applications and permits to align with overall Town Standard.
- *District Boundaries:* Did not alter the district boundaries affecting Carriage Ln after a discussion and vote of the Planning Board on the matter at the April 29th meeting.
- *Depot Square Special Permit Thresholds & Triggers:* Per Planning Board request, reduced the size threshold for requiring a special permit. Added additional language to clarify the interpretation of the dimensional standards as they apply to unique conditions.
- *Use Table:*
  - Clarified applicability of allowances for garage, and ground floor criteria for mixed use in Depot Square.
  - Further modified allowed uses based on additional Planning Board and Town staff feedback.
  - Did not alter the Special Permit granting authority. In all cases, the zoning as drafted uses the same Special Permit granting authority listed for that use in other districts. Any revisions to the Special Permit granting authority is best handled holistically and consistently throughout the bylaw based on discussions amongst the affected boards, rather than as part of this targeted amendment process.

### 3A Multi-family Overlay District

#### Draft 2 edits

- *Design Parameters:* Added design constraints on footprint, roof forms, and materials.
- *Sunset Clause:* Developed modified language from Wenham based on initial Planning Board direction at April 1st and 8th meetings.

#### Draft 3 edits

- *Sunset Clause:* Discarded based on further Planning Board discussion at the April 29th meeting and feedback from counsel.
- *Applicability:* Added restrictions limiting the use of underlying zoning once a project has been permitted under the overlay, per counsel.

### Changes to General Bylaw

#### Draft 2 edits

- *Use Table Integration*
  - Modified existing Use Table in Section 3 rather than carry a stand-alone table as presented in Draft 1.

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May 19, 2025

Town of Hamilton, Massachusetts

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Hamilton Select Board Members

## utile

- Revised Draft 1 Use Table to align with last round of proposed changes from Town Meeting, including the addition of Accessory Uses as a category within the table.
- *Definitions Integration*
  - Refined definition of FAR to align with recent definition changes and the requirements of 3A regulations and model.
- *Interaction with Overlay and Special Districts*
  - Deleted Willow Street Overlay as it has been superseded by the new underlying code and is no longer applicable.
  - Senior Housing provisions limited to R1-A, R 1-B and RA districts. Town Center district allows all housing by right including Senior Housing.
- *Reference Updates Based on Replacement of Existing Base Zoning*
  - Deleted all references to the Business District which has been replaced in its entirety. Where applicable, affected sections refer to Depot Square and Mixed Use areas.

Across all three documents, there were some revision requests made by Planning Board members that were considered but were not implemented due to one of four reasons:

1. Some requests were better addressed separately at a holistic, townwide scale following more prolonged discussion and community process,
2. Some suggestions related to preferred solutions to integration with the overall code structure that upon further evaluation were determined to be duplicative or too disruptive to be implemented within the resources of this project,
3. Some requests conflicted with the requirements of the MBTA Communities, Section 3A law and would have jeopardized compliance, or
4. Some requests were better addressed in a visioning or design guideline document that would include streetscape and public realm elements, rather than as part of the regulations themselves.

### Anticipated Remaining Revisions

Utile will continue to review and proactively make technical revisions to ensure consistency, clarity, and accurate cross-referencing, including a thorough proof-reading of all documents which is underway. Utile also anticipates incorporating one last round of additional revisions based on comments from the Planning Board and members of the public at the final Public Hearing to be held on May 20th. These revisions can and should include any remaining Planning Board revision requests that the board feels have not yet been adequately addressed. As long as these deficiencies are made clear, preferably in writing with clear articulation of the desired solution, there is time to make one more round of revisions. This could include, for instance, further discussion and adjustments to Section 9.8.3(h), which covers the

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# 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 and to approve an overlay district on a portion of Asbury Street to contribute to an MBTA Community Housing Compliant District (50% needed to pass)
- Article to approve other amendments to the Downtown Zoning District that do not contribute to an MBTA Community Housing District (two-thirds needed to pass)



# 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, 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.

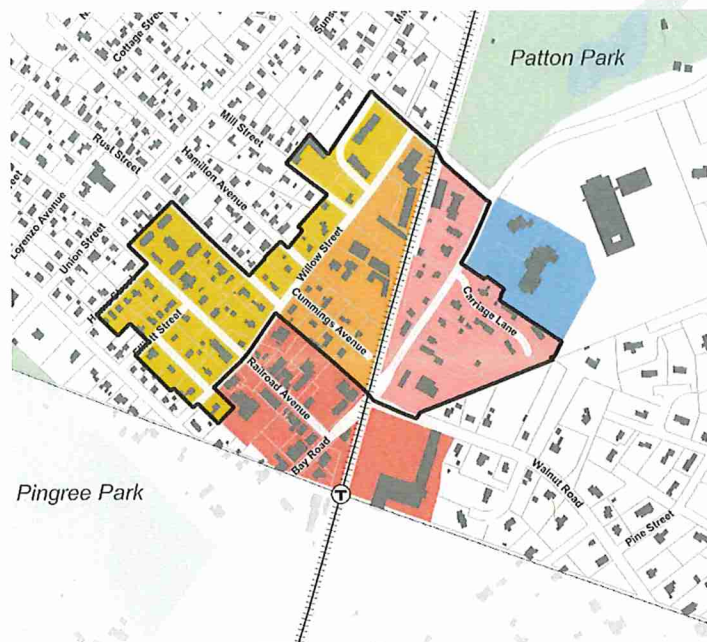
**Commented [RS3]:** Should this be 9.6?



## 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.

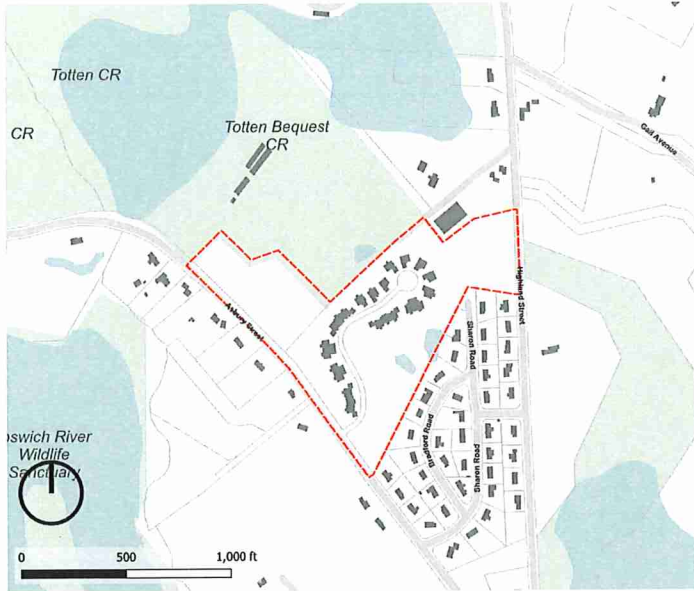
*In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include 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
8. <u>Two-Family Dwelling</u>	N	Y	Y	Y	N



<b>9. Multi-Family Dwelling</b>	N	Y	Y	Y	N
<b>B. Community Facilities</b>	<b>Depot Square</b>	<b>Bay Road Mixed-Use</b>	<b>Willow Street Mixed-Use</b>	<b>Downtown Residential</b>	<b>Bay Road Civic</b>
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
<b>C. Agricultural</b>	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
<b>D. Commercial</b>	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
<b>D21. Mixed Use Development</b> , subject to site plan approval	Y	Y	Y	N	Y
<b>D22. Drive-In or Drive-Through Establishment</b>	N	N	N	N	N
<b>D23. For Profit Educational Facility</b>	ZBA	ZBA	ZBA	N	ZBA
<b>D24. Marijuana Establishment</b>	N	N	N	N	N
<b>E. Accessory</b>	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 REGULATIONS<sup>1</sup>

	R-1a	R-1b	RA	B
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA <sup>1</sup>
Minimum Lot Frontage (ft.)	125	175	175	ZBA <sup>2</sup>
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 <sup>3</sup>
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 <sup>4</sup>
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 <sup>5</sup>	25/50 <sup>5</sup>	25/50 <sup>5</sup>	25/50 <sup>5</sup>
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA <sup>6</sup>

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 [RS8]:** 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 [RS9]:** 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%	400%	4.0	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 <sup>1</sup>	0 <sup>1</sup>	0	site specific
2	R-1a	20,000	80,000	125	25	25 <sup>2</sup>	20	0	25%
3	R-1b	40,000	80,000	175	25	25 <sup>2</sup>	20	15%	25%
4	RA	80,000	80,000	175	50	25 <sup>2</sup>	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, EOHLIC 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 EOHLIC 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.

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

- (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.

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

- (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).

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

- (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 [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.

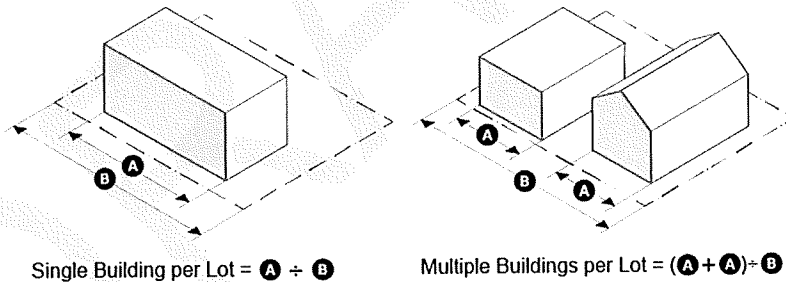
Commented [RS29]: If you have not done so already, I recommend reviewing and confirming this with the Building Commissioner. Is this intended to change anything? Are you intending to measure things differently in the Town Center than elsewhere in Town?



- (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.

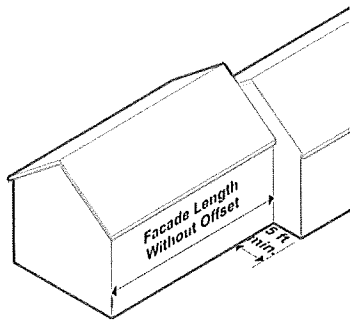
## 2. Building Dimensional Standards and Measurements.

- (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.

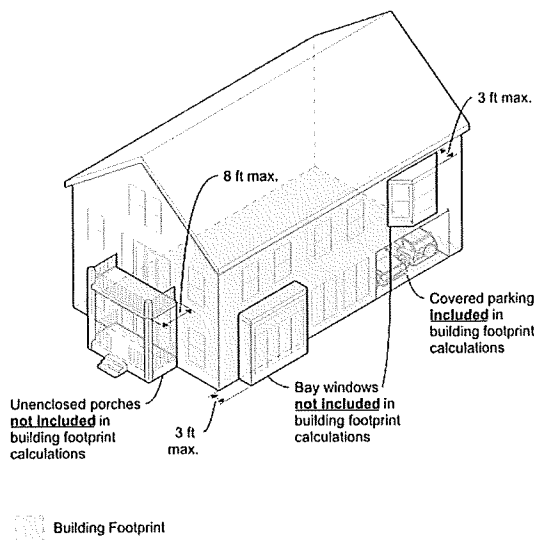


- (c) *Facade Length Without Offset*. The maximum allowable length of any building facade, front, side or rear, without a change in the plane of 5 ft. or greater, extending from the ground plane to the roof. The purpose of offset requirements is to limit long, undifferentiated facades and to ensure that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



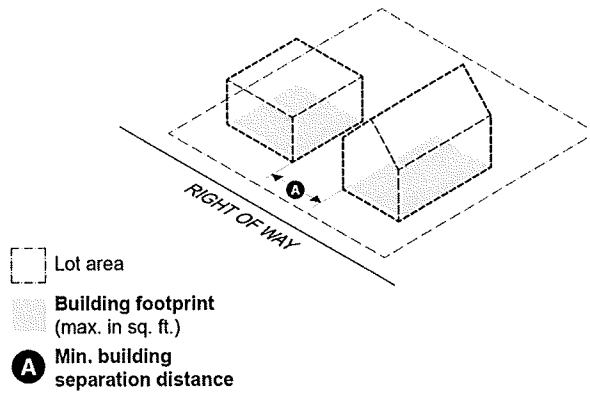


- (d) **Building Footprint.** The area of land occupied by a building, defined by the outer edge of its foundation and exterior walls inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of 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.

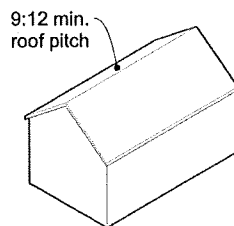


- (e) **Building Separation.** The distance between buildings on a lot, measured from the nearest primary face of each building at its closest point, excluding bay windows less than 3 ft. deep and porches less than 8 ft. deep.

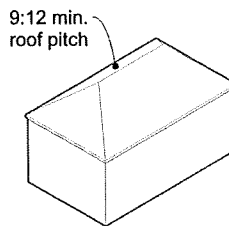




- (f) *Height.* See Definitions Section 11. In the Town Center Districts , for buildings on lots fronting more than one public way, height shall be measured from all frontages.
- (g) *Roof.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 3.7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

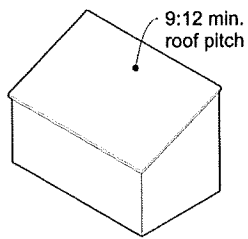


Gable Roof

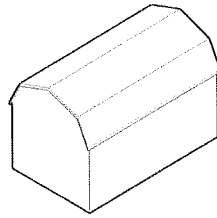


Hipped Roof

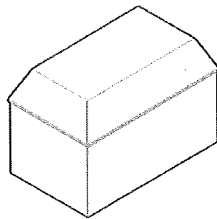




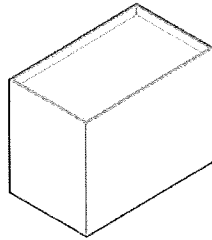
Shed Roof



Gambrel Roof



Mansard Roof



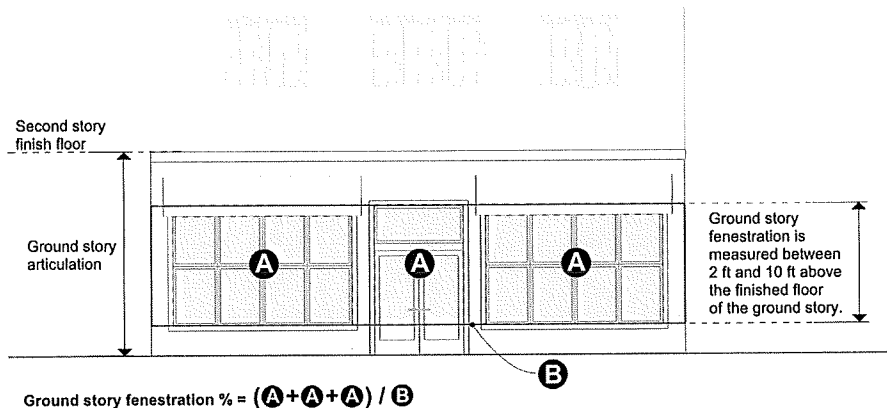
Flat Roof

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

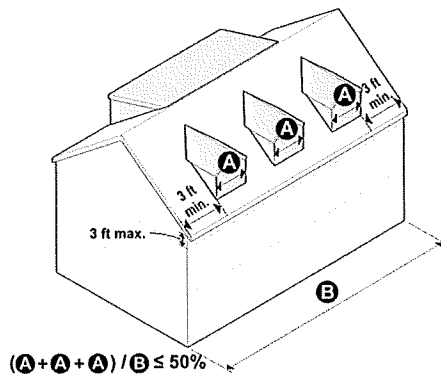
- (i) *Fenestration.* The percentage area of glazing at the ground level, measured between 2 ft. and 10 ft. above the finished floor of the ground story. Where fenestration requirements apply, ground



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.

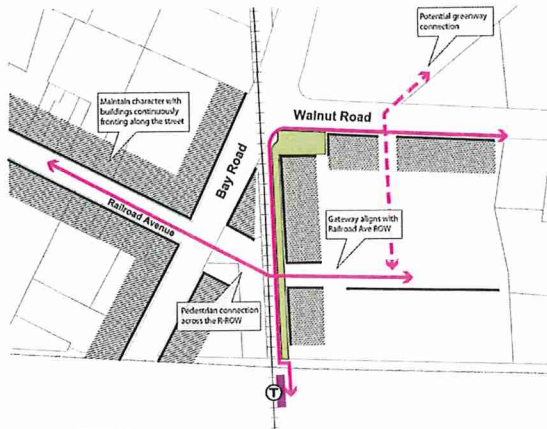


- (a) *Description.* The Depot Square district is characterized by two distinct conditions - on Railroad Ave by buildings with small footprints up to two and a half (2.5) stories in height, and east of the rail corridor, a large auto-centric shopping center. The area along Railroad Ave has the character 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.

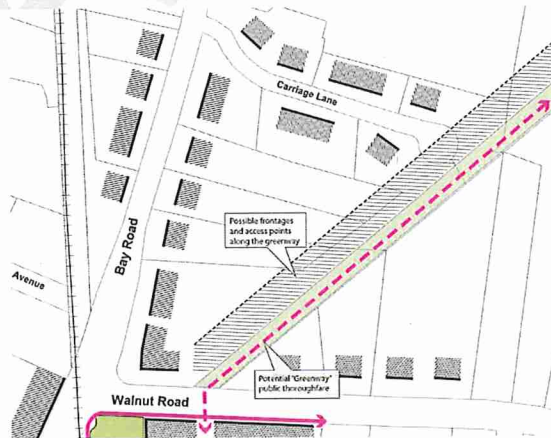
## 3. Bay Road Mixed-Use.





(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.





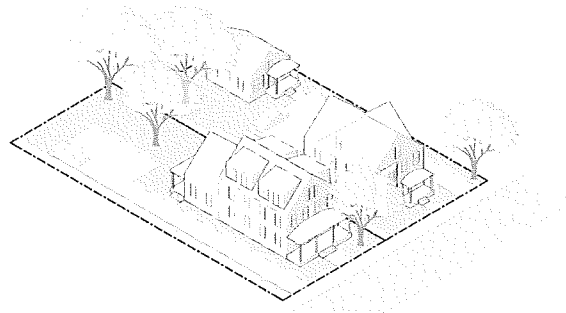
#### 4. Willow Street Mixed-Use.



- (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.

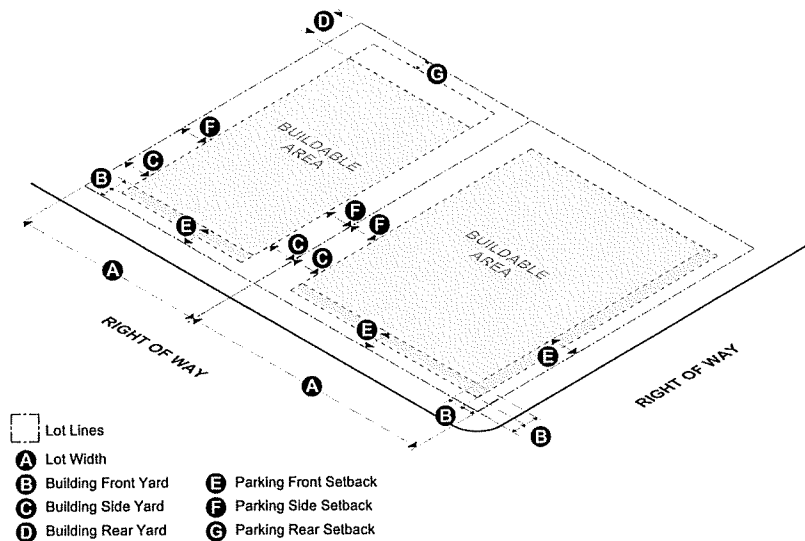


- (a) *Description.* The Downtown Residential district is characterized by buildings that sit on small lots with small floor plates and with a height of about 2.5 stories. This district is almost entirely residential with a very small selection of parcels with commercial or institutional uses.
- (b)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



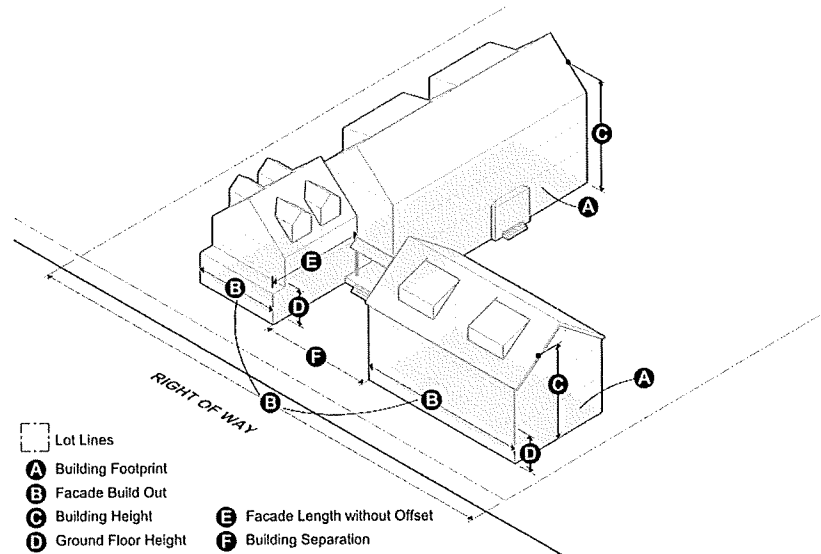
Parking Requirements	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
Parking spaces (min)	Per section 6.1 or by Special Permit				

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
<b>A</b>	Building Footprint (max per building)	5,000 sf	3,000 sf	5,000 sf	3,000 sf	N/A
<b>B</b>	Facade Build Out (min)(note 1)	60%	35%	35%	35%	35%
<b>C</b>	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
<b>D</b>	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
<b>E</b>	Facade Length without Offset (max)	70 ft	70 ft	70 ft	70 ft	70 ft
<b>F</b>	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.

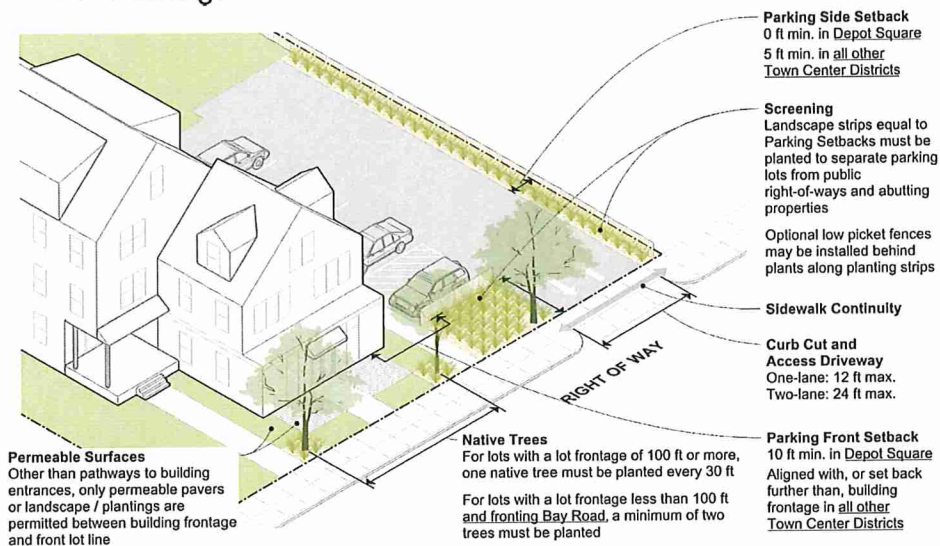
(b) *Vehicle Access.*

- (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 EOHLIC 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)

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

**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.

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

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.

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.

**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 [RS41]: What does this mean?

Commented [RS42]: What does this mean? I don't think you mean to allow the underlying uses with the mfd 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.



**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.

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





Town of Hamilton

577 Bay Road

Hamilton, MA 01936

RE: Everest Infrastructure Partners

Site Name: **South Hamilton 1**

Site Number : **701534** – Lease Buyout Project

Dear Joe Domelowicz,

Everest Infrastructure Partners has engaged Tower Alliance to be their authorized representative for your site lease. Consistent with our conversation regarding Everest's above-referenced site, below please see the following offer for your review and consideration:

- 99 Year Term Easement of the existing premises and a non-exclusive access and utility easement to the site. A one-time, lump sum payment of **\$675,000.00** upon full execution of documents:

This option may not have been available to you when your tower was first installed and may provide you with more flexibility going forward. You remain the owner of your property and all the protections you currently enjoy under your existing lease agreement remain in effect.

Many of our landlords have made the decision to convert their leases after considering the following advantages:

- **Use the monies to manage budget deficits, fund other projects, or to simply mitigate loss of future revenue.**

Please call me at your earliest convenience to discuss the conversion process. It's quite simple and I'll guide you every step of the way until you receive the funds in about 6-8 weeks from signature.

Sincerely,

Samantha Willis  
Lease Consultant  
1700 South Dixie Highway  
Boca Raton, FL 33432  
Phone: (561) 419-6864

*This Letter is not intended to create any legally binding obligations on the part of you or Everest Infrastructure Partners, or any of their respective affiliates, and no such obligations will exist unless and until a definitive agreement with respect to a transaction is executed and delivered by the parties or their affiliates in their sole discretion, and then only as and to the extent provided in such definitive agreement.*



Samantha Willis<swillis@toweralliancellc.com>

To: Joe Domelowicz

Tue 5/20/2025 8:18 PM

**Flagged**

South Hamilton 1\_701534 - Everest Infrastructure Partners Proposal.docx

Hi Joe,

I hope this message finds you well. I am sorry it took me longer than expected to get this proposal to you, I know we missed this weeks Town Meeting. I wanted to be sure to get you a strong offer to present, so it took some time and effort. Please see the proposal attached and below and let me know any thoughts or questions you have. Please let me know when the next Town meeting is and if you're able to get it on the agenda. I appreciate your time and consideration greatly.

Town of Hamilton

577 Bay Road

Hamilton, MA 01936

RE: Everest Infrastructure Partners

Site Name: **South Hamilton 1**

Site Number : **701534** – Lease Buyout Project

Dear Joe Domelowicz,

Everest Infrastructure Partners has engaged Tower Alliance to be their authorized representative for your site lease. Consistent with our conversation regarding Everest's above-referenced site, below please see the following offer for your review and consideration:

- 99 Year Term Easement of the existing premises and a non-exclusive access and utility easement to the site. A one-time, lump sum payment of **\$675,000.00** upon full execution of documents:

This option may not have been available to you when your tower was first installed and may provide you with more flexibility going forward. You remain the owner of your property and all the protections you currently enjoy under your existing lease agreement remain in effect.

Many of our landlords have made the decision to convert their leases after considering the following advantages:

- **Use the monies to manage budget deficits, fund other projects, or to simply mitigate loss of future revenue.**

Please call me at your earliest convenience to discuss the conversion process. It's quite simple and I'll guide you every step of the way until you receive the funds in about 6-8 weeks from signature.

With Gratitude,

Samantha Willis

Leasing Consultant

Tower Alliance LLC

1700 S. Dixie Highway, Suite 402

Boca Raton, FL 33432

Office: (561) 419-6864

[SWillis@toweralliancellc.com](mailto:SWillis@toweralliancellc.com)

