



WARRANT

For

Special Town Meeting

December 9, 2025

7:00 p.m.

Hamilton-Wenham Regional High School

Town By-Laws

CHAPTER II

RULES AND PROCEDURE OF TOWN MEETINGS

SECTION 1. All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote, except that unanimous consent shall be required for inclusion of an Article in a "Consent Motion" group of Articles that will be taken up by the meeting for voting on the group.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

SECTION 3. The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Special Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

SECTION 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

SECTION 5. No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

SECTION 6. Only registered voters of the Town shall be admitted and entitled to vote at any Annual or Special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

SECTION 7. Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

SECTION 8. The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in the most current edition of Town Meeting Time, A Handbook of Parliamentary Law.

SECTION 9. On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

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ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hamilton qualified to vote in election and town affairs, to meet at the Hamilton-Wenham Regional High School Auditorium, 775 Bay Road in said town, on Tuesday, the ninth day of December, in the year Two Thousand Twenty-five (December 9, 2025) at seven o'clock in the evening (7:00 p.m.), then and there to act on the following articles.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2025/12 1-1 <i>Reports</i>	To hear reports of Town Officers and selected committees and to take action thereon or relative thereto.
ARTICLE 2025/12 1-2 <i>Article for Consent Motion</i>	To see if the Town will consolidate in one consent motion containing the motions for those articles that, in the opinion of the Moderator, are not controversial and can be passed without debate, or take any action thereon or relative thereto.

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2025/12 2-1 <i>Prior Year Bills</i>	To see if the Town will transfer from available funds, or borrow pursuant to any applicable statute, a sum of money to pay any unpaid bills incurred in prior years, or take any action thereon or relative thereto. (<i>Expected request \$26,387.56</i>) <i>A 9/10 vote is required to approve this article.</i> <i>Brief Summary:</i> <i>This article provides for payment of prior year bills which were not submitted or processed prior to the fiscal year ending on June 30, 2025.</i> <i>Fiscal Year 2026 Tax Rate Impact:</i> <i>None, as it is anticipated that the funds will come from Free Cash.</i> <i>The Select Board (3-0) recommends favorable action. The Finance and Advisory Committee (3-0) recommends favorable action.</i>
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ARTICLE 2023/12 2-2 <i>Community Preservation – Town Hall Building Project</i>	To see if the Town will vote, pursuant to G.L. c.44B, to appropriate \$250,000.00 from the Community Preservation Fund Undesignated Reserve Fund Account, which sum shall supplement the funds appropriated under various articles previously approved by Town Meeting for the restoration, rehabilitation and preservation of the historic Town Hall located at 577 Bay Road, including but not limited to design, project management costs, construction and all incidental and related costs; or take any action thereon or relative thereto. <i>Brief Summary:</i> <i>This article seeks to appropriate additional CPA funds to supplement prior appropriations for the Town Hall Building Project that commenced with the establishment of a Town Hall Building Committee by Town Meeting in April 2017. If approved, these funds, together with funds appropriated by previous Town Meetings, will enable the Town to complete the construction of the Town Hall Project.</i> <i>Fiscal Year 2026 Tax Rate Impact:</i> <i>The Community Preservation Budget is allocated from a 2% surcharge on to the property tax plus State matching funds. This is noted as a separate line item on your tax bill.</i> <i>The Select Board (3-0) recommends favorable action. The CPC (5-0) recommends favorable action. The Finance and Advisory Committee (3 - 0) recommends favorable action.</i>
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SECTION 3: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2025/12 3-1 <i>Extension of Lease Cell Tower</i>	To see if the Town will vote to authorize the Town Manager, with the approval of the Select Board, to enter into one or more leases with one or more telecommunications companies or extend the term of the existing lease, each for a term not to exceed forty (40) years, for the location of a telecommunications cell tower on the land located at 577 Bay Road, Hamilton, MA, being the rear parcel of the Town Hall property, on such terms and conditions as are acceptable to the Select Board and Town Manager, and further, to authorize the Town Manager to execute any and all documents necessary or appropriate to carry out the purposes of this article, or take any action thereon or relative thereto. <i>Brief Summary:</i> <i>This article seeks to authorize the Select Board to enter into a new lease or leases or extend the existing lease for the cell tower located at 577 Bay Road for up to a 40 term.</i> <i>Fiscal Year 2026 Tax Rate Impact:</i> <i>None.</i> <i>The Select Board (3-0) recommends favorable action. The Finance and Advisory Committee (3-0) recommends favorable action.</i>
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ARTICLE 2025/12 3-2 <i>Authorization to Convey Easement to NGrid – 577 Bay Road</i>	To see if the Town will vote to authorize the Select Board to grant to Massachusetts Electric Company, also known as National Grid, on such terms and conditions as the Select Board deems appropriate, a permanent utility easement in, through, under, over, and across a portion or portions of the Town-owned property located at 577 Bay Road and described in deeds dated April 8, 1897 in Book 1514, Page 354, April 26, 1926 in Book 2678, Page 49, November 26, 1979 in Book 6679, Page 747 and March 13, 1982 in Book 6938, Page 48, recorded with the Essex South County Registry of Deeds, which portion or portions are approximately shown on the sketch plan on file with the Town Clerk, as may be revised, or take any action thereon or relative thereto. <i>Brief Summary:</i> <i>This article seeks authorization to convey an easement to NGrid to enable NGrid to install conduit for the purposes of upgrading the electrical system at Town Hall as part of the Town Hall renovation project.</i> <i>Fiscal Year 2026 Tax Rate Impact:</i> <i>None.</i> <i>The Board of Selectmen (3-0) recommends favorable action. The Finance and Advisory Committee (3-0) recommends favorable action.</i>
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SECTION 4: ZONING BYLAW AMENDMENTS

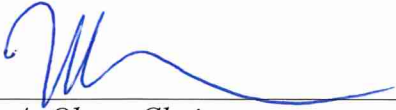
ARTICLE 2025/12 4-1 <i>Zoning Bylaw Amendment - Brown's Hill Overlay District</i>	To see if the Town will vote to amend the Town of Hamilton Zoning Bylaw and Zoning Map to identify and create a new zoning district, being the Brown's Hill Overlay District; add or amend definitions; and make related or necessary changes to other sections of the Zoning Bylaw, all as set forth in Appendix A attached hereto; and to authorize the Town Clerk to undertake any necessary and related renumbering of the Zoning Bylaw, or take any action thereon or relative thereto. <i>A 2/3 vote is required to approve this article.</i> <i>Brief Summary:</i> <i>This article seeks to implement the Brown's Hill Overlay District for the parcel of land containing the Gordon-Conwell Theological Seminary located at 130 Essex Street (Assessor's Map 64, Lot 5). The proposed overlay zoning district would replace the underlying zoning (R-1B) on the parcel and would establish five zoning sub-districts: the Lower Campus, Middle Campus, Upper Campus, Heritage Landscape, and Natural Zone. The sub-districts are applicable to different geographic areas of the campus. Depending on the zoning sub-district classification, the rezoning would permit the conversion of existing campus buildings to certain residential and limited commercial uses by right, and the redevelopment of the campus to include residential and limited commercial uses by Special Permit only. The purpose of the proposed amendments is to guide the future redevelopment of the property, including the potential re-use of campus buildings, to incorporate environmentally sensitive site design principles to evaluate all forms of proposed development under a new regulatory framework, to enhance the Town's tax base, to provide for the conversion of campus housing to multi-family housing use, to expand the Town's supply of</i>
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	<i>affordable housing, and to preserve the character of the property and its surroundings including valuable open spaces and landscapes.</i> <i>Fiscal Year 2026 Tax Rate Impact: None.</i> <i>The Select Board will make a recommendation on the floor of Town Meeting. The Finance and Advisory Committee (3-0) recommends favorable action. The Planning Board (6-0) recommends favorable action.</i>
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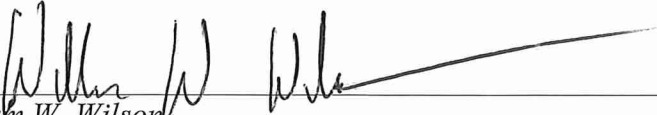
ADJOURNMENT

Given under our hands this 17 day of
November, 2025.

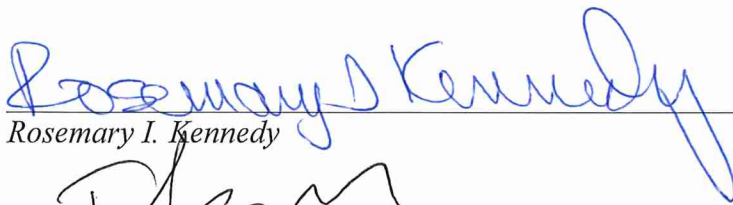
HAMILTON SELECT BOARD



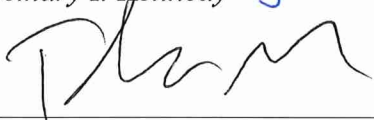
William A. Olson, Chair



William W. Wilson



Rosemary I. Kennedy



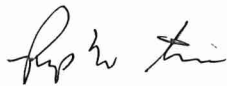
Thomas B. Myers



Benjamin Galuza

Hamilton, Massachusetts

I have this day served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.



Constable, Town of Hamilton

11/25/2025

Date

1000829/HAML/0001

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01936**

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Tuesday, December 9, 2025

SPECIAL TOWN MEETING

***Hamilton-Wenham Regional High School
Auditorium***

7:00 p.m.

DEMOCRACY IS NOT A SPECTATOR SPORT

Please bring this warrant with you to the Town Meeting. Thank you.

Appendix A
ZONING BYLAW AND ZONING MAP AMENDMENTS

NOTE: Unless specifically indicated below, proposed additions to the text are **underlined and shown in bold**, deletions are ~~struck through~~, and explanatory and/or clarifying information for the reader that is not part of the proposed amendment itself and will not be included in the Zoning Bylaw is shown *italicized* and within borders.

SECTION 2.0 ESTABLISHMENT OF DISTRICTS

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, May 5, 2009, ~~and July 14, 2025,~~ **and December 9, 2025** (“Zoning Map”) is hereby made a part of this By-law.

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
Commercial Overlay District	COD
3A Multi-Family Overlay District	3A-MFOD
<u>Brown’s Hill Overlay District</u>	<u>BHOD</u>

SECTION 4.0 DIMENSIONAL AND DENSITY REGULATIONS

TABLE OF DIMENSIONAL REGULATIONS₁

	R-1A	R-1B	RA
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000
Minimum Lot Frontage (ft.)	125	175	175
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
Maximum Building Height (ft.)	35	35	35
Maximum number of Stories	3	3	3
Maximum Building coverage of Lot (%)	25	25	25
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 ₂	25/50 ₂	25/50 ₂
Minimum Side Yard and Rear Yard (ft.)	15	15	15

1. Exceptions to the applicability of the Table of Dimensional Requirements:

- a. Dimensional Requirements for the Town Center Sub-Districts are found in Section 9.8 of the Zoning By-law.
- b. **Dimensional Requirements for the Brown's Hill Overlay District are found in Section 9.9.4 of the Zoning By-Law.**

SECTION 6.0 GENERAL REGULATIONS

6.1.6 Shared Parking. In the Town Center and **Brown's Hill Overlay** 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 **and/or Special Permit** 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 **or the Brown's Hill Overlay District**. 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.

6.3.2 R-1A, R-1B, and RA Districts, and Downtown Residential Sub-District, and residential uses in the Brown's Hill Overlay District. In every residential district, signs will be permitted as follows:

1. No more than two (2) temporary signs per contiguous lots within the same ownership.

6.3.3 Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use Sub-districts of the Town Center District, and commercial or institutional uses in the Brown's Hill Overlay District.

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 Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use sub-districts of the Town Center District **and in the Brown's Hill Overlay District** shall not exceed a total area of six (6) square feet.

11. Signage in the Brown's Hill Overlay District shall be subject to supplementary standards as found under Section 9.9.6.2.7.

NOTE: Insert a new section of the Zoning By-Law, Section 9.9 Brown's Hill Overlay District. Proposed additions to the text of Section 9.9 are not shown in **bold underline**, because all language in this section is new.

9.9 BROWN'S HILL OVERLAY DISTRICT

9.9.1 PURPOSE AND APPLICABILITY.

9.9.1.1 Purpose. The general purpose of the Brown's Hill Overlay District (BHOD) is to encourage planned and orderly development of land within its boundaries - - land which has been recognized as a Heritage Landscape in the 2005 Hamilton Reconnaissance Report prepared by the Massachusetts Department of Conservation and Recreation as part of the Essex County Inventory for the Heritage Landscape Inventory Program. The BHOD utilizes a variety of planning tools, including "as of right" development, site plan review, and special permitting requirements, that will ensure careful control of future development for the benefit of the Town of Hamilton and the community at large. The specific purposes of the BHOD are to:

1. Retain the Heritage Landscape and, in particular, the sub-district of the BHOD identified below that is denominated the Heritage Landscape, and encourage the permanent retention and reuse of Legacy Buildings, which include the Retreat House (the former Mandell Estate House), Pilgrim Hall, the former estate stables, and the Gate House, buildings which were constructed in or around 1900 and are subject to Chapter XXXI of the Town's Bylaw.
2. Promote economic development and allow for the phased development of residential uses and limited commercial uses in the Legacy Buildings, that support residential development, and activities, all as set forth in §9.9.2.
3. Embrace open space, respect the natural environment, and maintain clear development edges with buffers or separation between areas of dissimilar character at the perimeter of the BHOD and within the site itself;
4. Utilize landscaping to create a walkable and inviting site for residents, occupants, and invitees that honors traditional campus spatial layouts and/or New England building, street, and open space patterns;
5. Balance fiscal, social, and environmental benefits to the Town to create a resilient and sustainable development that will be integrated into the preexisting surrounding neighborhood.

9.9.1.2 Interpretation of the BHOD Bylaw. The BHOD is comprised of text that incorporates five Tables and the Hamilton Zoning Map that depicts Brown's Hill Overlay District.

9.9.1.2.1 Understanding the Tables. Used in conjunction with the BHOD Map, the Tables are organized as summarized below to be followed sequentially:

Table 1: BHOD Sub-Districts. This Table identifies the five BHOD Sub-Districts within the overall property by title and description. In addition, both existing and new development is summarized with the relevant permitting requirements.

Table 2: Permitted Uses. This Table lists the permitted uses for the five Sub-Districts along with the method of permitting: By-Right or Special Permit. Uses not listed are not allowed.

Table 3: Building Types. This Table sets forth specific characteristics for residential, limited commercial (Long-Term Care Facility), and Legacy Buildings (see §9.9.1.1) as the method to organize the BHOD Bylaw.

Table 4: Dimensional Regulations. This Table sets forth the relationship between Building Types and individual Sub-Districts. It also sets forth important dimensional requirements, defining gross square footage for building footprint per building, gross square footage per building, building separation, and building height to facilitate compatibility with the general neighborhood character.

Table 5: Density Standards. This Table assigns standards to individual Sub-Districts in terms of establishing the Developable Area within each Sub-District, the maximum Building Gross Floor Area per Sub-District, and the ratio of those two metrics as the maximum amount of new and existing development on the property.

9.9.1.2.2 *Interpreting provisions of the BHOD.* If a provision of BHOD allows the Planning Board to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The proposed project complies with all applicable provisions of the Hamilton Zoning Bylaw;
2. The exercise of discretion will act to ensure the compatibility of the proposed project with the site, with properties on the site, with properties in surrounding neighborhoods, and with the community; and
3. The decision is consistent with the Town's Master Plan.

9.9.1.3 *Applicability.* The BHOD is an overlay district included in §2.3 of the Hamilton Zoning Bylaw as the Brown's Hill Overlay District. The BHOD replaces the underlying zoning district and permits certain commercial and certain residential uses by right, and other enumerated uses by Special Permit.

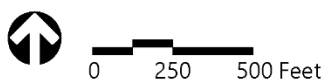
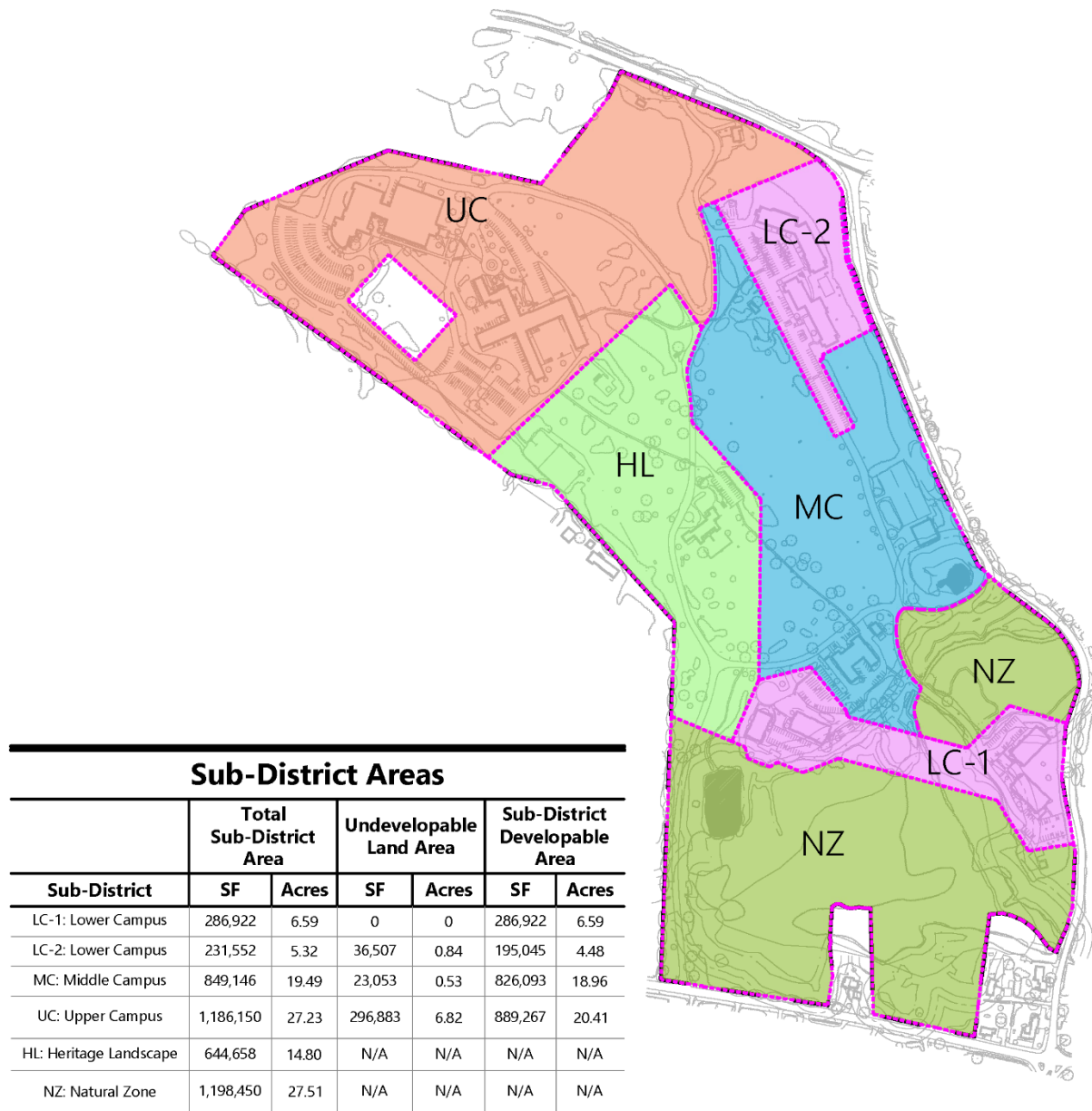
9.9.1.4 *Administration.* The Planning Board shall act as the Special Permit Granting Authority and shall grant Special Permits as set forth in this Bylaw and pursuant to §10.5 of the Hamilton Zoning Bylaw in the BHOD. The Planning Board shall also be the Site Plan Review authority under §10.6 and §10.7 of the Hamilton Zoning Bylaw.

1. The Planning Board may adopt and from time to time may amend the BHOD Rules and Regulations to implement this section. Such regulations shall include, but will not be limited to, submission requirements, plan requirements, such as size, form, number, and contents of submissions; development standards, site standards, and standards for building placement and design. Such rules and regulations are authorized under G.L. c. 40A, §9, and shall be adopted after vote by the Planning Board.

9.9.2 BHOD DISTRICTS AND ALLOWABLE USES WITHIN THOSE DISTRICTS.

9.9.2.1 *Sub-Districts.* The BHOD is divided into five sub-districts: the Upper Campus, the Middle Campus, the Lower Campus, the Heritage Landscape, and the Natural Zone as set forth on the Brown's Hill Overlay District Map. The Brown's Hill Overlay District Map is adopted as an integral element of this Bylaw and incorporated herein. The Map identifies the boundaries of the sub-districts described in Table 1 which is incorporated herein.

Note: The Brown's Hill Overlay District and its five sub-districts are depicted in the map below. The overlay district and subdistricts will be incorporated into the Town of Hamilton's official Zoning Map, but as with all other zoning districts and overlay districts, will not be depicted in the Zoning By-Law itself.



Brown's Hill Overlay District
Zoning Map
130 Essex Street
South Hamilton, Massachusetts

Figure 1
Dec. 2025

TABLE 1 – BHOD SUB-DISTRICTS¹

Sub-Districts	Descriptions	Summary of Development and Permitting Requirements
LC-1 & LC-2 Lower Campus	The Lower Campus is defined by two separate lots (Refer to BHOD Sub-District Map - LC-1 & LC-2) of 6+ & 5+ acres respectively. There are six (6) existing three-story Apartment Buildings (Total: 209-Housing Units) currently split between the two lots (Units A, B, C & D on lot LC-1 & Units E & F on lot LC-2).	<i>Reuse of Existing Apartment Buildings:</i> Reuse / renovation of existing structures (Total 194,391 GSF): Permitted By-Right
		<i>Expansion or rebuilding of Existing Apartment Buildings:</i> Construction of additional floor area up to 10% of the existing GSF: Permitted by Special Permit
MC Middle Campus	The Middle Campus occupies 19+ acres at the center of the overall property. There is an existing Legacy Building – Pilgrim Hall (formerly the estate stables building). There is another existing building – a wastewater treatment facility (6,040 GSF) – adjacent to Woodbury Street - that currently serves the property’s existing development.	<i>Rehabilitation of Legacy Building - Pilgrim Hall (Total 15,351 GSF):</i> Renovation / reuse with no additions: Permitted By-Right
		<i>Expansion of Legacy Building:</i> Construction of additional area up to 35% for Pilgrim Hall: Permitted by Special Permit
		<i>New Residential / Senior Housing:</i> Refer to Table 2 – Use Regulations and Table 4 - Dimensional Regulations: Permitted by Special Permit
UC Upper Campus	The Upper Campus is 27+ acres including 6+ acres of undevelopable steep slopes. There is also a 1.49-acre town-owned, underground, water reservoir with a right-of-way to a pumping station along Bridge Street within the UC boundary. The site currently contains Office / Assembly / Residential buildings including Kerr Hall, Goddard Library, the Academic Building & Chapel with extensive surface parking. The Gate House is currently a residential building located adjacent to the Bridge Street exit.	<i>Repurposing of Existing Buildings (Total 166,838 GSF):</i> Must be repurposed to Permitted Uses. Refer to Table 2 – Use Regulations, and Table 4 – Dimensional Regulations: Permitted By Special Permit except for Legacy Building (Gate House) - Permitted by Right
		<i>Expansion / reconstruction of existing Buildings:</i> Permitted by Special Permit
		<i>New Residential / Senior Housing / Long-Term Care Facility:</i> Refer to Table 2 – Use Regulations and Table 4 – Dimensional Regulations: Permitted by Special Permit
HL Heritage Landscape	The Heritage Landscape contains 14+ acres of open space, sloping lawns and mature trees surrounding the Legacy Building - Retreat House (formerly the Mandell Estate Mansion) for	<i>Rehabilitation of the Legacy Building – Retreat House (Total 14,723 GSF):</i> Renovation / reuse with no additions: ² Permitted By-Right
		<i>Expansion of Legacy Building:</i>

	which all development (GSF) shall be assigned to the MC for the purposes of the BHOD.	Construction of additional area up to 10% ² : Refer to Table 2 – Use Regulations: Permitted by Special Permit
NZ Natural Zone	The Natural Zone contains 27+/- acres on two parcels consisting of protected conservation lands unsuitable for new development and protected in perpetuity.	<i>New installation of security facility:</i> Construction of a small facility alongside site road entrances: Permitted by Special Permit

NOTE:

1. In the event of any inconsistency, Table 2 controls.
2. For the purposes of the BHOD By-Law, the Retreat House GSF and potential expansion is allocated to the Middle Campus gross building floor area and not the Heritage Landscape.

9.9.2.2 *Permitted Land Uses.* The uses of land permitted within the BHOD are listed in Table 2 annexed to this Bylaw and made part of it. Table 2 contains the list of permitted uses and accessory uses for each district either permitted by right or by Special Permit. A land use that is not listed in Table 2 is not allowed; construction of single-family dwellings in the BHOD is prohibited.

1. Uses permitted by right shall be subject to §10.6, Site Plan Review.
2. Proposals for Special Permits shall be exempt from §10.6.
3. To effectuate the purposes of the BHOD and to support, but not supplant, residential uses permitted in Table 2, all commercial uses, other than the accessory uses set forth in Table 2, are disallowed except if they are contained within existing Legacy Buildings.
4. For any private ways and driveways in the BHOD district that serve a use in another BHOD district, the private way or driveway may be used to access the use in the other BHOD district so long as the use in the other BHOD district is (i) permitted by right or (ii) by a Special P that has been issued by the Planning Board.

TABLE 2 – USE REGULATIONS
Existing Educational/Assembly/Residential Structures
may be repurposed to the permitted uses in this Table

Permitted Uses	Sub-Districts				
	LC-1&2	MC	UC	HL	NZ
RESIDENTIAL					
Existing Multi-Family Dwelling	P	-	-	-	-
Multi-Family Dwelling	SP	-	-	-	-
Townhouse Dwelling	-	SP	SP	-	-
Senior Housing ¹	-	SP	SP	-	-
Legacy Buildings (See Section 9.9.1 and Tables 1 & 3 for definition and descriptions)	-	P	P	P	-

Legacy Building Expansion ² (See Tables 1 & 3)	-	SP	SP	SP	-
COMMERCIAL					
Legacy Building - Business / Professional Office / Other Commercial ³	-	P	P	SP	-
Legacy Building Expansion ³	-	SP	SP	SP	-
Long-Term Care Facility ⁴	-	-	SP	-	-
COMMUNITY FACILITIES					
Public Assembly: Library, Museum, Art Gallery	-	SP	SP	-	-
Recreational: Art, Dance, Music Studios	-	SP	SP	-	-
Neighborhood Community Center	-	SP	SP	-	-
ACCESSORY USES⁵					
Small-scale retail, café, restaurant, or similar use serving occupants, employees, or guests ⁶	-	SP	SP	-	-
Day Care Center: Child	P	P	P	-	-
Fitness / Health Facility	SP	SP	SP	-	-
Park, Playground	SP	SP	SP	SP	SP
Entrance Security / Guard Facility ⁷	-	-	SP	-	SP

NOTES:

1. Senior Housing – See Table 3 for description and Section 9.9.8.4.2.
2. All changes to existing Legacy Buildings are subject to Chapter XXXI, Section 8 of the Hamilton By-Laws.
3. Other commercial uses in Legacy Buildings are limited to the types of commercial uses identified as Accessory Uses. The Planning Board may consider other proposed commercial uses, such as a personal service establishment or a bed and breakfast, if those commercial uses support the needs of occupants of residential development within the BHOD or will not compromise the purposes and intent of other provisions of the BHOD.
4. Long-Term Care Facility – See Table 3 for description and Section 11.0 of the Zoning By-Law.
5. Accessory Uses must not be free-standing facilities but must be secondary areas within the primary residential, commercial establishment providing services as noted except for parks and playgrounds.
6. The term “small-scale” for Accessory Uses is defined as a commercial use in a space with a floor area of 500 square feet or less.
7. A Guard Facility shall be no larger than 200 gross square feet.

KEY TO SYMBOLS:

Permitting: P = By-Right	Sub-Districts: LC = Lower Campus	HL= Heritage Landscape
SP = Special Permit	MC = Middle Campus	NZ = Natural Zone
- = Not Allowed	UC = Upper Campus	

9.9.3 PREEXISTING STRUCTURES.

9.9.3.1 *Structures Lawfully in Existence as of the Effective Date of this Bylaw.* Structures within the BHOD lawfully in existence as of the effective date of this Bylaw, for the purposes of Mass. Gen. Laws. Ch. 40A, §6, and §5.0 of the Hamilton Zoning Bylaw, shall be deemed lawfully conforming to the Hamilton Zoning Bylaw. Further, a lot comprising all the land within the Lower Campus denominated LC-1 comprising existing Apartments known as A, B, C, and D and a lot comprising all the land within the Lower Campus denominated as LC-2 comprising existing Apartments known as E and F (*see* Table 1 and LC-1 and LC-2 as depicted in the Hamilton Zoning Map as revised on December 9, 2025) shall be deemed to be lawfully conforming to the Hamilton Zoning Bylaw upon the effective date of the BHOD.

9.9.4 STANDARDS FOR DEVELOPMENT IN THE BHOD.

9.9.4.1 All building types in the BHOD shall conform to the allowable building types set forth in Table 3 and dimensional regulation and density standards set forth in Tables 4 and 5, annexed to this Bylaw and made a part of it. The Planning Board may waive the maximum building footprint and maximum building floor area in Table 4 upon a showing that the increase in either or both metrics will not compromise the purpose and intent of any other applicable provisions of this bylaw.

TABLE 3 – BUILDING TYPES¹

Building Type / Use	Characteristics
Multi-Family Dwelling²	Housing with three or more dwellings in a vertical arrangement per structure. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings.
Townhouse Dwelling (3 - 6 Dwelling Units / Building)	Small to medium-sized residential buildings in a horizontal arrangement consisting of three (3) to six (6) dwellings, two stories minimum each, sharing a common wall. Entrances are on the narrow side of the unit and typically face a street or courtyard and are aligned close to the public sidewalk. For all developments, there shall be no more than two (2) similar buildings placed next to each other along a street or major walkway spine. Housing models and building characteristics shall be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. It is common for Townhouses to have porches, and some may have an attached or detached garage behind each unit. Avoid garages on front façades. Provide a minimum of 20 feet between buildings.
Senior Housing (Semi-Attached)	A building containing two (2) dwelling units that are attached to each other by a common vertical wall, each dwelling unit having open space or yards on three sides and each dwelling unit having direct access to the ground, and each dwelling unit is occupied by not more than one household. There shall be at least three (3) different semi-attached models with distinguishing characteristics that clearly and obviously differ from the other housing models. Examples may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building

	face. Avoid garages on front façades. One resident must be at least 55 years or older. (Note: See Section 9.9.8.4 of the BHOD).
Long-Term Care Facility²	Commercial use for the residential care of seniors and others requiring varying levels of care and supervision are provided.
Existing Wastewater Treatment Facility	A single existing wastewater treatment facility is located on the Middle Campus at the Woodbury Street entrance that serves the Retreat House, Apartments E&F, and the northern-most structures on the property with gravity sewer mains and the southern-most structures including Pilgrim Hall and Apartments A-D with sewer force mains. There is a limited septic field along the Essex Street entrance adjacent to Multi-Family Dwelling Unit C on Sub-District LC-1.
Legacy Buildings	Retreat House: May be rehabilitated as Residential or Commercial per Table 2: By-Right (P) / Special Permit (SP) . Expansion up to 10% of the existing floor area: Special Permit (SP) .
	Pilgrim Hall: May be repurposed as Residential or Commercial per Table 2: By Right (P) . Expansion up to 35% of the existing floor area: Special Permit (SP) .
	Gate House: May be repurposed as Residential or Commercial per Table 2: By-Right (P) . Expansion of up to 10% of the existing floor area: Special Permit (SP) .

NOTE:

1. **Table 3 – Building Types** contains a list of general building types for uses specific to the BHOD site. Building Types not listed in Table 3 are prohibited.
2. Refer to Hamilton By-Laws Section 11, Definitions for more detail.

TABLE 4 – DIMENSIONAL REGULATIONS

Building Type / Use	Permitted in Sub-Districts	Footprint Per Building (Max. GSF)	Floor Area Per Building (Max. GSF)	Building Separation (Min. FT)	Height (Max. Stories / FT)
Multi-Family Dwellings	LC-1	9,500 ¹	28,600 ¹	30	3 / 35
	LC-2	18,500 ¹	55,000 ¹	30	3 / 35
Townhouse Dwellings (3 - 6 Dwelling Units / Building)	MC²	7,500	15,000	20	2 / 35
	UC²	7,500	15,000	20	2 / 35
Senior Housing (Semi-Attached)	MC	5,000	6,000	25	2 / 35
	UC	5,000	6,000	25	2 / 35

Long-Term Care Facility	UC	50,000	75,000	30	2 / 35
Repurposed Existing Educational / Assembly	UC	40,000	75,000	30	2 / 35

NOTE:

1. Building footprint and building gross square footage may be increased by 10% by the Planning Board through a Special Permit.
2. Townhouses in Sub-Districts noted are eligible for Senior Housing occupancy.

KEY TO SYMBOLS

Districts:	LC = Lower Campus	HL = Heritage Landscape
	MC = Middle Campus	NZ = Natural Zone
	UC = Upper Campus	

TABLE 5 – DENSITY STANDARDS

Data encompasses both existing buildings and new development as maximum aggregate totals that may occur across the total property at any one time to satisfy compliance requirements.

Sub-District	Sub-District Developable Area¹ Acres (SF)	Sub-District Gross Building Floor Area² Max. GSF	Sub-District Floor Area Ratio³ FAR
LC-1: Lower Campus	6.59 (286,922)	Fixed at: 102,680 ⁴	0.335 ⁴
LC-2: Lower Campus	4.48 (195,045)	Fixed at: 102,850 ⁴	0.527 ⁴
MC: Middle Campus	18.96 (826,093)	May range between: 43,000 - 88,000 ⁵	May range between: 0.052 - 0.106
UC: Upper Campus	20.41 (889,267)	May range between: 131,000 - 86,000 ⁶	May range between: 0.147 – 0.097
HL: Heritage Landscape	N/A	N/A	N/A
NZ: Natural Zone	N/A	N/A	N/A
Maximum Site Property Development:	50.44 (2,197,327)	400,000	0.182

HOW TO READ THE DENSITY STANDARDS TABLE:

Table 5 is the culmination of data from Tables 1-4 and establishes the maximum gross square footage of existing and new development that may exist at any time within each Sub-District and across the entire property. LC-1 & LC-2 have existing Multi-Family Dwellings of a known GSF with a potential of a 10% expansion. Therefore LC-1 & LC-2 have a fixed GSF. Since the total developable area on the property is also fixed, the Sub-Districts that have a range are the MC and the UC. As noted in Table 5, the maximum site property development is capped at 400,000 GSF. Therefore, any increase in development in MC will

decrease that in the UC and vice versa. MC and UC GSF and FAR vary inversely as a sliding scale of minimum to maximum to be determined by the current owner upon disposition of the property.

NOTES:

1. Sub-District Developable Area is the result of taking the total land area within a Sub-District boundary and subtracting areas deemed undevelopable (wetlands, slopes >15%) to determine where new development may occur.
2. Sub-District Gross Building Floor Area is the sum of the areas of all floors in all buildings, as stipulated in Section 11.0 Definitions of the Hamilton Zoning By-Laws, within each Sub-District boundary.
3. Sub-District Floor Area Ratio measures density or development intensity as the ratio of Sub-District Gross Floor Area divided by the Sub-District Developable Area. The FAR is applicable to all potential units of development from Lots and Parcels to Sub-Districts and the total Site Property area.
4. Building gross square footage may be increased by 10% by the Planning Board through a Special Permit.
5. The 43,000 GSF figure represents the sum of the gross floor areas of the existing Retreat House + expansion up to 10% (Subtotal: 16,195 SF) and Pilgrim Hall + expansion up to 35% (Subtotal: 20,967 GSF) and the Wastewater Treatment Facility (6,040 SF). This number represents the existing total development on the MC prior to new development and therefore is a minimum. The 88,000 GSF figure represents a maximum of 45,000 GSF to be added to the 43,000 GSF (e.g., 18-Senior Housing dwellings of 2500 GSF each, may be built in the MC in addition to the existing buildings plus expansions as noted above).
6. The 131,000 GSF figure represents the maximum area of development permitted on the UC if the MC contains 43,000 GSF. If the UC is subdivided into two areas, the 131,000 GSF would be divided as well with each subdivision having the same FAR. The 86,000 GSF figure is the maximum floor area permitted on the Upper Campus if the Middle Campus contains 88,000 GSF of development.

9.9.5 BHOD SPECIAL DESIGN PROCESS. The following design process must be followed for the Planning Board to determine whether the applicant has satisfied the findings set forth in §9.9.9 for the issuance of a Special Permit.

1. *Identification of Protected Areas.* The applicant, as the first step in the design process, must identify and delineate on a map the following: 1) regulated conservation areas on the site it intends to develop, including any wetlands, riverfront areas, or floodplains subject to the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, §40 or Hamilton's Conservation Bylaw (Chapter XVII) of the General Bylaw and regulations promulgated thereunder, or any other state, federal, or local law; 2) other conservation areas such as unprotected natural landscape features, including steep slopes of 15% or more, mature woodlands, wildlife habitats, and wildlife corridors; 3) cultural features, such as historic and archeological sites, and scenic views; and 4) recreational features, such as established trails used for horseback riding, walking, and cross-country skiing. To the maximum extent feasible, the identification and delineation of all conservation areas shall occur prior to the Pre-Application Conference.

2. *Identification and Delineation of the Proposed Development Area.* The applicant, as the second step in the design process, must define and delineate on a map the area that will contain buildings, roadways, other site improvements, and amenities for occupants of the development. To the maximum extent feasible, the proposed development area shall consist of land outside the areas set forth in §9.9.5.1.

3. *Location of Buildings or Dwelling Units.* The applicant, as the third step in the design process, must identify the location, size, and shape of existing structures on the applicable parcel, lot, or district identified on the Brown's Hill District Map, and, if applicable, all existing structures or portions thereof, to be removed, and all buildings or dwelling units to be newly constructed. The location of buildings or dwelling units must account for proximity to common open space and other amenities, including, if applicable, community buildings for use by occupants of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.

4. *Roads and Trails.* The applicant, as the fourth step in the design process, must identify and delineate on a map the location of existing and proposed roads and ways serving the land to be developed and existing and proposed trails. Roads shall be aligned to access the buildings or dwelling units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails, and sidewalks.

5. *Lotting.* If applicable, the applicant, as the final step in the design process, must identify the approximate location of lot lines and developable acres - the area of the tract of land, exclusive of wetlands subject to Mass. Gen. Laws Ch. 131, §40 as mapped by the applicant's consultant and approved by the Hamilton Conservation Commission and any land subject to a Conservation Restriction.

9.9.6 DEVELOPMENT STANDARDS.

9.9.6.1. General Requirements.

1. *Low Impact Development.* The use of low-impact development techniques is required, where applicable. The applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings not limited to but including those indigenous to the area. The use of recycled or recaptured rainwater is encouraged.

2. *Minimizing Disturbance.* The applicant is encouraged to maintain as much of the site as possible in its natural state, and, as far as practicable, adhere to OSFPD Special Permit General Design Standards set forth in §8.1.16 of the Hamilton Zoning Bylaw. The applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area. In conjunction with §9.9.6.2.4, any new streets within the site shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees, and to minimize cut and fill. Buildings shall be designed to relate harmoniously to the terrain.

3. *Location of Wastewater Treatment.* All wastewater shall be treated and discharged on-site within the BHOD.

9.9.6.2 Specific requirements for new development or expansion of existing buildings requiring a Special Permit.

1. *Buffers.* The function of buffer areas is to provide attractive visual and spatial separation between adjacent land uses and public streets, as well as to soften potentially incompatible land uses and development from adjacent properties and public streets.

A. **Perimeter Buffers.** To the extent feasible, a perimeter buffer of 50 feet shall be maintained around the entire property and must remain untouched except to allow access to the site. The buffer shall consist of multi-layered vertical and horizontal plantings to achieve a consistent and dense visual buffer and structural buffering also may be required. Where the perimeter buffer consists of trees and native shrubs, their preservation is required. If the buffer needs to be modified it must be enhanced to soften the visual impact of structures or parking spaces from adjacent properties, the existing vegetation must be maintained and supplemented with trees and shrubs of a variety and species appropriate to the area.

B. Existing buildings, including but not limited to the Chapel, the Academic Center, and the Goddard Library, that may encroach on the buffer cannot be expanded to further encroach on the buffer area, and any new construction anywhere within the BHOD must not encroach on the 50-foot buffer.

C. Subject to Planning Board approval, sidewalks may be permitted in buffer areas, and existing streets and landscaping may be maintained, repaired, replaced, or expanded within buffer areas.

D. The installation, maintenance, repair and replacement of lighting, wastewater treatment components, and other utilities (e.g., electric, data) is permitted in and across buffer areas, except as otherwise specifically limited in this bylaw.

2. *Open Space.* Where applicable in the event of the expansion of existing structures or new construction, the intent of this section is to define and require open space types that are appropriate within a range of contexts on the Brown's Hill site.

A. **Open Space Requirement.** A development must include an open space component of 40% unless waived or modified by the Planning Board and must provide that the open space is permanently protected, and functional as common open space for the purposes set forth in Table 1.

B. **Open Space Amount.** For any new development within each district, regardless of the use, the minimum percentage of the gross acreage set forth in Table 4 shall be specifically identified as common open space and, where applicable, accessible to the occupants or public through deed restrictions, covenants, public dedication, or other method acceptable to the Planning Board, unless the required open space amount is reduced or waived by the Planning Board.

C. **Use Shape, Location of Common Open Space.** The common open space shall be undisturbed, unaltered, and left in its natural condition or existing condition, except as otherwise permitted by the Planning Board. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area, and serve as a visual and natural amenity for the development and the Town.

i. The common open space shall be contiguous open space to the maximum extent possible.

- ii. Common open space shall be for passive or active recreation, resource preservation, or equestrian uses.
- iii. The location(s) and configuration of the common open space shall be subject to approval by the Planning Board during the Special Permit process.
- iv. All common open space shall be accessible to property owners or tenants of property owners on the site.
- v. Land used for wastewater or stormwater treatment or disposal and any reserve areas shall not be counted toward the minimum common open space requirement, unless authorized by the Planning Board upon a showing that the land used provides an attractive vegetated area on the site.
- vi. Not more than fifty (50) percent of the common open space shall consist of areas subject to the Wetlands Protection Act, G.L. c. 131, §40 or Hamilton's Conservation Bylaw (Chapter XVII) of the General Bylaw and regulations promulgated thereunder, for reasons other than being subject to flooding, unless such requirement is waived by the Planning Board.
- vii. Installation, maintenance, repair, or replacement of buried utilities (e.g., water, electric, data) shall be allowed under open space.

D. Types of Land Included. Lands included as open space may include the following:

- i. Active recreation areas such as playing fields, tennis courts, trails, or paths;
- ii. Central greens or neighborhood commons;
- iii. Parks, open fields, landscaped areas, forested lands, and wetland resources, subject to the limitations set forth in §9.9.6.2.2.C.vi.
- iv. Stormwater detention areas designed and available for use as an integral part of the greenway trails and footpaths.

E. Open Space Access. Unless the applicant can provide a compelling reason to the Planning Board why public access would not be feasible, a portion of the open space shall be available for public access and use, including, but not limited to, use for wildlife corridors, water protection, view-sheds, trails, or other access which provides a public benefit. The Planning Board shall consider the size of the parcel, the customary uses, and whether adequate parking and other facilities exist to allow for public use.

3. *Lighting.* Any new or replacement exterior lighting within all portions of the BHOD site shall follow Dark Sky provisions as established by the International Dark-Sky Association (IDA) to the extent practicable.

- A. Lighting fixtures, to the extent feasible, shall be integrated into the architectural style of the development.
- B. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design. All exterior light sources shall be appropriately shielded from off-premise viewing.

C. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.

D. To conserve energy and reduce long-term costs, new or replacement lighting, to the extent practicable, shall be energy-efficient.

E. Parking Lot Lighting for new or replacement lighting.

i. All fixtures shall be full cutoff, downward facing.

ii. Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 16 feet in height.

F. Pedestrian Walkway Lighting.

i. New or replacement light fixtures located along pedestrian walkways adjacent to parking lots shall not exceed 16 feet in height.

ii. New or replacement light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area shall not exceed 10 feet in height.

G. Building and Security Lighting.

i. All exterior building or security lighting must be full cutoff, shielded, and/or angled downward to focus the light only on the intended doorway or walkway as necessary.

ii. Security lighting is encouraged to be provided with regular pedestrian light fixtures where visible from the street or public realm to match others used on site.

iii. Building mounted architectural “accent lights” are encouraged to emphasize architectural character and signage.

4. *Thoroughfares.* All existing streets and any newly constructed streets, roadways or alleys shall remain private unless accepted at Town Meeting subject to the requirements of state law and applicable Town Bylaws. All existing roadways, sidewalks, surface and subsurface utilities, and street lighting may be maintained, repaired, and replaced without requiring Planning Board approval, except that replacement of any existing lighting shall comply with §9.9.6.2.3, unless waived by the Planning Board. Unless, waived by the Planning Board, the design of new streets, roadways, or alleys and expansion of existing streets shall require a Special Permit applying applicable road standards in the Town’s subdivision regulations.

5. *Parking Requirements.*

A. Notwithstanding the requirements of §6.1 of the Hamilton Zoning Bylaw, the Planning Board is authorized to issue Site Plan Approval or Special Permits with fewer parking and loading spaces and areas if, in its sole judgment, the requirements of §6.1.1 are determined to be inconsistent with the planning and land use goals of the BHOD. When the Planning Board approves a Site Plan or Special Permit that deviates from the requirements of §6.1, the Planning Board shall include in its decision the basis for such deviation.

B. Parking shall be provided for each permitted use in a sufficient amount to serve the needs of the various uses based upon the nature of the use and the number of persons occupying and using the facilities. The required vehicle parking requirements may be modified or waived by the Planning Board if it determines that sufficient parking exists. All parking areas shall comply with applicable state laws and regulations regarding size and accessibility and shall:

- i. be located to serve the uses to which they are related;
- ii. be designed to serve more than one use or facility;
- iii. be located and laid out to provide turning radii, sight lines, and separation from through traffic, consistent with public safety;
- iv. be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and,
- v. be striped with spaces of at least eight (8) feet width and nineteen (19) feet length, unless otherwise authorized by the Planning Board.

6. *Sidewalks.* Unless waived by the Planning Board, any newly constructed streets shall have sidewalks which are a minimum width of five (5) feet, and have a continuous unobstructed path of a width no less than 60 inches. At-grade pedestrian crossings should be used where possible, eliminating the need for curb ramps. Bollards should be used at such crossings for pedestrian and vehicle separation.

7. *Signage.* Notwithstanding anything to the contrary in the Hamilton Zoning Bylaw, no approvals shall be required for any signage that is not visible from a public way outside of the BHOD. The provisions of §6.3 of the Hamilton Zoning Bylaw shall apply for all signage visible from a public way outside of the BHOD, subject to the following:

A. *Site signage at entrances.* For developments with multiple structures within the BHOD, site signage at the main entrance(s) to the entire project for identification of the project is permitted, to be located on a free-standing structure. Such sign shall not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average of the locus of the sign.

B. *Directories.* A single project tenant directory sign is permitted, to be located on a free-standing structure. Such directory sign for each of the BHOD's buildings' tenants shall not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign.

C. *Site directional signage.* Site directional signage is allowed provided each such sign may be no larger than three (3) square feet in size. Such signs may be posted not closer than twenty (25) feet on center.

D. *Additional Signage.* No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Planning Board.

8. *Tree Preservation and Landscaping.* A landscape plan shall be required and approved for the expansion of all existing structures and new construction.

A. General Standards.

- i. Landscape design shall enhance the quality and character of the BHOD by coordinating public and private space, providing spatial definition to the public realm, screening undesirable places/sounds/odors, and increasing health and safety.
- ii. Landscape design should maximize use of green infrastructure stormwater best management practices (BMPs) such as pervious paving, bioretention systems, rain gardens, bioswales, terraces, and stormwater planters to slow and treat stormwater runoff while providing multiple additional community benefits.
- iii. Existing healthy trees and shrubs must be preserved to the maximum extent feasible. Unless waived by the Planning Board, the removal of trees with a diameter of six inches or more must be mitigated by providing one or more new trees with at least a six-inch caliper.
- iv. The use of turf shall be minimized and lawn seed mixes shall be drought resistant.
- v. To promote sustainable landscape practices, plant varieties shall be selected for resistance to drought, moisture, salt, or insects and other pests. Plants shall be selected so that landscaping can be maintained with minimal care, and the need for watering, and the use of pesticides, or fertilizers minimized or eliminated.

B. Parking Lot Landscape Standards for New Parking Areas.

- i. Unless waived by the Planning Board, new proposed parking areas of 6 spaces or more shall provide a minimum of 10 percent of landscaped open space within the area designated for parking inclusive of any landscaped borders surrounding the parking lot. Use of the provided landscaped open space for vegetated stormwater quality management is allowed and encouraged.
- ii. Surface parking lot entrances shall be landscaped with a combination of trees, shrubs, walls, and other landscape features. No trees, shrubs, fences, walls, or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.
- iii. The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 6 feet.

C. Street Trees. Existing street trees shall be preserved if practicable, and, unless waived by the Planning Board, new street trees shall consist of shade trees with a minimum 3-inch caliper at time of planting. Other accent plants and trees shall be permitted in addition to the required street trees. When planting street trees, all surrounding infrastructure, utilities, and pavements shall be protected.

D. Retaining Walls. Any wall or terraced combination of walls, four (4) feet in height or greater, designed to hold soil and/or other earth materials at a higher position shall be considered a retaining wall for purposes of this bylaw.

i. Height: The height of the retaining wall shall be the distance from the grade at the base of the face of the retaining wall to the grade at the back of the wall at the same section. For walls that are not a constant height, the largest of these measurements shall be used. When a combination of retaining walls is within 25 feet of each other (measured from front-face of wall to front-face of wall), height is measured from the base of the lowest wall to the grade at the back for the highest wall. In a terraced retaining wall system, if two retaining walls are separated by a distance of at least two times the heights of the two walls, the walls shall be considered as separate walls; if two retaining walls are separated by a distance of less than two times the height of the higher of the two walls, the walls shall be considered a single wall.

ii. Setbacks: Retaining walls greater than four (4) feet in height shall not be located within 10 feet of a property line. Retaining walls four feet or less in height are not subject to such requirement. No retaining wall shall encroach on the required setbacks without a special permit.

iii. Terracing: Terracing of retaining walls of any height is allowed and encouraged.

iv. Plantings: Plantings are encouraged above and below retaining walls as a low impact stormwater management strategy as well as for the purpose of mitigating the mass and visual impact of retaining walls.

v. Special Permit: The construction of a retaining wall, or terraced combination of walls, greater than four (4) feet in height requires a special permit. Any decision granting a special permit to allow, or allow with conditions, construction of retaining walls under this section shall contain findings that: (a) the proposed construction of retaining walls is consistent with engineering and construction best practices; (b) the design will lessen the impact of large retaining walls on abutting properties and the public through the use of landscaping and aesthetically pleasing design elements; (c) the lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of retaining walls; (d) the requested retaining wall will not adversely impact adjacent properties, the neighborhood, or the public; and (e) the proposed retaining wall is the minimum structure necessary to allow the subject property to be reasonably utilized.

9. Service Areas, Loading Docks, and Mechanical and Solar Equipment.

A. Trash. Trash and recycling dumpsters or similar collection areas shall be in the rear or to the side of buildings and screened from view from adjacent public rights-of-way, properties, and pedestrian walkways. Enclosure and/or screened areas must have adequate storage space for landfill, compostable, and recyclable materials collection dumpsters and/or compactors.

B. Mechanical Equipment. Mechanical Equipment includes any heating, ventilation, air conditioning equipment (HVAC), or electrical machinery, as well as air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, generators, electric vehicle (EV) chargers, geothermal wells, and similar elements. If mechanical equipment is located at-grade, and is visible from an adjacent street or sidewalk, it shall be screened by a fence or landscape material. All mechanical equipment or penthouse screening placed on a roof shall be set back from the roof line by a distance at least equivalent to the height of the screening to minimize visibility from surrounding streets.

C. Mounted Solar Energy Systems. A mounted system on or integrated into the construction of a structure, such as, but not limited to, a roof mounted solar energy system shall be permitted provided:

- i. They shall be mounted as flush as possible to the roof; and
- ii. Buildings must be physically and structurally designed to support rooftop solar energy systems.

D. Ground-Mounted Solar Systems. A ground mounted system on a rack or poles that rests on or is attached to the ground shall be permitted, subject to site plan review.

10. *Private and Public Space in Multi-Family Developments.* Unless otherwise waived or modified by the Planning Board, multi-family developments as described in Table 3 must include private outdoor spaces accessible from within each unit in an amount of 150 square feet, and additional outdoor space easily accessible, continuous, and separate from parking areas in an amount of 250 square feet per unit for amenities and communal activities for residents of the multi-family development, which may be located on the lot or on another lot with deeded easement rights or other enforceable rights. The Planning Board may allow required private and outdoor space to be in different locations or with different dimensions if it determines the applicant has provided an equivalent utility and quality of private or outdoor space.

11. *Residential Garages.* To deter development of dwelling units featuring garage doors forward of the front of the entrance wall along streets, and to encourage alternatives to protruding garages, in any residential development in which garages are provided for the benefit of occupants, the following rules shall apply.

A. Garages must be setback five feet from the street facing façade of the primary structure, and, in no event, may front-facing garage doors be located closer to any front street than the front door of the dwelling unit to which they are accessory.

B. Garages are encouraged to be accessed from side or rear facades, particularly when a parcel has side street access.

9.9.6.3 *Stormwater Management.* A stormwater management and erosion control system, if required by Chapter XXIX of the Hamilton General Bylaw, shall comply with Chapter XXIX and the Stormwater Permit Rules and Regulations. General soil erosion of the proposed development site shall be minimized by integrating the development into the existing terrain and by reasonably retaining natural grades and soil cover. During grading and construction of all improvements, including all structures and infrastructure improvements, erosion of soil shall be minimized using BMPs.

9.9.7 PROCEDURES.

9.9.7.1 *Pre-Application Conference.* For any project that requires a Special Permit, an applicant shall request and attend one or more Pre-Application Conferences at a regular business meeting of the Planning Board. Meetings may be held by mutual agreement of the Planning Board and the applicant. The Planning Board shall invite a representative of the Board of Health, the Select Board, the Building Commissioner, the Conservation Commission, the Director of the Department of Public Works, the Fire Chief, the Police Chief, and the Zoning Board of Appeals to attend and to submit written statements about the proposed plan. The primary purpose of the Pre-Application Conference is to:

1. Provide the applicant with an information and feedback regarding the applicant's proposed plan; and
2. Set a timetable for submittal of a final plan.

9.9.7.2 *Application Process.* Every plan submitted for approval must be prepared by a Registered Professional Landscape Architect, Civil Engineer, or Architect, or by a multi-disciplinary team of which one (1) member must be a Registered Professional Landscape Architect, Architect, or Engineer, and shall include the information listed below. Where applicable, a plan shall be produced using the Special Design Process set forth in §9.9.5 and shall adhere to the Development Standards set forth in §9.9.6. and the dimensional regulations set forth in Table -4.

1. Title Block including the name of the Owner of record, name of applicant, address of the property, and the Assessors' Map and Lot Number; name of the company preparing the plan, address and phone number, signature and stamp of professional(s) preparing the plan, date of plan, scale;
2. The location of the proposed development;
3. The size of the site in acres;
4. Contours at two-foot intervals;
5. An existing condition inventory;
6. A map identifying and delineating regulated and unregulated conservation areas and other resources as set forth in §9.9.5, as well as the location of the proposed development areas, and the total number and approximate locations of the proposed buildings, dwelling units, and the approximate size of each in square feet;
7. The acreage and proposed use(s) of permanently protected common open space and other open space;
8. A statement on the disposition or manner of ownership of the proposed open space;
9. The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanently protected common open space;
10. An acknowledgement of the applicable provisions of Chapter XXIX of the Stormwater Management General Bylaw and a general description of how drainage will be handled, including a soils statement (a soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities;

11. An assessment of water usage and evidence that drainage system will be adequate for any necessary treatment;
12. A preliminary traffic impact analysis that includes an estimated analysis of the buildout of the BHOD based upon uses permitted by right and based upon an estimated range of Special Permits;
13. If the applicant proposes to demolish all or part of an existing building, the applicant shall be required to propose a plan for demolition and removal of all waste by a licensed and insured professional entity;
14. A written proposal from the applicant that addresses, but is not limited to, the following:
 - A. Payment for consultant review of plans and documents accompanying the plan; and
 - B. Payment for project impacts to municipal infrastructure, including but not limited to, roadways, stormwater, and public safety.

9.9.8 GENERAL.

9.9.8.1 *Prohibition.* Once an application has been submitted, the following activities are prohibited on any part of the site until the application has been reviewed and decided as provided by under this section: tree removal, utility installation, ditching, grading, or construction of roads, grading of land or lots, excavation, except for purposes of soil testing, dredging, or filling, and construction of buildings or structures.

9.9.8.2 *Employment of Outside Consultants.* The Planning Board may employ outside consultants, at the applicant's expense, under the terms of G. L. c. §44, to assist it in its decision making with respect to drainage, stormwater analysis, and other matters it deems material to its findings for Site Plan Review or the issuance of Special Permits, including but not limited to construction, inspections, and traffic analysis.

9.9.8.3 *Applicability of §9.1, Groundwater Protection Overlay District (GPOD), to the BHOD.* The provisions of the BHOD shall supersede the provisions of the GPOD, except for those sections of the GPOD specifically set forth below, and provided that the following conditions and standards are satisfied.

1. All effluent produced within the BHOD must be treated within the BHOD in conformance with state law;
2. The purpose of the GPOD set forth in §9.1.1, is satisfied with respect to the uses permitted in Table 2;
3. Section 9.1.8 and §9.1.9.1-§9.1.9.2 of the GPOD shall apply to the BHOD; and
4. The Planning Board shall be the Special Permit Granting Authority under §9.1.9 of the GPOD and shall apply the criteria set forth in §9.1.12.

9.9.8.4 *Applicability of §8.2, Senior Housing Bylaw, and §8.3, Inclusionary Housing, to the BHOD.*

1. The provisions of §8.3 of the Hamilton Zoning Bylaw shall not apply to residential uses permitted in the BHOD by right.
2. For Senior House developments, the following provisions of §8.2, Senior Housing, of the Hamilton Zoning Bylaw shall apply: §8.2.5, §8.2.7.2 through §8.2.7.11, §8.2.12.1, §8.2.12.3, §8.2.14, §8.2.16.1 through 8.2.16.5, §8.2.21, and §8.2.33, unless waived by the Planning Board. Sections of the Senior Housing Bylaw that are not listed shall not apply.

9.9.9. PLANNING BOARD FINDINGS FOR SPECIAL PERMITS. The Planning Board shall consider the criteria set forth in §10.5 of the Hamilton Zoning Bylaw and must make written findings on the following standards for the proposed uses, buildings, and structures, and, to the extent necessary to implement the purposes of this bylaw, may impose conditions, safeguards, requirements, and other standards as part of its approval.

1. The proposed new development mitigates impacts to abutting land and natural resources by reason of the location of buildings or dwelling units in relation to one another and to abutting properties;
2. The proposed new development mitigates impacts to abutting land and natural resources by reason of air or water pollution, noise, dust, vibrations, or stormwater runoff;
3. The proposed new development provides for safe and convenient access to, and within, the site from existing or proposed roads with reference to pedestrian and vehicular safety, traffic flow and control, and fire and emergency access;
4. The proposed new development provides for adequate capacity for public services, facilities, and utilities to service the proposed development, including water pressure.
5. The proposed development provides for visual and noise buffering during and following construction to minimize impacts to abutting properties;
6. The proposed development provides for the perpetual preservation and maintenance of open space, trails, and recreation areas to the extent provided herein;
7. The applicant has demonstrated compliance with §9.9.5 regarding the Special Design Process and, to the maximum extent feasible, demonstrates adherence to the principles set forth in §8.1.16, OSFPD Special Permit General Design Standards.
8. Unless waived by the Planning Board, or otherwise determined by the Planning Board, the proposed new development complies with the provisions set forth in Tables 3-5.
9. Unless waived by the Planning Board, the proposed development complies with the provisions of §9.9.6.
10. The proposed development satisfies the purpose of the GPOD set forth in §9.1.1 and the criteria set forth in §9.1.12 also have been satisfied.
11. To the extent feasible, the proposed development incorporates energy saving and environmentally friendly building techniques.
12. The proposed new development does not conflict with the principles and purposes set forth in the Master Plan and the Town Center zoning initiative.

November 21, 2025

From: Hamilton Finance and Advisory Committee

Commentary and Recommendations on the Warrant for:

SPECIAL TOWN MEETING

Tuesday December 9, 2025

Hamilton-Wenham Regional High School, Hamilton, MA

To the Citizens of Hamilton:

Before each Annual Town Meeting (ATM) and Special Town Meeting (STM), the Finance and Advisory Committee (FINCOM) is asked to provide our recommendations and analysis regarding the warrant articles to be presented at Town Meeting for your deliberation and disposition.

FINCOM's responsibility is to recommend the action we consider appropriate as to "any or all municipal questions." As citizens, you are entitled to consider and vote on all such questions presented to you on the town meeting warrant.

As Hamilton residents, we are fortunate to have retained the most direct and democratic form of governance--the town meeting. But that means that only those who attend will ultimately make these decisions. Too often, a small minority of citizens make decisions at town meeting that will affect all citizens. FINCOM encourages you to participate in the decision-making process by attending Town Meeting and voting on these important matters.

The Town is generally not required to hold a Special Town Meeting every fall; however, the Brown Hill Overlay District zoning article was deemed enough of a priority to schedule this Special Town Meeting. The FINCOM will continue to evaluate the need for a STM each year to reduce the burden of holding one if possible.

Our goal in preparing this document is to be informative and comprehensive. This document remains as a consistent source of information for many members of the community, and we are committed to ensure that goal is not disrupted. We do attempt to keep this document as short as possible. Please read it in conjunction with the Warrant and any appendices. Please refer to those documents for the wording of the articles, summaries and fiscal impact as prepared by the Select Board, Town Manager, Finance Director and Town Counsel.

ARTICLES 2025/12 1-1 and 1-2

These articles are self-explanatory and do not require additional comment.

ARTICLES 2025/12 2-1 Prior Year Bills

Each year-end, Town Management lets vendors know that bills must be submitted for payment. Occasionally vendors overlook the request or assume their bill is in process. When an invoice is too late to be paid in the current year's budget, a special request must be made at Town Meeting to fund the invoice.

As of November 21, 2025, there are 3 prior year bills totaling \$26,387.56 to be presented at Town Meeting for consideration. These bills will be funded through Free Cash with no impact to the tax rate.

Vendor	Department	Purpose	Amount
KP Law	Town Manager	Legal	\$10,536.81
Greenbacker Renewable Energy Corp. (East to West Solar)	Multiple	Electricity	\$14,850.75
CAI Technologies	Planning	Water Overlap Maps	\$1,000.00
Total Prior Year Bills			\$26,387.56

The Finance and Advisory Committee recommends Favorable ACTION (3 - 0) on Article 2-1.

ARTICLES 2025/12 2-2 Community Preservation – Town Hall Building Project

Background

For a detailed discussion of the Town Hall Building project, refer to the appendix at the end of this document. The appendix material was extracted from the Book of Recommendations presented by the Finance and Advisory Committee (FINCOM) at the September 23, 2024 Special Town Meeting.

Purpose of the Current Warrant Article – Additional Funding

The purpose of this warrant article is to provide \$250,000 of additional “contingency” funding for the Town Hall project. Please refer to the two chart which appear below. These charts present a summary of the “**Budget**” and the “**Funding**” of the Town Hall project. The “**Preservation & Restoration**” phase (2a) of the project budget is the focus of this warrant article and is \$8.5 Million.

Town Hall Budget – September 2024						
All amounts in \$ Thousands						
Phase	Description	Construction / Design	Interest Estimate	Gross Budget	Grants & Savings	Net Budget
1 - Design & Preparation						
	- FY '18 - '22	1,118	170	1,288	-	1,288
2 - Construction						
2a	Preservation & Restoration					
	- Sep '24 - STM	8,500	2,242	10,742	-	10,742
	Sub-Total - 1 & 2a	9,618	2,412	12,030	-	12,030
Decarbonization						
2b	- Sep '24	1,388	454	1,842	(1,842)	-
	Total	11,006	2,866	13,872	(1,842)	12,030

Current View of the “Preservation and Restoration” Project Budget

Construction on the Town Hall project commenced in December 2024. Currently, the target completion date is spring 2026. The \$8.5 Million budget included a \$745 thousand “contingency” amount which was calculated as 10% of the Contractor bid. (\$7,449M x 10% = \$745k).

- In the FINCOM’s Book of Recommendations for the September 2024 Special Town meeting, we explained that our understanding was with a building of this age, it was likely the contingency (\$745k) would be consumed as certain unknowns will present themselves once construction commences. Certainly, it appears that has played-out as some unforeseen construction costs have depleted the contingency to a level of concern, considering the current construction schedule and remaining tasks.

FINCOM recently followed-up with Town management on this project. We offer the following commentary regarding certain items which required contingency funding:

- **Interior framing:** Following the demolition phase of the interior of the building, there was evidence of structural concerns that warranted some unforeseen modifications to the structure framing.
- **Exterior framing:** There were also areas of the exterior framing found to have rotten sill plates that needed to be replaced.
- **Field stone foundation:** During the excavation of the building addition, the contractor encountered a structural issue in the buried field stone foundation while excavating a concrete pad from the new addition area. The remediation included bracing of the existing building, removal of the field stone foundation, and replacing the foundation with a new concrete foundation wall.
- **Builder risk insurance policy:** This policy is critical to have in place during a major construction project; as it provides Hamilton protection against loss of the building and grounds during construction. As the building is a late 1800’s wood framed construction with no fire suppression the policy was very expensive (\$100k).
- **Telecommunications Plan** – The initial plan anticipated having the building be wireless, but with the inconsistencies with the current wireless network at the temporary town hall, the decision was made to hard-wire the building. The contractor and their electrical subcontractor offered a very competitive price, and the work was added into the project. This provides the building office spaces with the required data and voice connections, wiring for the new Memorial Room, and wireless connections throughout the building.
- **Additional items:** The following is a list of items currently under review for contingency funding:
 - Site Lighting and Conduits
 - Additional Downspouts and Roof Drains for gutters
 - Hardwood Flooring
 - Tie Rod Structural Supports
 - AV Fit out in Memorial Room
 - Furniture and Finishes
 - National Grid Interior Poles
 - Door Access Security System
 - Network Equipment

Conclusion and Recommendation

The FINCOM supports this \$250K CPC funding grant for the Town Hall project. In developing our recommendation, FINCOM reviewed the FY 2025 CPC Annual Report and the 2026 CPC capacity. This warrant article does NOT raise taxes, rather it will be a one-time payment from the CPC Fund balance which stands at approximately \$1M.

Approval of this grant would replenish the project contingency to allow for future project elements deemed required and appropriate.

One final point of information is that the Town is pursuing additional grant funding. If this funding materializes it would likely remove the necessity to utilize the CPC funding. These grants are listed below:

- Massachusetts Office of Disability – \$250K
- Community Compact Audio-Visual Grant - \$80 - \$100K

Town Management and FINCOM are monitoring the Town Hall project financials including and all “contingency” components. Once the project concludes, we will partner with the Town Finance Director and the Town DPW Director and issue a final project financial report.

The Finance and Advisory Committee recommends Favorable ACTION (3 - 0) on Article 2-2.

Funding History of the Town Hall Project

As noted in the “Funding” chart below, the town has approved the \$8.5 Million “Preservation and Restoration” budget over multiple years, starting in 2020.

Town Hall - Funding Overview – September 2024						
All amounts in \$ Thousands						
Phase	Description	CPC		Town		Total Funding
		CPC Approval	Interest (Estimate)	Warrant Approval	Interest	
1	Design & Preparation					
	- 2017 STM (10 2-7)	75	-	-	-	75
	- 2018 ATM (4 2-3)	-	-	100	-	100
	- 2019 ATM (4 2-8, 20)	150	-	75	-	225
	- 2019 STM (10 2-6,7)	250	-	468	170	889
	Sub-Total Phase 1	475	-	643	170	1,288
2a	Construction - Preservation & Restoration					
	- 2020 STM (11 2-7)	3,000	1,560	-		5,560
	- 2021 ATM (5 2-14)	1,000				
	- 2023 STM (11 2-2, 3)	500	-	2,000		2,500
	- 2024 STM (9 2-1, 2)	1,500	682	500		2,682
	Sub-Total – Phase 2a	6,000	2,242	2,500		10,742
	Taxpayer Funding	6,475	2,242	3,143	170	12,030
	Total approved = \$8.5Million					
		CPC		Town		Total Funding
2b	Construction - Decarbonization					
	- Grants	-	-	974		974
	- Cost Savings	-	-	868		868
	Grants & Cost Savings	-	-	1,842		1,842

Project Budget vs. November Forecast with “Contingency” Status

Project Element	Budget - Sep '24	Forecast Nov '25
Construction Expense		
GC Approved Contract (Original)	\$ 7,449,000	\$ 7,449,363
GC Approved Change Orders (Contingency)		\$ 411,269
GC Approved Change Orders (Contingency)		\$ -
Total GC Contract including Change orders	\$ 7,449,000	\$ 7,860,632
Contingency	\$ 745,000	
Sub-Total Construction Expense	\$ 8,194,000	\$ 7,860,632
Design & Other Project Expenses		
Architectural Services (Contracted)	\$ 194,000	\$ 207,257
Soft Costs (Builders Risk, Temp Office Space) (Contracted)	\$ 112,000	\$ 170,221
Remaining Contingency		\$ 260,000
Sub-Total Design & Other Expense	\$ 306,000	\$ 637,478
Total Construction & Design Cost	\$ 8,500,000	\$ 8,498,110

ARTICLES 2025/12 3-1 Extension of Cell Tower Lease

This Warrant Article seeks the necessary authorization to maximize the financial return on a valuable Town asset: the existing cell tower lease. This authorization will provide the Town with the flexibility required to negotiate and execute a “buy-out” agreement of the subject lease.

The existing cell tower lease is currently in year 5 of a 30-year term, meaning the Town can only offer to sell the remaining 25 years. The Town has received offers from bidders, including Blue Sky and Everest Infrastructure/Tower Alliance, but they are all contingent on the Town being able to grant a lease term of 30 years or longer.

To consummate an agreement that would secure the maximum financial benefit from these offers, this Warrant Article authorizes the Select Board and Town Manager to negotiate a lease term up to forty (40) years.

Financial Context and Lease Buyout Offers

The Town has successfully solicited offers to purchase the long-term lease in the existing cell tower as follows: (Site Name: South Hamilton 1)

Bidder	Lease/Easement Term Offered	Lump Sum Offer
Blue Sky	30-Year Term	\$650,000
Everest Infrastructure	30-Year Term Extension	\$627,500
Tower Alliance (Everest's Rep.)	99 Year Term Easement	\$627,000

FINCOM has determined the lease buyout offer of \$650,000 is sound. The proceeds from the buyout will only be directed towards future capital items, not town operating expenses.

Future options regarding maximizing Asset Value: Looking to the future, the Select Board and Town Manager may consider two potential options to maximize the return on the Town's telecommunications infrastructure assets:

- **Option 1: Proceed with Immediate Sale:** The Town may grant a new 30-year lease (using the new 40-year authority) and accept the current high bid of \$650,000 from Blue Sky.
- **Option 2: Delay and Bundle the Sale** The Town may decide to delay the sale of the existing tower lease until a potential second tower (at the Public Safety building) is available to bid.

CONCLUSION AND RECOMMENDATION

FINCOM believes that granting the Select Board with additional flexibility to negotiate lease terms will ultimately benefit the town's financial condition. Three key points to consider are as follows:

- Immediate Value: A longer term on the existing lease will allow the Town to secure immediate value from the existing cell tower lease.
- Second Asset: A proposal for a second cell tower (South Hamilton 2) is actively moving forward with Everest Infrastructures (the original tower builder). Everest is expected to file for a special permit in the near term.
- Strategic Leverage: Bundling both existing and future infrastructure lease-assets may provide the Town with additional negotiating leverage / opportunities as discussions with bidders continue.

The Finance and Advisory Committee recommends favorable action (3-0) on Article 3-1

ARTICLES 2025/12 3-2 Authorization to Convey Easement to National Grid – Town Hall Project

The purpose of this warrant article is to authorize the Select Board to grant a utility easement to the Massachusetts Electric Company, also known as National Grid, for purposes of providing electrical services to the Hamilton Town Hall located at 577 Bay Road. Both the Town and the utility were unable to locate any record of an existing easement for delivery of such services. As mentioned in a previous article regarding the Town Hall, the project is nearing completion, and this easement is obviously an integral element to bring the newly-renovated building on-line.

The Finance and Advisory Committee recommends Favorable ACTION (3 - 0) on Article 3-2.

ARTICLE 2025/12 4-1 – Zoning Bylaw Amendment – Brown’s Hill Overlay District

The FINCOM reviewed Article 4-1 together with the accompanying Memorandum of Agreement between the Town and Gordon-Conwell Theological Seminary (GCTS) regarding the proposed “Brown’s Hill” zoning framework for the Seminary campus. This article would create a new Brown’s Hill Overlay District on approximately 102 acres of GCTS land and amend the Zoning Bylaw and Zoning Map accordingly.

At a high level, the proposal is intended to:

- Enable the private sale and reuse of the existing apartment buildings on the Lower Campus as 209 market-rate rental units (with 25% deed-restricted as affordable) with no more than 330 bedrooms, which is intended to be consistent with or below the current bedroom capacity;
- Establish updated zoning rules for the remaining Middle and Upper Campus that allow future, more limited re-use while prohibiting most commercial uses and preserving the “campus” and rural character of the property; and
- Secure a package of financial and non-financial commitments from GCTS to the Town, including up to \$1.1 million in one-time unrestricted payments, a 40B waiver for this campus (with limited exceptions), protection of the “Heritage Landscape” area from new building construction, continued public access to trails and open space, and a requirement that all wastewaters be treated on-site.

If the overlay is adopted by a two-thirds vote at Town Meeting and subsequently approved by the Attorney General, it is expected to facilitate the sale and return of currently tax-exempt property to the taxable rolls, materially improve the Town’s position under the State’s Subsidized Housing Inventory (SHI), and provide one-time funds that can be used to support Town capital and financial stability. The Article has no direct impact on the FY26 tax rate, but it will influence the Town’s long-term revenue base and service demands.

A. OVERVIEW OF PROPOSED ACTIONS

Article 4-1 asks Town Meeting to:

- **Create a new Brown’s Hill Overlay District** that applies to the full 102-acre GCTS campus, divided into five planning areas (Upper Campus, Middle Campus, Lower Campus, Heritage Landscape, and Natural Zone), with uses and development standards tailored to each.
- **Amend the Zoning Map and Bylaw** to allow, by right or by special permit (depending on the final text), the reuse of existing structures and certain new uses, while imposing caps and conditions on intensity of use, bedroom count, and future development. (Final bylaw language appears in the Appendix A of the Warrant.)
- **Enable the “Apartment Project”** on the Lower Campus: the private redevelopment and operation of the existing six apartment buildings (approximately 12 acres) as 209 rental dwelling units with no more than 330 bedrooms.

The Development Agreement (a separate but related document that will be recorded against the property if the zoning is approved and becomes effective) spells out the obligations of GCTS and its successors in exchange for this rezoning.

B. KEY COMMITMENTS AND PROTECTIONS

Under the Development Agreement, GCTS and its successors agree to the following items.

1. Affordable Housing & SHI Status

- Restrict **25% of the 209 units** on the Lower Campus (at least 52 units) for households earning **no more than 80% of Area Median Income**, via a long-term deed restriction enforceable against any purchaser.
- Work cooperatively with the Town to **seek inclusion of all 209 units on the State's Subsidized Housing Inventory (SHI)** maintained by the Executive Office of Housing and Livable Communities.

2. One-Time Financial Contributions to the Town (up to \$1.1 million) **GCTS will make unrestricted cash payments totaling \$1,100,000 to the Town, in four stages:**

- **\$100,000** upon passage of the Brown's Hill Overlay Bylaw by Town Meeting;
- **\$300,000** upon conveyance of the Lower Campus Apartment Project to an unrelated private owner;
- **\$400,000** upon conveyance of any portion of the Upper Campus to an unrelated private owner (pro-rated by acreage sold); and
- **\$300,000** upon conveyance of any portion of the Middle Campus to an unrelated private owner (pro-rated by acreage sold).

These funds are **one-time revenues**, not an ongoing revenue stream. As unrestricted funds, they could be directed by future Town Meetings toward capital projects, stabilization funds, or other non-recurring needs.

3. 40B Waiver for This Campus

- GCTS agrees that, once the zoning is in effect and approved by the Attorney General, it and its successors **will not file a "comprehensive permit" application under G.L. c. 40B, §§ 20–23** for the campus, and will not challenge the Town as "not consistent with local needs" under that statute, except in the case of any future Town-endorsed "local initiative program" 40B-type proposal.

This reduces the risk that the campus could be redeveloped through an "unfriendly" 40B project that overrides local zoning.

4. Preservation of Open Space and Campus Character

- GCTS agrees to continue permitting public access by Hamilton residents (and, as historically, other members of the public) for walking, horseback riding, and other passive recreation across the Campus **excluding the Lower Campus apartments**, subject to the Massachusetts recreational use statute (G.L. c.21,

§17C) and subject to GCTS's right to modify or terminate that permission with notice.

- After certain conditions are met, GCTS will record a **deed restriction** on the "Heritage Landscape" area, for at least 30 years, **prohibiting new buildings and structural alterations** in that area except where required for public health and safety, while allowing improvements such as roads, utilities, parking, trails, landscaping and passive recreation.
- GCTS agrees that, with limited exceptions for specific existing buildings (Pilgrim Hall, Retreat House, Gate House), **commercial uses otherwise allowed in the Town's Table of Uses will be prohibited in the Upper and Middle Campus** under the new zoning.

5. Infrastructure and Environmental Protections

- All residential and commercial wastewater generated on the Campus, including the Apartment Project and uses protected under G.L. c.40A §3, must be treated by an **on-site wastewater treatment plant** compliant with state and local regulations.
- GCTS will fund (up to \$20,000) a **traffic and transportation study** by a qualified consultant to evaluate the impact of private ownership of the Apartments on site circulation and adjacent roadways, and to recommend mitigation measures if needed.

6. Town Review and Cooperation

- The Town (through the Select Board, Planning Board, ZBA, and other departments), subject to law and policy, agrees to cooperate with GCTS in supporting passage of the zoning and timely review of the Apartment Project and related permits.

The Agreement is contingent on adoption of the zoning by a form acceptable to GCTS, approval by the Attorney General, and issuance of required permits; if those conditions are not satisfied by June 9, 2026, either party may rescind the Agreement by written notice by December 31, 2026, rendering it void.

C. FISCAL CONSIDERATIONS

1. Property Tax Revenue and New Growth

Today, most of the GCTS campus is used for religious and educational purposes and therefore enjoys favorable treatment under G.L. c.40A §3 (and, in practice, has been largely exempt from the full property tax burden). Upon sale of the Lower Campus Apartments to a private owner, that ~12-acre portion of the property will become fully taxable, and future conveyances or development of the Middle and Upper Campus would add further taxable value.

FINCOM reviewed illustrative revenue scenarios comparing the apartment property to a known multifamily property at 59 Willow Street and considering per-unit assessments below \$100,000 (reflecting the age and condition of the GCTS buildings), with potential upside if

the new owner invests in upgrades. While actual assessments will be set by the Town Assessor at the time of sale and thereafter, we expect:

- A substantial increase in **annual property tax revenue** relative to the current, largely tax-exempt status; and
- Additional “**new growth**” in the tax levy, helping the Town stay within Proposition 2½ limits while supporting overall service levels.

However, these revenues are uncertain until actual valuations, tax rates, and any future capital improvements are known.

2. One-Time Payments from GCTS

The **\$1.1 million in pledged payments** are a meaningful injection of one-time funds. FINCOM views these as most appropriate for capital projects, bolstering Stabilization Funds, or other non-recurring needs, rather than ongoing operating expenses, to avoid creating new structural deficits once these funds are spent. Future Town Meetings will decide the actual uses.

3. School Enrollment and Operating Costs

The primary potential offset to increased tax revenue is the cost of additional students in the Hamilton-Wenham Regional School District. One point worth noting, is that under private ownership, the apartments may attract a different mix of households than the current Seminary families.

While FINCOM understands that incremental students do not always trigger proportional cost increases immediately but rather in a “step-function” (costs generally rise as staffing and programming must expand. Nevertheless, FINCOM reviewed a scenario analysis prepared for the Committee that examined a range of **50–200 additional students** and variable per-student cost estimates (\$5,000, \$10,000, and \$20,000), resulting in a wide band of possible incremental annual costs from \$0.25 million to \$4.0 million. **These figures are illustrative only**; actual incremental costs will depend on enrollment patterns, class sizes, and how the District manages staffing and programming. (Please refer to the chart which appears below.)

- In a recent discussion with GCTS representatives, a member of the FINCOM was informed that the GCTS apartment complex is currently 70% occupied and forty students are presently enrolled in the HWRSD. The unoccupied units are primarily of the one-bedroom design and therefore offer limited opportunity for the addition of school-age children. (This information has not been independently confirmed.)

Taken together, FINCOM’s judgment is that:

- The Apartment Project is **likely to be net revenue positive over the long term**, but
- There is **meaningful downside risk** if school enrollment and per-pupil costs grow faster than anticipated.

This reinforces the importance of ongoing coordination with the School District and continued long-range financial planning.

4. Other Municipal Services

Additional residents may impact police, fire, EMS, DPW, and other services. The requirement for on-site wastewater treatment mitigates pressure on municipal infrastructure, and the planned traffic study will help identify any necessary roadway or safety improvements. At this stage, FINCOM expects these service impacts to be manageable within the Town's overall budget framework, but they will need to be monitored as the project proceeds.

D. POLICY AND RISK CONSIDERATIONS

From a financial and planning perspective, Article 4-1 also:

- **Reduces 40B exposure on a large, sensitive site** by securing a 40B waiver for the campus (subject to limited exceptions), thereby lowering the risk of a large, unplanned “unfriendly” 40B project that could strain schools and infrastructure without corresponding local control.
- **Advances the Town's affordable housing goals** by creating deed-restricted units at 80% AMI and positioning the full 209-unit project to count on the SHI, improving the Town's standing under Chapter 40B.
- **Helps align with FINCOM's broader strategy** of expanding the tax base and generating new growth to reduce reliance on Proposition 2½ overrides, as discussed in prior budget recommendations.

Key risks include:

- **Execution risk** (the zoning passes but the property does not sell or sells on different terms);
- **Regulatory risk** (Attorney General or State housing agency review); and
- **Enrollment and service cost risk**, as noted above.

The Development Agreement includes an outside date and the ability for either party to rescind if the zoning and associated approvals are not in place by mid-2026. Residents should understand that adoption of the overlay does not, by itself, guarantee that the project will proceed exactly as contemplated, though it is a necessary step.

E. CONCLUSION AND RECOMMENDATION

On balance, FINCOM believes that the Brown's Hill Overlay District, taken together with the Development Agreement, offers a **structured, negotiated path** to:

- Convert a largely tax-exempt institutional campus into a **more diversified and taxable property** over time;
- Deliver **long-term revenue growth** and substantial one-time funds;
- Make **meaningful progress toward State affordable housing benchmarks** and reduce the Town's vulnerability to unplanned 40B projects; and
- Preserve the **visual character and recreational value** of a prominent landscape through deed restrictions, limits on commercial use, and continued public access.

These benefits are not without risk, particularly around school enrollment impacts and the inherent uncertainties of real estate markets and State approvals. On the whole, however, FINCOM concludes that the **expected financial and policy benefits justify proceeding** with the overlay and associated framework, with the understanding that future Town Meetings will retain control over the use of one-time funds and will continue to monitor fiscal impacts.

The Finance and Advisory Committee recommends FAVORABLE ACTION (3 - 0) on Article 4-1.

Revenue / Expense Discussion – GCTS Apartments

All amounts listed are estimates

Below is a revenue and expense illustration which frames a potential impact with a revenue comparison to 59 Willow St property (new property).

Revenue:

New property tax revenue will be realized with the sale of the GCTS apartments. The precise valuation of the property will be determined once the sale is executed and the Assessor's Office completes their assessment.

We expect initial unit valuation will be under \$100k given the age and amenities in the property. Any improvements made to the units would boost the valuation.

The chart to the right provides some additional sample calculations.

Project	# of Taxable Units	Calculation of Annual Tax Revenue					20 - Year Revenue Stream
		Value per unit	Assessed Value	Tax Rate	Annual Tax Revenue		
Development Agreement							\$ 1,100,000
Apartment	209	\$ 50,000	\$ 10,450,000	\$ 15	\$ 156,750	\$ 3,135,000	
Apartment	209	\$ 100,000	\$ 20,900,000	\$ 15	\$ 313,500	\$ 6,270,000	
Apartment	209	\$ 150,000	\$ 31,350,000	\$ 15	\$ 470,250	\$ 9,405,000	
Apartment	209	\$ 200,000	\$ 41,800,000	\$ 15	\$ 627,000	\$ 12,540,000	
59 Willow	18	\$ 225,678	\$ 4,062,200	\$ 15	\$ 60,933	\$ 1,218,660	
Gordon Conwell	209	\$ 225,678	\$ 47,166,656	\$ 15	\$ 707,500	\$ 14,149,997	

Schools: The most expensive part of expanding the number of housing units would likely be the cost to educate additional students. When incremental students join the school district, cost are generally not impacted until additional staff is hired and deployed.

For purposes of a financial discussion: Using a range of variable cost rates, \$5,000, \$10,000 & \$20,000 per student and the stated # of students noted below the costs could range as follows:

\$5,000	50 students - > \$ 0.25 Million	100 students - > \$ 0.50 Million	150 students - > \$ 0.75 Million	200 students - > \$1.00 Million
\$10,000	50 students - > \$ 0.50 Million	100 students - > \$ 1.00 Million	150 students - > \$ 1.50 Million	200 students - > \$2.00 Million
\$20,000	50 students - > \$ 1.00 Million	100 students - > \$ 2.00 Million	150 students - > \$ 3.00 Million	200 students - > \$4.00 Million

Respectfully Submitted,

Hamilton Finance and Advisory Committee

John McGrath - Chair

Alex Rindels - Vice Chair

Christopher Woolston - Secretary

Sandra McKean – Associate member (non-Voting)

Appendix:

The material in this appendix was presented in the September 23, 2024 Special Town Meeting.

September 6, 2024

From: Hamilton Finance and Advisory Committee

Commentary and Recommendations on the Warrant for:

SPECIAL TOWN MEETING

Monday, September 23, 2024

Hamilton-Wenham Regional High School, Hamilton

Please bring this report to Town Meeting

To the Citizens of Hamilton:

Before each Annual Town Meeting (ATM) and Special Town Meeting (STM), the Finance and Advisory Committee (FINCOM) is asked to provide our recommendations and analysis regarding the warrant articles to be presented at Town Meeting for your deliberation and disposition.

FINCOM's responsibility is to recommend the action we consider appropriate as to "any or all municipal questions." As citizens, you are entitled to consider and vote on all such questions presented to you on the town meeting warrant.

As Hamilton residents, we are fortunate to have retained the most direct and democratic form of governance--the town meeting. But that means that only those who attend will ultimately make these decisions. Too often, a small minority of citizens make decisions at town meeting that will affect all citizens. FINCOM encourages you to participate in the decision-making process by attending Town Meeting and voting on these important matters.

The Town is generally not required to hold a Special Town Meeting every fall; however, the two articles on this warrant are significant and require citizen action. The FINCOM will continue to evaluate the need for a STM each year to reduce the burden of holding one if possible.

We have tried to keep this document as short as possible. Please read it in conjunction with the Warrant and any appendices. Please refer to those documents for the wording of the articles, summaries and fiscal impact as prepared by the Select Board, Town Manager, Finance Director and Town Counsel.

The following discussion relates to both articles before the town meeting:

ARTICLE 2024/9 2-1 Community Preservation – Town Hall Project
ARTICLE 2024/9 2-2 Town Hall Project – (Free Cash)

Background/History of Town Hall

The Hamilton Town Hall building is a wood structure constructed by Pitman & Brown in 1897. It is in Hamilton's Historic District and is registered in the National Register of Historic places. The building includes two floors, a meeting room balcony, and a full basement. The total approximate floor area is 13,530 square feet. Other than an exterior handicapped access ramp, the building has had no additions over the years.

The Town Hall building retains its original woodwork, windows, hardwood floors, and design features. The original windows were removed, repaired, and reinstalled in 2011. Overall, the building has been very well maintained and appears much the same as when first built in 1897.

The building's major problems include significant structural problems inside and ongoing deterioration of the building exterior. No fire suppression system exists and is potentially putting at risk both lives and town records. Certain town departments are not accessible for those who cannot climb stairs. The "temporary" ramp was put in 30+ years ago. Cubicles take up the second floor leaving no room for the public events that once took place there. Secure and accessible storage for the files the Town is required to maintain in hard copy by state law is inadequate or putting pressure on the bowing building structure.

The goal of this project is to create a renovated civic center for the town that is ready for its next 100 years and is intended to improve the functionality of the building, protect the building structure, and preserve the historical character and important design features of the building.

Project Discussion and Funding Overview

The following discussion represents a full view of the Town Hall project including a history of all funding votes and includes the cost to finance the bonds to be funded by the CPC. Please refer to the five charts in the appendix (A – E). Note: Some of the amounts (eg. interest) shown in these charts are estimated by FINCOM.

- A. Funding History
- B. Spending – Inception to Date
- C. Project Budget by Phase (Design & Preparation / Construction)
 - a. including the \$2M funding request for this Special Town Meeting.
- D. Preservation & Restoration Project Overview
- E. Decarbonization Project Overview

The FINCOM organized the following discussion into two "funding" phases:

- **1 - Design & Preparation – Complete**
- **2 - Construction**
 - o **2a - Preservation and Restoration**
 - o **2b – Decarbonization**

1. Design & Preparation

The "design" phase includes the original designs, subsequent redesign when funding efforts failed, construction estimates and advertisements for both design and redesign, professional services including OPM (Owners Project Management), outfitting of temporary office

spaces including relocation, technology and security. This phase of the project is largely complete with funds having been expended as noted in Chart B.

2. Construction

2a. Preservation & Restoration Project

This project addresses the exterior building preservation, ADA accessibility (elevator and ramps), grounds improvements (incl. parking), renovation of office spaces, meeting rooms, storage spaces, renovation and expansion of restroom facilities and fire suppression improvements. The following is a list of the project elements currently in scope for the Preservation & Restoration project:

- New Septic System
- New parking lot paving
- New DPW fence
- Structural remediation of bowing exterior walls
- New HVAC system (Included in Decarbonization Project)
- New lighting (Included in Decarbonization Project)
- New electrical service throughout
- Addition with elevator access to all floors and new main entrance
- New documents vault (alternate)
- Remodel existing meeting room into new DPW offices and Treasurer's office
- New accessible ramp at North end of building, replacing 1992 ramp
- Remodel existing stage/DPW offices to Town Manager's office and Finance department
- Repaired basement restrooms
- Repaired first floor restrooms
- New second floor restrooms
- Restore second floor meeting room
- Restoration and repairs of façade
- New roof
- Increased roof insulation
- Limited new flooring in basement
- Restored flooring throughout first and second floors
- Sprinkler protection throughout

The Preservation & Restoration project has been scoped, and the contractor is currently poised to commence work later in 2024. See Chart C for project costs. **Incremental funding approval of \$2 Million is required at this Special Town Meeting to allow the "Construction" phase to commence.**

2b. Decarbonization Project

A separate **Decarbonization Project** that will upgrade and improve the efficiency of all building mechanical systems and moves the town toward its 2040 net zero carbon goals has been planned. This project includes, but is not limited to HVAC, mechanical systems and controls and lighting. This project will be installing a geothermal well system and solar panels as part of this phase of the work. Hamilton was recently awarded a \$500,000 grant and \$15,000 grant for this work and the staff oversight of this work.

Background – Bid Process

On October 4, 2023, the town issued a “Request for Qualifications” (RFQ) for selection of a firm to provide a comprehensive program of Energy Management Services pursuant to M.G.L. c. 25A, §11I. This RFQ solicitation seeks to address the electrical, lighting, HVAC, and mechanical systems improvements by contracting with an Energy Management Services Company (ESCO). The ESCo is required to develop energy saving opportunities and assist the Town in pursuing available **grant funding opportunities** such as Massachusetts Green Communities, Buildings UP, and other state and federal grant programs. Construction of these systems is expected to occur in parallel and in collaboration with the Preservation & Restoration Project. The Energy Systems Group (ESG) was selected out of this process.

Program Overview

As a follow-up to the issuance of the RFQ, town officials worked with **ESG** to develop a budget neutral, fully decarbonized and net Zero Town Hall infrastructure project. The following is a brief description of the project elements:

- The Department of Public Works roof will be utilized to host the Solar PV that will supply the Town Hall.
- The DPW parking lot will host two standing column wells used in the Geothermal heating / cooling system that will supply the new building variable refrigerant flow heating and cooling equipment.
- A Building Management System will be deployed
- Advanced LED lighting fixtures will be provided which will enhance the aesthetics and functionality of the Town Hall.

Who is Energy Systems Group (ESG) ?

- Since 1994, ESG has helped public and private-sector organizations across the U.S. achieve their energy efficiency, resiliency, infrastructure, and sustainability goals with innovative, budget-neutral solutions.
- ESG identifies, engineers, designs, builds, operates, and maintains energy efficient, sustainable resilient, infrastructure improvements that pay for themselves. Further, they provide expert energy consulting, assessment, design, engineering, construction, monitoring, operations and maintenance, commissioning, turnover, training, and financing support.

The Decarbonization project has been scoped and ESG is currently poised to commence work in alignment with the Preservation & Restoration project later in 2024.

The Decarbonization project is self-funded but requires the town enter into a 20-year Tax Exempt Lease Purchase Agreement.

FINCOM Discussion and Recommendation

The reason we are convening in this 2024 Special Town Meeting is because:

- **The lowest “July 2024 construction bid” to perform the Preservation and Restoration project exceeded the November 2023 estimated construction amount by 42% (\$2+ Million).**
 - o The **“July 2024 construction bid”** is: \$7,449k
 - o The **“November 2023 construction estimate”** was: \$5,262k
 - o The difference is: **\$2,187k (42%)**
 - Note: The “2023” estimate was generated in March 2023 and was “loosely” based on a prior estimate from July 2022.
 - It was NOT the result of an RFP process.

We should point out that the current bid of \$7,449k by Campbell Construction Group, LLC of Peabody, MA was the lowest of four bids received in response to the Request for Proposal issued by the Town. The four bids received were as follows:

- Campbell Construction Group, LLC	Peabody, MA	\$ 7,449K
- Northern Contracting Corp.	Canton, MA	\$ 9,410K
- GVW Inc	Lynn, MA	\$ 9,779K
- Deiulis Brothers Construction	Lynn, MA	\$10,160K

Upon receipt of the bids, the town reconnected with the low bidder (Campbell) to explore their bid in detail to determine if they had grossly under-estimated their bid in response to the requirements of the RFP. They were asked if they would like to alter their bid. Campbell certified that their bid was in fact accurate and declined the opportunity to rebid the project. They have agreed to hold this cost till the end of September 2024.

Needless to say, the construction cost variance of 42% was a shock and clearly exceeded the budget which was brought to the November 2023 Special Town meeting.

- **Special Town Meeting 2023 → \$6.5M**
- **Special Town Meeting 2024 → \$8.5M**

As the FINCOM reconsidered this Town Hall project, we wanted to ensure that we presented as comprehensive a financial recap as possible. Hence, we have attached five Charts (A – E) included at the end of this discussion which we will reference in the discussion. These charts include a recap of funding votes, spending to date, and project financial profiles.

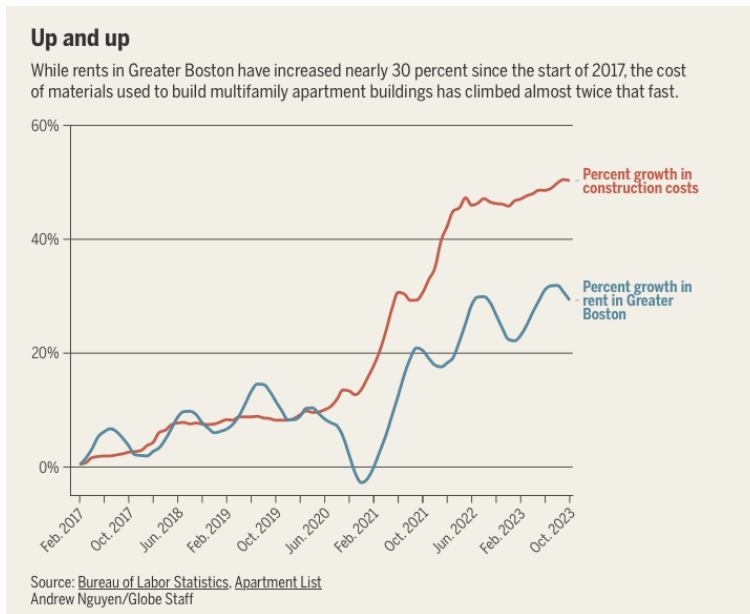
A detailed comparison of the two construction estimates/bids is included on the bottom half of Chart C.

Construction Cost Increases – Two reference Points (Boston Globe & MSBA)

To provide a point-of-view regarding the construction cost increases we were observing, we used two reference points:

1. **Boston Globe Spotlight** - We were drawn to the Boston Globe “Spotlight” article dated December 2023. While the article does not align precisely with the Hamilton Town Hall project, it does provide a valuable reference point regarding construction

cost increases in the Greater Boston area. (Please take the time to read this series of articles.) The chart below was included in the “Spotlight” article and is sourced from the Bureau of Labor Statistics. It indicates construction cost increases of 50% in the apartment building sector.



- 2. Massachusetts School Building Authority (MSBA)** – The second source we used for construction cost information is the Massachusetts School Building Authority (MSBA). (This is an important reference point for the FINCOM as it feeds into the School Building project currently underway in our community.)

While it is unlikely the chart below will be easily readable (please go to the MSBA website), the rightmost area of the chart provides some visual insight into the aggressive cost per square foot increases being realized and presented to the MSBA for recent school building projects. These cost increases are in the 30% - 50% range.

The proposal before the Town is to approve two warrant articles which will close the funding gap caused by the construction cost increase. Below is a brief review of these two warrant articles:

ARTICLE 2024/9 2-1 Community Preservation – Town Hall Project

CPC financing of \$1.5M: - Request to approve funding by the CPC for \$1.5M from the future CPC revenue stream. The town will issue a bond and incur interest over a twenty-year period. This will be financed by the existing CPC revenue stream and **will NOT increase your tax burden.** Issuance of these bonds will consume an additional ~ \$100k of the annual CPC revenue stream bringing the annual CPC funding of this project to approximately \$400k or 60% of the total annual CPC revenue for twenty years.

ARTICLE 2024/9 2-2 Town Hall Project – (Free Cash)

Free Cash usage of \$0.5M – Request to approve funding by the Town for \$0.5M of available free cash. The town currently has more than \$500k of available free cash....**above the 5% reserve of ~ \$2M....**required by our Free Cash policy. The use of this free cash **will NOT increase your tax burden.**

Recommendation

While it is unfortunate that the construction project cost has accelerated to the extent it has, FINCOM observed that this increase is in alignment with the cost increases cited in the two sources we mentioned. Our recommendation is to move forward with both the Preservation & Restoration and the Decarbonization Town Hall construction projects. The \$8.5M project (Chart C) estimate does include a 10% construction contingency (\$749k), on top of the \$7,449K construction bid. With a building of this age, it is likely the contingency will be consumed as certain unknowns will present themselves once construction commences.

In developing our recommendation, FINCOM reviewed the FY 2024 CPC annual report and the most recent certified “Free Cash” report from the town. Both reviews yielded a positive financial profile for 1) utilization of additional CPC available capacity for the \$1.5M bond and 2) the \$0.5M from the Town’s free cash reserve.

One final point is worth restating: the two warrant articles do NOT raise taxes, rather the articles seek to utilize the existing CPC revenue stream which all taxpayers contribute to as well as using existing free cash on hand.

The Finance and Advisory Committee recommends Favorable ACTION (4 - 0) on Article 2-1 and Article 2-2.

Chart A – Funding History

All Amounts are Thousands of Dollars

Phase	Description	CPC		Town		Total Funding
		CPC Approval	Interest	Warrant Approval	Interest	
1	Design & Preparation					
	- 2017 STM (10 2-7)	75	-	-	-	75
	- 2018 ATM (4 2-3)	-	-	100	-	100
	- 2019 ATM (4 2-8, 20)	150	-	75	-	225
	- 2019 STM (10 2-6,7)	250	-	468	170	889
	Sub-Total Phase 1	475	-	643	170	1,288
2a	Construction - Preservation & Restoration					
	- 2020 STM (11 2-7)	3,000	1,560	-		5,560
	- 2021 ATM (5 2-14)	1,000				
	- 2023 STM (11 2-2, 3)	500	-	2,000		2,500
	- 2024 STM (9 2-1, 2)*	1,500	682	500		2,682
	Sub-Total – Phase 2a	6,000	2,242	2,500		10,742
	Taxpayer Funding	6,475	2,242	3,143	170	12,030
		CPC Project		Town Project		Total Funding
2b	Construction - Decarbonization					
	- Grants **	-	-	974		974
	- Cost Savings	-	-	868		868
	Grants & Cost Savings	-	-	1,842		1,842

* To be reviewed at Town Meeting - Approval Required

** \$500k - Green Communities Grant – Grant received

Chart B – Spending – Inception to Date - Design and Preparation

All Amounts are Thousands of Dollars

Spending Category	Amount
Design	836
Re-Design	97
Construction Estimates	5
Advertisements	8
OPM (Owners Project Management)	112
Other Professional Services	33
Outfitting Temporary Office Spaces	123
Relocation Expenses	8
Technology – Temporary Space	7
Security – Temporary Space	24
Variance – Bond Premium / Expense	21
Total Spending	1,274

Chart C – Project Budget by Phase

All Amounts are Thousands of Dollars

Phase	Description	Construction / Design	Interest Cost	Gross Budget	Grants & Savings	Net Budget
1 - Design & Preparation						
	- FY '18 - '22	1,118	170	1,288	-	1,288
2 - Construction						
2a	Preservation & Restoration					
	- Nov '23 - STM	6,500	1,560	8,060	-	8,060
	- Sep '24 - STM	2,000	682	2,682	-	2,682
	Sub-Total	8,500	2,242	10,742	-	10,742
	Sub-Total - 1 & 2a	9,618	2,412	12,030	-	12,030
Decarbonization						
2b	- Sep '24	1,388	454	1,842	(1,842)	-
	Total	11,006	2,866	13,872	(1,842)	12,030

Phase	Description	STM 2023	STM 2024	Change
2a	Construction Expense	5,262	7,449	2,187
	- Contingency @ 10%	526	745	219
	Sub-Total	5,788	8,194	2,406
	Design Fees	260	194	(66)
	Other Project Expenses	452	112	(340)
	Sub-Total	6,500	8,500	2,000
	Interest Cost	1,560	2,242	682
	Total	8,060	10,742	2,682

Chart D: Preservation & Restoration Construction –

Campbell Construction Group, LLC Peabody, MA

All Amounts are Thousands of Dollars

Project Components		
General Contractor		3,489
Subcontractors		
- B & B Commercial Masonry Inc.	Masonry	209
- Houle Welding & Fabrication Inc.	Metal Fabrication	168
- P.J. Spillane Co., Inc.	Waterproofing, Damp proofing, Caulking	358
- Stanley Roofing Company	Roofing & Flashing	304
- John W. Egan Co., Inc.	Painting	147
- Pavilion Floors, Inc.	Tiling	40
- J.R.J. Construction Co., Inc.	Lath & plastering	138
- M.L. McDonald Sales Company, LLC	Acoustical Ceiling Tiles	32
- Delta Beckwith Elevator Company	Elevator	540
- Xcel Fire Protection, Inc.	Fire Protection	411
- Kneeland Plumbing & Heating, Inc.	Plumbing	197
- E. Amanti & Sons Inc.	HVAC	834
- Mercier Electric & Communications INC	Electrical	582
Total Sub - Contractors		3,960
Total Construction Bid from Campbell		7,449

Chart E: Decarbonization

All Amounts are Thousands of Dollars

Specific ECMs Installed	
Geothermal HVAC System including Energy Recovery Ventilation	764
System heat sink will be two (2) 900-foot, standing column wells	
Variable refrigerant (VRF) fan coil units (FCUs) throughout the building	
100% heating and cooling of the building; 100% electric at a high COP	
Advanced Networked LED Lighting with Integrated Controls	100
Solar Photovoltaic (PV) Array for On-Site power generation	264
Building Management System for control of all building systems	154
Automatic Receptacle Controls (Plug Load Controls; Integrated with Smart Lighting)	7
Investment Grade Audit	88
Project Interest (20-year lease)	454
ESG Measurement & Verification Cost (2 years)	10
Net Positive Cashflow over the Term	1
Total Project Expenses	1,842
Funding	
Grants / Incentives	
Green Communities Grant – Grant received	500
Inflation Reduction Act Direct Pay Grants	272
SMART Incentives (20 years)	50
MassSaves	152
Total Grants	974
Other Funding	
Guaranteed Energy Savings (20 years)	719
Maintenance/Repair Cost Savings (20 years)	149
Total Other Funding	868
Total Funding	1,842