

Addendum (March 11, 2016)
Hamilton Development Corporation
59-63 Willow Street Request for Proposals

The Hamilton Development Corporation (HDC) amends the 59-63 Willow Street RFP as follows:

- 1) The Pre-Bid Conference held on February 26, 2016 is no longer mandatory. The HDC will accept proposals from development firms that did not attend the pre-bid conference.
- 2) The project will be required to meet the Massachusetts stormwater management standards.
- 3) Permitting for the project will require Site Plan Review. The Hamilton Zoning Bylaw requires applicants to go before the Zoning Board of Appeals for this review. The Planning Board will also give a recommendation to the Zoning Board of Appeals for this review. The Site Plan Review Section from the Bylaw is as follows:

H. Site Plan Review (Amended May 18, 1989)(Amended May 6, 2006, Section 3.a.)

1. Purpose.

Site Plan Review is intended to allow the Town to review and impose reasonable conditions on development, allowed as of right or by Special Permit, which by its nature or location has the potential for significant impacts on traffic circulation, public safety, public utilities, environment and neighborhood character and appearance. The purpose is to provide a mechanism and a process for fitting the proposed development to neighborhood character, scale, and infrastructure, and to reasonably protect the Town and abutting property owners from potential negative impacts. These purposes are to be served by providing for consistent submissions of thorough data for each proposal for Town review; and for consideration by Town boards as specified below, in terms of specific criteria; and for issuance of a Site Plan decision setting whatever terms and conditions, if any, are necessary to achieve the purposes of Site Plan Review, consistent with Town by-laws and regulations. Provision is made to exempt small modifications and improvements from [portions of] this Section, and to coordinate Site Plan Review with other required review of Special Permits and Alteration of Non-Conforming Uses.

Please note: Projects subject to Site Plan Review may also be subject to other sections of the Zoning By-law and other Town approvals, including but not limited to Special Permits (ZBL Sec. V), Alteration of Non-conforming Use (ZBL Sec. III), Conservation Commission approval of work in or near wetlands and Board of Health approval of sewerage disposal, drainage and food service, and the requirement for Building Permits, (ZBL Sec. VIII and Mass. Building Code).

2. Projects Requiring Approval. (Amended November 13, 1990)

No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a Site Plan has been approved or conditionally approved as set forth herein.

Site Plan Review shall be required for the following construction, alteration and uses:

- a. Except for the exemptions provided below in b) and c), Site Plan Review is required for any new construction or alteration or expansion of, or conversion to a business, office, industrial, institutional or multifamily residence building or structure in any District. This includes parking lots over 5 spaces serving any of these types of buildings, schools, hospitals, nursing homes, life care facilities, children's camps, campgrounds, churches, multi-family structures for more than two families, government buildings and structures, farmstands, and buildings in commercial, office, industrial and scientific research use under ZBL Sec. V.A.11.i and V.B.11.g, stables providing boarding and/or services for

more than 6 horses other than those owned by the residents of the lot on which the stable is located, AND greenhouses for commercial production of plants or produce. Site Plan Review is required for interior alterations which increase the commercial, industrial, institutional or multi-family residential floor area within an existing building, and/or which change the number of separately leaseable or saleable spaces within an existing building. Site Plan Review is not intended to violate the Zoning exemptions provided in MGL Ch. 40A Sec. 3, but only to allow for the "reasonable regulation" provided for thereunder. (Permitted Use Sections of this By-law (V.A, V.B) also indicate which uses do and do not require Site Plan Review.)

(All the exemptions from Site Plan Review set forth in items b) and c) below also apply to construction in Residence Districts under this item.)

- b. Proposed additions or alterations to existing buildings subject to Site Plan Review which would either add new floor area totaling less than 10% of the current ground floor area of the existing building, or which are estimated to cost less than 10% of the current 100% assessed valuation of the building shall require only Abbreviated Site Plan Review as provided below. For purposes of applying this guideline, when ground floor area includes attached residential floor area or attached commercial greenhouses, the area of the residential and/or greenhouse portions shall be deducted before applying the "10% threshold factors".
- c. Exemptions from Site Plan Review (Note: Building Permit and any required Health, Conservation or other permits still required where applicable)
 1. Interior alterations shall not require Site Plan Review UNLESS the alterations increase the floor area within the building devoted to any of the uses listed in item 2.a above (Projects Requiring Approval), AND/OR change the number of separately leaseable or saleable spaces within the building. (Conversion of the interior of a residential building to any of the uses listed in 2.a above would require Site Plan Review). Examples of exempt interior alterations are: paneling, shelving, partitions other than those creating new commercial units, counters, flooring and general interior decoration. (Amended November 13, 1990)
 2. Repairs, re-painting, re-siding, re-roofing and window replacement shall not require Site Plan Review unless the activity also increases floor area.
 3. Replacement of parts of a partially damaged building that would normally require Site Plan Review under a) above with generally identical portions shall not require Site Plan Review. [Total replacement of a destroyed building that would normally require Site Plan Review under a) above shall require Site Plan Review.]
 4. Demolition shall not require Site Plan Review. (Note: Demolition in the Town Historic District does require Historic District Commission review.)
 5. Change of tenant of commercial building shall not require Site Plan Review unless there is also an amount of new construction triggering Site Plan Review under b) above.
 6. Customary home occupations permitted under Sec. V.A.8 of this By-law shall not require Site Plan Approval. (Added November 13, 1990)

7. Town house or multi-family housing developed under the OSFPD (V. A. 12) or Senior Housing (V. E.) By-law or uses permitted by Special Permit within the Commercial Overlay District shall not require Site Plan Review. Wind Energy Facilities in the Commercial Overlay District shall require Site Plan Review under the Planning Board. (Added May 2010)

3. Application and Decision Process.

a. Regular Site Plan Review.

1. Except for those proposals eligible for Abbreviated Site Plan Review (2.b above), the applicant shall file 21 copies of all Site Plan Review materials as specified below, accompanied by a fee and documentation as required by the Zoning Board of Appeals Instruction Sheet. (Revised May 6, 2008, Article 2008/5 3-3) The application shall be submitted to the Town Clerk. The application will not be considered legally submitted, for purposes of starting the review "clock", until it is complete and all copies are submitted. The Town Clerk shall thereafter forward five copies to the Board of Appeals, eight copies to the Planning Board, and one copy each to the Building Inspector, Department of Public Works, Bd. of Selectmen. Bd. of Health, Conservation Commission, Police/Fire Dept., and Office on Disability for their comments, retaining one copy for the Town Clerk file. An electronic copy of the application, including plans and drawings, shall also be submitted at the time of application, unless waived by the Zoning Board of Appeals. At or before the time of application, the applicant shall arrange to meet with the Planning Board to discuss the proposed Site Plan, as a basis for that Board's recommendation to the Bd. of Appeals. (The applicant is encouraged to meet informally with any of the above Boards/Departments for "input".) The commenting Boards/Commissions/ Departments shall transmit their comments in writing to the Bd. of Appeals within 35 days from the date of application. (amended May 3, 2006, Article 4-5).
2. The Board of Appeals shall hold a public hearing within thirty-five (35) days of the date of an application. Notice of the public hearing shall be given by publication in a newspaper of general circulation in Hamilton in each of 2 successive weeks, the first publication to be not less than 14 days before the day of the hearing. In addition, all abutters within 300 feet of the property line of the petitioner, as they appear on the most recent assessor's list, shall be notified by mail no less than 14 days before the hearing. The Board shall make its determination within 65 days of the public hearing, unless the applicant specifically grants an extension of the review period in writing. Failure to decide within 65 days of the public hearing shall constitute approval of the Site Plan by the Bd. of Appeals unless the applicant granted the above-mentioned written waiver. (The Boards shall be encouraged to act in a shorter time period whenever possible.)
3. Where proposed new construction or alteration subject to Site Plan Review under this section IS ALSO an alteration of a pre-existing non-conforming use or structure under Sec. III of this By-law, the Bd. of Appeals shall consolidate review under Sec. III.A. 1-3 with Site Plan Review under Sec. VI.H.
4. Where proposed new construction or alteration is subject to both Site Plan Review AND a Special Permit, the Bd. of Appeals shall conduct both processes simultaneously, using the time limits of the Special Permit process to cover both reviews.

b. Abbreviated Site Plan Review.

1. If the proposed construction and/or change of use is eligible for Abbreviated Site Plan Review under Sec. 2.b above, the Applicant shall file 8 copies of the limited materials as required in 4) below with the Town Clerk, along with an Application fee - and

accompanying documents as required by the Zoning Board of Appeals Instruction Sheet. The application will not be considered legally submitted until it is complete. The Town Clerk shall forward 5 copies to the Board of Appeals, and one copy to the Building Inspector and Planning Board, retaining one copy for the Town Clerk file. The commenting boards shall transmit their comments to the Board of Appeals within 35 days of the date of application. A Public Hearing, abutter notification, and all other provisions as outlined in Section VI.H. 3.a.2, are required and apply to Abbreviated Site Plan Review. (Revised May 6, 2008, Article 2008/5 3-3)

4. Required Site Plan Contents

a. Regular Site Plan Review

1. Unless waived by the Bd. of Appeals, all site plans shall be prepared to scale and be of professional quality. All site plans shall be standard 17"x24" or 24"x36" sheets and shall be prepared at a sufficient scale to show the following required items. (Please note: Applicant may want to have Site Plans prepared by Registered Architect or Engineer for proposals that require Architect/Engineer plans for Building Permits under the Mass. Building Code.)
 - a. location and boundaries of existing (and proposed) lot, adjacent streets or ways including rights-of way and easements, and the location and owner names of all adjacent properties.
 - b. the size of the lot, frontage and yards.
 - c. all existing and proposed buildings and structures, including dimensions.
 - d. elevation drawings (architectural appearance) of the building or building with addition, from each side. (For additions/alterations, show only the affected sides.)
 - e. the location and dimensions of all parking and loading areas, driveways, walkways, access and egress points, specifically as they relate to street traffic; number of parking spaces, with note comparing total to Sec. VI.D requirement; and indication of facilities for handicapped access per State Law.
 - f. if the project includes any grading and site work, topography of the site at 2-foot intervals based on U.S.G.S. data, showing both existing and proposed contours.
 - g. the location and description of all existing and proposed sewerage disposal and treatment systems, and underground storage tanks, water supply, storm drainage systems, utilities, and refuse disposal dumpsters;
 - h. location, height, and type of all external lighting;
 - i. location, height, dimensions and appearance of signs;
 - j. proposed landscaping including the location and description of existing large trees, proposed screening, buffers, fencing, plantings, open spaces and recreation areas;
 - k. statement of any other local and/or state permits required of the project.

2. Other materials
 - a. completed Site Plan application form available in Town Clerk's office.
 - b. When the Board deems it necessary, it may require that the applicant provide at his expense, supplemental data on traffic impact, including estimated daily and peak hour vehicle trips to be generated by the site, estimated number of employees and truck delivery schedule and hours of business;
 - c. When the Board of Appeals deems it necessary, it may require that the applicant provide at his expense supplemental data and analysis on potential environmental impacts of the proposed project on air quality, surface and groundwater quality, site and neighborhood drainage conditions. The Board may require that such studies be prepared by registered engineers or other appropriately qualified individuals.
 - d. When the Board of Appeals deems it necessary, it may require that the applicant pay a review fee to cover the reasonable costs of consultants engaged by said Board to assist in review of the proposed Site Plan, as authorized and limited by M.G.L. Ch. 44, Sec. 53G, and Sec. IX.H. of this Zoning By-law. (Added Nov. 13, 1990)

b. Abbreviated Site Plan Review Plans and Submission Contents

1. For projects qualifying for Abbreviated Site Plan Review under H.2.b above, the basic plan standards (4.a.1) shall apply, and the Site Plan shall show items a),b),c),e), and g) of the Regular Site Plan requirements and only those elements of the remaining items d), f), and h)-k) that will be changed by the proposed construction or alteration. Along with the Site Plan, the applicant shall submit a completed Site Plan application form available from the Town Clerk's office.

5. Site Plan Review Guidelines

The following guidelines shall be considered in the review and evaluation of a site plan.

- a. The plan shall show compliance with Zoning By-law requirements for parking, signage, loading, Site Plan, heights, lot dimensions, and all other applicable requirements of this By-law.
- b. The proposed project should be compatible with existing natural features of the site, and compatible in architecture and scale with the surrounding area.
- c. The plan shall show provision for landscaping and open spaces that enhance the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity for customers, neighbors, and the general public.
- d. The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with State handicapped access requirements, and provide for access and egress by emergency vehicles.
- e. The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Board may require landscaping and/or fencing to provide needed buffers.

- f. The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage and streets, or shall provide for such improvements as necessary.
- g. The plan shall provide for compliance with Board of Health, Conservation Commission and other Town and State regulations. Where applicable, Site Plan may be made conditional upon Board of Health, Conservation Commission, State Dept. of Public Works or other approvals, which shall be specifically referenced in the decision.

6. Final Action

The Board of Appeals final action shall consist of either:

- a. A written approval of the Site Plan, with a determination that the proposal meets the criteria set forth in this by-law, or;
- b. a written denial of the application stating the reasons for such denial, or;
- c. approval subject to any conditions, modifications, and restrictions as the Board of Appeals may deem necessary, including phasing of construction and performance guarantee for any public improvements.

7. Implementation of Site Plans

Construction of any approved Site Plan project shall begin within one year and be completed within two (2) years of the date of approval, unless extension is granted by the Board of Appeals after notice and a public hearing. Otherwise approval shall lapse.