



APPENDICES

For

Special Town Meeting Warrant

October 30, 2010

9:00 a.m.

Hamilton-Wenham Regional High School
Auditorium

TABLE OF CONTENTS

APPENDIX	DESCRIPTION	Page No.
Appendix A	Estate Overlay District	1
Appendix B	Willow Street Overlay District	12
Appendix C	Changes to Town Bylaws	17
Appendix D	Municipal Affordable Housing Trust	24

Please note: *The warrant is available at the Town Hall, on-line @ www.hamiltonma.gov and at the meeting. The appendices were omitted from the warrant mailing to save in printing and postage costs.*

EXHIBIT A

H. Estate Overlay District (EOD):

The Estate Overlay District By-law allows a special district within R1a, R1b and RA districts, in order to preserve and protect the historic estate homes within the Town of Hamilton. The By-law has two distinctive sections:

- Part A – An Estate House Adaptive Reuse Permit, which allows for new commercial uses as well as currently allowed and expanded residential uses in existing estate houses and
- Part B – An Estate House Adaptive Reuse and New Floor Area Construction for Commercial Use Permit, which allows for new commercial and expanded residential uses in the existing estate house and new construction to create space for commercial use in an addition or an associated building.

Both Part A and Part B are allowed by special permit and an applicant must apply for Part A first and choose to file a separate Special Permit Application for Part B after an occupancy permit has been issued for Part A.

1. Purposes of the Estate Overlay District (EOD):

- a. allow for the preservation of the buildings and land of large estate properties while allowing for appropriate development which has a positive net fiscal benefit to the Town and is an alternative to the subdivision of an estate property;
- b. allow for the efficient use of such land in harmony with the natural features of the district while preserving open space for conservation agricultural, or recreation use, and providing appropriate public access to open space;
- c. protect natural features that are important to the character of the town, including public vistas of fields, lakes, and rivers from town roads as well as the existing non-vehicular connections through trails and pathways;
- d. protect Hamilton's rural and agricultural New England character and provide for its continued uses by permitting a mix of commercial and residential development in a manner which is in harmony with Hamilton's historic development patterns.

2. Applicability for the Estate Overlay District (EOD)

- a. Minimum Lot Size: Fifteen (15) acres for Part A and twenty 20 acres for Part B.
- b. Contiguous lots may be combined for qualifications for a special permit, provided that:
 - i. at least one of the lots contains an Estate House of over 5,000 square feet of living area, built before December 31, 1950;
 - ii. the parcel as combined has at least fifteen (15) acres and
 - iii. the parcel is under common ownership prior to July 1, 2010.

Under this By-law parcels may be considered combined regardless of a private or public road dissecting the parcels. Land restricted by conservation easements/restrictions or wetlands will count toward the fifteen (15) acre and twenty (20) acre threshold.

3. **Definitions for an EOD Special Permit**

Combined/Aggregated –Parcels combined prior to July 1, 2010 to increase acreage to qualify for the Estate Overlay District By-law.

Commercial Use – A use that is primarily for profit and a non-residential use, unless used in a hotel, inn or bed and breakfast, or nursing, assisted living or long term care facility that provides residential units for commercial or profitable use. The renting of apartments will not constitute a commercial use.

Estate Overlay District – A special district that overlays a R1a, R1b or RA District within the Town of Hamilton in which the EOD by-law applies in addition to the uses that are currently permitted by right or special permit in each district.

Estate House – A building constructed prior to December 31, 1950, originally used as a single family residential dwelling, containing more than 5,000 square feet of residential floor area. Additions to the original dwelling that were constructed after 1950 will count toward the 5,000 square foot threshold if they were permitted by the Building Department prior to July 1, 2010.

Common Ownership - Adjacent lots are considered to be in common ownership or within the landowner's legal control or power if one or more is held in an entity such as a limited partnership, trust benefitting the owners or landowner's use of adjoining land, even if the most recent instrument of record prior to July 1, 2010 reveals that the lot was separately owned and a previously recorded plan may reveal that the lot was at one time part of land held in common ownership.

Historically, Culturally or Architecturally Significant – A determination made by the Hamilton Historic District Commission that defines the property as one worth preserving to the level of Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

New Floor Area - The addition of building area calculated in square footage that can be added to the original estate house either as an attached or detached building located on the same property. Bonus square footage can be accumulated through (a) a yield plan, (b) rehabilitation of the estate house to historic standards, or (c) renovation of the estate house. Bonus Square Footage space can only be used for commercial purposes.

Nursing Home or Assisted Living for Seniors or Infirm – a commercial use for the residential care of those who are infirm or elderly.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings - The Standards for Rehabilitation (codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives program), which address the most prevalent treatment. "Rehabilitation" is defined as "the

process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

Yield Analysis Plan - The Yield Analysis plan is a schematic representation of a conventional subdivision. It shall show the maximum number of lots (or dwelling units) that could be placed upon the site under current zoning for a conventional subdivision plan. That maximum number of lots shall constitute the Base Maximum Density. The Yield Analysis shall determine Base Maximum Density for the EOD, given the presence of natural building constraints on the site such as wetlands, floodplains, Conservancy Districts, steep slopes, and zoning requirements. The proponent shall have the burden of proof with regard to the Basic Maximum Density.

4. **Access Requirements for the EOD**

- a. Access to the lot must be through existing frontage on a public way or;
- b. Through existing frontage on a private way if all abutters to the entire length of the private way agree in writing to the development proposal.

5. **Open Space Restriction for the EOD:**

- a. A minimum of 40% of the parcel must already be or shall be conveyed to the Town of Hamilton and accepted by it for open space use or;
- b. A minimum of 40% of the parcel must be made subject to a conservation restriction prepared in accordance with the provision of Sections 31 and 33, inclusive of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Selectmen with advice from the Planning Board, to a non-profit corporation, the principal purpose of which is the conservation of open space. Land that has already been made subject to a conservation restriction as delineated above shall count toward the 40% threshold.
- c. Unless the applicant can provide a compelling reason to the Planning Board why public access would be infeasible, a portion of the open space shall be available for use, for example, wildlife corridors, water protection, viewsheds, trails or other access which provides a public benefit. The Planning Board shall take into account the size of the parcel, the customary and agricultural uses, and whether or not it can provide adequate parking and other facilities to allow for public use. If the property size or structure cannot meet public parking requirements, or if public use does not fit with the character of the neighborhood, the Planning Board, may restrict public use.
- d. No more than 50% of the open space shall consist of resource areas subject to the Wetlands Protection Act, M.G.L. c 131, Section 40, (excepting the resource area "isolated land subject to flooding") or the Conservancy District as described in Section V.C. of this By-law.

- e. Land used for common or shared septic systems may not be counted toward the minimum common open space requirement unless authorized by the Planning Board.

6. **Review Criteria**

The Planning Board shall apply the Special Permit General Conditions described in Section V.A.8 of the Hamilton Zoning By-law and conditions contained in this section. The Planning Board shall review the special permit application in accordance with the following criterion: the proposed EOD will, by its design and layout, succeed in fulfilling the purposes as outlined in Section 1. Special Permit applications for an EOD will be exempt from the requirements of the Open Space Farmland Preservation Development (OSFPD) regardless of their acreage.

7. **Advisory Opinions**

Within ten days (10) of receipt of a special permit application for an EOD, the Planning Board shall transmit copies of the application to the Economic Development Committee, Historical District Commission, Board of Health, Department of Public Works, Conservation Commission, Zoning Board of Appeals, Fire and Police Departments for their review and advisory opinions, which shall be submitted within 30 days.

8. **Vacating of permit**

Any new use or change of use will require an amendment of the EOD Special Permit by the Planning Board.

EOD Part A - Estate House Adaptive Reuse

Part A – Estate House Adaptive Reuse allows for the estate owner to apply for a Special Permit from the Planning Board to use the home in accordance with one of the following adaptive reuse criteria. Special permits allow for each application to be considered individually based on their specific location and impact to the existing neighborhood. Throughout this By-law, residential units are limited to two bedrooms each. This is designed to achieve the goal of providing alternative housing for groups that do not currently have housing options within the Town. The Planning Board may, in its sole discretion, allow a developer to increase the number of bedrooms to a maximum of three, provided the developer can demonstrate a compelling reason why such increase serves the stated goals of the EOD.

1. **Permitted Uses in EOD Part A - Estate House Adaptive Reuse (“Part A”)**

The following use or a combination of the following uses may be permitted in the original estate house under “Part A”.

- a. any use listed in the Town of Hamilton Zoning By-law as an allowable use in the zoning district in which the property currently exists, whether by special permit or otherwise or,
- b. multi-family condominium, cooperative, or apartment residential dwelling units, provided that residential units shall be limited to no more than two bedrooms per unit;

- c. for profit function hall, meeting rooms, inn, bed and breakfast, spa, or restaurant (excluding fast food or drive up);
- d. for profit shops or for profit schools;
- e. office;
- f. for profit child care facility, adult day care facility or a 55 plus assisted living center or;
- g. museum

2. **Dimensional Requirements**

A minimum vegetated buffer strip of three hundred (300) feet shall be provided unless the building is nearer to the abutting property line or at least 100 feet, provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to: the size and location of the parcel, the character of the neighborhood and the intended use.

3. **Part A Special Permit Application**

- a. **Forms.** All "Part A" special permit applications shall include building plans prepared by a registered architect and filed with the special permit application form. For an application to be considered complete, it shall provide all information required by the Hamilton Planning Board Rules and Regulations Governing Special Permits.
- b. **Required Information.** The special permit application shall include a plan of the existing Estate House and nine copies of a Site Re-use Report. The Site Re-use Report should include an outline of how the following issues and impacts will be addressed by the re-use:
 - i. pedestrian and vehicular access to the site including anticipated changes to vehicular traffic patterns;
 - ii. public safety issues;
 - iii. provision of landscaping/buffering;
 - iv. open space and recreation, including trail development and/or maintenance;
 - v. water supply and drainage issues;
 - vi. proposed uses for commercial units, if any;
 - vii. conceptual floor plans for units.
 - viii. trails or pathways will be provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible.

To the extent possible, the information provided in the report shall be shown in building and site plans, accompanied by a written narrative describing the proposed adaptive reuse.

EOD Part B – New Floor Area Construction (“Part B”)

Part B – New Floor Area Construction allows for the estate owner to improve the existing Estate House with expanded residential and commercial uses while increasing floor space by construction of an addition to the original estate building and/or constructing an associated building for commercial uses as indicated below. The New Floor Area uses are limited to commercial only. The new uses would be allowed by special permit with the Planning Board acting as the Special Permit Granting Authority. Special permits allow for each application to be considered individually based on their specific location and impact to the existing neighborhood. Factors that will be considered in the Planning Board’s review of any potential project include, but shall not be limited to: feasibility of the project given the size, location and scope of the property, proximity to abutters, safety concerns, impact on the property, and whether the proposed use is compatible with the character of the Town of Hamilton and the neighborhood the property is located within.

1. Permitted Uses in EOD Part B – New Floor Area Construction

Along with those uses allowed in Part A, the following single commercial use or a combination of the following commercial uses may be permitted in the New Floor Area under “Part B.” Note that residential use is not permitted in any New Floor Area under “Part B.”

- a. outdoor recreational facility or center such as cross country skiing, golf, horseback riding, or non-motorized cross country bike riding facility including any on-site trails;
- b. nursing home or assisted living providing continuing residential care for seniors or infirm;
- c. additional uses which are consistent with the objective and intention of this Bylaw and the character of the neighborhood.

2. Methods of Achieving New Floor Area

There are three methods to obtain New Floor Area to construct commercial space on the property in addition to re-use of the original Estate House. The methods are intended to promote development which encourages preservation of both Hamilton’s Historic Buildings and open space.

a. Historic Rehabilitation of the original Estate House.

An application that proposes to rehabilitate or renovate buildings and supporting structures certified by the Hamilton Historic District Commission as having cultural, historic or architectural significance may increase New Floor Space by three times the amount of square footage contained in all existing buildings that are rehabilitated or renovated as part of the EOD development. The Planning Board shall refer to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated.

b Non-historic Rehabilitation of original Estate House

If the Planning Board determines that the reconstruction or replacement of existing buildings or supporting structures that have not been certified by the Hamilton Historic District Commission as being historically, culturally or architectural significant are more consistent with the building's rehabilitation or renovation, then the Applicant may increase New Floor Area by the amount of square footage contained in all existing buildings that are rehabilitated or reconstructed. The renovated or rehabilitated building or supporting structure may not be torn down.

c Yield plan of developable land:

For the purpose of this By-law, 2,000 square feet of New Floor Area may be constructed for each lot that could be created on the property with a maximum of 30,000 of additional square feet of New Floor Area obtained from this section c. A yield plan will determine how many lots could be developed under normal application of zoning requirements of the underlying zoning district in which the property lies, under "Town of Hamilton Rules and Regulations Governing the Subdivision of Land" and through the standards as outlined in Section VI. Development Regulations of the "Hamilton Zoning By-law." Land in the Groundwater Protection Overlay District will require 80,000 square feet for each lot calculated. The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single-family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, and the Hamilton Conservation Bylaw and Rules and Regulations. Such soil tests shall be conducted as if they were actually percolation tests in accordance with the above-referenced requirements and shall be verified and attested to by a registered professional engineer. Buildable lot calculation can only apply to land that is not under current restriction (excluding 61A or B).

3. Dimensional Requirements

- a. Newly constructed or renovated buildings in an EOD must be 35 feet or lower in height unless the original estate house is greater than 35' high in which case, newly constructed or renovated additions or any other new buildings will be limited to the height of the original existing house, but in no case greater than four stories.
- b. Newly constructed buildings shall be clustered within one-hundred (100) feet of the original estate house unless the developer has a specific goal consistent with the purposes of this By-law that allows for placement of the newly constructed buildings outside of this area that achieves the cohesive integration of the new buildings into the whole.
- c. In no event will new construction within the 300 ft buffer be permitted any nearer the property line than the greater of at least 100 ft or the distance

from the property line of the current building. A vegetated buffer strip with a minimum depth of fifty (50) feet shall be provided between the buildings of an EOD and any public or private way provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to: the size and location of the parcel, the character of the neighborhood and the intended use. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip.

4. **Phasing**

Phasing of the EOD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in a subsequent Special Permit application. The special permit approval shall not be deemed to have lapsed as long as the applicant shall have commenced use of the phasing time frames set forth in the special permit application. The Planning Board shall have the authority to require one or more performance bonds or other similar mechanisms if it determines that such mechanisms are necessary to ensure that the key components or phase of a project are satisfactorily completed.

5. **EOD Special Permit Application Process**

- a. **Pre-Application Conference.** The applicant shall request and attend an EOD pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals to attend the pre-application conference. The primary purpose of the EOD Special Permit Pre-Application conference is to identify the site's natural or historically important features, riding or walking trails on the site and abutting parcels, public safety, traffic or infrastructure issues, and areas the Town prefers to see preserved as open space, for agricultural or equestrian uses. The secondary purpose of a pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage of development. Meetings may be held by mutual agreement of the Planning Board and the applicant. At the pre-application review, the applicant shall outline the proposed Estate Overlay District proposal, seek preliminary feedback from the Planning Board, and set a timetable for submittal of a formal application. At the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an Estate Overlay District Special Permit.
- b. **Estate Overlay District Special Permit Design Process.**
 - i. **Identification of conservation areas.** The first step in the design process requires identification of conservation areas on the site, including wetlands, areas located in the Hamilton Conservancy

District, riverfront areas, and floodplains regulated by state, federal, or local law; unprotected natural landscape features such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and wildlife corridors or connections thereto; cultural features such as historic and archeological sites and scenic views; and recreational features such as established trails used for horseback riding, walking and cross-country skiing. To the maximum extent feasible, conservation areas shall include areas identified by the Planning Board during the pre-application conference.

- ii. Identification and delineation of the proposed development area. The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for the development. To the maximum extent feasible, the proposed development area shall consist of land outside the identified conservation areas.
- iii. Location of dwelling and commercial units. The third step in the design process is to identify and delineate the approximate location of dwelling units or commercial units in the existing house or commercial units in the proposed development area. The location, height, density, and architectural treatment of all buildings proposed for construction, renovation or re-use should be included.
- iv. Location of open space. The fourth step in the design process is to identify and delineate the open space to be dedicated along with any potential uses.
- v. Roads and trails. The fifth step in the design process is to identify and delineate the approximate location of roads, parking area and trails. Roads shall be aligned to access the dwelling and commercial units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails and sidewalks.
- vi. Utilities. The type and probable location of the proposed utilities should be included.
- vii. Certification. The special permit plan should be accompanied by a certification or letter from the Hamilton Historical District Commission of all historically, culturally and/or architecturally significant buildings, landscape features and supporting structures located on the site if the applicant intends on using this determination as a way to obtain new floor area.

c. Special Permit Application

- i. Forms. All special permit applications for an EOD shall be made and filed with the Special Permit Application form. For an application to be considered complete, it shall provide all information required by the Hamilton Planning Board Rules and Regulations Governing Special Permits.
- ii. Required Information. The special permit application shall also be accompanied by a certification from the Hamilton Historical Commission of all historically, culturally and/or architecturally significant buildings (if applying for the bonus square footage for renovation under section Part B 2.a.), a plan of all existing and proposed buildings, landscape features and supporting structures located on the site and by nine copies of a site development report. The site development report should include, at minimum, an inventory of natural resource features, wildlife and their habitat; a general inventory of all buildings and structures; and an outline of how the following issues and impacts will be addressed by the development:
 - a. pedestrian and vehicular access to the site;
 - b. public safety issues;
 - c. provision of landscaping/buffering;
 - d. protection of wildlife habitats;
 - e. provision of utilities;
 - f. open space and recreation, including trail development and/or maintenance;
 - g. water supply and drainage issues;
 - h. layout and density of site development;
 - i. the preservation and rehabilitation of the exterior features, character and structural integrity of the estate house, and the open space, vistas, stonework, gardens, and other historic features and supporting structures;
 - j. building design and materials, including exterior elevations of existing and proposed buildings and additions;
 - k. Proposed uses for commercial units.
 - l. trails or pathways will be provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible.

To the extent possible, the information provided in the report shall be shown in plans and map form, accompanied by written narrative.

Amendments in Conformity if this by-law passes

Amend Section II. Establishment of District, A. Classes of Districts to include the following: "EOD Estate Overlay District Sec. V-H"

APPENDIX B

I. Willow Street Overlay District

1. Purpose and Intent

The purposes of the Willow St. Overlay District (WSOD) are to encourage planned and orderly development of land within the boundaries of the WSOD. These areas are designated for special land use, planning, environmental, and access considerations that warrant careful control of development under a special permit procedure using appropriate standards. The specific purposes of the WSOD are the following:

- a. To support land uses and activities that will promote economic development in Hamilton, thereby generating substantial increases in net tax revenue from new development and business growth as well as additional local jobs.
- b. To allow for the phased development of new uses and activities that are appropriate and desirable for the WSOD, based on planning and market opportunities identified in the Hamilton Master Plan.
- c. To provide for mitigation of any negative impacts caused by new development, including but not limited to transportation and environmental impacts.
- d. To incorporate into the design review and permitting process input from Hamilton's land use boards, nearby residential abutters and citizens.
- e. Improve the aesthetics, vibrancy and quality of life for the neighborhoods that include the downtown business district.

2. Applicability and Location

The Willow Street Overlay District (hereafter "WSOD") shall consist of an area within the Business District, west of the railroad tracks and along Willow Street from Asbury Street to include 203 Willow Street.

The WSOD provides for additional uses through a Special Permit process. All underlying uses remain available to property owners. If a property owner elects to apply for a Special Permit to develop in accordance with this WSOD By-law, the provisions of the by-law shall apply. All underlying zoning district requirements still apply, unless they are superseded by this by-law. By filing an application for a Special Permit under this Section V.G , the owner shall be deemed to accept and agree to them.

If the owner elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Willow Street Overlay District shall not apply.

3. Permitted Uses

In addition to the uses provided in the underlying zoning district, the following additional uses shall be permitted in the WSOD:

- Mixed Residential & Commercial
- Office
- Ancillary parking and commercial services that serve the primary uses
- Public Spaces
- Athletic facilities
- Accessory infrastructure facilities.
- Retail or restaurant
- Multi-family residential

4. Administration

The Planning Board shall be the Special Permit Granting Authority in the WSOD. An applicant may file an application with the Planning Board in conformance with M.G.L. Chapter 40A, (the Zoning Act) Sections 9 and 11, this Bylaw section, and Planning Board WSOD Rules and Regulations.

5. Planning Board Rules & Regulations

The Planning Board shall adopt and from time to time may amend Willow Street Overlay District Rules and Regulations to implement this Bylaw section. Such regulations shall include but will not be limited to Submission Requirements, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under M.G.L. Ch. 40A, s. 9, and shall be adopted after proper notice, posting, public hearing and vote by the Planning Board.

6. Pre-Application Conference

The applicant shall request and attend a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee to attend. The primary purpose of the pre-application conference is to provide an information exchange and feedback regarding how the applicant intends to use the site. The secondary purposes of a pre-application review are to minimize the applicant's cost of engineering and other technical experts, to commence discussions with the Planning Board at the earliest possible stage of development, and to set a timetable for submittal of a formal application. Meetings may be held by mutual agreement of the Planning Board and the applicant.

7. Review Procedures for WSOD Special Permit

- a. The applicant shall furnish a copy of the application to the Town Clerk.
- b. The applicant shall furnish sufficient copies of the special permit application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee.
- c. Reports from the above-named boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period. Public hearing procedures shall comply with the requirements of M.G.L. Ch. 40A, Sections 9 and 11.
- d. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.
- e. A WSOD Special Permit may be issued only following a public hearing held within 65 days after filing an application with the Planning Board.
- f. Once a WSOD Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and decided as provided by these regulations.

- g. In the event of any conflicts with this section 7 then M.G.L. Ch. 40A procedures shall apply.

8. General Requirements

- a. **General Compliance.** A proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions.
- b. **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.
- c. **Minimizing Disturbance.** 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. Streets within the site shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; to minimize cut and fill; Building shall be designed to relate harmoniously to the terrain.
- d. **Location of Wastewater Treatment.** All wastewater shall be treated and discharged on-site. Off-site wastewater treatment may be allowed if a suitable tie in can occur with an available sewer system.
- e. **Paths and Trails.** Shall be connected, preserved, and increased when possible.
- f. **Visual Appearance From Offsite.** The orientation of individual buildings and structures shall be designed to preserve and enhance views and vistas on or off the subject property.
- g. **Inclusionary Bylaw.** In the case that proposed developments in the WSOD include multi-family units such as apartments or condominiums then the developments must still comply with the town's inclusionary bylaw with regard to the residential component of the projects.
- h. **Sidewalks.** Will be created between the buildings and the street wherever possible.

9. Building and Design Standards

- a. **Setbacks.**
 - i. The setbacks of the underlying zone shall apply.
 - ii. Internal Building Separation: the minimum distance between all freestanding buildings in the WSOD shall be free of any obstruction which would interfere with the passage of a fire-safety vehicle to the complete site.
 - iii. The setback for height at the property line shall be no more than 15' high from the property line for a setback distance of at least 10'.
- b. **Height.**
 - i. Provided the use of the building is either non residential or mixed use, building heights may be increased in the discretion of the Planning Board. Current zoning requires heights not to exceed thirty-five (35') feet, except that spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical penthouses and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve. In the WSOD, the Planning Board may, in its sole discretion, allow building height for non residential or mixed properties to be increased.
- c. **Parking.** Within the WSOD District off-street parking shall be provided sufficient 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 and shall be in compliance with the parking requirements of the underlying business district unless the applicant can prove that mixed-use shared parking between the residential and commercial uses is appropriate.

- i. Parking areas shall be located so as to serve the uses to which they are related, and may be designed to serve more than one use or facility; shall be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety; shall be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and shall, unless otherwise approved by the Planning Board, be striped with spaces of at least 8½ feet width and 19 feet length.
- d. **Lighting.** All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design, with light which shall be retained on site and shall not create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-premise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.
- e. **Signs.**
 - i. The Business District provisions of Section VI.E shall apply for all building specific signage (tenants identification, directory, parking, etc) within the Willow Street Overlay District.
 - ii. Site Signage for developments with multiple structures within the Willow Street Overlay District
 - 1. Site Signage at the main entrance to the entire project for identification of the Project is permitted, to be located on free standing structure. Such sign shall not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.
 - 2. A single project tenant Directory Sign is permitted, to be located on a free standing structure. Such Directory Sign shall for each of the WSOD's commercial buildings' main tenants not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.
 - 3. Site directional signage is allowed provided each such sign may be no larger than 3 square feet in size; such signs may be posted not closer than 25 feet on center.
 - 4. No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Zoning Board of Appeals.

10. Conditions of Approval

The Planning Board may impose conditions, safeguards, requirements, and other standards as part of its approval.

11. Findings and Decision of the Planning Board for WSOD Special Permit

The Planning Board may grant a special permit after conducting a public hearing only where such grant would not be detrimental to the public health, safety, welfare, comfort or convenience of the community, would not be adverse to the Town's economy and environment, and is in harmony with the intent and purpose of this bylaw, and where the proposed development includes satisfactory provisions to:

- a. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.
- b. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency.
- c. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity.

- d. Provide for visual and noise buffering of the development to minimize impact to abutting properties.
- e. Provide for the perpetual preservation and maintenance of any open space and recreation areas.

The Planning Board shall take one of the following actions within 90 days following the date of the public hearing unless extended by written agreement between the Planning Board and the applicant in accordance with M.G.L. c.40A, Section 9, and Section VIII.C of this Bylaw:

- f. The Planning Board may grant a WSOD Special Permit with any conditions, safeguards, and limitations, considering each of the following:
 - i. The degree to which the conceptual design and layout of the proposed development is projected to attain the purpose of generating positive net tax revenue and local employment,
 - ii. The degree to which the proposed development protects the local neighborhood,
 - iii. The degree to which the WSOD furthers the goals and policies of the Master Plan; and the purposes of this Bylaw section.,
- g. The Planning Board may deny a special permit upon finding that the application does not comply with the provisions of this Bylaw section.

12. Duration of Special Permit

A Willow Street Overlay District Special Permit is granted for a period of two years from the date of its approval and shall lapse if at least one building permit has not been issued by such date, except for good cause shown.

Amendments in Conformity if this bylaw passes

- (1) Adopt the designation of the Willow Street Overlay District on the Town of Hamilton Zoning Map.
- (2) Amend Section II. Establishment of Districts, A. Classes of Districts and Zoning Map to include the following:

“, and further amended October 30, 2010, “

“WSOD Willow Street Overlay District Sec. V-I”

APPENDIX C

Changes to Town Bylaws

Chapter III – Selectmen (pp. 10-14)

SECTION 4. ~~The Selectmen Pursuant to Ch. 114 of the Acts of 2009, the Town Manager~~ shall appoint each year an inspector of gas piping and gas appliances in buildings, whose *qualifications and* duties shall be the enforcement of the Rules and Regulations adopted by the Board established in the Department of Public Utilities to regulate installations of gas fittings and defined in Section 12H of Chapter 25 of the General Laws, *those as set by and consistent with G.L. c. 143, § 30. The Board of Selectmen* and may by regulation establish fees therefore.

SECTION 10. The Selectmen are authorized and empowered, in accordance with G.L. Chapter 41, Sections 23A and 108N, *Ch. 114 of the Acts of 2009* to appoint a Town Manager; *and execute a contract for employment therewith. The Town Manager is authorized and empowered to appoint and remove any of the following:* a Town Accountant, Treasurer/Collector and , Finance Director and Health Agent, Emergency Center Supervisor, and the Recreation Director in accordance with G.L. Chapter 61, Sections 66 and 69, to appoint a Director of Public Works, all for terms of one to three years and to execute an employment contract with said officials the terms of which may with the concurrence of the Personnel Board vary from the Personnel By-Law. , *Recreation Director, a Director of Public Works, a Chief of Police, and a Fire Chief, and to execute employment contracts with said officials, the terms of which may with the concurrence of the Board of Selectmen vary from the Personnel By-law and policies. All appointments and removals of department heads by the Town Manager shall be subject to confirmation by the Board of Selectmen.* The Selectmen are also hereby authorized and empowered to appoint and to execute employment contracts with a Chief of Police and with a Fire Chief, as set forth in G.L. Chapter 41, Section 108-0, and G.L. Chapter 48, Sections 42, 43 and 44 the terms of which contracts may with the concurrence of the Personnel Board vary from the Personnel By-Law. *All other appointments shall be made by the Town Manager in consultation with the respective department head, board, commission or committee.*

SECTION 12. ~~The Selectmen are authorized and empowered to appoint the Treasurer/Collector.~~

SECTION 15. Pursuant to G.L. Ch. 43C, Sec. 11 *as accepted* by the Town Meeting, the Selectmen may provide for a consolidated Department of Municipal Finance, to be organized as set forth in this Section.

a) The Department of Municipal Finance may include the Offices and Functions of Town Accountant, Treasurer, Collector, Treasurer-Collector, Information Systems Coordinator, and Assessors, with all their related staff.

b) ~~The Selectmen shall appoint a Finance Director, who shall report to the Selectmen through the Town Manager.~~

c) The Finance Director may serve ex-officio as the Accountant, Auditor, Comptroller, Treasurer, Collector, or Treasurer-Collector of the town, provided however, that no Finance Director shall serve ex-officio as **both**: 1) Accountant, Auditor, or Comptroller; **and** 2) Treasurer, Collector or Treasurer-Collector.

d) ~~The Selectmen are authorized to execute an~~ *term of any* employment contract with the Finance Director, ~~and shall appoint said Director~~ *shall be* for a term of not less than three or more than five years, subject to removal as provided in the employment contract. The position may be full time or part-time.

e) The job descriptions and compensation of each position in the Department of Municipal Finance shall be set by the Selectmen ~~with the advice of the Personnel Board~~ *Town Manager in consultation with the Finance Director* pursuant to the Hamilton Personnel By-law *and policies*.

f) ~~The Finance Director~~ *Town Manager* shall appoint all personnel under his/her ~~the Finance Director's~~ direction and control, other than those in elected positions, subject to ~~the approval of the Selectmen~~ *in consultation with the Finance Director*.

g) ~~The Finance Director~~ *Town Manager* shall oversee and coordinate all financial functions and reporting of the Town performed by the various offices within the Department, including but not limited to:

- 1) Maintenance of all accounting records and other financial statements,
- 2) payment of all obligations, including bills, payroll and benefits,
- 3) receipt of all funds due, including tax and Town service billings,
- 4) monitoring the expenditure of all funds in all Town Departments and programs, including periodic reporting to appropriate agencies on status of accounts, and preparation of tax recap,
- 5) supervision of all data processing facilities and networks,
- 6) preparation of the annual Town budget, and regional/joint program budgets, including coordination with all Town Departments and the Finance and Advisory Committee,
- 7) management of independent audits,
- 8) long range economic planning and projection,
- 9) determination of long and short-term cash needs of the Town for operating and capital obligations, and borrowing as necessary.
- 10) determination of investment strategies to maximize safety and yield for Town funds,
- 11) administration of tax liens and tax-title takings,
- 12) supervision of staff within the Department of Municipal Finance,
- 13) and any other matters relating to municipal finance as may be determined necessary from time to time by the Selectmen.

Chapter IV – Board of Public Works (pp. 14-15)

SECTION 2. *Subject to confirmation by the Board of Selectmen, The Selectmen the Town Manager is* authorized and empowered to appoint, supervise, evaluate, and remove a Director of Public Works who shall direct public works operations of the Town.

SECTION 3. Assessments for extension of water system.

A. The Board of Selectmen, water commissioners or other officers in charge of the town water supply, shall levy special assessments to meet ~~IN~~ *in* whole or part of the cost, thereafter incurred, of laying pipes in public or private ways for the conveyance or distribution of water to inhabitants of the town; and the owners of land benefitted, by abutting or more remote means, shall pay a proportionate part of the cost not already assessed of extending water supply to their land.

Chapter V – Collection of Taxes (pp. 15-17)

SECTION 1. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town including the collection of water accounts, excepting interest on investments or sinking of trust funds. If it shall seem advisable to the Town Collector that suit or suits should be instituted and prosecuted in the name of the Town, in connection with the collection of any of said accounts due to the Town, he shall so advise the ~~Selectmen~~ *Town Manager*, who shall ~~have authority as agents of the Town~~ *recommend to the Board of Selectmen whether* to institute and prosecute the same.

Chapter VII – Legal Affairs (pp. 18-19)

SECTION 1. The Board of Selectmen shall have authority to prosecute, defend and compromise all litigation to which the Town is a party, ~~and to employ special counsel to assist the Town Counsel whenever in their judgment necessity therefore arises.~~ *The Town Manager shall coordinate with Town Counsel on all legal matters affecting town government, compliance, claims, litigation, and administrative proceedings and oversee prosecution, defense and settlement of all claims and actions.*

The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required of him, by vote of the Town or by any board of Town Officers. Also, when required by said boards or any committee of the Town *and confirmed by Town Manager*, he shall furnish a written opinion on any question that may be submitted to him, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.

SECTION 3. *Subject to confirmation by t* The Board of Selectmen, *the Town Manager* shall annually appoint an ~~attorney at law to act as~~ Town Counsel, ~~who~~ *and appoint special counsel to assist the Town Counsel whenever in his or her judgment necessity therefore arises.* *The Town Counsel* shall be paid such salary as the Town votes.

Chapter VIII – Town Contracts (p. 19)

SECTION 1. No officer of *or* Board of the Town shall make any contract on behalf of the Town in which such officer or any member of such board is directly or indirectly financially interested, except in competitive contracts.

Chapter IX – Acceptance of Streets (p. 19)

No new street shall be accepted by the Town unless at least fifteen days prior thereto there shall have been filed with the Town Clerk a plan of survey of such street, satisfying the requirements for boundaries and measurements and otherwise in accordance with Section 23 of Chapter 82 of the General Laws. No new street shall be accepted without the prior approval of the Planning Board and the Director of Public Works, based on street acceptance procedures to be adopted and amended from time to time by the Selectmen with the advice of the Director of Public Works, *the Town Manager* and the Planning Board.

Chapter X – Ways (pp. 20-21)

SECTION 9. The Chief of Police, in consultation with the *Town Manager and the* Director of Public Works, shall have the authority to declare a winter storm-parking ban on all public ways. The public will be notified of a winter storm parking ban by notices carried on the local access cable TV station, local radio station and by flashing lights and signage that will be activated in advance of predicted storms at locations determined by the Chief of Police and the Director of Public Works. Parking on streets during the parking ban is prohibited, and shall be punishable by a fine of \$20.00, and any vehicle so parked may be subject to towing at the expense of the owner.

Chapter XVIII – Dog By-Law (pp. 32-34)

SECTION 4.

Notwithstanding the provision of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Hamilton for the issuance of licenses for dogs shall be:

Males and Females	Fifteen Dollars
Neutered Males and Spayed Females	Fifteen Dollars
All Dogs Whose Registered Owners are Older Than 60 as of January 1 of the Year of Licensure	Ten Dollars
All Dogs Whose Registered Owners are Older than 70 as of January 1 of the Year of Licensure	No Fee

For kennels, if not more than four dogs are kept in said kennel, Fifty Dollars; if more than four but not more than ten dogs are kept in said kennel, One Hundred Dollars; and if

more than ten dogs are kept in said kennel, One Hundred Fifty Dollars, said kennels to require Special Permit as per the Hamilton Zoning By-Laws, Section V.A. 11d.

For Previously licensed dogs, the Town will charge a late fee, in addition to the license fee, as follows:

On or after June 1, a late fee of \$10	Total Due = \$25, per dog
On or after June 16, a late fee of \$25	Total Due = \$40, per dog
On or after August 1, a late fee of \$50	Total Due = \$65, per dog

The owner, or keeper, of a dog registered in Hamilton shall cause it to wear around its neck or body, a collar or harness to which shall be securely attached a tag in a form as prescribed by the Town Clerk and available at the Town Clerk's Office.

Chapter XIX – Disability of Fire Fighters (pp. 34-35)

Whenever a call fire fighter is disabled because of injury or incapacity arising out of and in the course of his employment as a call fire fighter and is thereby unable to perform the usual duties of his regular occupation at the time such injury or incapacity was incurred, he shall receive from the town for the period of such injury or incapacity compensation at the rate payable to a permanent member of the police force for the first year of service therein, provided that no such compensation shall be payable for any period after such fire fighter has been retired or pensioned in accordance with law or for any period after a physician designated by the ~~Board of Selectmen~~ **Town Manager** determines that such incapacity no longer exists, and provided further that no such compensation shall be payable if, and to the extent that, any insurance which is in effect provides coverage for such compensation and unless and until all rights under such insurance in favor of the insured shall have been exercised, determined and satisfied.

Chapter XXVIII – Right to Farm By-Law (pp. 50-52)

Section 5 Resolution of Disputes

To enhance the prompt resolution of disputes that may arise between those engaged in the agricultural uses protected under this Bylaw and those who claim that the use or enjoyment of their properties is adversely affected by such uses, the following dispute resolution procedure is established as a means by which owners and tenants may attempt to resolve the dispute in a prompt, effective, and amicable manner.

Any owner or tenant who wishes to complain that farming or a farming activity is adversely affecting the use or enjoyment of the owner's or tenant's real property may file a grievance with the ~~Board of Selectmen~~ **Town Manager**, The Zoning Enforcement Officer, the Board of Health, or the Conservation Commission, depending upon the nature of the grievance. Such Board, Commission, or official may forward the grievance to such other Board, Commission, or official whose jurisdiction may be more appropriate to address the grievance. A Board, Commission, or official may refer the grievance to the Agricultural Commission, which shall then undertake such efforts as it deems reasonable

and appropriate to facilitate an agreement to resolve the grievance. The Agricultural Commission shall file a report with the referring Board, Commission, or official within 30 days after receipt of the referral, unless the referring Board, Commission, or official establishes a different deadline or the parties to the dispute agree to a different deadline. Nothing herein shall impair or limit any other remedy available to an aggrieved party, suspend the time within which any such remedy must be pursued, or impair or limit the authority of the Board of Health or any other government body or official to respond to cases of imminent danger or public health risk.

Chapter XXX – Illicit Discharge Detection and Elimination By-Law (pp. 63-70)

5. RESPONSIBILITY FOR ADMINISTRATION

The ~~Board of Selectmen~~ *Town Manager* shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the ~~Board of Selectmen~~ *Town Manager* may be delegated in writing by the ~~Board of Selectmen~~ him to the Designated Agent or to another authorized agent.

11. ENFORCEMENT

A. The ~~Board of Selectmen~~ *Town Manager* shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief. If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders. The ~~Board of Selectmen~~ *Town Manager* may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or

property owner may file a written protest objecting to the amount or basis of costs with the ~~Board of Selectmen~~ **Town Manager** within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the ~~Board of Selectmen~~ **Town Manager**, affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59 §57 after the thirty-first day at which the costs first become due.

F. Criminal Penalties. Any person who violates any provision of this By-Law, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Hamilton.

G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Hamilton may elect to utilize the non-criminal disposition procedure set forth in M. G.L. Ch. 40 §21D and General By-Law Chapter XIII, in which case the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$100.00 for the first offense, \$200.00 for the second violation, and \$300.00 for the third violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

H. Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the ~~Board of Selectmen~~ **Town Manager** may enter upon privately owned property for the purpose of performing their *his* duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the ~~Board of Selectmen~~ **Town Manager** deems reasonably necessary.

I. Appeals. The decisions or orders of the ~~Board of Selectmen~~ **Town Manager** shall be final. Further relief shall be to a court of competent jurisdiction.

J. Remedies Not Exclusive. The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

APPENDIX D

CHAPTER XXXII

Hamilton Affordable Housing Trust

SECTION 1: Authority/establishment:

Pursuant to G.L. c.44, § 55C, there is hereby created an affordable housing trust fund to be known as the Hamilton Affordable Housing Trust Fund ("Trust Fund").

SECTION 2: Purpose:

The purpose of the Trust Fund shall be:

A. To receive, hold, invest, and/or expend funds for the acquisition, rehabilitation, renovation, construction, financing or refinancing of property within the Town of Hamilton so that such property will be substantially available as affordable housing and to further provide mechanisms to ensure such use.

SECTION 3: Composition:

The Trust Fund shall have five (5) Trustees at all times. At least one of the Trustees shall be a member of the Board of Selectmen. The Board of Selectmen shall appoint the remaining Trustees. In making the appointments, the Board of Selectmen shall endeavor to provide a broad-based membership including legal, banking, financial and real estate professionals, other members of the local business community and affordable housing advocates.

SECTION 4: Term of Office:

Upon establishment of the Trust, the Board of Selectmen shall forthwith appoint Trustees whose initial terms shall expire on the first June 30 after appointment. Thereafter, the Trustees shall be appointed for a two (2) year term commencing on July 1 and ending on June 30 or until such time as a successor is appointed, should said appointment be delayed.

SECTION 5: Organization:

The Trustees shall annually elect one Trustee to serve as Chairperson. Subcommittees and/or ad hoc task related committees may be created by a majority vote of the Trustees to carry out the purposes of the Trust Fund.

SECTION 6: Filling of vacancies:

In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.

SECTION 7: Meetings, quorum:

Meetings of the Trust Fund shall be held at the call of the Chairperson or any two (2) Trustees. Notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. Four (4) Trustees shall constitute a quorum but a majority vote of the full membership shall be required to approve any motion.

SECTION 8: Powers and duties:

The Hamilton Affordable Housing Trust Fund has the responsibility to support the construction, preservation and development of housing and rental properties to be fair and openly marketed at a sale (or rent) price at or below 80% of the then current median home value as determined by the Board of Assessors.

The Trust Fund shall have the powers and duties specified in G.L. c.44, § 55C.

It shall have the following additional powers and duties:

A. To establish criteria and/or qualifications for recipients and expenditures in accordance with Trust Fund's above-stated purposes.

SECTION 9: Treasurer-Collector as custodian:

The Treasurer-Collector shall be the custodian of the funds of the Trust Fund and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by M.G.L. c. 44, §§ 55, 55A and 55B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund.