

TOPICS OF PUBLIC CONCERN DERIVED FROM QUESTIONNAIRES AND LETTERS

Legal Issues: Overlay District versus underlying zoning; types of zoning, including “as of right” and special permitting; GCTS, as property owner, should be able to do what it wants with the site

An *Overlay District* is a type of district that “lies” on top of an existing zoning district. The use of an Overlay District can provide an opportunity to meet unique needs or facilitate full development potential.

The GCTS site is subject to R1-B zoning which is “*as of right*” under the Town’s Zoning Bylaw, although it can be subject to site plan review. An Overlay District for the site can eliminate the R1-B zoning if there is at least one “as of right” use that is allowed. Absent an Overlay District that eliminates the R1-B zoning, GCTS could sell its property to a developer who could create a *subdivision* on the entire site and eliminate existing perimeter buffers and other existing attributes of the site, such as mature trees, historic buildings, and public access. GCTS also could sell the entire site to a Ch. 40B developer or a non-profit entity - - circumstances that would not maximize the property’s value and would be detrimental to the Town. All other development of the site would require a change of zoning which is the purpose of the GCTS Reuse Initiative. In sum, GCTS cannot simply sell its property to a commercial developer or reuse the existing buildings on the site without an Overlay District.

Special permits are authorized under M.G.L. c. 40A, § 9. They are issued only for uses which are in harmony with the general purpose and intent of a bylaw and are subject to general or specific provisions that are set forth in that bylaw. The discretion of the Planning Board to issue special permits may be narrow or broad, depending on the language employed in the bylaw.

The Planning Board’s Concept for an Overlay District: The Planning Board has voted to approve, in principle, a concept that includes “as of right” reuse of the existing dormitories, subject to site plan review, and two tiers of special permitting. An abbreviated special permit review process would be available for developers using Illustrative Plans and a more stringent special permit review process providing for more Board discretion in its decision making would be required for development untethered to Illustrative Plans. The Illustrative Plans are predicated upon a zoning map prepared by the Planning Board that reflects seven (7) zones and incorporates Planning Board “preferences” for, among other things, a perimeter buffer, protection of natural areas and the Heritage Landscape, as well as protection of mature trees, usable open space and public access. The Illustrative Plans, once finalized after public input, will reflect community consensus as to the appropriate capacity of the site.

Development Agreement: A Development Agreement is a complex legal document that should reflect a vision for the site. It is being negotiated by GCTS and the Select Board. It maps out the process through which the Town and GCTS will realize that vision. It should contain agreements, such as allowable uses, necessary infrastructure investment, and guarantees to ensure the development moves forward to completion. The Overlay District and the Development Agreement should act in tandem. The Overlay District will depend upon the execution of the Development Agreement.

Infrastructure Issues: Waste water treatment capacity; traffic volume; water usage

Because there is no contractual requirement being proposed in the Development Agreement that is currently being negotiated that would require GCTS to provide civil engineering studies with respect to these issues, all developers would be required to conduct such studies as part of the special permitting process under the proposed Overlay District and to establish that the capacity of the site would not be exceeded or adversely impact the environment and abutters.

Development and Environmental Impact Issues: stormwater management and erosion control; avoidance of another “Bridge Street;” light pollution, noise pollution

The Overlay District will contain provisions that prohibit development on steep slopes that are prone to erosion. Through the special permitting process, the Planning Board will require a demonstration that those negative impacts will not occur. Indeed, in response to the development of the nine lots on Bridge Street which occurred “by right” under existing zoning, the Planning Board is in the process of amending its Stormwater Management Bylaw and associated Rules and Regulations. With respect to streets and, in particular, a curb cut on Woodbury Street, the Planning Board must consider public safety. The curb cut shown of an Illustrative Plan could be limited to emergency vehicle if such access was required.

Housing Issues: Affordable housing, market rate housing; diversity of housing in terms of ownership (e.g., condominium, rental) and type (e.g., townhouse, multi-family); single family housing

Regardless of whether the impact of school age children on Town’s finances is negative, as shown by the Consultants in their Report, or positive as advanced by others, single family housing is the most destructive of the natural landscape and is inconsistent with recommendations contained in Hamilton’s Housing Production Plan and Master Plan.

The Town is proposing that the dormitories be reused as rental housing with a portion of the units set aside as affordable. For example, if 25% of the housing units in the dormitories were set aside as affordable at 80% of area median income, all rental units in the dormitories would be included in the Subsidized Housing Index and potentially substantially satisfy the community goal of having a housing stock that is 10% affordable. The amount of affordable housing on the site is being negotiated between GCTS and the Select Board. It would not be part of the zoning bylaw for the site.

Fiscal issues: Commercial Development is preferable to other types of development and will expand the Town’s tax base; Single Family Development is preferable to other types of development and fiscal concerns should not dictate development of the site

The Planning Board’s Overlay District concept recognizes, as did the Consultants, that the market for residential development is strong and the market for senior serviced care is good. The Illustrative Plans reflect this reality. Commercial development, which is denominated as “user driven” and less likely given existing market conditions, is not excluded. Other than development involving senior serviced care, however, the Illustrative Plans do not reflect commercial development. Accordingly, such development, if proposed, would not be subject to an abbreviated special permitting process. To repeat, if a commercial developer were to propose a project for the site, the Overlay District would not preclude it.

Protect Rural Character: The Planning Board, through its preferences, which include a perimeter buffer, and provisions to address issues such as lighting and landscaping, is mindful that the rural character of Hamilton must be preserved. The Planning Board recognizes that its focus must be long term with respect to its coding for the site and that it must balance environmental, social, and fiscal needs. That balance requires consideration of the Town’s goal to be carbon neutral, and the Overlay District will contain provisions to advance that goal.

Next Steps: The Planning Board will be working toward finalizing a draft Overlay District to present to the public in August. Following more public input, the Planning Board will finalize its draft with reference to a Development Agreement. The goal is to have a state mandated public hearing in October and a vote on the Overlay District in late October or early November.