

10/23/23 2:15 PM



WARRANT

For

Special Town Meeting

November 6, 2023

7:00 p.m.

Hamilton-Wenham Regional High School

Please recycle this warrant after the Town Meeting.

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 Hamilton-Wenham Regional High School, 775 Bay Road in said town, on Monday, the sixth day of November, in the year Two Thousand Twenty-three (November 6, 2023) 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 2023/11 1-1 <i>Town Reports</i>	To hear reports of Town Officers and selected committees and to take action thereon or relative thereto.
ARTICLE 2023/11 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 2023/11 2-1 <i>Prior Year Bills</i>	<p>To see if the Town will vote to raise and appropriate, 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 \$13,248.78</i>)</p> <p><i>Brief Summary:</i> <i>This article provides for payment of all prior year bills which were not submitted or received by the Town prior to the fiscal year ending on June 30, 2022.</i></p> <p><i>A 9/10 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2024 Tax Rate Impact:</i> <i>Payment of these bills will have a negligible effect on the tax rate.</i></p> <p><i>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>
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<p>ARTICLE 2023/11 2-2</p> <p><i>Community Preservation – Town Hall Building Project</i></p>	<p>To see if the Town will vote, pursuant to G.L. c.44B, to appropriate \$232,675.00 from the Community Preservation Fund Historic Reserves Account and \$267,325.00 from the Community Preservation Fund Undesignated Reserve Fund Account, for a total appropriation of \$500,000.00, which sum shall supplement the funds appropriated under Article 2020/11 2-7 and Article 2021/5 2-14, as amended by Article 2022/10 3-2, 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; provided, however, that the expenditure of these funds shall not be authorized if Town Meeting fails to approve Article 2023/11 2-3, or if construction of the Town Hall project fails to commence by November 15, 2024; if construction has not commenced by November 15, 2024, any funds from this appropriation will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; and further, to amend the votes previously approved by Town Meeting on Article 2020/11 2-7 and Article 2021/5 2-14 to delete the condition that expenditure of the funds appropriated pursuant to said Articles shall not be authorized if Town Meeting fails to approve Article 2020/11 2-8 and Article 2021/5 2-15, respectively; or take any action thereon or relative thereto.</p> <p><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 and additional funds sought in a related article on this warrant, will enable the Town to proceed with the construction of the Town Hall Project.</i></p> <p><i>Fiscal Year 2024 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></p> <p><i>The Select Board (5-0) recommends favorable action. The CPC (6-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>
<p>ARTICLE 2023/11 2-3</p> <p><i>Town Hall Project</i></p>	<p>To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money for the purpose of funding the Town Hall Renovation Project, including all incidental and related costs, or take any action thereon or relative thereto. <i>(Expected request \$2,000,000 from Free Cash)</i></p>

	<p>Brief Summary: <i>This article seeks to appropriate additional funding from Free Cash for the Town Hall Renovation Project and is intended to cover those costs which are not eligible for CPA funding.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</p>
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SECTION 3: OTHER APPROPRIATIONS AND ACTIONS

<p>ARTICLE 2023/11 3-1</p> <p align="center"><i>General Bylaws – Amendment to Stormwater Management Bylaw</i></p>	<p>To see if the Town will vote to amend Chapter XXIX of the Town’s General Bylaws, Stormwater Management, by deleting the current version of Chapter XXIX in its entirety and replacing it with the version shown in Appendix A, or take any other action thereon or relative thereto.</p> <p>Brief Summary: <i>This article seeks to amend Chapter XXIX of the Town’s General Bylaws, which regulates stormwater management.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (4-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action. Planning Board (7-0) recommends favorable action.</p>
<p>ARTICLE 2023/11 3-2</p> <p align="center"><i>Amendment to Income Limitations for Senior Tax Deferral G.L. c.59, §5, Clause 41A</i></p>	<p>To see if the Town will vote to increase the current eligibility limits for senior property tax deferrals under G.L. c.59, §5, Clause 41A, as authorized by Chapter 190 of the Acts of 2008, by setting the maximum qualifying gross receipts beginning in FY2024 at \$64,000.00; and further, to establish the interest rate for deferred taxes in any given fiscal year commencing in FY2024 at 2%; or take any action thereon or relative thereto.</p> <p>Brief Summary: <i>The Town adopted Chapter 59, Section 5, Clause 41A originally in 2002 to allow seniors to delay payment of their property taxes. A property tax deferral does not discharge the tax obligation but instead defers payment until the senior sells the property or passes away. A deferral allows seniors to use resources that would go to pay taxes to defray living expenses instead. Taxpayers who qualify for a personal exemption (for example, for seniors, disabled veterans, blind persons or surviving spouses) may defer all or part of the balance of their reduced taxes. This article raises the income eligibility to include more seniors and also establishes the interest rate on deferred taxes at 2%.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p>

	<p><i>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>
<p>ARTICLE 2023/11 3-3</p> <p><i>Home Rule Petition Income Limitations for Senior Tax Deferral G.L. c.59, §5, Clause 41A</i></p>	<p>To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to increase the eligibility limits for senior property tax deferrals under G.L. c.59, §5, Clause 41A, as set forth in Appendix B; provided, however, that the General Court may make clerical or editorial changes of form only to the bill unless the Select Board approves amendments to the bill before enactment by the General Court, and to authorize the Select Board to approve amendments within the scope of the general objectives of the petition, or take any other action thereon or relative thereto.</p> <p><i>Brief Summary:</i> <i>This article is required as part of the process to seek a Home Rule Petition, and if approved, will allow the Town to increase the eligibility limits for senior property tax deferrals above the statutory limitation so that the limitation will equal the so-called circuit breaker income limitation for married filing jointly taxpayers regardless of marital status.</i></p> <p><i>Fiscal Year 2024 Tax Rate Impact:</i> <i>None.</i></p> <p><i>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>
<p>ARTICLE 2023/11 3-4</p> <p><i>Septic Loan Program</i></p>	<p>To see if the Town will vote to appropriate a sum of money for purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners for repayment of project and financing costs by such property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; and to determine whether this amount shall be raised by borrowing, including a borrowing through the Community Septic Management Program offered through the Massachusetts Clean Water Trust, or otherwise; or take any other action thereon or relative thereto.</p> <p><i>Brief Summary:</i> <i>This article seeks to enable the Town to request the Commonwealth of Massachusetts set aside funds from its Clean Water Trust to be used to fund the repair or replacement of septic systems that have failed Title V inspection, which funds will be borrowed by residents as a loan and which will be repaid by the residents, all under terms and conditions established by the Town.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2024 Tax Rate Impact:</i> <i>None.</i></p> <p><i>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>

ADJOURNMENT

Given under our hands this 16th day of October, 2023.

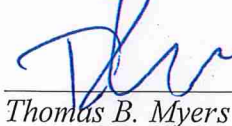
HAMILTON SELECT BOARD



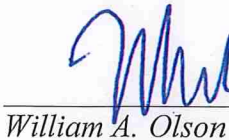
Shawn M. Farrell, Chair



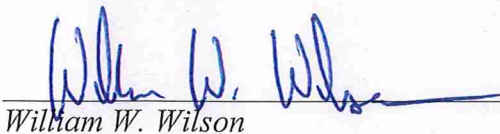
Caroline G. Beaulieu



Thomas B. Myers



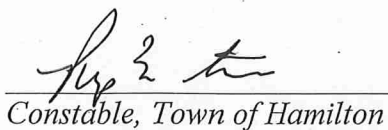
William A. Olson



William W. Wilson

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

10/23/2023
Date

APPENDIX A
Stormwater Management Bylaw Amendments

(Start Next Page)

CHAPTER XXIX

STORMWATER MANAGEMENT

1. PURPOSE AND INTENT:

The purpose and intent of this bylaw are to:

- A. Protect water resources;
- B. Require practices that mitigate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
- C. Promote infiltration and the recharge of groundwater;
- D. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process, and are implemented and maintained;
- E. Encourage the use of Low-Impact Development practices such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable;
- F. Comply with state and federal statutes and regulations relating to stormwater discharges;
- G. Establish the Town of Hamilton as the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

2. DEFINITIONS

ABUTTER: The owner(s) of land abutting the legal boundaries of the land on which the land-disturbing activity is proposed.

ADMINISTRATIVE LAND DISTURBANCE APPROVAL: A determination by the Permit Authority that land disturbance activity does not require a Stormwater Management Permit.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing, or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Stormwater Management Permit and/or Administrative Land Disturbance Review for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, the Zoning Board of Appeals, and/or their respective employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct development or redevelopment activities have occurred, are occurring, or are proposed to occur under one plan. The “plan” in a “common plan of development or sale” is broadly defined as

any announcement or piece of documentation (including, but not limited to, a sign, public notice or hearing, advertisement, drawing, permit application) or physical demarcation (including, but not limited to, boundary signs, lot stakes, surveyor markings).

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material, including tree cutting, grubbing, clearing, grading or excavation.

LOW IMPACT DEVELOPMENT: A set of strategies that seek to maintain natural systems during the development process. The idea is to create homes and businesses that are integrated into the landscape, not imposed on it. Natural areas and important features are protected, and stormwater is managed with a distributed network of swales and rain gardens, rather than a centralized system of pipes and ponds.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. c. 131 §40 and the Massachusetts Clean Waters Act, M.G.L. c. 21, §26-53. The Policy addresses, among other things, stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MASSACHUSETTS WATER QUALITY STANDARDS: Massachusetts Water Quality Standards: The surface water quality standards promulgated by the Massachusetts Department of Environmental Protection in 314 CMR 4.00, *et seq.*

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hamilton.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined, and discrete conveyance into waters of the Commonwealth.

OWNER: A person with a legal or equitable interest in property.

PERMIT AUTHORITY: The Planning Board or the Zoning Board of Appeals, as outlined in Section 5.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance measured perpendicular to the contours divided by the distance over which the change occurs multiplied by 100. The slope of land at any point, may be stated as a ratio (e.g., 2:1, 3:1, 4:1). The first number of the ratio indicates the horizontal distance and the second number indicates the vertical rise.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT (“SMP” and/or “Permit”): A permit issued by the Permit Authority, after review of an application, plans, calculations, and other supporting documents, which shows that the proposed project is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. *See* Section 6 and Planning Board Rules and Regulations. A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

3. AUTHORITY

- A. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the

federal Clean Water Act found at 40 CFR §22.34

- B. Nothing in this bylaw is intended to replace the requirements of any other bylaw that has been made or may be adopted by the Town of Hamilton.

4. APPLICABILITY

- A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading, excavation, and/or alteration of drainage characteristics that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town's Municipal Separate Storm Sewer System.
- B. Administrative Land Disturbance Review is required for projects that result in the disturbance of land between 5,000 sq. ft. and 43,559 sq. ft. The purpose of the Administrative Land Disturbance Review is to determine whether an Administrative Land Disturbance Approval or Stormwater Management Permit is required.
- C. A Stormwater Management Permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading and excavation that results in the following:
 - 1) Any land disturbance that will result in a proposed use that would have a higher potential pollutant loads pursuant to the Massachusetts Stormwater Management Standards; or
 - 2) Any land disturbance that is more than 5,000 sq. ft. of land with a slope equal to or greater than 25%, or any land disturbance that is more than 10,000 sq. ft. of land with a slope equal to or greater than 15%, or any disturbance that is more than 21,780 sq. ft. of land with more a slope equal to or greater than 10%; or
 - 3) Total cumulative added impervious surface that meets or exceeds 5,000 sq. ft.; or
 - 4) Disturbance of volume greater than 1,500 cubic yards; or
 - 5) Any land disturbance on a lot of any size which has caused or can reasonably be expected to cause or contribute to a violation of Massachusetts water quality standards or as deemed necessary by the Permit Authority for a project that would otherwise require Administrative Land Disturbance Review.
- D. Construction activities that are exempt are:
 - 1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations, 310 CMR 10.04 and M.G.L. c. 40A, §3;
 - 2) Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
 - 3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - 4) Normal maintenance of Town owned public land, ways, and appurtenances;
 - 5) Repair or maintenance of an individual subsurface septic disposal system, and related elements such as pipes, provided that the post-repair condition drainage is equal to the pre-repair condition.

- 6) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw section.
- 7) Maintenance, reconstruction or resurfacing of any public or private way; and the installation of drainage structures or utilities within or associated with such ways that have been approved by the appropriate authorities provided that written notice be filed with the Permit Authority fourteen (14) days prior to commencement of activity.

5. RESPONSIBILITY FOR ADMINISTRATION

- A. For the purpose of this bylaw section, as noted in subsection B below, the term Permit Authority shall indicate the Planning Board or the Zoning Board of Appeals, as appropriate. Any powers granted to or duties imposed upon the Permit Authority may be delegated in writing by the Permit Authority to its employees or agents.
- B. To the extent that the Zoning Board of Appeals is the Permit Authority under M.G.L. c. 40B and for certain activity, development, construction, or reconstruction under the Zoning Bylaw for which the Applicant also must seek a Stormwater Management Permit, then the Zoning Board of Appeals shall also be the Permit Authority in that instance.
- C. For all other applications which fall under the purview of this bylaw, the Planning Board shall be the Permit Authority.
- D. Applications, plans and accompanying data under this bylaw may be filed simultaneously with and may be incorporated into those plans and documents required in other permitting processes.
- E. Planning Board Rules and Regulations. The Planning Board shall adopt and may periodically amend Rules and Regulations to effectuate the purposes of this bylaw section. Failure by the Planning Board to promulgate such Rules and Regulations shall not have the effect of suspending or invalidating this bylaw. The Rules and Regulations shall include but shall not be limited to: the size, quantity, and distribution of plans; filing fee; required details for Stormwater Management Plan; Operation and Maintenance Plan; and Inspection and Site Supervision. The Planning Board Rules and Regulations shall be used to effectuate the purposes of this bylaw by the Zoning Board of Appeals when it is acting as the Permitting Authority.
- F. Stormwater Management Standards.
 - 1) The Permit Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Handbook to execute the provisions of this bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Regulations, stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
 - 2) The Permit Authority will apply the Stormwater Management Standards as outlined in the Massachusetts Stormwater Handbook Vol 2, Chapter 1, which prioritize Site Planning and use of environmentally sensitive site design and low impact development techniques.
 - 3) Stormwater Credit System. The Permit Authority may adopt a Stormwater Credit System as part of the regulations authorized by this bylaw section. This credit system will allow applicants the option to use better site design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure of the Permit Authority to promulgate such a credit system through its Regulations or a legal declaration of its

invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

6. PERMITS AND PROCEDURES

A. Application – Administrative Land Disturbance Review.

An Administrative Land Review requires the submission of an application and, upon review of the application, the Permit Authority shall issue a written determination approving the proposed land disturbance activities or requiring a Stormwater Management Permit Application. Subsections D. and F. below are inapplicable to Administrative Land Disturbance Review.

The Administrative Land Disturbance Approval Application package shall include:

- 1) A completed Application Form with signatures of all owners;
- 2) An instrument survey with a proposed site plan which includes all information required by Section 4;
- 3) A list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
- 4) A project description;
- 5) Payment of the application and review fees;
- 6) One (1) complete copy filed with the Town Clerk by the Applicant which shall serve to establish the filing date; and
- 7) A full electronic copy.

See Stormwater Management Permit Rules and Regulations for additional filing requirements.

B. Application -Stormwater Management Permit.

A completed application for a Stormwater Management Permit (SMP) shall be filed with the Permit Authority. The Stormwater Management Permit Application package shall include:

- 1) A completed Application Form with original signatures of all owners;
- 2) An instrument survey with a proposed site plan which includes all information required by Section 4;
- 3) A list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
- 4) Stormwater Management Plan and project description;
- 5) Operation and Maintenance Plan;
- 6) Payment of the application and review fees;
- 7) One (1) complete copy filed with the Town Clerk by the Applicant which shall serve to establish the filing date; and
- 8) A full electronic copy.

See Stormwater Management Permit Rules and Regulations for additional filing requirements.

C. Entry. When obtaining an Administrative Land Disturbance Review or when filing an

application for a permit, the Applicant shall grant the Permit Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, after proper notification to the Applicant at least 24 hours in advance. Refusal to grant voluntary access may result in denial of a permit or the Administrative Land Disturbance Review application.

D. Public Hearing.

- 1) If an application is filed concurrently for a Definitive Subdivision Plan approval, for a project under the Zoning bylaw, or for a M.G.L. c. 40B filing, the public hearing and decision requirements shall follow the requirements of the particular application.
- 2) To the extent possible, required hearings of the Permit Authority shall run concurrently with the Stormwater Management Permit hearing, and every effort shall be made to handle the permitting process expeditiously.
- 3) If an application is filed independently of other filings, the Permit Authority shall hold a public hearing within sixty (60) days of the receipt of a complete application and shall take final action within sixty (60) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Permit Authority. Notice of the public hearing shall be given by publication in a newspaper of local circulation, public posting, and by certified mail at the Applicant's expense to abutters at least fourteen (14) days prior to the hearing date. The Permit Authority shall make the application available for inspection by the public during business hours at the Hamilton Town Hall.

E. Information Requests. The applicant shall submit all additional information requested by the Permit Authority to issue a decision on the application.

F. Waivers.

- 1) The Permit Authority may waive strict compliance with any requirement of this bylaw or the Rules and Regulations adopted hereunder, where:
 - (a) Such action is allowed by federal, state, and local statutes and/or regulations;
 - (b) It is in the public interest; and
 - (c) It is not inconsistent with the purpose and intent of this bylaw.
- 2) Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purpose or objectives of this bylaw.
- 3) All waiver requests shall be discussed and voted on at the Public Hearing for the project.
- 4) If in the Permit Authority's opinion, additional time or information is required for review of a waiver request, the Permit Authority may continue the hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

G. Actions by the Permit Authority may include:

- 1) Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
- 2) Approve the Stormwater Management Permit Application and issue a permit with conditions, modifications, or restrictions that the Permit Authority determines are required to ensure that

the project will protect water resources and meets the objectives and requirements of this bylaw; or

- 3) Disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw.

H. Vote required. A simple majority of the Permit Authority shall be required to grant a Stormwater Management Permit.

I. The Permit Authority shall enforce all violations of the Stormwater Management Permit approval and conditions. *See* Section 12 below for enforcement of violations of this bylaw which do not fall under a valid Stormwater Management Permit.

J. Appeals. A decision of the Permit Authority shall be final. Further relief of a decision by the Permit Authority made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days of the final action taken by the Permit Authority, in accordance with M.G.L. c. 249, §4.

7. FINAL REPORT

Upon completion of the work, the Applicant shall submit a report (including certified as-built construction plans, as outlined in Subdivision Regulations, Section IV.B.8.a), from a Registered Professional Engineer (P.E.), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

8. CERTIFICATE OF COMPLETION

The Permit Authority will issue a letter certifying completion upon receipt and approval of the Final Report and/or upon otherwise determining that all work allowed by the permit has been satisfactorily completed in conformance with the permit and this bylaw.

9. EMPLOYMENT OF OUTSIDE CONSULTANTS

The Permit Authority may employ outside consultants, at the Applicant's expense, under the terms of the Zoning Bylaw and/or the Planning Board Rules and Regulations, to assist in its permit decision, including but not limited to plan review, drainage, and stormwater analysis; to determine conformance with this bylaw and other requirements; and for construction inspection.

10. PERFORMANCE GUARANTEE

A. The Permit Authority may require the Applicant to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security as performance guarantee, to be in an amount deemed sufficient by the Permit Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Permit Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Permit Authority has received the Final Report as required by Section 7 of this bylaw and issued a Certificate of Completion.

B. The Planning Board Rules and Regulations shall establish reasonable criteria for assessing the Performance Guarantee.

11. DURATION OF STORMWATER MANAGEMENT PERMIT

A Stormwater Management Permit is granted for a period of three years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause as shown.

12. ENFORCEMENT

- A. Land disturbance activities in excess of the thresholds established in Section 4 of this bylaw conducted without a Stormwater Management Permit or Administrative Land Disturbance Approval shall constitute a violation of this bylaw. The Permit Authority, or an authorized agent of the Permit Authority, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders:
- 1) The Permit Authority or an authorized agent of the Permit Authority may issue a written order to enforce the provisions of this bylaw or any regulations adopted hereunder, which may include:
 - (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the (a)Stormwater Management Permit or Administrative Land Disturbance Approval;
 - (b) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (c) Monitoring, analyses, and reporting; and/or
 - (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
 - 2) If the enforcing person determines that abatement or remediation of erosion and sedimentation 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, pursue a Court Order allowing the Town to undertake such work, and requiring the property owner to reimburse the Town for all costs incurred.
 - 3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Hamilton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permit Authority 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 Permit Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall constitute a municipal charge for purposes of M.G.L. c. 40, §58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to M.G.L. c. 40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, §57 on the 31st day after the costs first become due.
- C. Criminal Penalties. Any person who violates any provision of this bylaw, 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.
- D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D and General Bylaw Chapter XIII, *Penalties for Violation*, in which case the Permit Authority or its agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

13. SEVERABILITY

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

APPENDIX B
Home Rule Petition

AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS IN THE TOWN OF
HAMILTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding clause forty-first A of section 5 of chapter 59 of the General Laws or any general or special law to the contrary, the town of Hamilton may, by vote of its select board, adopt a maximum qualifying gross receipts amount in excess of the limitation set forth in said clause forty-first A; provided, however, that such maximum qualifying gross receipts amount shall not exceed the income limit determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62 of the General Laws for married persons filing jointly, regardless of the taxpayer's marital status.

SECTION 2. This act shall take effect upon its passage.

November 6, 2023

From: Hamilton Finance and Advisory Committee

Commentary and Recommendations on the Warrant for:

ANNUAL TOWN MEETING

Monday, November 6, 2023

Hamilton-Wenham Regional High School, Hamilton

Please bring this report to Town Meeting

To the Citizens of Hamilton:

Before each Annual Town Meeting and Special Town Meeting, 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, one or more of the 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 the appropriate 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 2023/11 1-1 Town Reports

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

ARTICLES 2023/11 1-2 Article for Consent Motion

Certain of the articles described below and as listed in the warrant may be consolidated into a single motion for approval. These articles generally include administrative and house-keeping matters, and similar issues that the SELECT BOARD (SB) considers to be uncontroversial. Consolidating these articles is efficient and streamlines the Town Meeting process. Any citizen may ask that any article be removed from the Consent Agenda and be discussed separately.

ARTICLE 2023/11 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.

In this case, the late invoices are for a total of \$13,248.78, consisting of (i) \$593.00 from Quadrant Health Strategies, Inc. for employment health screening services, and (ii) \$12,655.78 from East to West Solar LLC, DBA Greenbacker Renewable Energy Corporation for electricity. Approval of this appropriation will have almost no effect on the tax rate.

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

The following commentary addresses the two Town Hall warrant articles:

ARTICLE 2023/11 2-2 Community Preservation – Town Hall Building Project **ARTICLE 2023/11 2-3 Town Hall Project**

Background

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.

Town Hall Project – Proposed

A building **Preservation and Restoration Project** is currently being planned. 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.

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. A complete cost estimation is currently being refined along with an updated set of building plans.

Funding for Town Hall Preservation and Restoration Project

The proposed **Preservation and Restoration Project** construction cost is not to exceed **\$6.5 million dollars** and is being funded as follows:

Community Preservation*:

\$ 3.0M	Approved at 2020 Special Town Meeting
1.0M	Approved at 2021 Annual Town Meeting
<u>0.5M</u>	Approval being requested at 11/6/23 Special Town Meeting
\$ 4.5M	Total CPC Funds

Free Cash:

<u>2.0M</u>	Approval being requested at 11/6/23 Special Town Meeting
<u>\$ 6.5M</u>	Total project funding

* **Note:** In the FY 2023 Annual Report of the Hamilton CPC, a project has been listed in the “Future Anticipated Potential Grant - Category B” for \$500,000 for a Town Hall Heating System for the year 2028. This is a “planned” request and has not been formally submitted or approved.

Town Hall 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 is in the early stages of planning. This project includes, but is not limited to HVAC, mechanical systems and controls and lighting.

On October 4, 2023, the town issued a “Request for Qualifications” 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 shall 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 Project.

As the Town is pursuing grant funding for this **Decarbonization** project, no action, approval, or funding is being requested at this Special Town Meeting.

FINCOM Recommendation

FINCOM recommends approval of both Warrant Articles (11 2-2 & 11 2-3) supporting the renovation and rehabilitation of the Town Hall building. FINCOM feels the Town Hall is more than just a building. It represents the seat of local government and is a significant historical landmark. While visits to Town Hall now may not be as frequent as in years past, every citizen of Hamilton uses the services provided by staff at Town Hall even if they conduct business online or by mail. Additionally, “hard copy” records for our homes and the business of the town are required by state law to be kept by the Town. While progress towards a more “digital” operational environment is taking shape, moving Town Hall to a fully digital profile is not likely in the near future.

Town meeting attendees have approved Town Hall renovation projects at both the 11/14/20 Special Town Meeting (STM) and the 5/1/21 Annual Town Meeting (ATM). Funding in addition to the CPC commitments, via debt issuance, was declined at the ballot following both meetings. Town management has recognized the reluctance of taxpayers to issue debt to finance the renovation projects and hence decided to delay the project. FINCOM feels delaying the project and eventually utilizing available “free cash” as a funding source is a positive outcome for the town.

Additionally, FINCOM feels the approach of seeking available “grant funding opportunities” for the **Decarbonization** project via an Energy Management Services Company is applauded.

In developing our recommendation, FINCOM reviewed the FY 2023 CPC annual report and the most recent certified “Free Cash” report from the town. Both reviews yielded a positive financial recommendation for utilization of the \$0.5M from the CPC and the \$2.0M from the Town’s free cash reserve.

The Finance and Advisory Committee recommends FAVORABLE ACTION (4-0) on Article 2-2 and Article 2-3.

ARTICLE 2023/11 3-1 General Bylaws - Amendment to Stormwater Management Bylaw

This article proposes a series of amendments to the Town’s current Stormwater Management Bylaw. These amendments were prepared by the Planning Board, which unanimously recommended adoption at Special Town Meeting. In general, the amendments expand the protections offered by this bylaw from the consequences, often unintended, of the flow of stormwater due to development throughout the Town. Many of the amendments provide additional specificity on the Stormwater Management provisions, including substituting more comprehensive definitions.

The most significant changes relate to the applicability of the bylaw which has been expanded and supplemented with specific guidance on when an administrative review or a special permit is required. Whereas the existing bylaw requires a special permit for all construction activities that disturb more than an acre of land that drains in to the stormwater drainage system (in itself or as a part of a plan of common development), the proposed amendments expand upon this definition by also requiring an administrative review to determine if a special permit is mandated if as little as 5,000 sq ft of land is disturbed. In addition, it expands upon the cases where a special permit is required by requiring a special permit if 1) there are higher potential pollutant loads, 2) the disturbance is less than an acre but the slope is greater than 10-25% according to a graduated scale based on the amount of land disturbed less than an acre, 3) 5,000 sq ft or more of impervious surface is added or 4) the volume of disturbance exceeds more than 1,500 cubic yards.

The changes proposed by the Planning Board were motivated by several instances of construction activities in the Town which significantly affected stormwater runoff but technically were under the one acre of land test. A broadened potential for review and requiring a permit when other factors such as slope, volume, potential for pollutant loads and the amount of impervious surface being added, can go a long way towards minimizing or preventing the adverse effects of development on the existing stormwater runoff system.

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

**ARTICLE 2023/11 3-2 Amendment to Income Limitations for Senior Tax Deferral
G.L. c.59, §5, Clause 41A**

Article 3-2 seeks to increase the annual income limitation for the Senior Tax Deferral program from \$58,000 to \$64,000 and change the interest rate from 5% to 2%. The Senior Tax Deferral program allows qualifying seniors to defer payment of property taxes until their home is sold or the senior dies, at which time the Town is repaid all deferred taxes including interest. FINCOM has evaluated the current usage of this program in Hamilton along with other communities with higher income thresholds. FINCOM has concluded that both the current usage and potential future usage of this program will not have an adverse impact on tax rates or the Town's fiscal operation. This conclusion is based on the fact that the taxes are always paid in the long-term, including interest, and usage will not be enough to create an adverse cashflow impact. FINCOM is supportive of this change as it can help residents in need without negative impact to the Town.

The Finance and Advisory Committee recommends FAVORABLE ACTION (4-0) on Article 3-2.

ARTICLE 2023/11 3-3 Home Rule Petition - Income Limitations for Senior Tax Deferral G.L. c.59, §5, Clause 41A

Article 3-3 takes a further step from Article 3-2 and seeks to set the annual income limitation for the Senior Tax Deferral at the level of the circuit breaker income limitation for married filing jointly, currently \$96,000. The purpose of this change is both to make additional seniors eligible for the program described in Article 3-2 and to allow the income threshold to change in line with inflation without the need for Town Meeting votes. Currently the Town cannot increase the threshold above the \$64,000 threshold sought in Article 3-2 without a Special Act by the State Legislature. This article starts the process of seeking the Special Act with the State Legislature. Similar to Article 3-2 FINCOM has evaluated this program at the increased income level and has concluded that the potential future usage of this program will not have an adverse impact on tax rates or the Town's fiscal operation. FINCOM is supportive of this change as it can help residents in need without negative impact to the Town.

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

ARTICLE 2023/4 3-4 Septic Loan Program

Each year, approximately 15 to 20 septic systems in Hamilton fail inspection and must be repaired or replaced. Replacement of a septic system costs tens of thousands of dollars, and the cost can be burdensome or even impossible for homeowners to fund.

The Community Septic Management Program, offered through the Massachusetts Clean Water Trust, is a program that allows residents to borrow money to repair or replace their septic system. The program benefits residents who must repair or replace their septic system, and it protects our environment from the results of failed systems.

The funds for the program come from the Clean Water Trust. Once the program is passed by Town Meeting, the Town must submit a grant application to the state Department of Environmental Protection to access the Clean Water Trust.

Once funded, any resident may apply to the Board of Health for a Septic Loan. It will be up to the Town to decide on the eligibility requirements, but Towns generally do not impose an income limitation or credit check. The Town is charged 2% interest on the funds, which is passed through to the borrower, plus an amount to cover the administrative fees. The Town places a lien on the property which allows the Town to recover the loan amount from the proceeds from any sale of the property.

Several surrounding towns have been involved in the Septic Loan program and have found it to be overwhelmingly successful: all the loans have been repaid or are being repaid, with no defaults. Hamilton itself previously had adopted the program but had unintentionally not renewed it after a change in the legislation.

The Community Septic Management Program has funds available that could assist Hamilton residents, with minimal effort from the Town, and with no tax impact.

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

Respectfully Submitted,

Hamilton Finance and Advisory Committee

John McGrath, Chair
Harry Philip, Vice Chair
Alex Rindels, Secretary
Christina Schenk-Hargrove
John Pruellage

(NEW) Hamilton Town Hall Project



History of Project

- This project began with the creation of a Town Hall Building Committee by Town Meeting 2017
- THBC met for three years and ultimately recommended a complete renovation of the existing Town Hall with exterior rehabilitation, ADA accessibility improvements, fire safety and building code improvements and building mechanical/HVAC improvements all with Historic Commission, Capital Committee and Finance Committee support
- Town Meeting has twice voted to support the project with votes in November 2020 and May 2021.
- However, additional funding needed for that project was not approved by voters on two debt-exclusion ballot questions also in November 2020 and May 2021
- **The Select Board and town management listened to the voters and decided not to pursue a project that would require a debt-exclusion**

What has changed?

- Following the last failed debt-exclusion vote, the Town administration focused on separating the project into two-parts; what is absolutely necessary and what can be done in subsequent project(s)
- By focusing on the Accessibility, Rehabilitation and Building Code aspects of the project, **the project no longer needs debt-exclusion** approval
- The Health Department has been moved out of the Town Hall and the Inspectional Services Department will be moving out imminently
- The new plan does not bring those departments back into the Town Hall, they will both remain at the Council on Aging building
- CPC funding previously approved for this project (\$4M) will be supplemented with additional CPC funds (\$500K) and available Free Cash (\$2M)
- The **total project cost** for the new project is **estimated at \$6.5M**

Hamilton Town Hall Accessible Entrance



What is the current plan?

- The new plan (Preservation and Renovation) includes:
 - ADA accessibility improvements consistent with the Town's new ADA SET-P
 - Fire suppression
 - Expansion of bathroom facilities to all floors
 - Renovation of the second floor meeting space
 - Minor alterations to existing office spaces
 - Needed structural reinforcement
 - Building exterior improvements to make the building water-tight
- The new plan does not include:
 - HVAC improvements
 - Electrical upgrades
 - Mechanical systems

Hamilton Town Hall First Floor



Hamilton Town Hall Second Floor



Second Floor Meeting Room



What about what was left out?

- Separately, the town is working with an Energy Services Company (ESCO) **to apply for grants** and develop a **de-carbonization project** for Town Hall with the following goals:
 - Upgrade the mechanical systems
 - Install an Energy Management System
 - Replace our existing gas-fired boiler with more efficient heat sources (ie. heat pumps, ductless splits or geothermal)
 - Reduce or remove any reliance on fossil fuels to the greatest extent possible
 - Upgrade the electrical and lighting systems
 - Obtain grant funding to complete all energy related improvements with minimal to no additional town appropriation

Questions?



PROPOSED AMENDMENTS TO CHAPTER XXIX – STORMWATER MANAGEMENT BYLAW

SIGNIFICANT AMENDMENTS:

- A definition of “common plan of development or sale”
- A more comprehensive definition of “land disturbance activity”
- A revised definition of the term “slope”
- Expansion of Section 4, “Applicability”
- A specific reference in Section 5F to Vol. 2 of the Massachusetts Stormwater Management Handbook which prioritizes environmentally sensitive site design
- Expansion of Section 12, Enforcement
- Specific provision for the imposition of a municipal lien for the recovery of any costs incurred by the Town for abatement or remediation

The most important changes to the Stormwater Management Bylaw involve Sections 4 and 12. The most pertinent changes to those sections are set forth below.

Existing Provision	Proposed Amendment
<p>4. APPLICABILITY</p> <p>A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town’s Municipal Separate Storm Sewer System.</p>	<p>4. APPLICABILITY</p> <p>A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading, excavation, and/or Alteration of Drainage Characteristics that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town’s Municipal Separate Storm Sewer System.</p> <p>B. Administrative Land Disturbance Review is required for projects that result in the disturbance of land between 5,000 sq. ft. and 43,559 sq. ft. The purpose of the Administrative Land Disturbance Review is to determine whether an Administrative Approval or Stormwater Management Permit is required.</p> <p>C. A Stormwater Management Permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading and excavation, that results in the following:</p> <ol style="list-style-type: none"> 1) Any land disturbance that will result in a proposed use that would have a higher

	<p>potential pollutant loads pursuant to the Massachusetts Stormwater Management Standards; or</p> <ol style="list-style-type: none"> 2) Any land disturbance that is more than 5,000 sq. ft. of land with a slope equal to or greater than 25%, or any disturbance that is more than 10,000 sq. ft. of land with a slope equal to or greater than 15%, or any disturbance that is more than 21,780 sq. ft. of land with a slope equal to or greater than 10%; or 3) Total cumulative added impervious surface that meets or exceeds 5,000 sq. ft.; or 4) Disturbance of volume greater than 1,500 cubic yards; or 5) Any land disturbance on a lot of any size which has caused or can reasonably be expected to cause or contribute to a violation of State Water Quality Standards or as deemed necessary by the Permit Authority for a project that would otherwise require Administrative Land Disturbance Review.
<p>12. ENFORCEMENT</p> <p>A. In any instance where a SWM Permit has not been applied for or granted, a disturbance of earth equal to or greater than one acre of land shall constitute a violation of this bylaw section. The Planning Board, or an authorized agent of the Planning Board, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.</p>	<p>12. ENFORCEMENT</p> <p>A. Land disturbance activities in excess of the thresholds established in Section 4 of this Bylaw conducted without a Stormwater Management Permit or Administrative Land Disturbance Approval shall constitute a violation of this Bylaw. The Permit Authority, or an authorized agent of the Permit Authority, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.</p>

WARRANT ARTICLE 3.4 for BOARD of HEALTH INITIATIVE: THE COMMUNITY SEPTIC MANAGEMENT BETTERMENT LOAN PROGRAM

Goal:

For the Town of Hamilton to adopt the state-sponsored Community Septic Management Betterment Loan Program at the November 2023 Special Town Meeting.

Why:

Hamilton does not have any public sewers. All of the approximately 2800 homes are on septic systems. In general, about 10 to 20 of these systems fail townwide each year. The repair or replacement of a septic system can be upwards of \$30,000 to even \$50,000 each. This is a very heavy burden on the average homeowner and this program is geared to provide relief with easily-accessible low-interest loans. Acceptance of this program would be a win for our residents and our environment. Residents could access funding for replacements or repairs – specifically, seniors wanting to stay in town, or families that want to stay in town but need to upgrade for family size, etc. Much of our housing stock is aging and systems will need to be replaced or repaired. Homeowners can access these funds only if the Town adopts the program. Replacement or repair of failing septic systems is a green initiative as it keeps contaminants out of the groundwater.

Background:

This program is sponsored by the Commonwealth and administered by the Department of Environmental Protection as part of the Clean Water Trust program. Several of the surrounding towns including Essex, Ipswich, Rowley and Manchester have had this program in place for many years. None of these towns, except for the central part of Ipswich and downtown Manchester, has a public sewer system and wastewater treatment plant; all are similar in population to Hamilton.

The Hamilton program would be administered through the Board of Health, but will require support of other town officials, namely, the Finance Director and Treasurer already in place, so no new staffing is needed or requested. Initially there will be a learning curve but, based on and taking advantage of other towns' experiences, this will be easily managed once the program is set up.

Steps:

We have met to explain this program with all relevant Town government staff and organizations including the Town Manager, Select Board, Finance Director, Treasurer, FinCom, Town Counsel, and Council on Aging. Everyone agrees that this is a great program and we should adopt it.

We are asking that you approve this Warrant Article with a request for the state to set aside \$500,000 from the state Clean Water Trust for Hamilton's program.

There are operational decisions to be made and details to be worked out for applications, loan amounts, fee amounts, and processing, but all within the purview of the current Town staff.

FAQs - FREQUENTLY ASKED QUESTIONS:

1. **What is the *Community Septic Management Betterment Loan Program*?** It is a loan program for Hamilton residents to access if they need to repair or replace their failed septic system.

WARRANT ARTICLE 3.4 for BOARD of HEALTH INITIATIVE:
THE COMMUNITY SEPTIC MANAGEMENT BETTERMENT LOAN PROGRAM

2. **Will this program increase our taxes?** NO.
3. **Will this program cost the Town extra expenses above the current or future budgets?** NO.
Administration of the program will be done with the current Finance, Treasurer, and Health Department staff. To startup this Program, a modest short-term effort will be required; to run this Program, a low level of effort will be required falling well within their current budgeted hours.
4. **Where does the loan money for this program come from?** The Massachusetts Clean Water Trust.
5. **Is this a new program?** No. Hamilton had a previous program in place in the 1990s through 2000s and many Town residents successfully used it to pay for repair/replacement of failed septic systems. It is not clear why Hamilton did not reauthorize (originally under 310 CMR 14) but it appears the regulatory framework changed and the new program (now 310 CMR 15) was not picked up.
6. **Do other nearby Towns have this loan program in place now?** Yes, namely, Ipswich, Essex, Manchester, Rowley, Gloucester, and many others.
7. **How do these other Towns feel about this program?** Every Town with this program feels it has been very successful and are happy they have it. Some Towns such as Rowley and Essex have seen many residents take advantage of it and those residents are very happy to be able to repair or replace their septic system without having to refinance their homes.
8. **How does the Town access this Trust money?**
 - a. The Town must pass by a 2/3 vote a warrant article at Town Meeting authorizing the Town to apply for and operate the program; and
 - b. Then submit a grant application to the state Department of Environmental Protection to access the Clean Water Trust.
9. **Is this program a “gift” or is it a loan which residents must repay?** It’s a loan which must be repaid by the resident; the Town is not responsible for loan payback. No Hamilton tax dollars are involved in the loans.
10. **Who or what will benefit from this program?** The beneficiaries of this Program are: (1) residents of Hamilton whose septic systems have failed to meet Title V requirements and must be repaired or replaced; and (2) our environment into which failed septic systems discharge.
11. **Which Hamilton residents are eligible for a loan?** Any resident whose septic system has failed may request an application from the Board of Health and apply. It is entirely up to the Town to decide on eligibility requirements; those will be decided by Town management once the program is approved. For example, some Towns have chosen to exclude residents who are selling their property.
12. **Do you know how many Hamilton homeowners might want or need to take advantage of this Program?** Yes, we do. We know that every year some 10 to 20 Hamilton septic systems fail to pass Title V requirements and must be repaired or replaced. The typical cost for replacing an average septic system in Hamilton is \$30,000 to \$40,000. Over the past year, two homeowners have approached The Hamilton Foundation and two other homeowners have approached the Health Department for financial assistance in paying for the replacement of their failed septic systems.
13. **How many homeowners in other Towns with this program defaulted on their loans?** NONE.
14. **What protects the Town in the event of a default or failure to pay back the loan?** Once the loan is approved, the Town goes to the Essex Registry of Deeds office and places a lien on the property. That lien gives the Town the legal right when the title to the property changes hands to recover all of the loan amount from the proceeds of sale of the property.