**WORKING DRAFT**

* 1. **BROWN’S HILL OVERLAY DISTRICT**

**9.6.1 PURPOSE AND APPLICABILITY**

**9.6.1.1 Purpose.** The general purpose of the Brown’s Hill Overlay District (BHOD) is to encourage planned and orderly development of land within its boundaries. The area is designated for special land use with consideration given to environmental and fiscal concerns. The BHOD utilizes a variety of planning tools, including “as of right” development, site plan review, and two special permitting options, that will ensure careful control of future development for the benefit of the Town of Hamilton and the community at large. The specific purposes of the BHOD are to:

1. Support land uses and activities that will promote economic development and allow for the phased development of new uses and activities that reflect traditional campus spatial layouts and/or New England building, street, and open space patterns;

[Note to Draft: Preservation to be addressed in Development Agreement]

2. Embrace open space, respect the natural environment, and maintain clear development edges with buffers or separation between areas of dissimilar character at the perimeter of the BHOD and within the site itself;

3. Utilize established principles, such as clustered housing, and provide a mix of housing types (e.g., cottages, townhouses, multi-family) and ownership choices (e.g., apartments, condominiums) for different needs, desires, and incomes;

[Note to Draft: Access to be addressed in Development Agreement]

4. Utilize landscaping to create a walkable and inviting site for residents, occupants, and invitees;

5. Encourage the use of Illustrative Plans developed by the Planning Board by providing an incentive in the form of an optional abbreviated Special Permit process that presumptively satisfies the BHOD Special Design Process set forth in §9.6.4.5 and six of the ten Planning Board Findings for a Special Permit set forth in §9.6.7.5**,** specifically those findings numbered 1, 2, 5, 7, 8, and 9; and

6. Balance fiscal, social, and environmental benefits to the Town to create a development that will be integrated into the preexisting surrounding neighborhood.

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

1. The proposed project complies with all applicable provisions of the Hamilton Zoning Bylaw;

2. The exercise of discretion will act to ensure the compatibility of the proposed project with the site, with properties on the site and in surrounding neighborhoods, and the community; and

3. The decision is consistent with the Town’s Master Plan.

**9.6.1.3 Applicability.** The BHOD is an overlay district included in §2.3 of the Hamilton Zoning Bylaw as the Brown’s Hill Overlay District. The BHOD replaces the applicable underlying zoning district and permits residential uses and other uses by right, as well as enumerated uses by Special Permit. An applicant shall have the option for seeking approvals pursuant to the zoning controls of the BHOD or seeking approvals under the underlying zoning. The BHOD shall not be applicable to the use of land for religious purposes or for educational purposes, which remain subject to G.L. c. 40A, §3.

**9.6.1.4 Special Permit Granting Authority.** The Planning Board shall act as the Special Permit Granting Authority and shall grant Special Permits as set forth in this Bylaw and pursuant to §10.5 of the Hamilton Zoning Bylaw in the BHOD.

**9.6.2 DISTRICTS AND ALLOWABLE USES**

**9.6.2.1 Districts and Brown’s Hill Planned District Plan.** The BHOD is divided into multiple districts, some of which may include residential or commercial development or a combination of both as set forth on the Brown’s Hill Planned District Map. The Brown’s Hill Planned District Map is adopted as an integral element of this Bylaw and is illustrated in the Brown’s Hill District and identifies the boundaries of the districts described in Table 1. The Brown’s Hill Planned District Map is annexed to, and incorporated into, this Bylaw as Map 1 **[Note to Draft: GCTS would like to discuss modifications to the boundaries of the HL and other districts and buffers]**. Table 1 contains a description of districts and, where applicable, sets forth maximum number of dwelling units and gross square footage for each district.

**ANNEX TABLE 1 - DESCRIPTION OF DISTRICTS AND DENSITIES**

**9.6.2.2 Allowable Land Uses**. The uses of land permitted within the BHOD are listed in Table 2 annexed to this Bylaw and made part of it. Table 2 contains the list of permitted uses and accessory uses for each district, excluding consideration of uses for the Retreat House, Pilgrim Hall, and the Gate House whose uses are set forth in §9.6.2.4 through §9.6.2.7. Land uses identified in Table 2 are permitted, subject to the permitting requirements set forth in Table 2, which are annexed to this Bylaw and made part of it. A land use that is not listed in Table 2 is not allowed.

**ANNEX TABLE 2 - USE CHART**

**9.6.2.3 Uses Applicable to the Retreat House.** The following uses are allowed uses without Site Plan Review for the Retreat House:

1. Educational or religious uses;
2. Conference or Convention Facility;
3. Library, Museum, Art Gallery;
4. Multi-Family Dwelling;
5. Mixed use with a residential component;
6. Business or Professional Offices or Personal Service Establishment;
7. Restaurant and Hotel/Bed and Breakfast.

**9.6.2.4 Uses Applicable to Pilgrim Hall.** The following use are allowed uses without Site Plan Review for Pilgrim Hall:

1. Educational or religious uses;
2. Conference or Convention Facility;
3. Library, Museum, Art Gallery;
4. Multi-Family Dwelling;
5. Mixed Use with a residential component;
6. Business or Professional Offices or Personal Service Establishment;
7. Restaurant and/or Hotel/Bed and Breakfast.

**9.6.2.5 Uses Applicable to the Gate House** The Following uses are allowed uses without Site Plan Review for the Gate House:

1. Educational or religious uses;
2. Multi-Family Dwelling;
3. Mixed Use with a residential component;
4. Business or Professional Offices or Personal Service Establishment;
5. Hotel/Bed and Breakfast.

**9.6.2.6** **Accessory Uses for the Retreat House, Pilgrim Hall and Gate House**. The following accessory uses are allowed uses without Site Plan Review for Retreat House, Pilgrim Hall and Gate House:

1. Daycare Center (Child or Adult);

2. Fitness/Health Facility;

3. Meeting Facility;

4. Home Occupation;

5. Restaurant, Café, or Coffee Shop;

6. Off-street parking.

**9.6.3 APPLICATION REQUIREMENTS**

**9.6.3.1** **Application Requirements Generally**. The uses of land permitted in each district are listed in Table 2.

**ANNEX TABLES 3A, 3B, and 3C - PERMITTING REQUIREMENTS [NOTE TO DRAFT: THESE TABLES ARE NOT NECESSARY]**

**9.6.3.2 Structures Lawfully in Existence as of the Effective Date of this Bylaw**. Structures within the BHOD lawfully in existence or lawfully begun as of the effective date of this Bylaw, for the purposes of Mass. Gen. Laws. Ch. 40A, §6, and §5.0 of the Hamilton Zoning Bylaw, shall be deemed lawfully conforming to the Hamilton Zoning Bylaw.

**9.6.3.3 Site Plan Approval.** Where applicable, the provisions of §10.6 of the Hamilton Zoning Bylaw shall apply to uses, buildings and structures permitted by right in the BHOD. Notwithstanding the site plan review thresholds set forth in §10.6 of the Hamilton Zoning Bylaw, no site plan review shall be required for those uses, buildings and structures which explicitly state in the BHOD that no site plan review is required.

**1.** **Parking.** Notwithstanding the requirements of §6.1 of the Hamilton Zoning Bylaw, the Planning Board is authorized to issue Site Plan Approval with fewer parking and loading spaces and areas if, in its sole judgment, the requirements of §6.1.1 are determined to be inconsistent with the planning and land use goals of the BHOD. When the Planning Board approves a Site Plan or Special Permit that deviates from the requirements of §6.1, the Planning Board shall include in its decision the basis for such deviation. For avoidance of doubt, all parking lots existing as of the date of adoption of the BHOD shall be deemed to be fully-compliant with the requirements of the BHOD

**9.6.4 CONCEPT PLAN OPTIONS.** An applicant seeking to develop all or a portion of the property in the BHOD for a development that requires one or more special permits may utilize one or more of the Illustrative Plans prepared by the Planning Board to develop a Concept Plan or an applicant may produce and use its own Concept Plan.

**1. Option 1: Concept Plans Based on Illustrative Plans.** A Concept Plan developed using an Illustrative Plan as set forth in Maps 2-5 annexed to this Bylaw and made part of it or based on the principles of an Illustrative Plan or in substantial conformance with an Illustrative Plan, shall be permitted and if such Concept Plan includes uses, buildings or structures required a special permit, such project shall have the benefit of the abbreviated Special Permit process set forth in §9.6.1.1.6**.**

**ANNEX ILLUSTRATIVE PLAN MAPS 2-5**

Illustrative Plans are predicated upon use of building types as a regulatory mechanism. Not all building types are permitted in all planning districts. Table 4, annexed to this Bylaw and made a part of it, sets forth building types, identifies building types permitted in each district, and summarizes applicable metrics applicable to building types in each district for developments that are proceeding under Option 1. Building types are defined in §9.6.7.5

**ANNEX TABLE 4 - BUILDING/LOT TYPE STANDARDS**

**2. Option 2: Concept Plan Independent of Illustrative Plans.** For all development requiring one or more special permits that does not follow an Illustrative Plan, other than development that is allowed by right with or without site plan review, which is exempt from these requirements, the applicant shall, as part of the special permit filing, submit a Concept Plan and shall conform with the BHOD Special Design Process set forth in Section 9.6.4.5 below and the Development Standards in Section 9.6.5.2 below.

**9.6.4.5 BHOD SPECIAL DESIGN PROCESS:** For those projects that require a Special Permit for which an applicant does not rely upon an Illustrative Plan or Plans, the following design process must be followed for the Planning Board to determine whether the applicant has satisfied finding number 9 in §9.6.7.3 for issuance of a Special Permit.

**1.** **Lotting and Identification of Protected Areas.** The applicant, as the first step in the design process, must identify the approximate location of lot lines and developable acres - the area of the tract of land and identify and delineate on a map the following: 1) regulated conservation areas on the lot, including any wetlands, riverfront areas, or floodplains subject to the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, §40 or Hamilton’s Conservation Bylaw (Chapter XVII) of the General Bylaw and regulations promulgated thereunder, or any other state, federal, or local law; and 2) unregulated conservation areas such as unprotected natural landscape features, including steep slopes, as defined in §9.6.7.8. To the maximum extent feasible, the identification and delineation of all conservation areas shall occur prior to the Pre-Application Conference.

**2. Identification and Delineation of the Proposed Development Area.** The applicant, as the second step in the design process, must define and delineate on a map the area that will contain buildings, roadways, other site improvements and amenities for residents and occupants of the development.

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

**4**. **Roads.** The applicant, as the fourth step in the design process, must identify and delineate on a map the location of existing and proposed roads and ways serving the lot to be developed. Roads shall be aligned to access the buildings or dwelling units.

**9.6.5DEVELOPMENT STANDARDS.** For projects that require a Special permit, required development standards differ whether an applicant develops a Concept Plan based upon an Illustrative Plan or proceeds without using an Illustrative Plan. For applicants utilizing an Illustrative Plan, the Development Standards are denominated **Allowable Form Standards**. If an applicant follows the Allowable Form Standards, its application will be subject to an Abbreviated Special Permit process and shall be approved, subject to satisfying the following requirements.

1. Attendance at the Pre-Application Conference in accordance with §9.6.6.1;

2. Satisfactory Completion of the Application Process set forth in §9.6.6.2;

3. Complying with the Additional Requirements set forthin§9.6.5.1.2 below; and

4. Satisfying the Planning Board Findings for Special Permits listed in §9.6.7.5.3 (mitigation to abutting land by reason of air or water pollution, noise, dust, vibrations, and stormwater runoff); § 9.6.7.5.4 (safe and convenient access to the site); and §9.6.7.5.6 (adequate capacity for water, sewer and public services).

**9.6.5.1 Allowable Form Standards - Illustrative Plans (Option 1).**

**1. Tables 5-1 and Tables 5A-H.** For an applicant utilizing one or more of the Illustrative Plan Maps 2-5 to develop a Concept Plan, the Allowable Form Standards set forth in Tables -1 and Tables 5A-H, annexed to the Bylaw and made a part of it, shall apply.

**2. Additional Requirements.** In addition to conforming with the Allowable Form Standards, an applicant utilizing a Concept Plan based upon an Illustrative Plan must satisfy the following Development Standards, if applicable:

A. §9.6.5.2.3 Lighting;

B. §9.6.5.2.5 Parking;

C. §9.6.5.2.6 Signage;

D. §9.6.5.2.8 Landscaping;

E. §9.6.5.2.9 Stormwater Management; and

F. §9.6.5.2.10 Service Areas, Loading Docks, and Mechanical and Solar Equipment.

**ANNEX TABLES 5-1 and Tables 5A-H - ALLOWABLE FORM STANDARDS**

**9.6.5.2 Development Standards - Development without Use of Illustrative Plans (Option 2).** This Section sets forth standards and requirements for development or redevelopment if an applicant does not prepare a Concept Plan using an Illustrative Plan.

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

A. Perimeter Buffers.To the extent feasible, a perimeter buffer of 100 feet shall be maintained around the exterior boundary of the BHOD. The buffer shall consist of multi-layered vertical and horizontal plantings to achieve a consistent and dense visual buffer and structural buffering also may be required. [Note to Draft: GCTS would like to further discuss buffers]

B. Landscape Buffers.Where the perimeter buffer consists of trees and native shrubs, their preservation is required. If the buffer needs to be modified it must be enhanced to soften the visual impact of new buildings, structures or parking spaces from adjacent properties, the existing vegetation must be maintained and supplemented with trees and shrubs of a variety and species appropriate to the area.

C. Structural Elements**.** Structural elements such as fences or privacy walls no taller than eight feet in height or berms or other elements may be used as buffers.

**2. Open Space.** A development must include an open space component on the lot as set forth in Table 7. The Planning Board is authorized to issue an approval for less open space on a lot if, in its sole judgment, sufficient open space exists in close proximity to the lot. When the Planning Board approves a Site Plan or Special Permit that deviates from the open space requirements of Table 7, the Planning Board shall include in its decision the basis for such deviation. For purposes of the BHOD, open space shall mean the space on a lot unoccupied by a building, unobstructed to the sky, not devoted to streets, driveways, off-street parking or loading spaces or other impervious surfaces, and expressed as a percentage of total lot area. Open space may include, but shall not be limited to, to the following

1. Active recreation areas such as playfields or tennis courts;

2. Central greens or neighborhood commons;

3. Parks, open fields, forested lands, and wetland resources; or

4. Stormwater detention areas.

**3. Lighting.**

A. General Exterior Lighting Standards. All new exterior lighting shall follow Dark Sky provisions as established by the International Dark-Sky Association (IDA) to the extent practicable, as well as the following requirements.

1. Lighting fixtures shall, to the extent feasible, be consistent within each district of the BHOD.

2. Light fixtures shall be downcast or low cut-off fixtures to prevent glare and light pollution.

4. In order to conserve energy and reduce long-term costs, energy-efficient lamps shall be used.

[Note to Draft: Street Lighting was deleted as this would be addressed on any new streets through the Subdivision Regulations]

B. Parking Lot Lighting in New Parking Lots.

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

2. If necessary to mitigate effects on properties outside of the BHOD, light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height and light fixtures located within 50 feet of the perimeter boundary of the BHOD shall not exceed 16 feet.

E. Lighting Along New Pedestrian Walkways.

1. If necessary to mitigate effects on properties outside the BHOD, light fixtures located along pedestrian walkways adjacent to parking lots shall not exceed 16 feet in height.

2. If necessary to mitigate effects on properties outside the BHOD, light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area shall not exceed 10 feet in height.

F. Lighting on New Buildings and Security Lighting.

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

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

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

**4. Thoroughfares.** All existing streets and any newly constructed streets, roadways or alleys shall remain private. The design of new streets, roadways, or alleys and modifications to existing streets shall adhere to the requirements of the Hamilton Subdivision Regulations.

**5. Parking Requirements.**  Parking shall be provided for each permitted use based upon the minimum requirements outlined by use in Table 6-2 Required Vehicle Parking. The required vehicle parking requirements may be waived or modified by the Planning Board if it determines that sufficient parking exists. All accessible parking areas shall comply with applicable state laws and regulations regarding size and accessibility.

**ANNEX TABLE 6-2 REQUIRED VHICLE PARKING SPACE AMOUNTS**

**6. Sidewalks.** If in Planning Board determines that sidewalks are required on new streets as part of its review of new streets under the Hamilton Subdivision Regulations, such sidewalks shall be a minimum width of 5 feet.

**7. Signage.** Notwithstanding anything to the contrary in the Hamilton Zoning Bylaw, no approvals shall be required for any signage within 100 feet of a public way located outside of the BHOD. The provisions of §6.3 of the Hamilton Zoning Bylaw shall apply for all signage visible from a public way outside of the BHOD, subject to the following:

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

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

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

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

**8. Landscaping.**  A landscape plan shall be required and approved.

A. General Standards.

1. If necessary to mitigate stormwater impacts on abutting properties outside of the BHOD, landscape design should maximize use of green infrastructure stormwater best management practices (BMPs) such as pervious paving, bioretention systems, rain gardens, bioswales, terraces, and stormwater planters to slow and treat stormwater runoff.

2. Existing healthy trees and shrubs shall be reasonably preserved or shall be replaced through reasonable mitigation measures through the planting of seedlings elsewhere in the same district.

3. Lawn seed mixes shall be drought resistant.

4. In order to promote sustainable landscape practices, plant varieties shall be selected for resistance to drought, moisture, salt, or insects and other pests. Plants shall be selected so that landscaping can be maintained with minimal care, and the need for watering, and the use of pesticides, or fertilizers minimized or eliminated.

B. Parking Lot Landscape Standards. New proposed parking lots shall comply with the following requirements. Parking lots existing at the time of the adoption of the BHOD shall not be subject to these provisions.

1. Developments with new proposed parking areas of 6 spaces or more shall provide a minimum of 10 percent of landscaped open space within the area designated for parking inclusive of any landscaped borders surrounding the parking lot. Use of the provided landscaped open space for vegetated stormwater quality management is allowed and encouraged.

2. Surface parking lot entrances shall be landscaped with a combination of trees, shrubs, walls, and other landscape features. No trees, shrubs, fences, hardscape walls, or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.

3. The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 6 feet.

C. Street Trees. Street trees within new streets shall comply with the requirements of the Hamilton Subdivision Regulations.

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

**10. Service Areas, Loading Docks, and Mechanical and Solar Equipment.**

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

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

C. Mounted Solar Energy Systems. A mounted system on or integrated into the construction of a structure, such as, but not limited to, a roof mounted solar energy system shall be permitted provided the buildings is physically and structurally designed to support rooftop solar energy systems.

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

**11. Dimensional Standards** The following dimensional and other standards set forth in Table 7, annexed to this Bylaw and made a part of it, shall apply.

**ANNEX TABLE 7 - DIMENSIONAL AND OTHER STANDARDS APPLICABLE TO CONCEPT PLANS NOT UTILIZING ILLUSTRATIVE PLANS**

**12.** **Waivers**. In particular instances, the Planning Board may grant waivers from any of the Development Standards set forth in §9.6.5 if the Planning Board determines that compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape or grade of the lot, or that such a waiver would be in the public interest or in the interest of safety or protection of environmental features.

**9.6.6 PROCEDURES**

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

1. Inform the applicant of existing Illustrative Plans prepared by the Planning Board;

2. Provide the applicant with information and feedback regarding the applicant’s proposed Concept Plan; and

3. Set a timetable for submittal of a finalized Concept Plan.

**9.6.6.2 Application Process**. Every plan submitted for approval must be prepared by a Registered Professional Landscape Architect, Civil Engineer, or Architect, or by a multi-disciplinary team of which one (1) member must be a Registered Professional Landscape Architect, Architect, or Engineer, and shall include the information listed below. For Concept Plans that are not based on Illustrative Plans, the Concept Plan shall be produced using the through the BHOD Special Design Process set forth in §9.6.4.5and shall incorporate the development standards set forth in §9.6.5.2 and adhere to the Dimensional and Other Standards set forth in Table 7**.**

For an applicant utilizing an Illustrative Plan to develop a Concept Plan, the requirements of §9.6.4.5 regarding the Special Design Processare presumptively satisfied, and the applicant need not produce the information set forth in numbers 4, 5, and 8 below.

1. Title Block including the name of the Owner of record, name of applicant, address of the property, and the Assessors’ Map and Lot Number; name of the company preparing the plan, address and phone number, signature and stamp of professional(s) preparing the plan, date of plan, scale;

2. The location of the proposed development;

3. The size of the lot in acres;

4. An existing condition inventory;

5. A map identifying and delineating regulated and unregulated conservation areas and other resources as set forth in §9.6.4.5, as well as the location of the proposed development areas, and the total number and approximate locations of the proposed buildings, dwelling units, and the approximate size of each in square feet;

6. The location and size of proposed open space;

7. The areas or approximate delineation of building areas;

8. An acknowledgement of the applicable provisions of Chapter XXIX of the Stormwater Management General Bylaw and a general description of how drainage will be handled, including a soils statement (a soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities;

9. Evidence that drainage system will be adequate for any necessary treatment;

10. A preliminary traffic impact analysis that includes an estimated analysis of the traffic for the existing and proposed uses of the lot and its impact on existing traffic;

11. If the applicant proposes to demolish all or part of an existing building, the applicant shall be required to propose a plan for demolition and removal of all waste by a licensed and insured professional entity;

12. A written proposal from the applicant that addresses, but is not limited to, the following:

A. Payment for consultant review of plans and documents accompanying the Concept Plan; and

B. Payment for project impacts to municipal infrastructure, including but not limited to roadway, stormwater, and public safety. [Note to draft: As set forth above, public access will be addressed in the Development Agreement]

**9.6.7 GENERAL PROVSIONS**

**9.6.7.1 Prohibition**. Once an application has been submitted, the following activities are prohibited on any part of the lot subject to the application until the application has been reviewed and decided as provided by under this Section, except in the case of an emergency: tree removal, utility installation, ditching, grading or constriction of roads, grading of land or lots, excavation (exception for the purposes of soil testing, dredging, or filling), and construction of buildings or structures.

**9.6.7.2 Employment of Outside Consultants**. The Planning Board may employ outside consultants, at the applicant’s expense, under the terms of Gen. Law. Ch.§44, to assist it in its decision making with respect to drainage, stormwater analysis, and other matters it deems material to its findings for site plan review or the issuance of a special permit, including but not limited to construction, inspections, traffic analysis and the like.

**9.6.7.3 Applicability of §8.3 (Inclusionary Housing) of the Hamilton Zoning Bylaw to the BHOD.** The provisions of §8.3 of the Hamilton Zoning Bylaw shall not apply to residential uses permitted in the BHOD by right, as set forth in §9.6.7, but shall apply to residential uses permitted in the BHOD by Special Permit.

**9.6.7.4 Applicability of §8.2 (Senior Housing) to the BHOD.** Where applicable, the provisions of §8.2 of the Hamilton Zoning Bylaw shall be superseded by the provisions of this Bylaw. Specifically, the following sections of §8.2 shall apply: §8.2.5, §8.2.7.2-11, §8.2.13, §8.2.14, §8.2.16.1-5, §8.2.19, and §8.2.21, unless waived by the Planning Board.

**9.6.7.5 Planning Board Findings for Special Permits.** The Planning Board must make written findings on the following standards for the proposed use, buildings, and structures.

1. The proposed development is compatible with adjacent land uses, which shall be presumed for any development that conforms to the uses, densities and standards set forth in the BHOD or an Illustrative Plan;

2. The proposed development complies with the landscaping standards in the BHOD;

3. The proposed development reasonably mitigates impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibrations, or stormwater runoff;

4. The proposed development provides safe and convenient accessto the lot from existing or proposed roads, and to proposed structures thereon, with reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency;

5. The proposed development provides safe and convenient access within the site and to proposed structures thereon, with reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency;

6. Adequate water and sewer capacity and public services exist to service the proposed development;

7. Where applicable, the proposed development contains the necessary visual buffering at the perimeter of the BHOD; and

8. The applicant has demonstrated compliance with §9.6.4.5 regarding the Special Design Process.

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

**9.6.7.7 Senior Housing Annual Reporting.** Senior Housing developments pursuant to §8.2 shall comply with the annual reporting requirements of §8.2.33. [Note to Draft: Wastewater treatment section deleted as this will be regulated by MassDEP]

**9.6.7.8 Definitions**

Accessory Use or Building: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Building: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Business or Professional Office: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Building Height: The height of a Building shall be the vertical distance measured from the mean finished grade of the ground adjoining the front of the building, as determined by the Building Commissioner, to the top of the structure of the highest occupied floor in the case of a flat roof, to the deck line of a mansard roof, and to the top of the plate of a gable, hip, or gambrel roof, exclusive of rooftop mechanical penthouses, elevator penthouses and all other rooftop mechanical equipment

Dwelling: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Dwelling unit: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Dwelling Unit, Attached House (e.g., Duplex): Duplex houses are two dwellings that may be either stacked vertically or spread horizontally having the appearance of a large, detached house. They are suited for small lot sizes.

Dwelling Unit, Attached House (e.g., Triplex, Quadplex): Triplex and Quadplex houses have the outward appearance of detached estate houses but accommodate three or four separate dwelling units within one building. They are appropriate for a wide variety of lot sizes.

Dwelling Unit, Multi-Family (Multi-plex, Apartments, Condominiums): Multi-family buildings incorporate five or more dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings.

Dwelling, Townhouse: A building containing three or more dwelling units in a row, in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over another dwelling unit, each dwelling unit is separated from any other dwelling unit by one or more party walls, and each dwelling unit is occupied by not more than one household. Townhouses are residential buildings with three or more dwelling units that share a common wall. Each unit is a minimum of two stories. Units are typically aligned close to the public sidewalk, although sometimes there are small variations in setback to provide landscaping or diversity in the streetscape.

Existing Student Apartments: Student housing is contained within six (6) individual, 3-story structures (Units A & B, C & D, and E & F) at three different locations on the site. Each unit is an apartment with a mix of studios, 1-bedrooms, 2-bedrooms, 3-bedrooms and 4-bedrooms.

Existing Business / Commercial/Institutional: Existing Business/Commercial/Institutional buildings include Kerr Hall, the Academic Center, Library, Chapel, Gate House, Retreat House and Pilgrim Hall.

Live / Work Building: Live/work buildings are designed to combine commercial and residential uses within a single building of two or more stories. They are like a townhouse, with a storefront on the ground floor and a residential unit above. Storefront space may be a home-based business or may be leased independently.

Lot: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Lot Frontage: Shall have the meaning ascribed to such term in §11.0 of the Hamilton Zoning Bylaw; provided, however, that all streets within the BHOD that are in existence as of the adoption of the BHOD shall be deemed to be a street on which lot frontage can be measured and deemed to qualify as sufficient in all respects with the width, suitable grades, and adequate construction standards of the Subdivision Control Law.

Medical Clinic: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Medical Office: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Mixed Use: [DELETE AS THIS IS ALREADY DEFINED IN THE HAMILTON ZONING BYLAW]

Steep Slopes: For purposes of this Bylaw, steep slopes shall be defined and governed by the provisions of the Stormwater Management Bylaw, Chapter XXIX of the General Town Bylaw.

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| **Summary report:**  **Litera Compare for Word 11.5.0.74 Document comparison done on 11/15/2023 6:13:17 PM** | |
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