

MEMORANDUM

To: Hamilton Select Board

From: Marnie Crouch, Chair, Hamilton Planning Board

Re: Proposed Amendment to the Groundwater Protection Overlay District, Section 9.1 of the Hamilton Zoning Bylaw

Date: December 2024

Pursuant to G.L. ch. 40A, §5, the Planning Board is hereby initiating the following amendment to the Groundwater Protection Overlay District (GPOD) of the Hamilton's Zoning Bylaw and requests that the Select Board include the proposed amendment on the Warrant for the annual 2025 Town Meeting. In accordance with G. L. ch. 40 A, §5, the Planning Board requests that the Select Board refer the proposed amendment back to the Planning Board for a public hearing and a report and recommendation to Town Meeting. Below is a summary of the proposed amendment. The text of the existing Zoning Bylaw Section 9.1.4 with the proposed change follows the summary.

BACKGROUND:

The GPOD was adopted as an overlay district over 30 years ago. As an overlay district, the GPOD is superimposed on other districts and the requirements and use restrictions are in addition to the requirements set forth in the underlying districts. The general purpose of the GPOD is to protect ground water resources, especially well recharge areas supporting the Town's water supply. Its specific purposes are:

1. To promote the health, safety and general welfare of the Town by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of Hamilton.
2. To preserve and protect existing and potential sources of drinking water supplies and recharge areas;
3. To conserve the natural resources of the Town; and
4. To prevent temporary and permanent contamination of the environment.

See Section 9.1.1. Section 9.1.7 of the GPOD sets forth permitted uses, namely, "uses or activities permitted in the underlying district" and those uses "are controlled by the requirements of the underlying district."

Other uses which are not prohibited (i.e., land-fills hazardous waste storage, etc.) require a special permit in accordance with Section 9.1.9, in particular "[e]nlargement or alteration of existing uses that do not conform to the GPOD."

For a single-family residential development, there is no conflict between "building Lot" and "Dwelling unit" in Section 9.1.4. Uncertainty and ambiguity, however, arise in the case of condominiums or other developments with density greater than that permitted in the applicable

underlying district. Because of the paramount importance of the quality of the Town’s water supply, made even more so by increasingly frequent drought conditions, the purpose of the proposed amendment is to eliminate uncertainty as to the interpretation of Section 9.1.4 of the GPOD in relation to Section 4.1.2, the Table of Dimensional Regulations and Section 8.2, Senior Housing. Notably, Section 8.2.12 provides that “[a] proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations and requirements of all departments, boards, and commissions, including the special sensitivities of the Historic District and Groundwater Protection Overlay District.” The Senior Housing Bylaw also makes exceptions to the density requirements in the R-1A, R-1B, and RA district, but not the GPOD. Naturally, density or the number of residential units on a given lot affects volume of septage, which relates directly to the volume of potential pollutants within any GPOD area. Accordingly, 1) to reinforce the purpose of the GPOD; 2) to provide consistency with the cap on density in the RA district which requires 80,000 square feet for a dwelling unit; and 3) to eliminate any ambiguity in the interpretation of Section 8.2 and 9.1.4 of the Zoning Bylaw, the Planning Board is initiating an amendment to the GPOD and the Hamilton Zoning Bylaw.

AMENDMENT TO SECTION 9.1.4:

The term “per Dwelling unit” is substituted for “for a building Lot.”

PROPOSED WARRANT ARTICLE WITH THE BYLAW AMENDMENT:

To see if the Town will amend the Town of Hamilton Zoning Bylaw by making the change to Section 9.1.4 Groundwater Protection Overlay District as set forth below with language to be deleted in strikethrough and language to be added in bold and underlined, or to take any action relative thereto.

9.1.4 Dimensional Requirements. Regardless of the minimum Lot size of the underlying zone, there shall be a minimum lot area of eighty thousand (80,000) square feet ~~for a building Lot~~ per **dwelling unit** for a building Lot in the GPOD. See Section 4.0 for Computation of Lot Area.