



WARRANT

For

Annual Town Meeting

April 5, 2025
9:00 a.m.

Hamilton-Wenham Regional High School
Auditorium

Annual Town Election

April 10, 2025
7:00 a.m. – 8:00 p.m.

Hamilton-Wenham Recreation Gymnasium

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 the Hamilton-Wenham Regional High School Auditorium, 775 Bay Road in said town, on Saturday, the fifth day of April, in the year Two Thousand Twenty-five (April 5, 2025) at nine o'clock in the morning (9:00 a.m.), then and there to act on the following articles.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

<p>ARTICLE 2025/4 1-1 <i>Election of Officers</i></p>	<p>To elect the following Town and School District Officers at the Annual Town Election on Thursday, April 10, 2025 from 7:00 a.m. to 8:00 p.m. at the Hamilton-Wenham Recreation Gymnasium, located at 16 Union Street, Hamilton, Massachusetts.</p> <ul style="list-style-type: none"><input type="checkbox"/> Town Moderator for one year<input type="checkbox"/> Two members of the Select Board for three years<input type="checkbox"/> One member of the Board of Assessors for three years<input type="checkbox"/> Three members of the Planning Board for three years<input type="checkbox"/> One Hamilton-Wenham Public Library Trustee for three years<input type="checkbox"/> Three member of the Hamilton-Wenham Regional School Committee for three years <p>Ballot Question: Shall the Town of Hamilton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Hamilton-Wenham Regional School District for the purpose of paying costs of a new Cutler Elementary School at 237 Asbury St. Hamilton, MA, including the payment of all costs incidental or related thereto?</p>
<p>ARTICLE 2025/4 1-2 <i>Reports</i></p>	<p>To hear reports of Town Officers and selected committees and to take action thereon or relative thereto. Reports will appear in the Town Report for Fiscal Year 2024 and be posted to the Town of Hamilton website.</p>
<p>ARTICLE 2025/4 1-3 <i>Article for Consent Motion</i></p>	<p>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.</p> <p>Expected Consent Motion to include articles: ARTICLES</p>

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SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2025/4 2-1</p> <p align="center"><i>Compensation/ Classification Table</i></p>	<p>To see if the Town will amend the Personnel Bylaw by adopting changes to the classification and compensation table as set forth in Appendix A, or take any action thereon or relative thereto.</p> <p>[The Proposed Compensation/Classification Table appears as Appendix A to the 2025 Appendix Book.]</p> <p><i>Brief Summary: The Classification/Compensation table reflects a cost of living increase for settled contracts and non-union employees. Collective Bargaining Agreements under negotiation are identified as such and do not reflect any cost of living increases. Anticipated increases are currently budgeted in a salary reserve account to accommodate for prospective increases for unsettled union contracts.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: The tax rate impact of this article is reflected in Article 2-3, the Town budget article, as the Classification/Compensation Table is only one part of a formula used to determine the various wages and salaries contained within the Town budget.</i></p> <p><i>The Select Board (<input type="checkbox"/>) recommends favorable action. The Finance and Advisory Committee (<input type="checkbox"/>) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-2</p> <p align="center"><i>Prior Year Bills</i></p>	<p>To see if the Town will 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 \$15,132.73)</i></p> <p><i>A 4/5 vote is required to approve this article.</i></p> <p><i>Brief Summary: This article provides for payment of prior year bills which were not submitted or processed prior to the fiscal year ending on June 30, 2024.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: Payment of these bills will have no effect on the tax rate, as we are requesting to use Free Cash.</i></p> <p><i>The Select Board (<input type="checkbox"/>) recommends favorable action. The Finance and Advisory Committee (<input type="checkbox"/>) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-3</p>	<p>To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of schools and all other Town expenses for the Fiscal Year beginning July 1, 2025, or take any action thereon or relative thereto. <i>(Expected requests Town - \$15,561,181 and all educational</i></p>

<p>General Town Departmental Appropriations</p>	<p>expenses, including HWRSD and ENSATSD - \$26,153,584)</p> <p>[The proposed budget appears as Appendix B to the 2025 Appendix Book.] [The approved school budget appears as Appendix C to the 2025 Appendix Book.]</p> <p>Brief Summary: This article is to approve the general operating budget for the Town and Schools, which totals \$41,714,765. The total FY26 budget represents an increase of 3.70% over FY25. This article does not include the portions of the Town or School budgets that are funded in separate warrant articles.</p> <p>The HWRSD budget request represents an increase of total school spending of \$1,684,391 an increase of 4.52% or \$856,117 for Hamilton. The Hamilton increase includes the adjustment for the enrollment shift.</p> <p>The ENSATSD budget represents an increase in total school spending of \$1,776,679 an increase of 4.50% or \$57,242 for Hamilton. The Hamilton increase includes the adjustment for the enrollment shift.</p> <p>The Select Board recommends (<input type="checkbox"/>) favorable action. The Finance and Advisory Committee (<input type="checkbox"/>) recommends favorable action.</p>
<p>ARTICLE 2025/4 2-4 Capital Expenditures</p>	<p>To see if the Town will raise and appropriate, borrow or transfer from available funds a sum of money for the purpose of funding capital expenditures and further, to authorize the Town Manager to administer and expend funds from said accounts, or take any action thereon or relative thereto. (Expected request \$852,125)</p> <p>Brief Summary: This article would provide funds for various projects contained within the Fiscal Year 2026 Capital Projects Plan.</p> <p>[Please refer to Appendix D to the 2025 Appendix Book.]</p> <p>A 2/3 vote is required to approve this Article.</p> <p>Fiscal Year 2026 Tax Rate Impact: None. It is expected that Free Cash and Water Enterprise Retained Earnings will be utilized for these appropriations; therefore, this will have no impact on the FY2026 tax rate.</p> <p>The Select Board (<input type="checkbox"/>) recommends favorable action. The Finance and Advisory Committee (<input type="checkbox"/>) recommends favorable action.</p>
<p>ARTICLE 2025/4 2-5 Water Enterprise Budget</p>	<p>To see if the Town will approve the FY2026 Water Enterprise Budget, as set forth in Appendix E, or take any action thereon or relative thereto. (Expected request \$2,514,566)</p> <p>[The proposed budget appears as Appendix E to the 2025 Appendix Book.]</p>

	<p><i>Brief Summary: The FY26 operating budget for the Water Enterprise represents an increase of \$194,588 or 8.39%. Retained earnings were not used to balance the budget this year.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: The Water Department is supported by water fees; adoption of the budget will not impact the tax rate.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-6</p> <p><i>Annual Financial Actions</i></p>	<p>To see if the Town will authorize the following financial actions, or take any action thereon or relative thereto.</p> <p>A. To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to the General Fund to be used for cemetery purposes;</p> <p>B. To transfer \$519,659 from the Water Enterprise Fund to the General Fund to be used for indirect expenses;</p> <p>C. To transfer \$9,213 from the interest of the Clark Fund to the Conservation Trust fund for conservation related expenses.</p> <p><i>Brief Summary: This article occurs annually as part of the budget process.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: The proposed transfers will reduce the estimated tax rate by approximately \$0.19 per \$1,000 assessed valuation, or \$155 tax assessment on the average home valued at \$816,000.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-7</p> <p><i>Hamilton Development Corporation</i></p>	<p>To see if the Town will raise and appropriate the sum of \$78,702 to the Hamilton Development Corporation, or take any action thereon or relative thereto. (<i>Expected request is \$78,702</i>)</p> <p><i>Brief Summary: At the 2010 Annual Town Meeting, the Town accepted the provisions of M.G.L. c.64L, Section 2(a) to impose a local meals excise tax. At the same meeting, the Town approved that such funds were to be used for the purpose of supporting economic development in the downtown commercially zoned district.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None. The Meals tax is paid by residents of other towns as well as our own to restaurants and collected by the Commonwealth, per Mass General Law. The amounts collected are returned in their entirety to the Town exclusively for the benefit of downtown economic development and this warrant article transfers those funds to the Hamilton Development Corporation for that purpose.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-8</p>	<p>To see if the Town will transfer \$125,000 from Free Cash for the purpose of</p>

<p><i>OPEB Trust Fund</i></p>	<p>funding the Other Post-Employment Benefits (OPEB) Liability Trust Fund, or take any action thereon or relative thereto.</p> <p>Brief Summary: This article proposes to appropriate \$125,000 towards the Town's unfunded liability for health and life insurance benefits of both current and future retired employees. Appropriations for this liability were first made at the 2010 Annual Town Meeting. Governmental Accounting Standards requires all local governments to account for other post-employment benefits (OPEB) using an accrual methodology over participants' active working career. The Town's most recent actuarial study (as of July 1, 2022) indicated that the Town had an actuarially determined unfunded liability of approximately \$5.9 million. The Town has already set aside approximately \$1,473,406 for this long-term liability.</p> <p>Fiscal Year 2026 Tax Rate Impact: None, as it is anticipated that the funds will come from Free Cash.</p> <p>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</p>
<p>ARTICLE 2025/4 2-9 <i>Stabilization Fund</i></p>	<p>To see if the Town will transfer \$ _____ from Free Cash to the General Stabilization Fund, or take any action thereon or relative thereto. (Expected request is \$ _____)</p> <p>Brief Summary: This article requests an appropriation to be added to the Stabilization Fund. This fund may be used for any purpose in the future, but requires a vote of Town Meeting in order to transfer and spend any of these funds. The Town has approved a policy to maintain a minimum balance of 5% of the current general fund operating budget in its general stabilization fund and to annually appropriate a minimum of 5% of general fund operating revenues to this fund until the target minimum balance is met. The requested amount represents .02% of the general fund operating revenues. The Town has already set aside approximately \$ _____ to this fund, representing _____% of general fund operating revenues.</p> <p>A 2/3 vote is required to approve this Article pursuant to Chapter II, Section 5 of the Town's General Bylaws.</p> <p>Fiscal Year 2026 Tax Rate Impact: None, as it is anticipated that the funds will come from Free Cash.</p> <p>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</p>
<p>ARTICLE 2025/4 2-10 <i>Capital Stabilization Fund</i></p>	<p>To see if the Town will transfer \$235,000 from Free Cash to the Capital Stabilization Fund, or take any action thereon or relative thereto. (Expected request is \$235,000)</p> <p>Brief Summary: This article requests an appropriation to be added to the Capital Stabilization Fund.</p>

Commented [JD1]: The SB Can vote to remove this article from the warrant, as there is no request being made this year.

	<p><i>A 2/3 vote is required to approve this Article pursuant to Chapter II, Section 5 of the Town's General Bylaws.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None, as it is anticipated that the funds will come from Free Cash.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-11</p> <p><i>Community Preservation Budget</i></p>	<p>To see if the Town will act on the Report of the Community Preservation Committee on the Fiscal Year 2026 Community Preservation Budget and specified other projects and appropriate or reserve for later appropriation monies from community preservation fund annual revenues, specific reserves or other available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year, as set forth in Appendix F, or take any action thereon or relative thereto.</p> <p>[The Budget appears in Appendix F of the 2025 Appendix Book.]</p> <p><i>Brief Summary: The Community Preservation Budget supports many requests made by different groups and organizations each year. Please refer to Warrant Appendices for list of projects.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: The Community Preservation Budget is funded 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 recommends favorable action (). The CPC recommends favorable action (). The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 2-12</p> <p><i>HWRSD Consolidated Elementary School Project</i></p>	<p>To see if the Town will approve the \$142,266,034 borrowing authorized by the Hamilton-Wenham Regional School District, for the purpose of paying costs for designing, constructing, and equipping a new Cutler Elementary School at 237 Asbury Street, Hamilton, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Hamilton-Wenham School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-</p>

	<p>one point twenty-eight percent (51.28%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This article seeks to approve a borrowing authorized by the Hamilton-Wenham Regional School District for the new Cutler Elementary School project. The Hamilton Finance and Advisory Committee is expected to make a presentation about the potential tax impacts of this question on the floor of Town Meeting.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: If approved and also approved at Town Meeting in Wenham and approved by both towns ballot questions, the costs of the new school would be added to future years tax bills as a debt-exclusion and would be in addition to the taxation that is authorized for the annual operating budgets.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
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SECTION 3: OTHER APPROPRIATIONS AND ACTIONS

<p>ARTICLE 2025/4 3-1</p> <p><i>HERO Act</i></p>	<p>To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 22I, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This article seeks to offer an increase in the annual amount that qualifying veterans receive who apply for veterans exemptions under clauses outlined in General Laws Chapter 59, Section 5. Local Veterans are required to apply annually for the exemptions the Assessors office to receive the abatements.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: Adoption of this new provision is not expected to have any material impact on the tax rate, as the Assessors can use their Assessors Overlay account to approve the abatements.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
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<p>ARTICLE 2025/4 3-2</p> <p><i>Extension of Lease Cutler School</i></p>	<p>To see if the Town will vote to authorize the Select Board to extend a lease with the Hamilton-Wenham Regional School District for the Cutler Elementary School, located at 237 Asbury Street, Hamilton, MA, (Assessor's Map 47, Lot 150) for an additional term of 50 years on such terms and conditions as the Select Board deems to be in the best interests of the Town, and further, to authorize the Select Board to execute any and all documents to carry out the purposes of this article, or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This article seeks to authorize the Select Board to extend the existing lease with the Hamilton-Wenham Regional School District for the Cutler Elementary School for an additional 50 year term.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 3-3</p> <p><i>Recreation Revolving Fund – Establish New Spending Limit</i></p>	<p>To see if the Town will vote to establish the annual spending limit for the Recreation Revolving Fund at \$825,000 in accordance with G.L. c.44, §53E ½, with such updated expenditure limit to be applicable for each fiscal year until such time as Town Meeting votes prior to July 1 in any year, to increase the same for the ensuing fiscal year, provided that at the request of the entity authorized to expend such funds the Select Board may increase such limit for that fiscal year only; or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This Article seeks to increase the annual spending limit for the Recreation Revolving Fund, which is currently set at \$750,000. The fund utilizes user fees to provide the programming, and no tax revenue is expended.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>The Select Board recommends favorable action (). The Finance and Advisory Committee () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 3-4</p> <p><i>Acquisition of Easements – Woodbury Street</i></p>	<p>To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, eminent domain or otherwise, permanent and temporary easements in the property located at 12 Woodbury Street, Hamilton, MA, as further described as Assessor's Map 69, Lot 25, as shown on the Plan entitled, "_____," on file with the Town Clerk's Office, for the purpose of siting a water pump station and related infrastructure, on such terms and conditions as the Select Board deems to be in the best interests of the Town; and further, to authorize the Select Board to execute any and all documents to carry out the purposes of this article, or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This article seeks to authorize the Select Board to acquire</i></p>

	<p><i>temporary and permanent easements at 22 Woodbury Road for the purpose of constructing a water pump station and related infrastructure.</i></p> <p>_____.</p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action.</i></p>
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SECTION 4: ZONING BYLAW AMENDMENTS

<p>ARTICLE 2025/4 4-1</p> <p><i>Zoning Bylaw Amendment – Groundwater Protection Overlay District</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 9.1.4, Groundwater Protection Overlay District, by deleting the language shown in strikethrough and inserting the language shown in bold underline, as set forth below, or take any action thereon or relative thereto.</p> <p>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 in the GPOD. See Section 4.0 for Computation of Lot Area.</p> <p><i>Brief Summary: This article seeks to promote the goals of the Groundwater Protection Overlay District (GPOD) by amending the requirement for a minimum of 80,000 square-feet per building Lot to instead require a minimum of 80,000 square-feet per dwelling unit. The purpose of the amendment is to reduce density in the GPOD to protect groundwater resources from seepage correlational with the volume of effluent generated by each dwelling unit.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 4-2</p> <p><i>Zoning Bylaw Amendment – Sections 4.1.2 and 4.2.4</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Sections 4.1.2 and 4.2.4 by deleting the language shown in strikethrough and inserting the language shown in bold underline, as shown in Appendix __, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as Appendix __ to the 2025 Appendix Book.]</p> <p><i>Brief Summary: This article seeks to _____.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p>

Commented [JD2]: The SB will need to vote to remove this article at the request of the Planning Board, due to an error in posting for the public hearing.

	<p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board () recommends favorable action.</i></p>
<p>ARTICLE 2025/4 4-3</p> <p><i>Zoning Bylaw Amendment – Temporary Signage</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 6.3.5, by deleting the language shown in strikethrough and inserting the language shown in bold underline, as set forth below, or take any action thereon or relative thereto.</p> <p>6.3.5.4. <u>Temporary Signage</u>: Signs in place for no more than two months in any calendar year. For two months prior to any national, state, or local election and for one week thereafter, there may be up to five (5) lawn signs per lot.</p> <p><i>Brief Summary: This article seeks to amend the definition of Temporary Signage to eliminate potential conflicts with First Amendment protections by eliminating time constraints on protected speech conveyed on temporary signs.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 4-4</p> <p><i>Zoning Bylaw Amendment – Definitions</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 11.0, Definitions, by deleting the language shown in strikethrough and inserting the language shown in bold underline, as set forth below, or take any action thereon or relative thereto.</p> <p>Gross Floor Area, Business: The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways <u>corridors, stairs, stairways, ramps</u>, closets, thickness of <u>interior</u> walls, columns, or other features. <u>The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.</u></p> <p>Gross Floor Area, Residential: The area of a residential structure used for living space, excluding basement and attic area. <u>Except for the definition of gross floor area applicable to Accessory Dwelling Units, the sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls from the centerline of walls separating buildings, but excluding:</u></p>

	<p><u>1. Covered walkways, open roofed-over areas, porches and similar spaces.</u></p> <p><u>2. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.</u></p> <p><i>Brief Summary: This article seeks to add new definitions for Gross Floor Area, Business; and Gross Floor Area, Residential at the request of the Building Commissioner for greater clarity and consistency with the state Building Code.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 4-5</p> <p><i>Zoning Bylaw Amendment – Accessory Dwelling Units</i></p>	<p>To see if the Town with amend the Hamilton Zoning Bylaw Section 3.0, Use Regulations, and Section 11.0, Definitions, by deleting the language shown in strikethrough and inserting the language shown in bold underline, as shown in Appendix G, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as Appendix G to the 2025 Appendix Book.]</p> <p><i>Brief Summary: This article seeks to amend regulations related to Accessory Dwelling Units (ADUs) necessitated by the passage of the Affordable Homes Act, which became effective on February 2, 2025. Consistent with the requirements of the new state law, this article permits one Accessory Dwelling Unit (ADU) “as of right” on every lot containing a Principal Dwelling Unit provided that certain requirements are met. This article also defines Large ADUs and permits them by Special Permit only, amends other definitions to ensure consistency with those promulgated by the state, eliminates obsolete and unused sections of the bylaw related to accommodations for Temporary Additional Living Area (Section 3.4), and updates the Table of Use Regulations to account for the proposed amendments.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>

Commented [RS3]: Most of the changes can be accomplished by a majority vote.

The addition of the large unit by special permit and related definition along with definition of owner will need 2/3.

Maybe a split motion?

<p>ARTICLE 2025/4 4-6</p> <p><i>Zoning Bylaw Amendment – Inclusionary Housing Bylaw</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 8.3, Inclusionary Housing, and Section 11.0, Definitions, by deleting the language shown in strikethrough and inserting the language shown in bold underline, as shown in Appendix H, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as Appendix H to the 2025 Appendix Book.]</p> <p><i>Brief Summary: This article seeks to amend the provisions of the Inclusionary Housing bylaw by deleting obsolete references, updating terminology, and adding a requirement that affordable housing units created under the bylaw be deed restricted as affordable in perpetuity. The article also clarifies requirements related to the calculation of both the minimum number of affordable housing units required and the payment of a fee in lieu of providing affordable housing on-site.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>
<p>ARTICLE 2025/4 4-7</p> <p><i>Zoning Bylaw Amendment – Site Plan Review</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 10.6, Site Plan Review, and Section 11.0, Definitions, by deleting the language shown in strikethrough and inserting the language shown in bold and underline, as shown in Appendix I, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as Appendix I to the 2025 Appendix Book.]</p> <p><i>Brief Summary: This article seeks to strike and replace the existing Site Plan Review bylaw with a new section under the same title for the purpose of updating and clarifying the Town's requirements for Site Plan Review Applications and to shift ministerial requirements for those application submission contents to Site Plan Review Regulations.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>The Select Board () recommends favorable action. The Finance and Advisory Committee () recommends favorable action. The Planning Board (7-0) recommends favorable action.</i></p>

<p>ARTICLE 2025/4 4-8</p> <p style="text-align: center;"><i>Zoning Bylaw Amendment – FEMA Flood Maps</i></p>	<p>To see if the Town will amend the Town of Hamilton Zoning Bylaw Section 9.2, Flood Plain Overlay District, and Section 11.0, Definitions, by deleting the language shown in bold underline, as shown in Appendix J, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as Appendix J to the 2025 Appendix Book.]</p> <p><i>Brief Summary: This article seeks to amend provisions related to flood plains and associated uses, requirements, administration, and definitions, and to replace the existing Flood Insurance Rate Maps with new maps provided by the Federal Emergency Management Agency (FEMA). The purpose of this amendment is to ensure conformance with the recently updated Essex County Flood Insurance Study and FEMA Flood Insurance Rate Maps.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: _____.</i></p> <p><i>Recommendations on this article from the Select Board, Finance and Advisory Committee, and Planning Board will be provided at Town Meeting.</i></p>
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SECTION 5: CITIZENS' PETITIONED ARTICLES

<p>ARTICLE 2025/4 5-1</p> <p style="text-align: center;"><i>Citizens' Petition</i></p>	<p>Should the Hamilton-Wenham Regional School District (and the Towns of Hamilton and Wenham and all relevant boards and committees): (i) permanently abandon their plans and efforts with respect to the consolidation of any or all elementary schools in the District; and (ii) pursue and use the resources available to them, including any future financial awards or grants from the Massachusetts School Building Authority, to renovate, maintain and/or repair the Buker, Winthrop, and Cutler schools in their current locations.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Brief Summary: This article was submitted as a non-binding advisory question seeking to determine whether Town Meeting supports a consolidated elementary school or the renovation, maintenance and/or repair of the existing Buker, Winthrop and Cutler Elementary Schools.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>The Select Board (<input type="checkbox"/>) recommends _____ action. The Finance and Advisory Committee (<input type="checkbox"/>) recommends _____ action.</i></p>
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ADJOURNMENT

Given under our hands this _____ day of _____, 2025.

HAMILTON SELECT BOARD

Caroline Q. Beaulieu, Chair

William W. Wilson

Thomas B. Myers

William A. Olson

Rosemary I. Kennedy *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

Date

965715/HAML/0001

*BULK RATE
U.S. POSTAGE PAID
PERMIT #24
HAMILTON, MA
01936*

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Saturday, April 5, 2025

ANNUAL TOWN MEETING

*Hamilton-Wenham Regional High School
Auditorium*

9:00 a.m.

DEMOCRACY IS NOT A SPECTATOR SPORT

Please bring this warrant with you to the Town Meeting. Thank you.

**APPENDIX A
COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2026**

Wage Grid

Note # = See footnote - end of Compensation Table

Exempt Positions		Steps							
Grade		I	II	III	IV	V	VI	VII	VIII
22	Director of Public Works (40 Hrs.)	\$ 129,321.71	\$ 131,908.14	\$ 134,546.31	\$ 137,237.23	\$ 139,981.98	\$ 142,781.61	\$ 145,637.25	\$ 148,549.99
21	Director of Planning & Development (40 Hrs.)	\$ 118,626.60	\$ 120,988.44	\$ 123,417.12	\$ 125,890.36	\$ 128,408.17	\$ 130,970.54	\$ 133,599.76	\$ 136,271.75
20	Assistant DPW Director (40Hrs.)	\$ 111,347.34	\$ 113,574.28	\$ 115,845.76	\$ 118,162.68	\$ 120,525.94	\$ 122,936.45	\$ 125,395.19	\$ 127,903.09
10	Human Resources Director (40 Hrs.)	\$ 111,347.34	\$ 113,574.28	\$ 115,845.76	\$ 118,162.68	\$ 120,525.94	\$ 122,936.45	\$ 125,395.19	\$ 127,903.09
10	Town Accountant (40 Hrs.)	\$ 101,558.98	\$ 103,586.60	\$ 105,658.78	\$ 107,775.52	\$ 109,936.82	\$ 112,142.68	\$ 114,393.12	\$ 116,680.98
10	Building Commissioner (40 Hrs.)	\$ 101,558.98	\$ 103,586.60	\$ 105,658.78	\$ 107,775.52	\$ 109,936.82	\$ 112,142.68	\$ 114,393.12	\$ 116,680.98
1	Director of Assessors (40 Hrs.)	\$ 101,558.98	\$ 103,586.60	\$ 105,658.78	\$ 107,775.52	\$ 109,936.82	\$ 112,142.68	\$ 114,393.12	\$ 116,680.98
1	Treasurer-Collector (40 Hrs.)	\$ 101,558.98	\$ 103,586.60	\$ 105,658.78	\$ 107,775.52	\$ 109,936.82	\$ 112,142.68	\$ 114,393.12	\$ 116,680.98
1	Director of Health & Human Services (24 Hrs.)	\$ 60,935.39	\$ 62,151.96	\$ 63,395.27	\$ 64,665.31	\$ 65,962.09	\$ 67,285.61	\$ 68,635.87	\$ 70,008.59
10	Recreation Director (40 Hrs.)	\$ 95,387.02	\$ 97,303.23	\$ 99,241.71	\$ 101,224.76	\$ 103,252.38	\$ 105,324.56	\$ 107,441.30	\$ 109,590.12
1	Town Clerk (Elected - Salary based on 40 Hrs.)	\$ 92,557.27	\$ 94,406.63	\$ 96,300.56	\$ 98,216.76	\$ 100,177.54	\$ 102,182.87	\$ 104,232.76	\$ 106,317.41
1	Director of Health & Human Services (40 Hrs.)	\$ 87,387.97	\$ 89,125.92	\$ 90,908.44	\$ 92,735.52	\$ 94,584.88	\$ 96,478.81	\$ 98,417.30	\$ 100,385.64
10	Conservation Agent (40 Hrs.)	\$ 80,923.75	\$ 82,538.35	\$ 84,196.01	\$ 85,875.19	\$ 87,618.96	\$ 89,362.73	\$ 91,149.55	\$ 92,979.43

Hourly Positions

		Steps							
Grade		I	II	III	IV	V	VI	VII	VIII
	Public Health Nurse (19 Hrs.)	\$ 60.00							
11	Sealer of Weights & Measures (<19 Hrs.)	\$ 37.25	\$ 37.99	\$ 38.75	\$ 39.53	\$ 40.31	\$ 41.12	\$ 41.95	\$ 42.79
10	Asst. to the Town Manager/CPA Coordinator (37.5 Hrs.)	\$ 34.81	\$ 35.50	\$ 36.21	\$ 36.94	\$ 37.67	\$ 38.43	\$ 39.20	\$ 39.98
7	Energy Manager (<19 Hrs.)	\$ 34.81	\$ 35.50	\$ 36.21	\$ 36.94	\$ 37.67	\$ 38.43	\$ 39.20	\$ 39.98
10	Assistant Treasurer/Collector (40 Hrs.)	\$ 34.81	\$ 35.50	\$ 36.21	\$ 36.94	\$ 37.67	\$ 38.43	\$ 39.20	\$ 39.98
10	Assistant Assessor (40 Hrs.)	\$ 34.81	\$ 35.50	\$ 36.21	\$ 36.94	\$ 37.67	\$ 38.43	\$ 39.20	\$ 39.98
10	Grants & Communication Coordinator (24 Hrs.)	\$ 34.81	\$ 35.50	\$ 36.21	\$ 36.94	\$ 37.67	\$ 38.43	\$ 39.20	\$ 39.98
8	Health Inspector (<19 Hrs.)	\$ -	\$ -	\$ 30.96	\$ 31.58	\$ 32.21	\$ 32.85	\$ 33.50	\$ 34.19
8	Reserve Patrolman	\$ 30.96	\$ 31.58	\$ 32.21					
7	Information/Media Specialist (<19 Hrs.)	\$ 27.53	\$ 28.08	\$ 28.64	\$ 29.22	\$ 29.80	\$ 30.40	\$ 31.01	\$ 31.62
7	Social Services Specialists (<19 Hrs.)	\$ 27.53	\$ 28.08	\$ 28.64	\$ 29.22	\$ 29.80	\$ 30.40	\$ 31.01	\$ 31.62
7	Emergency Center Dispatcher (P/T)	\$ 27.53	\$ 28.08	\$ 28.64					
4	Clerk/Typist (<19 Hrs.)	\$ 19.01	\$ 19.40	\$ 19.78	\$ 20.18	\$ 20.59	\$ 20.99	\$ 21.41	\$ 21.84
	Matron	\$ 22.44	\$ 23.79	\$ 25.21	\$ 26.72				

Collective Bargaining Unions - Hourly Compensation Tables Established by Labor Unit Contract

Administrative Assistant Union

7/1/25 - (existing contract expires 6/30/27)		Steps							
Grade		I	II	III	IV	V	VI	VII	VIII
6	Administrative Assistant	\$ 26.85	\$ 27.38	\$ 27.92	\$ 28.48	\$ 29.05	\$ 29.64	\$ 30.23	\$ 30.83
7	Administrative Assistant	\$ 27.81	\$ 28.37	\$ 28.93	\$ 29.51	\$ 30.10	\$ 30.71	\$ 31.32	\$ 31.94
8	Administrative Assistant	\$ 28.80	\$ 29.38	\$ 29.97	\$ 30.57	\$ 31.18	\$ 31.81	\$ 32.44	\$ 33.09

FY25 DPW Union

7/1/25 (existing contract expires 6/30/27)		Steps							
Grade		I	II	III	IV	V	VI	VII	VIII
12	Supervisor	\$ 38.91	\$ 39.68	\$ 40.48	\$ 41.29	\$ 42.12	\$ 42.96	\$ 43.82	\$ 44.70
9	Foreman	\$ 32.52	\$ 33.17	\$ 33.84	\$ 34.52	\$ 35.20	\$ 35.90	\$ 36.63	\$ 37.35
9	Primary Utility Operator	\$ 32.52	\$ 33.17	\$ 33.84	\$ 34.52	\$ 35.20	\$ 35.90	\$ 36.63	\$ 37.35
8	Secondary Utility Operator	\$ 30.96	\$ 31.58	\$ 32.21	\$ 32.85	\$ 33.51	\$ 34.18	\$ 34.87	\$ 35.56
8	Jr. Mechanic	\$ 30.96	\$ 31.58	\$ 32.21	\$ 32.85	\$ 33.51	\$ 34.18	\$ 34.87	\$ 35.56
7	Heavy Equipment Operator	\$ 27.53	\$ 28.08	\$ 28.64	\$ 29.20	\$ 29.79	\$ 30.39	\$ 31.00	\$ 31.62
6	Truck Driver/Laborer	\$ 26.60	\$ 27.14	\$ 27.68	\$ 28.23	\$ 28.80	\$ 29.38	\$ 29.97	\$ 30.57
6	Building Custodian	\$ 26.60	\$ 27.14	\$ 27.68	\$ 28.23	\$ 28.80	\$ 29.38	\$ 29.97	\$ 30.57

Firefighter Union

7/1/25 (existing contract expires 6/30/27)		Steps							
Grade		I	II	III	IV	V	VI	VII	VIII
	Firefighter/EMT	\$ 32.67	\$ 33.33	\$ 33.99	\$ 34.67	\$ 35.37	\$ 36.07	\$ 36.79	\$ 37.53
	Senior Firefighter/EMT	\$ 33.01	\$ 33.67	\$ 34.34	\$ 35.02	\$ 35.73	\$ 36.44	\$ 37.17	\$ 37.91
	Lieutenant/EMT	\$ 38.28	\$ 39.05	\$ 39.84	\$ 40.63	\$ 41.44	\$ 42.27	\$ 43.12	\$ 43.98
	Captain/EMT	\$ 44.87	\$ 45.76	\$ 46.68	\$ 47.61	\$ 48.56	\$ 49.54	\$ 50.52	\$ 51.53
	Lieutenant/Fire Prevention/EMT	\$ 40.48	\$ 41.29	\$ 42.11	\$ 42.96	\$ 43.82	\$ 44.69	\$ 45.59	\$ 46.50
	Captain/Fire Prevention/EMT	\$ 47.06	\$ 48.00	\$ 48.96	\$ 49.94	\$ 50.94	\$ 51.96	\$ 52.99	\$ 54.06
	On-Call Stipend (per night)	\$ 25.00							

**APPENDIX A
COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2026**

Police Union							
7/1/25 (existing contract expires 6/30/27)							
PATROLMAN							
Steps							
	I	II	III	IV	V	VI	
Upon completion of years of service	0	2 yrs.	4 yrs.	6 yrs.	8 yrs.	10 yrs.	
Employees Hired Prior to 7/1/2010							
1, 3	W/O College Degree	\$ 31.32	\$ 32.49	\$ 33.32	\$ 34.10	\$ 34.93	\$ 36.23
1, 3	BA/BS	\$ 37.60	\$ 38.99	\$ 39.97	\$ 40.92	\$ 41.92	\$ 43.48
1, 3	MA/MS	\$ 39.17	\$ 40.62	\$ 41.65	\$ 42.63	\$ 43.66	\$ 45.28
Employees Hired After 7/1/2010							
1, 3	W/O College Degree	\$ 31.32	\$ 32.49	\$ 33.32	\$ 34.10	\$ 34.93	\$ 36.23
1, 3	BA/BS	\$ 34.48	\$ 35.75	\$ 36.65	\$ 37.53	\$ 38.43	\$ 39.86
1, 3	MA/MS	\$ 39.17	\$ 40.62	\$ 41.65	\$ 42.63	\$ 43.66	\$ 45.28

SERGEANT							
Steps							
	I	II	III	IV	V	VI	
Upon completion of years of service	0	2 yrs.	4 yrs.	6 yrs.	8 yrs.	10 yrs.	
Employees Hired Prior to 7/1/2010							
	BA/BS	\$ 44.37	\$ 46.01	\$ 47.16	\$ 48.29	\$ 49.47	\$ 51.31
	MA/MS	\$ 46.22	\$ 47.93	\$ 49.15	\$ 50.30	\$ 51.52	\$ 53.43
Employees Hired After 7/1/2010							
	BA/BS	\$ 40.69	\$ 42.19	\$ 43.25	\$ 44.29	\$ 45.35	\$ 47.03
	MA/MS	\$ 46.22	\$ 47.93	\$ 49.15	\$ 50.30	\$ 51.52	\$ 53.43

LIEUTENANT							
Steps							
	I	II	III	IV	V	VI	
Upon completion of years of service	0	2 yrs.	4 yrs.	6 yrs.	8 yrs.	10 yrs.	
Employees Hired Prior to 7/1/2010							
	BA/BS	\$ 48.81	\$ 50.61	\$ 51.88	\$ 53.12	\$ 54.42	\$ 56.44
	MA/MS	\$ 50.84	\$ 52.72	\$ 54.07	\$ 55.33	\$ 56.67	\$ 58.77
Employees Hired After 7/1/2010							
	BA/BS	\$ 44.76	\$ 46.41	\$ 47.58	\$ 48.72	\$ 49.89	\$ 51.73
	MA/MS	\$ 50.84	\$ 52.72	\$ 54.07	\$ 55.33	\$ 56.67	\$ 58.77

Police & Fire Signal Operator Union - Hourly Compensation table established by Union Contract.										
7/1/26 (existing contract expires 6/30/27)										
Steps										
Grade	I	II	III	IV	V	VI	VII	VIII		
4	7	Dispatcher	\$ 27.54	\$ 28.10	\$ 28.66	\$ 29.22	\$ 29.81	\$ 30.41	\$ 31.01	\$ 31.63

APPENDIX A
COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2026

Other Municipal Positions

Elected/Appointed Positions (MGL 41 s.108 & 108A)		Annual Salary
2	Town Manager	\$ 174,500.00
2	Finance Director	\$ 149,972.00
2	Chief of Police	\$ 178,000.00
2	Chief of Fire	\$ 148,550.00
2	Police Captain	\$ 144,230.00
2	Deputy Fire Chief	\$ 128,547.00
2	Select Board/Chair	\$ 3,225.00
2	Board of Assessors/Chair	\$ 2,936.00
2	Select Board/Members	\$ 2,852.00
2	Board of Assessors/Members	\$ 2,193.00
2	Board of Appeals/Chair	\$ 1,681.00
2	Board of Health/Chair	\$ 873.00
2	Board of Health/Members	\$ 495.00

Professional Stipends		Annual Amount
5	Animal Control Officer/Inspector	\$ 14,000.00
8	Procurement Stipend	\$ 7,500.00
9	Meeting Stipend	\$ 4,380.00
	Animal Pick-Up (Deceased)	\$ 2,400.00
	Wildlife Officer	\$ 2,400.00
	Elections Stipend	\$ 2,000.00
	Harbormaster	\$ 1,200.00
	Professional Certifications	\$ 1,000.00
Police	EMT Certification (Police)	\$ 1,750.00
Police	Accreditation Stipend (Police)	\$ 1,200.00
Fire	EMT Stipend (Fire)	\$ 3,900.00
Fire	Emergency Manager Stipend (Fire Chief)	\$ 5,000.00
Fire	Call Fire Captain	\$ 750.00
Fire	Full-time Call Fire Training Officer	\$ 500.00
DPW	Snow Stipend (17 Wks.)	\$ 210.00
DPW	Sand Stipend (17 Wks.)	\$ 210.00
DPW	On-Call Stipend (17 Wks.)	\$ 50.00
DPW	On-Call Stipend (35 Wks.)	\$ 175.00
DPW	License Stipend	\$ 750.00
DPW	Active Water Emergency Stipend	\$ 100.00

Call Firefighters	Hourly Wage
Rank	
Captain w/Certified Officer I/EMT	\$ 44.87
Lieutenant w/Certified Officer I/EMT	\$ 38.28
Lieutenant	\$ 35.28
Firefighter w/Certified I & II/EMT	\$ 32.67
Firefighter w/Driver Operator and/or Certified I & II	\$ 30.67
Probationary Rate Firefighter	\$ 25.00

All Call Rates are based off of Firefighter Union's Grade & Step

Occasional Help	Wage
Registrar of Voters (annually)	\$ 400.00
Seasonal Employee	\$15.00 - \$28.00
	CY2025
Poll Worker	\$ 15.00
Warden (Elections/Registration)	\$ 16.00
Senior Work-Off Program	\$ 15.00

Legend Notes

- 1 Position also receives either a "Professional Stipend" or additional compensation for certification. See MGL Ch. 41, Sec 19K & 108P.
- 2 Differs from Wage Grid table; see "Other Municipal Positions" section for additional information.
- 3 Shift differential is 7% for Evening and 9% for Midnight shift.
- 4 Shift differential is 5% for Evening and 7% for Midnight shift.
- 5 Position is shared with the Town of Manchester-by-the-Sea; 50% cost sharing.
- 6 Position funded through the Community Preservation Act Fund and Affordable Housing Trust.
- 7 Position is shared with the Town of Wenham and HWRSD; cost sharing in accordance with contract/approved hours.
- 8 Procurement stipend for DPW Director
- 9 Assistant to the Town Manager/Community Preservation Coordinator
- 10 Position is part of an Intermunicipal Contract with other communities

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

GENERAL GOVERNMENT

		2023	2024	2025	2026		
		ACTUAL	ACTUAL	BUDGET	DEPT REQ	\$ Change	% Change
122	SELECT BOARD						
	PERSONNEL EXPENSES	\$ 29,615	\$ 30,377	\$ 35,931	\$ 36,449	\$ 518	1.44%
	OPERATING EXPENSES	\$ 73	\$ 5,780	\$ 4,800	\$ 4,800	\$ -	0.00%
	TOTAL SELECT BOARD	\$ 29,688	\$ 36,157	\$ 40,731	\$ 41,249	\$ 518	1.27%
123	TOWN MANAGER						
	PERSONNEL EXPENSES	\$ 213,916	\$ 220,415	\$ 266,389	\$ 253,275	\$ (13,114)	-4.92%
	OPERATING EXPENSES	\$ 189,911	\$ 124,030	\$ 132,854	\$ 126,664	\$ (6,190)	-4.66%
	TOTAL TOWN MANAGER	\$ 403,827	\$ 344,445	\$ 399,243	\$ 379,939	\$ (19,304)	-4.84%
132	FINANCE COMMITTEE						
	EXPENSES	\$ 184	\$ 190	\$ 435	\$ 447	\$ 12	2.76%
	ANNUAL RESERVE FUND	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ -	0.00%
	TOTAL FINANCE & ADVISORY COMMITTEE	\$ 184	\$ 190	\$ 100,435	\$ 100,447	\$ 12	0.01%
135	FINANCE DIRECTOR/TOWN ACCOUNTANT						
	PERSONNEL EXPENSES	\$ 221,811	\$ 261,204	\$ 310,747	\$ 310,747	\$ -	0.00%
	OPERATING EXPENSES	\$ 216,468	\$ 211,707	\$ 285,143	\$ 273,609	\$ (11,534)	-4.04%
	CAPITAL EXPENSES	\$ 530	\$ 2,297	\$ 12,000	\$ 20,000	\$ 8,000	66.67%
	TOTAL FINANCE DIRECTOR/TOWN ACCOUNTANT	\$ 438,809	\$ 475,208	\$ 607,890	\$ 604,356	\$ (3,534)	-0.58%
141	ASSESSORS						
	PERSONNEL EXPENSES	\$ 150,910	\$ 180,259	\$ 189,438	\$ 197,133	\$ 7,695	4.06%
	OPERATING EXPENSES	\$ 25,463	\$ 31,922	\$ 30,645	\$ 33,966	\$ 3,321	10.84%
	TOTAL ASSESSORS	\$ 176,373	\$ 212,181	\$ 220,083	\$ 231,099	\$ 11,016	5.01%
145	TREASURER/COLLECTOR						
	PERSONNEL EXPENSES	\$ 203,209	\$ 202,873	\$ 239,282	\$ 248,544	\$ 9,262	3.87%
	OPERATING EXPENSES	\$ 45,685	\$ 35,929	\$ 55,150	\$ 55,400	\$ 250	0.45%
	TOTAL TREASURER/COLLECTOR	\$ 248,894	\$ 238,802	\$ 294,432	\$ 303,944	\$ 9,512	3.23%
151	TOWN COUNSEL						
	LEGAL RETAINER	\$ 84,594	\$ 84,000	\$ 84,000	\$ 84,000	\$ -	0.00%
	LEGAL EXPENSES	\$ 91,700	\$ 73,195	\$ 62,000	\$ 62,000	\$ -	0.00%
	TOTAL TOWN COUNSEL	\$ 176,294	\$ 157,195	\$ 146,000	\$ 146,000	\$ -	0.00%
152	HUMAN RESOURCES						
	PERSONNEL EXPENSES	\$ 96,699	\$ 100,610	\$ 107,776	\$ 123,031	\$ 15,255	14.15%
	OPERATING EXPENSES	\$ 488	\$ 1,305	\$ 6,808	\$ 1,808	\$ (5,000)	-73.44%
	TOTAL HUMAN RESOURCES	\$ 97,187	\$ 101,915	\$ 114,584	\$ 124,839	\$ 10,255	8.95%

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

	2023	2024	2025	2026		
	ACTUAL	ACTUAL	BUDGET	DEPT REQ	\$ Change	% Change
161						
TOWN CLERK						
PERSONNEL EXPENSES	\$ 144,732	\$ 153,144	\$ 161,704	\$ 170,547	\$ 8,843	5.47%
OPERATING EXPENSES	\$ 18,213	\$ 17,481	\$ 16,617	\$ 32,271	\$ 15,654	94.20%
TOTAL TOWN CLERK	\$ 162,945	\$ 170,625	\$ 178,321	\$ 202,818	\$ 24,497	13.74%
162						
ELECTION & REGISTRATION						
PERSONNEL EXPENSES	\$ 11,397	\$ 7,894	\$ 18,333	\$ 16,710	\$ (1,623)	-8.85%
OPERATING EXPENSES	\$ 27,121	\$ 23,732	\$ 31,130	\$ 25,605	\$ (5,525)	-17.75%
TOTAL ELECTION & REGISTRATION	\$ 38,518	\$ 31,626	\$ 49,463	\$ 42,315	\$ (7,148)	-14.45%
171						
CONSERVATION COMMISSION						
PERSONNEL EXPENSES	\$ 29,098	\$ 64,398	\$ 80,651	\$ 83,367	\$ 2,716	3.37%
OPERATING EXPENSES	\$ 1,575	\$ 961	\$ 2,425	\$ 18,225	\$ 15,800	651.55%
TOTAL CONSERVATION COMMISSION	\$ 30,673	\$ 65,359	\$ 83,076	\$ 101,592	\$ 18,516	22.29%
172						
PLANNING DEPARTMENT						
PERSONNEL EXPENSES	\$ 126,335	\$ 140,239	\$ 143,564	\$ 141,552	\$ (2,012)	-1.40%
OPERATING EXPENSES	\$ 11,744	\$ 1,040	\$ 5,700	\$ 7,800	\$ 2,100	36.84%
TOTAL PLANNING DEPARTMENT	\$ 138,079	\$ 141,279	\$ 149,264	\$ 149,352	\$ 88	0.06%
174						
CHEBACCO WOODS						
OPERATING EXPENSES	\$ 225	\$ 31	\$ 2,500	\$ 2,400	\$ (100)	-4.00%
TOTAL CHEBACCO WOODS	\$ 225	\$ 31	\$ 2,500	\$ 2,400	\$ (100)	-4.00%
192						
PUBLIC BUILDING & MAINTENANCE						
PERSONNEL EXPENSES	\$ 63,189	\$ 66,591	\$ 77,919	\$ 82,260	\$ 4,341	5.57%
OPERATING EXPENSES	\$ 260,716	\$ 231,535	\$ 227,151	\$ 224,990	\$ (2,161)	-0.95%
CAPITAL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
TOTAL PUBLIC BUILDING & MAINTENANCE	\$ 323,905	\$ 298,126	\$ 305,070	\$ 307,250	\$ 2,180	0.71%
PERSONNEL	\$ 1,290,911	\$ 1,428,004	\$ 1,631,734	\$ 1,663,615	\$ 31,881	1.95%
OPERATING	\$ 974,690	\$ 845,135	\$ 1,059,358	\$ 1,073,985	\$ 14,627	0.00%
TOTAL GENERAL GOVERNMENT	\$ 2,265,601	\$ 2,273,139	\$ 2,691,092	\$ 2,737,600	\$ 46,508	1.73%

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

PUBLIC SAFETY

		2023	2024	2025	2026		
		ACTUAL	ACTUAL	BUDGET	DEPT REQ	\$ Change	% Change
210	POLICE						
	PERSONNEL EXPENSES	\$ 1,775,477	\$ 1,831,672	\$ 2,246,842	\$ 2,175,099	\$ (71,743)	-3.19%
	OPERATING EXPENSES	\$ 125,814	\$ 118,484	\$ 139,878	\$ 142,213	\$ 2,335	1.67%
	CAPITAL EXPENSES	\$ 18,980	\$ 18,980	\$ 25,086	\$ -	\$ (25,086)	0.00%
	TOTAL POLICE	\$ 1,920,271	\$ 1,969,136	\$ 2,411,806	\$ 2,317,312	\$ (94,494)	-3.92%
233	EMERGENCY OPERATIONS CENTER						
	PERSONNEL EXPENSES	\$ 319,915	\$ 321,993	\$ 361,745	\$ 363,231	\$ 1,486	0.41%
	OPERATING EXPENSES	\$ 46,121	\$ 46,101	\$ 50,756	\$ 51,645	\$ 889	1.75%
	CAPITAL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
	TOTAL EMERGENCY OPERATIONS CENTER	\$ 366,036	\$ 368,094	\$ 412,501	\$ 414,876	\$ 2,375	0.58%
220	FIRE DEPARTMENT						
	PERSONNEL EXPENSES	\$ 738,029	\$ 850,274	\$ 937,540	\$ 1,036,059	\$ 98,519	10.51%
	OPERATING EXPENSES	\$ 102,522	\$ 128,123	\$ 125,548	\$ 128,692	\$ 3,144	2.50%
	CAPITAL EXPENSES	\$ 118,431	\$ 125,938	\$ 111,712	\$ 111,712	\$ -	0.00%
	TOTAL FIRE DEPARTMENT	\$ 958,982	\$ 1,104,335	\$ 1,174,800	\$ 1,276,463	\$ 101,663	8.65%
241	INSPECTIONAL EXPENSES						
	PERSONNEL EXPENSES	\$ 205,697	\$ 212,317	\$ 227,711	\$ 236,071	\$ 8,360	3.67%
	OPERATING EXPENSES	\$ 2,796	\$ 16,296	\$ 20,409	\$ 20,409	\$ -	0.00%
	CAPITAL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
	TOTAL INSPECTIONAL EXPENSES	\$ 208,493	\$ 228,613	\$ 248,120	\$ 256,480	\$ 8,360	3.37%
291	EMERGENCY MANAGEMENT DEPT						
	PERSONNEL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
	OPERATING EXPENSES	\$ 1,024	\$ 1,099	\$ 1,100	\$ 1,100	\$ -	0.00%
	TOTAL EMERGENCY MANAGEMENT DEPT	\$ 1,024	\$ 1,099	\$ 1,100	\$ 1,100	\$ -	0.00%
292	ANIMAL CONTROL						
	PERSONNEL EXPENSES	\$ 33,780	\$ 36,452	\$ 35,280	\$ 35,780	\$ 500	0.00%
	OPERATING EXPENSES	\$ 463	\$ 397	\$ 1,850	\$ 1,850	\$ -	0.00%
	TOTAL ANIMAL CONTROL	\$ 34,243	\$ 36,849	\$ 37,130	\$ 37,630	\$ 500	1.35%
919	ENERGY						
	PERSONNEL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
	OPERATING EXPENSES	\$ 28,563	\$ 38,220	\$ 29,000	\$ 25,000	\$ (4,000)	0.00%
	ENERGY	\$ 28,563	\$ 38,220	\$ 29,000	\$ 25,000	\$ (4,000)	-13.79%
	PERSONNEL	\$ 3,072,898	\$ 3,252,708	\$ 3,809,118	\$ 3,846,240	\$ 37,122	0.97%
	OPERATING	\$ 444,714	\$ 493,639	\$ 505,339	\$ 482,621	\$ (22,718)	0.00%
	TOTAL PUBLIC SAFETY	\$ 3,517,612	\$ 3,746,347	\$ 4,314,457	\$ 4,328,861	\$ 14,404	0.33%

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

DEPARTMENT OF PUBLIC WORKS

421	DEPARTMENT OF PUBLIC WORKS	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 283,538	\$ 300,522	\$ 325,710	\$ 355,445	\$ 29,735	9.13%
	OPERATING EXPENSES	\$ 16,820	\$ 19,417	\$ 32,700	\$ 31,600	\$ (1,100)	-3.36%
	CAPITAL EXPENSES	\$ -	\$ 9,783	\$ 10,000	\$ 10,000	\$ -	0.00%
	TOTAL DEPARTMENT OF PUBLIC WORKS	\$ 300,358	\$ 329,722	\$ 368,410	\$ 397,045	\$ 28,635	7.77%

422	HIGHWAY	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 209,880	\$ 225,669	\$ 292,826	\$ 281,984	\$ (10,842)	0.00%
	OPERATING EXPENSES	\$ 163,588	\$ 137,863	\$ 236,900	\$ 236,900	\$ -	0.00%
	TOTAL HIGHWAY	\$ 373,468	\$ 363,532	\$ 529,726	\$ 518,884	\$ (10,842)	-2.05%

423	SNOW REMOVAL	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 78,196	\$ 67,956	\$ 99,410	\$ 99,410	\$ -	0.00%
	OPERATING EXPENSES	\$ 172,878	\$ 136,780	\$ 179,250	\$ 183,250	\$ 4,000	0.00%
	TOTAL SNOW REMOVAL	\$ 251,074	\$ 204,736	\$ 278,660	\$ 282,660	\$ 4,000	1.44%

425	VEHICLE MAINTENANCE	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 70,292	\$ 79,993	\$ 117,858	\$ 100,751	\$ (17,107)	0.00%
	OPERATING EXPENSES	\$ 104,043	\$ 101,073	\$ 84,532	\$ 94,194	\$ 9,662	0.00%
	TOTAL VEHICLE MAINTENANCE	\$ 174,335	\$ 181,066	\$ 202,390	\$ 194,945	\$ (7,445)	-3.68%

429	CEMETERY	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 139,848	\$ 134,810	\$ 161,845	\$ 162,597	\$ 752	0.00%
	OPERATING EXPENSES	\$ 12,136	\$ 14,518	\$ 13,000	\$ 13,000	\$ -	0.00%
	TOTAL CEMETERY	\$ 151,984	\$ 149,328	\$ 174,845	\$ 175,597	\$ 752	0.43%

433	SANITATION - WASTE, RECYCLING & LANDFILL	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 4,947	\$ 4,848	\$ 6,345	\$ 6,611	\$ 266	0.00%
	OPERATING EXPENSES	\$ 806,021	\$ 840,770	\$ 833,610	\$ 878,205	\$ 44,595	0.00%
	TOTAL SANITATION	\$ 810,968	\$ 845,618	\$ 839,955	\$ 884,816	\$ 44,861	5.34%

650	PARK, FIELDS AND GROUNDS	2023 ACTUAL	2024 ACTUAL	2025 BUDGET	2026 DEPT REQ	\$ Change	% Change
	PERSONNEL EXPENSES	\$ 85,252	\$ 92,032	\$ 82,976	\$ 85,167	\$ 2,191	0.00%
	OPERATING EXPENSES	\$ 4,509	\$ 2,653	\$ 5,150	\$ 4,500	\$ (650)	0.00%
	TOTAL PARK, FIELDS AND GROUNDS	\$ 89,761	\$ 94,685	\$ 88,126	\$ 89,667	\$ 1,541	1.75%

	PERSONNEL	\$ 871,953	\$ 905,830	\$ 1,086,970	\$ 1,091,965	\$ 4,995	0.46%
	OPERATING	\$ 1,279,995	\$ 1,262,857	\$ 1,395,142	\$ 1,451,649	\$ 56,507	0.00%
	TOTAL DEPARTMENT OF PUBLIC WORKS	\$ 2,151,948	\$ 2,168,687	\$ 2,482,112	\$ 2,543,614	\$ 61,502	2.48%

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

HEALTH AND HUMAN EXPENSES

511	HEALTH DEPARTMENT	2023	2024	2025	2026	\$ Change	% Change
		ACTUAL	ACTUAL	BUDGET	DEPT REQ		
	PERSONNEL EXPENSES	\$ 105,262	\$ 125,580	\$ 131,850	\$ 136,955	\$ 5,105	0.00%
	OPERATING EXPENSES	\$ 36,443	\$ 41,016	\$ 43,010	\$ 43,010	\$ -	0.00%
	TOTAL HEALTH DEPARTMENT	\$ 141,705	\$ 166,596	\$ 174,860	\$ 179,965	\$ 5,105	2.92%

541	COUNCIL ON AGING	2023	2024	2025	2026	\$ Change	% Change
		ACTUAL	ACTUAL	BUDGET	DEPT REQ		
	PERSONNEL EXPENSES	\$ 87,420	\$ 95,060	\$ 106,969	\$ 114,233	\$ 7,264	0.00%
	OPERATING EXPENSES	\$ 24,845	\$ 26,392	\$ 27,200	\$ 28,200	\$ 1,000	0.00%
	TOTAL COUNCIL ON AGING	\$ 112,265	\$ 121,452	\$ 134,169	\$ 142,433	\$ 8,264	6.16%

543	VETERANS BENEFITS	2023	2024	2025	2026	\$ Change	% Change
		ACTUAL	ACTUAL	BUDGET	DEPT REQ		
	OPERATING EXPENSES	\$ 36,028	\$ 50,401	\$ 40,000	\$ 52,921	\$ 12,921	0.00%
	VETERAN ADMINISTRATION FEE	\$ 15,000	\$ 17,250	\$ 20,000	\$ 22,750	\$ 2,750	0.00%
	TOTAL VETERANS BENEFITS	\$ 51,028	\$ 67,651	\$ 60,000	\$ 75,671	\$ 15,671	26.12%

	PERSONNEL	\$ 192,682	\$ 220,640	\$ 238,819	\$ 251,188	\$ 12,369	5.18%
	OPERATING	\$ 112,316	\$ 135,059	\$ 130,210	\$ 146,881	\$ 16,671	0.00%
	TOTAL HEALTH AND HUMAN EXPENSES	\$ 304,998	\$ 355,699	\$ 369,029	\$ 398,069	\$ 29,040	7.87%

CULTURE & RECREATION

610	LIBRARY	2023	2024	2025	2026	\$ Change	% Change
		ACTUAL	ACTUAL	BUDGET	DEPT REQ		
	STATE CONTRIBUTION	\$ 17,679	\$ 19,042	\$ 18,562	\$ 20,993	\$ 2,431	13.10%
	ASSESSMENT	\$ 863,647	\$ 898,075	\$ 916,957	\$ 944,466	\$ 27,509	3.00%
	GOVERNMENTAL FEES	\$ -	\$ -	\$ 29,805	\$ 29,805	\$ -	0.00%
	TOTAL LIBRARY	\$ 881,325	\$ 917,116	\$ 965,325	\$ 995,264	\$ 29,940	3.10%

630	RECREATION	2023	2024	2025	2026	\$ Change	% Change
		ACTUAL	ACTUAL	BUDGET	DEPT REQ		
	PERSONNEL EXPENSES	\$ 150,467	\$ 203,904	\$ 213,911	\$ 175,722	\$ (38,189)	-17.85%
	OPERATING EXPENSES	\$ 29,411	\$ 21,771	\$ 21,050	\$ 22,940	\$ 1,890	0.00%
	TOTAL RECREATION	\$ 179,878	\$ 225,675	\$ 234,961	\$ 198,662	\$ (36,299)	-15.45%

	PERSONNEL	\$ 150,467	\$ 203,904	\$ 213,911	\$ 175,722	\$ (38,189)	-13.82%
	OPERATING	\$ 910,736	\$ 938,887	\$ 986,375	\$ 1,018,204	\$ 31,830	8.45%
	TOTAL CULTURE & RECREATION	\$ 1,061,203	\$ 1,142,791	\$ 1,200,286	\$ 1,193,926	\$ (6,359)	4.47%

**APPENDIX B
TOWN OF HAMILTON
FY2026 GENERAL FUND PROJECTED BUDGET**

UNCLASSIFIED

		2023	2024	2025	2025		
	UNCLASSIFIED	ACTUAL	ACTUAL	BUDGET	DEPT REQ	\$ Change	% Change
148	Salary Reserve	\$ -	\$ -	\$ 86,246	\$ 80,000	\$ (6,246)	-7.24%
149	(1) Capital Spending	\$ 369,656	\$ 1,022,717	\$ 1,610,788	\$ 762,125	\$ (848,663)	-52.69%
692	Celebrations	\$ 13,852	\$ 12,978	\$ 14,598	\$ 14,880	\$ 283	1.94%
722	Debt Service	\$ 581,121	\$ 578,318	\$ 585,410	\$ 558,152	\$ (27,258)	-4.66%
820	State Assessment	\$ 241,936	\$ 251,182	\$ 252,495	\$ 266,948	\$ 14,453	5.72%
911	Retirement Fund	\$ 1,231,493	\$ 1,212,195	\$ 1,462,523	\$ 1,691,946	\$ 229,423	15.69%
913	Unemployment Compensation	\$ 4,492	\$ 3,526	\$ 35,000	\$ 30,000	\$ (5,000)	-14.29%
914	Group Health Life Insurance	\$ 874,168	\$ 946,033	\$ 1,047,139	\$ 1,245,881	\$ 198,742	18.98%
916	P & C Insurance	\$ 281,836	\$ 285,990	\$ 343,047	\$ 351,614	\$ 8,567	2.50%
917	Medicare Tax	\$ 78,609	\$ 83,701	\$ 102,969	\$ 119,690	\$ 16,721	16.24%
992	Transfer to Special Revenue	\$ 75,000	\$ -	\$ -	\$ -	\$ -	0.00%
992	(5) Transfer to Capital Stabilization	\$ -	\$ -	\$ 235,000	\$ 235,000	\$ -	0.00%
995	Transfer to Enterprise	\$ 63,500	\$ -	\$ -	\$ -	\$ -	0.00%
996	(3) Transfer to OPEB	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ -	0.00%
996	(4) Transfer to Stabilization	\$ 20,000	\$ 57,541	\$ 82,781	\$ -	\$ (82,781)	-100.00%
997	(2) Transfer to HDC	\$ 55,000	\$ 58,000	\$ 58,000	\$ 78,702	\$ 20,702	35.69%
172	(6) Form-Based Zoning	\$ -	\$ -	\$ 125,000	\$ -	\$ (125,000)	-100.00%
	TOTAL UNCLASSIFIED	\$ 4,015,664	\$ 4,637,181	\$ 6,165,996	\$ 5,559,938	\$ (606,058)	-9.83%

EDUCATION

		2023	2024	2025	2026		
	EDUCATION	ACTUAL	ACTUAL	BUDGET	DEPT REQ	\$ Change	% Change
300	HWRSD Assessment	\$ 21,839,706	\$ 22,694,537	\$ 23,375,176	\$ 24,456,892	\$ 1,081,716	4.63%
	ENSATSD Assessment	\$ 290,037	\$ 280,883	\$ 402,150	\$ 424,070	\$ 21,920	5.45%
	ENSATSD Debt Service	\$ 26,575	\$ 26,575	\$ 24,209	\$ 59,531	\$ 35,322	145.90%
	HWRSD Debt Service	\$ 371,606	\$ 394,955	\$ 1,438,690	\$ 1,213,091	\$ (225,599)	-15.68%
	TOTAL EDUCATION	\$ 22,527,924	\$ 23,396,950	\$ 25,240,225	\$ 26,153,584	\$ 913,359	3.62%

TOTAL GENERAL FUND	\$ 35,844,950	\$ 37,720,794	\$ 42,463,196	\$ 42,915,592	\$ 452,395	1.07%
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ART 2024/4 2-3	General Town Departmental Appropriations	\$ 40,226,627	\$ 41,714,765
ART 2024/4 2-4	Capital Expenditures	\$ 1,610,788	\$ 762,125 (1)
ART 2024/4 2-7	Hamilton Development Corporation	\$ 58,000	\$ 78,702 (2)
ART 2024/4 2-8	OPEB Trust Fund	\$ 125,000	\$ 125,000 (3)
ART 2024/4 2-9	Stabilization Fund	\$ 82,781	\$ - (4)
ART 2024/4 2-10	Capital Stabilization Fund	\$ 235,000	\$ 235,000 (5)
ART 2024/4 2-12	Town Center Comprehensive Plan	\$ 125,000	\$ - (6)
	Total General Fund	\$ 42,463,196	\$ 42,915,592

APPENDIX B1
Town Debt Service (excluding CPA and Water) for Fiscal Year 2026

	FY23 Budget	FY24 Budget	FY25 Budget	FY26 Budget	\$ Change	% Change
DEBT SERVICE						
<i>Interest/Issuance Costs</i>						
Public Safety Bldg	\$ 21,800	\$ 13,450	\$ 9,500	\$ 5,300	\$ (4,200)	-44.21%
Ladder/Pumper Truck	\$ 10,500	\$ 7,700	\$ 5,600	\$ 3,500	\$ (2,100)	-37.50%
Landfill Capping	\$ 19,508	\$ 16,108	\$ 14,558	\$ 11,008	\$ (3,550)	-24.39%
Chebacco Road Paving	\$ 27,920	\$ 21,420	\$ 18,495	\$ 16,545	\$ (1,950)	-10.54%
Town Hall Project	\$ -	\$ -	\$ 18,581	\$ 16,800	\$ (1,781)	-9.59%
Short-term (bond anticipation notes)	\$ 11,933	\$ 16,326	\$ -	\$ -	\$ -	0.00%
Total Interest/Issuance Costs	\$ 91,661	\$ 75,004	\$ 66,734	\$ 53,153	\$ (13,581)	-20.35%
<i>Principal</i>						
Public Safety Bldg	\$ 280,000	\$ 275,000	\$ 270,000	\$ 265,000	\$ (5,000)	-1.85%
Ladder/Pumper Truck	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ -	0.00%
Landfill Capping	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ -	0.00%
Chebacco Road Paving	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ -	0.00%
Town Hall Project	\$ -	\$ -	\$ 28,676	\$ 20,000	\$ (8,676)	-30.26%
Short-term (bond anticipation notes)	\$ -	\$ 156,000	\$ -	\$ -	\$ -	0.00%
Total Principal	\$ 500,000	\$ 651,000	\$ 518,676	\$ 505,000	\$ (13,676)	-2.64%
TOTAL DEBT SERVICE (EXCLUDING SCHOOL DEBT)	\$ 591,661	\$ 726,004	\$ 585,410	\$ 558,153	\$ (27,257)	-4.66%
<i>School Debt (Principal & Interest)</i>						
Cutler Roof/Other	\$ 83,172	\$ 82,229	\$ 83,592	\$ 84,295	\$ 703	0.84%
Cutler Feasibility Study	\$ -	\$ -	\$ -	\$ 19,385	\$ 19,385	100.00%
Buker & Winthrop Boilers & Windows	\$ 76,191	\$ 75,888	\$ 81,272	\$ 79,434	\$ (1,838)	-2.26%
Winthrop School Fire Suppression	\$ 84,569	\$ 92,879	\$ 89,989	\$ 61,085	\$ (28,904)	-32.12%
FY21 Capital Projects	\$ 129,953	\$ 143,959	\$ 139,713	\$ 124,206	\$ (15,507)	-11.10%
ENSATSD	\$ 34,806	\$ 26,575	\$ 24,209	\$ 59,531	\$ 35,322	145.90%
Athletic Complex Project	\$ -	\$ -	\$ 1,044,124	\$ 844,686	\$ (199,438)	-19.10%
Total School Debt	\$ 408,691	\$ 421,530	\$ 1,462,899	\$ 1,272,622	\$ (190,277)	-13.01%
TOTAL DEBT SERVICE	\$ 1,000,352	\$ 1,147,534	\$ 2,048,309	\$ 1,830,775	\$ (217,534)	-10.62%

APPENDIX B2
Use of Free Cash for Fiscal Year 2026 Budget

Description	FY25 Budget	FY26 Budget	\$ Change	% Change
Capital Expenditures	\$ 1,110,788	\$ 762,125	\$ (348,663)	-31.39%
Fire Dept Capital Lease Purchases	\$ -	\$ 111,712	\$ 111,712	100.00%
General Stabilization Transfer	\$ 82,781	\$ -	\$ (82,781)	-100.00%
Capital Stabilization Transfer	\$ 235,000	\$ 235,000	\$ -	0.00%
OPEB Trust Transfer	\$ 125,000	\$ 125,000	\$ -	0.00%
Pension Trust Transfer (supplement a portion)	\$ -	\$ 550,000	\$ 550,000	100.00%
One-Time Retirement Payouts	\$ 147,671	\$ 37,829	\$ (109,842)	-74.38%
One-Time General Code Software - Town Clerk	\$ -	\$ 15,000	\$ 15,000	100.00%
Town Center Comprehensive Plan (Form Based Zoning)	\$ 125,000	\$ -	\$ (125,000)	-100.00%
TOTAL USE OF FREE CASH	\$ 1,826,240	\$ 1,836,666	\$ 10,426	0.57%

Appendix C
SCHOOL BUDGET



HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT

**Hamilton-Wenham RSD FY26 Final Budget
Passed by School Committee on February 6, 2025
School District Treasurer's
Certification for Member Towns**

I, Kevin Merz Hamilton-Wenham Regional School District's District Treasurer here do certify the FY26 Final Budget passed by the School Committee on February 6, 2025.

Kevin Merz

Treasurer Signature

Susan Bateman

Member Town Certification of Receipt

Feb 10, 2025

Date Received by Member Town

	FY25	FY26	Increase \$	Increase %
<u>Hamilton</u>				
Operating Budget After Offsets and Revenue Sources	\$ 23,376,462	\$ 24,456,893	\$ 1,080,430	4.62%
Debt Service After Offsets and Revenue Sources	\$ 1,321,020	\$ 1,213,090	\$ (107,930)	-8.17%
Hamilton Combined Total	\$ 24,697,482	\$ 25,669,983	\$ 972,501	3.94%
<u>Wenham</u>				
Operating Budget After Offsets and Revenue Sources	\$ 11,887,472	\$ 12,643,976	\$ 756,504	6.36%
Debt Service After Offsets and Revenue Sources	\$ 671,769	\$ 627,156	\$ (44,613)	-6.64%
Wenham Combined Total	\$ 12,559,242	\$ 13,271,132	\$ 711,890	5.67%
<u>Total</u>				
Operating Budget After Offsets and Revenue Sources	\$ 35,263,935	\$ 37,100,869	\$ 1,836,934	5.21%
Debt Service After Offsets and Revenue Sources	\$ 1,992,789	\$ 1,840,246	\$ (152,543)	-7.65%
Combined Assessment	\$ 37,256,724	\$ 38,941,114	\$ 1,684,391	4.52%

Community	Enrollment 1-Oct-23	Enrollment 1-Oct-24	Enrollment % incr(decr)	Enrollment Participation Percentage	Required Minimum Contribution	Foundation / Above Minimum Assessment	Transportation Assessment	Debt Service Assessment	Capital Improvement Assessment	FY 2026 Preliminary Assessment	FY 2026 Per Pupil Cost	FY 2025	FY 26
												Per Pupil Cost	Per Pupil Cost
Beverly	198	206	4.04%	13.947%	3,476,299	0	59,501	241,704	189,214	3,966,718	19,256	17,900	7.58%
Boxford	25	37	48.00%	2.505%	570,907	0	10,687	43,412	33,984	658,990	17,811	18,043	-1.29%
Danvers	239	236	-1.26%	15.978%	3,926,388	0	68,166	276,901	216,767	4,488,222	19,018	18,040	5.42%
Essex	18	16	-11.11%	1.083%	310,008	0	4,620	18,769	14,693	348,090	21,756	19,195	13.34%
Gloucester	99	108	9.09%	7.312%	1,749,286	0	31,195	126,718	99,199	2,006,398	18,578	17,471	6.34%
Hamilton	25	25	0.00%	1.693%	424,070	0	7,223	29,340	22,968	483,601	19,344	18,456	4.81%
Lynnfield	36	36	0.00%	2.430%	603,362	0	10,367	42,112	32,967	688,808	19,134	18,241	4.89%
Manchester	13	9	-30.77%	0.609%	155,004	0	2,598	10,554	8,262	176,418	19,602	18,725	4.68%
Marblehead	25	32	28.00%	2.167%	551,125	0	9,245	37,554	29,399	627,323	19,604	18,725	4.69%
Middleton	54	62	14.81%	4.198%	1,067,804	0	17,910	72,752	56,953	1,215,419	19,604	18,726	4.69%
Nahant	14	11	-21.43%	0.745%	189,449	0	3,178	12,911	10,107	215,645	19,604	18,726	4.69%
Peabody	410	451	10.00%	30.535%	5,838,654	0	130,270	529,177	414,257	6,912,358	15,327	14,560	5.26%
Rockport	13	11	-15.38%	0.745%	241,117	0	3,178	12,911	10,107	267,313	24,301	21,286	14.17%
Salem	169	173	2.37%	11.720%	2,172,348	0	50,000	203,111	159,001	2,584,460	14,939	14,374	3.93%
Swampscott	23	20	-13.04%	1.354%	365,370	0	5,776	23,465	18,369	412,980	20,649	18,958	8.92%
Topsfield	25	26	4.00%	1.760%	442,783	0	7,509	30,501	23,877	504,670	19,410	17,866	8.64%
Wenham	16	18	12.50%	1.219%	297,495	0	5,201	21,125	16,538	340,359	18,909	18,128	4.31%
Total/Avg	1,402	1,477		100.00%	22,381,469	0	426,624	1,733,017	1,356,662	25,897,772	19,226	18,084	6.18%

APPENDIX D
Capital Budget for Fiscal Year 2026

FY26 Capital Plan - Summary

Suggested Funding Source and Amount

Project:	Cost	Free Cash	Retained Earnings	Total
Highway - Roads and Sidewalk Improvements	\$ 350,000	\$ 350,000		\$ 350,000
Facilities/Buildings - COA Building Improvements	\$ 61,000	\$ 61,000		\$ 61,000
Facilities/Buildings - Public Safety Building Improvements	\$ 20,000	\$ 20,000		\$ 20,000
Facilities/Buildings - Patton Park Restrooms	\$ 30,000	\$ 30,000		\$ 30,000
Library - Replace 2nd HVAC Condenser	\$ 163,125	\$ 163,125		\$ 163,125
Police - SUV Cruiser	\$ 71,000	\$ 71,000		\$ 71,000
Police - Replace Portable Radios	\$ 67,000	\$ 67,000		\$ 67,000
Water Dept - Pickup Truck	\$ 90,000		\$ 90,000	\$ 90,000
Total by Category	\$ 852,125	\$ 762,125	\$ 90,000	\$ 852,125

APPENDIX E
Water Enterprise Budget for Fiscal Year 2026

USE OF FUNDS	FY23 ACTUAL	FY24 ACTUAL	FY25 BUDGET	FY26 REQUEST	\$ Change	% Change
Permanent Wages	\$ 349,497	\$ 337,478	\$ 457,827	\$ 455,214	\$ (2,613)	-0.57%
Contract Services	\$ 189,901	\$ 258,100	\$ 262,600	\$ 262,000	\$ (600)	-0.23%
Professional Services	\$ 62,406	\$ 73,700	\$ 79,700	\$ 87,700	\$ 8,000	10.04%
Equipment Supplies	\$ 16,902	\$ 21,420	\$ 21,420	\$ 21,420	\$ -	0.00%
Water Supplies	\$ 43,543	\$ 50,800	\$ 55,800	\$ 55,800	\$ -	0.00%
Misc Expenses	\$ 3,245	\$ 19,900	\$ 19,900	\$ 19,900	\$ -	0.00%
Debt Service	\$ 723,889	\$ 842,084	\$ 842,084	\$ 955,873	\$ 113,789	13.51%
Operating Capital	\$ 142,775	\$ 135,000	\$ 77,000	\$ 137,000	\$ 60,000	77.92%
Indirect Costs	\$ 447,893	\$ 457,313	\$ 503,647	\$ 519,659	\$ 16,012	3.18%
Prior Year Encumbrance	\$ 11,608	\$ -	\$ -	\$ -	\$ -	0.00%
Total Use of Funds	\$ 1,991,661	\$ 2,195,795	\$ 2,319,978	\$ 2,514,566	\$ 194,588	8.39%

APPENDIX F
Community Preservation Committee Budget for Fiscal Year 2026

USE OF FUNDS	FY25 BUDGET	FY26 REQUEST	\$ Change	% Change
Administration Expense	\$ 30,195	\$ 30,295	\$ 100	0.33%
Debt - Open Space and Recreation	\$ 103,800	\$ 102,100	\$ (1,700)	-1.64%
Debt - Historic Preservation	\$ 345,424	\$ 340,650	\$ (4,774)	-1.38%
Transfer to Community Housing	\$ 11,000	\$ 70,000	\$ 59,000	536.36%
Transfer to Historic Preservation	\$ 11,000	\$ -	\$ (11,000)	-100.00%
TOTAL USE OF FUNDS	\$ 501,419	\$ 543,045	\$ 41,625	8.30%

Projected FY26 CPA Tax Collected \$ 605,894

1. Administration Expense

To appropriate \$30,295 of FY26 Community Preservation Fund Revenues for administration costs including, but not limited to, annual Community Preservation Coalition membership fees, signs publicizing CPA projects and salary for part-time Community Preservation Coordinator.

2. Open Space and Recreation - Project Debt

To appropriate \$102,100 from the Community Preservation Unreserved Fund Balance to fund the debt service for the Sagamore Hill Conservation Project. This bond will be paid in full in FY2032.

3. Historic Preservation - Project Debt

To appropriate \$340,650 from the Community Preservation Unreserved Fund Balance to fund the debt service for the Town Hall Renovation Project. This bond will be paid in full in FY2043.

4. Transfers

To transfer \$70,000 from the Community Preservation Unreserved Fund Balance to the Community Housing Reserve.

Appendix G
ACCESSORY DWELLING UNITS

TABLE OF USE REGULATIONS

E. ACCESSORY	R-1A	R-1B	RA	B
1. Up to three boarders in a Single Family Dwelling	Y	Y	Y	Y
2. Conversion for Temporary <u>Additional Living</u> (see Section 3.4).	ZBA	ZBA	ZBA	ZBA
3. 2. Accessory Apartment <u>Accessory Dwelling Unit</u> (see Section 3.6 and definition).	ZBA <u>Y</u>	ZBA <u>Y</u>	ZBA <u>Y</u>	ZBA <u>Y</u>
4. 3. Accessory Apartment on Large Lot (see Section 3.7). <u>Large Accessory Dwelling Unit</u> (see Section 11.0)	ZBZ <u>PB</u>	ZBA <u>PB</u>	ZBA <u>PB</u>	ZBA <u>PB</u>
5. 4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)	Y	Y	Y	Y
6. 5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same site.	Y	Y	Y	Y
7. 6. Uses whether or not on the same parcel as activities permitted as a matter of right, which are both(a) accessory to activities permitted as of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2).	ZBA	ZBA	ZBA	ZBA
8. 7. Parking area or garage for use of employees, customers or visitors.	N	N	N	Y
9. 8. Level Two Electric Charging Station.	Y	Y	Y	Y
10. 9. Large Family Child Care Home.	ZBA	ZBA	ZBA	ZBA
11. 10. Small Family Child Care Home.	Y	Y	Y	Y
12. 11. Adult Social Day.	ZBA	ZBA	ZBA	ZBA
12. Marijuana Establishment	ZBA	ZBA	ZBA	ZBA

3.4 CONVERSION FOR TEMPORARY ADDITIONAL LIVING AREA: RESERVED.

3.4.1 Purpose. The purpose of this Section is to provide a way for families to create separate living quarters in their home to accommodate a temporary family, health, or security need by permitting construction of one temporary additional living area in a Single Family Dwelling, or an Accessory Building, subject to the following:

3.4.2 Procedures. A conversion for a temporary additional living area under this Section shall be authorized only by Special Permit issued by the Board of Appeals under Section 10.5 of this Bylaw. The Board of Appeals may grant such a Special Permit provided the following conditions are met:

1. The Board of Health approves all arrangements for sanitary waste, water supply, and drainage.
2. The Occupancy Permit for the Principal Dwelling unit must have been issued at least two (2) years prior to the application for the Special Permit.
3. One (1) of the dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence.
4. The temporary additional living area must be for use by the owner(s), or a family member of the owner(s), or a caretaker or a health care provider to the occupant, of one (1) of the Dwelling Units; or an elderly person; or a mentally or physically handicapped person.
5. There is no other accessory dwelling unit on the lot on which the proposed Accessory Dwelling Unit is to be located.
6. The applicant has submitted to the Board of Appeals a plot plan and scaled architectural drawings which comply with Section 3.4.4 below.

3.4.3 Renewal. Renewal of the Special Permit shall take place every four (4) years from the date of issuance of the Special Permit and upon change of ownership or tenants. Renewal of the Special Permit will require an inspection by the Building Commissioner and a written certification by the owner and Building

Commissioner, verifying that the terms of the Special Permit and this Bylaw are being met. The Building Commissioner shall verify that all means of access and egress have been maintained, and that there has been no change in the occupancy, design, or dimensional standards under this Section.

3.4.4 Design and Dimensional Standards. A plot plan and scaled architectural drawings of the existing dwelling unit, the proposed accessory dwelling unit, and any proposed addition shall be submitted, showing location of the building on the lot, proposed addition, location of septic system and parking, and compliance with this Section and the following items:

1. The maximum Residential Gross Floor Area of the proposed accessory dwelling unit shall not exceed the lesser of one thousand (1,000) square feet or one third (1/3) of the Residential Gross Floor Area of the existing dwelling unit and the proposed accessory dwelling unit combined, as measured after conversion;
2. Any extension to the building shall not create more than a twenty five (25) percent increase in the Residential Gross Floor Area of the existing structure.
3. The maximum number of bedrooms shall be one (1).
4. The maximum number of tenants shall be two (2).
5. The lot on which the proposed accessory dwelling unit is to be located shall contain at least ten thousand (10,000) square feet.
6. The external appearance of the building in which the Accessory Dwelling Unit is located shall not be significantly altered from a single family dwelling unit.
7. The kitchen facilities shall be of a type readily removable.
8. Adequate provision shall be made for egress to the outside from the accessory dwelling unit; any external stairways shall be screened from view, buffered, or located out of sight from any street.

9. One off-street parking space shall be provided for the new dwelling unit, in addition to the required parking for the Principal Dwelling Unit. Every effort shall be made to minimize the visibility of the additional parking space by location and screening.

3.4.5 Other Approvals. The applicant shall, in addition to obtaining a Special Permit, also obtain a Building Permit, any necessary Conservation Commission approvals, and an Occupancy Permit, prior to the occupancy of the Temporary Additional Living Area.

3.4.6 Special Restrictions:

1. The occupancy of the apartment shall be by the apartment tenant(s) for whom it was issued. Upon cessation of occupancy by such tenant(s), the permit shall lapse and be null and void the Building Commissioner shall be notified of this event and the kitchen facilities shall be removed by the owner.
2. One (1) of the dwelling units shall continue to be occupied by the owner of the property, except for bona fide temporary absence.

SECTION 3.5 CONVERSION TO TWO-FAMILY DWELLING. [No change]

3.6 ACCESSORY APARTMENTS

Accessory Apartments

3.6.1. Purpose and Intent

The intent of this section is to allow Apartments in owner-occupied single-family dwellings. Its purpose is to:

1. Add moderately priced rental units to the housing stock to meet the needs of small households, both young and old;
2. Make housing units available to moderate-income households who might otherwise have difficulty finding housing in the town;
3. Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

3.6.2. Special Permit Granting Authority

1. The Zoning Board of Appeals is the Special Permit Granting Authority (SPGA) under this Bylaw section.

3.6.3. Procedure

Applications to the SPGA for a Special Permit must provide the following:

1. Be signed by 100% of the record title ownership interest of a single-family detached dwelling and shall include a copy of the deed to the applicant. If ownership is held in other than by an individual, applicant shall submit a Schedule of Beneficiaries or other evidence of ownership satisfactory to the SPGA.
2. Include a floor plan of the Apartment, whether in the main dwelling or a detached structure such as a barn, garage, or other such building on the lot where it is to be located, and all elevations where exterior modifications are proposed. Additionally, a site plan is required to show access, parking, entry, and other essential site features. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the Apartment.
3. Include written verification by the Board of Health that the sewage disposal system shall have sufficient capacity to accommodate the Apartment within Title 5 of the State Environmental Code and the Rules and Regulations of the Board of Health.

3.6.4. Requirements

1. Modifications of the exterior of the dwelling shall be completed in a manner that maintains the appearance of the dwelling as a single-family dwelling.
2. Modifications of the exterior of the detached accessory building intended to house the Apartment shall maintain the appearance and essential character of the accessory structure.

3. The Apartment will be a complete, separate housekeeping unit that functions as a separate unit from the principal dwelling.
4. The Apartment shall contain no more than two (2) bedrooms and one (1) bathroom; and the apartment shall not exceed 900 S.F. of gross floor area of the building in which the Apartment is to be located.
5. Any new outside entrance to serve an Apartment shall be located on the side or in the rear of the building unless the SPGA deems otherwise appropriate given the layout and function of the building.
6. A landscape plan shall illustrate any new entrances, parking areas and any other added physical development which in the opinion of the SPGA deserves landscape treatment. This provision will not be used as a means to require the pre-existing property to be re-landscaped but will specially focus on the aesthetics of the new site features.
7. The Apartment shall not be held in, or transferred into separate ownership from, the principal dwelling under a condominium or cooperative form of ownership, or otherwise. An Apartment shall not be used in any way for any commercial purpose or activity, regardless of other provisions of the Zoning Bylaw.
8. At least one (1) off street, on site, parking space must be available for exclusive use by occupants of the Apartment or their invitees.
9. In the R-1A, R-1B, and RA Districts, accessory apartments shall not be allowed in single-family dwellings located on lots that are non-confirming for lack of required lot area, unless said lot is at least 10,000 S.F. in size unless the SPGA determines that a lot smaller than 10,000 S.F. is capable of accommodating an Apartment which provides on-site, off street parking and has confirmation from the Board of Health that the site can address its septic system demands.
10. Alterations to accommodate an Apartment shall be limited to one (1) structure on the lot. If the dwelling is located on a lot smaller than 10,000 square feet, then the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw section, by more than twenty-five (25) percent, or five hundred (500) S.F., whichever is less.
11. The Owner of the lot shall reside on the property in either the principal dwelling or the accessory apartment.
12. The sanitary disposal system for the Apartment and principal structure shall comply with the applicable Hamilton Board of Health and Title 5 Regulations, provided that compliance of the sanitary disposal system shall not require the application of Subpart E of 310 CMR 15.00.
13. Utilities such as water, electric, oil, and gas necessary for the Apartment shall be extensions of the existing utilities serving the principal single family dwelling. No new utility services or meters shall be installed for the use of the Apartment.
14. The Special Permit shall be issued to the Owner and shall specify which dwelling unit will be Owner-occupied.
15. The Special Permit shall be recorded at the Registry of Deeds or registered at the local Registry division of the Land Court. Prior to the issuance of a building permit, the applicant must submit proof of the recording or registration of the Special Permit to the Building Inspector and the Director of Planning and Inspections. When a structure which has received a Permit for an Apartment is sold, the new Owner, if he or she wishes to continue to exercise the Permit, must within thirty (30) day of the sale, submit a sworn and notarized written statement to the Building Inspector stating that he or she will occupy either the principal dwelling or the Apartment on the premises as their primary year-round residence.
16. No more than one (1) Apartment shall be allowed on any lot. The creation of an Apartment within a principal single family residence must be done so that the Apartment either shares a common floor-ceiling assembly with the principal dwelling or a common wall connector as defined in Section 11.0 of this Zoning Bylaw.

17. Violation of any of the above provisions shall be subject to enforcement by the Building Inspector in accordance with the applicable provisions of Section 10.00 Administration and Enforcement of the Zoning Bylaw.

3.6.5 Termination

The Special Permit shall terminate immediately upon any of the following events:

1. Two Years from the date of the grant of the Special Permit, if a substantial use thereof and has not commenced, or in the case of a permit for construction, if construction has not commenced within one year from the date of the grant of the Special Permit.
2. Violation of any term or condition of the Special Permit that the Owner fails to cure within two weeks' written notice mailed by certified mail, return receipt requested.

DEFINITIONS

Apartment: An additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on the lot, located in either the principal dwelling or an accessory structure on the lot. An Apartment is constructed so as to maintain the appearance and essential character of the single family dwelling or accessory structure to which it is added.

Owner: The individuals in whom record title ownership is held. If ownership is held in a trust or other non-individual ownership, the beneficiaries as shown on a Schedule of Beneficiaries or other evidence of ownership.

3.6 ACCESSORY DWELLING UNITS.

3.6.1 Purpose. The intent of this Section is to permit an Accessory Dwelling Units (see Section 11.0, Definitions) on a Lot that contains a principal dwelling unit (hereinafter referred to as the Principal Dwelling unit) for the following purposes:

- 1. Add moderately priced rental units to the housing stock to meet the needs of small households, both young and old;**
- 2. Make housing units available to moderate-income households who might otherwise have difficulty finding housing in the Hamilton;**
- 3. Provide homeowners with a means of obtaining rental income, companionship, security, and services, and thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave; and**
- 4. Provide more diverse housing options in the community in a manner that does not conflict with the residential character of single-family neighborhoods.**

3.6.2 Permit Granting Authority. The Building Commissioner shall be the permit-granting authority for Accessory Dwelling Units provided that the application meets the minimum requirements of this Section. In considering applications, all definitions contained in this Bylaw shall apply, unless those definitions conflict with the definitions in the Regulations governing Protected Use Accessory Dwelling Units in which case the definitions in the Regulations shall control (see 760 CMR 71.01 et seq.).

3.6.3 Where Permitted. An Accessory Dwelling Unit shall be permitted by right in all Single-Family Residential Zoning Districts, provided that the Accessory Dwelling Unit meets the minimum requirements of this Section. Accessory Dwelling Units may be attached to the Principal Dwelling unit (hereinafter referred to as an Attached Accessory Dwelling Unit) or located in a separate accessory structure (hereinafter referred to as a Detached Accessory Dwelling Unit).

3.6.4 Required Application Materials for Accessory Dwelling Units. An Application for a building permit to construct an Accessory Dwelling Unit must include the following minimum materials:

1. A Building Permit application showing compliance with the requirements of this Section of the Bylaw, the Building Code, and all other applicable requirements, including, but not limited to, those governing the Hamilton Historic District.
2. A Certified Plot Plan demonstrating compliance the Zoning Bylaw and all other applicable codes and regulations.
3. Elevations depicting all building facades of the Accessory Dwelling Unit. The elevations shall include all exterior building materials.
4. Written verification from the Board of Health that the sewage disposal system(s) shall have sufficient capacity to accommodate the Accessory Dwelling Unit in accordance with Title 5 of the State Environmental Code and the Rules and Regulations of the Board of Health.

3.6.5 Requirements for Accessory Dwelling Units. All Accessory Dwelling Units are subject to the following requirements:

1. Only one Accessory Dwelling Unit shall be permitted on each Lot containing a Principal Dwelling Unit.
2. An Accessory Dwelling Unit shall not exceed 50 percent of the Gross Floor Area of the Principal Dwelling Unit or 900 square feet of Gross Floor Area, whichever is smaller.
3. An Accessory Dwelling Unit shall meet the applicable dimensional requirements set forth in Section 4.1.2, Table of Dimensional Regulations, including Regulations for Maximum Building Height, Maximum Number of Stories, Maximum Building Coverage, and Minimum Front, Side and Rear yards, except as stipulated in this Section.
4. An Accessory Dwelling Unit must have a permanent foundation; no trailers or recreational vehicles shall be permitted to serve as such a use.
5. An Attached Accessory Dwelling Unit shall maintain the appearance and essential character of the Principal Dwelling unit, specifically with respect to height, compatible roof pitch, and choice of building materials.
6. A Detached Accessory Dwelling Unit shall not be permitted in the Front Yard (as defined under Section 11.0, Definitions) of the Lot, absent a special permit.
7. The location of any new outside entrance to serve an Attached Accessory Dwelling Unit shall be located on the side or in the rear of the Principal Dwelling unit.
8. Appurtenant uses exclusively serving an Accessory Dwelling Unit that do not count toward the maximum Gross Floor Area, including porches, decks, and similar structures, shall be limited to a combined total size of no more than one hundred and fifty (150) square-feet.
9. The Accessory Dwelling Unit shall not be held in, or transferred into separate ownership from, the Principal Dwelling unit under a condominium, cooperative or any other similar form of collective ownership.
10. A Detached Accessory Dwelling Unit shall have its own house number visible from the exterior of the unit.
11. At least one (1) off-street, on-site parking space shall be provided for exclusive use by occupants(s) of the Accessory Dwelling Unit or their invitees, unless the Accessory Dwelling Unit is within 0.5 miles of a commuter rail station or Bus Station
12. No additional curb cut shall be authorized for access to serve an Accessory Dwelling Unit.
13. There shall be no more than one swimming pool and one detached garage on any Lot with an Accessory Dwelling Unit.

14. Short term rentals as defined in G.L. c. 64G, §1 are prohibited in Accessory Dwelling Units.

15. An Accessory Dwelling Unit proposed in the Hamilton Historic District, which requires exterior alterations, shall meet all the applicable requirements of the Historic District Bylaw (Chapter XXXI) including review and approval by the Historic District Commission if necessary.

SECTION 11.0, DEFINITIONS

Section 3.0 Use Regulations [ADD NEW CAPTION FOR SECTION 3.0]

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

(a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;

(b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and

(c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in section 1 of chapter 64G.

Accessory Use or Building: A use or building which is subordinate and customarily incidental to and located on the same lot with the principal use or building to which it is accessory, except uses accessory to scientific research, scientific development or related production, as set forth in this Bylaw, which uses need not be located on the same lot as the principal use. [EXISTING DEFINITION - No Change]

Large Accessory Dwelling Unit: A Detached Accessory Dwelling Unit that is larger than 900 square feet or 50 percent of the size of the Principal Dwelling Unit, whichever is greater. In no event may a Large Accessory Dwelling Unit exceed 2,000 square feet.

Owner/Ownership: The individual(s) or entity, such as a trust, limited liability company, or corporation, in whom record title is held.

Temporary Additional Living Area: See Section 8.1.

Appendix H
INCLUSIONARY HOUSING BYLAW

8.3 INCLUSIONARY HOUSING.

8.3.1 Purpose. The purpose of the Inclusionary Housing Bylaw is to:

1. Produce high-quality Affordable Housing Units to **for** Low- or Moderate-Income Households;
2. Encourage more housing choices in Hamilton;
3. Promote geographic distribution of Affordable Housing Units throughout the Town and avoid over-concentration; and
4. Assist the Town in creating units eligible, **through means other than a Comprehensive Permit, for the Chapter 40B Subsidized Housing Inventory managed by the Executive Office of Housing and Livable Communities (EOHLC) or its successor.** ~~through means other than a comprehensive permit.~~

8.3.2 Applicability. This Section applies to all developments involving the creation of ten (10) or more Dwelling units or ten (10) or more lots for residential use.

8.3.3 Segmentation Prohibited. Developments may not be segmented to avoid compliance with this Section. Divisions of land that would cumulatively result in an increase by ten (10) or more residential ~~lots or dwelling units~~ above the number existing on any parcel or any contiguous parcels in common ownership in the ~~twenty-four (24)~~ **thirty-six (36)** months prior to any application for development under this Bylaw or the Subdivision Control Law are subject to this Section. For purposes of this Section, a division of land shall mean any division of land subject to G.L. c. 41, s. ~~§§~~81K-81GG.

8.3.34 Mandatory Provision of Affordable Housing Units. In any development subject to this Section, the tenth dwelling unit and every seventh unit thereafter shall be an Affordable Housing Unit. Nothing in this Section shall preclude a developer from providing more Affordable Housing Units than are required hereunder.

For example, in the case of a proposed 50-unit development project subject to this Section, the project is required to provide six (6) Affordable Housing Units, namely one each for the 10th, 17th, 24th, 31st 38th and 45th units, for a total of six (6) Affordable Housing Units included in the total of 50 units in the development project.

8.3.45 Methods of Providing Affordable Housing Units. **In addition to providing on-site Affordable Housing Units,** ~~the~~ Planning Board may approve one (1) or more of the following methods, or any combination thereof, for the provision of Affordable Housing Units:

1. The Affordable Housing Units may be constructed or rehabilitated on a locus different from that of the development. The Planning Board may allow a developer of non-rental dwelling units to develop, construct or otherwise provide Affordable Housing Units reasonably equivalent to those required by this Section in an off-site location in the Town of Hamilton. All requirements that apply to on-site provision of Affordable Housing Units shall apply to provision of off-site Affordable Housing Units. In addition, the location of the off-site Affordable Housing Units shall be approved by the Planning Board as an integral element of the development review and approval process.

2. A donation of land may be made in lieu of providing Affordable Housing Units. An applicant may offer, and the Planning Board may accept, subject to approval of the Board of Selectmen, donations of land in fee simple, on-or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of Affordable Housing Units. Land donated for this purpose shall be subject to a restriction assuring its use for affordable housing. Prior to accepting land as satisfaction of the requirements of this Section, the Planning Board may require the applicant to submit an appraisal or other data relevant to the determination of suitability for an equivalent number of Affordable Housing Units.

3. An equivalent fee in lieu of units may be made. A fee in lieu of payment for each required unit shall be 3 times the Area Median Income (AMI) as determined by HUD (the US Department of Housing and Urban Development (HUD) for the Boston-Cambridge-Quincy, MA-NH Metro FMR Area that ~~income limits which~~ includes Hamilton and for the most recent available data year. AMI shall be used and the equivalent fee in lieu calculated in accordance with this Section regardless of unit size or the number of persons likely to occupy each required unit.

8.3.56 General Provisions. The Planning Board shall be charged with administering this Section and shall may promulgate Inclusionary Housing Rules and Regulations, including but not limited to submission requirements and procedures, application and review fees, minimum requirements for a marketing plan, and documentation required by the Town to qualify the Affordable Housing Units for listing on the Chapter 40B Subsidized Housing Inventory.

1. Affordable Housing Units shall be dispersed throughout the Building(s) in a development and shall be comparable to market housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.

2. The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan approved by the ~~Planning Board~~ EOHLC or its successor and shall comply with Local Initiative Program guidelines. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen.

3. Developers may sell Affordable Housing Units to the Town of Hamilton, the Hamilton Housing Authority, or to any non-profit housing development organization that serves the Town of Hamilton, in order that such entity may carry out the steps needed to market the Affordable Housing Units and manage the choice of buyers.

4. Developers shall be responsible for preparing applications and other documentation required by the ~~Department of Housing and Community Development (DHCD)~~ EOHLC or its successor to assure that the Affordable Housing Units are eligible for listing on the Chapter 40B Subsidized Housing Inventory.

8.3.67 Timing of Construction. Unless a different schedule is approved by the Planning Board, Affordable Housing Units shall be provided in proportion to the development of market-rate units, but in no event shall the construction of Affordable Housing Units, the payment of fees in lieu of constructing Affordable Housing Units, or the provision of off-site Affordable Housing Units be delayed beyond the schedule below. Fractions shall be rounded to the nearest whole number.

% Building Permits Issued for Market Rate Units	% Affordable Units (Building Permits, Fees, Off-Site Units, or Land, as Applicable)
Up to 29%	None required
30%	At least 10%
50%	At least 30%
70%	At least 50%
85%	At least 70%

90%

100%

8.3.78 Certificate of Occupancy. A Certificate of Occupancy for an Affordable Housing Unit shall not be issued until the applicant submits evidence to the Building Commissioner that an Affordable Housing Restriction or a regulatory agreement for the project has been approved by the Planning Board.

8.3.89 Preservation of Affordability; Restrictions on Resale. An Affordable Housing Unit created in accordance with this Section shall be subject to an Affordable Housing Restriction or regulatory agreement that contains limitations on use, resale and rents. The Affordable Housing Restriction or regulatory agreement shall meet the requirements of the Town and the Local Initiative Program, and shall be in force for the maximum period allowed by law.

1. The affordable housing restriction or regulatory agreement shall be enforceable under the applicable provisions of G.L. c. 184, as amended.
2. The Planning Board shall require that the applicant comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the Affordable Housing Restriction or regulatory agreement.
3. All documents necessary to ensure compliance with this Section shall be subject to the review and approval of the Planning Board and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.
- 4. An Affordable Housing Unit approved under this bylaw shall be deed restricted as Affordable Housing Unit(s) in perpetuity or for so long as allowed by law.**

Appendix I
SITE PLAN REVIEW

10.6 SITE PLAN REVIEW.

10.6.1 Purpose. Site Plan Review is intended to allow the Town to review and impose reasonable conditions on development, allowed as of right or by Special Permit, which by its nature or location has the potential for significant impacts on traffic circulation, public safety, public utilities, the environment and neighborhood character and appearance. The purpose is to provide a mechanism and a process for fitting the proposed development to neighborhood character, scale, and infrastructure, and to reasonably protect the Town and abutting property owners from potential negative impacts. These purposes are to be served by providing for consistent submissions of thorough data for each proposal for Town review; and for consideration by Town Boards as specified below, in terms of specific criteria; and for issuance of a Site Plan Decision setting whatever terms and conditions, if any, are necessary to achieve the purposes of Site Plan Review, consistent with Town Bylaws and Regulations. Provision is made to exempt small modifications and improvements from portions of this Section, and to coordinate Site Plan Review with other required review of Special Permits and alteration of nonconforming uses and structures.

10.6.2 Projects Requiring Approval. No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a site plan has been approved or conditionally approved by the Planning Board as set forth herein. Except as exempted in the Bylaw, Site Plan Review shall be required for the following construction, alterations, and uses:

1. Any new construction or alteration or expansion of, or conversion to a business, office, industrial, institutional, or multi-family residence building or structure in any district;
2. Any alteration or extension of a nonconforming commercial, industrial, or institutional structure in a Residential Zone;
3. Parking lots over five (5) spaces serving any of the above listed types of buildings, schools, hospitals, nursing homes, long term care facility, life care facilities, children's camps, campgrounds, churches, multi-family structures for more than two (2) families, government buildings and structures, farm stands, and buildings in commercial, and/or office use;
4. Industrial and scientific research use under Section 3.2;
5. Stables providing boarding and/or services for more than six (6) horses other than those owned by the residents of the Lot on which the stable is located;
6. Greenhouses for commercial production of plants or produce;
7. Interior alterations which increase the commercial, industrial, institutional or multi-family floor area within an existing building, and/or which change the number of separately leasable or saleable spaces within an existing building; and
8. Wind Energy Facilities in the Commercial Overlay District.

10.6.3 Projects Requiring Abbreviated Site Plan Review. Proposed additions or alterations to existing buildings subject to Site Plan Review which would either add new floor area totaling less than ten (10) percent of the current ground floor area of the existing building, or which are estimated to cost less than ten (10) percent of the current one hundred (100) percent assessed valuation of the building shall require only Abbreviated Site Plan Review as provided below. For purposes of applying this guideline, when ground floor area includes attached residential floor area or attached commercial greenhouses, the area of the residential and/or greenhouse portions shall be deducted before applying the ten (10) percent threshold factors.

10.6.4 Exemptions from Site Plan Review. The following activities shall not require Site Plan Review or Abbreviated Site Plan Review:

1. Interior alterations unless the alterations increase the floor area within the building devoted to any of the uses listed in Section 10.6.2 and/or change the number of separately leasable or saleable spaces within the Building. Examples of exempt interior alterations are: paneling, shelving, partitions other than those creating new commercial units, counters, flooring and general interior decoration;

2. Repairs, repainting, residing, reroofing and window replacement unless the activity also increases floor area;
3. Replacement of parts of a partially damaged building that would normally require Site Plan Review with generally identical portions. Total replacement of such a destroyed building shall require Site Plan Review;
4. Demolition of a building or structure;
5. Change of tenant of commercial building unless there is also new construction triggering Site Plan Review;
6. Customary home occupations;
7. Townhouse or Multifamily housing developed under Sections 8.1 (OSFPD) or 8.2 (Senior Housing);
8. Uses permitted by Special Permit within the Commercial Overlay District; and
9. Entries B.1, B.3, and B.7 in the Table of Uses shall require Site Plan Review under Section 10.7.

~~10.6.5 Site Plan Review; Procedures.~~ The applicant shall file twenty four (24) copies of all Site Plan Review materials as specified below, accompanied by a fee and the documentation required by the Planning Board Instruction Sheet. The application shall be submitted to the Town Clerk. The application will not be considered legally submitted, for purposes of starting the review “clock”, until it is complete and all copies are submitted.

1. The Town Clerk shall thereafter forward ten (10) copies to the Planning Board and one (1) copy each to the Building Commissioner, Department of Public Works, Board of Selectmen, Board of Health, Conservation Commission, Police Department, Fire Department, and Office on Disability for their comments, retaining one copy for the Town Clerk file.

2. An electronic copy of the application, including plans and drawings, shall also be submitted at the time of application, unless waived by the Planning Board.

3. The applicant is encouraged to meet informally with any of the above listed boards, officials, or departments for their recommendation.

4. The above listed boards, officials, or departments shall transmit their comments in writing to the Planning Board within thirty five (35) days from the date of application. Failure to submit comments shall be deemed a lack of opposition to the project.

~~10.6.6 Site Plan Review; Hearing and Decision.~~ The Planning Board shall open a Public Hearing within sixty five (65) days of the date of an application. The Planning Board shall provide notice as set forth in G.L. c. 40A, s. 11. The Planning Board shall make its determination within sixty five (65) days of the closing of the Public Hearing, unless the applicant specifically grants an extension of the review period in writing. Failure to decide within sixty five (65) days of the closing of the Public Hearing shall constitute approval of the site plan by the Planning Board unless the applicant granted an extension of the review period.

1. When proposed new construction or alteration is subject to both site plan review and a Planning Board Special Permit, the Planning Board shall conduct both processes simultaneously, using the time limits of the Special Permit process to cover both reviews.

~~10.6.7 Abbreviated Site Plan Review; Procedures.~~ If the proposed construction and/or change of use are eligible for Abbreviated Site Plan Review under Section 10.6.3, the applicant shall file eight (8) copies of the materials required below with the Town Clerk, along with the fee and accompanying documents as required by the Planning Board Instruction Sheet. The application will not be considered legally submitted until it is complete.

1. The Town Clerk shall forward five (5) copies to the Planning Board, and one (1) copy to the Building Commissioner, retaining one copy for the Town Clerk file.

2. The above listed boards or officials shall transmit their comments in writing to the Planning Board within thirty (30) days from the date of application. Failure to submit comments shall be deemed a lack of opposition to the project.

~~10.6.8 Abbreviated Site Plan Review; Hearing and Decision.~~ The procedures set forth in Section 10.6.3 shall apply.

10.6.9 Site Plan Review; Contents. Unless waived by the Planning Board, all site plans shall be prepared to scale and be of professional quality. The application shall be prepared by a Registered Architect or Professional Engineer for any proposal that requires such certification under the State Building Code. All site plans shall be standard seventeen (17) inch by twenty-four (24) inch or twenty-four (24) inches by thirty-six (36) inch sheets and shall be prepared at a sufficient scale to show the following required items:

1. Location and boundaries of existing (and proposed) lot, adjacent streets or ways, including rights-of-way and easements, and the location and owner names of all adjacent properties;
2. Size of the lot, lot frontage and yards;
3. All existing and proposed buildings and structures, including dimensions;
4. Elevation drawings (architectural appearance) of the building or building with addition, from each side. For additions/alterations, show only the affected sides;
5. Location and dimensions of all parking and loading areas, driveways, walkways, access and egress points, specifically as they relate to Street traffic; number of parking spaces, with note comparing total to the requirements of Section 6.1; and indication of facilities for handicapped access per the requirements of the Architectural Access Board;
6. If the project includes any grading and site work, topography of the site at two (2) foot intervals based on USGS data, showing both existing and proposed contours;
7. Location and description of all existing and proposed sewerage disposal and treatment systems, and underground storage tanks, water supply, storm drainage systems, utilities, and refuse disposal dumpsters;
8. Location, height, and type of all external lighting;
9. Location, height, dimensions and appearance of signs;
10. Proposed landscaping including the location and description of existing large trees;
11. Proposed screening, buffers, fencing, plantings, open spaces and recreation areas; and
12. Statement of any other local and/or state permits required for the project.

10.6.10 Site Plan Review; Other Materials. In addition to the site plan, the applicant shall submit the following materials:

1. Completed Site Plan Application form available in Town Clerk's office.
2. Unless waived, all of the information required to demonstrate compliance with the performance standards set forth in Section 6.4.
3. When the Planning Board deems it necessary, it may require the applicant to provide at his expense supplemental data on traffic impact, including estimated daily and peak hour vehicle trips to be generated by the site, estimated number of employees and truck delivery schedule and hours of business.
4. When deemed necessary by the Planning Board, the applicant shall provide at his expense supplemental data and analysis on potential environmental impacts of the proposed project on air quality, surface and groundwater quality, site and neighborhood drainage conditions. The Planning Board may require that such studies be prepared by registered engineers or other appropriately qualified individuals.
5. When deemed necessary by the Planning Board, the applicant shall pay a review fee to cover the reasonable costs of consultants engaged by said Board to assist in review of the proposed site plan, as authorized and limited by G.L. c. 44, s. 53G and the Rules and Regulations of the Planning Board.

10.6.11 Abbreviated Site Plan Review; Plans and Submission Contents. For projects qualifying for Abbreviated Site Plan Review under Section 10.6.3, the basic plan standards shall apply, and the plan shall show items 1, 2, 3, 5, and 7 of the plan requirements of Section 10.6.9 and only those elements of the remaining items that will be changed by the proposed construction or alteration. Along with the abbreviated site plan, the applicant shall submit a completed Site Plan Application Form available from the Town Clerk's office.

10.6.12 Site Plan Standards. The following standards shall be considered in the review and evaluation of a site plan or abbreviated site plan:

1. The plan shall show compliance with Zoning Bylaw requirements for parking, signage, loading, landscaping, performance standards, dimensional requirements, and all other applicable requirements of this Bylaw;

2. The proposed project should be compatible with existing natural features of the site and compatible in architecture and scale with the surrounding area;
3. The plan shall provide landscaping and open spaces that enhance the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity for customers, neighbors, and the general public;
4. The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with handicapped access requirements, and provide for access and egress by emergency vehicles;
5. The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Planning Board may require landscaping and/or fencing to provide needed buffers;
6. The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage and Streets, or shall provide for such improvements as necessary; and
7. The plan shall provide for compliance with Board of Health, Conservation Commission, and other Town and State Regulations. Where applicable, the approval may be made conditional upon Board of Health, Conservation Commission, State Department of Public Works or other approvals, which shall be specifically referenced in the decision.

10.6.13 Final Action. With regard to both site plans and abbreviated site plans, the Planning Board conducting the site plan review shall take one (1) of the following final actions:

1. A written approval of the plan, with a determination that the proposal meets the criteria set forth in this Bylaw; or
2. A written denial of the application stating the reasons for such denial; or
3. A written approval subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary, including phasing of construction and a performance guarantee for any public improvements.
4. The decision shall be filed with the Town Clerk.

10.6.14 Implementation of Site Plans. Construction under an approved site plan or abbreviated site plan shall begin within one (1) year and be completed within two (2) years of the date of the filing of the decision with the Town Clerk, unless extension is granted by the Planning Board. Otherwise approval shall lapse.

10.6.15 Appeal. The decision of the Planning Board may be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, s. 17.

10.6 SITE PLAN REVIEW

10.6.1 Purpose. Site Plan Review is intended to allow the Town to review an application by a property owner, or the legal representative of the property owner, and impose reasonable conditions on development, allowed as of right or by Special Permit, which by its nature or location has the potential for significant impacts on traffic circulation, public safety, public utilities, the environment, and neighborhood character and appearance.

- 1. Pursuant to Section 10.4 of the Zoning Bylaw, the Planning Board shall hear and decide applications for Site Plan Approval and effectuate the purposes of this bylaw by providing for consistent submissions of thorough data for each proposal for Planning Board review; and for input by Town boards as specified below, in terms of specific criteria; and for issuance of a Site Plan Decision setting forth terms and conditions, if any, that are necessary to achieve the purpose of Site Plan Review, consistent with Town Bylaws and Regulations.**
- 2. The purpose is to provide a mechanism and a process for fitting the proposed development to neighborhood character, scale, and infrastructure, and to reasonably protect the Town and abutting property owners from potential negative impacts.**

3. The purpose is served by establishing an exemption for small modifications and improvements from some of the requirements of this Section, and to coordinate Site Plan Review with other required review of Special Permits.

10.6.2 Site Restrictions. A Site Plan Review application shall not be acted upon unless the applicant demonstrates compliance with the following Bylaws and Regulations, if applicable:

1. Article XVII of the General Bylaw, General Wetlands Protection/Conservation Bylaw, and associated Regulations;
2. Article XXIX of the General Bylaw, Stormwater Management, and associated Regulations;
3. The Groundwater Overlay Protection District;
4. The Flood Plain Overlay District; and
5. Board of Health approval for the use of an on-site sewage disposal system.

Compliance may be addressed as a condition of approval.

10.6.3 Pre-Application Conference. A Pre-Application Conference is encouraged prior to the submission of a Site Plan Review application.

1. Types of Applications for which a Pre-Application Conference is encouraged:
 - a. Expansion projects of non-residential or multi-family buildings which increase the gross floor area by 1,000 square feet or more;
 - b. All new non-residential or multi-family structures larger than 350 square feet in size;
 - c. Exterior site improvements on non-residential or multi-family properties exceeding 2,000 square feet in area; or
 - d. Communication towers and telecommunication antenna facilities or small wireless facilities.
2. Purpose of the Pre-Application Conference: The purpose of this conference is to familiarize the Planning Board with the basic concept of the proposed plan and to provide a venue for both the applicant and the Planning Board to discuss the project in advance of a formal Site Plan Review application. The Pre-Application Conference is further designed to acquaint the applicant with the Site Plan Review Application process and any particular information the Board may request to aid the Board in its review of the application.
3. Minimum Pre-Application Conference Materials: The applicant is encouraged to provide the following materials to the Planning Board in advance of the Pre-Application Conference:
 - a. A Pre-Application Conference application form; and
 - b. A site plan, which may be conceptual, that is sufficiently clear to illustrate the nature of the proposed improvements and the general existing conditions of the site, including the bounds of the property, topography, and existing structures. The applicant, where applicable, also should identify, delineate, and address through project design the protection of areas for conservation, including regulated areas such as wetlands, riverfront areas, and floodplains, and unprotected areas and features such as steep slopes, mature woodlands, farmland, meadows, wildlife habitats/ corridors, and existing historic, cultural, or recreation resources. The Planning Board may suggest methods for resolving potential challenges in the design and layout of the proposed development and identify the site's important natural, historic, and recreational features and connections as well as areas the Town would prefer to see preserved as open space. Applicants are encouraged to schedule a Pre-

Application Conference before expending significant sums on site engineering and application preparation.

4. Limits of the Review: Neither the applicant nor the Planning Board shall be bound by the discussions at the Pre-Application Conference. However, the Planning Board shall be entitled to make recommendations with respect to the materials presented to assist the applicant in preparing a formal application that will meet the development standards of the Town of Hamilton as expressed in the Zoning Bylaw and the Site Plan Regulations.

5. Participation of other Boards or Departments: The Planning Board may, at its discretion, invite other boards, commissions, or officials to participate in the Pre-Application Conference. Such bodies or officials may include, but shall not be limited to, the Board of Health, Building Commissioner, Conservation Commission, Select Board, Town Manager, Department of Public Works Director, Fire Chief, Police Chief, Historic District Commission, and Environmental Impact Committee.

6. Separation from Site Plan Review Application Process: The Planning Board shall schedule the Pre-Application Conference within 21 days of application submission. The Pre-Application Conference is a separate process from Site Plan Review and shall not be counted toward the review "time clock" as stipulated under Section 10.6.11.

10.6.4. Projects Requiring Approval. No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a site plan has been approved by the Planning Board as set forth herein. Except as exempted in the Bylaw, Site Plan Review shall be required for the following construction, alterations, and uses:

1. Any new construction or changes to an existing structure for the purpose of altering, expanding, or converting to either a business, office, industrial, or a multi-family residential type use, in any district;
2. Parking lots over five (5) spaces serving any of the above-listed types of buildings, schools, hospitals, nursing homes, long term care facility, life care facilities, children's camps, campgrounds, churches, multi-family structures for more than two (2) families, government buildings and structures, farm stands, and buildings in commercial, and/or office use;
3. Any industrial and scientific research use under Section 3.2 of the Zoning Bylaw;
4. Stables providing boarding and/or services for more than six (6) horses other than those owned by the resident(s) of the Lot on which the stable is located;
5. Greenhouses for commercial production of plants or produce;
6. Alterations which increase the commercial, industrial, institutional, or multi-family floor area within an existing building, and/or which change the number of separately leasable or saleable spaces within an existing building; and
7. Wind Energy Facilities in the Commercial Overlay District.

10.6.5 Projects Eligible for Abbreviated Site Plan Review. Proposed additions or alterations to existing buildings subject to Site Plan Review which would either add new floor area totaling less than ten (10) percent of the current ground floor area of the existing building, or which are estimated to cost less than ten (10) percent of the current one hundred (100) percent assessed valuation of the building are eligible for Abbreviated Site Plan Review. Applicants should consult with the Planning Director to confirm that an application is eligible for Abbreviated Site Plan Review prior to application submittal.

10.6.6. Projects Exempt from Site Plan Review. The following activities shall not require Site Plan Review or Abbreviated Site Plan Review:

1. Alterations unless the alterations increase the floor area within the building devoted to any of the uses listed in Section 10.6.4 and/or change the number of separately leasable or saleable spaces within the Building. Examples of exempt interior alterations are paneling, shelving, partitions other than those creating new commercial units, counters, flooring, and general interior decoration;
2. Repairs, repainting, residing, reroofing and window replacement unless the activity also increases floor area;
3. Replacement of parts of a partially damaged building that would normally require Site Plan Review with generally identical portions. Total replacement of such a destroyed building shall require Site Plan Review;
4. Demolition of a building or structure;
5. Change of tenant of commercial building unless there is also new construction triggering Site Plan Review;
6. Customary home occupations;
7. Townhouse or Multifamily housing developed under Sections 8.1 (OSFPD) or 8.2 (Senior Housing);
8. Uses permitted by Special Permit within the Commercial Overlay District; and
9. Entries B.1, B.3, and B.7 in the Table of Use Regulations shall require Site Plan Review under Section 10.7.

10.6.7. Site Plan Review Application Contents. The Planning Board shall be empowered to adopt and enforce Site Plan Review Regulations documenting the minimum application submission contents required for Site Plan Review and Abbreviated Site Plan Review processes. These Regulations shall be binding upon applicants unless waived by the Planning Board.

10.6.8. Site Plan Review and Abbreviated Site Plan Review Procedures. At the time of submission, the applicant shall file all required application materials with the Hamilton Planning Department and one copy of all application materials shall also be filed with the Hamilton Town Clerk. The application will not be considered legally submitted, for purposes of starting the review "clock," as stipulated under Section 10.6.11, until it is complete, and all copies are submitted.

1. The Planning Department shall thereafter transmit the electronic application materials to the Building Commissioner, Department of Public Works, Town Manager, Select Board Chair, Board of Health, Conservation Commission, Police Department, Fire Department, and Environmental Impact Committee for comments. Additional physical copies of the application materials shall be retained by the Planning Department for review if requested by a board, commission, or official.
2. The above-listed boards, officials, and departments shall transmit their comments in writing to the Planning Board within thirty (30) days from the date of application. Failure to submit comments shall be deemed determinative that the affected party does not have comments to share on the application.

10.6.9. Design Review. The Planning Board, at its discretion, may request the Select Board to form a Design Review Committee and adopt Design Review Guidelines to assist the Planning Board in reviewing larger scale Site Plan Review applications. The Design Review Guidelines, if adopted by the Planning Department, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning Board concerning the site design and architecture of the proposed development.

10.6.10. Site Plan Standards. The following standards shall be considered in the review and evaluation of a site plan or abbreviated site plan:

- 1. The plan shall show compliance with Zoning Bylaw requirements for parking, signage, loading, landscaping, performance standards, dimensional requirements, and all other applicable requirements of this Bylaw;**
- 2. The proposed project should be guided by and integrated into existing natural features of the site and should be complementary with the architecture in scale and detail in the surrounding area;**
- 3. The plan shall provide landscaping and open spaces that are integrated with the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity, enjoyment and safety for customers, neighbors, and the general public;**
- 4. The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with handicapped access requirements, and provide for access and egress by emergency vehicles;**
- 5. The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Planning Board may require landscaping and/or fencing to provide needed buffers;**
- 6. The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage, and Streets, or shall provide for such improvements as necessary; and**
- 7. Consistent with Section 10.6.2, the proposed plan shall provide for compliance with Board of Health, Conservation Commission, and other Town and State Regulations. Where applicable, the approval may be made conditional upon Board of Health, Conservation Commission, Department of Public Works or other approvals, which shall be specifically referenced in the decision.**

10.6.11. Site Plan Review and Abbreviated Hearings and Decisions. The Planning Board shall open a Public Hearing within sixty-five (65) days of the date of an application. The Planning Board shall provide notice as set forth in G.L. c. 40A, §. 11. The Planning Board shall file its written decision with the Town Clerk within ninety (90) days of the closing of the Public Hearing, unless the applicant specifically grants an extension of the review period in writing. Failure to file the decision within ninety (90) days of the closing of the Public Hearing shall constitute approval of the site plan by the Planning Board unless the applicant has granted an extension of the review period.

- 1. When proposed new construction or alteration is subject to both Site Plan Review and a Special Permit, the Planning Board shall conduct both processes simultaneously, using the time limits of the Special Permit process to cover both reviews.**

10.6.12 Final Action. With respect to both Site Plan Review and Abbreviated Site Plan Review, the Planning Board, conducting the Site Plan Review and acting by a majority vote, shall take one (1) of the following final actions as evidenced by a written decision filed with the Town Clerk:

- 1. A written approval of the plan, with a determination that the proposal meets the criteria set forth in this Bylaw; or**
- 2. A written denial of the application stating the reasons for such denial; or**

3. A written approval subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary, including phasing of construction and a performance guarantee for any public improvements.

4. The decision shall be filed with the Town Clerk.

10.6.13 Implementation of Site Plans. Construction under an approved site plan or abbreviated site plan shall begin within two (2) years of the date of the filing of the decision with the Town Clerk, unless extension is granted by the Planning Board. Otherwise, approval shall lapse.

10.6.14 Appeal. The decision of the Planning Board may be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, §. 17.

Appendix J
FLOOD PLAIN OVERLAY DISTRICT

9.2 FLOOD PLAIN OVERLAY DISTRICT (FPOD).

9.2.1 Purpose. The purpose of the Floodplain Overlay District (FPOD) is:

1. To ensure public safety through reducing the threats to life and personal injury;
2. To eliminate new hazards to emergency response officials;
3. To prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. To eliminate costs associated with the response and cleanup of flooding conditions; and
6. To reduce damage to public and private property resulting from flooding waters.

9.2.2 FPOD Boundaries. ~~The FPOD is herein established as an overlay district. The FPOD includes all Areas of Special Flood Hazard within the Town of Hamilton designated as Zones A and AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or primarily within the Town of Hamilton are panel numbers 25009C0267F, 25009C0268F, 25009C0269F, 25009C0286F, 25009C0288F, 25009C0289F, 25009C0293F, 25009C0406F, 25009C0407F, 25009C0426F, 25009C0427F, 25009C0429F, 25009C0431F, and 25009C0433F dated July 3, 2012. The exact boundaries of the FPOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Board of Selectmen, Planning Board, and Conservation Commission.~~

The FPOD is herein established as an overlay district. The District includes all special flood hazard areas within Hamilton designated as Zone A and AE on the Essex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Hamilton Town Clerk, Conservation Commission, and the Planning and Building Departments.

9.2.3 Base Flood Elevation and Floodway Data.

1. *Floodway Data.* In Zones A and AE of FIRM, along watercourses that have not had a Regulatory Floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the Base Flood discharge.

2. *Base Flood Elevation Data.* Base Flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

9.2.4 Use Regulations. All Development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the Massachusetts Wetlands Act (G.L. c. 131, s. 40) and with the following:

1. The section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G “Flood Resistant Construction and Construction in Coastal Dunes”);
2. The Wetlands Protection Regulations promulgated by the Massachusetts Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. The Inland Wetlands Restriction Regulations promulgated by DEP (currently 310 CMR 13.00);
4. The Minimum Requirements for the Subsurface Disposal of Sanitary Sewage promulgated by the DEP (currently 310 CMR 15, Title 5); and
5. The Hamilton Board of Health Regulations, Chapter 6. Satisfactory evidence shall consist of any permit issued by the Board of Health for the project and/or a written statement from the Board of Health or its agent that no such permit is necessary for the project.

9.2.5 Other Requirements.

1. **The Town of Hamilton requires a permit, including a building permit and/or a Storm Water Management Permit (if applicable) for all proposed construction or other development in the Flood Plain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.**
2. **The applicant is required to obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired**
3. Any variances from the provisions and requirements of the above referenced State regulations may only be granted in accordance with the required variance procedures of these State regulations.
4. Within Zones AH and AO of the FIRM, adequate drainage paths must be provided around Structures on slopes to guide floodwaters around and away from proposed Structures.
3. ~~In Zone AE of FIRM, along watercourses within the Town of Hamilton that have a Regulatory Floodway designated on FIRM, encroachments are prohibited in the Regulatory Floodway which would result in any increase in flood levels within the community during the occurrence of the Base Flood discharge.~~

5. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway Map, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4. **6.** All subdivision proposals must be designed to assure that such proposals minimize flood damage; all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided to reduce exposure to flood hazards.

5. **7.** Existing contour intervals of site and elevations of existing structures must be included on the development plan proposal.

6. **8.** There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Director of Public Works, and Building Commissioner for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

9. In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

10. In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

9.2.6 Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows are permitted provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, **and** play areas, etc.;
4. Conservation of water, plants, wildlife;
5. Wildlife management areas, foot, bicycle, and/or horse paths;
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and

7. Buildings lawfully existing prior to the adoption of these provisions.

9.2.7. Designation of Community Flood Plain Administrator. The Town hereby designates the position of *Planning Director* to be the Community Flood Plain Administrator.

9.2.87 Notification of Watercourse Alteration. In a riverine situation, ~~the Conservation Commission~~ **the Community Flood Plain Administrator** shall notify the following of any alteration or relocation of a watercourse:

~~Adjacent Communities NFIP State Coordinator~~

~~Massachusetts Department of Conservation and Recreation~~

~~251 Causeway Street, Suite 600-700~~

~~Boston, MA 02114-2104~~

~~NFIP Program Specialist~~

~~Federal Emergency Management Agency, Region I~~

~~99 High Street, 6th Floor~~

~~Boston, MA 02110~~

1. **Adjacent Communities, especially upstream and downstream;**
2. **Bordering States, if affected;**
3. **NFIP State Coordinator, Massachusetts Department of Conservation and Recreation; and**
4. **NFIP Program Specialist Federal Emergency Management Agency, Region I.**

9.2.9 Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

NFIP State Coordinator Massachusetts, Department of Conservation and Recreation; and

NFIP Program Specialist Federal Emergency Management Agency

9.2.10 Variances to building code floodplain standards. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that: (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (ii) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

9.2.11. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

- 1.) **Good and sufficient cause and exceptional non-financial hardship exist;**

2.) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

3) The variance is the minimum action necessary to afford relief.

9.2.12. Abrogation and greater restriction section. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

9.2.13. Disclaimer of liability. The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

9.2.14. Severability. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

SECTION 11.0 DEFINITIONS

Floodplain Flood Plain Overlay District: For the purposes of Section 9.2, the following definitions shall apply:

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AI- 30, AE, A99, VI-30, VE, or V.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V 1-30, or VE.

Development: Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District: The Floodplain Protection Overlay District.

Federal Emergency Management Agency (FEMA): The agency that administers the national Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Insurance Rate Map (FIRM): An official map of a community on which FEMA has delineated both areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

Historic Structure: Any structure that is:

- (a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

One Hundred Year Flood: See Base Flood.

Recreational Vehicle: A vehicle which is:

- (a) Built on a single chassis;**
- (b) 400 square feet or less when measured at the largest horizontal projection;**
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and**
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]**

Regulatory Floodway: See Floodway.

Special Flood Hazard Area: An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, AI -30, AE, A99, AH, V, V 1-30, VE.

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural 12 part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

Structure: For floodplain management purposes, a walled and roofed building including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure: For insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Variance: A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59].

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Zone A: The 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

Zone AI-30 and Zone AE (for new and revised maps): The 100-year floodplain where the base flood elevation has been determined.

Zone AH and Zone AO: The 100-year floodplain with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Zone A99: Areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

Zones B, C and X: Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Zone V: A special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

Zone VI-30 and Zone VE (for new and revised maps): A special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.