



**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><b>ARTICLE 2025/4 1-1</b></p> <p><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"> <li><input type="checkbox"/> Town Moderator for one year</li> <li><input type="checkbox"/> Two members of the Select Board for three years</li> <li><input type="checkbox"/> One member of the Board of Assessors for three years</li> <li><input type="checkbox"/> Two members of the Planning Board for three years</li> <li><input type="checkbox"/> One member of the Housing Authority for five years</li> <li><input type="checkbox"/> Two Hamilton-Wenham Public Library Trustees (at large) for three years</li> <li><input type="checkbox"/> One member of the Hamilton-Wenham Regional School Committee for two years (unexpired term)</li> <li><input type="checkbox"/> Two members of the Hamilton-Wenham Regional School Committee for three years</li> </ul> <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><b>ARTICLE 2025/4 1-2</b></p> <p><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><b>ARTICLE 2025/4 1-3</b></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</p>

**Commented [TM2]:** This needs to be updated. What is shown is last year's election warrant article.

Also, we need to confirm that the ballot question approved by the Select Board is exactly as stated. I also recommend that you have bond counsel review the ballot question as it involves a debt exclusion.

<i>Article for Consent Motion</i>	controversial and can be passed without debate, or take any action thereon or relative thereto.  Expected Consent Motion to include articles: ARTICLES _____.
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**SECTION 2: FINANCIAL ACTIONS**

<b>ARTICLE 2025/4 2-1</b>  <i>Compensation/ Classification Table</i>	<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 <b>Appendix A</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>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><b>The Select Board ( ) recommends favorable action. The Finance and Advisory Committee ( ) recommends favorable action.</b></p>
<b>ARTICLE 2025/4 2-2</b>  <i>Prior Year Bills</i>	<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. (Expected request \$_____)</p> <p>A 4/5 vote is required to approve this article.</p> <p><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>Payment of these bills will have no effect on the tax rate.</i></p> <p><b>The Select Board ( ) recommends favorable action. The Finance and Advisory Committee ( ) recommends favorable action.</b></p>

<p><b>ARTICLE 2025/4 2-3</b></p> <p><i>General Town Departmental Appropriations</i></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. (Expected requests Town - \$_____ and all educational expenses, including HWRSD and ENSATSD - \$_____)</p> <p>[The proposed budget appears as <b>Appendix B</b> to the 2025 Appendix Book.] [The approved school budget appears as <b>Appendix C</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> This article is to approve the general operating budget for the Town and Schools, which totals \$_____. The total FY26 budget represents an increase of ___% 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 \$_____ an increase of ___% or \$_____ 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 \$_____ – an increase of ___% or \$_____ for Hamilton. The Hamilton increase includes the adjustment for the enrollment shift.</p> <p><b>The Select Board recommends (___) favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-4</b></p> <p><i>Capital Expenditures</i></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 \$_____)</p> <p><b>Brief Summary:</b> This article would provide funds for various projects contained within the Fiscal Year 2026 Capital Projects Plan.</p> <p>[Please refer to <b>Appendix D</b> to the 2025 Appendix Book.]</p> <p>A 2/3 vote is required to approve this Article.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> None. It is expected that Free Cash and surplus overlay funds will be utilized for these appropriations; therefore, this should have no impact on the FY2026 tax rate.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-5</b></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 \$_____)</p>

**Commented [TM3]:** This is the same as last year's article. However, we need to confirm whether we need to include lease/purchase language.

**Commented [JD4R3]:** We do not

**Commented [TMS]:** This will depend on whether the Town intends to borrow or lease/purchase.

**Commented [JD6R5]:** We do not

<p><i>Water Enterprise Budget</i></p>	<p>[The proposed budget appears as <b>Appendix E</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> <i>The FY26 operating budget for the Water Enterprise represents an increase of \$_____ or ____%. Retained earnings were not used to balance the budget this year.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>The Water Department is supported by water fees; adoption of the budget will not impact the tax rate.</i></p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-6</b></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 \$_____ from the Cemetery Sale of Lots and Graves Fund to the General Fund to be used for cemetery purposes;</p> <p>B. To transfer \$_____ from the Water Enterprise Fund to the General Fund to be used for indirect expenses;</p> <p>C. To transfer \$_____ from the interest of the Clark Fund to the Conservation Trust fund for conservation related expenses.</p> <p><b>Brief Summary:</b> <i>This article occurs annually as part of the budget process.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>The proposed transfers will reduce the estimated tax rate by approximately \$___ per \$1,000 assessed valuation, or \$___ tax assessment on the average home valued at \$_____.</i></p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-7</b></p> <p><i>Hamilton Development Corporation</i></p>	<p>To see if the Town will raise and appropriate the sum of \$_____ to the Hamilton Development Corporation, or take any action thereon or relative thereto. (Expected request is \$_____)</p> <p><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>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><b>The Select Board (___) recommends favorable action. The Finance and</b></p>

	<b>Advisory Committee (____) recommends favorable action.</b>
<b>ARTICLE 2025/4 2-8</b> <i>OPEB Trust Fund</i>	<p>To see if the Town will transfer \$_____ from Free Cash for the purpose of funding the Other Post-Employment Benefits (OPEB) Liability Trust Fund, or take any action thereon or relative thereto.</p> <p><b>Brief Summary:</b> <i>This article proposes to appropriate \$_____ 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 \$_____ for this long-term liability.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>None, as it is anticipated that the funds will come from Free Cash.</i></p> <p><b>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</b></p>
<b>ARTICLE 2025/4 2-9</b> <i>Stabilization Fund</i>	<p>To see if the Town will transfer \$_____ from Free Cash to the General Stabilization Fund, or take any action thereon or relative thereto. (<i>Expected request is \$_____</i>)</p> <p><b>Brief Summary:</b> <i>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.</i></p> <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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>None, as it is anticipated that the funds will come from Free Cash.</i></p> <p><b>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</b></p>
<b>ARTICLE 2025/4 2-10</b>	<p>To see if the Town will transfer \$_____ from Free Cash to the Capital Stabilization Fund, or take any action thereon or relative thereto. (<i>Expected request is \$_____</i>)</p>



<p><i>Capital Stabilization Fund</i></p>	<p><b>Brief Summary:</b> <i>This article requests an appropriation to be added to the Capital Stabilization Fund.</i></p> <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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>None, as it is anticipated that the funds will come from Free Cash.</i></p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-11</b></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 <b>Appendix F</b> of the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>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><b>The Select Board recommends favorable action (___). The CPC recommends favorable action (___). The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 2-12</b></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</p>

**Commented [TM7]:** I recommend that you forward this to bond counsel for review since it involves borrowing.

I also note that only a majority vote is required by Town Meeting to authorize a school district borrowing. [See G.L. c.71, §16\(d\).](#)

	<p>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-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><b>Brief Summary:</b> <i>This article seeks to approve a borrowing authorized by the Hamilton-Wenham Regional School District for the new Cutler Elementary School project.</i> _____.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board</b> (___) <i>recommends favorable action.</i> <b>The Finance and Advisory Committee</b> (___) <i>recommends favorable action.</i></p>
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**SECTION 3: OTHER APPROPRIATIONS AND ACTIONS**

<p><b>ARTICLE 2025/4 3-1</b></p> <p align="center"><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><b>Brief Summary:</b> <i>This article seeks to</i> _____.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board</b> (___) <i>recommends favorable action.</i> <b>The Finance and Advisory Committee</b> (___) <i>recommends favorable action.</i></p>
<p><b>ARTICLE 2025/4 3-2</b></p> <p align="center"><i>Adoption of Special Energy Building Code</i></p>	<p>To see if the Town will vote to amend the Town of Hamilton’s General Bylaws by inserting a new Chapter XXXVII, entitled “Specialized Energy Code,” as set forth in Appendix ____, for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of _____, or take any other action thereon or relative thereto.</p> <p>[The proposed Bylaw appears as <b>Appendix</b> __ to the 2025 Appendix Book.]</p>

**Commented [TM8]:** Please confirm whether the Town is only seeking to accept Clause 22I and does not also wish to accept Clause 22J.

**Commented [TM9]:** Please review the draft Bylaw to confirm that this is what the Town intends.

	<p><b>Brief Summary:</b> This article seeks to accept the provisions of _____, which will _____.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> None.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-3</b></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, 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><b>Brief Summary:</b> 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. _____.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> None.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-4</b></p> <p><i>Zoning Bylaw Amendment - GPOD</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 <del>for a building Lot</del> per <b>dwelling unit</b> for a building Lot in the GPOD. See Section 4.0 for Computation of Lot Area.</p> <p><b>Brief Summary:</b> This article seeks to _____.</p> <p>A 2/3 vote is required to approve this Article.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>

<p><b>ARTICLE 2025/4 3-5</b></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 <b>Appendix __</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> <i>This article seeks to _____.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-6</b></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. <del>For two months</del> <b>P</b>rior to any national, state, or local election and <del>for one week</del> thereafter, there may be up to five (5) lawn signs per lot. In addition, a temporary sign is one that is on a site that is for sale through a licensed real estate agent, by owner, or through advertising in a local newspaper of general circulation, but such temporary sign must be removed within fifteen (15) days of sale.</p> <p><b>Brief Summary:</b> <i>This article seeks to _____.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-7</b></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><b>Gross Floor Area, Business:</b> The floor area within the perimeter of the outside walls of the building under consideration, without deduction for <del>hallways</del> <b>corridors</b>, <del>stairs</del> <b>stairways</b>, <b>ramps</b>, closets, thickness of <b>interior</b> walls, columns, or other features. <b>The floor area of a building, or portion</b></p>

	<p><b><u>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></b></p> <p><b><u>Gross Floor Area, Residential:</u></b> The area of a residential structure used for living space, excluding basement and attic area. <b><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></b></p> <ol style="list-style-type: none"> <li><b><u>1. Covered walkways, open roofed-over areas, porches and similar spaces.</u></b></li> <li><b><u>2. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.</u></b></li> </ol> <p><i>Brief Summary: This article seeks to _____.</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 (___) recommends favorable action.</i></p>
<p><b>ARTICLE 2025/4 3-8</b></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 __, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as <b>Appendix __</b> 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> <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><b>ARTICLE 2025/4 3-9</b></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 __, or take any action thereon or relative thereto.</p>

**Commented [RS10]:** I am not sure this is needed here, since this definition is only for Gross Floor Area, Business but seems fine to have it. I note that the existing definition of Gross Floor Area, Residential is not being changed.

**Commented [TM11]:** We will need to review this further to confirm.

	<p>[The proposed Zoning Bylaw amendments appear as <b>Appendix __</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> This article seeks to _____.</p> <p>A 2/3 vote is required to approve this Article.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-10</b></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 ____, or take any action thereon or relative thereto.</p> <p>[The proposed Zoning Bylaw amendments appear as <b>Appendix __</b> to the 2025 Appendix Book.]</p> <p><b>Brief Summary:</b> This article seeks to _____.</p> <p>A 2/3 vote is required to approve this Article.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-11</b></p> <p><i>Zoning Bylaw Amendment – FEMA Flood Maps</i></p>	<p>To see if the Town will vote to _____, or take any action thereon or relative thereto.</p> <p><b>Brief Summary:</b> This article seeks to _____.</p> <p>A 2/3 vote is required to approve this Article.</p> <p><b>Fiscal Year 2026 Tax Rate Impact:</b> _____.</p> <p><b>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action. The Planning Board (___) recommends favorable action.</b></p>

Commented [TM12]: I inserted this article as a placeholder.

<p><b>ARTICLE 2025/4 3-12</b></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><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>None.</i></p> <p><b>The Select Board recommends favorable action (___). The Finance and Advisory Committee (___) recommends favorable action.</b></p>
<p><b>ARTICLE 2025/4 3-13</b></p> <p><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>___ Yes ___ No</p> <p><b>Brief Summary:</b> <i>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><b>Fiscal Year 2026 Tax Rate Impact:</b> <i>None.</i></p> <p><b>The Select Board (___) recommends _____ action. The Finance and Advisory Committee (___) recommends _____ action.</b></p>

**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*

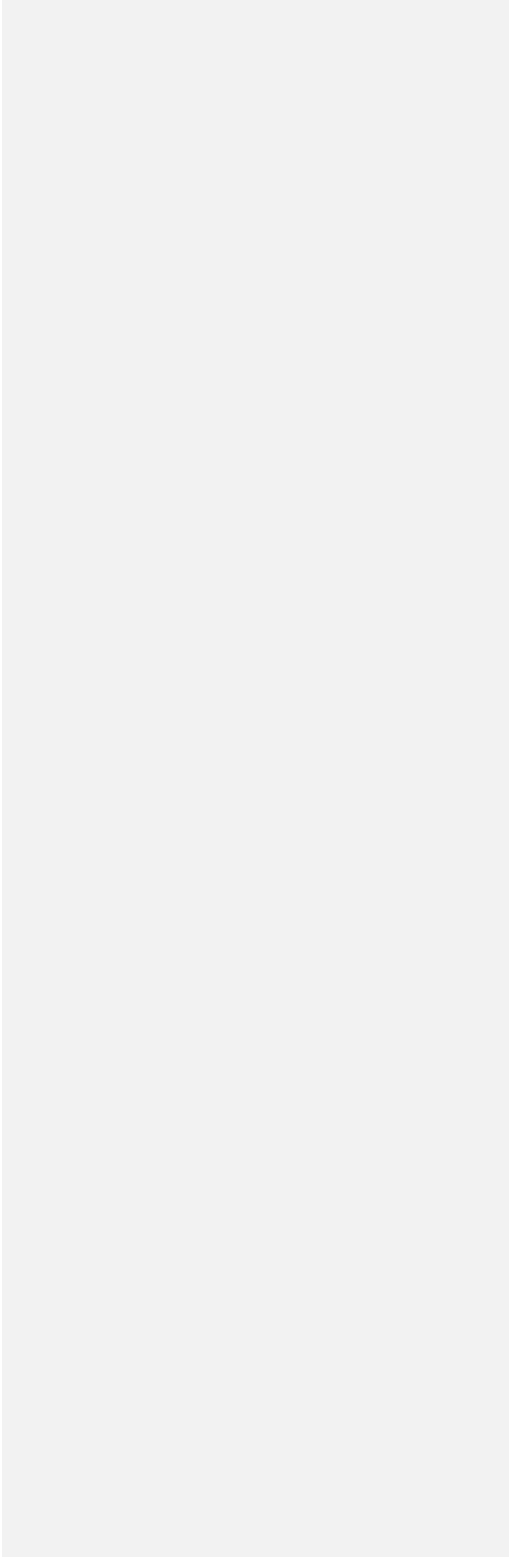
\_\_\_\_\_  
*Rosemary I. Kennedy* *Hamilton, Massachusetts*

*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





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*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

Appendix B  
TOWN BUDGET

Appendix C  
SCHOOL BUDGET

Appendix D  
CAPITAL BUDGET

Appendix E  
WATER ENTERPRISE BUDGET

Appendix F

COMMUNITY PRESERVATION COMMITTEE BUDGET

Commented [TM13]: This needs to be updated. This is last year's budget.

\*Total projected FY25 CPA Tax Collected = \$603,902

**Article 2024/4 2-13**

1) Administration - Expense

To appropriate \$30,195.12 of FY25 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

To appropriate \$103,800 from the Community Preservation Fund Balance to fund the debt service for the Sagamore Hill conservation project. This bond will be paid in full in FY2032.

3) Transfers

To transfer \$11,000 from the Community Preservation Unreserved Fund Balance to the Community Housing Reserve and \$11,000 from the Community Preservation Unreserved Fund Balance to the Historic Preservation Reserve

4) Historic Preservation – Project

To appropriate \$11,000 from the Historic Preservation Reserve and \$334,424.31 from the Community Preservation Unreserved Fund Balance, for a total appropriation of \$345,424.31, to fund the debt service for the Town Hall project. This bond will be paid in full in FY2043.

Appendix \_\_  
SPECIALIZED ENERGY CODE

Chapter XXXVII  
SPECIALIZED ENERGY CODE

1. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

Specialized Energy Code - Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code is an appendix to the Massachusetts Stretch Energy Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency and reduce the climate impacts of buildings built to this code. September 2022

Stretch Energy Code - Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

2. Purpose

The purpose of 225 CMR 22 and 23 including Appendices RC and CC is to provide a more energy efficient and low emissions alternative to the Stretch Energy Code or the base Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

3. Applicability

This energy code applies to residential and commercial buildings.

4. Specialized Code

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into this Bylaw.

5. Enforcement

The Stretch Code is enforceable by the inspector of buildings or building commissioner.



Appendix \_\_\_\_  
 AMENDMENTS TO ZONING BYLAW  
 SECTIONS 4.1.2 AND 4.2.4

**I. Amendments to Section 4.0, Dimensional and Density Regulations**

Section 4.1.2 **Table of Dimensional Regulations.** The Table of Use Regulations is hereby declared to be part of this By-law.

	R1A	R-1B	RA	B
Minimum Lot Area per Dwelling unit (sq. ft.)	20,000	40,000	80,000	<del>ZBAPB</del> <sub>1</sub>
Minimum Lot Frontage (ft.)	125	175	175	<del>ZBAPB</del> <sub>2</sub>
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building	100 at building	100 at building	<del>ZBAPB</del> <sub>3</sub>
Maximum Building Height (ft.)	35	35	35	35
Maximum number of Stories	3	3	3	3
Maximum Building coverage of Lot (%)	25	25	25	75 <sub>4</sub>
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/ <del>50</del> <sub>5</sub>	25/ <del>50</del> <sub>5</sub>	25/ <del>50</del> <sub>5</sub>	25/ <del>50</del> <sub>5</sub>
Minimum Side Yard and Rear Yard (ft.)	15	15	15	<del>ZBAPB</del> <sub>6</sub>

1. For each Dwelling unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during Site Plan Review.
2. For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during Site Plan Review.
3. To be determined during Site Plan Review.
4. Or as determined during Site Plan Review.
5. Twenty-five (25) feet from the Street line, ~~or fifty (50) feet from the Street center line, whichever is greater.~~
6. For a Dwelling unit, 15 feet. For all other uses, to be determined during Site Plan Review.

Section 4.2.4 Averaging of Setbacks. No building need be set back more than the average setback of the building on either side, a vacant lot being counted as though occupied by a building set back ~~fifty (50) feet from the street center line~~ **twenty-five (25) feet from the front property line.**

**Commented [RS14]:** I know this is already in the Bylaw but it is unusual not to specify minimums as applicants need to know what is required of them and this could be subject to challenge as applied.

Appendix  
ACCESSORY DWELLING UNITS

Commented [RS15]: See my prior comments provided to the Planning Board/Planner. Some matters remain unaddressed and I do not know if this is the correct version?

**TABLE OF USE REGULATIONS**

<b>E. ACCESSORY</b>	R-1A	R-1B	RA	B
1. Up to three boarders in a Single Family Dwelling	Y	Y	Y	Y
2. Conversion for Temporary Living (see Section 3.4).	ZBA	ZBA	ZBA	ZBA
3. Accessory Apartment (see Section 3.6): <b>Accessory Dwelling Unit (see Section 3.6 and definition).</b>	ZBA <u>Y</u>	ZBA <u>Y</u>	ZBA <u>Y</u>	ZBA <u>Y</u>
4. Accessory Apartment on Large Lot (see Section 3.7): <b>Large Accessory Dwelling Unit</b>	ZBZ <u>PB</u>	ZBA <u>PB</u>	ZBA <u>PB</u>	ZBA <u>PB</u>
5. 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. 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. 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. Parking area or garage for use of employees, customers or visitors.	N	N	N	Y
9. Level Two Electric Charging Station.	Y	Y	Y	Y
10. Large Family Child Care Home.	ZBA	ZBA	ZBA	ZBA
11. Small Family Child Care Home.	Y	Y	Y	Y
12. Adult Social Day.	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 sealed 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 sealed 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.

**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 single-family 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. An Accessory Dwelling Units shall be permitted by right in all zoning districts where single-family dwellings are a permitted use. Accessory Dwelling Units may be attached to the Principal Dwelling unit (hereafter referred to as an Attached Accessory Dwelling) or located in a separate accessory structure (hereafter referred to as a Detached Accessory Dwelling Unit). The Building Commissioner shall be the permit-granting authority for Accessory Dwelling Units provided that the application meets the minimum requirements of this Section.**

**3.6.3. 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 clear 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 Site Plan clearly depicting existing conditions on the Lot and proposed improvements for the Accessory Dwelling Unit. The Site Plan shall clearly depict the location of all structures on the Lot, parking and forms of vehicular and pedestrian access, locations of ingress and egress, proposed landscaping, or fencing (including landscaping to be removed to accommodate the Accessory Dwelling Unit), utility connections and facilities, and other essential site features. All plans shall be drawn to scale and identify the Principal Dwelling unit, any other existing accessory structure(s), and the proposed detached Accessory Dwelling Unit.**
- 3. Colored architectural elevations displaying 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 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.**

**3.6.4. 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 single-family dwelling. Accessory Dwelling Units shall not be permitted on Lots that contain a Two-family Dwelling, a Semi-attached Dwelling, a Townhouse Dwelling, a Three-family Dwelling, or a Multi-family Dwelling (see Section 11.0, Definitions), or any other form of housing apart from a Principal Dwelling unit.**

Commented [RS16]: ?

**2. An Accessory Dwelling Unit shall contain no more than two (2) bedrooms and one (1) bathroom and 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 Units shall meet the applicable dimensional requirements set forth in Section 4.1.2, Table of Dimensional Regulations, including for Maximum Building Height, Maximum Number of Stories, Maximum Building Coverage, and Minimum Front, Side and Rear yards, except as stipulated in this Section. When attached to a Principal Dwelling unit, the Attached Accessory Dwelling Unit shall meet the required setback requirements for the Principal Dwelling unit. When proposed in a Detached Accessory Dwelling unit, The Detached Accessory Dwelling Unit shall meet the minimum setback requirements for Accessory Buildings (see Section 4.1.5, Accessory Buildings, of the Zoning Bylaw). When proposed in a detached structure, the Accessory Dwelling Unit shall not exceed two stories or 25-feet in height.**

**4. Accessory Dwelling Units must have a permanent foundation; no trailers or recreational vehicles shall be permitted to serve as such a use.**

**5. An Accessory Dwelling Units 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; if located in a residential district, an Accessory Dwelling Unit shall not change the characteristics of the residential district in which it is located, shall maintain the prevailing scale of buildings in the neighborhood, and shall relate harmoniously with the surrounding area.**

**6. A Detached Accessory Dwelling Unit shall not be permitted in the Front Yard (as defined under Section 11.0, Definitions) of the Lot.**

**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. An Attached Accessory Dwelling Unit shall share a common floor-ceiling assembly with the Principal Dwelling unit or a common wall connector.**

**10. Modifications to the exterior of the Principal Dwelling unit intended to contain an Attached Accessory Dwelling unit shall be completed in a manner that maintains the appearance of the Principal Dwelling unit, specifically with respect to height, compatible roof pitch, and choice of building materials.**

**11. 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.**

**12. A Detached Accessory Dwelling Unit shall have its own house number visible from the exterior of the unit.**

**13. At least one (1) off street, on site, parking space shall be provided for exclusive use by occupant(s) of an Accessory Dwelling Unit or their invitees, unless the Accessory Dwelling Unit is within 0.5 miles of a commuter rail station.**

**14. Utilities, such as water, electric, oil, and gas, necessary for the Accessory Dwelling Unit shall be extensions of the existing utilities serving the Principal Dwelling unit. No new utility services or meters shall be installed for the use of the Accessory Dwelling Unit.**

**15. No additional curb cut shall be authorized for access to serve an Accessory Dwelling Unit.**

**16. No accessory pool or garage shall be constructed to serve the Accessory Dwelling Unit if a pool or garage exist on the Lot to serve the Principal Dwelling unit.**

Commented [RS17]: Per the EOHLIC you can't have more restrictive requirements than applies to the principal dwelling.

**17. Short term rentals as defined in G.L. c. 64G, §1 are prohibited in Accessory Dwelling Units created under this Section.**

**3.7 ACCESSORY APARTMENTS ON LARGE LOTS:**

**3.7.1 Purpose.** The purpose of this Section is to provide for accessory apartments in a single family dwelling or in an accessory building on lots greater than ten (10) acres, subject to the following.

**3.7.2 Procedures.** Such an accessory apartment shall be authorized only by Special Permit issued by the Board of Appeals under Section 10.0 of this Bylaw. The Board of Appeals may grant such a Special Permit provided the following conditions are met:

1. One of the Dwelling units is occupied by the owner of the property, except for bona fide temporary absence.
2. The principal Dwelling unit and the proposed accessory apartment are to be held in the same ownership.
3. The Board of Health approves all arrangements for sanitary waste, water supply, and drainage.
4. The applicant has submitted to the Board of Appeals a plot plan and sealed Architectural drawings which comply with Section 3.7.3 below.

**3.7.3 Design and Dimensional Standards.** A plot plan and sealed architectural drawings of the existing Dwelling Unit and proposed addition shall be submitted, showing location of all Buildings on the lot, the proposed addition, location of all septic systems and parking and compliance with the following items:

1. The lot on which the proposed conversion is to be located is at least ten (10) acres.
2. Any external stairways shall be screened from view, buffered or located out of sight from any street.
3. One off street parking space shall be provided for the additional 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.

**3.7.4 Other Approvals.** The applicant shall, in addition to obtaining a Special Permit, also obtain a Building Permit, and any necessary Conservation Commission approvals, and an Occupancy Permit prior to the occupancy of the proposed accessory apartment.

**3.7.5 Special Restrictions:**

1. The apartment shall not be transferred into separate ownership from the principal dwelling, including a condominium form of ownership or otherwise.
2. The lot upon which the principal Dwelling Unit and Accessory Apartment are located shall not be reduced in size to less than ten (10) acres.

**SECTION 11.0, DEFINITIONS**

**Accessory Uses**

**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: (i) 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 state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) 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; provided, however, that no municipality shall unreasonably restrict the creation or rental of an Accessory Dwelling Unit that is not a short-term rental.**

**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.



**Gross Floor Area: 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 or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.**

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

Appendix \_\_\_  
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 ~~l~~lots or ~~d~~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, ~~ss~~ **§§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 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup> 38<sup>th</sup> and 45<sup>th</sup> 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 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~~

**Commented [RS18]:** I recommend confirming if the existing language is correct and making any necessary changes. I have a note that the current bylaw should read:

“An equivalent fee in lieu of units may be made. A fee in lieu payment for each required unit shall be 3 times the Area Median Income (AMI) as determined by HUD (US Department of Housing and Urban Development) income limits which includes Hamilton.”

**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 ~~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.

<b>% Building Permits Issued for Market Rate Units</b>	<b>% Affordable Units (Building Permits, Fees, Off-Site Units, or Land, as Applicable)</b>
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.**

### **III. SECTION 11.0 DEFINITIONS**

1. In the term Inclusionary Housing amend the reference to Section 8.7 as follows:

For purposes of Section ~~8.7~~**8.3**, the following terms shall have the following meanings: ...

2. Move the term and definition of “**Area Median Income (AMI)**: The midpoint household gross income for a specified geographic area determined by the US Department of Housing and Urban Development (HUD) annually.” to be ordered after the definition of “Affordable Housing Restriction”.

Appendix \_\_\_\_  
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 of Site Plan Approval and effectuate the purposes of this bylaw by providing for consistent submissions of thorough data for each proposal for ~~Town~~ Planning Board review; and for ~~consideration~~ 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.**

Commented [RS19]: This must be applied consistent with the non-discretionary nature of site plan review.

**10.6.2 Site Restrictions. A Site Plan Review application shall not be considered 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.**

Commented [RS20]: What does this mean? Do they have to have approvals from other boards/commissions in hand?

**10.6.3 Pre-Application Conference. A Pre-Application Conference shall be required prior to the submission of Site Plan Review application for the following types of applications:**

**1. Expansion projects of non-residential or multi-family buildings which increase the gross building floor area by 1,000 square feet or more;**

**2. All new non-residential or multi-family structures larger than 350 square feet in size;**

**3. Exterior site improvements on non-residential or multi-family properties exceeding 2,000 square feet in area; or**

**4. Communication towers and telecommunication antenna facilities or small wireless facilities.**

Commented [RS21]: This is unusual and might be subject to challenge on the grounds that it onerous given the as of right/non-discretionary nature of site plan review.

Commented [RS22]: Do you mean gross floor area?

Commented [RS23]: This seems small. For example, are you intending to require site plan review is a business adds a 400 square foot storage shed?

**A Pre-Application Conference shall not be required for any other applications which otherwise qualify for require Site Plan Review. Additionally, applications eligible for Abbreviated Site Plan Review shall not be required to participate in a Pre-Application Conference. Prior to formal submittal of a Site Plan Review application, an applicant for a project which meets any of the above criteria above shall request and attend a mandatory Pre-Application Conference at a regular business meeting of the Planning Board.**

**1. 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 application. The Pre-Application Conference is further designed to acquaint the applicant with the Site Plan Application process and any particular information the Board may request to aid the Board in its review of the application.**

**2. Minimum Pre-Application Conference Materials: The Applicant shall provide the following minimum materials to the Planning Board in advance of the Pre-Application Conference:**

**a. A Pre-Application Conference application form;**

**b. A filing fee of \$75.00 in the form of a check to the Town of Hamilton; and**

Commented [RS24]: The federal timelines for these applications will apply regardless of this bylaw.

c. 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 must 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 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.

3. 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.

4. 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.

5. 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 occupancy 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. 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

7. Wind Energy Facilities in the Commercial Overlap District.

Commented [RS25]: Do you also mean to have this apply to changes in use to an existing lot which may not involve a change in structure?

Commented [RS26]: Local zoning does not apply to state and federal uses.

Commented [RS27]: If these are Dover Amendment uses, the site plan review is limited.

Commented [RS28]: This may be beyond the scope of zoning unless it requires exterior changes, for example, parking.

**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. Interior 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.**

Commented [RS29]: See my prior comment about zoning and regulating interiors.

Commented [RS30]: The version of the bylaw online does not have a B.7, what is this?

**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 may, at its discretion, 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; however, its recommendations shall be non-binding on the actions of the Planning Board.

**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 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 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.**

Commented [RS31]: Design guidelines outside of the Bylaw and not adopted by Town Meeting are non-binding.

Will the Planning Board have to adopt the guidelines after the Design Review Committee adopts the guidelines?

Commented [RS32]: What does make its determination mean? I recommend constructive approval be tied to a date that a written decision needs to be filed with the Town Clerk.

**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, 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.**

Commented [RS33]: The ability to deny is very limited, for example, an inextricable problem or specific by law violation.

**10.6.13 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.

**10.6.14 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.

Commented [RS34]: This may be too short and could lead to challenges.

## II. SECTION 11.0 DEFINITIONS

**Site Plan Review:** Following satisfactory compliance with all applicable Regulations and procedures, review by the Planning Board to approve or approve with conditions those land use activities set forth in Section ~~8.26~~ **10.6.**