



Town of Hamilton  
Select Board  
Tuesday, May 13, 2025

- Bill Olson,  
Chair
- Bill  
Wilson
- Rosemary  
Kennedy
- Tom  
Myers
- Benjamin  
Galuza

6:45 p.m.

Virtual Meeting

**AGENDA**

**This is a VIRTUAL meeting conducted via ZOOM.**

Join ZOOM Meeting at:

<https://us02web.zoom.us/j/82260446820?pwd=jGfatjybiHdRFpzx4xNsMQxzDNCdSp.1>

**Meeting ID: 822 6044 6820**

**Passcode: 173494**

**One tap mobile**

+13017158592,,82260446820#,,,\*173494# US (Washington DC)

+13052241968,,82260446820#,,,\*173494# US

**Dial by your location**

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 205 6099 US (New York)

6:45 p.m.	<b>Call to Order</b> <ul style="list-style-type: none"><li>• Vote to enter Executive Session: "To discuss potential litigation related to the MBTA Community Housing Law (MGL Chapter 40A, Sec 3A), when a public discussion of the litigation have a negative impact on the Town's position."</li></ul>
<b>EXECUTIVE SESSION</b>	
	<ul style="list-style-type: none"><li>• Review draft complaint with Town Counsel and possible vote to authorize the Town Manager to verify the complaint.</li><li>• Vote to close Executive Session and return to open session</li></ul>
<b>AGENDA</b>	
7:15 p.m.	<ul style="list-style-type: none"><li>• Discussion of status of development agreement and possible zoning options relating to Gordon College Theological Seminary with Attorney Jonathan Witten – Votes may be taken</li><li>• Review Draft Warrant, date and time and calendar for Special Town Meeting scheduled on June 7, 2025 at 10 a.m. – Votes may be taken</li><li>• Adjourn</li></ul>

**MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF HAMILTON  
AND GORDON CONWELL THEOLOGICAL SEMINARY**

This Agreement ("Agreement") dated this \_\_ day of March, 2025, by and between the TOWN OF HAMILTON, a Massachusetts municipal corporation with an address of 577 Bay Road, Hamilton, MA ("Hamilton" or "Town") and GORDON-CONWELL THEOLOGICAL SEMINARY, a Massachusetts nonprofit corporation with an address of 130 Essex Street, South Hamilton, MA ("GCTS"); together with Hamilton, "the Parties".

WHEREAS, GCTS is the owner of the Campus (as hereinafter defined) which contains approximately 102 acres of real property in the Town as shown on Attachment "A" ("Campus Plan"), currently used in a campus setting for religious and educational purposes such that the land and structures have been entitled to certain exemptions from the Town's Zoning Bylaw pursuant to G.L. c.40A §3;

WHEREAS, as indicated on the Campus Plan, the Campus contains three (3) subareas referred to herein as the "Upper Campus", "Middle Campus" and "Lower Campus";

WHEREAS, GCTS wishes to work with the Town to plan for and adopt amendments to the Zoning Bylaw and Zoning Map applicable to the Campus that will include permitting enumerated nonresidential uses and structures on the Upper Campus;

WHEREAS, GCTS wishes to restrict further development of a portion of the Middle Campus as shown as the "Restricted Parcel" on the Campus Plan and preserve the same ("Restricted Parcel") as set out herein;

WHEREAS, GCTS wishes to sever approximately 12 acres located in the Lower Campus containing the Apartment Lots (as hereinafter defined) historically used for student housing and convey the same to a third party for conversion of the structures into 209 privately-owned rental units (as hereinafter defined, the "Apartment Project");

WHEREAS, GCTS will agree that upon conveyance of the Apartment Lots to a private party no fewer than twenty-five (25%) percent of the apartments within the Apartment Project shall be available for rent by individuals and families that qualify for below market rate housing as set out herein;

WHEREAS, the Town desires that the Commonwealth of Massachusetts include the entirety of the units within the Apartment Project on the Subsidized Housing Inventory ("SHI") maintained by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities ("EOHLC");

WHEREAS, within the limits of the law, the Town supports and wishes to cooperate with GCTS in plans for the 102 acres, particularly the conversion of the Lower Campus Apartment Lots into private rental housing, the creation of the Restricted Parcel and the rezoning necessary to facilitate the Apartment Project and the redevelopment of the Upper Campus;

WHEREAS, the Planning Board is proposing to accomplish the necessary rezoning through the adoption of an overlay district that solely includes the Campus ("Zoning Amendment");

WHEREAS, the parties intend to seek approval of the Zoning Amendment to the Hamilton Town Meeting to be held on \_\_\_\_\_, 2025; and,

WHEREAS, GCTS intends to subdivide the Campus and sell the Apartments and the Apartment Lots pursuant to approvals under the Zoning Amendment;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

#### **I. Terms of the Agreement**

##### **A. Definitions**

1. "Apartments" are each of the six apartment buildings within the Lower Campus as identified on the Campus Plan;
2. "Apartment Lots" are the two (2) lots of real property, containing approximately 12 acres, on which the Apartments and related infrastructure is located as shown on the Campus Plan as the Lower Campus.
3. "Apartment Project" shall mean the redevelopment, alteration, maintenance, operations and occupancy of the Apartments under private ownership for leasing to the public,
4. "Campus" shall mean the 102 acres owned by GCTS containing three areas referred to as Upper Campus, Middle Campus and Lower Campus as identified on the Campus Plan.
5. "Gordon-Conwell Theological Seminary" or "GCTS" shall mean the current owner of approximately 102 acres, inclusive of the Apartments, with an address of 130 Essex Street in South Hamilton, Massachusetts as identified on the Campus Plan.
6. "Preexisting Structures" shall mean the buildings and improvements currently located on the Campus, as those may be renovated and reconstructed within the existing footprint and with the same total square footage.

##### **B. Apartment Project: Affordability Requirement**

GCTS shall restrict 25% of the dwelling units on the Lower Campus for occupancy by households earning no greater than 80% area median income for the Hamilton region as that number is calculated from time to time by the Commonwealth pursuant to G.L. c.184, ss.31-32 with said restriction to be enforceable and applicable to any third-party private party purchasing the Apartments.

##### **C. Apartment Project: Project Qualification for Subsidized Housing Inventory**

The Town intends to seek EOHLIC's approval to have all of the residential units within the Apartment Project be added to the Town's SHI numerator. GCTS agrees to work

cooperatively in good faith to assist the Town in seeking such approval. In the event EOHLC refuses to include the Apartment Project in the Town's SHI by December 31, 2026, GCTS shall have no further obligations under this Section C.

**D. Restriction on New Construction within the Middle Campus Restricted Parcel**

Upon the satisfaction of the conditions precedent in Section II.H, GCTS agrees to subject the Restricted Parcel located in the Middle Campus to a mutually-agreeable deed restriction in favor of the Town of Hamilton as a named party and an intended beneficiary pursuant to G.L. c.184 §27 precluding construction of new structures, with the exception of utilities components and facilities (e.g. wastewater treatment, electric), parking areas, recreational uses (e.g. sports playing areas and fields and accessory structures thereto) and means of access (e.g. walking paths, driveways).

**E. Monetary Contribution to Town of Hamilton**

To offset a portion of the Town's consulting and legal expenditures in reviewing GCTS plans for the Campus, and consistent with prior offers made by GCTS, GCTS offers to donate to the Town Two Hundred Thousand (\$200,000.00) Dollars to be paid upon the conveyance of the Apartments and Apartment Lots to a third party (with deeds on record with all monies paid and received).

**F. Zoning Overlay District**

The Town will support a Zoning Amendment for the Campus containing at least the following provisions for the Upper, Middle and Lower Campuses.

**1. Upper Campus**

**Permitted uses, by right:**

- Uses and structures permitted pursuant to G.L. c.40A §3.
- Non-residential uses and structures as authorized within the planned Brown's Hill Overlay District (to be drafted and submitted to Town Meeting) which will include at least the following: Reuse of Preexisting Structures for Business, Commercial, Professional and Administrative offices (no retail); Restaurant, Café & Coffee Shop; Active and Passive Recreation; Trails.

**Permitted uses, by special permit from the Planning Board:**

- Non-residential uses and structures as authorized within the planned Brown's Hill Overlay District.
- Expansions to Preexisting Structures that result in an increase in the square footage or building footprint of a Preexisting Structure, unless otherwise permitted pursuant to G.L. c.40A §3.

**2. Middle Campus:**

**Permitted uses, by right:**

**Commented [MW1]:** After a close read, I think in order for it to make sense the Special Permit permitted uses on the Upper Campus should only include "Expansions" and not alterations or changes. Otherwise, the "reuse of preexisting buildings" as permitted without a special permit will have little to no value. I'm assuming that, say, a counseling office might want to make a few internal changes to demising walls etc. That shouldn't trigger the special permit process.

**Commented [MW2]:** I deleted "nonconforming". See below for the language brought over from the PB Overlay draft.

- Uses and structures permitted pursuant to G.L. c.40A §3, but subject to the provisions governing the Restricted Parcel as set out herein.
- Open space and passive recreational uses.

**Permitted uses, by special permit from the Planning Board:**

- None.

**3. Lower Campus:**

**Permitted uses, by right:**

- Up to 209 rental dwelling units within Preexisting Structures.
- Uses and structures permitted pursuant to G.L. c.40A §3.

**Permitted uses, by right, subject to site plan review (Zoning Bylaw §10.6):**

- Structural improvements to the Preexisting Structures including physical connections between certain existing structures and improvements so that the buildings can achieve state or federal law ADA compliance with joint ADA facilities between each pair of Apartment buildings, plus additional space for shared amenities not to exceed 10% of the existing square footage of each Apartment building.

**Permitted uses, by special permit from the Planning Board:**

- Alteration or change to Preexisting Structures not otherwise permitted by right, above.

**Generally.** As it deems prudent, the Planning Board may include uses in addition to the foregoing in the Zoning Amendment. Preexisting Structures lawfully in existence or lawfully begun as of the effective date of the Zoning Amendment shall, for the purposes of G.L. c.40A, §6 and § 5.0 of the Zoning Bylaw, be deemed lawfully conforming to the Zoning Bylaw.

**G. Certain Developments Approved Pursuant to G.L. 40B §§20-23**

In addition to the restrictions imposed on the Middle Campus as set forth above, GCTS agrees to impose a restriction pursuant to G.L. c.184 §27 with the Town of Hamilton as an intended beneficiary that neither it nor its successors or assigns shall apply to develop the Campus pursuant to G.L. c.40B, ss. 20-23 and, accordingly, waives any right to claim that the Town of Hamilton is not “consistent with local needs” as that phrase is defined in G.L. c.40B, s.20 but excluding 40B applications pursuant to a Select Board endorsed “local initiative program” or similar initiative.

**H. Preservation of Public Access**

GCTS agrees to continue permitting access to the Campus (excluding the Apartment Lots) by Hamilton residents for walking, horse-riding, and other recreational purposes upon the same conditions and in the same manner as it has done historically within the Campus. The Town agrees that such uses by any member of the public shall be pursuant to and subject to General Laws, Chapter 21, Section 17C. The Town acknowledges that

GCTS's permission provided hereunder may be modified, conditioned or terminated by GCTS only upon written notice to the Town.

**I. Required Connection to On-Site Wastewater Treatment Plant**

GCTS agrees that all residential and commercial wastewater generated on the Campus, including the proposed Apartments and those uses and structures entitled to protections pursuant to G.L. c.40A §3, shall be treated by means of an onsite wastewater treatment plant in full compliance with 314 CMR 5.00 et seq. and relevant regulations adopted by the Hamilton Board of Health generally applicable to all properties the Town.

**J. No Change for Current Permitted Uses**

This Agreement shall not operate or be interpreted to restrict any lawful or currently permitted uses of the Campus unless the same is expressly limited or prohibited by this Agreement.

**K. Cooperation and Prompt Review Efforts by the Town**

Cooperation: The Town, acting within the respective jurisdiction of Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Building Department, Water Department, Fire Department and Police Department, to the extent permitted by law and with due regard to all relevant statutes, regulations and public policy, cooperate with and support GCTS in all aspects of the implementation of the redevelopment of the Campus, including the Apartment Project, and the terms of this Agreement, including where appropriate and consistent with the Open Meeting Law, among others, hosting forums, workshops and related public events to discuss the redevelopment of the Campus, including the Apartment Project, and the anticipated Zoning Amendment or other zoning options.

Prompt Review: To the extent permitted by law and with due regard to all relevant statutes, regulations and public policy, the Select Board shall facilitate prompt review of the Project and the cooperation of all Town Boards Commissions, Departments and staff in the review and implementation of the Project.

**L. Successors and Assigns**

This Agreement shall run with the Campus and shall be binding upon and inure to the benefit of the Town, and the burden of the GCTS, and its successors in interest and assigns and all persons claiming any rights under GCTS including its successors, assigns, mortgagees and all others taking title in fee or less than fee or otherwise acquiring an interest to a part or all the Campus. The parties further agree that this Agreement, once executed, may be recorded by either party in the Essex County Registry of Deeds against the title of the Campus.

**II. Additional Terms and Conditions**



- A. Except for the automatic waiver of certain provisions as set out supra, no modification or termination of this Agreement will be effective unless it is in writing and is signed by GCTS and the Town.
- B. The Parties agree that this Agreement is a fully integrated document and constitute the entire Agreement between them. The Parties expressly disclaim reliance on any representations, written or oral, other than those expressly contained in this Agreement.
- C. The Parties and their counsel agree that each party and counsel for each party to this Agreement has reviewed and had the opportunity to revise this Agreement and accordingly, the normal rule of construction (to the effect that any ambiguities are to be resolved against the drafting party) will not be employed in any interpretation of this Agreement.
- D. The Parties acknowledge that this Agreement shall be considered a public document pursuant to the Massachusetts Public Records Law and may be offered in evidence by either Party in any judicial or other legal proceeding to enforce any of its provisions against the other Party.
- E. The Parties agree that if any term of this Agreement is to any extent invalid, illegal, or incapable of being enforced, such term shall be excluded to the extent of such invalidity, illegality or unenforceability; all other terms hereof shall remain in full force and effect.
- F. This Agreement shall be governed by and interpreted under the laws of the Commonwealth of Massachusetts. If any provision of this Agreement is declared invalid by any court of competent jurisdiction, such invalidity shall in no way affect any of the other provisions hereof, each of which shall remain in full force and effect.
- G. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as confining or limiting in any way the scope or intent of the provisions hereof. Whenever the context requires or permits the singular shall include the plural, the plural shall include the singular and the masculine, feminine and neuter shall be freely interchangeable.
- H. The Agreement shall become binding on and enforceable against the parties hereto only at such time as the Zoning Amendment in form and content acceptable to GCTS has been adopted by the Hamilton Town Meeting and approved by the Attorney General, with all rights of appeal exhausted or terminated.

Except as extended by written agreement signed by both parties, in the event this contingency is not met by March 1, 2026, either party may rescind this Agreement by delivering written notice of rescission to the other party and this Agreement

Commented [MW3]: Jon, it's probably wiser to just provide that either party can rescind the agreement rather than have an automatic termination.

shall be null and void and of no further legal effect on the parties. In the event that two Overlay Districts are presented to the Town Meeting, one for the Middle and Lower Campus and one for the Upper Campus, this Agreement will be in full force and effect if the Lower and Middle Campus Overlay District goes into effect with the one exception that, in that event, the waiver of G.L. c.40B under Section G above, will be in effect with respect only to the Lower and Middle Campuses.

- I. In the event that the Agreement is recorded and the Agreement is terminated, the parties agree to record a notice of termination of this Agreement at the Essex County Registry of Deeds.

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## **9.6 BROWN'S HILL OVERLAY DISTRICT**

### **9.6.1 PURPOSE AND APPLICABILITY**

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

1. Support land uses and activities that will promote economic development and allow for the phased development of new uses and activities that reflect traditional campus spatial layouts and/or New England building, street, and open space patterns;
2. Embrace open space, respect the natural environment, and maintain clear development edges with buffers or separation between areas of dissimilar character at the perimeter of the BHOD and within the site itself;
3. Utilize landscaping to create a walkable and inviting site for residents, occupants, and invitees;
4. Encourage the use of Illustrative Plans developed by the Planning Board by providing an incentive in the form of an optional abbreviated Special Permit process that presumptively satisfies the BHOD Special Design Process set forth in §9.6.4.1 and three of the five Planning Board Findings for a Special Permit set forth in §9.6.7.4, specifically those findings numbered 2,4 and 5; and
5. Balance fiscal, social, and environmental benefits to the Town to create a development that will be integrated into the preexisting surrounding neighborhood.

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

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

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

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

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

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

## **9.6.2 DISTRICTS AND ALLOWABLE USES**

**9.6.2.1 Districts and Brown's Hill Planned District Plan.** The BHOD is divided into three districts: Upper Campus, Middle Campus and Lower Campus as set forth on the Brown's Hill Overlay District Map. The Brown's Hill Overlay District Map is adopted as an integral element of this Bylaw and is illustrated in the Brown's Hill District and identifies the boundaries of the districts described in Table 1. The Brown's Hill Planned District Map is annexed to, and incorporated into, this Bylaw as Map 1.

### **ANNEX TABLE 1 - DESCRIPTION OF DISTRICTS**

**9.6.2.2 Allowable Land Uses.** The uses of land permitted within each district of the BHOD are listed in Table 2 annexed to this Bylaw and made part of it. Table 2 contains the list of uses and accessory uses permitted by right and by special permit for each district. A land use that is not listed in Table 2 is not allowed. For avoidance of doubt, inpatient medical facilities, hospitals, drug rehabilitation facilities, and urgent care facilities are not allowed within the BHOD.

### **ANNEX TABLE 2 – BHOD TABLE OF USES**

**9.6.2.3 Uses Applicable to the Preexisting Buildings.** The following uses are allowed uses without Site Plan Review for Preexisting Buildings (but excluding the Apartment Buildings):

1. Business or Professional Office, General Service Establishment, Personal Service Establishment, Research and Development, Business Support Services;
2. Conference or Convention Facility;
3. Library, Museum, Art Gallery;

4. Medical Services: Clinic, Doctor Office
5. Studio: Art, Dance, Martial Arts, Music;
6. Elderly Housing;
7. Senior Housing (subject to Section 9.6.73 and Section 9.6.7.6); and,
8. Restaurant, Café & Coffee Shop.

**9.6.2.4 Accessory Uses for the Preexisting Buildings.** The following accessory uses are allowed:

1. Daycare Center (Child or Adult);
2. Fitness/Health Facility;
3. Meeting Facility;
4. Home Occupation;
5. Cafeteria; and
5. Off-street parking.

### **9.6.3 PREEXISTING STRUCTURES; SITE PLAN REVIEW**

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

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

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

**9.6.4 DEVELOPMENT OPTIONS.** An applicant seeking to develop all or a portion of the property in the BHOD may utilize one or more of the Illustrative Plans prepared by the Planning Board or an applicant proceed without using an Illustrative Plan.

**1. Option 1: Development Based on Illustrative Plans.** A development developed using an Illustrative Plan as set forth in Maps \_\_\_\_ - \_\_\_\_ annexed to this Bylaw and made

part of it or based on the principles of an Illustrative Plan or in substantial conformance with an Illustrative Plan, shall be permitted and if such development includes uses, buildings or structures requiring a special permit, such project shall have the benefit of the abbreviated Special Permit process set forth in §9.6.5 and 9.6.6.

## **ANNEX ILLUSTRATIVE PLAN MAPS \_\_\_\_**

Illustrative Plans are predicated upon use of building types as a regulatory mechanism. Table 3, annexed to this Bylaw and made a part of it, sets forth building types, identifies building types permitted in each district, and summarizes applicable metrics applicable to building types in each district for developments that are proceeding under Option 1.

### **ANNEX TABLE 3 - BUILDING/LOT TYPE STANDARDS FOR DEVELOPMENTS USING ILLUSTRATIVE PLANS**

**2. Option 2: Development Independent of Illustrative Plans.** For all development that does not follow an Illustrative Plan, other than development that is allowed by right with or without site plan review, which is exempt from these requirements, the applicant shall obtain a special permit without the benefit of the abbreviated special permit process set forth above and shall confirm with the BHOD Special Design Process set forth in Section 9.6.4.1 below and the Development Standards in Section 9.6.5.2 below.

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

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

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

**3. Location of Buildings or Dwelling Units.** The applicant, as the third step in the design process, must identify the location, size, and shape of existing structures on the applicable lot or district identified on the Brown's Hill Planned District Plan, and, if applicable, all existing structures or portions thereof, to be

removed, and all buildings or dwelling units to be newly constructed. With respect to residential uses, the location of buildings or dwelling units should account for proximity to common open space and other amenities, including, if applicable, community buildings for use by residents of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.

**4. Roads.** The applicant, as the fourth step in the design process, must identify and delineate on a map the location of existing and proposed roads and ways serving the lot to be developed. Roads shall be aligned to access the buildings or dwelling units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails, and sidewalks.

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

1. Attendance at the Pre-Application Conference in accordance with §9.6.6.1;
2. Satisfactory Completion of the Application Process set forth in §9.6.6.2;
3. Complying with the Additional Requirements set forth in §9.6.5.1.2 below; and
4. Satisfying the Planning Board Findings for Special Permits listed in §9.6.7.4.1 (mitigation to abutting land by reason of air or water pollution, noise, dust, vibrations, and stormwater runoff); and § 9.6.7.4.3 (adequate water and sewer capacity exists).

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

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

**2. Additional Requirements.** In addition to conforming with the Allowable Form Standards, a development based upon an Illustrative Plan must satisfy the following Development Standards.

- A. §9.6.5.2.2 Lighting;
- B. §9.6.5.2.4 Parking;
- C. §9.6.5.2.6 Landscaping;

D. §9.6.5.2.7 Stormwater Management; and

E. §9.6.5.2.8 Service Areas, Loading Docks, and Mechanical and Solar Equipment.

#### **ANNEX TABLE 4 - ALLOWABLE FORM STANDARDS FOR DEVELOPMENTS USING ILLUSTRATIVE PLANS**

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

**1. Buffers.** Any development shall incorporate any buffer areas within the boundary areas of such development as shown on the Buffer Area Plan attached hereto at \_\_\_\_\_. The function of the buffer areas shown on the Buffer Area Plan is to provide attractive visual and spatial separation between land uses within the BHOD and uses outside of the BHOD. These buffer areas shall consist of multi-layered vertical and horizontal plantings to achieve a consistent and dense visual buffer and structural buffering also may be required. Structural elements such as fences or privacy walls no taller than eight feet in height, berms, or other elements approved by the Planning Board may be used as buffers depending upon adjacent land uses. When fences or privacy walls are used as structural elements, adequate distance shall be maintained between the structure and the property line for plant material in order to create a softening effect on the structure.

#### **2. Lighting.**

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

1. Lighting fixtures shall to the extent feasible, be consistent within each district of the BHOD.
2. Light fixtures shall be downcast or low cut-off fixtures to prevent glare and light pollution.
3. In order to conserve energy and reduce long-term costs, energy-efficient lamps shall be used.

#### B. Parking Lot Lighting in New Parking Lots.

1. All fixtures shall be full cutoff, downward facing.
2. If necessary to mitigate effects on properties outside of the BHOD, light fixtures located within the interior area of a parking



lot shall not exceed 30 feet in height and light fixtures located within 50 feet of the perimeter boundary of the BHOD shall not exceed 16 feet.

C. Pedestrian Walkway Lighting.

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

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

D. Building and Security Lighting.

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

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

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

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

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

**ANNEX TABLE 5 - REQUIRED VEHICLE PARKING SPACE AMOUNTS**

**5. Signage.** Notwithstanding anything to the contrary in the Hamilton Zoning Bylaw, no approvals shall be required for any signage that is not visible from a public way outside of the BHOD. The provisions of §6.3 of the Hamilton Zoning Bylaw shall apply for all signage visible from a public way outside of the BHOD, subject to the following:

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

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

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

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

E. Preexisting Signage. Preexisting signage shall be deemed lawfully conforming to the Hamilton Zoning Bylaw.

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

A. General Standards.

1. If necessary to mitigate stormwater impacts on abutting properties outside of the BHOD, landscape design should maximize use of green infrastructure stormwater best management practices (BMPs) such as pervious paving, bioretention systems, rain gardens, bioswales, terraces, and stormwater planters to slow and treat stormwater runoff.
2. Lawn seed mixes shall be drought resistant.
3. In order to promote sustainable landscape practices, plant varieties shall be selected for resistance to drought, moisture, salt, or insects and other pests. Plants shall be selected so that landscaping can be maintained with minimal care, and the need for watering, and the use of pesticides, or fertilizers minimized or eliminated.

B. Parking Lot Landscape Standards. Unless waived by the Planning Board, new proposed parking lots shall comply with the following requirements. Parking lots existing at the time of the adoption of the BHOD shall not be subject to these provisions.

1. Developments with new proposed parking areas of 6 spaces or more shall provide a minimum of 10 percent of landscaped open space within the area designated for parking inclusive of any landscaped borders surrounding the parking lot. Use of the provided landscaped open space for vegetated stormwater quality management is allowed and encouraged.
2. Surface parking lot entrances shall be landscaped with a combination of trees, shrubs, walls, and other landscape features. No trees, shrubs, fences, hardscape walls, or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.
3. The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 6 feet.

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

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

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

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

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

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

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

#### **ANNEX TABLE 6 - DIMENSIONAL AND OTHER STANDARDS APPLICABLE TO DEVELOPMENTS NOT UTILIZING ILLUSTRATIVE PLANS**

##### **9.6.6 PROCEDURES**

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

1. Inform the applicant of existing Illustrative Plans prepared by the Planning Board;
2. Provide the applicant with information and feedback regarding the applicant's proposed development; and
3. Set a timetable for submittal of a finalized development plans.

**9.6.6.2 Application Process.** Every plan submitted for approval must be prepared by a Registered Professional Landscape Architect, Civil Engineer, or Architect, or by a multi-disciplinary team of which one (1) member must be a Registered Professional Landscape Architect, Architect, or Engineer, and shall include the information listed below. For developments that are not based on Illustrative Plans, the development shall follow the BHOD Special Design Process set forth in §9.6.4.1 and shall incorporate the development standards set forth in §9.6.5.2 and adhere to the Dimensional and Other Standards set forth in Table 7.

For an applicant utilizing an Illustrative Plan, the requirements of §9.6.4.1 regarding the Special Design Process are presumptively satisfied, and the applicant need not produce the information set forth in numbers 4, 5, and 7 below.

1. Title Block including the name of the Owner of record, name of applicant, address of the property, and the Assessors' Map and Lot Number; name of the company preparing the plan, address and phone number, signature and stamp of professional(s) preparing the plan, date of plan, scale;
2. The location of the proposed development;
3. The size of the lot in acres;
4. An existing condition inventory;
5. A map identifying and delineating regulated and unregulated conservation areas and other resources as set forth in §9.6.4.5, as well as the location of the proposed development areas, and the total number and approximate locations of the proposed buildings, dwelling units, and the approximate size of each in square feet;
6. The areas or approximate delineation of building areas;
7. An acknowledgement of the applicable provisions of Chapter XXIX of the Stormwater Management General Bylaw and a general description of how drainage will be handled, including a soils statement (a soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities;
8. Evidence that drainage system will be adequate for any necessary treatment;
9. A preliminary traffic impact analysis that includes an estimated analysis of the traffic for the existing and proposed uses of the lot and how that proposed traffic, as well as traffic from uses existing within the BHOD, compare to the historic highest traffic levels from the land within the BHOD;
10. If the applicant proposes to demolish all or part of an existing building, the applicant shall be required to propose a plan for demolition and removal of all waste by a licensed and insured professional entity;
11. A written proposal from the applicant that addresses, but is not limited to, the following:
  - A. Payment for consultant review of plans and documents accompanying the application; and

B. Payment for project impacts to municipal infrastructure, including but not limited to roadway, stormwater, and public safety.

## **9.6.7 GENERAL PROVISIONS**

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

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

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

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

1. The proposed development as completed reasonably mitigates the proposed development's impacts to abutting land and natural resources by reason of air or water pollution, noise, dust, vibrations, or stormwater runoff, if any;
2. The proposed development provides the property owner and its tenants and invitees safe and convenient access to the lot from existing or proposed roads, and to proposed structures thereon, with reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency;
3. Adequate water and sewer capacity exists to service the proposed development.
4. Where applicable, the proposed development contains the necessary visual buffering at the perimeter of the BHOD; and
5. The applicant has demonstrated compliance with §9.6.4.1 regarding the Special Design Process.

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

**9.6.7.6 Senior Housing Annual Reporting.** Senior Housing developments pursuant to §8.2, shall comply with the annual reporting requirements of §8.2.33.



### 9.6.7.8 Definitions

Apartment Buildings: The Apartment Buildings are the six (6) individual, 3-story structures (Buildings A & B, C & D, and E & F) located at three different locations within the Lower Campus as those may be renovated and reconstructed from time to time within the existing footprints and with the same respective total square footage. Each unit is an apartment with a various mix of studios, 1-bedrooms, 2-bedrooms, 3-bedrooms, and 4-bedrooms.

Apartment Lots: The Apartment Lots are the two (2) or more lots of real property upon which the Apartments and related infrastructure are located, which together constitute the Lower Campus, all as shown on the Brown's Hill Planned District Map.

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

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

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

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

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

Dwelling, Multi-Family (e.g., Apartments, Condominiums): Multi-family buildings incorporate five or more dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a

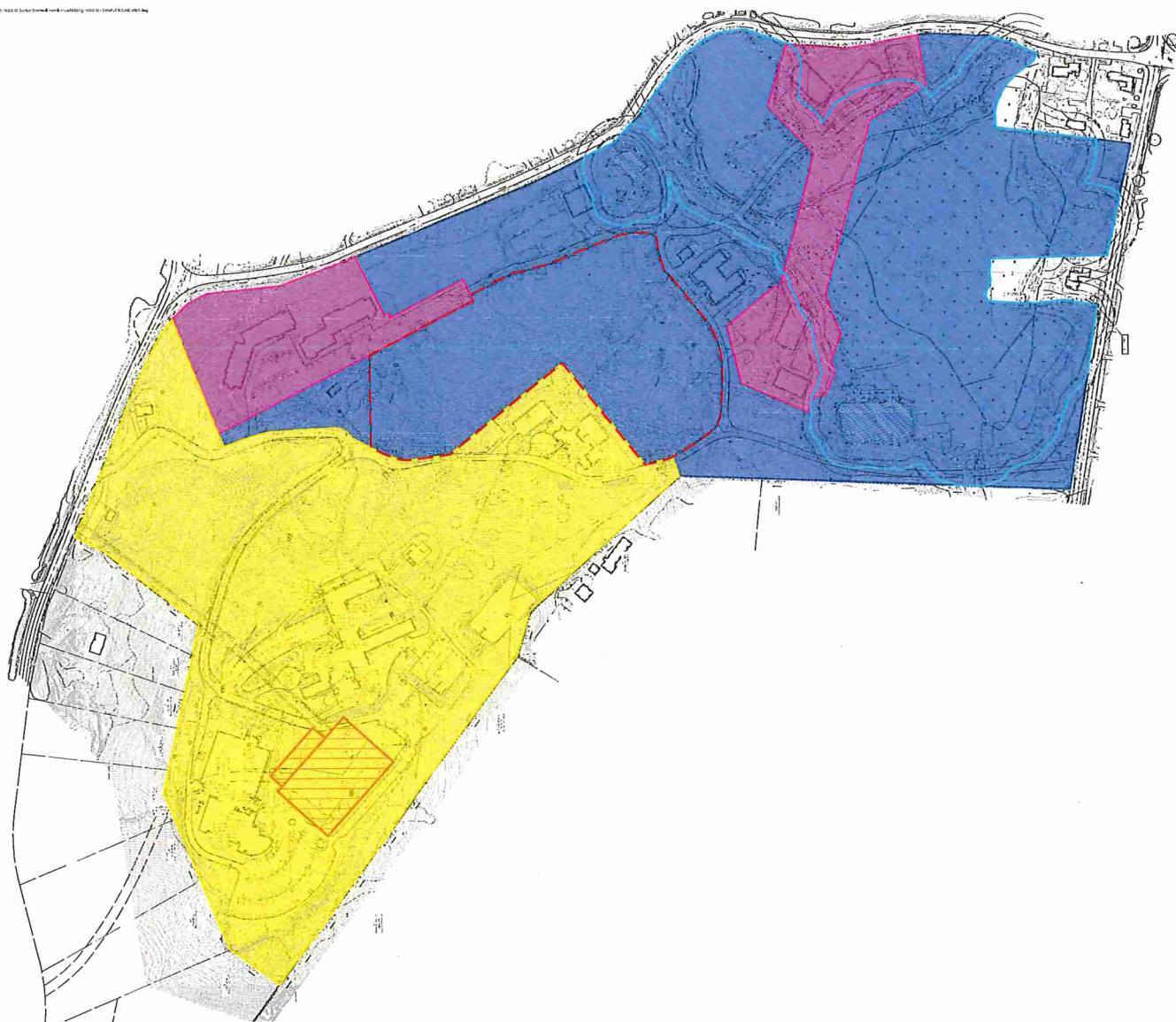
minimum of two stories with parking typically located behind the buildings. Existing Apartment Buildings are considered as Multi-Family.

Elderly Housing: Housing units designed for persons of age 55 or over within the meaning of Massachusetts and federal law with the requirement that each dwelling unit in shall be occupied by at least one person 55 years of age or older. Elderly housing in multifamily dwellings may include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms and other amenities for the common use of residents and their guests.

Preexisting Buildings: Preexisting Buildings mean the buildings and improvements currently located on the Campus, namely Kerr Hall, the Academic Center, Library, Chapel, Gate House, Retreat House, Handball Court and Pilgrim Hall (and excluding the Existing Apartment Buildings) as those may be renovated, replaced and reconstructed from time to time within the existing footprints and with the same respective total square footage. A Preexisting Building is deemed to be in compliance with all dimensional requirements of the BHOD. In the event that a Preexisting Building is demolished or otherwise destroyed, the Preexisting Building may be replaced at any time with a building containing no more than the same square footage and not extending beyond the same footprint as the prior building.

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

Lot Frontage: Shall either be measured along the property line of a way or street in existence within the BHOD as of the adoption of the BHOD, which all shall be deemed to be of sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic and to provide adequate access for fire, police, and emergency vehicle, or in accordance with definition of Lot Frontage in §11.0 of the Hamilton Zoning Bylaw.



**KEY**

- RESTRICTED PARCEL
- UPPER CAMPUS:  
1,761,789 SF
- MIDDLE CAMPUS:  
2,179,064 SF
- LOWER CAMPUS:  
522,169 SF
- RESERVOIR RESTRICTION
- 75' WETLAND BOUNDARY

**GORDON CONWELL  
SEMINARY**  
130 Essex Street  
Hamilton, MA

**Campus Boundaries**

**C1.00**

1 2



WARRANT

For

Special Town Meeting

[June \_\_, 2025]  
7:00 p.m.

Hamilton-Wenham Regional High School  
Auditorium

Commented [TM1]: The date will need to be inserted once determined.

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.

TABLE OF CONTENTS

WARRANT ARTICLE	DESCRIPTION	PAGE No.
2025/6 1	HWRSD Consolidated Elementary School	
2025/6 2	Extension of Lease Cutler School	

Commented [TM2]: If you want to use a different numbering system, please advise.





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 \_\_\_\_ day, the \_\_\_\_ day of June, in the year Two Thousand Twenty-five (June \_\_, 2025) at \_\_\_\_ o'clock in the \_\_\_\_ (:00 \_\_.m.), then and there to act on the following articles.

Commented [TM3]: The date will need to inserted.

**ARTICLE 2025/6 1**

*HWRSD Consolidated  
Elementary School  
Project*

To see if the Town will approve the \$142,266,034 borrowing authorized by the Hamilton-Wenham Regional School District, for the purpose of paying costs for designing, constructing, and equipping a new Cutler Elementary School at 237 Asbury Street, Hamilton, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Hamilton-Wenham School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-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.

*A 2/3 vote is required to approve this article.*

**Brief Summary:** *This article seeks to approve a borrowing authorized by the Hamilton-Wenham Regional School District for the new Cutler Elementary School project. The Hamilton Finance and Advisory Committee is expected to make a presentation about the potential tax impacts of this question on the floor of Town Meeting. The article above states that the MSBA is projected to cover 51.28% of allowable project costs that would be equal to 35% of total project costs.*

**Fiscal Year 2026 Tax Rate Impact:** *If approved and also approved at Town Meeting in Wenham, the costs of the new school would be added to future*

Commented [TM4]: The article is identical to the article included on the ATM Warrant, which I understand was approved by bond counsel. You may wish to forward the article to bond counsel to confirm.

	<p>years tax bills as a debt-exclusion, which bot Towns approved at the _____, 2025 election, and would be in addition to taxes authorized for the annual operating budgets.</p> <p><i>The Select Board (4-1) recommends favorable action. The Finance and Advisory Committee (3-1) recommends favorable action. The HWRSD Committee voted (5-1) to authorize the borrowing for this project.</i></p>	<p>Commented [TM5]: Revised from the ATM version since the debt exclusion question passed.</p> <p>Commented [TM6]: Please confirm.</p>
<p><b>ARTICLE 2025/6 2</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, and identified on Assessor's Map 47, Lot 150, for an additional term of 50 years on such terms and conditions as the Select Board deems to be in the best interests of the Town, and further, to authorize the Select Board to execute any and all documents to carry out the purposes of this article, or take any action thereon or relative thereto.</p> <p><i>Brief Summary: This article seeks to authorize the Select Board to extend the existing lease with the Hamilton-Wenham Regional School District for the Cutler Elementary School for an additional 50 year term.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action.</i></p>	<p>Commented [TM7]: Please confirm.</p>

**ADJOURNMENT**

Given under our hands this \_\_\_\_\_ day of  
\_\_\_\_\_, 2025.

**HAMILTON SELECT BOARD**

\_\_\_\_\_  
*William A. Olson, Chair*

\_\_\_\_\_  
*William W. Wilson*

\_\_\_\_\_  
*Rosemary I. Kennedy*

\_\_\_\_\_  
*Thomas B. Myers*

\_\_\_\_\_  
*Benjamin Galuza*

*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*

975968/HAML/0001

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

**POSTAL PATRON**

Visit our website at [www.hamiltonma.gov](http://www.hamiltonma.gov)

*Please join us*

*\_\_\_ day, June \_\_, 2025*

**SPECIAL TOWN MEETING**

*Hamilton-Wenham Regional High School  
Auditorium*

*\_\_\_:00 \_\_m.*

Commented [TM8]: The date will need to inserted.

**DEMOCRACY IS NOT A SPECTATOR SPORT**

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

# 2025 Dual Special Town Meeting Calendar

Date	Board/Committee/Department	Action
5/5/2025	Select Board	Open and Close Warrant for First Special Town Meeting
5/6/2025	Planning Board	
5/13/2025	Select Board (zoom only)	Review Draft Warrant for First June Special Town Meeting
5/14/2025 or other	Finance and Advisory Committee	Vote Recommendations for article First STM
5/19/2025	Select Board	Open and Close Warrant for Second Special Town Meeting - Sign Warrant for First STM - Vote Recommendations for First STM
5/20/2025	Town Manager	Last Day to compile Warrant and Book of Recommendations First STM
5/20/2025	Planning Board	
5/23/2025	Town Clerk	Post Warrant First STM
5/26/2025	ALL	Memorial Day Observance
5/28/2028	ALL	Last Day to register to Vote for First STM
5/28/2025	Finance and Advisory Committee	Vote Recommendations for articles Second STM
6/2/2025	Town Manager	Mail post card with Warrant link and Book of Recommendations First STM
6/2/2025	Select Board	Vote Recommendations Second STM - Script Ready for First STM - Review Draft Warrant for Second STM - Sign Warrant Second STM
6/3/2025	Planning Board	Vote Recommendations for articles Second STM
6/6/2025	Town Clerk, Town Manager, Moderator	Site Walk location of First STM
6/7/2025	ALL	First STM
6/9/2025	HOLD for Possible Joint Meeting	Joint Select Board/Finance and Advisory Committee
6/10/2025	Town Manager	Last Day to compile Warrant and Book of Recommendations Second STM
6/11/2025	Finance and Advisory Committee	
6/12/2025	Town Clerk	Post Warrant Second STM
6/16/2025	ALL	LADT DAY to register to VOTE for Second STM
6/16/2025	Select Board	Script ready Second STM
6/17/2025	Planning Board	
6/19/2025	Town Manager	Mail post card with Warrant link and Book of Recommendations link Second STM
6/24/2025	Town Clerk, Town Manager, Moderator	Site Walk location of Second STM
6/26/2025	ALL	Second STM

## Town Meeting Attendance Numbers

### Hamilton ATM

Saturday, May 8, 2010	372
Saturday, May 14, 2011	354
Saturday, May 12, 2012	299
Saturday, April 6, 2013	142
Saturday, April 5, 2014	355
Saturday, April 11, 2015	589
Saturday, April 2, 2016	233
Saturday, April 1, 2017	171
Saturday, April 7, 2018	402
Saturday, April 6, 2019	182
Saturday, June 20, 2020	532
Saturday, May 1, 2021	192
Saturday, April 2, 2022	163
Saturday, April 1, 2023	465
Saturday, April 6, 2024	573
Saturday, April 5, 2025	952

### Hamilton STM

Saturday, October 30, 2010	321
Saturday, October 22, 2011	126
Saturday, October 13, 2012	121
Monday, November 4, 2013	362
Monday, October 20, 2014	123
Saturday, November 7, 2015	336
Saturday, October 22, 2016	197
Saturday, October 4, 2017	381
Saturday, October 13, 2018	384
Saturday, October 19, 2019	94
Saturday, November 14, 2020	129
Saturday, October 23, 2021	111
Saturday, October 1, 2022	243
Monday, November 6, 2023	126
Monday, September 23, 2024	122

### Pirie Property 2013

Tuesday, June 11, 2013	917
------------------------	-----



Good afternoon, Please do not reply all.

As was requested yesterday, I asked the Town Clerk for whatever statistics she had on Town Meeting attendance. Attached is a list of the attendance of numbers of all Town Meetings (Annual and Special) since 2010 and the raw number of voters that showed up, which was provided by the Clerk.

As you can see from the data, the attendance figures themselves are not consistent, but in general STM are less well attended than Annual Town Meetings regardless of whether they are held on a weekend day or a weeknight.

Attendance at all town meetings appears to be largely driven by the topics being decided. However, in the interest of determining if there is a greater likelihood that older voters do not attend nighttime weekday STMs, we reviewed the list of voters who signed into the two most recent weekday STMs, those being on Monday, Nov. 6, 2023 and Monday, Sep. 23, 2024. The turnout overall for both was low (just over 120 voters at each).

A review of the voters who did show up revealed that of the 126 voters at the 2023 STM, 90 of the voters were over the age of 60 and 70 were over the age of 65 -meaning that 55%of the voters at 2023 STM were over the age of 65 - that population makes up just 20 percent of the overall population of the town according to state census data.

In 2024, 81 of the 122 voters were over the age of 60 and 65 were over the age of 65. So, in this case 53 % of the voters were 65 or older, again only 20% of the Hamilton population is over 65.

From this data it does not appear that as a group, older voters in Hamilton are underrepresented at STMs that occur on weeknights. Certainly, there are voters who will stay away from a nighttime STM, and there are also voters who will not participate in weekend daytime STM either.

Please also note that the lowest turnout for any STM in the last 15 years was on Saturday, October 2019.

Unfortunately, the data we keep on town meeting voters is not more complete, but this information does not seem to indicate that older voters as a group, would be disadvantaged by a weeknight STM.

Best regards,

Joe Domelowicz