

Proposed Amendments to Existing Hamilton Zoning By-law
FOURTH DRAFT for Planning Board Review
2025-05-28

The following sections of the existing Zoning By-law will be re-written as follows. Unless specifically indicated in the document, additions are underlined, deletions are ~~struck through~~, and explanatory and/or clarifying information for the reader is shown *italicized* and within borders.

HAMILTON ZONING BY-LAW TABLE OF CONTENTS

Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.6:

9.7 3A MULTI-FAMILY OVERLAY DISTRICT (3A-MFOD)

- 9.7.1 Purpose**
- 9.7.2 Applicability**
- 9.7.3 Permitted Uses**
- 9.7.4 Dimensional Standards**
- 9.7.5 Severability**

9.8 TOWN CENTER DISTRICT

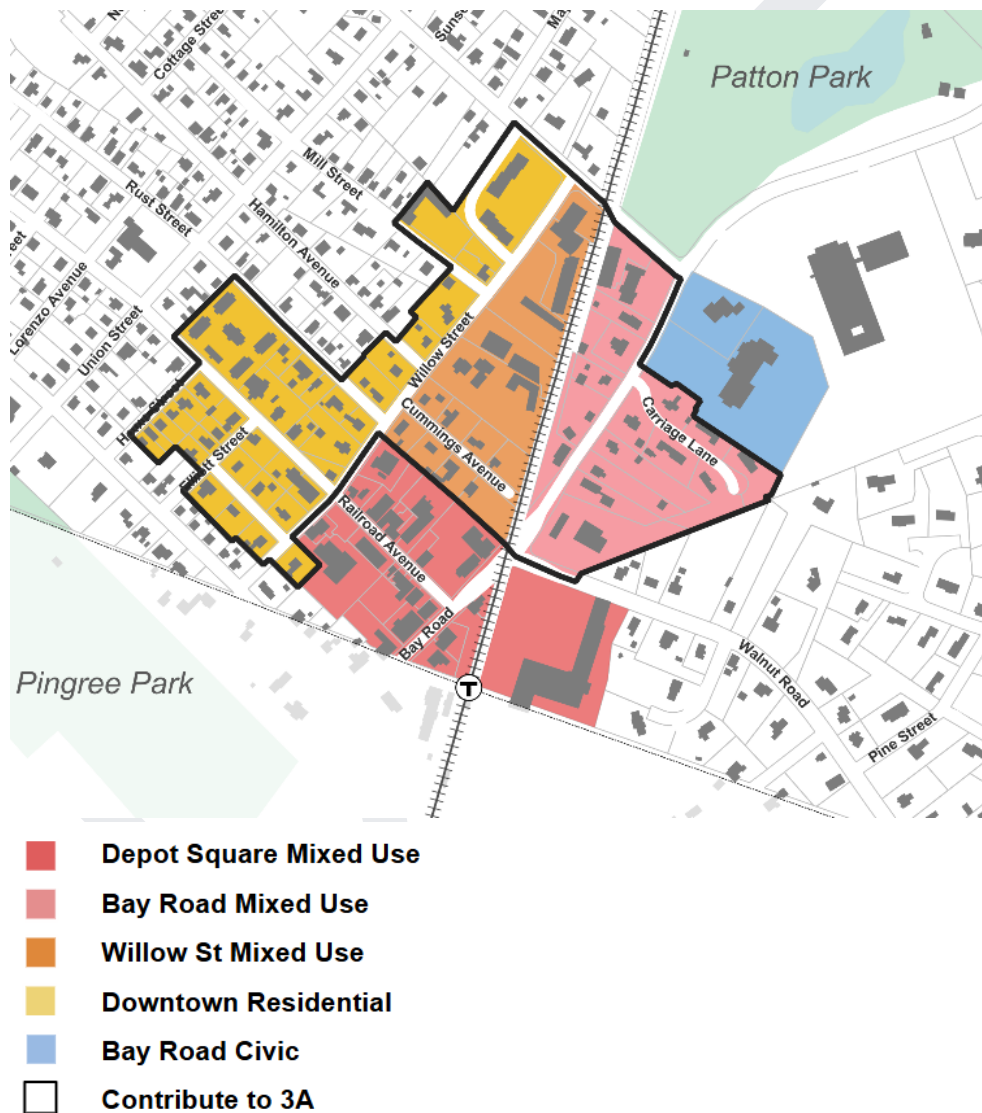
- 9.8.1 Purpose and Intent**
- 9.8.2 Interpretation**
- 9.8.3 Town Center Sub-districts**
- 9.8.4 Dimensional Standards**
- 9.8.5 Use Provisions**
- 9.8.6 Site Standards**
- 9.8.7 Administration**

2.1 CLASSES OF DISTRICTS. The Town of Hamilton is hereby divided into the following districts:

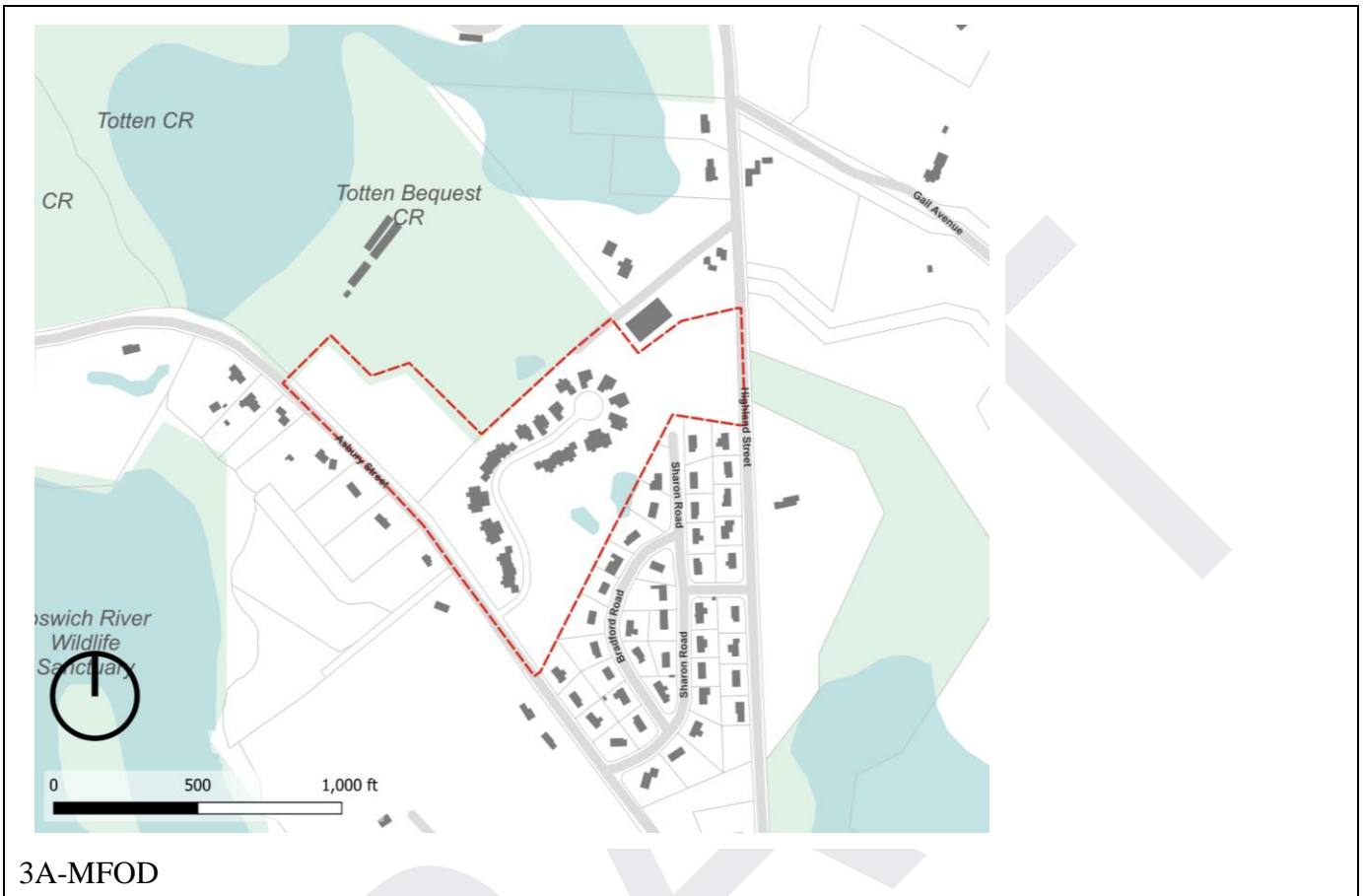
Residence District	R-1A
Residence District	R-1B
Residence-Agricultural District	RA
Business District	B
<u>Depot Square</u>	<u>TC-DS</u>
<u>Bay Road Mixed-Use</u>	<u>TC-BRMU</u>
<u>Willow Street Mixed-Use</u>	<u>TC-WSMU</u>
<u>Downtown Residential</u>	<u>TC-DR</u>

2.2 ZONING MAP. The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map - Conservancy District, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, ~~and~~ May 5, 2009, and June 26, 2025 (“Zoning Map”) is hereby made a part of this By-law.

In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include any parcels currently within the Business District and not included in the proposed Depot Square Mixed-Use District.



SUB-DISTRICTS OF THE TOWN CENTER DISTRICT



2.3 OVERLAY DISTRICTS. The following Overlay Districts are also established, as set forth in Section 9.0, herein.

Groundwater Protection Overlay District	GPOD
Flood Plain Overlay District	FPOD
Estate Overlay District	EOD
Willow Street Overlay District	WSOD
Commercial Overlay District	COD
<u>3A Multi-Family Overlay District</u>	<u>3A-MFOD</u>

2.5 SPLIT LOTS.

2.5.2 By District Boundary. Where a district boundary line between ~~a residential and a business district~~ an R-1A or R-1B District and a sub-district of the Town Center District divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more

than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district or sub-district.

3.1 PRINCIPAL USES.

TABLE OF USE REGULATIONS

Given the extensive changes to the Table of Use Regulations, the following changes are described but not shown by underlined and strikethrough text, except for new uses added to the table which are shown in underline.

Delete the last Column “B” Business District from the Table

Indicate in the table that A8 and A9 uses are not allowed (“N”) in the R-1A, R-1B and RA districts

Add 5 additional columns to include Depot Square, Bay Road Scenic, Willow Street Mixed-Use and Downtown Residential sub-districts as follows:

A. Residential	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. One Single Family Dwelling	N	Y	Y	Y	N
2. Conversion of a Single Family Dwelling existing at the time of the adoption of the ordinance (1954) into a Two Family Dwelling (see Section 3.5)	Y	Y	Y	Y	N
3. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
4. Senior Housing (see Section 8.2)	N	N	N	N	N
5. Long Term Care Facility	PB	PB	PB	PB	PB
6. Garage with more than	PB	Y	Y	PB	PB

4 motor vehicle spaces subject to the requirements of Section 9.8.5 in the Town Center District					
7. Two or more dwelling units, second floor and above when part of a mixed-use building or development	Y	Y	Y	N	N
8. Two-Family Dwelling	N	Y	Y	Y	N
9. Multi-Family Dwelling	N	Y	Y	Y	N
B. Community Facilities	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Use of land or Structures for religious purposes	Y	Y	Y	Y	N
2. Museums, libraries and parks, playgrounds, conservation areas, water supply areas and other land owned and operated for the public enjoyment or service by a public or semi-public agency	Y	Y	Y	Y	Y
3. Use of land or Structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y

4. Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions	PB	PB	PB	N	N
5. Community or private club, not conducted for profit	PB	PB	PB	N	PB
6. Nonprofit civic or fraternal building	N	N	N	N	N
7. Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
8. Commercial Recreation, Outdoors	N	N	N	N	SB
9. Temporary use for amusements and recreation	SB	SB	SB	N	SB
10. Municipal Buildings or facilities	Y	PB	PB	PB	Y
11. Essential Services	Y	N	N	N	Y
C. Agricultural	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	N	N	N	N	N
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
3. The raising or keeping of poultry, horses, or cows	N	N	N	N	N

for other than the use of the occupants of the residence					
D. Commercial	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Adult Entertainment Uses	PB	N	N	N	N
2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	PB	N	N	N	N
3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
5. Kennel	N	N	N	N	N
6. Funeral homes	PB	N	N	N	N
7. Garage with more than four automobile/truck spaces	N	N	N	N	N
8. Motor Vehicle Light Service Station	N	N	N	N	N
9. Manufacturing of products sold on the premises at retail, where no more than five operators are employed in such manufacture	PB	N	N	N	N
10. Rail or bus station or terminal	PB	N	N	N	N
11. Motor Vehicle Repair Shop	N	N	N	N	N

12. General Service Establishment	Y	N	N	N	N
13. Personal Service Establishment	Y	Y	Y	N	Y
14. Restaurant	Y	Y	Y	N	Y
15. Restaurant, Fast Food	PB	N	N	N	N
16. Retail Store	Y	Y	Y	N	Y
17. Veterinary Facility or Clinic	PB	PB	PB	N	PB
18. Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
19. Wind Energy Facility (not in COD) (see Section 7.3)	PB	PB	PB	PB	PB
20. Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
21. Mixed-Use Development, subject to Site Plan Review and the requirements of Section 9.8.5 in the Town Center District	Y	Y	Y	N	Y
22. Drive-In or Drive-Through Establishment	N	N	N	N	N
23. For Profit Educational Facility	PB	PB	PB	N	PB
24. Marijuana Establishment	N	N	N	N	N

E. Accessory	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Up to three boarders in a Single Family Dwelling	N	Y	Y	Y	N
2. Accessory Dwelling Unit (see Section 3.6 and definition)	Y	Y	Y	Y	N
3. Large Accessory Dwelling Unit (see Section 11.0)	PB	PB	PB	PB	PB
4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)	Y	Y	Y	Y	N
5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises	Y	Y	Y	Y	Y
6. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are both: (a) accessory to activities permitted as a matter of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2)	PB	PB	PB	PB	PB
7. Parking area or garage for use of employees, customers or visitors	Y	Y	Y	N	Y

8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	PB	PB	ZBA	PB	PB
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	PB	PB	PB	PB	PB
12. Marijuana Establishment	N	N	N	N	N

3.2 ACCESSORY USES.

3.2.2 Accessory Uses and Structures in the ~~Residence Districts~~ R-1A, R-1B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts of the Town Center District. The following provisions shall apply to Accessory Uses and Structures in the Residence R-1A, R-1B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts:

3.2.3 Accessory Uses in the ~~Business~~ Depot Square and Bay Road Civic sub-districts of the Town Center District. In the ~~Business~~ Depot Square and Bay Road Civic sub-districts any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

4.1 GENERAL REGULATIONS.

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

TABLE OF DIMENSIONAL REGULATIONS₁

	R-1A	R-1B	RA	B
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Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	ZBA ₁
Minimum Lot Frontage (ft.)	125	175	175	ZBA ₂
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	ZBA ₃
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 ₄
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 ₅₂	25/50 ₅₂	25/50 ₅₂	25/50 ₅
Minimum Side Yard and Rear Yard (ft.)	15	15	15	ZBA ₆

1. Dimensional Requirements for the Town Center District are found in Section 9.8 of the Zoning By-law.
2. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.
 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. *Text moved to #2.*
 6. ~~For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~

Although many passages of Sections 5.3, 5.4, 5.5, 5.6, and 5.7, under Section 5.0 Nonconforming Uses and Structures, are not proposed for revision, these Sections are shown in their entirety to provide context to the reader. Additional clarifying information regarding the proposed modifications to this Section has been provided by Utile Associates and is available for review on the town website under 'Draft Town Center & MBTA Communities Compliant Zoning.'

5.3 NONCONFORMING STRUCTURES. The Zoning Board of Appeals may by Finding allow a change to a nonconforming Structure in accordance with this Section only if it determines that such change shall not be substantially more detrimental than the existing nonconforming Structure to the neighborhood.

5.3.1 Eligible Changes. The following types of changes to nonconforming Structures may be considered by the Zoning Board of Appeals:

1. Reconstruction, extension or structural change; and
2. Alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5.3.2 Variance Required. Except as provided in Section 5.3.3, and 5.3.4, and 5.3.5, below, a variance from the Zoning Board of Appeals shall be required for:

1. The change of a nonconforming Structure in such a manner as to increase an existing nonconformity or create a new nonconformity; and
2. The extension of an exterior wall at or along the same nonconforming distance within a required Yard.

5.3.3 Nonconforming Single- and Two-Family Residential Structures. Nonconforming Single- and Two-Family Dwelling Structures may be changed only upon a determination by the Building Commissioner that such proposed change does not increase the nonconforming nature of said Structure by more than one hundred (100) percent of the Residential Gross Floor Area.

5.3.4. Eligible Changes. The following circumstances shall not be deemed to increase the nonconforming nature of Nonconforming Single- and Two-Family Dwelling Structures and the Building Commissioner may issue a building permit:

1. For Single- and Two-Family Residential Structures in all Districts:
 - a. The existing Structure is on a conforming Lot but is nonconforming because it encroaches on a setback and the proposed alteration or extension will not change the setback which fails to conform, and the entire structure meets all other requirements of

this By-law including but not limited to height and Lot coverage.

- b. The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Frontage as the result of a zoning change, and the existing Structure and proposed alteration or extension meets all other current requirements of the By-law including but not limited to setbacks, height and Lot coverage.
 - c. The existing Structure is a residence in a district where residences are permitted, the Structure is situated on a nonconforming Lot or has nonconforming Yards, and the proposed alteration or extension is a reconstruction or repair which does not change the Lot size or Yards which fail to conform. For the purposes of this subsection only, the term “reconstruction” shall not include the voluntary demolition of such Structure and its rebuilding. See Section 5.5.
2. For Single- and Two-Family Residential Structures in the Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts of the Town Center District only: in addition to the circumstances described in Section 5.3.4(1)(a) and 5.3.4(1)(c) under which an alteration, extension, reconstruction or structural change shall not be deemed to increase the nonconforming nature of nonconforming Single- and Two-Family dwelling Structures, the following shall also be deemed not to increase the nonconforming nature of a nonconforming Single- or Two-Family dwelling:
- a. The Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not reduce the setback which fails to conform.
 - b. The Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform.
 - c. The Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the facade length which fails to conform.
 - d. The location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform nor add additional parking.
 - e. The Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform.
 - f. The Floor Area Ratio exceeds the maximum allowed, and the proposed alteration or extension will not increase the Floor Area Ratio.

- g. The roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type or steepness.
 - h. The Structure does not contain a Street Facing Entry Feature, and the proposed alteration or extension will not change the entry condition.
 - i. The minimum Open Space requirements are not met and the proposed alteration or extension will not reduce the amount of open space.
3. If the Building Commissioner determines that proposed change exceeds one (1) or more of the criteria set forth above, the Zoning Board of Appeals may, by Finding, allow such change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.3.5. Nonconforming Structures in the Depot Square Sub-district. In the Depot Square sub-district, for all existing structures containing allowed uses, the following circumstances shall not be deemed to increase the nonconforming nature of nonconforming structures and the Building Commissioner may issue a building permit, provided the proposed alterations are not a Substantial Improvement (see definition under Section 11.0):

- 1. The existing Structure is on a conforming Lot but is nonconforming because
 - a. it encroaches on a setback or the Front Yard is greater than the maximum setback allowed, and the proposed alteration or extension will not change the setback which fails to conform; or
 - b. the Structure is below the required minimum Facade Buildout, and the proposed alteration or extension will not reduce the Facade Buildout which fails to conform; or
 - c. the Structure exceeds the maximum Facade Length without Offset, and the proposed alteration or extension will not increase the facade length which fails to conform; or
 - d. the location of parking encroaches on the Parking Setbacks, and the proposed alteration or extension will not change the location of parking which fails to conform nor add additional parking; or
 - e. the Ground Floor Height is greater than the maximum or less than the minimum required, and the proposed alteration or extension will not change the Ground Floor Height which fails to conform; or
 - f. the Floor Area Ratio exceeds the maximum allowed, and the proposed alteration or extension will not increase the Floor Area Ratio; or
 - g. the roof does not comply with the Allowed Roof Types or steepness requirements, and the proposed alteration or extension will not change the Roof Type; or

- h. the Structure does not contain a Street Facing Entry Feature, and the proposed alteration or extension will not change the entry condition; or
 - i. the Structure does not meet the minimum Ground Story Fenestration requirements and the proposed alteration or extension will not reduce the percentage of fenestration; or
 - j. the Structure exceeds the maximum Building Footprint allowed and the proposed alteration or extension will not increase the Building Footprint;
 - k. and the entire structure meets all other requirements of this By-law including but not limited to height.
2. The existing Structure is nonconforming solely because it is located on a Lot which is nonconforming as to size and/or Lot Width as the result of a zoning change, and the existing Structure and proposed alteration or extension meets all other current requirements of the By-law including but not limited to setbacks, height and Lot coverage.

5.4 ABANDONMENT OR NON-USE. A nonconforming use or Structure which has been abandoned or not used for a period of two (2) years shall lose its protected status and be subject to all of the provisions of this By-law.

5.5 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION. Any nonconforming Structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions, except in the Town Center District where nonconforming Structures may be reconstructed after a catastrophe but not after voluntary demolition:

5.5.1 Procedures.

1. Reconstruction of said premises shall commence within two (2) years after such catastrophe or demolition, with the reconstruction completed and the Structure occupied within a reasonable time thereafter.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming Structure and shall be only as great in volume or area as the original nonconforming Structure.
3. In the event that the proposed reconstruction would (a) cause the Structure to exceed the volume or area of the original nonconforming Structure, or (b) cause the Structure to be located other than on the original footprint, a special permit shall be required from the Zoning Board of Appeals. In the case of voluntary demolition, the special permit shall be obtained prior to such demolition.

5.6 REVERSION TO CONFORMITY OR MORE RESTRICTIVE USE. No nonconforming use shall, if changed to a conforming use or to a more restrictive use, revert to a nonconforming or less restrictive use.

5.7 SUBSTANDARD LOTS. When a prior lawful nonconforming Structure is located on a Lot which does not meet current dimensional requirements, such Lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

6.1 OFF-STREET PARKING AND LOADING AREAS.

6.1.3 No Reduction. Required off-street parking and loading spaces shall not hereafter be reduced, unless approved by the Planning Board pursuant to Section 6.1.6, nor any loading space counted as or substituted for a parking space.

6.1.6 Shared Parking. ~~No part of an off-street parking or loading space required for any Building or use shall be included as a part of an off-street parking area required for another Building or use unless a determination is made by the Board of Appeals to the effect that the period of usage of such structure or uses will not be simultaneous.~~ In the Town Center District, shared parking may be permitted by the Planning Board for a mix of uses on a single site or between sites during the Site Plan Review process, if the applicant can demonstrate that shared spaces will adequately meet parking demands because uses have varying peak parking demands, will reduce excess parking, and if the Planning Board determines shared parking will serve as a benefit to the Town Center. The minimum number of parking spaces for a Mixed-Use Development or between sites where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally accepted procedures.

6.1.9 Site Plan. Parking areas and loading areas in the ~~Business District~~ Depot Square, Bay Road Civic, Willow Street Mixed-Use and Bay Road Mixed-Use sub-districts of the Town Center District shall be shown on a site plan, as provided in Section 10.6.

6.3 SIGNS.

6.3.2 ~~Residence Districts R-1A, R-1B and RA Districts, and Downtown Residential sub-district of the Town Center District.~~

6.3.3 ~~Business District~~ Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use sub-districts of the Town Center District.

6.3.4 Standards

8. A sign in the ~~Business District~~ Depot Square, Bay Road Civic, Bay Road Mixed-Use and Willow Street Mixed-Use sub-districts of the Town Center District shall not exceed a total area of (6) square feet.

8.2 SENIOR HOUSING.

8.2.2 Eligible Locations. A Special Permit may be granted for Senior Housing on any lot(s) in the R-1A, R-1B, or R-A, ~~or B,~~

8.2.7 Permitted Uses. A Senior Housing development may include the following uses:

~~12. In the Business District a mixture of residential and business uses.~~

8.2.9 Base Senior Housing Density. The Base Density per Developable Acre for a Senior Housing Special Permit shall be: ~~four (4) Dwelling units in the Business District;~~ three (3) Dwelling units in the ~~R-1A~~ District, two (2) Dwelling units in the ~~R-1B~~ District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
			Incentives to Increase Base Senior Housing Density for:							
			Mix of Smaller Units (50 % units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. Criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units	Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density per Dev. Acre
4	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
1	R-1A	3	25%	25%	25%	25%	25%	125%	1.0	4.00
2	R-1B	2	25%	25%	25%	25%	25%	125%	1.0	4.00

3	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00
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NOTES ON HOW TO READ THE MATRIX:

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, ~~R-1A-R1-A~~, and ~~R-1B-R1-B~~ Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

8.2.11 Minimum Distance between Projects.

In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance Between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under G.L. c. 40B, or any existing or approved project including Multi-Family residential buildings under any other provision or By-law. Excluded from this calculation and this Section are any existing Multi-Family projects approved prior to January 1, 2003, Multi-Family Dwellings or Mixed-Use Developments in the Town Center District, and apartments under Sections 3.4, 3.6 or 3.7.

~~4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

8.2.13 General Requirements. The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. An exception to this is for parcels located in the Depot Square and Willow Street Mixed-Use sub-districts of the Town Center District ~~Business District~~, where wastewater treatment may be located off-site.

8.2.15 Dimensional Standards. The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

TABLE OF DIMENSIONAL REQUIREMENTS

	A	B	C	D	E	F	G	H	I
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	Zoning District	Underlying Zoning Requirement (s.f.)	Minimum Parcel Size (sq.ft.) to be eligible for development	Minimum Parcel Frontage Required (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Minimum Open Space Required of total acreage	Maximum Lot Coverage of entire parcel
1	Bus. District		none	site specific	0	0+	0+	0	site specific
2	R-1A	20,000	80,000	125	25	252	20	0	25%
3	R-1B	40,000	80,000	175	25	252	20	15%	25%
4	RA	80,000	80,000	175	50	252	20	25%	25%

8.3 INCLUSIONARY HOUSING

8.3.3 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, except in the 3A-MFOD, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential sub-districts, where the tenth dwelling unit and every tenth 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. In the 3A-MFOD, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential sub-districts, the cap on the income of families or individuals who are eligible to occupy the Affordable units shall be not less than 80% of area median income.

9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

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 per dwelling unit in the GPOD. Proposed development in the 3A-MFOD electing to seek a permit through the provisions of that overlay,

and not through the provisions of the underlying district, are exempt from the minimum lot area per dwelling limitation.

9.1.9 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of Special Permit by the Zoning Board of Appeals under such conditions as it may require. Proposed development in the 3A-MFOD electing to seek a permit through the provisions of that overlay, and not through the provisions of the underlying district, are exempt from the Special Permit Requirement.

9.5 WILLOW STREET OVERLAY Reserved (Willow Street Overlay District deleted in June 2025)

11.0 DEFINITIONS

Floor Area Ratio (FAR): The ratio of the total Gross Floor Area of all buildings on a lot to the total lot area. For the purposes of calculating FAR, basements, cellars, attics, garages and interior parking spaces shall be excluded from the GFA. Half-stories that meet the criteria listed in 9.8.2.2.2 (j), Half Story, shall be counted as one half of the GFA of the floor below.

Dwelling, Three-family: ~~A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

Dwelling, Four-family: ~~A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

Dwelling, Multi-Family: A building containing ~~five~~ three or more dwelling units, or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Mixed-Use Development: ~~Two or more uses on a single parcel as a part of a single development plan. A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building as part of a single development plan.~~

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