

## **Draft Explanation for Special Town Meeting Articles 1 and 2:**

### ***Draft written by Town Staff***

The proposed Town Center zoning addresses many of the Town's long-term planning goals, including the incorporation of form-based regulations placing a greater emphasis on the physical form, scale, architectural design, orientation, and arrangement of development in Hamilton's Downtown/Town Center, and better governs the interaction of development with features of the public realm, including the fronting streetscape. The proposal is also designed to comply with the state's MBTA Communities/Section 3A zoning requirement for multi-family housing. This is accomplished through the proposed re-zoning of all parcels in the Downtown area into one of five Town Center Sub-Districts and the creation of an overlay zoning district outside the Town Center.

Massachusetts State Law (G.L. c. 40A, §5) governs the process by which the Town may amend its Zoning By-law. In most instances, a two-thirds vote of Town Meeting is required to approve a zoning amendment. One exception is that a simple majority vote of Town Meeting is required to amend the Zoning Bylaw to allow multi-family housing as of right in an eligible location. State law (G.L. c. 40A, §5) also provides that "[a]ny amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote" and that the effective date of any Zoning Bylaw amendment is the date on which it is voted upon by Town Meeting.

For these reasons, the proposed Town Center zoning is separated into two Articles. Article I includes only provisions that require a simple majority to pass. This includes the addition of three new Town Center Sub-Districts, the Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential Sub-Districts which would replace the existing base zoning - of either Business or R-1A - on the affected parcels. A new 3A Multi-Family Overlay District, to encompass two parcels on Asbury Street outside of the Town Center, is also proposed. In these sub-districts and within the overlay district, multi-family housing would be permitted by right. Because state law does not allow other land uses to be passed by a simple majority, other land uses are not addressed under Article I and are reserved for Article II. Article I also includes dimensional requirements and associated regulatory language for the new districts and, if passed, would bring the Town into compliance with the state's MBTA Communities/Section 3A zoning requirement for multi-family housing.

Importantly, not all of Hamilton's Town Center is proposed to be re-zoned under Article I. Several areas, including portions of Railroad Avenue, Bay Road, and Walnut Road, which include most of Hamilton's commercial land uses, were deliberately excluded in order to protect the Town's core commercial tax base and to provide the Planning Board greater control over mixed-use development in these areas.

Article II incorporates all other provisions of the proposed Town Center zoning, including the incorporation of new zoning districts covering the remainder of the Town Center which would not permit multi-family housing as of right. This includes the proposed new Depot Square and Bay Road Civic Sub-Districts which will replace the existing base zoning - of either Business or

R-1A – on the affected parcels. The existing Business District and Willow Street Overlay Districts would be eliminated as they would be superseded by the new zoning. Article II also includes provisions related to all proposed land uses in the Town Center (apart from multi-family housing addressed in Article I), and includes additional regulatory language. Article II assumes that Article I has been adopted and treats the amendments proposed in Article I as already being in place.

Although Articles I and II were drafted as a single comprehensive overhaul of Hamilton's zoning governing the Town Center, the language is separated into two articles to comply with state law. However, the zoning language included in *both* Articles I and II is designed to be comprehensive and synergistic to accomplish the Town's goals related to the Town Center and to comply with the state's MBTA Communities/Section 3A multi-family zoning requirement. The Planning Board would strongly recommend against passage of only one of the articles as this would work against the interests of the community. If only Article I passes and Article II fails, the new Town Center districts created would only allow multi-family housing by right and not allow any other land uses, including single-family housing, commercial uses, and mixed-use development (these land uses are accounted for in Article II). This would also leave an extensive area of the Town Center without form-based controls. Similarly, Article II cannot be passed without the passage of Article I because it depends on language and frameworks established under Article I. Accordingly, the Planning Board would recommend that Article II be referred back to the Planning Board for further study if Article I fails.