



WARRANT

For

Special Town Meeting

July 14, 2025

6:30 p.m.

Hamilton-Wenham Regional High School
Auditorium

Town By-Laws

CHAPTER II

RULES AND PROCEDURE OF TOWN MEETINGS

SECTION 1. All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote, except that unanimous consent shall be required for inclusion of an Article in a "Consent Motion" group of Articles that will be taken up by the meeting for voting on the group.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

SECTION 3. The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Special Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

SECTION 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

SECTION 5. No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

SECTION 6. Only registered voters of the Town shall be admitted and entitled to vote at any Annual or Special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

SECTION 7. Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

SECTION 8. The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in the most current edition of Town Meeting Time, A Handbook of Parliamentary Law.

SECTION 9. On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

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ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hamilton qualified to vote in election and town affairs, to meet at the Hamilton-Wenham Regional High School Auditorium, 775 Bay Road in said town, on Monday, the fourteenth day of July, in the year Two Thousand Twenty-five (July 14, 2025) at six thirty o'clock in the evening (6:30 p.m.), then and there to act on the following articles.

ARTICLE 2025/6 1

*Zoning Bylaw
Amendment -*

*MBTA (G.L. c. 40A,
§3A) Zoning*

To see if the Town will vote to amend the Town of Hamilton Zoning Bylaw and Zoning Map to: (1) identify and create three new zoning districts, being the Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts of the Town Center, to specify that multi-family housing is the only use allowed in those districts, and to incorporate intent and purpose statements for those districts; (2) re-zone certain land from the Business (B) District or the Residence (R-1a) District to one of the two new districts; (3) add or amend comprehensive provisions, including but not limited to, treatment of accessory uses and structures, and inclusionary housing, parking, signs, design, site, dimensional, use and administrative/permitting/site plan requirements applicable to those three new districts; (4) create a new 3A Multi-family Overlay District in which multi-family housing is allowed as of right, add comprehensive provisions regulating that use in the new overlay district and amend the application of Section 9.1 Groundwater Protection Overlay District to that new overlay district; (5) add or amend definitions; and (6) make related or necessary changes to other provision of the Zoning Bylaw, all as set forth in Appendix A attached hereto; and to authorize the Town Clerk to undertake any necessary and related renumbering of the Zoning By-law, or take any action thereon or relative thereto.

A majority vote is required to approve this article.

Brief Summary: *This article seeks to implement new base zoning districts in the Town Center and a zoning overlay district encompassing two parcels on Asbury Street, outside of the Town Center, for the purposes of complying with the state's MBTA Communities (G.L. c. 40A, §3A) zoning requirement for multi-family housing.*

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

	<p><i>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 is it voted upon by Town Meeting.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Fiscal Year 2026 Tax Rate Impact: None.</i></p> <p><i>Recommendations from the Select Board, Finance Advisory Committee, and Planning Board, if provided, and associated vote tallies.</i></p>
<p>ARTICLE 2025/6 2</p> <p><i>Zoning Bylaw Amendment - Town Center Zoning</i></p>	<p>To see if the Town will vote to amend the Town of Hamilton Zoning Bylaw and Zoning Map as just amended by Article 1 to: (1) identify and create two new zoning districts, being the Depot Square and Bay Road Civic sub-districts of the Town Center, and to specify the uses allowed and prohibited therein, and incorporate intent and purpose statements for those districts; (2) re-zone certain land from the Business (B) District or the Residence (R-1a) District to one of the two new districts (3) eliminate the Business District and Willow Street Overlay district and delete references to the Business District and Willow Street Overlay District on the Zoning Map and throughout the Zoning</p>

Bylaw; (4) re-zone certain land from the Business (B) District to the Residence (R-1a) District; (5) add or amend comprehensive provisions, including but not limited to, treatment of nonconformities and accessory uses and structures, and parking, sign, design, site, administrative/permitting/site plan review, use and dimensional requirements applicable to the new Depot Square and Bay Road Civic districts; (6) specify additional provisions applicable to, and uses that are allowed and prohibited in, the new Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential districts and uses prohibited in the Residence (R-1a and R-1b) and Residential Agricultural (RA) Districts; (7) add and amend definitions; (8) amend section 10.6 Site Plan Review and (9) make related or necessary changes to other sections of the Zoning Bylaw, all as set forth in Appendix B attached hereto; and to authorize the Town Clerk to undertake any necessary and related renumbering of the Zoning Bylaw, or take any action thereon or relative thereto.

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

Brief Summary: *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.*

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. (Pending 6/24 vote)

Fiscal Year 2026 Tax Rate Impact: *None.*

Recommendations from the Select Board, Finance Advisory Committee, and Planning Board, if provided, and associated vote tallies.

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

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

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Monday, July 14, 2025

SPECIAL TOWN MEETING

***Hamilton-Wenham Regional High School
Auditorium***

6:30 p.m.

DEMOCRACY IS NOT A SPECTATOR SPORT

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