



Town of Hamilton
Select Board
Tuesday, June 10, 2025

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

6:30 p.m.

Via ZOOM

AMENDED AGENDA

This is a virtual ZOOM Meeting only.

Join Zoom at:

<https://us02web.zoom.us/j/82775648568?pwd=bJaH4mhYsWFaDgQcw9agOqZC81Vvwz.1>

Meeting ID: 827 7564 8568

Passcode: 705853

One tap mobile

+13017158592,,82775648568#,,,,*705853# US (Washington DC)

+13052241968,,82775648568#,,,,*705853# 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)

| | |
|---------------|--|
| 6:30 p.m. | Call to Order – Roll Call Vote |
| | <ul style="list-style-type: none">• Public Comment – Will be taken for a maximum of twenty (20) minutes, no speaker will be allowed to speak for more than two (2) minutes |
| AGENDA | |
| 6:50 p.m. | <ul style="list-style-type: none">• Review Draft Warrant for Second Special Town Meeting (Currently 6/26/25)<ul style="list-style-type: none">○ Timing of STM and possible change – Discuss and Vote○ Recommendations for warrant articles – Discuss and Vote• Close the Warrant for Second Special Town Meeting – Discuss and Vote• Sign Warrant for Second Special Town Meeting• Adjourn |



WARRANT

For

Special Town Meeting

June 26, 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.

TABLE OF CONTENTS

| WARRANT ARTICLE | DESCRIPTION | PAGE No. |
|--------------------|--------------------------------|-------------|
| 2025/6 1 | MBTA (G.L. c.40A, §3A) Zoning | |
| 2025/6 2 | Zoning Bylaw Amendment - _____ | |



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 Thursday, the twenty-sixth day of June, in the year Two Thousand Twenty-five (June 26, 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

*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 districts in the Town Center and to specify the uses allowed and prohibited therein, and the intent and purposes of, those districts; (2) re-zone certain land from the Business (B) District or the Residence (R-1a) District to one of those three new districts; (3) add or amend comprehensive provisions, including but not limited to, treatment of nonconformities and inclusionary housing, parking, design, site, dimensional and administrative/permitting 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 and add comprehensive provisions regulating that use in the eat new overlay district; (5) add or amend definitions; and (6) make related or necessary changes to other sections 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 _____.

Fiscal Year 2026 Tax Rate Impact: None.

The Select Board (4-1) recommends favorable action. The Finance and Advisory Committee (3-1) recommends favorable action. The Planning Board (___) recommends favorable action. Recommendations from the Select Board, Finance Advisory Committee, and Planning Board, if provided, and associated vote tallies.

ARTICLE 2025/6 2

*Zoning Bylaw
Amendment -*

To see if the Town will vote to amend the Town of Hamilton Zoning Bylaw and Zoning Map to: (1) identify and create two new zoning districts in the Town Center, being the Depot Square and Bay Road Civic districts and to specify the uses allowed and prohibited therein, and intent and purposes of, those districts; (2) re-zone certain land from the Business (B) District or the Residence (R-1a) District to ~~one of those two new districts~~ the Depot Square and Bay Road Civic 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 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 parking, design, site, administrative/permitting and dimensional requirements applicable to those two new districts; ~~(65)~~ specify additional provisions applicable to, and uses that are allowed 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)-1A, R-1B and RA D districts; ~~(76)~~ add or amend definitions; and ~~(87)~~ 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: This article seeks to _____.

Fiscal Year 2026 Tax Rate Impact: None.

~~*The Select Board (5-0) recommends favorable action. The Finance and Advisory Committee (4-0) recommends favorable action. The Planning Board (____) recommends favorable action. 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

979585/HAML/0001

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

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Thursday, June 26, 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.

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 that is not part of the proposed amendment itself and will not be included in the Zoning Bylaw is shown italicized and within borders.

Commented [RS1]: Please confirm.

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

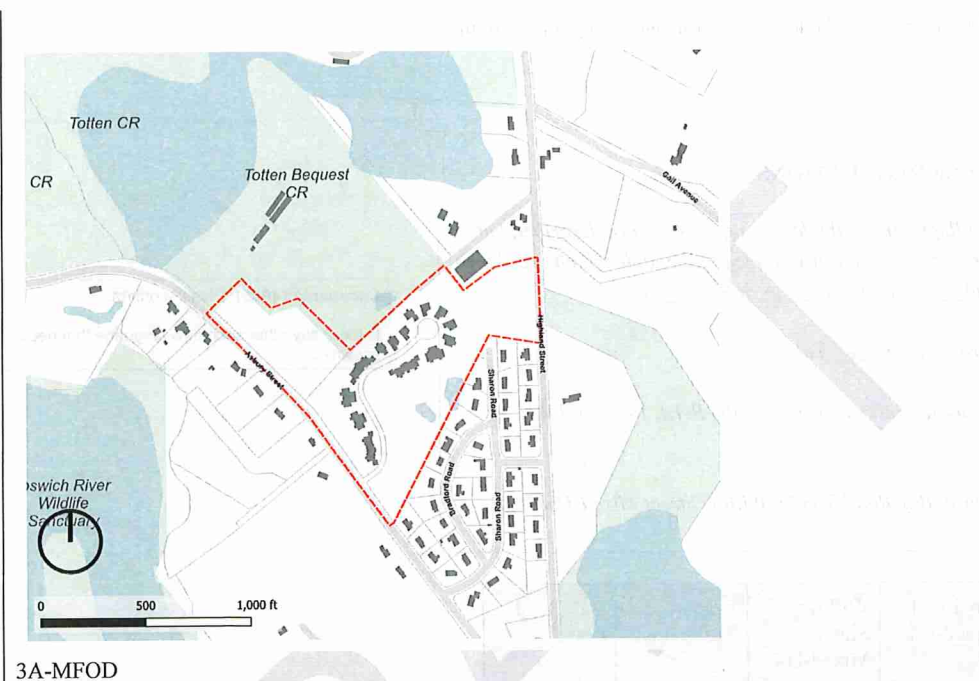
- 9.8.1 Purpose and Intent**
- 9.8.2 Interpretation**
- 9.8.3 Town Center Sub-districts**
- 9.8.4 Dimensional Standards**
- 9.8.5 Use Provisions**
- 9.8.6 Site Standards**
- 9.8.7 Administration**

Commented [RS2]: This should be underlined at it is new. It does not need to be bold unless you want it bold in the Bylaw.

9.7 has a 1-6 - not 5.

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 |
| Depot Square | TC-DS |
| Bay Road Mixed-Use | TC-BRMU |
| Willow Street Mixed-Use | TC-WSMU |



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

| | | | | | |
|---|---------------------|---------------------------|--------------------------------|-----------------------------|-----------------------|
| 6. Garage with more than 4 motor vehicle spaces subject to the requirements of Section 9.8.5 in the Town Center District | PB | Y | Y | PB | PB |
| 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 |

Commented [RS6]: See my prior comment about using the statutory term and definition of multi-family housing.

| | | | | | |
|---|--------------|--------------------|-------------------------|----------------------|----------------|
| 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 |

| 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 |

| | | | | |
|--|---------------------|---------------------|---------------------|--------------------|
| 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 _{s2} | 25/50 _{s2} | 25/50 _{s2} | 25/50 _s |
| Minimum Side Yard and Rear Yard (ft.) | 15 | 15 | 15 | ZBA ₆ |

1. Dimensional Requirements for the Town Center Districts are found in Section 9.8 of the Zoning By-law.

Commented [RS11]: See my prior comment about this.

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.

Commented [RS12]: Leave this as 5 and just shown that the 5 is changing to a 2.

6. For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.

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.

Commented [RS14]: This numbering is currently 1-3 so it needs to be shown as being changed to a-c.

I recommend you review the proposed amendments carefully to make sure that any such changes are properly shown.

Commented [RS15]: See my prior comment about this

- 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.

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~~ R-1A District, two (2) Dwelling units in the ~~R-1B~~ 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 |

| | Zoning District | Underlying Zoning District 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 and in no event shall any multi-family housing development be required to make affordable more than 10% of the residential units.

Commented [RS21]: I recommend adding language such as this.

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.

9.8 TOWN CENTER DISTRICT.

1. Introduction. The Town Center District consists of 5 sub-districts: Depot Square, Bay Road Mixed-Use, Willow Street Mixed-Use, Downtown Residential, and Bay Road Civic. Collectively, these sub-districts shall be referred to as the Town Center District. This Section consists of 4 sub-sections:

Commented [RS1]: This has 8 numbered subsections-not 4.

- a. *Purpose and Intent.* This Section introduces the purpose and intent of the zoning generally, how and where it is to be applied, and how the regulations of this Section relate to other Sections of the By-law.
- b. *Interpretation.* This Section provides definitions and explanations of the terms and metrics that are used to regulate building scale, form and placement. Many of the terms are unique to this Section.
- c. *Town Center Sub-districts.* This Section describes the purpose and intent of each sub-district, as well as any relevant planning considerations. It also includes district-wide tables with dimensions for lots and Buildings. A complete allowed use table is included as well which is specific to the sub-districts of the Town Center District.
- d. *Administration.* This Section outlines the permitting path for proposed development, including whether Site Plan Review or a Special Permit is required.

9.8.1. Purpose and Intent.

1. Purpose. The purpose of this Section of the Hamilton Zoning By-law is to regulate the use of land, Buildings, and structures in the Town in a way that preserves the historic village character of Downtown Hamilton, and to provide standards for multi-family housing development that are both in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC) set forth at 760 CMR 72.00 and consistent with the Town's existing character.

2. Intent. This Section is intended to ensure development in Hamilton's downtown contributes to the realization of the Hamilton Town Center Vision Plan developed over the course of a townwide visioning process conducted throughout 2024 and 2025. Specifically, this Section

- d. *Text and Graphics.* Illustrations, photographs and graphics are included in this Section to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Section and any illustrations, the text governs.
- e. *Existing Applications and Permits.* The applicability of this Section with respect to existing and proposed uses and structures is governed by Section 1.4.1, Applicability/Nonconformities, Section 1.4.2, Commencement of Construction or Operation, and Section 5.0, Nonconforming Uses and Structures.
- f. *Severability.* If any provision of Section 9.8 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.8 shall not be affected and shall remain in full force. The invalidity of any provision of Section 9.8 shall not affect the validity of the remainder of Hamilton's Zoning By-law. If any metric set forth in the Regulations issued by the HLC at 760 CMR 72.00 is amended, this Section may be amended to utilize the revised metrics set forth in the amended Regulations.
- g. *Nonconforming Uses.* A change to a nonconforming use shall be governed by Section 5.2, Nonconforming Uses.
- h. *Nonconforming Structures.* A change to a nonconforming structure shall be governed by Section 5.3, Nonconforming Structures.

9.8.2 Interpretation

1. *Site Dimensional Standards and Measurements.*

- a. *Yards.* See Section 11, Definitions. Each yard measurement is made perpendicular to the property line and begins at the property line. Measurements are made to the nearest portion of the Building, excluding open porches less than 8 (eight) feet deep and bay windows less than 3 ft. deep.
- b. *Lot Frontage.* See Section 11, Definitions. For lots bounded by more than 1 (one) street, all frontages shall conform to the dimensional standards applicable to the front.
- c. *Lot Size.* The area of a Lot, measured as the land within the parcel lines.
- d. *Open Space.* Refers to land within a lot not covered by any structures or area dedicated to vehicular use including parking spaces and drive aisles.
- e. *Parking Setbacks.* All parking spaces must be located behind the Parking Setback lines or as otherwise indicated. Each setback measurement is made perpendicular to the property line and begins at the property line.

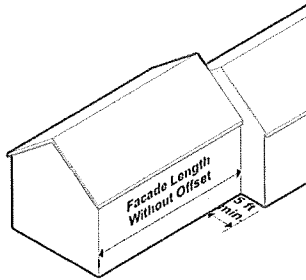


Figure 2. Facade Length without Offset

- d. **Building Footprint.** The area of land occupied by a Building, defined by the outer edge of its foundation and exterior walls inclusive of covered parking and other enclosed spaces. Cantilevered elements that do not touch the ground, such as bay windows, do not contribute to the calculation of footprint area provided they do not protrude more than 3 (three) feet from the face of the Building. Unenclosed porches less than 8 (eight) feet deep do not contribute to the calculation of the Building Footprint.

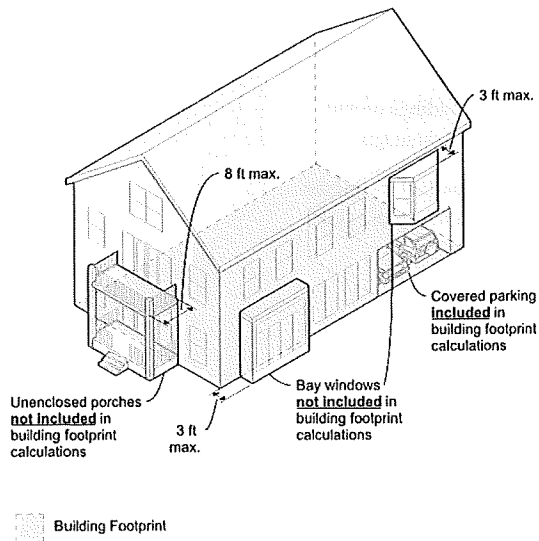


Figure 3. Building Footprint

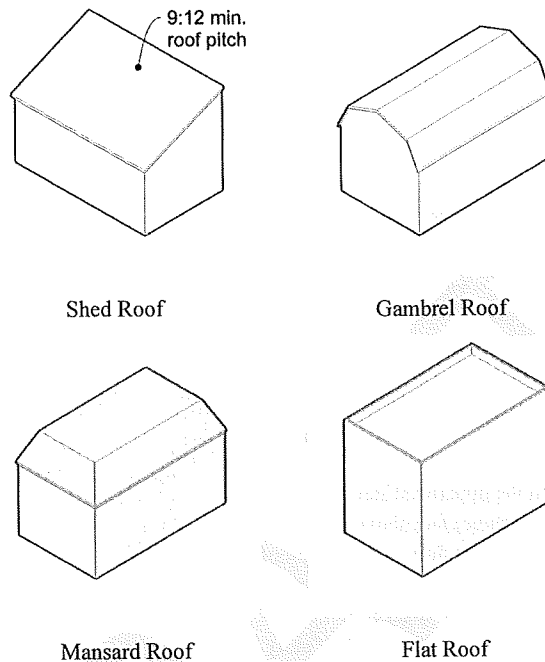


Figure 5. Roof Type

- h. *Width.* Measurement of the length of a Building parallel to a front Lot line.
- i. *Fenestration.* The percentage area of glazing at the ground level, measured between 2 (two) feet and 10 (ten) feet above the finished floor of the ground story. Where fenestration requirements apply, ground story windows should be display windows that may or may not have muntins and/or mullions, decorative stiles and or a combination of display windows and transoms supported by appropriate kickplates. The windows may be segmented with trim, piers or wall plane. Where required, minimum ground floor fenestration is intended to ensure that ground floor uses can activate the public realm.

9.8.3. Town Center Sub-districts.

1. Depot Square.



Figure 8. Depot Square Sub-District Vision Illustration

- a. *Description.* The Depot Square sub-district is characterized by two distinct conditions. On Railroad Ave, buildings have small footprints and are up to 2.5 stories in height. East of the rail corridor, there is a large auto-centric shopping center. The area along Railroad Ave has the character of a small and historic town center; most buildings sit close together and near the sidewalk, while other buildings maintain some space between one another and include parking lots. The shopping center features one large, L-shaped, and one half-story building with a large parking area between the building and the street and rail corridor. The sub-district is primarily commercial, with some mixed-use residential structures near the edges. Most buildings west of the rail corridor were designed to accommodate commercial uses with form consistent with the historic residential buildings nearby.

2. Bay Road Civic.

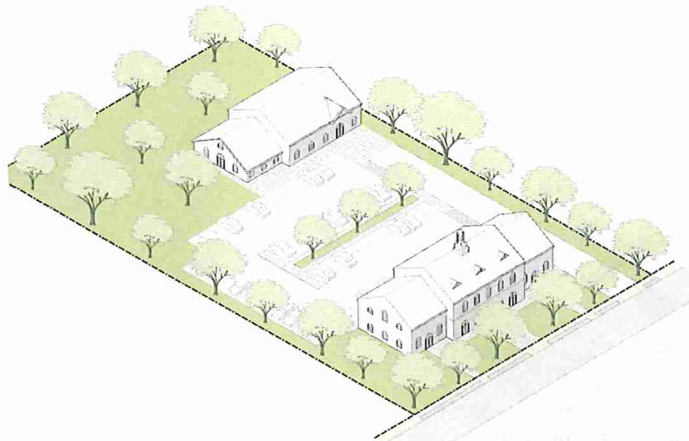


Figure 10. Bay Road Civic Sub-District Vision Illustration

- a. *Description.* The Bay Road Civic sub-district is owned by the Town and hosts municipal functions, including the Public Safety Complex, the Council on Aging, and the Building and Health Departments. The current arrangement of buildings and parking do not align with the traditional frontages of the Bay Road corridor. The site occupies an important “gateway” moment for the Downtown, where the alignment of Bay Road straightens out and the historic pattern of large structures set back behind generous lawns begins.
- b. *Purpose and Intent.* The purpose of this sub-district is to guide the placement and scale of potential future buildings on this site that can improve and restore the consistency of Bay Road frontages. The regulations are crafted to ensure that the desirable patterns of Bay Road are enhanced while allowing the flexibility that may be required for additional municipal uses.

4. Willow Street Mixed-Use.

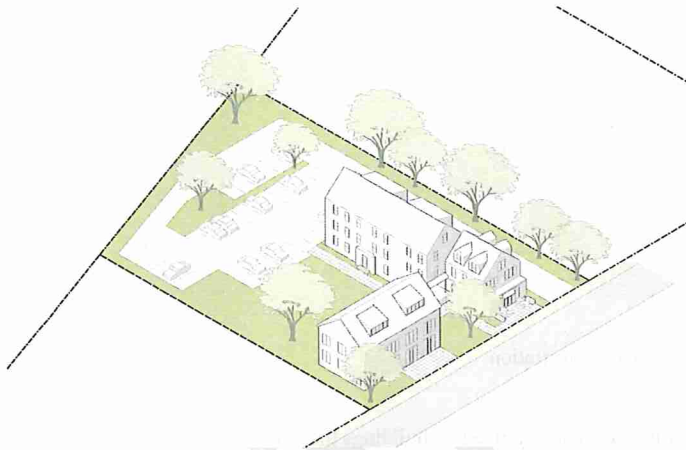


Figure 13. Willow Street Mixed-Use Sub-District Vision Illustration

- a. *Description.* The Willow Street Mixed-Use sub-district contains a variety of forms and uses. Portions of the sub-district have commercial and/or light industrial-use buildings with relatively large footprints, other portions have mixed-use buildings with moderately sized footprints, while other portions of the site are primarily residential with smaller footprints. The orientation of the rail corridor is such that rear yards are rarely consistent in depth. The objective of the code is to promote a more vibrant and walkable sub-district through the activation of mixed-use building frontages while respecting the scale and residential character of the adjacent Downtown Residential sub-district.
- b. *Purpose and Intent.* The objective of the code is to promote a more vibrant and walkable sub-district by activating mixed-use building frontages while respecting the scale and residential character of the adjacent Downtown Residential sub-district. Already mixed-use in character, the east side of Willow Street can accommodate more pedestrian-friendly ground floor uses and frontage conditions, supported by new residential uses. The By-law restricts the scale of buildings directly along Willow Street to match the abutting Downtown Residential sub-district and allows for taller buildings toward the rear of the lot.

9.8.4. Dimensional Standards.

1. Site Dimensional Requirements.

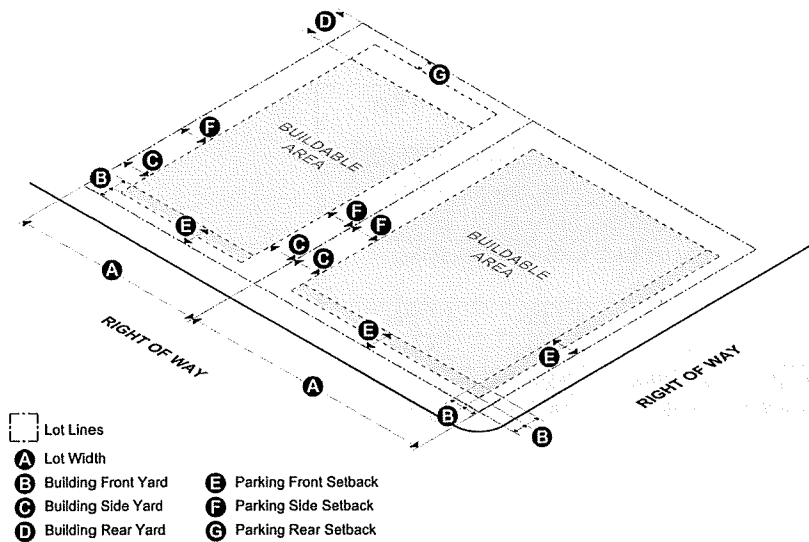


Figure 15. Site Dimensional Requirements (see description of terms in Section 9.8.2)

TABLE OF SITE DIMENSIONAL STANDARDS: TOWN CENTER DISTRICT

See Footnotes to Table for additional requirements and/or clarifying information.

| | Lot Dimensions | Depot Square | Bay Road Mixed-Use | Willow Street Mixed-Use | Downtown Residential | Bay Road Civic |
|---|------------------|-------------------|--------------------|-------------------------|----------------------|-------------------|
| | Lot Size (min) | 1,000 square-feet | 5,000 square-feet | 3,000 square-feet | 3,000 square-feet | 5,000 square-feet |
| A | Lot Width (min) | 20 feet | 40 feet | 40 feet | 30 feet | 40 feet |
| | Coverage | Depot Square | Bay Road Mixed-Use | Willow Street Mixed-Use | Downtown Residential | Bay Road Civic |
| | Open Space (min) | 0% | 40% | 40% | 40% | 40% |

2. Building Dimensional Standards.

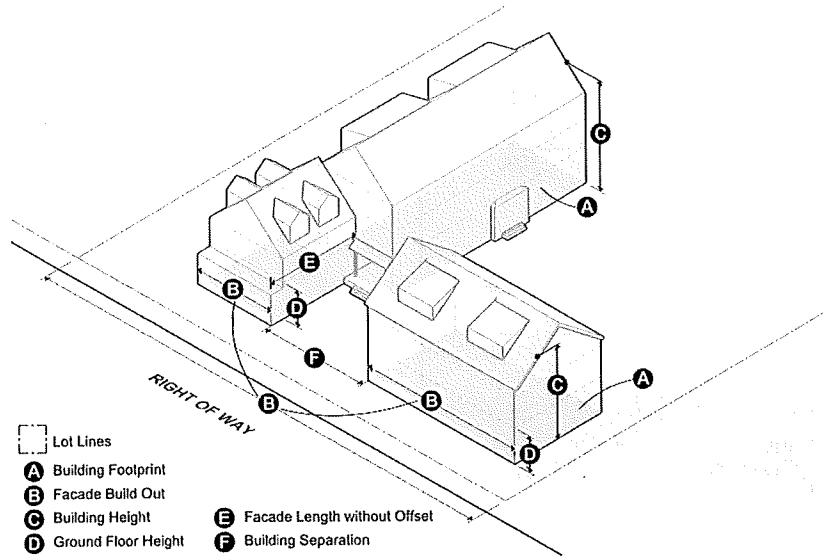


Figure 16. Building Dimensional Standards

TABLE OF BUILDING DIMENSIONAL STANDARDS: TOWN CENTER DISTRICT
See Footnotes to Table for additional requirements and/or clarifying information.

| | Massing | Depot Square ¹ | Bay Road Mixed-Use | Willow Street Mixed-Use | Downtown Residential | Bay Road Civic |
|---|---|---------------------------|-----------------------|---|-----------------------|-----------------------|
| A | Building Footprint (maximum per Building) | 5,000 square-feet | 3,000 square-feet | 5,000 square-feet | 3,000 square-feet | N/A |
| B | Facade Buildout (minimum) ² | 60% | 35% | 35% | 35% | 35% |
| C | Height (maximum) | 35 feet / 2.5 stories | 35 feet / 2.5 stories | 35 feet / 2.5 stories for the first 60 feet from the front lot line, 45 | 35 feet / 2.5 stories | 35 feet / 2.5 stories |

Front Yard. This 80 (eighty) foot measurement shall be measured perpendicular to the frontage. Structures extending beyond 80 feet from the front property line, and/or individual structures with a Building Footprint greater than 5,000 square-feet, shall be permitted only by Special Permit.

- b. Lots in the Depot Square sub-district with more than one frontage and a Lot area greater than 35,000 square-feet shall provide a minimum of 3,500 square-feet of open space at the intersection of the 2 (two) frontages.
 - c. Facade Buildout: On Lots where open space is required at an intersection, the length of the required open space along any frontage may be subtracted from each frontage length for the purpose of calculating minimum Facade Buildout. On lots greater than 45,000 square-feet and containing more than one frontage, Facade Buildout requirements shall apply only to the frontage where new structure(s) are proposed.
 - d. Total Gross Floor Area of greater than 12,500 square-feet on a Lot is not permitted by right. Additional Gross Floor Area shall be permitted only through a Special Permit, granted by the appropriate SPGA applicable to the proposed uses.
- 2. For Lots with more than one frontage, the minimum Facade Buildout requirements shall apply to each frontage individually, and not cumulatively.
 - 3. Roof forms may be combined, so long as minimum roof steepness is maintained.

9.8.5. Use Provisions.

- 1. The allowable uses and accessory uses in the Town Center District are contained in Section 3.0, Use Regulations. The following clarifications and exceptions are made with respect to the Town Center District sub-districts only:
 - a. Use A6, a Garage with more than 4 motor vehicle spaces, is permitted in the Bay Road Mixed-Use, and Willow Street Mixed-Use sub-districts provided it is:
 - (i) Accessory to a Multi-Family Dwelling or Mixed-Use Development, and;
 - (ii) Located below grade or at grade beneath the primary Building massing and not within a stand-alone structure.
 - b. Use D21, Mixed-Use Development, is allowed in the Depot Square sub-district provided that all of the following criteria are met:

2. Parking.

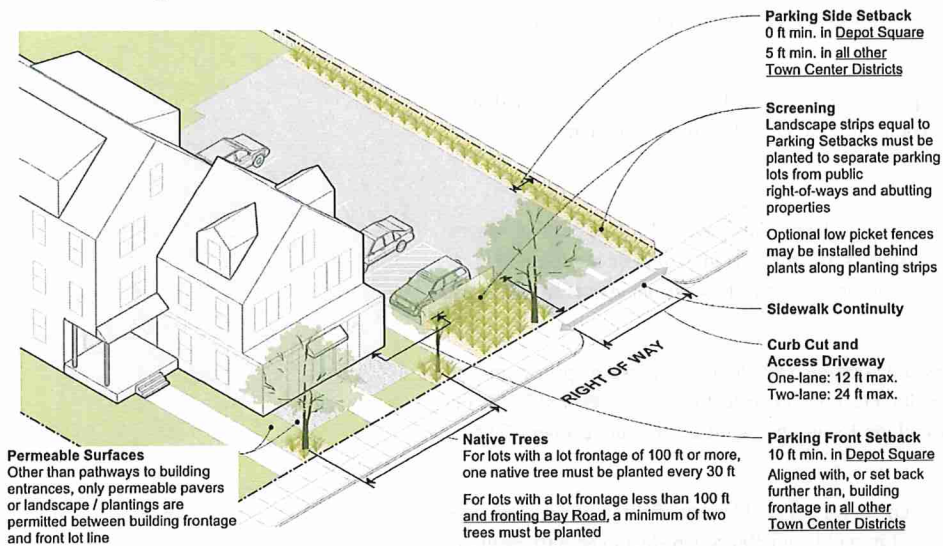


Figure 17. Parking Standards

- a. The quantity of off-street parking spaces shall be in accordance with the requirements of Section 6.1, Offstreet Parking and Loading Areas.
- b. All driveways must comply with Section 6.2.2, Driveway Standards.
- c. All parking spaces and structures must be located at or behind any required Parking Setbacks as specified for each sub-district of the Town Center District.
- d. The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:
 - One-lane: 12 feet
 - Two-lane: 24 feet
- e. Each lot is limited to 1 (one) curb cut per street frontage. Lots with more than 200 feet of frontage are allowed 1 (one) additional curb cut every 200 feet.
- f. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.

- Landscaping of perimeter islands must include evergreen shrubs planted 3 (three) feet on center in a planting bed that is of a width suitable for the required plant spacing, but at least 36 (thirty-six) inches wide.
- A perimeter landscape island must include a tree with minimum caliper of 2.5 inches spaced every 30 (thirty) feet on average.

3. *Screening.*

- a. *Parking Lots.* Parking lots must be separated from the public right-of-way and abutting properties by a landscaped strip with a depth equal to the Parking Setbacks as specified in the Dimensional Requirements for each sub-district of the Town Center District. The landscaped strip must adhere to the following design standards:
 - (i) The landscape strip must run the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways.
 - (ii) The landscape strip must be planted with shrubs, perennials, native grasses, and other planting types that provide screening from the public right-of-way.
 - (iii) An optional low picket fence or pedestrian wall may be installed behind the landscape strip and set back up to 24 (twenty-four) inches from the adjacent parking lot to accommodate for car overhang.
 - (iv) The use of Low-Impact-Development (LID) stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- b. *Waste Receptacles.*
 - (i) Outdoor waste receptacles must be located to the side and rear of Buildings.
 - (ii) Outdoor waste receptacles must be screened on 3 (three) sides by an opaque wall or fence a minimum height of 6 feet.
 - (iii) Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.
- c. *Roof-Mounted Equipment.* All outdoor mechanical, electrical or utility equipment (except for solar panels, wind turbines and antennas) must be screened on the roof edge by an opaque parapet wall or other type of screen that is at least a height 6 in higher than the topmost point of the equipment being screened.
- d. *Ground-Mounted Equipment.*
 - (i) Ground-mounted mechanical, electrical or utility equipment must be located to the side or rear of Buildings.

- (vi) Deviation from the standards above will require approval from the Planning Board deeming that the finishes are of a design and quality that will elevate rather than detract from the appearance of the District or, in the case of multi-family housing, application of this Section would be prohibitive as determined by the Planning Board through site plan review.

5. *Landscape Standards.*

- a. *Native Trees.* Native deciduous shade trees must be spaced linearly and parallel to the public right-of-way, and planted at a minimum of 2.5 inches in tree caliper. The number of trees planted must be in accordance with the following:
 - (i) For lots with frontage of 100 feet or more, 1 native deciduous shade tree must be planted every 30 (thirty) feet in the Front Yard unless at least three (3) trees already exist in the Front Yard.
 - (ii) For lots with a lot frontage of less than 100 feet and fronting Bay Road, a minimum of 2 trees must be planted in the Front Yard unless at least two (2) trees already exist in the Front Yard.
- b. *Permeable Surfaces.* Other than pathways to Building entrances or driveways, only permeable pavers or landscape / plantings are permitted within the front yard between Building frontage and the front lot line. Permeable pavers include brick, stone and/or cementitious materials, with joints that allow for the infiltration of water.

6. *Exterior Lighting.* To ensure that impacts of exterior lighting on adjacent properties are controlled, exterior lighting shall adhere to the following requirements:

- a. A lighting plan must be submitted in conjunction with a required site plan.
- b. No glare onto adjacent properties is permitted.
- c. Excessive illumination is prohibited.
- d. Non-overhead light sources, such as bollards and path lights, are encouraged.
- e. The following light sources and fixtures are prohibited:
 - (i) Any exterior uplighting. Lighting fixtures for all areas of vehicular and/or pedestrian access must be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures, or must be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
 - (ii) Low-pressure sodium and mercury vapor light sources

Town of Hamilton

- MBTA Massachusetts Zoning 3A

3A – Headlines

Water: Availability of water will likely be the determining factor of expansion of housing in Hamilton:

- No water - no expansion in the near-term.
- We should focus on this point.

Student population: During the period of 2003 – 2008 the HWRS D had a student population in excess of 2,000 students.

- School variable cost of additional 400 students could be \$5+ M

Annual Financials:

- Revenue: 735 multi-family housing units could generate ~ \$6.5M
- Costs:
 - Additional costs – could be assumed to be \$1M year

Impact Analysis

Scenario 1 - Impact Analysis – Multi Family Development

Revenue

Property Tax Revenue

- \$534k X 735 Units = \$ 392M
- Current Tax Rate per \$1,000 = \$ 15.65
- \$392M x \$15.65 = \$ 6,200k

Auto Excise Tax

500 Autos @ 300 each = \$ 150k

Water Enterprise

735 @ \$550 each = \$ 370k

Hamilton Annual Tax Revenue = \$ 6,720k

Costs

School Variable Cost

- 400 incremental students
- Variable Cost per student = \$ 13,962
- 400 x \$13,962 = \$ 5,585k*

Other Costs

- Water / Police / Fire / DPW / Other = \$ 1,000k

Hamilton Annual Cost = \$ 6,585k

* no cost sharing with Wenham assumed

Impact Analysis – Construction Cost – Boston Globe Spotlight - Dec 2023

A DEVELOPER'S PERSPECTIVE

PENCILING OUT A HYPOTHETICAL 170-UNIT RENTAL BUILDING NEAR BOSTON *

| | | | | |
|--------|---------------|------------|-----------------|-----------------------|
| 1 Land | 2 Union labor | 3. Parking | 4. Green energy | 5. Affordable housing |
|--------|---------------|------------|-----------------|-----------------------|

First: Where would you like to build?

The closer you get to the core of the region, the more land tends to cost.

- Downtown Boston
- Outer neighborhood, close to transit
- Suburban

Total project cost

\$90.8 million

| | |
|-----------------------|----------------|
| Land | \$6.8 million |
| Soft costs | \$15 million |
| Hard costs | \$69 million |
| Return for investors: | \$5.45 million |

Average rent per unit

| | | |
|--------------------|-----------|--------------------------|
| Market rate | 153 units | \$3,468 per month |
| Affordable housing | 17 units | \$1,625 per month |

* Sources: The calculator was built off of data from a financial plan for a proposed apartment building in Greater Boston that was provided to the Globe by a developer who requested anonymously in order to share sensitive information. The estimated cost impacts of land, parking, union labor and green energy were drawn from interviews with a number of industry experts. Calculations assume a fully-occupied building and a 6 percent return on cost for equity investors.

Multi-Family – Development in Hamilton

Using “Developer’s Perspective” Cost for Assessed Value

- \$90.8M per 170 units = \$534k per unit
- 49 Acres X 15* = 735 Units
- \$534k X 735 Units = \$392M

Market Value of \$392M

- Current Tax Rate per \$1,000 = 15.65
- \$392M x \$15.65 = \$6.2M Annual Tax revenue

School Enrollment -

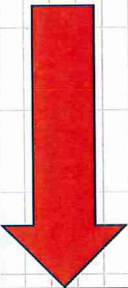
School Enrollment- FY 2000 – FY 2024

- Peak - FY '06 - 2,097
- June 2024 - 1,669



HWRSRD Variable Cost

| | | FY23 Actuals | FY24 Actuals | FY25 Budget | FY26 Budget | FY'23 & '24 Avg Annual Variable Cost | Less Offsets & revenues | Net Variable Cost Base | Variable Cost Per Student @1,620 |
|----|---|-----------------|-----------------|----------------|----------------|--|----------------------------|------------------------------|---|
| 45 | | | | | | | | | |
| 46 | | | | | | | | | |
| 47 | Gross Budget | | | | | | | | |
| 48 | School District Spending by DESE Category | | | | | | | | |
| 49 | | | | | | | | | |
| 50 | 1 Administration | 1,315 | 1,359 | 1,694 | 1,752 | - | | | |
| 51 | 2 Operations, Maintenance | 2,806 | 3,616 | 2,770 | 3,513 | - | | | |
| 52 | 3 Capital & Fixed Assets Improvements | 375 | 2,244 | 1,035 | - | - | | | |
| 53 | 4 Guidance, Counseling, Testing | 1,417 | 1,390 | 1,371 | 1,496 | 1,403 | | | |
| 54 | 5 Instructional Materials, Equipment & Technology | 1,126 | 1,056 | 882 | 971 | 1,091 | | | |
| 55 | 6 Instructional Leadership | 2,600 | 2,640 | 2,974 | 2,914 | - | | | |
| 56 | 7 Benefits & Fixed Charges-Insurance, Retirement, Other | 7,256 | 5,514 | 7,410 | 7,105 | 6,385 | | | |
| 57 | 8 Other Teaching Services | 2,904 | 3,056 | 3,423 | 3,605 | 2,980 | | | |
| 58 | 9 Professional Development | 507 | 517 | 608 | 620 | 512 | | | |
| 59 | 10 Pupil Services | 2,998 | 3,333 | 3,589 | 4,121 | 3,166 | | | |
| 60 | 11 Teachers | 13,559 | 13,713 | 14,277 | 15,786 | 13,636 | | | |
| 61 | 12 Programs with Other School Districts (Tuition) | 3,946 | 4,507 | 4,536 | 4,707 | 4,226 | | | |
| 62 | Less Offsets | | | | | | (2,647) | | |
| 63 | Less Revenue | | | | | | (8,057) | | |
| 64 | | | | | | | | | |
| 65 | | | | | | | | | |
| 66 | Total | 40,809 | 42,945 | 44,569 | 46,589 | 33,400 | (10,704) | 22,696 | \$ 13,962 |
| 67 | | | | | | | | | |
| 68 | | | | | | | | | |
| 69 | | | | | | | | | |
| 70 | | | | | | | | | |
| 71 | | | | | | | | | |
| 72 | | | | | | | | | |
| 73 | | | | | | | | | |
| 74 | | | | | | | | | |
| 75 | | | | | | | | | |



MBTA 3A Discussion – v3 - This document is for community discussion purposes only. The material contained has not been discussed with or voted on by any committee or board.

HWRSR Variable Cost – Offsets & Revenue

| | | FY23 Actuals | FY24 Actuals | FY25 Budget | FY26 Budget | FY'23 & '24 Avg Annual Variable Cost | Less Offsets & revenues | Net Variable Cost Base | Variable Cost Per Student @1,620 |
|-----|----|--------------|--------------|-------------|-------------|--------------------------------------|-------------------------|------------------------|----------------------------------|
| 100 | | | | | | | | | |
| 101 | | | | | | | | | |
| 102 | | | | | | | | | |
| 103 | | | | | | | | | |
| 104 | | | | | | | | | |
| 105 | 23 | 487 | 110 | 335 | 305 | 298 | | | |
| 106 | 24 | - | - | 117 | 117 | - | | | |
| 107 | 24 | - | - | 40 | 39 | - | | | |
| 108 | 26 | - | - | 2 | 2 | - | | | |
| 109 | 27 | 518 | 419 | 480 | 480 | 469 | | | |
| 110 | 28 | 173 | 92 | - | - | 132 | | | |
| 111 | 29 | 142 | 69 | 64 | 33 | 106 | | | |
| 112 | 30 | 1,311 | 1,481 | 1,352 | 1,578 | 1,396 | | | |
| 113 | 31 | | 491 | 455 | 541 | 245 | | | |
| 114 | | 2,631 | 2,662 | 2,846 | 3,096 | 2,647 | | | |
| 115 | | | | | | | | | |
| 116 | | | | | | | | | |
| 117 | | | | | | | | | |
| 118 | | | | | | | | | |
| 119 | | | | | | | | | |
| 120 | 32 | 3,889 | 4,019 | 4,019 | 4,189 | 3,954 | | | |
| 121 | 33 | 545 | - | - | - | 273 | | | |
| 122 | 34 | - | - | - | - | - | | | |
| 123 | 35 | 119 | 65 | 105 | 65 | 92 | | | |
| 124 | 36 | 182 | 524 | 33 | 50 | 353 | | | |
| 125 | 37 | 103 | 157 | | | 130 | | | |
| 126 | 38 | 68 | - | | | 34 | | | |
| 127 | 39 | 57 | 115 | | | 86 | | | |
| 128 | 40 | | | | | | | | |
| 129 | 41 | 775 | 773 | 773 | 2,088 | 774 | | | |
| 130 | 42 | 2,325 | 2,399 | 1,529 | - | 2,362 | | | |
| 131 | | 8,062 | 8,053 | 6,460 | 6,392 | 8,057 | | | |
| 132 | | | | | | | | | |
| 133 | | | | | | | | | |
| 134 | | | | | | | | | |
| 135 | | | | | | | | | |
| 136 | | | | | | | | | |
| 137 | | | | | | | | | |
| 138 | | | | | | | | | |
| 139 | | | | | | | | | |
| 140 | | | | | | | | | |
| 141 | | | | | | | | | |
| 142 | | | | | | | | | |
| 143 | | | | | | | | | |
| 144 | | | | | | | | | |
| 145 | | | | | | | | | |
| 146 | | | | | | | | | |
| 147 | | | | | | | | | |
| 148 | | | | | | | | | |
| 149 | | | | | | | | | |
| 150 | | | | | | | | | |
| 151 | | | | | | | | | |
| 152 | | | | | | | | | |
| 153 | | | | | | | | | |

MBTA 3A Discussion – v3 - This document is for community discussion purposes only. The material contained has not been discussed with or voted on by any committee or board.

[illegible]



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via email: mconnors@hamiltonma.gov

May 29, 2025

Mark Connors
Planning Director
650 Asbury Street
P.O. Box 429
Hamilton, MA 01982

Re: Hamilton - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Connors,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hamilton, requesting that EOHLC review the Town's proposed "Willow Street Mixed Use District," "Bay Road Mixed Use District," "Downtown Residential District," and "Asbury Street 3A Multi-family Overlay District," (together, the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Hamilton staff and consultants last week to discuss this feedback in detail. This letter serves as the formal notice of EOHLC comments.

Hamilton is designated as Commuter Rail community with 2,925 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 731 units, a minimum land area of 49 acres and a gross density of at least 15 dwelling units per acre. At least twenty percent of the district's minimum unit capacity and land area requirements must be met within one half mile of Hamilton's commuter rail station.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. EOHLC recommends reviewing Section 10.6: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.



KRISTIN E. KASSNER
STATE REPRESENTATIVE
SECOND ESSEX DISTRICT
IPSWICH • HAMILTON • ROWLEY
NEWBURY • GEORGETOWN • TOPSFIELD

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

Committees:
Ways and Means
Environment and Natural Resources
Municipalities and Regional Government
Revenue

STATE HOUSE, ROOM 254
TEL: (617) 722-2220
Kristin.Kassner@MAhouse.gov

May 19, 2025

MBTA Communities 40A, Section 3A - Funding

Dear Members of the Select Board and Planning Board,

As we approach Town Meeting I wanted to convey information regarding state funding and 3A compliance. In conversation with many of the executive offices we have gleaned the following information.

The [MBTA Communities Act](#) was passed under the Baker administration in 2021. To date 131 communities have approved their local districts at Town Meeting. The legislation included protections under existing wetlands and stormwater laws and protections subject to the availability of water and wastewater systems. I.e if there is no water and land area not large enough to construct a wastewater system and mitigate stormwater runoff the unit count will be significantly reduced from the compliance number.

Funding: The MBTA Communities legislation includes listed grant programs that are contingent on approval of the local 3A district in our communities. The Executive Office of Housing and Livable Communities MBTA 3A [Regulations](#) include additional grant programs that require compliance. Further additional funding programs have been identified requiring compliance including within, the Housing and Economic Development Bond Bills, supplemental budgets and executive office advisories.

What we know to date: Any state discretionary grant funding is on the table for consideration of compliance with the following exceptions. Federal funding and grants to non-town entities (Iron Ox Farm for example) and more recently Public Safety grants are not linked to compliance. We do not yet have a clear answer as to if MSBA funding is impacted, however we do know that in the [Supplemental Fair Share Budget](#) in the

Senate they included a requirement that a community be in compliance with MBTA 3A for a community to access that supplemental funding from MSBA. Previous funding awards should remain intact as long as the project is under contract by the compliance deadline of July 14, 2025. The funding to the district is significant. Over the past few years there has been millions of dollars that have come out of these programs to the 2nd Essex District for water quality and infrastructure, transportation, education, veterans, mental health, seniors and the environment.

The grants that we have tracked and collaborated with Hamilton since 2023 are below. There may be others for which we were not involved and therefore not included.

Hamilton 2023 to 2024: \$929,138.00, which at this point all are secure, assuming they are all under contract. However \$917, 547 (98%) MBTA 3A may be a factor if the Town pursues these grants in the future.

| 2023-2024 Awarded Grants | Hamilton |
|--|---------------------|
| Cultural Council | \$12,100.00 |
| Safe Drinking Water Grants | \$232,490.00 |
| Firefighter Safety Grants | \$11,591.00 |
| Transportation Infrastructure Grants | \$133,505.00 |
| MYCAP (schools) | \$5,500.00 |
| 2024 Municipal Road Safety (PD) | \$15,864.00 |
| FY25 Municipal Road Safety Grants | \$11,488.00 |
| Green Communities Competitive Grants | \$500,000.00 |
| MassDEP Sustainable Materials Recovery Program | \$6,600.00 |
| Total | \$929,138.00 |

Hamilton 2025 to Date: \$\$305,890.37 of that \$279,775 (91%) MBTA 3A may be a factor for which the Town must get under contract for already awarded and may be ineligible for future grants.

| 2025-2026 Awarded Grants | Hamilton |
|---|-----------------|
| Firefighter Safety Equipment Grants 2nd Round | \$3,715.37 |
| Firefighter Safety Equipment Grants 1st Round | \$15,500.00 |
| Student Awareness of Fire Safety (SAFE) | \$4,700.00 |
| Senior SAFE | \$2,200.00 |
| MassDEP Ipswich River Grant | \$279,775.00 |
| | |
| | \$305,890.37 |

I do believe that we need to provide a diversity of housing options, in line with community character that our residents need; and that if communities are doing their part to create opportunities for housing funding should be available, that is why I commented along with the Town on the then draft regulations and have sponsored [legislation](#) to that end. While I disagree with the withholding of critical funding, the law is in effect and many communities have already approved their district locally. We are seeing that there are real fiscal consequences from the administration if a community does not approve their local 3A district. Further, we that represent towns that have not yet passed their district have fought fiercely to ensure that funding like public safety money must not be linked to compliance under this section and will continue to fight, however we are an increasingly small faction of the legislature as more and more communities approve their districts.

I commend the Town of Hamilton, Select Board, and Planning Board for their work over the past two years to carefully create the 3A District, providing many open sessions and including input from residents. I hope that this information is helpful. This is a local decision. As the vote is contemplated, consider the lost funding under the many programs affected. I wish that it was not a reality and I will always continue to fight to keep intact funding opportunities for critical programs to bring back every dollar I can to Hamilton. Please reach out at any time with any questions.

Sincerely,

Kristin E. Kassner

State Representative 2nd Essex, Room 254

Ipswich, Hamilton, Rowley, Newbury, Georgetown, Topsfield (1)

May 19, 2025

Town of Hamilton, Massachusetts

Attn: Joe Domelowicz, Town Manager
Mark Connors, Planning & Development Director
Hamilton Select Board Members

utile

RE: Hamilton Town Center and 3A Zoning - State of the Draft Memo

Dear Joe, Mark, and Hamilton Select Board Members,

In anticipation of the Select Board meeting this evening to consider the zoning amendments drafted for the Town Center and 3A compliance, we wanted to provide you with a summary of the drafting and revision process to date.

Summary of Overall Project Process

As with all projects, the scope evolves as the process unfolds in close collaboration with the community we are working with, as priorities and needs become apparent that may not have been evident at the time of scoping. As such, this project included an 8-month visioning phase in 2024 that set the framework for the zoning amendments through public meetings, a survey, and a series of Advisory Committee meetings. The process went on pause in December of 2024 due to uncertainty stemming from the ongoing Supreme Judicial Court (SJC) case against Milton related to MBTA Communities (Section 3A) compliance.

Once the SJC decision upheld the MBTA Communities (Section 3A), the project resumed in February of this year with the goal of drafting of zoning amendments with an accelerated timeframe and modified scope and process expectations in order to complete zoning amendments within the resources originally allocated to the project and in time to allow the Town the option to comply with the updated EOHLA Section 3A Regulations.

Summary of Code Drafting Process

Utile has since worked with the Town staff and Planning Board to prepare three drafts and is currently working on final revisions for consistency, clarity, and cross-referencing to be incorporated alongside any comments received in the upcoming Public Hearing.

Below are the dates of the meetings and drafts issued for review as part of this second phase of the project, as well as the anticipated Public Hearing, which constitutes the fourth Planning Board meeting anticipated in the schedule as well as the final opportunity for comment before revisions are incorporated for issuance of a fourth and final draft of the zoning for inclusion in the final warrant for the Special Town Meeting:

- April 1, 2025: Planning Board Meeting #1 - Utile in attendance as scoped
- April 3, 2025: Draft 1 issued
- April 8, 2025: Planning Board Meeting #2 - Utile in attendance as scoped
- April 24, 2025: Draft 2 issued
- April 29, 2025: Planning Board Meeting #3a - Utile in attendance as scoped
- *May 6, 2025: Planning Board Meeting #3b - independent meeting of the Board, subsequently cancelled. Original agenda's stated purpose was to "discuss*

Architecture
& Planning

115 Kingston St.
Boston, MA 02111

110 Union St.
Providence, RI 02903

(617) 423-7200
utiledesign.com

May 19, 2025

Town of Hamilton, Massachusetts

Attn: Joe Donelowicz, Town Manager
Mark Connors, Planning & Development Director
Hamilton Select Board Members

utile

preparations related to [this project] and associated Design Guidelines including public outreach efforts in advance of a Special Town Meeting"

- May 8, 2025: Draft 3 issued
- May 13, 2025: Planning Board Meeting #3c - Utile not requested to attend
- May 20, 2025: Planning Board Meeting #4 / Public Hearing on Draft 3
- June 6, 2025: Final (4th) Draft to be issued as part of the final warrant in close collaboration with the Planning and Select Boards and Town staff
- June 26, 2025: Special Town Meeting vote on warrant

Summary of Revisions and Rationale

Utile completed the following terminology and reference consistency revisions throughout all three amendment documents over the course of the revision process:

- Standardized use of the term "Section" instead of "Article" to refer to sections of the zoning bylaw.
- Standardized use of "Multi-family" or "multi-family" to always include dash.
- Standardized reference to the Hamilton Town Center Districts (vs. prior "Hamilton Town Center Base Zoning").
- Updated all section numbering to be consistent with the last round of zoning changes dated in March.
- Inserted date for amended Zoning Map.

Utile also completed the following revisions to each of the three amendment documents:

Town Center Districts

Draft 2 edits

- *Site Development Standards*: Expanded based on the April 8 meeting comments to include smaller parking areas, front yards planting and paving, tree planting requirements, curb cuts, lighting, and shared driveways.
- *Use Table*: Moved to Section 3 (see below), with the following revisions related to the Town Center Districts
 - Modified allowed uses per Planning Board and Town staff feedback.
 - See the "Changes to General Bylaw" section below for revisions made that were not specifically related to the Town Center Districts.
- *Clarifications*: Text and imagery revised to provide improved clarity on intent and interpretation for the following sections:
 - Interpretation
 - Lot Dimensions
 - Building Dimensions
 - Depot Square District

Draft 3 edits

| | | | |
|----------------------------|--------------------------------------|---------------------------------------|------------------------------------|
| Architecture & Planning | 115 Kingston St. Boston, MA 02111 | 110 Union St. Providence, RI 02903 | (617) 423-7200 utile.design.com |
|----------------------------|--------------------------------------|---------------------------------------|------------------------------------|

May 19, 2025

Town of Hamilton, Massachusetts

Attn: Joe Domelowicz, Town Manager
Mark Connors, Planning & Development Director
Hamilton Select Board Members

utile

- *Applicability:* At the request of the Planning Board, added additional language to clarify how nonconformities in existing structures should be interpreted relative to the dimensional standards. Modified language around existing applications and permits to align with overall Town Standard.
- *District Boundaries:* Did not alter the district boundaries affecting Carriage Ln after a discussion and vote of the Planning Board on the matter at the April 29th meeting.
- *Depot Square Special Permit Thresholds & Triggers:* Per Planning Board request, reduced the size threshold for requiring a special permit. Added additional language to clarify the interpretation of the dimensional standards as they apply to unique conditions.
- *Use Table:*
 - Clarified applicability of allowances for garage, and ground floor criteria for mixed use in Depot Square.
 - Further modified allowed uses based on additional Planning Board and Town staff feedback.
 - Did not alter the Special Permit granting authority. In all cases, the zoning as drafted uses the same Special Permit granting authority listed for that use in other districts. Any revisions to the Special Permit granting authority is best handled holistically and consistently throughout the bylaw based on discussions amongst the affected boards, rather than as part of this targeted amendment process.

3A Multi-family Overlay District

Draft 2 edits

- *Design Parameters:* Added design constraints on footprint, roof forms, and materials.
- *Sunset Clause:* Developed modified language from Wenham based on initial Planning Board direction at April 1st and 8th meetings.

Draft 3 edits

- *Sunset Clause:* Discarded based on further Planning Board discussion at the April 29th meeting and feedback from counsel.
- *Applicability:* Added restrictions limiting the use of underlying zoning once a project has been permitted under the overlay, per counsel.

Changes to General Bylaw

Draft 2 edits

- *Use Table Integration*
 - Modified existing Use Table in Section 3 rather than carry a stand-alone table as presented in Draft 1.

Architecture
& Planning

115 Kingston St.
Boston, MA 02111

110 Union St.
Providence, RI 02903

(617) 423-7200
utile.design.com

May 19, 2025

Town of Hamilton, Massachusetts
Attn: Joe Domelowicz, Town Manager
Mark Connors, Planning & Development Director
Hamilton Select Board Members

utile

- Revised Draft 1 Use Table to align with last round of proposed changes from Town Meeting, including the addition of Accessory Uses as a category within the table.
- *Definitions Integration*
 - Refined definition of FAR to align with recent definition changes and the requirements of 3A regulations and model.
- *Interaction with Overlay and Special Districts*
 - Deleted Willow Street Overlay as it has been superseded by the new underlying code and is no longer applicable.
 - Senior Housing provisions limited to R1-A, R 1-B and RA districts. Town Center district allows all housing by right including Senior Housing.
- *Reference Updates Based on Replacement of Existing Base Zoning*
 - Deleted all references to the Business District which has been replaced in its entirety. Where applicable, affected sections refer to Depot Square and Mixed Use areas.

Across all three documents, there were some revision requests made by Planning Board members that were considered but were not implemented due to one of four reasons:

1. Some requests were better addressed separately at a holistic, townwide scale following more prolonged discussion and community process,
2. Some suggestions related to preferred solutions to integration with the overall code structure that upon further evaluation were determined to be duplicative or too disruptive to be implemented within the resources of this project,
3. Some requests conflicted with the requirements of the MBTA Communities, Section 3A law and would have jeopardized compliance, or
4. Some requests were better addressed in a visioning or design guideline document that would include streetscape and public realm elements, rather than as part of the regulations themselves.

Anticipated Remaining Revisions

Utile will continue to review and proactively make technical revisions to ensure consistency, clarity, and accurate cross-referencing, including a thorough proof-reading of all documents which is underway. Utile also anticipates incorporating one last round of additional revisions based on comments from the Planning Board and members of the public at the final Public Hearing to be held on May 20th. These revisions can and should include any remaining Planning Board revision requests that the board feels have not yet been adequately addressed. As long as these deficiencies are made clear, preferably in writing with clear articulation of the desired solution, there is time to make one more round of revisions. This could include, for instance, further discussion and adjustments to Section 9.8.3(h), which covers the

| | | | |
|----------------------------|--------------------------------------|---------------------------------------|-----------------------------------|
| Architecture & Planning | 115 Kingston St. Boston, MA 02111 | 110 Union St. Providence, RI 02903 | (617) 423-7200 utiledesign.com |
|----------------------------|--------------------------------------|---------------------------------------|-----------------------------------|

Hamilton 3A Multi-Family Overlay District

FOURTH DRAFT for Planning Board Review

2025-05-28

NOTE: proposed amendments to existing code have been separated into their own standalone document.

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

9.7.1 Purpose. The purpose of the 3A Multi-Family Overlay District (3A-MFOD) is to allow Multi-Family housing development as of right in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. This overlay district, in combination with the Downtown Residential, Willow Street Mixed-Use, and Bay Road Mixed-Use sub-districts of the Town Center District, as described in Section 9.8, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, Section 9.7 is intended to:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels.
2. Increase the municipal tax base through private investment in new residential developments.
3. Develop affordable housing in support of the Town's inclusionary housing goals as outlined in Section 8.3.

9.7.2 Applicability. The 3A-MFOD shall be superimposed over underlying existing zoning district(s). The 3A-MFOD shall not replace any underlying zoning district(s). The regulations for use, dimension, and all other underlying provisions of the Zoning By-law(s) governing the respective underlying zoning district(s) shall remain in full force, except for uses and dimensions allowed as of right in the 3A-MFOD. Uses that are not identified in Section 9.7.3 are governed by the requirements of the underlying zoning district(s).

The 3A-MFOD covers one continuous area surrounding Asbury Street as shown on the 3A-MFOD boundary map, which can be found in the official Town of Hamilton Official Zoning Map dated June 26, 2025. If an applicant's property sits entirely within a 3A-

| | |
|-----------------------------------|--------------------|
| Maximum Building Footprint (feet) | 8,000 ₂ |
|-----------------------------------|--------------------|

Footnotes to Table of Dimensional Standards:

1. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater
2. As defined in Section 9.8.2. Applies to any single Building. Multiple Buildings on one lot are permitted.

9.7.5 Design and Building Standards.

1. *Roof Form.* All Buildings shall have pitched roofs, or the appearance of pitched roofs, with a steepness no less than 9:12 and not greater than 14:12.
2. *Permitted Building Materials.* Building materials must comply with the requirements of Section 9.8.6.4 of the Zoning By-law.

- 9.7.6 Severability.** If any provision of Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.7 shall not affect the validity of the remainder of Hamilton's Zoning By-law.

[illegible]

2025 July 10 Special Town Meeting Calendar

[illegible]

[illegible][illegible]