



Substantive Changes in Draft #5 (from Draft #4) in Town Center and Section 3A Compliant Zoning

- 1.) Nonconformities – This section has been completely rewritten and transferred from Section 5 of the Zoning Bylaw to the Town Center District bylaw (Section 9.8.1.4). The authority to review alterations or modifications to nonconforming uses and structures has been transferred from the ZBA to the Planning Board. Language has also been added regarding Nonconforming Site Features and Signs.

Note that Attorney Stein has comments regarding the proposed language and recommended modifications (this is the only area of the Bylaw where legal comments remain outstanding):

See Appendix B of Draft Town Meeting Warrant (**Pages 18-22**):

https://hamiltonma.gov/wp-content/uploads/2025/06/KP-982456-v1-HAML_STM_Appendix_B_2_3_Vote_6-16-2.pdf

- 2.) Modifications are proposed to Site Plan Review under Subsections 10.6.4 and 10.6.6 (stipulating Projects that are eligible for, and exempt from, Site Plan Review). The purpose of these changes is to ensure terminology is consistent in this section with proposed amendments relating to the Town Center and Section 3A compliant zoning. Additional changes are to ensure consistency with the proposed changes to the Nonconformities language.

See Appendix B of Draft Town Meeting Warrant (**Pages 15-17**):

https://hamiltonma.gov/wp-content/uploads/2025/06/KP-982456-v1-HAML_STM_Appendix_B_2_3_Vote_6-16-2.pdf

- 3.) Section 9.8.1 Administration

- a. The second sentence of Section 9.8.1.a Site Plan Review has been added at the recommendation of legal counsel. That sentence reads *“Multi-Family housing is allowed by right in the Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential Sub-districts, subject to site plan review pursuant to Section 10.6, provided however that site plan review for Multi-Family uses cannot be denied.”*
- b. 9.8.1.c has been modified to clarify that the Planning Board can enact regulations specific to Town Center District Site Plan applications in addition to Design Review Guidelines for Special Permit applications. Although the Town Center zoning will be new, the traditional application frameworks – Site Plan Review or Special Permits – will remain the same in compliance with statutes and caselaw. However, this section clarifies that the Planning Board may adopt regulations specific to applications in the Town Center District.

See Appendix A of Draft Town Meeting Warrant (**Page 30**)

https://hamiltonma.gov/wp-content/uploads/2025/06/KP-982455-v1-HAML_STM_Appendix_A_Majority_Vote_6-16-1.pdf

- 4.) Applicability language (Section 9.8.1 Town Center Zoning)

Some duplicative or superfluous language in Section 9.8.1 relating to the applicability of the Town Center zoning has been deleted. Legal counsel does not recommend other modifications to these requirements. Like all zoning amendments, the Town Center zoning will become effective on all future

Building Permit, Site Plan, and Special Permit applications in the Town Center District upon approval at by voters. Nonconforming structures and uses enjoy some protections under existing statute (see MGL C. 40A, S. 6 <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section6>).

Modifications to existing nonconforming uses and/or structures will either need to conform to the revised zoning or follow the application pathways described under Section 9.8.1.4 *Nonconformities*.