



**Special Town Meeting  
July 14, 2025  
6:30 pm  
Hamilton-Wenham Regional High School**

At the close of registration on July 14, 2025 there were 5778 registered voters. There were 619 voters present.

Precinct 1 - 361

Precinct 2 - 258

William Bowler, Town Moderator, stated that the Warrant for this Special Town Meeting had been properly posted, a quorum was present and Town Meeting was now open.

The Pledge of Allegiance was recited.

Closed captioning was available for those who were hard of hearing.

The following officials were sitting at the front of Town Meeting: "Tom McEnaney (KP Law, Town Counsel), Robin Stein (KP Law, Town Counsel), Carin Kale (Town Clerk), Joe Domelowicz (Town Manager), Wendy Markiewicz (Finance Director), Bill Wilson (Select Board), Rosemary Kennedy (Select Board), Tom Myers (Select Board), Benjamin Galuza (Select Board), John McGrath (FinCom Chair), Alex Rindels (FinCom), and Chris Woolston (FinCom). Members of the Planning Board were present in the front row."

Mr. Bowler spoke about Town Meeting procedures: To bring an agenda item before the meeting, he would recognize a member of the sponsoring board, committee, or individual so they could make a motion. If the motion was seconded, he would recognize the proponent to speak. When done, he would open discussion. He asked that voters wishing to speak be standing at the microphone and when recognized, state their name and street address. He said the rules are those used at every Town Meeting. Voters will have three minutes to make comments or ask questions about the motion. If a voter continues to speak once the time has elapsed, to maintain a fair and efficient meeting requires that he moves on to the next speaker. Comments and questions must be within the 'the four corners of the motion.' Mr. Bowler reminded voters that they are in a legislative session for the Town of Hamilton and that while spirited debate is welcome, being cordial and respectful is a priority for the efficiency of the Meeting. Every person who rises to debate a motion has an equal right to be heard. As such he asked people refrain from making

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remarks of a personal nature about any Town or School official or any person who is in favor of or against the motion and just comment on the merits of the motion. To ensure that the Meeting is run efficiently, comments or questions must be directed to the Moderator rather than any individual or Town official. He asked that there be no applause, cheering, booing, or any other conduct that would disrupt or delay the Meeting. All motions to amend must be submitted to the Town Clerk in writing and Town Counsel is available to provide some assistance. No more than one amendment may be pending at the same time. A vote is first taken on the amendment and then on the main motion.

Mr. Bowler spoke about the voting procedures: Votes will be counted using the electronic voting clickers. In the unlikely event that there is trouble with the technology, votes will be counted by raising paper voter cards. He will decide visually whether there is the necessary majority or two-thirds vote. If in doubt, or seven voters question the vote immediately after the outcome is declared, he will have the vote counted by tellers. Joe Domelowicz demonstrated the use of the voting clickers.

### **ARTICLE 2025/7-1. Zoning Bylaw Amendment – MBTA Communities Zoning/Form Based Code.**

To see if the Town will vote to amend the Town of Hamilton Zoning By-law 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 three 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 By-law, 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.

The Select Board recommended favorable action (3-0). The Planning Board recommended favorable action (5-2). The Finance and Advisory Committee recommended favorable action (4-0).

Town Moderator recognized Ben Galuza.

**Motion of Ben Galuza:** “I move that the Town approve Article 1 as printed in the Warrant.”  
Seconded.

Town Moderator recognized Jonathan Poore (Planning Board).

Jonathan Poore made a presentation that included Existing Challenges and Opportunities, the Planning Process, and the Proposed Zoning District. Mark Connors (Planning Director), Matthew Littell (Consultant) and John McGrath (FinCom) would also speak. Mr. Poore said

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Form Based Coding would give the Town a predictable tool to mitigate adverse effects from a challenging development pressure such as 3A. The Planning Process started with data gathering, envisioning, and developing planning options; then finished by drafting the code. Public engagement was experienced throughout the process. A twelve resident advisory committee had been established and a consensus of values (cohesiveness, walkability, connectivity, economic vitality, preservation of character, and providing a mix of housing types) had been reached. The values of the committee were mirrored in the resident survey.

Mr. Poore describe what 3A did not dictate and noted that the Town could dictate frontage, size, and shape of lots. Both articles would create a complete code. Five of the six new districts would be downtown. The sixth would be Asbury St. (Canterbrook Farm) plus the previously approved adjacent lot for an affordable housing project. The overlay district would not be subject to Form Based Code. Three districts in the downtown area would contribute to 3A. Railroad Ave., Downtown Crossing, and the civic building areas would not contribute to 3A. All downtown areas would be under Form Based Code.

Mark Connors explained the reason for the two articles. The separation was due to a requirement for a majority vote for Article 1 and a 2/3 majority vote for the Article 2. Article 1 would cover the Asbury St. Overlay District and the three downtown districts, where multifamily housing would be permitted by right, subject to the Form Based requirements. Article 2 would cover Depot Square, the Mixed-Use District including Railroad Ave., first block of Bay Road, and the shopping center. The Bay Road Civic Area was included. Hamilton was required to include 49 acres to be devoted to (541 new units) of multi-family housing. Surrounding towns voted to approve 3A zoning. A major change in the downtown would not likely occur due to existing controls and historic development patterns, according to Mr. Connors.

Matthew Littell (Consultant Utile) described how character would be preserved in the subdistricts, including Bay Road, Willow St., and the downtown residential district. Height, depth, and floor ratio would be considered. The 3A Overlay District would be on Asbury St., which would follow the dimensional standards of the existing residential zoning. The two non-residential districts included the Depot Square mixed-use area, which would be codified and preserved as well as extended to other parcels in the district. Dimensional requirements matched the existing fabric of Railroad Ave. The vision of Bay Road would be extended to the Town-owned parcels, which required Town approval.

The Zoning Code would be more prescriptive of buildings' shapes and sizes rather than dimensional requirements. Floor area ratio would be all the floor area in a building compared to the overall lot size. Planting, lighting, and parking would be important control features, which were not present in current zoning. The new code would be more restrictive than what currently exists.

John McGrath (FinCom) discussed legal proceedings, (which had been dismissed), Form Based Code (proactively puts a wrapper around 3A and creates protection), and the financial impacts (new construction would generate income but would not create expenses that would exceed the income). Mr. McGrath asserted that any changes could be made next year.

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Joe Domelowicz reiterated the recommendations of The Selectmen, FinCom, and Planning Board.

Kathy Brill (14 Knowlton St.) spoke in favor of the article due to the lack of variety of housing. Robert Sarkisian (307 Essex St.) was concerned with residents in the districts, the water supply, and costs of adding students to the schools.

Erin Crowley (1 Appaloosa Lane) responded that no one would be displaced and water needs would be covered by the developer. She spoke in favor of the article due to diversity of the housing and fear the town would be sued.

Linda Preston (288 Highland St.) spoke against the article due to the increase of residents and associated costs, town character, water, and traffic.

Nancy Stehfest (1 Highland St.) spoke in favor of the article.

Deb Safford (46 Maple St.) spoke against the article due to unfunded mandates and the fact that the metric was arbitrary and the housing would not be affordable.

Willa Scudder (25 Park St.) asked about the Planning Board dissenters.

Elizabeth Herr (270 Asbury St./Planning Board) responded that zoning should be local, 731 were too many units, and that negotiating power would be lost.

Tom Myers (Select Board) was not present for the vote but said he would have voted positively.

Stephen McWhirter (18 Cunningham Dr.) said voting for 3A was giving away the individual's rights for self-government. Mr. McWhirter was concerned with water and sewer restrictions.

Jamie Knudsen, (14 Elliot St.) spoke in favor of the article, based on the potential penalties and need for affordable housing.

Aida Spencer (10 Maple St.) questioned Eminent Domain and how it might apply to those who might inherit a property. Mark Connors responded that zoning would expand use but would not limit the sale for the same use.

Bill Bowler noted that the Town or State could take any property by Eminent Domain if they paid market price for a proper purpose. The articles would not increase the rights of Eminent Domain.

Sandy Fisher (97 Greenbrook Rd.) said Home Rule would give the Town the right to determine its future and the State would take over zoning. Ms. Fisher noted the affordable housing units being added currently and that no reasonable assessment of costs had been done. The costs of the housing would not equal the amount lost in grants. Water was a concern. Ms. Fisher urged residents to vote no to retain local control.

Nanette Malero (247 Forest St.) spoke in favor of the article, concerned about state funding.

Robin Stein (KP Law) responded that if the proposal to amend the local Zoning Bylaw was enacted, the State would decide if the amendment would be adopted, but the local Boards would decide if the application would be approved.

Lauren Lynch (62 Willow St.) agreed that the State would not control the lots, but local Zoning would prevail. Ms. Lynch noted that the State would take over zoning if the proposal was not approved.

Ellen Wright (4 Asbury Ave.) questioned what the State had provided in funding if the proposal was approved, while speaking against the proposal.

Melissa Sachsel (60 Echo Cove Road) spoke in favor of the proposal.

Anna Siedzik (227 Highland St.) spoke in favor saying that the requirement is to zone for potential housing, building housing is not mandated.

Michael Madden (231 Highland St.) spoke against the proposal noting resources were

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unavailable and 3A does nothing to promote affordable housing.

Mark Connors (Planning Director) added that there would be no State requirement for State approval, but applications would be approved under local zoning process. The Planning Board was not in approval of 3A but have reined in the zoning adding that the State might not only take away grant funds but also fine the Town.

State Rep Kristin Kassner (27 Union St.) spoke about the \$1.2 M in grant funding, which had been received and was thankful for the Form-Based Code that the Planning Board had developed.

Motion was seconded.

Electronic Vote: 334 in favor; 269 opposed. A majority in favor was declared. Motion carries.

### **ARTICLE 2025/7-2. Zoning Bylaw Amendment – Town Center Zoning/Form-Based Code.**

To see if the Town will vote to amend the Town of Hamilton Zoning By-law 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 By-law; (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 By-law, 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 By-law, or take any action thereon or relative thereto.

Town Moderator noted that a 2/3rds vote was required to approve the article. The Select Board recommended favorable action (3-0). The Planning Board recommended favorable action (7-0). The Finance and Advisory Committee recommended favorable action (4-0).

Town Moderator recognized Tom Myers.

**Motion of Tom Myers:** "I move that the Town approve Article 2 as printed in the Warrant provided that the following language contained in Section 9.8.7.1 of Appendix B is deleted: "provided however that Site Plan Review for Multi-family uses cannot be denied" as that language was not included and adopted in Article 1." Seconded.

Town Manager Domelowicz noted that the article needed a 2/3 majority.

Electronic Vote: 368 in favor; 182 opposed. A 2/3 majority in favor was declared. Motion carries.

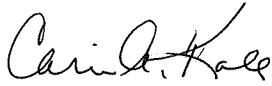
**ADJOURNMENT**

The Moderator said: "I will now accept a Motion to dissolve." So Moved. Seconded.

Voice Vote: Unanimous in favor. Motion carries.

This Special Town Meeting is now dissolved at 8:44 pm on July 14, 2025.

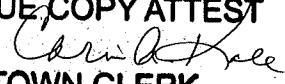
A True Copy Attest:

A handwritten signature in cursive script, reading "Carin A. Kale".

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Carin A. Kale, CMMC  
Town Clerk

APPENDIX A  
ZONING BYLAW AND ZONING MAP AMENDMENTS

A TRUE COPY ATTEST  
  
TOWN CLERK

Unless specifically indicated below 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.

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 DISTRICTS

9.8.1 Purpose and Intent

9.8.2 Interpretation

9.8.3 Town Center Sub-Districts

9.8.4 Dimensional Standards

9.8.5 Use Provisions

9.8.6 Site Standards

9.8.7 Administration

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

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

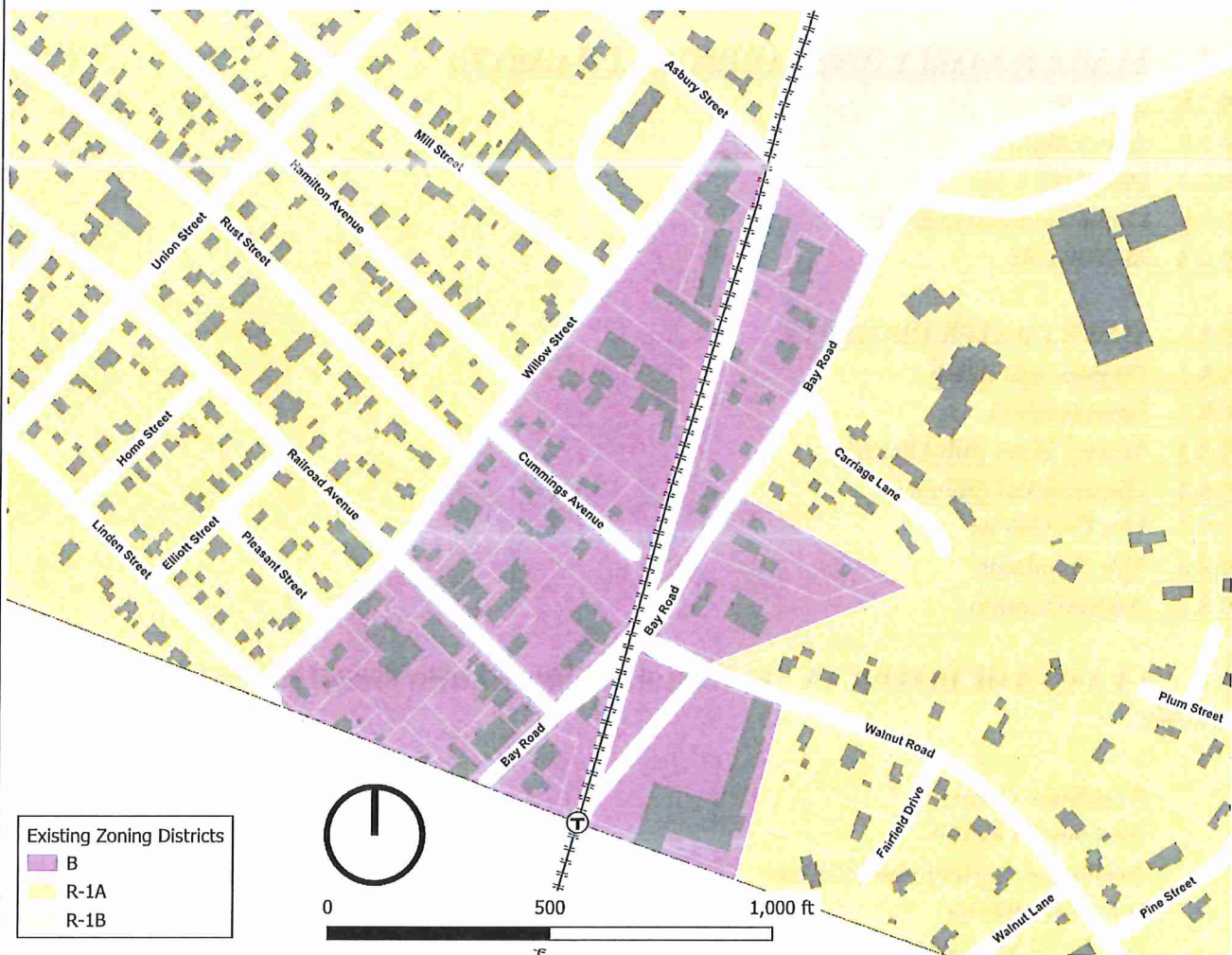
**2.2 ZONING MAP.** The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map - Conservancy District, dated February 1, 1971, and further amended May

TEST COPY  
TOWN CLERK

7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, ~~and~~ May 5, 2009, and July 14, 2025  
("Zoning Map") is hereby made a part of this By-law.

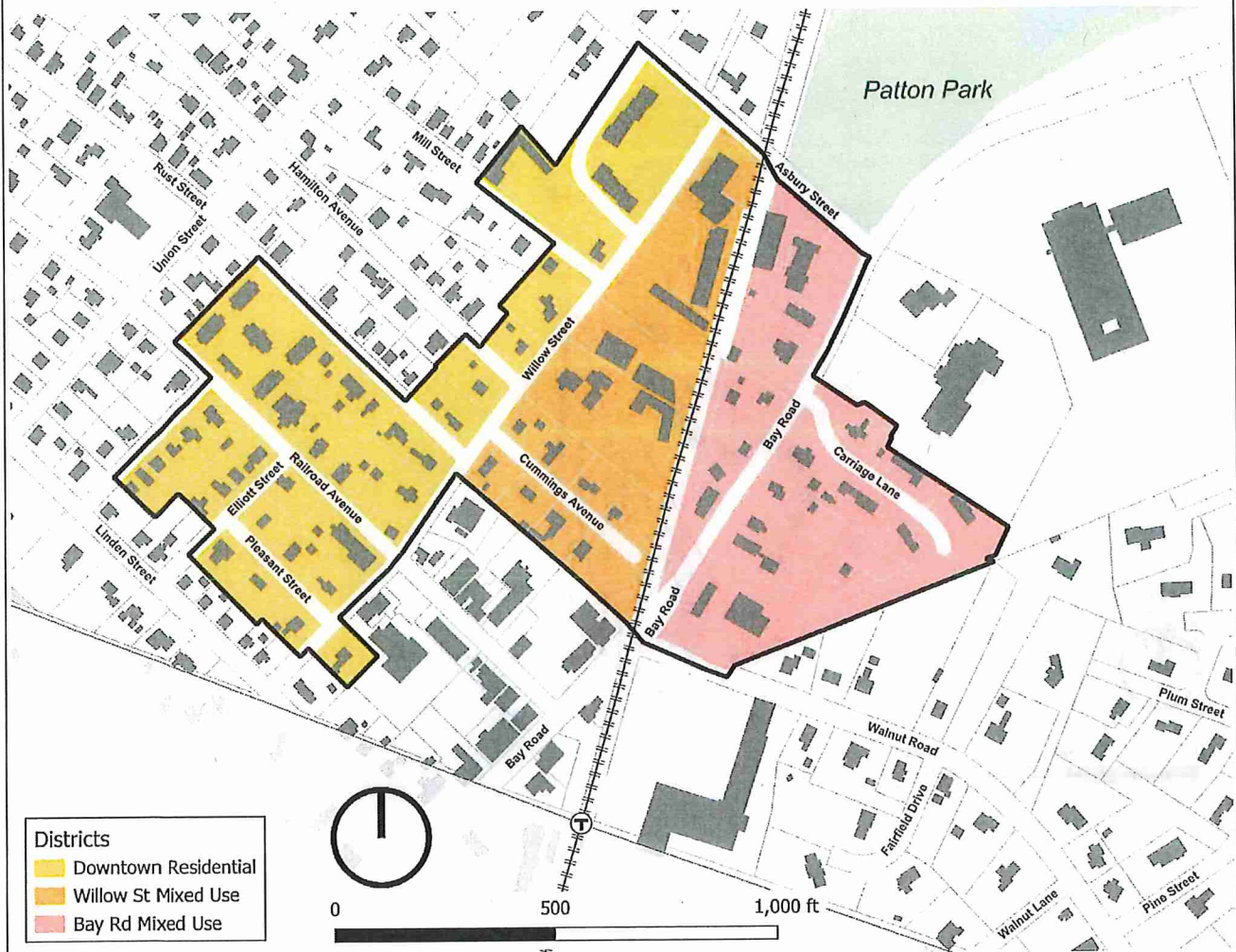
Maps depicting existing zoning and proposed zoning in the Town Center and the 3A-MFOD Overlay District presented under Articles I. Note that the underlying zoning district for the 3A Multi-Family Overlay District, which is R-1b, is not proposed to change.

Map of existing zoning districts in the Town Center (B stands for Business District, and R-1a and R-1b are residential districts).





Map of Proposed Town Center Zoning under Article I.



[illegible]

Ipswich River Wildlife Sanctuary

Pingree Woodlands Reservation

Legend:

- 3A Multi-Family Overlay
- Downtown Residential
- Willow Street Mixed Use
- Bay Road Mixed Use

Scale: 0 500 1,000 ft

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 divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district or sub-district. For purposes of this section the Bay Road Mixed-Use and Willow Street Mixed-Use Sub-districts shall be business districts and the Downtown Residential District shall be a residential district.

## **3.1 PRINCIPAL USES.**

### **TABLE OF USE REGULATIONS**

Amend the Table of Use regulations to add columns for the new Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts. Add a new use in Section A. Residential after 7 being Multi-Family Dwelling which use is allowed by right only in the new Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential sub-districts and which use is the only use allowed in those three districts.

## **3.2 ACCESSORY USES.**

**3.2.2 Accessory Uses and Structures in the Residence Districts and Downtown Residential Sub-district of the Town Center District.** The following provisions shall apply to Accessory Uses and Structures in the Residence Districts and Downtown Residential Sub-district:

**3.2.3 Accessory Uses in the Business, Willow Street Mixed-Use and Bay Road Mixed-Use Sub-districts of the Town Center District.** In the Business, Willow Street Mixed-Use and Bay Road Mixed-Use sub-districts, any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

## **4.1 GENERAL REGULATIONS.**

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

**TABLE OF DIMENSIONAL REGULATIONS<sub>7</sub>**

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

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. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.

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

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

### **6.3 SIGNS.**

#### **6.3.2 Residence Districts and Downtown Residential Sub-district.**

#### **6.3.3 Business District, Bay Road Mixed-Use and Willow Street Mixed-Use Sub-districts of the Town Center District.**

##### **6.3.4 Standards**

8. A sign in the Business District, Bay Road Mixed-Use and Willow Street Mixed-Use sub-districts of the Town Center District shall not exceed a total area of six square feet.

### **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, and the Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential Sub-districts, Affordable Housing Units in Multi-Family Housing developments shall not be required to make up more than 10% of the total units and the cap on the income of families or individuals who are eligible to occupy Affordable Housing Units shall not be less than 80% of Area Median Income (AMI) as determined by the US Department of Housing and Urban Development (HUD).

### **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; provided however, proposed development in the 3A-MFOD advanced under the provisions of the overlay district, and not under the provisions of the underlying district, is exempt from the minimum lot area per dwelling.

**9.1.9 Uses and Activities Requiring a Special Permit.** The following uses and activities are permitted only upon the issuance of Special Permit by the Zoning Board of Appeals under such conditions as it may require, provided however that proposed development in the 3A-MFOD advanced under the



provisions of the overlay district, and not under the provisions of the underlying district, is exempt from the Special Permit Requirement.

## **11.0 DEFINITIONS**

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

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

*Insert an entirely new Section 9.8 Town Center District as follows. Proposed additions are not shown in underline because all language is new.*

## **9.8 TOWN CENTER DISTRICT.**

*1. Introduction.* The Town Center District consists of three sub-districts: Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential, all located in the Town Center area of Hamilton. Collectively, these sub-districts shall be referred to as the Town Center District, however each sub-district contains its own use, dimensional, and associated regulations as stipulated under this Section. This Section consists of seven sub-sections that follow this introduction:

- 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.
- d. *Dimensional Standards.* This Section includes district-wide tables with dimensions for lots and Buildings.
- e. *Use Provisions.* This Section offers additional conditions and clarifications to the general use table.

- f. *Site Standards.* This section provides standards for site design elements including vehicular and pedestrian access, parking, screening, building materials, landscaping, and lighting. It also establishes appropriate landscape treatments and contextually appropriate building materials.
- g. *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 intends to:

- a. Ensure that new development is compatible with the historic and village character of Downtown Hamilton.
- b. Preserve and enhance the historic commercial corridor along Railroad Avenue and Depot Square.
- c. Promote activity in the Downtown, support commercial uses and promote increased walkability.
- d. Provide a variety of housing types that cater to the diverse and changing needs of Hamilton's residents.
- e. In conjunction with Section 9.7, 3A Multi-Family Overlay District, comply with G.L. c. 40A, § 3A and the Section 3A Compliance Regulations of the Executive Office of Housing and Livable Communities (HLC) (760 CMR.72.00).

#### **3. Applicability.**

- a. *Territorial Application.* This Section is applicable to all real property, structures, and uses located in the Bay Road Mixed-Use, Downtown Mixed-Use and Downtown Residential sub-districts as these sub-districts are depicted on the official Town of Hamilton Official Zoning Map dated July 14, 2025.



b. *Conflicting Provisions.*

- (i) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with another provision of this Section, the more restrictive condition or requirement controls.
- (ii) If any condition or requirement imposed by this Section contains an actual, implied or apparent conflict with any condition or requirement of any other provision of the Town of Hamilton's Zoning By-law, the provisions of this Section control.

c. *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.

d. *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, Section 5.1, and Section 9.8.1.4 *Nonconformities*.

e. *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.

## 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 eight feet deep and bay windows less than 3 ft. deep.
- b. *Lot Frontage.* See Section 11, Definitions. For lots bounded by more than 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.
- f. *Number of Buildings.* Multiple Buildings are permitted on each lot, subject to the dimensional requirements listed in Section 9.8.4. Where there is more than one Building, Floor Area Ratio limitations shall apply to all Buildings cumulatively, and maximum Building Footprint limitations shall be applied on a per Building basis.
- g. *Street Facing Entry Feature.* Refers to a Building entry that is directly accessible and visible from a street. Entry doors are not required to face the street so long as they are accessed through a porch, patio, plaza, canopy or other element facilitating direct visual and physical access from the street.

## 2. Building Dimensional Standards and Measurements.

- a. *Depth.* Refers to the measurement of a Building, yard, or setback measured perpendicular to a front lot line, excluding open porches less than eight feet deep and bay windows less than three feet deep.
- b. *Facade Buildout.* The ratio of the facade width within the minimum and maximum Front Yard dimensions to the lot width, calculated by dividing the cumulative facade width by the lot width. Facade Buildout is intended to ensure that new development addresses the street in a pedestrian-friendly manner and that frontage conditions are compatible with existing patterns.

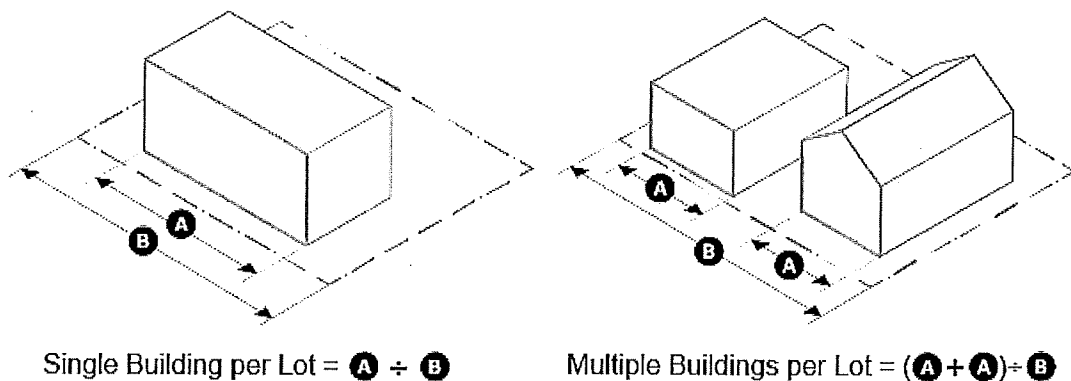


Figure 1. Facade Buildout

- c. *Facade Length without Offset.* The maximum allowable length of any Building facade, front, side or rear, without a change in plane of five feet or greater, extending from the ground plane to the Roof. The purpose of offset requirements is to limit long, undifferentiated facades and to ensure that larger Buildings are broken down into smaller elements that are more reflective of the existing context.

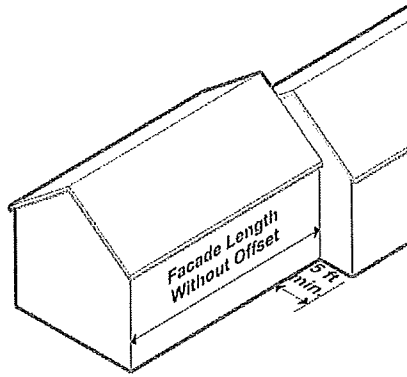


Figure 2. Facade Length without Offset

- 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 three feet from the face of the Building. Unenclosed porches less than eight feet deep do not contribute to the calculation of the Building Footprint.

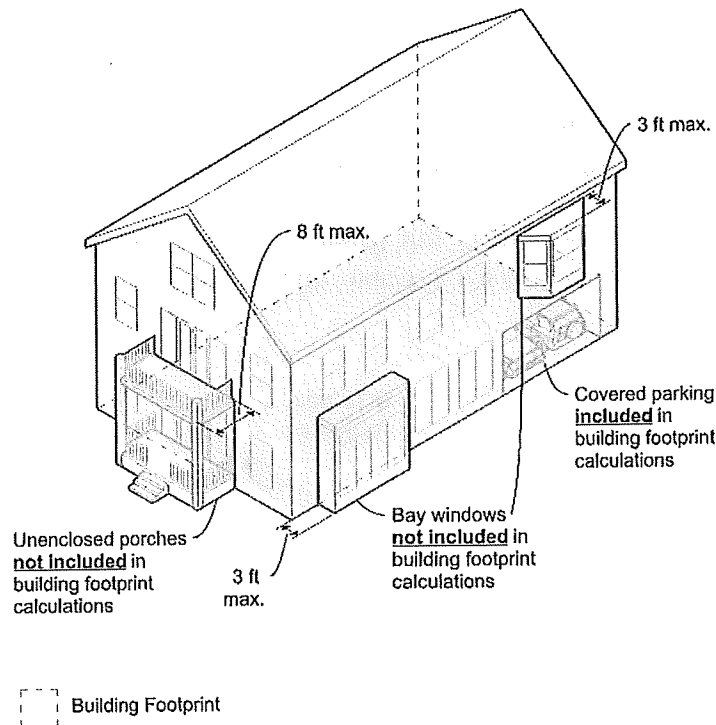


Figure 3. Building Footprint

- e. *Building Separation.* The distance between Buildings on a lot, measured from the nearest primary face of each Building at its closest point, excluding bay windows less than three feet deep and porches less than eight feet deep.

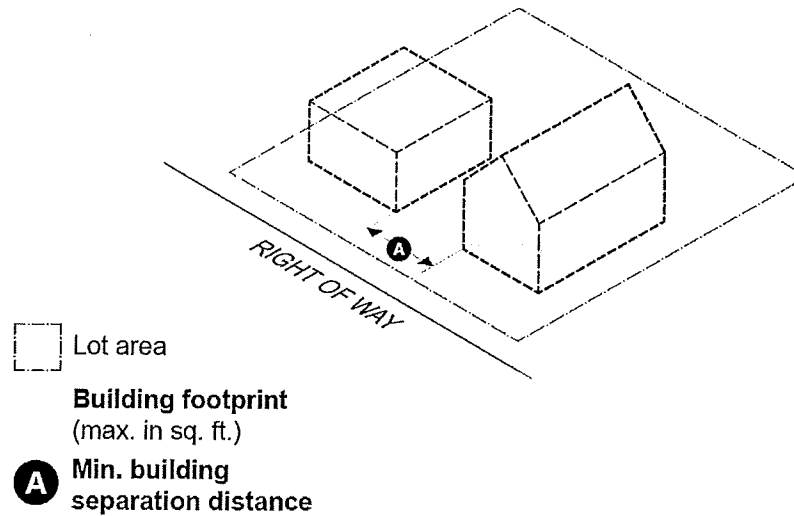
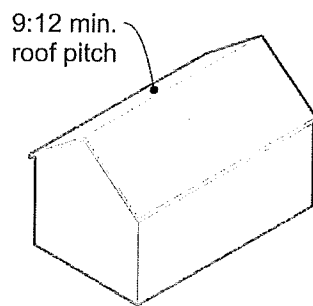
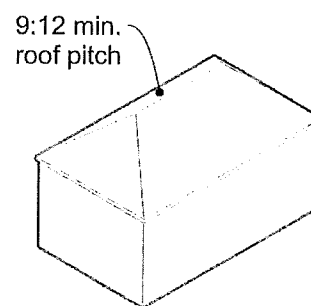


Figure 4. Building Separation

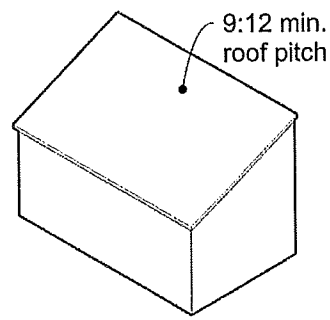
- f. *Height.* See Section 11, Definitions. In the Town Center District, for Buildings on lots fronting more than one public way, height shall be measured from all frontages.
- g. *Roof Type.* Roof forms include gable, hip, gambrel, mansard, shed, and flat, and are permitted as detailed in Section 9.8.4.2. Gable, hipped and shed roofs shall have a minimum slope of 9:12.



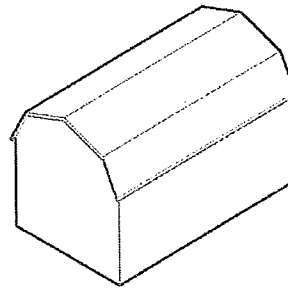
Gable Roof



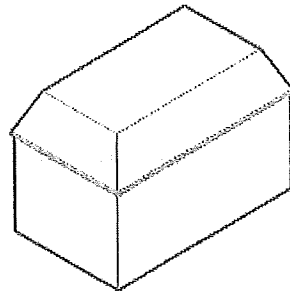
Hipped Roof



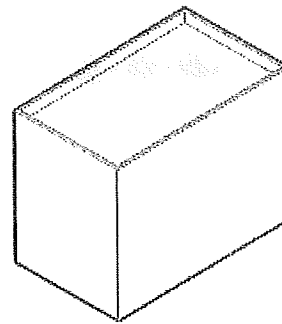
Shed Roof



Gambrel Roof



Mansard Roof



Flat Roof

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 two feet and 10 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.

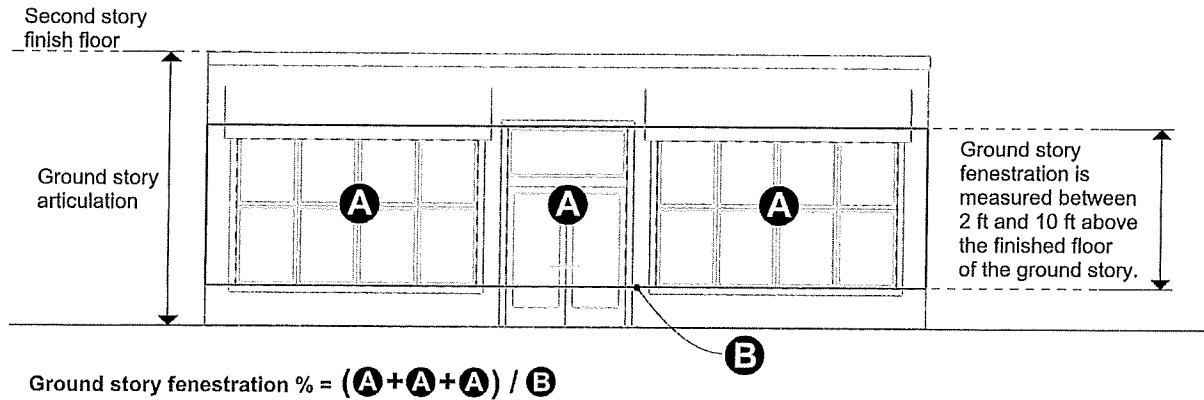


Figure 6. Ground Story Fenestration

- j. *Half story.* The occupiable portion of a Building between the uppermost floor and a pitched roof supported by a bottom plate no greater than three feet above the floor level, and containing dormers whose aggregate length is less than 50% of the length of the roof measured horizontally. Where a story is being counted as a half story, dormers shall be located a minimum of three feet from the edge of the primary roof. The uppermost level of gambrel, mansard and flat roofs may not be considered a half story and shall be considered a full story.

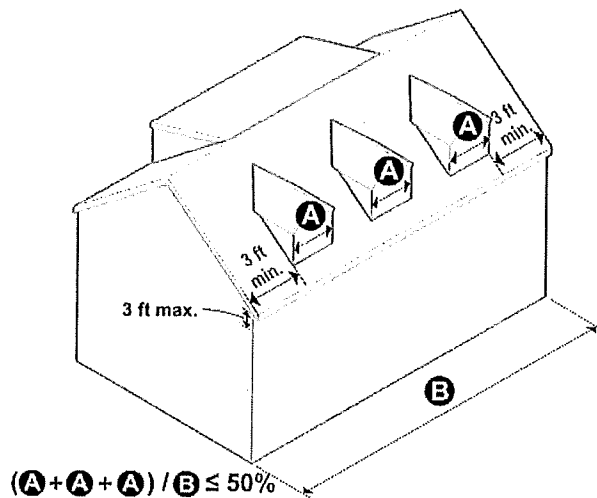


Figure 7. Half Story

### 9.8.3. Town Center Sub-Districts.

1. *(reserved)*

2. *(reserved)*

3. *Bay Road Mixed-Use.*

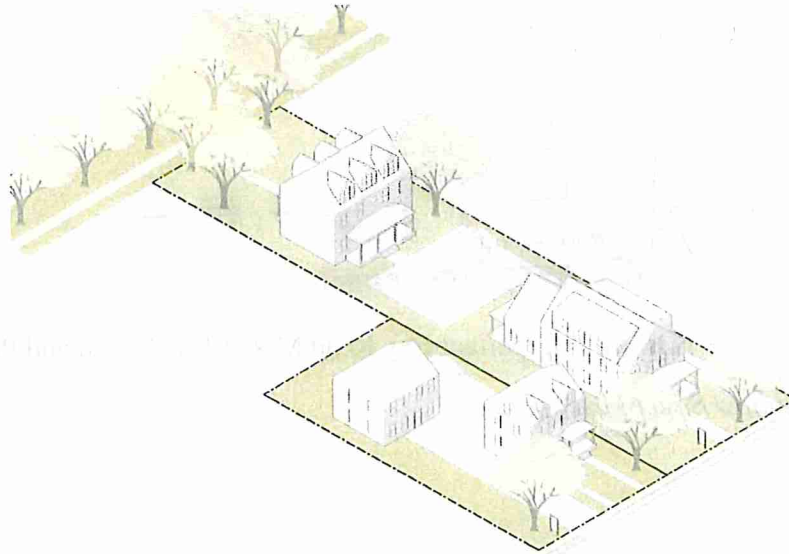


Figure 11. Bay Road Mixed-Use Sub-District Vision Illustration

- a. *Description.* Most of the Bay Road Mixed-Use Sub-district matches the form of nearby residential areas where buildings have small footprints and a maximum height of two and a half stories. The eastern half of the sub-district contains a mix of residential, commercial, and civic uses, and is characterized by generous front yards and building types that are generally residential in form. The western side of Bay Road has a greater mix of building types and uses, and hence less consistent street edge and front yard conditions.
- b. *Purpose and Intent.* The regulations for the Bay Road Mixed-Use Sub-district are intended to preserve and restore the historically scenic character of Bay Road, when the thoroughfare was tree-lined and more pedestrian-oriented in nature, while allowing a variety of uses, including residential and commercial. Several parcels on the east side of Bay Road abut an unused rail corridor and potential future recreational pathway. Consideration should be given to these important future connections in the planning of these deep lots where multiple frontages and access points may be possible.

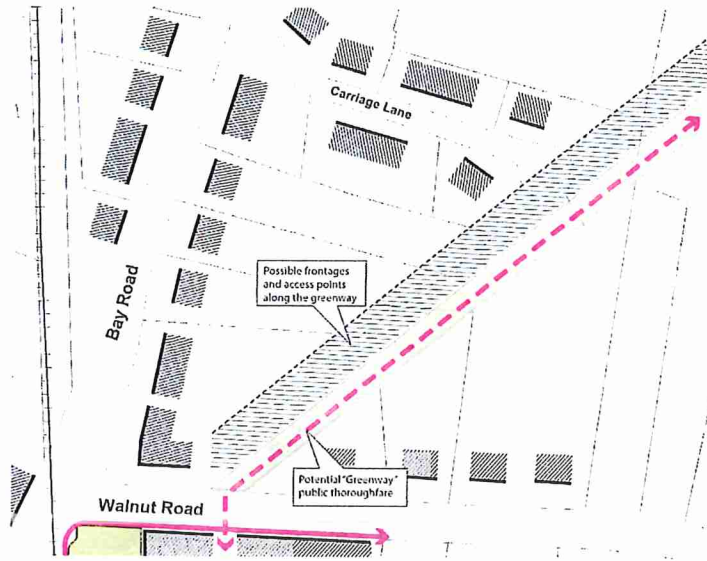


Figure 12. Important Bay Road Mixed-Use Visual and Pedestrian Connections

#### 4. Willow Street Mixed-Use.

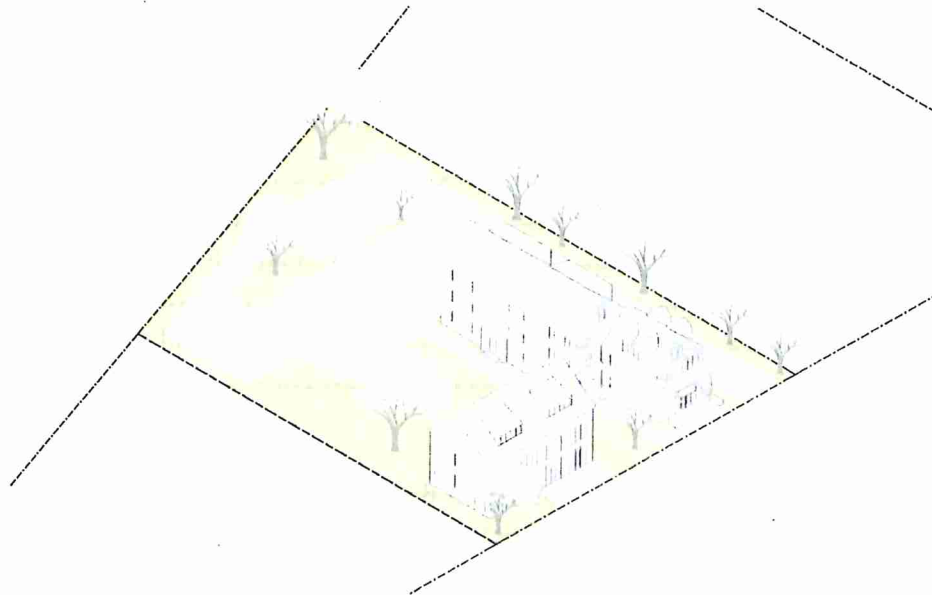


Figure 13. Willow Street Mixed-Use Sub-District Vision Illustration

- 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.

#### 5. *Downtown Residential.*

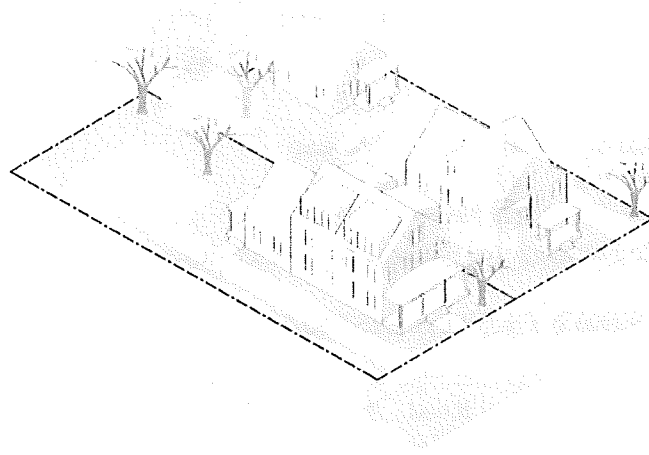


Figure 14. Downtown Residential Sub-District Vision Illustration

- a. *Description.* The Downtown Residential Sub-district is characterized by buildings that sit on small lots with small footprints and with an average height of approximately two and half stories. This sub-district is almost entirely residential with a very small selection of parcels with commercial or institutional uses.
- b. *Purpose and Intent.* The regulations seek to preserve the existing scale and character of the neighborhood while permitting incremental infill development and adaptation. The dimensional standards reflect the current single-family patterns while allowing for additional units within those envelopes.

## 9.8.4. Dimensional Standards.

### 1. Site Dimensional Requirements.

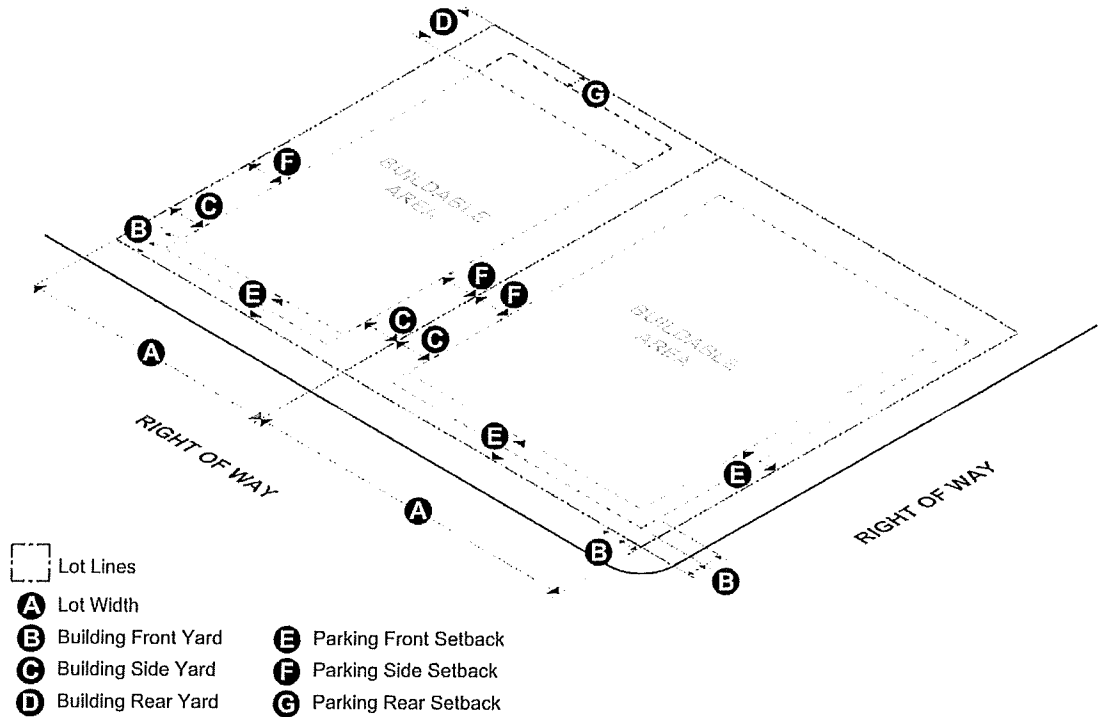


Figure 15. Site Dimensional Requirements (see description of terms in Section 9.8.2)

**TABLE 1: TABLE OF TOWN CENTER DISTRICT SITE DIMENSIONAL STANDARDS**

	Lot Dimensions	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Lot Size (min)	5,000 square-feet	3,000 square-feet	3,000 square-feet
<b>A</b>	Lot Width (min)	40 feet	40 feet	30 feet
	Coverage	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Open Space (minimum)	40%	40%	40%
	Building Yards Setbacks	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential

<b>B</b>	Front Yard Setback on Streets (minimum / maximum) <sub>1</sub>	20 / 35 feet	10 / 20 feet	10 / 20 feet
<b>C</b>	Side Yard Setback (minimum)	5 feet	5 feet	10 feet
<b>D</b>	Rear Yard Setback (minimum)	15 feet	15 feet	15 feet
	Parking Setbacks	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
<b>E</b>	Front Setback (minimum)	Aligned with, or set back further than, Building Frontage		
<b>F</b>	Side Setback (minimum)	5 feet	5 feet	5 feet
<b>G</b>	Rear Setback (minimum)	5 feet	5 feet	5 feet
	Parking Requirements	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Parking Spaces (minimum)	Per Section 6.1 or by Special Permit		

## 2. Building Dimensional Standards.

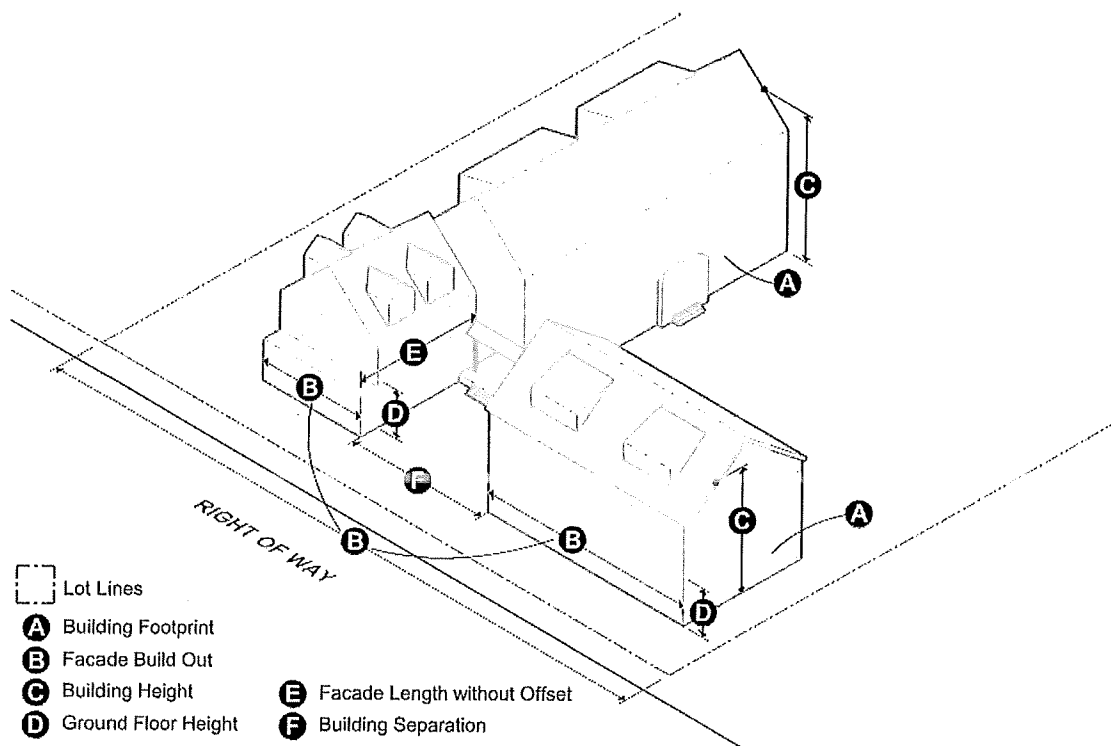


Figure 16. Building Dimensional Standards

**TABLE 2: TABLE OF TOWN CENTER DISTRICT BUILDING DIMENSIONAL STANDARDS**

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

	Massing	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
<b>A</b>	Building Footprint (maximum per Building)	3,000 square-feet	5,000 square-feet	3,000 square-feet
<b>B</b>	Facade Buildout (minimum) <sup>2</sup>	35%	35%	35%
<b>C</b>	Height (maximum)	35 feet / 2.5 stories	35 feet / 2.5 stories for the first 60 feet from the front lot line, 45 feet / 3.5 stories elsewhere	35 feet / 2.5 stories
	Number of Stories Minimum	2	2	2
<b>D</b>	Ground Floor Height	13 / 15 feet	13 / 15 feet	N/A

	(minimum / maximum)			
	Floor Area Ratio (maximum)	0.39, or up to 0.45 by Special Permit only	0.42, or up to 0.45 by Special Permit only	0.39, or up to 0.45 by Special Permit only
<b>E</b>	Facade Length without Offset (maximum)	70 feet	70 feet	70 feet
<b>F</b>	Building Separation (minimum)	10 feet	10 feet	20 feet
	Roof	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Allowed Roof Type <sup>3</sup>	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed
	Windows	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Ground Story Fenestration (minimum)	N/A	N/A	N/A
	Doors	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential
	Street Facing Entry Feature	Required	Required	Required

**Footnotes to Table of Building Dimensional Standards:**

1. (reserved)
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 and;
  - (ii) Located below grade or at grade beneath the primary Building massing and not within a stand-alone structure.

### **9.8.6. Site Standards.**

#### *1. Site Access.*

All development must provide vehicle, pedestrian, and bicycle access to and from a street.

##### *a. Pedestrian Access.*

- (i) All development must provide pedestrian access connecting main entrances of Buildings, establishments or uses on a site that allows for public access, with all other public entrances with available access points including adjacent rights of way, all parking lots, and sidewalks.
- (ii) Pedestrian access must consist of an accessible, easily discernible walkway with a minimum width of five feet.
- (iii) Pedestrian access routes between Buildings must be physically separated from parking lots, except where required to cross a drive aisle; crossings must be perpendicular wherever practicable.

##### *b. Vehicle Access.*

- (i) All parking spaces, parking lots, and Driveways must have vehicle access from a street.
- (ii) No parking spaces or parking lots shall be located within the front yard of principal structures. Parking of vehicles shall be allowed within driveway areas providing access to a principal structure, as long as the driveway is designed at a proper width for parking.
- (iii) No parking areas, parking lots or access drives shall be located within the minimum separation area between structures.
- (iv) Parking garage entries that face a public way must be set back 60 feet from the property line(s) abutting the public way.

## 2. Parking.

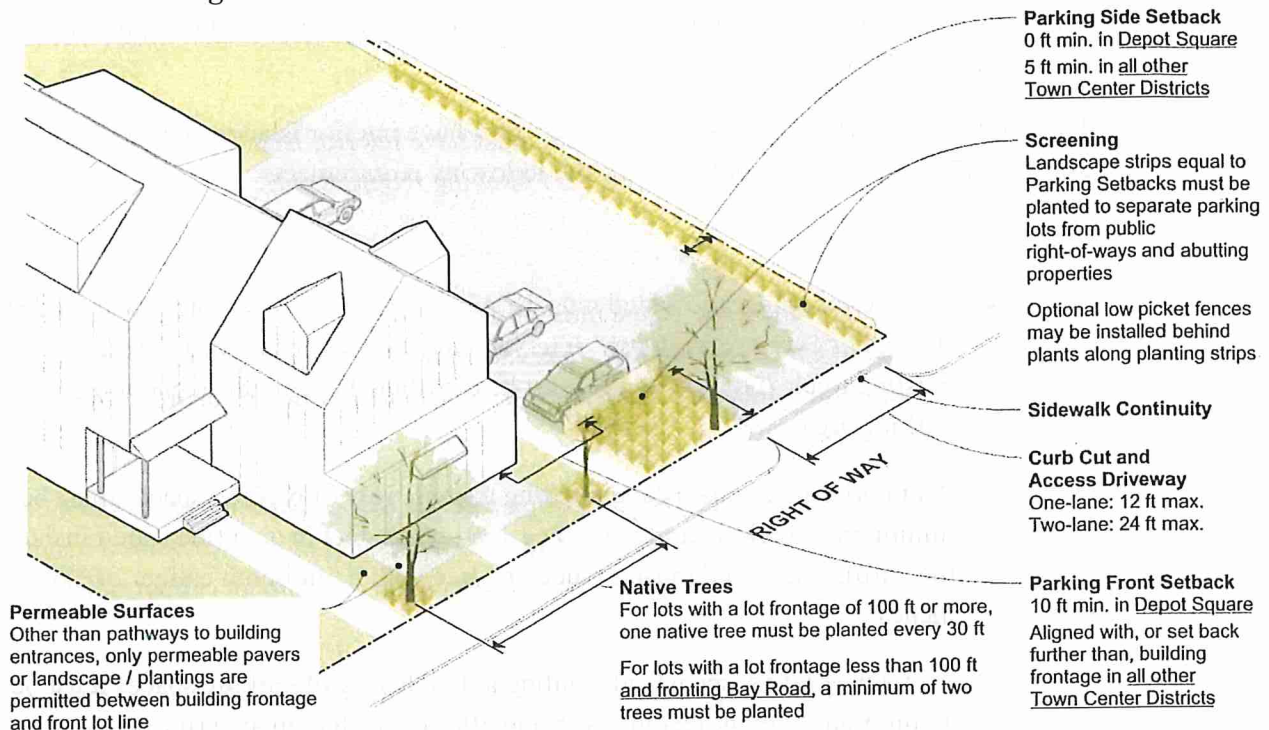


Figure 17. Parking Standards

- 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 one curb cut per street frontage. Lots with more than 200 feet of frontage are allowed 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.

- g. Shared driveways are encouraged where they reduce the interruption of curb cuts and allow for more landscape treatment. Permits shall be issued subject to the requirements of 6.2.6 Common Driveway.
- h. Parking Lots with 10 or more parking spaces must have interior islands, median islands, and perimeter islands that conform with the following requirements:
- (i) *Interior Islands.*
    - An interior landscape island must be provided every 10 parking spaces and at the end of every parking row. Intervals may only be modified to preserve existing trees. Interior islands must be distributed evenly throughout the parking area.
    - An interior landscape island abutting a single row of parking spaces must be a minimum of eight feet in width and 150 square-feet in area (measured inside the curb). The island must include one tree with a minimum caliper of 2.5 inches.
    - An interior landscape island abutting a double row of parking spaces must be a minimum of eight feet in width and 300 square-feet in area (measured inside the curb). This island must include two trees with a minimum caliper of 2.5 inches.
  - (ii) *Median Islands.*
    - A median landscape island must be provided between every four rows of parking. Intervals may be modified to preserve existing trees.
    - A median landscape island must include a tree with a minimum caliper of 2.5 inches spaced every 30 feet on average. Trees planted in an interior landscape island that overlap may be included in the count.
    - A median landscape island must be a minimum of six feet-wide. A landscape median island with a pedestrian walkway must be a minimum of 12 feet wide (measured inside the curb).
  - (iii) *Perimeter Islands.*
    - A perimeter landscape island is required on the outer edge of all parking lots when abutting the street or an internal access drive.
    - A perimeter landscape island must be a minimum of 10 feet-wide not including any curbing.



- Landscaping of perimeter islands must include evergreen shrubs planted three feet on center in a planting bed that is of a width suitable for the required plant spacing, but at least 36 inches wide.
- A perimeter landscape island must include a tree with minimum caliper of 2.5 inches spaced every 30 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 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 three sides by an opaque wall or fence a minimum height of six feet.
  - (iii) Access gates must be provided on the fourth side and must also be a minimum height of six 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 six inches 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.

- (ii) Ground-mounted mechanical, electrical or utility equipment visible from a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height six inches higher than the topmost point of the equipment being screened.
- e. *Wall-Mounted Equipment.*
  - (i) Wall-mounted mechanical or electrical equipment must be located to the side or rear of Buildings.
  - (ii) Wall-mounted mechanical, electrical or utility equipment visible from a public right-of-way must be fully screened by an opaque wall or fence or other type of screen that is at least a height six inches higher than the topmost point of the equipment being screened.

#### 4. *Building Materials.*

- a. *Applicability.* The Building material requirements set forth below apply to the exterior visible surfaces of Buildings and structures, including accessory structures, which are subject to Site Plan Review.
  - (i) Existing structures undergoing regular maintenance or enlargement must use materials similar in color, size and texture to the original structure's materials as to blend patch or repair work seamlessly with existing materials.
  - (ii) Replacement of existing materials that are not permitted by this Section must be completed by permitted materials. This standard does not apply to small patches, rather it is intended for whole replacement, i.e. whole roof replacement or whole facade reconstruction.
  - (iii) Exterior building materials must be those typically used in historic construction or be a composite or synthetic material that bears a strong resemblance to traditional building materials, including but not limited to brick, wood siding, engineered wood, or fiber cement artificial wood siding, asphalt shingle, tile roof shingle, copper roofing, stone masonry, and stucco.
  - (iv) Concrete masonry units, pre-cast concrete panels, cinder block, vinyl siding, ribbed metal siding or roofs, EIFS is not allowed unless required due to the expansion of an existing Building to match the original structure.
  - (v) All windows and doorways shall be encased with wood or simulated wood trim; decorative trim is preferred. Aluminum windows shall be finished to match the proposed trim color of the Building.

- (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 feet in the Front Yard unless at least three 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 two trees must be planted in the Front Yard unless at least two 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

- (iii) Searchlights, laser source lights, or any similar high-intensity narrow-beam fixtures
- (iv) Flickering or flashing lights

### 9.8.7 Administration.

1. *Site Plan Review.* Proposed development in Town Center District may be subject to Site Plan Review as required by Section 10.6, Site Plan Review. 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. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.
2. *(reserved).*
3. *Site Plan Requirements and Design Review.* The Site Plan Review Regulations and Design Review provisions for Site Plan Review applications, authorized under Sections 10.6.7 and 10.6.9 of the Zoning By-law, if exercised by the Planning Board may contain Site Plan Review Application requirements and Design Review Guidelines specific to projects proposed in the Town Center District. The Design Review Guidelines, if adopted by the Planning Board, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning Board concerning the site design and architecture of proposed developments.

*Amend the Zoning Bylaw to add an entirely new Section 9.7 3A Multi-Family Overlay District (3A-MFOD) as follows. Proposed additions are not shown in underline because all language is new.*

### 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 July 14, 2025.

If the applicant elects to proceed under the zoning provisions of the underlying district, the Zoning By-laws applicable in the underlying district shall control and the provisions of the 3A-MFOD shall not apply. If the applicant elects to proceed under the zoning provisions of the 3A-MFOD, they may develop Multi-Family housing as of right within the district in accordance with the provisions of the 3A-MFOD overlay district. When a building permit is issued for any project approved in accordance with this Section 9.7, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 10 for such Project.

**9.7.3 Permitted Uses.** Multi-Family housing is allowed by-right for all parcels within the 3A-MFOD, subject to site plan review pursuant to Section 10.6.

**9.7.4 Dimensional Standards.** The table of dimensions below determines the dimensional requirements for land within the 3A-MFOD.

**TABLE OF DIMENSIONAL STANDARDS:  
3A MULTI-FAMILY OVERLAY DISTRICT**

*See Footnotes to Table of Dimensional Standards for clarifying information.*

Minimum Lot Size (feet)	80,000
Minimum Lot Frontage (feet)	175
Minimum Lot width and depth (feet) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at Building
Maximum Building Height (feet)	35

Maximum Number of Stories	3.0
Minimum Open Space of Lot	70% <sub>1</sub>
Maximum Impervious Surface Coverage of Lot	40% <sub>2</sub>
Maximum Building Coverage of Lot	20%
Minimum Front Yard (feet) (See also Section 4.2.4)	25/50 <sub>3</sub>
Minimum Side Yard and Rear Yard (feet)	15
Maximum Floor Area Ratio (FAR)	0.45
Maximum Building Footprint (feet)	4,000 <sub>4</sub>

**Footnotes to Table of Dimensional Standards:**

1. As defined in Section 9.8.2.
2. Landscaped areas and the use of permeable paver/pavement materials shall not count toward the calculation of Impervious Surface Coverage.
3. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater
4. 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.

A TRUE COPY ATTEST  
*Carla A. Hale*  
TOWN CLERK

APPENDIX B  
ZONING BYLAW AND ZONING MAP AMENDMENTS

Unless specifically indicated below, 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.

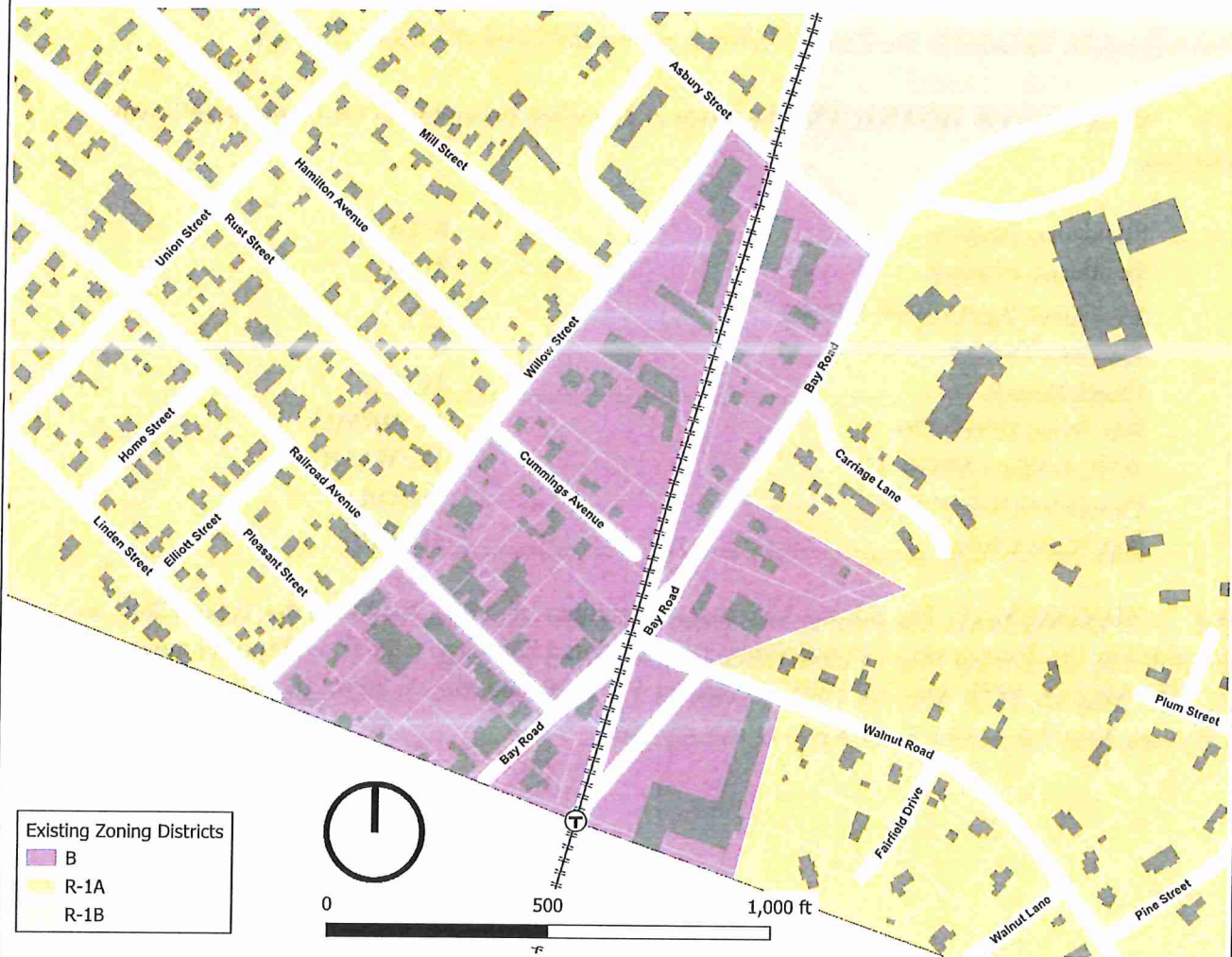
**2.1 CLASSES OF DISTRICTS.** The Town of Hamilton is hereby divided into the following districts:

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

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

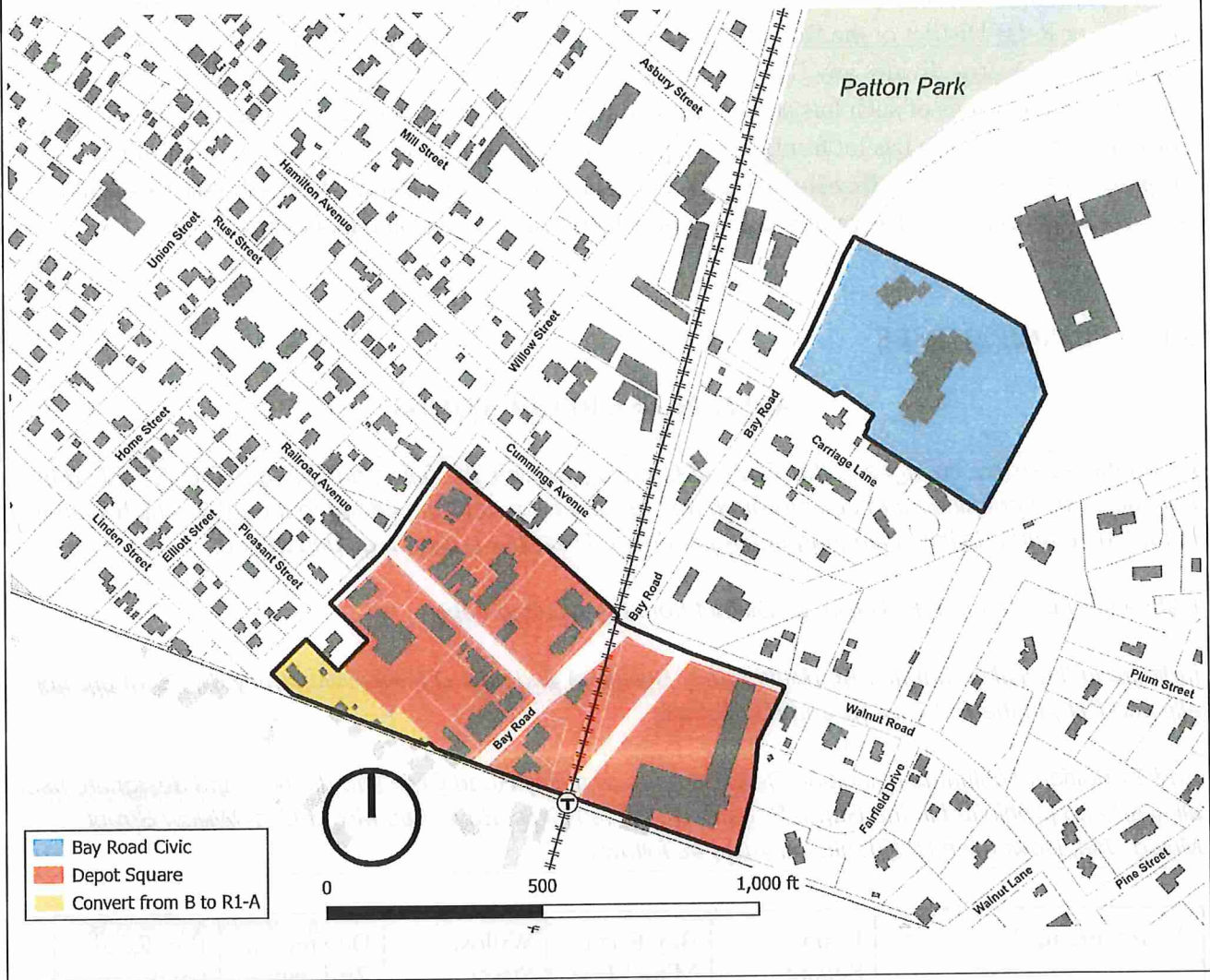
Maps depicting existing zoning and proposed zoning in the Town Center presented under Article II

Map of existing zoning districts in the Town Center (B stands for Business District, and R-1A and R-1B are residential districts).





Map of proposed Town Center zoning under Article II. Note that Depot Square and Bay Road Civic are proposed new Town Center Sub-districts, while the area shaded in yellow on Linden Street spanning the Wenham town boundary is proposed to change from the Business District to the R-1A District.



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

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

## 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 or the Downtown Residential sub-district and any other sub-district of the Town Center District~~ divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district or sub-district. ~~For purposes of this section the Bay Road Mixed-Use and Willow Street Mixed-Use Sub-districts shall be business districts and the Downtown Residential District shall be a residential district.~~

## 3.1 PRINCIPAL USES

### TABLE OF USE REGULATIONS

*Given the extensive changes to the Table of Use Regulations, the following changes are described but not shown by underlined and strikethrough text, except for a new use added to the table which is shown in underline and additional language being added to D.21 that is shown as underlined.*

*Delete the last Column "B" Business District from the existing Table*

*Indicate in the Table that use A8 (Multi-family Dwelling) and new use A9 (Two-family dwelling) are not allowed ("N") in the R-1A, R-1B and RA districts.*

*Add 2 additional columns to include Depot Square and Bay Road Civic sub-districts and designate uses allowed and prohibited in the Depot Square, Bay Road Civic, Bay Road Mixed-Use, Willow Street Mixed-Use, Downtown Residential districts as follows:*

<b>A. Residential</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1. One Single Family Dwelling</b>	N	Y	Y	Y	N
<b>2. Conversion of a Single Family Dwelling existing at the time of the adoption of the ordinance (1954) into a Two Family Dwelling (see Section 3.5)</b>	Y	Y	Y	Y	N

3. Open Space and Farmland Preservation Development (see Section 8.1)	N	N	N	N	N
4. Senior Housing (see Section 8.2)	N	N	N	N	N
5. Long Term Care Facility	PB	PB	PB	PB	PB
6. Garage with more than 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. Multi-Family Dwelling	N	Y	Y	Y	N
9. Two-Family Dwelling	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>
<b>B. Community Facilities</b>	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	Y	Y	Y	Y	Y

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					
<b>4.</b> Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions	PB	PB	PB	N	N
<b>5.</b> Community or private club, not conducted for profit	PB	PB	PB	N	PB
<b>6.</b> Nonprofit civic or fraternal building	N	N	N	N	N
<b>7.</b> Child Care Center or School Aged Child Care Program	Y	Y	Y	Y	Y
<b>8.</b> Commercial Recreation, Outdoors	N	N	N	N	SB
<b>9.</b> Temporary use for amusements and recreation	SB	SB	SB	N	SB
<b>10.</b> Municipal Buildings or facilities	Y	PB	PB	PB	Y
<b>11.</b> Essential Services	Y	N	N	N	Y
<b>C. Agricultural</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1.</b> On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture	N	N	N	N	N

and floriculture					
<b>2.</b> Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
<b>3.</b> The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	N	N	N	N	N
<b>D. Commercial</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1.</b> Adult Entertainment Uses	PB	N	N	N	N
<b>2.</b> Motor Vehicle and/or Boat Sales and/or Leasing Shop	PB	N	N	N	N
<b>3.</b> Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
<b>4.</b> Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
<b>5.</b> Kennel	N	N	N	N	N
<b>6.</b> Funeral homes	PB	N	N	N	N
<b>7.</b> Garage with more than four automobile/truck spaces	N	N	N	N	N
<b>8.</b> Motor Vehicle Light Service Station	N	N	N	N	N

<b>9.</b> 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
<b>10.</b> Rail or bus station or terminal	PB	N	N	N	N
<b>11.</b> Motor Vehicle Repair Shop	N	N	N	N	N
<b>12.</b> General Service Establishment	Y	N	N	N	N
<b>13.</b> Personal Service Establishment	Y	Y	Y	N	Y
<b>14.</b> Restaurant	Y	Y	Y	N	Y
<b>15.</b> Restaurant, Fast Food	PB	N	N	N	N
<b>16.</b> Retail Store	Y	Y	Y	N	Y
<b>17.</b> Veterinary Facility or Clinic	PB	PB	PB	N	PB
<b>18.</b> Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
<b>19.</b> Wind Energy Facility (not in COD) (see Section 7.3)	PB	PB	PB	PB	PB
<b>20.</b> Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
<b>21.</b> Mixed-Use Development, subject to Site Plan Review <u>Section</u>	Y	Y	Y	N	Y

<u>9.8.5 in the Town Center District if applicable</u>					
<b>22. Drive-In or Drive-Through Establishment</b>	N	N	N	N	N
<b>23. For Profit Educational Facility</b>	PB	PB	PB	N	PB
<b>24. Marijuana Establishment</b>	N	N	N	N	N
<b>E. Accessory</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1. Up to three boarders in a Single Family Dwelling</b>	N	Y	Y	Y	N
<b>2. Accessory Dwelling Unit (see Section 3.6 and definition)</b>	Y	Y	Y	Y	N
<b>3. Large Accessory Dwelling Unit (see Section 11.0)</b>	PB	PB	PB	PB	PB
<b>4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises (see Section 3.3)</b>	Y	Y	Y	Y	N
<b>5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises</b>	Y	Y	Y	Y	Y
<b>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</b>	PB	PB	PB	PB	PB



matter of right, and (b) necessary in connection with scientific research or scientific development or related production (see Section 3.2.1.2)					
7. Parking area or garage for use of employees, customers or visitors	Y	Y	Y	N	Y
8. Level Two Electric Charging Station	Y	Y	Y	Y	Y
9. Large Family Child Care Home	PB	PB	ZBA	PB	PB
10. Small Family Child Care Home	Y	Y	Y	Y	Y
11. Adult Social Day Care	PB	PB	PB	PB	PB
12. Marijuana Establishment	N	N	N	N	N

### 3.2 ACCESSORY USES.

**3.2.2 Accessory Uses and Structures in the ~~Residencee~~ Districts R1-A, R-1B, RA Districts and Downtown Residential Sub-district of the Town Center District.** The following provisions shall apply to Accessory Uses and Structures in the ~~Residencee~~ R1-A, R1-B, RA Districts and Downtown Residential Sub-district:

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



#### 4.1 GENERAL REGULATIONS.

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

**TABLE OF DIMENSIONAL REGULATIONS<sup>17</sup>**

	R-1A	R-1B	RA	<del>B</del>
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	<del>ZBA<sub>1</sub></del>
Minimum Lot Frontage (ft.)	125	175	175	<del>ZBA<sub>2</sub></del>
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	<del>ZBA<sub>3</sub></del>
Maximum Building Height (ft.)	35	35	35	<del>35</del>
Maximum number of Stories	3	3	3	<del>3</del>
Maximum Building coverage of Lot (%)	25	25	25	<del>75<sub>4</sub></del>
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 <sub>52</sub>	25/50 <sub>52</sub>	25/50 <sub>52</sub>	<del>25/50<sub>5</sub></del>
Minimum Side Yard and Rear Yard (ft.)	15	15	15	<del>ZBA<sub>6</sub></del>

1. Renumbered from #7 Dimensional Requirements for the Town Center Sub-District are found in Section 9.8 of the Zoning By-law.
2. Renumbered from #5 Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.

~~1. For each Dwelling Unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during site plan review.~~

2. ~~For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during site plan review.~~
3. ~~To be determined during site plan review.~~
4. ~~Or as determined during site plan review.~~
5. *Text moved to #2.*
6. ~~For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~
7. *Text moved to #1.*

## SECTION 5.0 NONCONFORMING USES AND STRUCTURES

**5.1 APPLICABILITY.** This By-law shall not apply to Structures or uses lawfully in existence or lawfully begun, or to a Building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this By-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and Structures may continue, provided that no modification of the use or Structure is accomplished, unless authorized hereunder. This Section, with the exception of Subsection 5.1, shall not apply to Structures or uses in the Town Center Districts which are regulated under Section 9.8.1.4 of the By-law.

### 6.1 OFF-STREET PARKING AND LOADING AREAS.

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

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

**6.1.9 Site Plan.** Parking areas and loading areas ~~in the Business District~~ shall be shown on a site plan, as provided in Section 10.6.

## 6.3 SIGNS.

### 6.3.2 ~~Residence Districts~~ R-1A, R-1B and RA Districts, and Downtown Residential Sub-District.

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

### 6.3.4 Standards

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

## 8.2 SENIOR HOUSING.

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

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

~~13. 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			
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre						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

1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
1	R-1A	3	25%	25%	25%	25%	25%	125%	1.0	4.00
2	R-1B	2	25%	25%	25%	25%	25%	125%	1.0	4.00
3	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

#### NOTES ON HOW TO READ THE MATRIX:

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

#### 8.2.11 Minimum Distance between Projects.

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

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

#### 8.2.13 General Requirements. The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. ~~An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.~~

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

**TABLE OF DIMENSIONAL REQUIREMENTS**

	A	B	C	D	E	F	G	H	I
	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%

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

## 10.6 SITE PLAN REVIEW

**10.6.4. Projects Requiring Approval.** No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a site plan has been approved by the Planning Board as set forth herein. Except as exempted in the Bylaw, Site Plan Review shall be required for the following construction, alterations, and uses:

1. Any new construction or changes to an existing structure for the purpose of altering, expanding, or converting to either a business, office, industrial, Mixed-Use Development, or a ~~Mmulti-Ffamily Housing~~ residential use, in any district;
2. Parking lots over five (5) spaces serving any of the above-listed types of buildings, schools, hospitals, nursing homes, long term care facility, life care facilities, children's camps, campgrounds, churches, Multi-Family Housing, ~~multi-family structures for more than two (2) families~~, Mixed-Use Development, government buildings and structures, farm stands, and buildings in commercial, and/or office use;
3. Any industrial and scientific research use under Section 3.2 of the Zoning Bylaw;
4. Stables providing boarding and/or services for more than six (6) horses other than those owned by the resident(s) of the Lot on which the stable is located;
5. Greenhouses for commercial production of plants or produce;
6. Alterations which increase the commercial, industrial, institutional, or multi-family floor area within an existing building, and/or which change the number of separately leasable or saleable spaces within an existing building; and
7. Wind Energy Facilities in the Commercial Overlay District.
8. A change of use of a site or structure from one permitted use category to another or from a nonconforming use to a permitted use category.

**10.6.6 Exemptions from Site Plan Review.** The following activities shall not require site plan review or abbreviated site plan review:

1. Interior Aalterations unless the alterations increase the floor area within the building devoted to any of the uses listed in Section 10.6.4 and/or change the number of separately leasable or saleable spaces within the Building. Examples of exempt interior alterations are: paneling, shelving, partitions other than those creating new commercial units, counters, flooring and general interior decoration;
2. Repairs, repainting, residing with a like material, reroofing, and window replacement unless the activity also increases floor area or creates or increases a nonconformity;
3. Replacement of parts of a partially damaged conforming building that would normally require site plan review with generally identical portions provided the repairs and/or replacements are conforming with the By-law. Total replacement of such a destroyed building shall require site plan review;

4. Demolition of a Building or Structure;
5. Change of tenant of commercial or mixed-use building, provided that a change of the use category is not proposed and/or that no new construction triggering site plan review is proposed unless there is also new construction triggering Site Plan Review;
6. Customary home occupations;
7. Townhouse or Multifamily housing developed under Sections 8.1 (OSFPD) or 8.2 (Senior Housing)
8. Uses permitted by special permit within the Commercial Overlay District; and
9. Entries B.1, B.3, and B.7 in the Table of Uses shall require site plan review under Section 10.7.

## 11.0 DEFINITIONS

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

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

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

~~**Substantial Improvement:** Any repair, reconstruction, rehabilitation, or improvement of a non-conforming structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure before the start of construction of the improvement. Assessed value shall mean the most recent value assigned to the structure as calculated by the Hamilton Tax Assessor. This definition shall not apply in the Floodplain Overlay District.~~

## 9.8 TOWN CENTER DISTRICT.

1. *Introduction.* The Town Center District consists of ~~three~~ five sub-districts: Depot Square, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential, and Bay Road Civic, all located in the Town Center area of Hamilton. Collectively, these sub-districts shall be referred to as the Town Center District, however each sub-district contains its own use, dimensional, and associated regulations as stipulated under this section. This Section consists of seven sub-sections that follow this introduction: introduction:

*The remainder of this subsection is not shown as no other changes are proposed under Article II.*

## 9.8.1. Purpose and Intent.

*The addition of Subsection 4 Nonconformities is the only proposed change to Section 9.8.1 under Article 11. Additions are not shown in underline because all content in this subsection is new.*

### 4. *Nonconformities.*

- a. *Purpose & Intent.* The purpose of this Subsection is to regulate and limit the continued existence of uses and structures established prior to the effective date of this By-law (or any amendment subsequent thereto) that do not conform to this By-law such that all buildings, structures or land, in whole or in part, will be used or occupied in conformance with this Section.

Many nonconformities may continue, but the provisions of this Section are designed to curtail substantial investment in nonconformities and, when appropriate, to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses to preserve the integrity of the Town Center Districts in accordance with the intent of this By-law.

- b. *Nonconforming Uses.* A nonconforming use may continue only in accordance with Section 5.1 of the By-law and the provisions of this Subsection.
  - (i) *Repair and Maintenance.* Normal repair and maintenance may be performed to allow the continuation of nonconforming use.
  - (ii) *Reconstruction after Catastrophe or Demolition.*
    - a If a nonconforming use is within a nonconforming structure that is voluntarily demolished, the nonconforming use shall not be reestablished.
    - b A nonconforming use in a nonconforming structure may be re-established in case of damage, to an extent equal to or less than 50 percent of the assessed value of the property on which the nonconforming structure is located, provided that the nonconforming use is not expanded and that reconstruction commences within two years of the event in which the damage occurred.
    - c A nonconforming use in a nonconforming structure which is damaged, to an extent greater than 50 percent of the assessed value of the property, shall not be re-established unless the use is re-established in a fully conforming structure, the use is not extended or altered, and unless reconstruction commences within two years of the event in which the damage occurred.



(iii) *Modification.*

- a A nonconforming use may change to a permitted use as stipulated under the Table of Use Regulations (Section 3.0 of the Zoning By-law), however Site Plan Review shall be required by the Planning Board.
- b A nonconforming use shall not otherwise be modified or expanded unless a Special Permit is granted by the Planning Board upon a finding that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

(iv) *Abandonment or Discontinuance.* If a nonconforming use is abandoned or discontinued for two years or more, the use shall not be permitted to re-establish.

c. *Nonconforming Structures.* A nonconforming structure may continue only in accordance with Section 5.1 of the By-law and the provisions of this Subsection.

(i) *Repair and Maintenance.* Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.

(ii) *Reconstruction after Catastrophe or Demolition.*

- a. If a nonconforming structure is voluntarily demolished or abandoned, any replacement structure must be conforming to the By-law.
- b. If a nonconforming structure is damaged to an extent greater than 50 percent of its assessed value for tax purposes, it may be rebuilt only in conformance with the standards of this ordinance.
- c. If a nonconforming structure is damaged to an extent equal to or less than 50 percent of its assessed value for tax purposes, then the structure may be rebuilt in accordance with the following standards:
  - i. A building permit for reconstruction must be secured no later than two years from the date of destruction.
  - ii. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.

(iii) *Modifications/Alterations of Single family and Two-family Dwellings only:*

- a. Nonconforming Single family or Two-family Dwellings may be modified, altered, extended, or reconstructed by right provided that the proposed change does not increase the nonconforming nature of the structure.

- b. Nonconforming Single family and Two-family Dwellings shall not be modified, altered, extended, or reconstructed if the proposed change would increase the nonconforming nature of the structure or create a new nonconformity unless a Special Permit is granted by the Planning Board upon a finding that such modification, alteration, extension or reconstruction shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

(iv) *Modifications/Alterations of all other structures.*

- a. A primary or accessory nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity or creates a new nonconformity.
- b. Modifications to a nonconforming structure which constitute a Substantial Improvement shall not be permitted unless the structure is made conforming with the requirements of the By-law or, if non-conformities remain, by issuance of Special Permit by the Planning Board upon a finding that such modification, alteration or extension shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- c. Should a nonconforming structure be moved for any distance on the lot upon which it is located, it shall be moved to make the structure conforming to setbacks.
- d. *Nonconforming Site Characteristics.* Nonconforming site characteristics governed under Section 9.8.6 Site Standards, including parking, driveways, landscaping, lighting, and screening, shall not be altered such that they are made more non-conforming with the standards and requirements of this By-law.
- e. *Nonconforming Signs. Nonconforming Signs.* Nonconforming signs in the Town Center District may continue only in accordance with the provisions of this Subsection.
  - (i) *Repair and Maintenance.* Minor repairs and maintenance of a nonconforming sign, which are necessary to keep such sign in sound condition, are permitted so long as the nonconformity is not increased.
  - (ii) *Modification.*
    - a. No sign may be enlarged or altered in such a way that increases the extent of nonconformity or causes a previously conforming sign to become nonconforming.



Figure 8. Depot Square Sub-District Vision Illustration

- a. *Description.* The Depot Square Sub-district is characterized by two distinct conditions. On Railroad Avenue, buildings have small footprints and are up to 2.5 stories in height. East of the rail corridor, there is a large automobile-oriented 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, 1.5-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 structures near the edges of the sub-district. Most buildings west of the rail corridor were designed to accommodate commercial uses with forms consistent with the historic residential buildings nearby.

- b. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this By-law.
- (iii) *Damage or Destruction.* Any nonconforming sign which is partially damaged or destroyed by any means, beyond 50 percent of its value, shall not be restored, but shall be removed or reconstructed in conformance with the provisions of this section.
- (iv) *Discontinuance.*
  - a. Any nonconforming sign, the use of which is discontinued for a period of two years or more, regardless of any intent to resume or not to abandon such sign, shall not thereafter be re-established. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign for future use.
  - b. If a nonconforming sign remains blank for a continuous period of two years, that sign shall be deemed discontinued and shall, within 180 days after such discontinuance, be altered to comply with this By-law or be removed. For purposes of this By-law, a sign shall be “blank” if:
    - i. The advertising message it displays becomes illegible in whole or substantial part; or
    - ii. It does not contain an advertising or identification message. For such purposes, signage offering a building or site for sale or lease shall not be deemed to be an advertising or identification message.

<p><i>Amend Section 9.8.3 to delete (reserved) and add 1. Depot Square and 2. Bay Road Civic as follows. Additions are not shown in underline as all language is new.</i></p>
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### **9.8.3. Town Center Sub-Districts.**

- 1. ~~(reserved)~~ *Depot Square.*

b. *Purpose and Intent.*

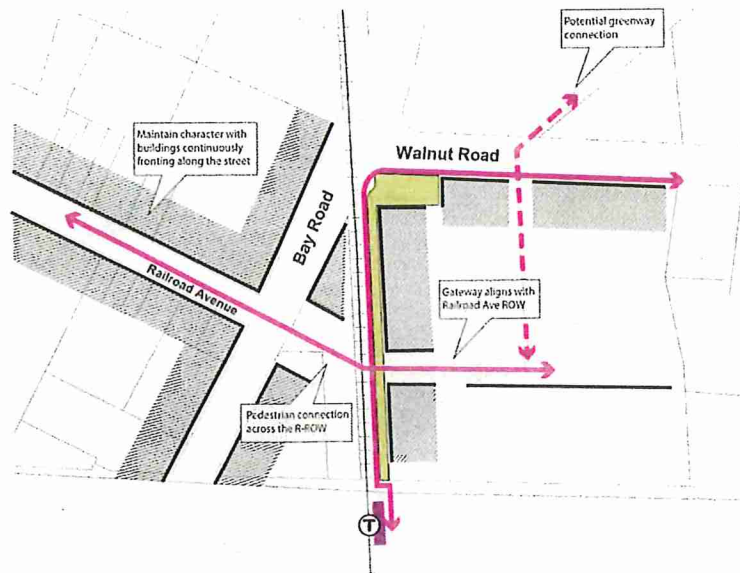


Figure 9. Important Depot Square Visual and Pedestrian Connections

- (i) To foster a mixed-use and vibrant town center and preserve the existing small-scale commercial character along Railroad Avenue.
- (ii) To enhance a continuously built front along main public thoroughfare frontages in the sub-district.
- (iii) To extend the small-scale commercial character pattern on Railroad Avenue to future development in other larger parcels of the sub-district.
- (iv) To preserve and extend the visual and pedestrian corridor along Railroad Avenue across the MBTA tracks.
- (v) To preserve existing open space/green space areas at critical intersections.
- (vi) To promote walkability and safety along all street frontages.

2. ~~(reserved)~~ Bay Road Civic.

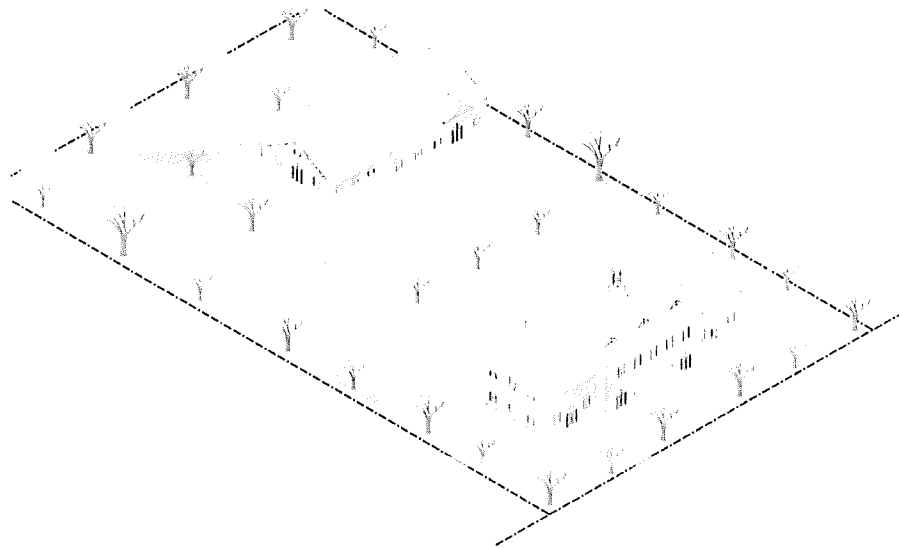


Figure 10. Bay Road Civic Sub-District Vision Illustration

- a. *Description.* The Bay Road Civic Sub-district consists of two parcels owned by the Town accommodating 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.

## 9.8.4. Dimensional Standards.

Amend the Table of Dimensional Standards: Town Center District to add columns for the Depot Square and Bay Road Civic districts so the table reads as follows and to add the underlined language referencing and containing footnotes related to the Depot Square sub-

**TABLE 1: TABLE OF TOWN CENTER DISTRICT SITE DIMENSIONAL STANDARDS**

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

	Lot Dimensions	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Lot Size (min)	<u>1,000 square-feet</u>	5,000 square-feet	3,000 square-feet	3,000 square-feet	<u>5,000 square-feet</u>
<b>A</b>	Lot Width (min)	<u>20 feet</u>	40 feet	40 feet	30 feet	<u>40 feet</u>
	Coverage	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Open Space (min)	<u>0%</u>	40%	40%	40%	<u>40%</u>
	Building Yards Setbacks	<u>Depot Square 2</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
<b>B</b>	Front Yard Setback on Streets (minimum / maximum) 1	<u>0 / 10 feet</u>	20 / 35 feet	10 / 20 feet	10 / 20 feet	<u>20 / 35 feet</u>
<b>C</b>	Side Yard Setback (minimum)	<u>0 feet</u>	5 feet	5 feet	10 feet	<u>10 feet</u>
<b>D</b>	Rear Yard Setback (minimum)	<u>0 feet</u>	15 feet	15 feet	15 feet	<u>10 feet</u>
	Parking Setbacks	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
<b>E</b>	Front Setback (minimum)	<u>10 feet</u>	Aligned with, or set back further than, Building Frontage			
<b>F</b>	Side Setback (minimum)	<u>0 feet</u>	5 feet	5 feet	5 feet	<u>5 feet</u>
<b>G</b>	Rear Setback (minimum)	<u>0 feet</u>	5 feet	5 feet	5 feet	<u>5 feet</u>
	Parking Requirements	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Parking Spaces (minimum)	Per Section 6.1 or by Special Permit				

**Footnotes to Table of Site Dimensional Standards:**

1. Includes frontage along the western edge of the rail corridor within the Depot Square sub-district. Porches less than eight feet in depth and bay windows less than three feet in depth may protrude into the Front Yard in all sub-districts except Depot Square.
2. Side and Rear Yards in the Depot Square sub-district that directly abut a different zoning district or sub-district shall conform to the minimum setbacks required in the abutting district or sub-district.

*.2. Building Dimensional Standards.*

*Amend the Table of Building Dimensional Standards: Town Center District to add columns for the Depot Square and Bay Road Civic districts so the table reads as follows and in footnote 1, delete "reserved" and add the underlined language.*

**TABLE 2: TABLE OF TOWN CENTER DISTRICT BUILDING DIMENSIONAL STANDARDS**  
*See Footnotes to Table for additional requirements and/or clarifying information.*

	Massing	<u>Depot Square</u> <sub>1</sub>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
<b>A</b>	Building Footprint (maximum per Building)	<u>5,000 square-feet</u>	3,000 square-feet	5,000 square-feet	3,000 square-feet	<u>N/A</u>
<b>B</b>	Facade Buildout (minimum) <sub>2</sub>	<u>60%</u>	35%	35%	35%	<u>35%</u>
<b>C</b>	Height (maximum)	<u>35 feet / 2.5 stories</u>	35 feet / 2.5 stories	35 feet / 2.5 stories for the first 60 feet from the front lot line, 45 feet / 3.5 stories elsewhere	35 feet / 2.5 stories	<u>35 feet / 2.5 stories</u>
	Number of Stories Minimum	<u>N/A</u>	2	2	2	<u>2</u>
<b>D</b>	Ground Floor Height (minimum / maximum)	<u>13 / 15 feet</u>	13 / 15 feet	13 / 15 feet	N/A	<u>N/A</u>
	Floor Area Ratio (maximum)	<u>N/A</u>	0.39, or up to 0.45 by Special Permit only	0.42, or up to 0.45 by Special Permit only	0.39, or up to 0.45 by Special Permit only	<u>N/A</u>
<b>E</b>	Facade Length without Offset (maximum)	<u>70 feet</u>	70 feet	70 feet	70 feet	<u>70 feet</u>



<b>F</b>	Building Separation (minimum)	<u>10 feet</u>	10 feet	10 feet	20 feet	<u>0 feet</u>
	Roof	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Allowed Roof Type <sup>3</sup>	<u>Gable, hip, gambrel, mansard, shed, flat</u>	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed	Gable, hip, gambrel, mansard, shed	<u>Gable, hip, gambrel, mansard, shed, flat</u>
	Windows	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Ground Story Fenestration (minimum)	<u>50%</u>	N/A	N/A	N/A	<u>20%</u>
	Doors	<u>Depot Square</u>	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	<u>Bay Road Civic</u>
	Street Facing Entry Feature	<u>Required</u>	Required	Required	Required	<u>Required</u>

**Footnotes to Table of Building Dimensional Standards:**

1. ~~(reserved)~~ Depot Square Additional Dimensional Requirements. The following requirements and interpretations apply to the Depot Square sub-district only:
  - a. New Structures are only permitted within 80 feet from a property line bounded by a public way, including the western edge of the rail corridor which shall be considered a Front Yard. This 80 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 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:
    - (i) The ground floor area associated with the residential use are limited to entry areas, lobbies, mailrooms, amenities, and vertical circulation elements such as stairs and elevators,
    - (ii) The residential ground floor uses occupy a minimum of 10% of the primary Building frontage, or 10 feet., whichever is greater, and
    - (iii) The ground floor non-residential uses are a minimum of 20 feet deep.

### **9.8.7 Administration.**

- 1. *Site Plan Review.* Proposed development in Town Center District may be subject to Site Plan Review as required by Section 10.6, Site Plan Review. 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. Applicants are encouraged to engage the Planning Board in a Pre-Application Conference.

2. *Special Permit.* Proposed uses in the Town Center District that are allowed by Special Permit shall be subject to review by the appropriate SPGA as indicated in Section 3.1, Table of Use Regulations.
3. *Site Plan Requirements and Design Review.* The Site Plan Review Regulations and Design Review provisions for Site Plan Review applications, authorized under Sections 10.6.7 and 10.6.9 of the Zoning By-law, if exercised by the Planning Board, may contain Site Plan Review Application requirements and Design Review Guidelines specific to projects proposed in the Town Center District. The Design Review Guidelines, if adopted by the Planning Board, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning Board concerning the site design and architecture of proposed developments.

