

## **9.9 BROWN’S HILL OVERLAY DISTRICT<sup>i</sup>**

### **9.9.1 PURPOSE AND APPLICABILITY.**

9.9.1.1 *Purpose.* The general purpose of the Brown’s Hill Overlay District (BHOD) is to encourage planned and orderly development of land within its boundaries. The BHOD utilizes a variety of planning tools, including “as of right” development, site plan review, and special permitting requirements, that will ensure careful control of future development for the benefit of the Town of Hamilton and the community at large. The specific purposes of the BHOD are to:

1. Support land uses and activities that will promote economic development and allow for the phased development of new uses and activities that reflect traditional campus spatial layouts and/or New England building, street, and open space patterns;
2. Retain the Heritage Landscape, and encourage the permanent retention of **legacy** buildings (e.g., the Retreat House and Pilgrim Hall) through their reuse;
3. Embrace open space, respect the natural environment, and maintain clear development edges with buffers or separation between areas of dissimilar character at the perimeter of the BHOD and within the site itself;
4. Utilize landscaping to create a walkable and inviting site for residents, occupants, and invitees;
5. Balance fiscal, social, and environmental benefits to the Town to create a resilient and sustainable development that will be integrated into the preexisting surrounding neighborhood.

9.9.1.2 *Interpretation of the BHOD Bylaw.* If a provision of BHOD allows the Planning Board to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The proposed project complies with all applicable provisions of the Hamilton Zoning Bylaw;
2. The exercise of discretion will act to ensure the compatibility of the proposed project with the site, with properties on the site, with properties in surrounding neighborhoods, and with the community; and
3. The decision is consistent with the Town’s Master Plan.

9.9.1.3 *Applicability.* The BHOD is an overlay district included in §2.3 of the Hamilton Zoning Bylaw as the Brown’s Hill Overlay District. The BHOD replaces the underlying zoning district and permits certain commercial and certain residential uses by right, and other enumerated uses by Special Permit. The BHOD shall not be applicable to the use of land for religious or educational purposes which remain subject to G.L. c. 40A, § 3.

9.9.1.4 *Administration*. The Planning Board shall act as the Special Permit Granting Authority and shall grant Special Permits as set forth in this Bylaw and pursuant to §10.5 of the Hamilton Zoning Bylaw in the BHOD. The Planning Board shall also be the Site Plan Review authority under §10.6 and §10.7 of the Hamilton Zoning Bylaw.

1. The Planning Board may adopt and from time to time may amend the BHOD Rules and Regulations to implement this Section. Such regulations shall include, but will not be limited to, submission requirements, plan requirements, such as size, form, number, and contents of submissions; development standards, site standards, and standards for building placement and design. Such rules and regulations are authorized under G.L. c. 40A, §9, and shall be adopted after vote by the Planning Board.

## **9.9.2 BHOD DISTRICTS AND ALLOWABLE USES WITHIN THOSE DISTRICTS.**

9.9.2.1 *Districts*. The BHOD is divided into five districts: the Upper Campus, the Middle Campus, the Lower Campus, the Heritage Landscape, and the Natural Zone as set forth on the Brown's Hill Overlay District Map. The Brown's Hill Overlay District Map is adopted as an integral element of this Bylaw and identifies the boundaries of the districts described in Table 1 which is incorporated herein.

TABLE 1 – BHOD SUB-DISTRICTS

9.9.2.2 *Allowable Land Uses*. The uses of land permitted within the BHOD are listed in Table 2 annexed to this Bylaw and made part of it. Table 2 contains the list of permitted uses and accessory uses for each district either permitted by right and by Special Permit. A land use that is not listed in Table 2 is not allowed.

TABLE 2 – USE REGULATIONS

## **9.9.3 PREEXISTING STRUCTURES.**

9.9.3.1 *Structures Lawfully in Existence as of the Effective Date of this Bylaw*. Structures within the BHOD lawfully in existence or lawfully begun as of the effective date of this Bylaw, for the purposes of Mass. Gen. Laws. Ch. 40A, §6, and §5.0 of the Hamilton Zoning Bylaw, shall be deemed lawfully conforming to the Hamilton Zoning Bylaw.

## **9.9.4 STANDARDS FOR DEVELOPMENT IN THE BHOD.**

9.9.4.1 All building types in the BHOD shall conform to the allowable building types set forth in Table 3 and dimensional regulations set forth in Tables 4, annexed to this Bylaw and made a part of it.

TABLE 3 –BUILDING TYPES

TABLE 4 –DIMENSIONAL REGULATIONS

**9.9.5 BHOD SPECIAL DESIGN PROCESS.** The following design process must be followed for the Planning Board to determine whether the applicant has satisfied the findings *set forth in Section 9.9.9* for the issuance of a Special Permit.

1. *Identification of Protected Areas.* The applicant, as the first step in the design process, must identify and delineate on a map the following: 1) regulated conservation areas on the site it intends to develop, including any wetlands, riverfront areas, or floodplains subject to the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, §40 or Hamilton's Conservation Bylaw (Chapter XVII) of the General Bylaw and regulations promulgated thereunder, or any other state, federal, or local law; 2) unregulated conservation areas such as unprotected natural landscape features, including steep slopes of 15% or more, mature woodlands, wildlife habitats, and wildlife corridors; 3) cultural features, such as historic and archeological sites, and scenic views; and 4) recreational features, such as established trails used for horseback riding, walking, and cross-country skiing. To the maximum extent feasible, the identification and delineation of all conservation areas shall occur prior to the Pre-Application Conference.

2. *Identification and Delineation of the Proposed Development Area.* The applicant, as the second step in the design process, must define and delineate on a map the area that will contain buildings, roadways, other site improvements, and amenities for occupants of the development. To the maximum extent feasible, the proposed development area shall consist of land outside the areas set forth in §9.9.5.1.

3. *Location of Buildings or Dwelling Units.* The applicant, as the third step in the design process, must identify the location, size, and shape of existing structures on the applicable parcel, lot, or district identified on the Brown's Hill District Map, and, if applicable, all existing structures or portions thereof, to be removed, and all buildings or dwelling units to be newly constructed. The location of buildings or dwelling units must account for proximity to common open space and other amenities, including, if applicable, community buildings for use by occupants of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.

4. *Roads and Trails.* The applicant, as the fourth step in the design process, must identify and delineate on a map the location of existing and proposed roads and ways serving the land to be developed and existing and proposed trails. Roads shall be aligned to access the buildings or dwelling units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails, and sidewalks.

5. *Lotting.* If applicable, the applicant, as the final step in the design process, must identify the approximate location of lot lines and developable acres - the area of the tract of land, exclusive of wetlands subject to Mass. Gen. Laws Ch. 131, §40 as mapped by the applicant's consultant and approved by the Hamilton Conservation Commission and any land subject to a Conservation Restriction.

## **9.9.6 DEVELOPMENT STANDARDS.**

### *9.9.6.1. General Requirements.*

1. *Low Impact Development.* The use of low-impact development techniques is required, where applicable. The applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings not limited to but including those indigenous to the area. The use of recycled or recaptured rainwater is encouraged.

2. *Minimizing Disturbance.* The applicant is encouraged to maintain as much of the site as possible in its natural state, *and, as far as practicable, adhere to OSFPD Special Permit General Design Standards set forth in Section 8.1.16 of the Hamilton Zoning Bylaw.* The applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area. Any new streets within the site shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees, and to minimize cut and fill. Buildings shall be designed to relate harmoniously to the terrain.

3. *Location of Wastewater Treatment.* All wastewater shall be treated and discharged on-site.

**9.9.6.2 Specific requirements for new development or expansion of existing buildings *requiring a Special Permit.***

1. *Buffers.* The function of buffer areas is to provide attractive visual and spatial separation between adjacent land uses and public streets, as well as to soften potentially incompatible land uses and development from adjacent properties and public streets.

A. *Perimeter Buffers.* To the extent feasible, a perimeter buffer of 50 feet shall be maintained around the entire property and must remain untouched except to allow access to the site. The buffer shall consist of multi-layered vertical and horizontal plantings to achieve a consistent and dense visual buffer and structural buffering also may be required. Where the perimeter buffer consists of trees and native shrubs, their preservation is required. If the buffer needs to be modified it must be enhanced to soften the visual impact of structures or parking spaces from adjacent properties, the existing vegetation must be maintained and supplemented with trees and shrubs of a variety and species appropriate to the area.

B. Subject to Planning Board approval, sidewalks may be permitted in buffer areas, and **existing streets and landscaping may be maintained, repaired, replaced, or expanded within buffer areas.**

**C. The installation, maintenance, repair and replacement of lighting, wastewater treatment components, and other utilities (e.g., electric, data) is permitted in and across buffer areas, except as otherwise specifically limited in this bylaw.**

2. *Open Space.* Where applicable in the event of the expansion of existing structures or new construction, the intent of this Section is to define and require open space types that are appropriate within a range of contexts on the Brown's Hill site.

A. Open Space Requirement. A development must include an open space component and must provide that the open space is permanently protected, and functional as common open space for the purposes set forth in Table 1.

B. Open Space Amount. For any new development within each district, regardless of the use, the minimum percentage of the gross acreage set forth in **Table 4** shall be specifically identified as common open space and, where applicable, accessible to the occupants or general public through deed restrictions, covenants, public dedication, or other method acceptable to the Planning Board, unless the required open space amount is reduced or waived by the Planning Board.

C. Use Shape, Location of Common Open Space. The common open space shall be undisturbed, unaltered, and left in its natural condition or existing condition, **except as otherwise permitted by the Planning Board**. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area, and serve as a visual and natural amenity for the development and the Town.

i. The common open space shall be contiguous open space to the maximum extent possible.

ii. Common open space shall be for passive **or active** recreation, resource preservation, or equestrian uses.

iii. The location(s) and configuration of the common open space shall be subject to approval by the Planning Board **during the Special Permit process**.

iv. Each parcel of common open space shall be accessible to property owners or tenants of property owners on the site.

v. Land used for wastewater or stormwater treatment or disposal and any reserve areas shall not be counted toward the minimum common open space requirement, unless authorized by the Planning Board upon a showing that the land used provides an attractive vegetated area on the site.

vi. Not more than fifty (50) percent of the common open space shall consist of areas subject to the Wetlands Protection Act, G.L. c. 131, §40 or Hamilton's Conservation Bylaw (Chapter XVII) of the General Bylaw and regulations promulgated thereunder, for reasons other than being subject to flooding, unless such requirement is waived by the Planning Board.

vii. Up to five (5) percent of the minimum required open space may be used for gravel roadways, pavement or structures accessory to the dedicated use or uses of the common open space.

**viii. Installation, maintenance, repair, or replacement of buried utilities (e.g., water, electric, data) shall be allowed under open space.**

D. Types of Land Included. Lands included as open space may include the following:

- i. Active recreation areas such as playing fields, tennis courts, **trails, or paths**;
- ii. Central greens or neighborhood commons;
- iii. Parks, open fields, **landscaped areas**, forested lands, and wetland resources, subject to the limitations set forth in §9.9.6.2.2.C.vi.
- iv. Stormwater detention areas designed and available for use as an integral part of the greenway trails and footpaths.

3. *Lighting*. Any new or replacement exterior lighting within all portions of the BHOD site shall follow Dark Sky provisions as established by the International Dark-Sky Association (IDA) to the extent practicable.

A. Lighting fixtures, to the extent feasible, shall be integrated into the architectural style of the development.

B. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design. All exterior light sources shall be appropriately shielded from off-premise viewing.

C. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.

D. To conserve energy and reduce long-term costs, new or replacement lighting, to the extent practicable, shall be energy-efficient.

E. Parking Lot Lighting for new or replacement lighting.

- i. All fixtures shall be full cutoff, downward facing.
- ii. Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 16 feet in height.

F. Pedestrian Walkway Lighting.

- i. New or replacement light fixtures located along pedestrian walkways adjacent to parking lots shall not exceed 16 feet in height.

- ii. New or replacement light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area shall not exceed 10 feet in height.

G. Building and Security Lighting.

- i. All exterior building or security lighting must be full cutoff, shielded, and/or angled downward to focus the light only on the intended doorway or walkway as necessary.
- ii. Security lighting is encouraged to be provided with regular pedestrian light fixtures where visible from the street or public realm to match others used on site.
- iii. Building mounted architectural “accent lights” are encouraged to emphasize architectural character and signage.

4. *Thoroughfares.* All existing streets and any newly constructed streets, roadways or alleys shall remain private. **All existing roadways, sidewalks, surface and subsurface utilities, and street lighting may be maintained, repaired, and replaced without requiring Planning Board approval, except that replacement of any existing lighting shall comply with Section 9.9.6.2.3, unless waived by the Planning Board.** The design of new streets, roadways, or alleys and **expansion of** existing streets shall require a Special Permit.

5. *Parking Requirements.*

A. Notwithstanding the requirements of §6.1 of the Hamilton Zoning Bylaw, the Planning Board is authorized to issue Site Plan Approval or Special Permits with fewer parking and loading spaces and areas if, in its sole judgment, the requirements of §6.1.1 are determined to be inconsistent with the planning and land use goals of the BHOD. When the Planning Board approves a Site Plan or Special Permit that deviates from the requirements of §6.1, the Planning Board shall include in its decision the basis for such deviation.

B. Parking shall be provided for each permitted use in a sufficient amount to serve the needs of the various uses based upon the nature of the use and the number of persons occupying and using the facilities. The required vehicle parking requirements may be modified or waived by the Planning Board if it determines that sufficient parking exists. All parking areas shall comply with applicable state laws and regulations regarding size and accessibility and shall:

- i. be located to serve the uses to which they are related;
- ii. be designed to serve more than one use or facility;
- iii. be located and laid out to provide turning radii, sight lines, and separation from through traffic, consistent with public safety;

iv. be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and,

v. be striped with spaces of at least eight (8) feet width and nineteen (19) feet length, unless otherwise authorized by the Planning Board.

6. *Sidewalks.* Any newly constructed streets shall have sidewalks which are a minimum width of five (5) feet, and have a continuous unobstructed path of a width no less than 60 inches. At-grade pedestrian crossings should be used where possible, eliminating the need for curb ramps. Bollards should be used at such crossings for pedestrian and vehicle separation.

7. *Signage.* Notwithstanding anything to the contrary in the Hamilton Zoning Bylaw, no approvals shall be required for any signage that is not visible from a public way outside of the BHOD. The provisions of §6.3 of the Hamilton Zoning Bylaw shall apply for all signage visible from a public way outside of the BHOD, subject to the following:

A. Site signage at entrances. For developments with multiple structures within the BHOD, site signage at the main entrance(s) to the entire project for identification of the project is permitted, to be located on a free-standing structure. Such sign shall not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average of the locus of the sign.

B. Directories. A single project tenant directory sign is permitted, to be located on a free-standing structure. Such directory sign for each of the BHOD's commercial buildings' main tenants shall not exceed thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign.

C. Site directional signage. Site directional signage is allowed provided each such sign may be no larger than three (3) square feet in size. Such signs may be posted not closer than twenty (25) feet on center.

D. Additional Signage. No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Planning Board.

8. *Tree Preservation and Landscaping.* A landscape plan shall be required and approved for the expansion of all existing structures and new construction.

A. General Standards.

i. Landscape design shall enhance the quality and character of the BHOD by coordinating public and private space, providing spatial definition to the public realm, screening undesirable places/sounds/odors, and increasing health and safety.



- ii. Landscape design should maximize use of green infrastructure stormwater best management practices (BMPs) such as pervious paving, bioretention systems, rain gardens, bioswales, terraces, and stormwater planters to slow and treat stormwater runoff while providing multiple additional community benefits.
- iii. Existing healthy trees and shrubs must be preserved to the maximum extent feasible. Unless waived by the Planning Board, the removal of trees with a diameter of six inches or more must be mitigated by providing one or more **new trees with at least a six-inch caliper**.
- iv. The use of turf shall be minimized and lawn seed mixes shall be drought resistant.
- v. To promote sustainable landscape practices, plant varieties shall be selected for resistance to drought, moisture, salt, or insects and other pests. Plants shall be selected so that landscaping can be maintained with minimal care, and the need for watering, and the use of pesticides, or fertilizers minimized or eliminated.

**B. Parking Lot Landscape Standards for New Parking Areas**

- i. Unless waived by the Planning Board, the resurfacing of existing parking areas or new proposed parking areas of 6 spaces or more shall provide a minimum of 10 percent of landscaped open space within the area designated for parking inclusive of any landscaped borders surrounding the parking lot. Use of the provided landscaped open space for vegetated stormwater quality management is allowed and encouraged.
- ii. Surface parking lot entrances shall be landscaped with a combination of trees, shrubs, walls, and other landscape features. No trees, shrubs, fences, walls, or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.
- iii. The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 6 feet.

C. Street Trees. Existing street trees shall be preserved if practicable, and, unless waived by the Planning Board, new street trees shall consist of shade trees with a minimum 3-inch caliper at time of planting. Other accent plants and trees shall be permitted in addition to the required street trees. When planting street trees, all surrounding infrastructure, utilities, and pavements shall be protected.

*9. Service Areas, Loading Docks, and Mechanical and Solar Equipment.*

A. **Trash.** Trash and recycling dumpsters or similar collection areas shall be in the rear or to the side of buildings and screened from view from adjacent public rights-of-way, properties, and pedestrian walkways. Enclosure and/or screened areas must have adequate storage space for landfill, compostable, and recyclable materials collection dumpsters and/or compactors.

B. **Mechanical Equipment.** Mechanical Equipment includes any heating, ventilation, air conditioning equipment (HVAC), or electrical machinery, as well as air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, generators, electric vehicle (EV) chargers, geothermal wells, and similar elements. If mechanical equipment is located at-grade, and is visible from an adjacent street or sidewalk, it shall be screened by a fence or landscape material. All mechanical equipment or penthouse screening placed on a roof shall be set back from the roof line by a distance at least equivalent to the height of the screening to minimize visibility from surrounding streets.

C. **Mounted Solar Energy Systems.** A mounted system on or integrated into the construction of a structure, such as, but not limited to, a roof mounted solar energy system shall be permitted provided:

- i. They shall be mounted as flush as possible to the roof; and
- ii. Buildings must be physically and structurally designed to support rooftop solar energy systems.

D. **Ground-Mounted Solar Systems.** A ground mounted system on a rack or poles that rests on or is attached to the ground shall be permitted, subject to site plan review.

*10. Private and Public Space in Multi-Housing Developments. Unless otherwise waived or modified by the Planning Board, multi-housing developments as described in Table 3 must include private outdoor spaces accessible from within each unit in an amount of 150 square feet, and outdoor public space easily accessible, continuous, and separate from parking areas in an amount of 250 square feet per unit for amenities and communal activities. The Planning Board may allow required private and public space to be in different locations or with different dimensions if it determines the applicant has provide an equivalent utility and quality of private or public space.*

**9.9.6.3 Stormwater Management.** A stormwater management and erosion control system, if required by Chapter XXIX of the Hamilton General Bylaw, shall comply with Chapter XXIX and the Stormwater Permit Rules and Regulations. General soil erosion of the proposed development site shall be minimized by integrating the development into the existing terrain and by reasonably retaining natural grades and soil cover. During grading and construction of all

improvements, including all structures and infrastructure improvements, erosion of soil shall be minimized using BMPs.

### **9.9.7 PROCEDURES.**

**9.9.7.1 *Pre-Application Conference.*** For any project that requires a Special Permit, an applicant shall request and attend one or more Pre-Application Conferences at a regular business meeting of the Planning Board. Meetings may be held by mutual agreement of the Planning Board and the applicant. The Planning Board shall invite the Board of Health, the Select Board, the Building Commissioner, the Conservation Commission, the Director of the Department of Public Works, the Fire Chief, the Police Chief, and the Zoning Board of Appeals to attend and to submit written statements about the proposed plan. The primary purpose of the Pre-Application Conference is to:

1. Provide the applicant with an information and feedback regarding the applicant's proposed plan; and
2. Set a timetable for submittal of a final plan.

**9.9.7.2 *Application Process.*** Every plan submitted for approval must be prepared by a Registered Professional Landscape Architect, Civil Engineer, or Architect, or by a multi-disciplinary team of which one (1) member must be a Registered Professional Landscape Architect, Architect, or Engineer, and shall include the information listed below. Where applicable, a plan shall be produced using the Special Design Process set forth in §9.9.5 and shall adhere to the Development Standards set forth in §9.9.6. and the dimensional regulations set forth in Table -4.

1. Title Block including the name of the Owner of record, name of applicant, address of the property, and the Assessors' Map and Lot Number; name of the company preparing the plan, address and phone number, signature and stamp of professional(s) preparing the plan, date of plan, scale;
2. The location of the proposed development;
3. The size of the site in acres;
4. An existing condition inventory;
5. A map identifying and delineating regulated and unregulated conservation areas and other resources as set forth in §9.9.5, as well as the location of the proposed development areas, and the total number and approximate locations of the proposed buildings, dwelling units, and the approximate size of each in square feet;
6. The acreage and proposed use(s) of permanently protected common open space **and other open space**;
7. A statement on the disposition or manner of ownership of the proposed open space;

8. The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanently protected common open space;
9. An acknowledgement of the applicable provisions of Chapter XXIX of the Stormwater Management General Bylaw and a general description of how drainage will be handled, including a soils statement (a soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities;
10. An assessment of water usage and evidence that drainage system will be adequate for any necessary treatment;
11. A preliminary traffic impact analysis that includes an estimated analysis of the buildout of the BHOD based upon uses permitted by right and based upon an estimated range of Special Permits;
12. If the applicant proposes to demolish all or part of an existing building, the applicant shall be required to propose a plan for demolition and removal of all waste by a licensed and insured professional entity;
13. A written proposal from the applicant that addresses, but is not limited to, the following:
  - A. Payment for consultant review of plans and documents accompanying the plan; and
  - B. Payment for project impacts to municipal infrastructure, including but not limited to, roadways, stormwater, and public safety.

#### **9.9.8 GENERAL PROVISIONS.**

**9.9.8.1 Prohibition.** Once an application has been submitted, the following activities are prohibited on any part of the site until the application has been reviewed and decided as provided by under this Section: tree removal, utility installation, ditching, grading, or construction of roads, grading of land or lots, excavation, except for purposes of soil testing, dredging, or filling, and construction of buildings or structures.

**9.9.8.2 Employment of Outside Consultants.** The Planning Board may employ outside consultants, at the applicant's expense, under the terms of G. L. c. §44, to assist it in its decision making with respect to drainage, stormwater analysis, and other matters it deems material to its findings for Site Plan Review or the issuance of a Special Permits, including but not limited to construction, inspections, and traffic analysis.

**9.9.8.3 Applicability of §8.2 (Senior Housing Bylaw) and §8.3 (Inclusionary Housing) of the Hamilton Zoning Bylaw to the BHOD.**

1. The provisions of §8.3 of the Hamilton Zoning Bylaw shall not apply to residential uses permitted in the BHOD by right.

*2. The provisions of §8.2 of the Hamilton Zoning Bylaw shall be superseded by the provisions of this Bylaw, except the following sections of §8.2 shall apply: §8.2.5, §8.2.7.2-8.2.7.11, §8.2.12.1, §8.2.12.3, §8.2.13, §8.2.14, §8.2.16.1-8.2.16.5, §8.2.19, and §8.2.21, unless waived by the Planning Board.*

*3. Site access, roadway design, and sidewalks within a Senior Housing project under §8.2 shall comply with all applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 1201 et seq. and the Massachusetts Architectural Access Board requirements, 521 CMR 1.00 et seq.*

4. Senior Housing developments pursuant to §8.2, shall comply with the annual reporting requirements of §8.2.33.

**9.9.9. PLANNING BOARD FINDINGS FOR SPECIAL PERMITS.** The Planning Board must make written findings on the following standards for the proposed uses, buildings, and structures, and, to the extent necessary to implement the purposes of this bylaw, may impose conditions, safeguards, requirements, and other standards as part of its approval.

1. The proposed new development mitigates impacts to abutting land and natural resources by reason of the location of buildings or dwelling units in relation to one another and to abutting properties;

2. The proposed new development mitigates impacts to abutting land and natural resources by reason of air or water pollution, noise, dust, vibrations, or stormwater runoff;

3. The proposed new development provides for safe and convenient access to, and within, the site from existing or proposed roads with reference to pedestrian and vehicular safety, traffic flow and control, and fire and emergency access;

4. The proposed new development provides for adequate capacity for public services, facilities, and utilities to service the proposed development, including water pressure. ~~and waste water treatment capacity;~~

5. The proposed development provides for visual and noise buffering during and following construction to minimize impacts to abutting properties;

6. The proposed development provides for the perpetual preservation and maintenance of open space, trails, and recreation areas to the extent provided herein;

7. The applicant has demonstrated compliance with §9.9.5 regarding the Special Design Process and, to the maximum extent feasible, demonstrates adherence to the principles set forth in *Section 8.1.16, OSFPD Special Permit General Design Standards.*<sup>ii</sup>

8. Unless waived by the Planning Board, or otherwise determined by the Planning Board, the proposed new development complies with the provisions set forth in Tables 3-4.

9. Unless waived by the Planning Board, the proposed development complies with the provisions of §9.9.6.

10. To the extent feasible, the proposed development incorporates energy saving and environmentally friendly building techniques.

<sup>i</sup> This draft incorporates some edits that were suggested by GCTS and accepted for inclusion in the BHOD. Those edits are highlighted in Bold. Additions to this draft from the 9.12.25 draft that have been added for the Planning Board’s consideration are italicized.

Edits suggested by GCTS that were not incorporated into the draft include the following:

Proposed GCTS edit	Reason that proposed edit was not included
9.9.2.1 Division of Upper Campus into 2 sub-districts	This change would alter the BHOD map would delay the STM
9.9.5.1 Addition of the word “potential”	9.9.5 Tracks the Special Design Process set forth in Section 8.1.12
9.9.6.2.1A Addition of “as shown on the buffer plan”	This change would alter the BHOD map would delay the STM
9.9.6.2.2. B and C – Proposed additional language	9.9.6.2 Tracks the language employed in Sections 8.1.13 and 8.2.23 and 8.2.24
9.9.6.2.4 Inclusion of repair and replacement of waste water treatment facilities	Waste water treatment requirements should be considered by the DEP and the Board of Health
9.9.7.2 Proposed deletions	9.9.7.2 Tracks language in 8.1.11.6 and 8.1.11.7
9.9.9.4-Proposed deletions re: public services and facilities	9.9.9.4 Tracks 8.2.31 [renumbered to 9.9.9.5]

<sup>ii</sup> Section 8.1.16 provides:

**8.1.16 OSFPD Special Permit General Design Standards. The following general design standards shall apply to all OSFPDs and shall govern the development and design process:**

1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. The grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme;
2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees, to minimize cut and fill, and to preserve and enhance views and vistas on or off the subject property;
3. Building designs shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings;
4. All open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties; and

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5. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or any adjacent properties.