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January 19, 2015

Michael Lombardo, Town Manager
577 Bay Road
Hamilton, MA 01982

In a letter dated January 16, 2015, you requested a determination regarding Special Permits required for the development of 12 units of housing on roughly four acres of land at 650 Asbury Street; also known as the Patton Homestead. ✓

I have reviewed the documents provided and the bylaws and other than the Special Permit required for housing development, I do not see any circumstance related to the Ground Water Protection Overlay District or otherwise that would require additional Special Permits or any other Zoning relief. ✓

Sincerely,

Charles Brett
Hamilton Inspector of Building
And Zoning Enforcement



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January 16, 2015

Charlie Brett
Building Inspector
Town of Hamilton
577 Bay Road
Hamilton MA 01936

RE: Request for Determination / Application of the Town of Hamilton and CP Berry (the "Applicants") / 650 Asbury Street, a portion of the "Patton Property" (the "Property")

Dear Mr. Brett:

Reference is made to the above captioned matter. In that connection, the Applicants request your determination of the applicable relief required for the foregoing application. As you are likely aware, the Applicants are applying under section V.E. of the Town of Hamilton Zoning Bylaw ("HZB") to construct twelve (12) units of senior housing which has been planned and designed in a clustered configuration. As more fully set forth on the plans accompanying this letter, the Property lies within the Residence Agricultural Zoning District, the Conservancy District and also in the Ground Water Protection Overlay District. The Property consists of thirteen acres (13 +/-) plus or minus with one parcel of the Property including nine (9 +/-) acres of open space (owned and controlled by the Town) and one parcel of the Property including four (4 +/-) acres upon which the residential structures will be constructed. The residential structures include nine single units and one three-family townhouse style building all located solely within the Residence Agricultural District.

The Applicants have applied for a Senior Housing Special Permit in accordance with section V.E. of the HZB. Given that the project consists of a single lot of 4 +/- acres upon which the twelve units will be constructed, the Applicants use is allowed by Special Permit from the Planning Board pursuant to section V.E. Given that there is one lot of 4 +/- acres with a residential use permitted under section V.E., the Applicants are in conformance with the dimensional and use requirements of section V.D, the Groundwater Protection Overlay District ("GPOD")¹ and are therefore not required to

¹ While the project is within the Groundwater Protection Overlay District, the project does not require a GPOD special permit or a variance. The GPOD [HZB Section V.D.4] contains the following minimum lot size requirement: "*Regardless of the minimum lot size of the underlying zone, there shall be a minimum lot area of 80,000 square feet for a building lot in the groundwater Protection Overlay District.*" Because the project will be a condominium, there will be only one lot of 4 +/- acres on which the buildings will be located. There will not be multiple small building lots. The area of the condominium lot is more than two times the stated

apply for a Special Permit or other zoning relief thereunder. Finally, it is our opinion that no further zoning relief will be required of this project prior to the application for a Building Permit and that the project meets the applicable HZB provisions regarding the Groundwater Protection Overlay District.

Kindly reply at your earliest convenience with your determination.

Respectfully submitted,



Michael Lombardo,
Town Manager
On behalf of the Board of Selectmen



O. Bradley Latham, Esq.
On behalf of C.P. Berry Residences LLC

GPOD minimum lot size requirement of 80,000 square feet. The project meets the dimensional requirement of the GPOD sections of the HZB.