

**From:** Scott Golding <sgolding@dtm-law.com>  
**Sent:** Monday, December 07, 2020 12:57 PM  
**To:** Kenneth Buckland  
**Cc:** Jeffery Tocchio  
**Subject:** Summary of Zoning Amendment Revisions

Ken,

Below is a summary of the revisions to the proposed zoning article based upon the comments received during the last public hearing. We understand that you recommend restoring the title to Hospitality, Recreation and Entertainment Overlay District. The proposed zoning amendment has been revised to address/include the following:

- Modified the title and included “overlay” in order to be re-named “Economic Opportunity Overlay District”, and adjust the intent and purpose accordingly.
- Included specifically defined terms – e.g., “EOOD”, “EOOD Special Permit” – in order to clarify what constitutes a project subject to an EOOD Special Permit.
- Added a new Section 2 to clarify how the overlay district and uses function, and that once a landowner exercises rights for an EOOD Special Permit, the land shall only be developed and used for EOOD Special Permit uses and must comply with the section. This language was taken from the Business Development Overlay District.
- Added that the total land area must be contiguous.
- In the Administrative Procedure section (4.b.), added that copies of the application shall be referred to various Town boards/commissions, which shall review the application and submit recommendations to the Planning Board.
- In the Information Requirements section (4.c.), added that (1) the applicant must provide a hydrogeological groundwater study that includes an analysis of groundwater flow, direction, supply, depth and nitrogen loading and that demonstrates that there will be no adverse nitrogen impacts to the surrounding groundwater and surface water resources; and (2) that the Planning Board shall conduct a technical review by a consultant of its choice at the Applicant’s expense.
- Clarified uses by referencing existing definition within the By-Law – e.g., “Open Space”, “Floor Area Ratio”, “Multiple Family Dwellings”.
- Strengthened and clarified the setback language to be clear no buildings may be within 300’ of an existing principal residential structure.
- Increased the setback for taller structures from 300’ to 400’.
- Added an Open Space requirement that requires a minimum of 25% Open Space. The Design Criteria previously included that 20% was expected to be open space, and included a definition. The enhanced requirements utilizes the existing Open Space definition in the By-Law, and is relocated to the Dimensional Requirements section.
- Added a Review Criteria (Section 9.b.) that requires that (1) the applicant demonstrate that there will be no adverse nitrogen impact to the surrounding groundwater and surface water resources, including a showing that the development subject to an EOOD Special Permit satisfies all applicable local, state and/or federal standards and regulations; and (2) specifies that the applicant shall also be required to obtain all other applicable local, state and/or federal permits and approvals required for development of a project subject to an EOOD Special Permit.
- Removes the reference to “masonry” in the architectural materials (Section 11.a.ii.).

Best,  
Scott

**Scott Golding, Esq.**  
**DROHAN TOCCHIO & MORGAN, P.C.**  
175 Derby Street, Suite 30  
Hingham, MA 02043  
Ph: 781.749.7200 x 131  
Fax: 781.741.8865  
sgolding@[dtm-law.com](mailto:sgolding@dtm-law.com)