

HINGHAM ACCESSORY DWELLING UNIT MINUTES

August 23, 2022 @ 7:00 PM

REMOTE MEETING

ADU Members Present Remotely: Jenn Gay Smith, Chair, Matthew Curran, Diane DeNapoli, Robyn Maguire, Beth Rouleau, Tracy Shriver

Absent: Gerry Allen, Robyn Maguire

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner

At 7:03 p.m. The Chair called the meeting to order and stated the following:

This meeting is being held remotely as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.

The Chair indicated that the Committee was recording the meeting. She then reviewed process to date. She hoped that the Committee could review an updated draft bylaw amendment and draft report at the upcoming meeting.

The Chair then reviewed the Study Committee's charge from Town Meeting, including any provision of the bylaw reasonably related to the creation of accessory dwelling units (ADUs), whether attached or detached. The recommendation to the Planning Board should include suggested bylaw amendments. She reviewed the policy recommendations and goals related to ADUs from the Housing Plan and the Master Plan. She then reviewed the current ADU application checklist to highlight all of the existing requirements.

Beth Rouleau then went through a PowerPoint presentation to review ADU design and dimensional considerations. She raised a concern about existing, unpermitted ADUs in terms of public safety. She reviewed a series of slides that provided examples of detached accessory dwelling units from the perspective of separation from the principle single-family, setbacks from property lines, and exterior design. Mr. Shriver commented on the front-facing entrance, which may not be as important for a detached ADU. Mr. Silveira confirmed that none of the example ADUs were located in Hingham, but were representative of the type of structure that may be appropriate in town. The Chair said that the examples helped her better envision the potential issues that may need to be mitigated, including exterior lighting or screening, particularly with second floor ADUs. Ms. Rouleau asked about temporary construction since it represented an

opportunity for accessibility. Mr. Shriver said that building code may require a permanent foundation without third party review and state permitting. Ms. Rouleau presented information about universal design and smaller floor plan layout options, offering that it helps seniors and disabled residents. She noted that some communities limited the number of occupants allowed. Ms. DeNapoli asked about occupancy limitations related to number of occupants, particularly in light of Fair Housing Laws. Staff noted that Dedham appeared to limit the number of residents to 2, though most communities limited the number of bedrooms. All agreed it was a question best posed to legal counsel.

A discussion followed about the potential restrictive covenant requirement included in the draft bylaw based on the model from Norwell to prevent short-term rentals. Staff noted that it would put future owners on notice, but would also run to the benefit of the Town. Ms. Wentworth pointed out the Attorney General's office had not yet approved the Norwell bylaw. She then reviewed current notice/enforcement provisions, including recording of the special permit and enforcement allowances.

The Committee then reviewed the draft bylaw amendment in detail, paying particular attention to the purposes. The Chair suggested that members review purposes of recently amended peer community bylaws, including Norwell and Lexington. There was specific discussion about the goals of the 2017 and 2021 Master Plan. Staff noted the broad goal of the updated Master Plan incorporated into the bylaw, adoption date, and existing language. The Chair confirmed that the language in the draft bylaw was directly related to the Master Plan. She then invited comments from Diane DeNapoli. Ms. DeNapoli made a presentation about needs of disabled households and affordability based on a communication from the Commission on Disabilities (COD). She expressed support for the Citizen Proposal, but baby steps beyond that.

The Chair reminded all that the discussion was related to family or nonfamily, not rental or multifamily or commercial zoning, since presently families could rent ADUs to related households. A series of questions followed. Staff reviewed current zoning definitions and the consideration of multifamily rental households generally.

Mr. Shriver said he didn't understand the COD's letter. He asked how allowing unrelated individuals to live in ADUs would impact those with disabilities. Ms. DeNapoli suggested it might impact water usage or school enrollment. Mr. Shriver said that seemed silly to him, particularly given the cap on ADUs. Impacts would be minimal from ADUs since wastewater regulations would likely govern. Ms. Rouleau agreed that that the cap governed, but may not if state legislation passed that made by right ADUs for seniors or disabled households. She reminded the group that not all seniors have families by our definition. Staff offered that not many communities regulated ADUs through a cap. Ms. Wentworth asked whether issuance of the initial permit was the appropriate mechanism. Did it make sense to leave a housing unit vacant if family circumstances changed?

The Chair said she is not worried about the cap. It was an attempt to make the Town feel comfortable. She noted that we only have approximately 15 and the intensity of the use would be the same with related or unrelated individuals. She referred to the chart of benchmark communities as more conservative is compelling. She offered that what protects the neighbors the most is the owner occupancy requirement. A conversation about short-term rentals followed, including a longer term of 6-12 months, particularly with respect to enforcement. The Committee then discussed guest houses and whether that would be allowed. Members agreed that it wasn't the intent of the bylaw. Staff confirmed that the town didn't presently allow guest houses. The Chair encouraged all to comment on the draft bylaw in advance of the next meeting.

The Committee then discussed the upcoming meeting schedule.

The meeting was then adjourned, upon a motion made by Tracy Shriver and seconded by Matt Curran, at 8:38 PM.

Meeting Materials:

Excerpt from ADU Checklist, including Eligibility and Design and Dimensional Standards

PowerPoint Presentation on ADU Dimensions, Design and Dimensional Requirements

Commission on Disabilities Communication

Draft By-Law Amendment

Hull Case on Short-term Rentals