

Residential Compatibility Standards Subcommittee
October 9, 2025 @ 6:00 PM
REMOTE MEETING

Residential Compatibility Standards Subcommittee Members Present Remotely: Anna McGarry, Mary Ann Donaldson, Jed Ruccio, Lexy Lefort, Eric Smoczynski, Tracy Shriver, Charles Hayes, Gary Tondorf-Dick

Residential Compatibility Standards Subcommittee Members Absent: Joe Fisher,

At 6:03 PM Chair Shriver called the Residential Compatibility Standards Subcommittee meeting to order and stated the following:

“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 suspending 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 me at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that I, as Chair, may inform all other participants of said recording.”

Chair Shriver confirmed no other attendees requested to record the meeting.

Chair Shriver took roll call attendance of other members present including Anna McGarry, Mary Ann Donaldson, Jed Ruccio, Lexy Lefort, Eric Smoczynski, Charles Hayes, and Gary Tondorf-Dick

Chair advised the committee that the last meeting was focused mostly on Hatfield and non-conforming structures. All members were given the transcript from an attempt in 2007 to amend Hatfield which did not pass.

Member Ruccio had offered to draft some amendments to Hatfield. After reaching out to town counsel, he was reminded that the changes being considered had been tried in the past. He reviewed the transcript and discovered that residents had strong feelings about limiting what changes can be done to their homes. Zoning changes made last year did meet this kind of resistance as Hatfield was excluded from the process. The 2007 hearing raised questions such as can you really tell a Hatfield addition from a non-Hatfield addition and if they were creating a discrimination against small homeowners who have less fund to cover costs for lawyers. It also raised concerns about mansionization. There were questions about the practical impact and how many homes would be affected. He felt the committee needed more supportive materials before wasting time drafting minor tweaks.

Member Tondorf Dick shared that the 2007 project showed that 25% of the additions were permitted under Hatfield as a matter of right. He said if an owner wanted to extend the footprint of the home and met the current setbacks of the current bylaw it would be approved, if however expanding extends into the setbacks, a variance was required. In 1984 the owners extended into the setback asked zoning board for variance which was denied. Thus the start of Hatfield. He stated the attempt in 2007 was meant to make an equal playing field for owners of conforming lots although it was perceived as taking away private property rights. He felt it would be helpful for the committee members to reread the 1984 transcript. He felt that the intent of Hatfield was to allow the extension of the home but not substantially alter the footprint. Since it was passed this non-conforming condition has been interpreted by many to go all the

way to the back or side set line. He suggested the committee consider adding language clarifying that the extent of the non-conformity is limited by the existing footprint.

Member Ruccio stated his understanding was “does not further reduce the minimum linear measurement of the existing nonconforming dimensions” meant, using a porch as an example, that if encroaching 2 feet the owner could build up but not add on to the bounds. Member Tondorf-Dick agreed but stated there are varying interpretations of the meaning. Member Ruccio suggested it should be addressed with building department as the enforcement entity and also suggested town counsel look at how this should be interpreted. He felt if handled as a special permit going before the zoning board and as part of a public hearing, making a finding and setting enforceable conditions did not make it more strict but manageable and more equitable to those who have conforming properties.

Member Tondorf-Dick pointed out that Hatfield and the bylaw fundamentally deal with two dimensional setbacks. And the bylaw does not regulate the massing in proportion to the streetscape.

Member Ruccio said this conversation illustrates just how difficult Hatfield and any proposed change is to explain. His belief was that many people attending town meeting would process the information but not follow along only seeing and disliking the impact of the rights to the least among us.

Chair Shriver agreed. He shared that when looking back at the 2007 transcripts you can see that arguments against the proposal included that it would increase the workload of the ZBA, and that 25% of all additions fell under Hatfield. It also appeared that many people did not think the disparity on rights was a big deal. The Chair let the committee know that he felt to move something forward in the April Town Meeting would be unrealistic as there is a lot of work to be done to build up support including pulling together data on the number of permits that were Hatfield, and size of the additions. He said that although it may not be done in time for the upcoming town meeting there should be continued discussion of FAR and lot coverage and possibly revisit submission in 2027.

Member Tondorf-Dick suggested in proposing refinements to keep in mind redevelopment should be no more detrimental to the scale and character of the surrounding neighborhood. He outlined things to be considered by the committee increase amount of opens space on a lot, better define what is included in three dimensional massing, Floor Area Ratio, Planner Setbacks and increasing the tree protection boundary. He agreed this would be too much to study in the short time the subcommittee had and moved on to discuss tightening of the Hatfield loop hole. He pointed out that currently the largest tear downs are near Crow Point, Worlds End and moving into Liberty Pole which houses twice the scale and mass of the surrounding homes. He acknowledge that changes to Hatfield could be controversial and that it is difficult to determine the correct approach. He referred to the Town of Dennis bylaw as having clear definition of conforming and non-conforming structures.

Chair Shriver asked if any other members had thoughts or questions on the history of Hatfield and the timing of proposed zoning changes. A brief outline of the warrant submission timelines followed. Chair Shriver felt that attempting to present something on FAR or lot coverage in that time was unattainable and suggested focusing instead on potential Hatfield adjustment reminding all that a 2/3rd vote would be needed to pass a warrant article. Member Ruccio reiterated that the subcommittee and board would need to present backup materials with hard data and examples to gain any traction. Member Donaldson commented the fairness of Hatfield needed more exploration. A brief discussion of the history of zoning bylaws followed during which the Chair noted before 1941 there was no zoning. He noted that was presented in a warrant article in 1984 and passed and the term “extension of” has been used from that

time on to defend submitted projects. There was also a brief discussion of “fairness” and if there is any sentiment of fairness or is it a non-issue. Member Tondorf-Dick felt property rights should be in coordination with the common good and wondered what the proper balance were. Restating a prior stated need for a dynamic FAR set to the lot size as is currently done in Concord. Member Ruccio suggested speaking with Town Counsel about the definition of extension of as shown below. He also asked if there was a method to identify how many problematics builds were due to Hatfield and suggested speaking to the building department about how they define 2b

2. For the purposes of this Section III-I, the alteration of, addition to, reconstruction of, extension of, or structural change in an existing nonconforming Single or Two-Family Dwelling shall not be considered the extension of a nonconforming use or structure provided that:
 - a. the Single or Two-Family Dwelling conformed in all respects to the Zoning By-Law in existence at the time of its initial construction; and
 - b. the alteration of, addition to, reconstruction of, extension of, or structural change in the nonconforming Single or Two-Family Dwelling does not further reduce the minimum linear measurement of the existing nonconforming dimensions.

Member Hayes asked if anyone knew the details of the Hatfield’s 1984 addition which brought about the Hatfield amendment. Chair Shriver said he would look into it and suggested also looking into III-I nonconforming conditions and defining reconstruction. His belief is that it was not meant to be new construction but reconstruction of the original. He asked everyone to consider and make recommendations to proceed with the study of lot coverage, FAR, and any tweaks to Hatfield or if more time would be needed to study further.

Chair Shriver moved on to discuss the upcoming meeting schedule.

Chair Shriver shared with member the June 12, 2025 and August 7 minutes as amended by Gary Tondorf-Dick and asked if there were any questions or opposition to the changes. There was none.

Chair Shriver made a motion, seconded by Gary Tondorf-Dick to approve the minutes for June 12, 2025 and August 7, 2025 as amended and for July 10, 2025 and July 24, 2025.

The motion passed by roll call vote:

- In Favor: Jed Ruccio, Lexy Lefort, Eric Smoczynski, Charles Hayes, Anna McGarry, Mary Ann Donaldson and Tracy Shriver
Opposed: None

Chair Shriver made a motion, seconded by Jed Ruccio, to adjourn the Residential Compatibility Standards Subcommittee meeting at 7:04 PM.

The motion passed by roll call vote:

- In Favor: Jed Ruccio, Lexy Lefort, Eric Smoczynski, Charles Hayes, Anna McGarry, Mary Ann Donaldson and Tracy Shriver
Opposed: None