

2021 Annual Town Meeting Proposed Warrant Articles

A	Hannah Lincoln Whiting Fund
B	Assume Liability for DCR on Rivers, Harbors, Etc.
C	Reports of Various Town Committees
D	Report of the Personnel Board
E	Salaries of Town Officers
F	Budgets
G	Transfer from the Stabilization Fund
H	Disbursement of Electric Light Department Receipts
I	Building Department Revolving Fund
J	Department of Elder Services Revolving Fund
K	Transfer Funds to the Reserve Fund
L	Acceptance of Easements
M	Community Preservation Committee
N	Design & Construction Bids for Public Safety Facility
O	Climate Action Planning Study
P	Climate Action Planning Committee
Q	Citizens Petition: Amend General By-laws: Gender Neutral Terms
R	Amend General By-law: Hingham Affordable Housing Authority Reporting Requirements
S	Amend General By-laws: Article 14 Advisory Committee
T	Five-year School Bus Lease
U	Plymouth River School Window Authorization to Borrow
V	2017 School Building Committee Additional Charge
W	Transfer Harbor Revenues to Municipal Waterways Improvement and Maintenance Fund
X	Route 3A/Rotary/Summer Street Corridor Roadway Improvements
Y	HMLP Transmission and Substation Distribution Facilities
Z	Repair/Reconstruction of Town Pier Wharf
AA	32 Rockwood Road Transfer
BB	Citizens Petition: Amend General By-laws: Articles 2 and 3
AAA	Amend Zoning By-law: Update to Floodplain Protection Overlay District By-law
BBB	Amend Zoning By-law: Limited Site Plan Review
CCC	Amend Zoning By-law: Update Floodplain Map References
DDD	Citizens Petition: Amend Zoning By-law: Accessory Dwelling Units

Hannah Lincoln Whiting Fund

ARTICLE A: Will the Town choose all necessary Town Officers, other than those to be elected by ballot, including the following:

One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Assume Liability for DCR

ARTICLE B: Will the Town, in accordance with, and only to the extent permitted by, Massachusetts General Laws chapter 91, section 29, as amended, assume liability for all damages that may be incurred by work to be performed by the Department of Conservation and Recreation of the Commonwealth of Massachusetts for the improvement, development, maintenance, and protection of tidal and non-tidal rivers and streams, harbors, tide waters, foreshores, and shores along a public beach within the Town, in accordance with section 11 of said chapter 91, and authorize the Board of Selectmen to execute and deliver a bond of indemnity to the Commonwealth assuming such liability, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Reports of Various Town Committees

ARTICLE C: To receive the reports, if any, of the following: Affordable Housing Trust; Audit Committee; Capital Outlay Committee; Cleaner, Greener Hingham; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; Historical Commission; Board of Managers of Lincoln Apartments LLC; Master Plan Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Public Safety Facility Building Committee; Scholarship Fund Committee; 2017 School Building Committee; Senior Center Building Committee; Town Historian; Tree Preservation Study Committee; Wastewater Master Planning Committee; Water Supply Committee; Weir River Water System Citizens Advisory Board; Weir River Water System Transition and Evaluation Committee, or any other Town Committees, or act on anything relating thereto.

(Inserted by the Board of Selectmen)

Personnel Board Report

ARTICLE D: Will the Town accept the report of the Personnel Board appointed under the Classification and Salary Plan, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Salaries of Certain Town Officers

ARTICLE E: Will the Town fix the salaries of the following Town Officers:

1. Selectmen
2. Assessors
3. Town Clerk
4. Municipal Light Board;

or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Budgets

ARTICLE F: Will the Town raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the twelve-month period beginning July 1, 2021, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Transfer from the Stabilization Fund

ARTICLE G: Will the Town transfer a sum of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the Fiscal Year 2022 tax rate, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Disbursement of Electric Light Department Receipts

ARTICLE H: Will the Town appropriate, from the receipts of the Hingham Municipal Lighting Plant, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2021, pursuant to sections 57 and 57A of chapter 164 of the Massachusetts General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Building Department Revolving Fund

ARTICLE I: Will the Town limit the total amount that may be spent from the Building Department Revolving Fund, established under Article 18 of the General By-laws, to \$350,000.00 during Fiscal Year 2022, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Department of Elder Services Revolving Fund

ARTICLE J: Will the Town limit the total amount that may be spent from the Elder Services Revolving Fund, established under Article 16 of the General By-laws, to \$80,000.00 during Fiscal Year 2022, or act on anything relating thereto?
(Inserted at the request of the Council on Aging)

Transfer of Funds to the Reserve Fund

ARTICLE K: Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during Fiscal Year 2021, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Acceptance of Easements

ARTICLE L: Will the Town authorize, but not require, the Board of Selectmen to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board deems in the best interest of the Town, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Community Preservation Committee

ARTICLE M: Will the Town appropriate and/or borrow or set aside for later spending funds as recommended by the Community Preservation Committee as follows:

- 1) Appropriate a sum of money in the amount of \$700,000 from the Community Preservation General Fund to be used by the Hingham Affordable Housing Trust;
- 2) Appropriate a sum of money in the amount of \$67,800 from the Community Preservation General Fund to be used by the Bare Cove Park Committee to build a bathroom in Bare Cove Park, located at 0 Fort Hill Street, Map 77/Parcel 1;
- 3) Appropriate a sum of money in the amount of \$60,000 from the Community Preservation General Fund to be used by the Harbor Development Committee and the Bathing Beach Trustees to create a new master plan for the Inner Harbor, for the area located between 0 Otis Street to 30 Summer Street;
- 4) Appropriate a sum of money in the amount of \$15,000 from the Community Preservation General Fund to be used by the Hingham Historical Commission to clean and repair the following monuments and veterans' memorials:
 - a) Lt. Curtis Chase memorial located at Plymouth River School, 200 High Street, Map 124/Lot 32;
 - b) "In Memory of All Who Served" memorial plaque located at 114 Hull Street, Map 43/Lot114;
 - c) William H. Newey memorial located at 114 Hull Street, Map 43/Lot114;
 - d) Master Sergeants Bismark and Butch memorial gravesite located on the grounds of the Public Works facility located at 25 Bare Cove Park Drive, Map 69/Lot 44;
 - e) Glacial Boulder and bronze plaque located at 59 Rockland Street, Map 41/Lot 25;
- 5) Appropriate a sum of money in the amount of \$10,000 from the Community Preservation General Fund to be used by the Community Preservation Committee for administrative purposes;

or act on anything related thereto?

(Inserted at the request of the Community Preservation Committee)

Design & Construction Bids for Public Safety Facility

ARTICLE N: Will the Town vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Board of Selectmen to be used to pay the expenses for design, architectural, engineering, owner's project manager and other professional services to complete the design and to issue construction bid documents and to obtain construction bids for a new Public Safety Facility to be located at 335 Lincoln Street, Hingham, Massachusetts, or act on anything relating thereto.

(Inserted by the Board of Selectmen)

Climate Action Planning Study

ARTICLE O: Will the Town vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be spent by the Town for the purposes of creating a Climate Action Plan, which will evaluate a wide range of carbon emission reduction strategies and propose

measures within the Town of Hingham to achieve a zero sum of carbon emissions produced and taken out of the atmosphere ("net zero") by the year 2040 or another target deemed feasible, or act on anything related thereto?
(Inserted by the Board of Selectmen)

Climate Action Planning Committee

ARTICLE P: Will the Town vote to establish a Climate Action Planning Committee charged with establishing a Climate Action Plan with such committee consisting of 12 members determined as follows: one member of the Energy Action Committee, who shall serve as Chair of the Climate Action Planning Committee; one member of Cleaner Greener Hingham, one member of the School Committee or its designee; one member of the Hingham Municipal Light Plant; one member of the Planning Board or its designee; one member of the Conservation Commission; one member of the Weir River Estuary Committee; one member of the Development & Industrial Commission, each of the above to be selected by their respective committee, and four residents, two selected by the Board of Selectmen and two selected by the Moderator, or act on anything related thereto?
(Inserted by the Board of Selectmen)

Citizens Petition: Amend General By-laws: General Neutral Terms

ARTICLE Q: Will the Town vote to amend the General By-laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, as follows:
To delete the words "board of selectmen" and "selectmen" wherever they appear in the Town of Hingham General By-laws and insert in their place the words "select board", "members of the select board" or "select board members" and "member of the select board" or "select board member", respectively.

To delete the word "chairman" wherever it appears in the Town of Hingham General By-laws and insert in its place the word "chair".

To delete the words "he", "she" and "his", "hers" and "him", "her" wherever they appear in the Town of Hingham General By-laws and insert in their place the words "they", "their" or "them."

To delete the word "He" where it appears in Section 2 and 3 of Article 6 (Town Clerk) of the General By-laws of the Town of Hingham and insert in its place the words "The Town Clerk".

To insert the following new provision as Section 4 of Article I of the Town of Hingham General-by-laws:

Under the Town of Hingham General By-laws, the Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duties and responsibilities vested in a board of selectmen by the laws of the Commonwealth of Massachusetts, by vote of the Town of Hingham Town Meeting and by the Town of Hingham General By-laws.

To insert the following new provision as Section 5 of Article I of the Town of Hingham General By-laws:

In all currently active Town of Hingham communications and documents, such as policies, rules and regulations, where reasonably practical, and in all future Town of Hingham communications and documents, the words "board of selectmen", "selectmen" and "chairman" shall be deleted

and replaced with words "select board", "members of the select board" or "select board members" and "member of the select board" or "select board member" and "chair", respectively.

It is the intent of this provision that gender-neutral terminology shall be used in all current and future Town of Hingham communications and documents, and that with respect to currently active Town communications and documents where it is not reasonably practical to change terminology that is not gender-neutral, such documents shall be interpreted to impute gender-neutral terminology.

To insert the following new provision as Section 6 of Article I of the Town of Hingham General By-laws:

Wherever words of one gender appear in the Town of Hingham General By-laws such words shall be construed to include the other gender.

And further,

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court in accordance with Article LXXXIX, Article II, Section 8 (M.G.L.A. Const. Amend. Art. 2, Section 8), of the Articles of Amendment to the Constitution of the Commonwealth, as follows:

Section 1. Notwithstanding any general or special law or by-law of the Town of Hingham to the contrary, the Town Administrator Special Act, Chapter 260 of the Acts of 2016, is hereby amended to delete the words "board of selectmen" wherever they appear in said act and insert in their place the words "select board".

Section 2. Notwithstanding any general or special law or by-law of the Town of Hingham to the contrary, the Board of Selectmen of the Town of Hingham shall be referred to as the Select Board of the Town of Hingham and individual members of said Select Board shall be referred to as a member of the Select Board of the Town of Hingham,

Section 3. This act shall take effect upon its passage.

or act on anything relating thereto?

(Inserted at the request of Registered Voters – Citizens Petition))

Amend General By-law: Hingham Affordable Housing Authority Reporting Requirements

ARTICLE R: Will the Town vote to amend the General By-laws of the Town, adopted March 13, 1939, as heretofore amended, in order to update financial and other reporting requirements of the Hingham Affordable Housing Trust by replacing the reference to "Annual Town Meeting" with "the Board of Selectmen" in Article 39, Section 2,a.(16) of the Town of Hingham General By-laws, or act on anything relating thereto?

(Inserted at the request of the Hingham Affordable Housing Trust)

Amend General By-law: Article 14 Advisory Committee By-law

ARTICLE S: Will the Town vote to amend the General By-laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, as follows:

To delete Section 2 of Part 1 of Article 14 of the Town of Hingham General By-laws and insert in its place the following new Section 2:

Section 2 - Prior to the commencement of each fiscal year or as soon thereafter as reasonable review of prospective appointees permits, the moderator shall appoint five members of said committee, each to serve a term of three (3) years, commencing on the first day of the fiscal year for which the appointment is made or the date of the actual appointment if made after the commencement of the fiscal year. Each member of the committee shall serve through June 30th of the year in which such member's term expires. The committee shall choose its own officers who shall serve without pay. The committee shall cause to be kept a true record of its proceedings.

To delete Section 3 of Part 1 of Article 14 of the Town of Hingham General By-laws and insert in its place the following new Section 3:

Section 3 - All articles in any town meeting warrant shall be referred to and considered by the advisory committee. A public meeting may be held upon any article, and a notice of such meeting shall be given in accordance with the Open Meeting Law of the Commonwealth of Massachusetts, M.G.L. c.30A, §§18-25 as then in effect. The committee shall report to the town meeting, in print or otherwise, such recommendations on each article as it deems best for the interests of the town.

To delete Section 5 of Part 1 of Article 14 of the Town of Hingham General By-laws and insert in its place the following new Section 5:

Section 5 - Whenever any vacancy shall occur in the committee it shall be filled by the moderator. If any member is absent from five consecutive meetings of the committee, for other cause than illness, said member's position shall be deemed vacant and the committee shall report such vacancy to the moderator, who shall proceed to fill the same. Any person appointed to fill a vacancy in the committee shall hold office for the unexpired term of the person whom such appointee succeeds.

or act on anything relating thereto.
(Inserted by the Board of Selectmen)

Five-year School Bus Lease

ARTICLE T: Will the town authorize the School Department to enter into a lease of up to five years for the purpose of leasing new school buses used for regular transportation, or act on anything relating thereto?
(Inserted at the request of the School Committee)

Plymouth River School Window Authorization to Borrow

ARTICLE U: Will the Town vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the 2017 Hingham School Building Committee for a windows replacement project at Plymouth River School located at 200 High Street, Hingham, MA 02043, which would replace necessary doors, windows and make other repairs or replacements as necessary to meet MSBA requirements, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied

for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or act on anything related thereto?
(Inserted at the request of the School Committee)

2017 School Building Committee Additional Charge

ARTICLE V: Will the Town authorize but not require the expansion of the role of the 2017 School Building Committee to pursue, oversee and execute the replacement of windows, doors and related infrastructure with respect to Plymouth River Elementary School pursuant to and in conjunction with Hingham’s invitation into the Massachusetts School Building Authority’s (MSBA) Accelerated Repair Grant Program, or act on anything relating thereto?
(Inserted at the request of the School Committee)

Transfer Harbor Revenues to Municipal Waterways Improvement and Maintenance Fund

ARTICLE W: Will the Town vote to appropriate or transfer from available funds a sum of money, which sum was generated from fees paid to the Town of Hingham during FY2021, from any parking license for the purpose of accessing slips or moorings, and revenues generated by the Harbormaster’s Office and/or boat excise taxes, for deposit to the Town’s Municipal Waterways Improvement and Maintenance Fund, to be used in accordance with M.G.L. c. 40, § 5G, or act on anything relating thereto?
(Inserted by Board of Selectmen)

Route 3A/Rotary/Summer Street Corridor Roadway Improvements

ARTICLE X: Will the Town vote to raise and appropriate, borrow or transfer from available funds, a sum of money for civil engineering services to design and to develop plans and specifications for the Route 3A/Rotary/Summer Street corridor roadway improvements and all incidental costs, or act on anything relating thereto?
(Inserted at the request of the 3A Task Force)

HMLP Transmission and Substation Distribution Facilities

ARTICLE Y: Will the Town of Hingham vote to authorize, but not require, pursuant to M.G.L. c 40, §15A and all other applicable laws, the Board of Selectmen to transfer the care, custody, management and control, from the Board of Selectmen to the Hingham Municipal Lighting Plant all or a portion of the property located at 0 Hobart Street, Hingham Assessor’s Map 106-0-61, for municipal light plant purposes; and will the Town of Hingham vote to borrow, pursuant to M.G.L. c. 44, § 8(8) a sum necessary for the purpose of extending and enlarging the Hingham Municipal Lighting Plant’s transmission and substation distribution facilities, with any premium received by the Town of Hingham upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds and notes, applied to the payment of the costs authorized by this vote pursuant to M.G.L. c. 44, § 20, in order to reduce the amount authorized to be borrowed to pay such costs by a like amount, or act on anything relating thereto?
(Inserted at the request of the Hingham Municipal Light Plant)

Repair/Reconstruction of Town Pier Wharf

ARTICLE Z: Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Board of Selectmen for the repair/reconstruction of the Town Pier Wharf, to address safety issues and sea level rise, or act on anything related thereto?

(Inserted at the request of the Harbor Development Committee)

32 Rockwood Road Transfer

ARTICLE AA: Will the Town authorize, but not require, the Board of Selectmen to transfer to the Hingham Affordable Housing Trust the care, custody, management, and control of the following parcel of land for the purpose affordable housing in perpetuity: Lot 11 on a plan entitled, "Subdivision Plan of Land in Hingham, MA," dated April 14, 1954, prepared by Lewis Perkins & Son, recorded with Plymouth County Registry of Deeds as Plan. No. 271 of 1954 in Plan Book 9, Page 11, or act on anything relating thereto?

(Inserted at the request of the Hingham Affordable Housing Trust)

Citizen Petition: Amend General By-laws Article 2 and 3

ARTICLE BB: Will the Town vote to amend the General By-laws of the Town, adopted March 13, 1939, as heretofore amended, by amending Article 2 and Article 3, respectively, for the purpose of establishing the requirement of a standing resolution to be presented for adoption at the annual regular Town Meeting of the Town, and procedure therefore, recognizing by a roll call the names of employees, appointed volunteers and elected officials of the Town deceased since the prior year annual REGULAR Town Meeting, and expressing the Town's lasting appreciation of their efforts and contributions to the good of the Town.

(l) by inserting in Article 2 after Section 9 thereof the following:

Section 10.

(a) There shall be a standing resolution presented for consideration and action of each annual regular Town Meeting to recognize by roll call the names of persons who were employed by, an appointed volunteer to, or elected official of the Town and are deceased since the prior annual regular Town Meeting, with an expression of lasting appreciation by the Town for their efforts and contributions to the good of the Town.

(b) The Town Clerk shall compile into a written list the information required for the resolution's roll call based on public information known or made known to the Town Clerk since the last annual regular Town Meeting. The list shall include each such person's most recent (i) first and last name and (ii) position of employment, volunteer appointment or elected office held with the Town. This list shall be incorporated into the resolution, which shall be included in the next Town Report.

(c) The language of the resolution shall be substantially as follows:

Resolved: That the Town of Hingham hereby recognizes those persons once employed by, an appointed volunteer to or an elected official of the Town and are deceased since the last annual regular Town Meeting, to be hereafter specifically identified though a roll call of a list compiled by the Town Clerk; and that the Town hereby expresses its lasting appreciation for their efforts and contributions to the good of the Town (roll call list to be inserted here).

and

(2) by inserting in Article 3 after Section 4 thereof the following:

Section 4A. The resolution required by Section 10 of Article 2 of these by-laws shall be presented by the Moderator at the first session of annual regular Town Meeting, and prior to consideration of any other warrant article. The Moderator shall recognize the Chair of the Board of Selectmen, or the Chair's designee, for the purpose of reading the resolution aloud to Town Meeting and further recognize the Town Clerk, or the Town Clerk's designee, for the purpose of reading aloud to Town Meeting the resolution's incorporated compiled roll call list. Upon the conclusion of the reading of the roll call the Moderator shall present the resolution for a vote by Town Meeting.

or act on anything relating thereto?

(Inserted at the request of Registered Voters – Citizens Petition)

Amend Zoning By-law: Update to Floodplain Protection Overlay District By-law

ARTICLE AAA: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended as follows:

Item 1: By amending Section III-C, 1 by inserting “The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the Plymouth County FIRM and further defined by Flood Insurance Studies.” after the second sentence that ends in (NFIP;

Item 2: By amending Section III-C, 1.d by deleting “and” at the end of the sentence;

Item 3: By amending Section III-C, 1 by deleting “All regulations in the Hingham Zoning By-Law applicable to such underlying districts shall remain in effect; except that, where the provisions of this Section III-C impose additional regulations, those additional regulations shall govern.” and inserting “

f. to avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; and

g. to eliminate costs associated with the response and cleanup of flooding conditions.

All regulations in the Hingham Zoning By-Law applicable to such underlying districts shall remain in effect; except that, where the provisions of this Section III-C impose additional regulations, those additional regulations shall govern. The floodplain management regulations found in this Floodplain Protection Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

Disclaimer of liability- The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.”;

Item 4: By amending Section III-C, 10 by deleting the existing text and inserting new Sections 10-18 as follows “

10. The Town of Hingham requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The

Town of Hingham hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town/City. Whenever an application is made for a Building Permit on a lot of land which the Building Commissioner believes may contain a Floodplain Protection Overlay District boundary, said Commissioner shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot showing the exact location of the Floodplain Protection Overlay District boundary.

11. If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

12. Variances to building code floodplain standards: If the State issues variances to the flood-resistant standards as found in the state building code, the Town of Hingham will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town of Hingham shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
13. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)- A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
14. Hingham's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
15. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating

nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

16. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
17. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
18. Definitions:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or
- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter

of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]";

or act on anything relating thereto?
(inserted at the request of the Planning Board)

Amend Zoning By-law: Limited Site Plan Review

ARTICLE BBB: Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended as follows:

Item 1: By amending Section IV-B.6.b to delete the existing text and insert "all projects that would 1) create a land disturbance or an alteration of drainage patterns over an area greater than 5,000 square feet; or 2) create a land disturbance of more than 2,500 square feet in areas with slopes greater than 10% provided, however, that projects creating a land disturbance or an alteration of drainage over an area greater than 5,000 square feet but less than 20,000 square feet, or more than 2,500 square feet in areas with slopes greater than 10% shall be eligible for Limited Site Plan Review as defined below;"

Item 2: By amending Section IV-B.6 to insert "e. Limited Site Plan Review - Limited Site Plan Review shall be required in connection with projects as identified in subsection b above. Limited Site Plan Review shall not apply to site plan review required in connection with a Special Permit A3 Flexible Residential Development or other development projects consisting of more than one single-family or two-family dwelling for which site plan review is required, or Site Plan Review in Association with a Special Permit A2.

- i. Procedures: Applicants shall schedule a preliminary meeting with the town planner to discuss the project, identify potential concerns and discuss the application and review process. A site visit may be scheduled to review the scope of the project.
- ii. Submittal Requirements: Each application for Limited Site Plan Review shall include the information detailed in Section I-I.6 (a), (b), (f, excluding traffic analysis), (h) and (j).
- iii. Review: The scope of the site plan review shall be limited to the criteria set forth in Section I-I.6 (a) and (e) through (i) as to the impact of the construction of the project and the site plan design on abutting properties, and adjoining public ways, and the Town's municipal stormwater system as to erosion, surface water drainage, and the disposal of refuse and other wastes, and may be subject to professional consultant review consistent with Section I-F.3.
- iv. Decision: The Planning Board or its designee (under Section I-I.5.c) shall review the application and shall file a written decision not later than 45 days after receipt of a

completed application in the office of the Town Clerk and notify the applicant of the decision. The required time limits for the filing of such decision may be extended by written agreement of the applicant and the designee, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the Planning Board or its designee to act in the 45 day period shall be deemed approval of the site plan. An applicant who seeks such approval because of the failure of the Planning board or its designee to act in the time prescribed shall notify the Town Clerk in writing within 14 days from the expiration of said 45 days or extended time.”

or act on anything related thereto?
(Inserted at the request of the Planning Board)

Amend Zoning By-law: Update Floodplain Map References

ARTICLE CCC: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended as follows:

Item 1: By amending Section III-C, 1 by deleting the following text: “25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 25023C0101J, 25023C0102J, 25023C0103J, 25023C0104J, and 25023C0111J, dated July 17, 2012, and” and inserting the following text: “25023C0016J, 25025C0017J, 25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, and 25023C0102J, dated July 17, 2012, and 25023C0091K, 25023C0092K, 25023C0101K, 25023C0103K, 25023C0104K, and 25023C0111K, dated _____, 2021,”; and

Item 2: By replacing the current map “Zoning Part B: Floodplain Protection Overlay District” with an updated map with the same title that (1) shows the updated floodplain information on the following panels: 25023C0091K, 25023C0092K, 25023C0101K, 25023C0103K, 25023C0104K, and 25023C0111K, (2) replaces the date with April 2021, and (3) in the footnote, replaces the phrase “Flood zone designations are based on 2012 Flood Insurance Rate Maps”, with the phrase “Flood zone designations are based on 2012 and 2021 Flood Insurance Rate Maps”;

or act on anything relating thereto?
(inserted at the request of the Planning Board)

Citizens Petition: Amend Zoning By-law: Accessory Dwelling Units

ARTICLE DDD: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended as follows:

V-K Accessory Dwelling Units

1. Purpose

Consistent with the Master Plan Goals [and Objectives](#) adopted March 20, 2017, the purpose of permitting accessory dwelling units in [connection with](#) single-family dwellings is to:

- a) Provide accessory dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of the dwelling and for the purpose of enabling owners of single-family dwellings, [including those with](#)

existing, separate, detached accessory structures situated on the same lot to share space and the burdens of homeownership with family members (as defined in this Section V-K) while also protecting the stability, property values and residential character of the surrounding neighborhood.

- b) Provide housing units for family members with diverse housing needs including, without limitation, family members with mental and physical disabilities.
- c) Enable the Town to monitor accessory dwelling unit construction for code compliance.

2. Definitions

- a) An "accessory dwelling unit" is a second self-contained dwelling unit either (i) within a single-family dwelling (an "attached accessory dwelling unit"), or (ii) within an existing, separate, detached structure situated on the same lot as the principal dwelling (a "detached accessory dwelling unit"), which second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.
- b) For the purposes of this Section V-K, a "family member" shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.
- c) A "principal dwelling" for the purposes of this Section V-K is a single-family dwelling exclusive of the area that constitutes the accessory dwelling unit.
- d) A single-family dwelling with an accessory dwelling unit shall not be deemed to be a two-family dwelling.

3. Eligibility Requirements

The Board of Appeals may only issue a Special Permit AI for an accessory dwelling unit that meets the following minimum eligibility requirements:

- a) As of the date that the application for a special permit is filed with the Board of Appeals, the total number of accessory dwelling units in the Town shall not exceed two and one-half percent (2.5%) of the total single-family dwelling units in the Town (the "ADU cap"). The ADU cap shall be determined by a fraction represented as follows: the numerator shall be the total number of accessory dwelling units allowed by special permit pursuant to this Section V-K plus the number of accessory dwelling unit permit applications pending approval before the Board of Appeals and the denominator shall be the total number of single-family dwelling units existing in the Town as classified in the Hingham assessors' records.
- b) The applicant shall, at the time application is made for the special permit, be the owner of the lot and single-family dwelling thereon ~~for in~~ which the accessory dwelling unit is proposed and must certify in such application that (i) the owner currently occupies the single-family dwelling or will occupy the principal dwelling or accessory dwelling unit as his or her primary residence immediately upon issuance of the special permit and (ii) that the other unit shall be occupied by a family member.
- c) The area of the lot on which the existing single-family dwelling is located shall not be less than five thousand (5,000) square feet or, in the case of new construction (which shall be limited to attached accessory dwelling units) shall comply with the applicable minimum lot size for the single-family zoning district in which the single-family dwelling is proposed.

- d) The application must be accompanied by written confirmation from either (i) the Board of Health that the requirements of the Massachusetts Title 5 septic system regulations and the Hingham Board of Health Supplemental Rules and Regulations for septic systems have been or can be met or (ii) the Sewer Department that there exists available capacity in the applicable sewer district, in either case, to support the total number of bedrooms proposed for the lot inclusive of the accessory dwelling unit.
- e) Only one accessory dwelling unit shall be permitted per lot, either as an attached accessory dwelling unit within a single-family dwelling or as a detached accessory dwelling unit in an existing, separate, detached structure, and per lot so that the total number of dwelling units per lot shall not exceed two.
- f) In Residence District D and in Business Districts A and B accessory dwelling units are only permitted in preexisting nonconforming single-family dwellings.

4. Dimensional and Design Requirements

The Board of Appeals may only issue a Special Permit AI for an accessory dwelling unit that meets the following dimensional and design requirements:

- a) The architectural character of a detached single-family dwelling shall be maintained.
- b) All stairways accessing an accessory dwelling unit above the ground floor of a single-family dwelling or otherwise in an existing separate detached structure shall be enclosed within the exterior walls of the single-family dwelling or existing, separate, detached structure.
- c) The maximum area of an accessory dwelling shall be the lesser of 750 square feet or 350% of the gross floor area of the principal dwelling. For this calculation, the gross floor area shall be as defined in Section VI of this By-Law.
- d) An accessory dwelling unit shall not be created by any extension of a non-conforming building dimension, including the front, side or rear yard setback.
- e) Any new entrance for an attached accessory dwelling unit or principal dwelling shall be located to the side or rear of the single-family dwelling.
- f) Water and sewer utilities serving the accessory dwelling unit shall not be metered separately from the principal dwelling except to the extent required or if such utilities serving a detached accessory dwelling unit have previously been separately metered: provided, however, that any separately metered utilities shall be in the name of the owner of the principal dwelling.
- g) Additional or modified landscaping, fences or other buffers may be required to protect abutting properties from potential negative visual or auditory impacts of the accessory dwelling unit.
- h) The parking requirement for an accessory dwelling unit is one space per bedroom in addition to the minimum required parking spaces for a single-family dwelling.
- i) An accessory dwelling unit may not have more than two (2) bedrooms.

5. General Conditions

Any special permit issued pursuant to this Section V-K shall be subject to, and shall incorporate the following conditions:

- a) The owner of the single-family dwelling shall occupy either the principal dwelling or the accessory dwelling unit as the owner's primary residence. Temporary absences of the owner for a period of not more than nine months in the aggregate in any twelve month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement provided that the dwelling units may only be occupied by family members of the owner during the owner's absence.
- b) The owner shall recertify annually, by submission of a notarized letter to the Building Commissioner that the owner will continue to occupy either the primary dwelling or the accessory dwelling unit as the owner's primary residence, except for a bona fide temporary absence as provided above in subsection 5.a.
- c) Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued a permit for an accessory dwelling unit, if the new owner wishes to maintain the special permit for the accessory dwelling unit use, such new owner must, within thirty (30) days of such transfer, submit a notarized letter to the Building Commissioner certifying that the new owner will occupy one of the dwelling units as the new owner's primary residence and comply with the other conditions of the accessory dwelling unit use.
- d) Neither the principal dwelling nor the accessory dwelling unit may be sold or otherwise conveyed or transferred separately from the other.

or act anything related thereto?

(Inserted at the request of Registered Voters – Citizens Petition)