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**MODERATOR'S MESSAGE
ON
TOWN MEETING PROCEDURES**

Our town meeting is conducted in accordance with the Town By-Laws and also with regard to the traditions followed in Hingham town meetings for many years. Several matters of procedure are summarized below

- An **article** in the warrant states a question for the town meeting to answer. A **motion** is a proposed answer to the question and must be within the scope of the article. An article (once published in the warrant) may not be amended but a motion may be amended by vote of the meeting.
- If the Advisory Committee is recommending an **affirmative motion** under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a "substitute motion"). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending **no action** under an article and a voter offers an affirmative motion, the voter's motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.
- All **motions and proposed amendments** involving the expenditure of money must be **in writing**. So must all other motions and proposed amendments unless they are so brief and simple as to be easily understood when stated orally (*e.g.*, motion for the previous question, motion to adjourn). Voters are welcome to seek the assistance of counsel for the Town in preparing motions or proposed amendments.
- **Limits on speaking:** No one may speak on any subject for more than ten (10) minutes for the first time or for more than five (5) minutes for the second time. No one may speak more than twice on any question unless all others who have not spoken on the question shall have spoken if they desire to do so, and unless leave of the meeting is first obtained. A person may speak more than twice, however, to make a brief correction of an error in or misunderstanding of his or her previous statement, including brief answers to questions from the floor (addressed through the Moderator).
- No speaker is allowed to **indulge in personalities** but must confine his or her remarks to the matter before the meeting.
- Persons who are not registered voters of the Town may be admitted to the meeting as **guests** by the Moderator. A guest of the meeting may be granted permission to address the meeting by majority vote.
- The purpose of the **motion for the previous question** is to end discussion and have an immediate vote on the pending question. The motion is not debatable and requires a majority vote for adoption. The Moderator will decline to accept a motion for the

previous question if other voters are seeking recognition and if both sides have not had a fair opportunity to be heard. The Moderator will accept the motion for the previous question if it appears that both sides have been heard and the discussion is becoming repetitious.

- **Voting procedures:** All votes are taken in the first instance by voice vote. If the Moderator is in doubt as to the results or if seven (7) voters rise and express doubt as to the result declared by the Moderator, a standing vote is taken, **except** that a ballot vote is taken (instead of a standing vote) if either the Advisory Committee or fifty (50) voters promptly call for a ballot vote. As a ballot vote takes considerable time, our practice has been not to request a ballot vote in the absence of compelling reasons.
- No vote may be **reconsidered** except after a **two-thirds vote** on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass.
- A vote adopted at one session of the town meeting may not be **reconsidered at a later (adjourned) session** of the meeting unless the mover has given notice of his or her intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than 12 hours before the hour to which adjournment has been voted and not more than 48 hours after the hour of adjournment of such session. Any motion for reconsideration pursuant to such notice of intention will be taken up at the beginning of the adjourned session.
- Action under **Article 6**, our budget article, will not be considered final, so as to require a two-thirds vote for reconsideration or any other procedures applicable to reconsideration, until all action under the Article has been completed.
- **Articles** in the warrant are to be acted upon **in their order** unless the meeting otherwise determines by majority vote.
- A **motion to adjourn** the meeting to a later time is a privileged motion and is decided by majority vote without debate. When the warrant is completed, a **motion to dissolve** the meeting is in order.
- A **quorum** for the transaction of business is **300**. Once a quorum is determined at the start of the meeting (or adjourned session), the presence of a quorum is presumed to continue unless a point of no quorum is raised and a count of the meeting shows that a quorum is not present. In that event, the meeting may be adjourned to a later date.
- **If you desire to speak**, please rise and seek the attention of the Moderator or the Assistant Moderator. When recognized by the Moderator, you should come to a microphone. Please state your name and address at the outset each time you speak.

Any citizen who has any questions about procedures at town meeting is encouraged to get in touch with me at my office (617-951-7455) or home (781-749-2888) or to see me prior to the start of town meeting.

Thomas L. P. O'Donnell
Moderator

April, 2008

MUNICIPAL FINANCE TERMS

APPROPRIATION - An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION - A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

CAPITAL BUDGET - A plan of proposed capital outlays and the means of financing them for the current fiscal period.

CHERRY SHEET - A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE - Payment of interest and repayment of principal to holders of the town's debt instruments.

FISCAL YEAR - A 12-month period, commencing on July 1, to which the annual budget applies.

FREE CASH - The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a town meeting.

GENERAL FUND - The major town owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT - A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LINE-ITEM BUDGET - A format of budgeting which organizes costs by type of expenditure such as expenses, equipment, and salaries.

OVERLAY - The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year's overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY - The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed "per thousand dollars" of assessed valuation.

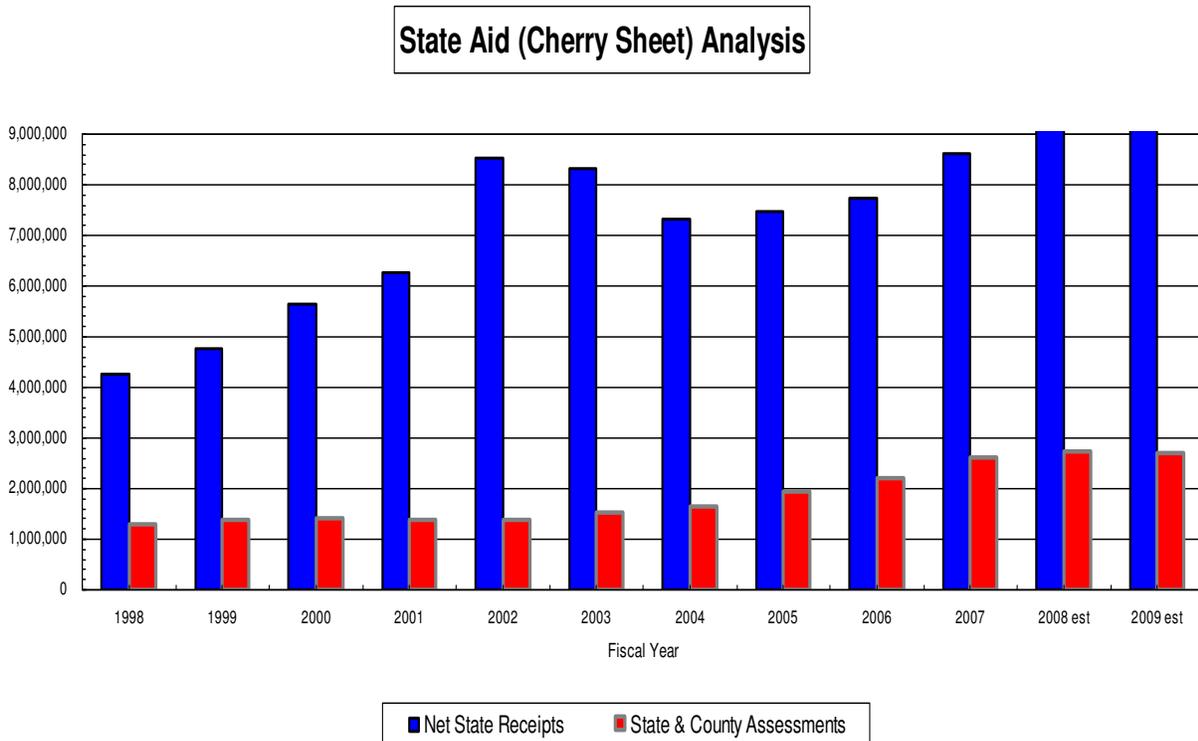
RESERVE FUND - Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary or unforeseen expenditures.

REPORT OF THE ADVISORY COMMITTEE

OVERVIEW

The Advisory Committee is pleased to recommend the enclosed Fiscal Year 2009 budget (Articles 4, 5 and 6) for Town Meeting approval.

As shown in the table below, state aid peaked in FY 2002 and then decreased for FY 2003 and FY 2004, before beginning to increase again in FY 2005. It was not until FY 2007 that the level of state aid finally returned to FY 2002 levels. We are projecting that state aid will flatten in FY 2009, and this budget assumes an approximately 0.6% increase. However, since FY 2002, state and county assessments increased significantly due to a sharp rise in the amount passed through by the state to the town for retired teachers' healthcare. The result is that net state aid (gross state receipts, net of amounts which the state requires to be dedicated for specific purposes, less state and county assessments) still has not returned to 2002 levels.



The FY 2009 regular operating budget for the municipal operations of the Town (net of capital) will increase by 4.19%, while the recommended education operating budget (net of capital) will increase by 4.96%, resulting in a total operating budget increase of 4.30%.

Labor costs are the most significant expense to the Town, amounting to 70.34% of the FY 2009 operating budget. The bulk of the Town's labor costs are determined as a result of collective bargaining. The FY 2009 budget reflects new contract increases negotiated by the Personnel Board for certain bargaining units and sets aside certain additional amounts for contract negotiations not yet concluded. The rising costs of health care, retirement funding and energy -- both fuel and utilities -- remain a concern, since the Town has only limited ability to control such charges.

The recommendations in Article 6 reflect level-services budgets for salaries and expenses for each of the town departments. The Advisory Committee would like to acknowledge and thank each of the department heads for the cooperation and restraint they have demonstrated in this budget year. The only straight line-item increase contained in the Article 6 recommendations is for an additional \$90,000 associated with an increase in worker's compensation claims.

With respect to the School Department, for FY 2009, the Advisory Committee is recommending a school budget designed to meet the challenge of growing enrollment within our existing facilities, while recognizing the current budgetary constraints of the Town. The School Department budget contains only a modest level of new hires (equivalent to approximately 2.5 FTE's). As indicated at the Special Town Meeting of March 3, 2008, the Advisory Committee anticipates that the School Committee will request an operational override for FY 2010 in order to fund the cost of operating the new elementary school. The Advisory Committee anticipates that the operational override request will be in the range of \$2.0 million to \$2.5 million.

The need for capital spending grows apace, as many projects have been delayed and deferred in recent years. Recommendations for capital spending are discussed below.

The Town's current financial position is sound but bears continued vigilance given the state's somewhat volatile economic and budget situation. As the Town continues to address the school facility long range plan, we expect that the next several years will continue to be fiscally challenging. We stand ready to deal with any effects from these challenges, including the difficult balancing of new revenues from future development in the Town with increased demand for services required by that growth, to maintain Hingham as the unique and treasured place it is.

THE BUDGET PROCESS

At the 1991 Annual Town Meeting, the General By-laws of the Town of Hingham were amended to specifically assign responsibility for the preparation of the budget (Articles 4, 5 and 6) to the Board of Selectmen assisted by the Town Administrator. Each fall, at the beginning of the budget cycle, the Town Administrator consults with the department heads about anticipated funding needs and prepares a budget. The Board of Selectmen then reviews it. Next, the budget undergoes a detailed review by the Advisory Committee. The Advisory Committee is a part of the legislative branch of town government and is comprised of 15 citizens of the Town appointed by the Town Moderator. The Advisory Committee modifies the budget as necessary and recommends it to Town Meeting. It also makes recommendations on articles presented in the Warrant. Town Meeting has the final vote on all budgets and warrant articles. The budget becomes effective only after the approval of Town Meeting. The Board of Selectmen and Advisory Committee recommend; Town Meeting decides.

FIVE YEAR FORECAST

Financial forecasts are used to estimate the Town's revenue and expenditures in the current and ensuing five fiscal years. The forecasts are prepared by the Finance Director/Town Accountant and updated periodically by a committee that includes the Chair and Vice-Chair of the Advisory Committee, the Chairman of the Board of Selectmen, the Town Administrator, the School Committee Chair, the Superintendent of Schools and the School Director of Business and Support Services. This group meets frequently throughout the year to keep the forecast accurate in the light of updated financial information.

FINANCIAL POLICY

Each year the state certifies the amount of free cash unspent by the Town in the prior year. The Town's financial policy statement recommends that we maintain an Available Reserves (or Free Cash) balance equal to 5% of annual expenditures. This amount of Available Reserves enables us to provide for the imbalance between cash receipts and expenditures, thereby eliminating the need to borrow in anticipation of cash receipts.

The Town historically has used the amount above 5%, known as the Excess Available Reserves (or Excess Free Cash), for Town spending or tax reduction. Because Available Reserves amounts can vary from year to year, the Town's financial policy has been to use Excess Free Cash only for capital needs. Excess Free Cash is not used to finance operating budgets because of the unpredictable nature of free cash and the long-term, continuing nature of operating budgets.

Other provisions of the financial policy include:

- A Reserve Fund set at 1% of appropriations (included in Article 6).
- Annual capital expenditures of at least 3% of the total operating budgets (operating budgets are considered to be the sum of Articles 4, 5 and 6, less capital expenditures, debt service, and the Sewer and Country Club budgets which are financed by user fees).
- A guideline stating that annual debt service should not exceed 5% of forecasted general revenues.

Our financial policy is a contributing factor to the Aaa bond rating attributed to Hingham by all three municipal bond rating agencies. This results in lower interest rates on funds that the Town borrows.

In general, the Town is in compliance with the Town's financial policy except that the annual 1% Reserve Fund is under-funded by approximately \$200,000. While the Advisory Committee would like to see the Reserve Fund funded in accordance with the Town's financial policy, we are comfortable with the amount included in the FY 2009 budget because the Town has rarely required Reserve Fund transfers in excess of the amount set aside for FY 2009 and because of the presence of the 5% reserve discussed above.

FUNDING OF CAPITAL NEEDS

The Town continues its program for the maintenance and improvement of its facilities and infrastructure via its capital planning process. Capital needs are generally funded through the operating budget, Excess Free Cash and borrowing. It has been our historical practice to allocate an amount to support capital projects from the operating budget. During FY 2004 and FY 2005, we deviated from that practice and no funds were allocated from the operating budgets for capital projects, because all of our recurring revenue was required to balance the operating budgets. Within the proposed budget for FY 2009, we were able to earmark \$900,000 of FY 2009 operating revenue for capital expenditures.

The backlog of pressing capital needs, many of which have been postponed repeatedly over the past few years, will continue to present a challenge going forward. As a Town, we need to increase the amount of capital that we fund from our operating budget. This will not be easy and will take the cooperation of all of the town departments.

The Advisory Committee supports the Capital Outlay Committee's recommended capital budget of \$2,423,634. Larger proposed items include the replacement of eight Police cruisers, replacement of portable radios for the Police Department, a new UHF radio system for the Fire Department, the replacement of a dump truck with a sand-and-plow package, replacement of a brush chipper, harbor dredging, school-technology investments, enhancements to the school security systems, the replacement of the Student Information System, copiers and replacement of the garage doors at the Depot.

This sum, if approved, will be funded as follows:

\$900,000	from the operating budget
755,834	from Excess Free Cash
19,300	from revolving fund receipts
38,000	from sewer rates (for Sewer Commission capital expenses)
\$380,000	from borrowing (to be funded by sewer rates)
\$330,500	from Enterprise Fund receipts (South Shore Country Club)

SOURCES AND USES OF FUNDS ANALYSIS

	ACTUAL <u>FY2007</u>	ESTIMATE <u>FY2008</u>	FORECAST <u>FY2009</u>	FORECAST <u>FY2010</u>	FORECAST <u>FY2011</u>
SOURCES					
Tax Levy					
Levy	45,745,724	48,193,504	50,811,392	53,009,145	55,461,374
2 1/2 % increase	1,143,643	1,204,838	1,270,285	1,325,229	1,386,534
New growth	1,304,137	1,413,050	927,469	1,127,000	1,127,000
Debt exclusions	1,950,372	1,833,386	1,952,252	2,484,054	3,667,777
Unused Levy Capacity	0	0	0	0	0
Total Tax Levy	<u>50,143,876</u>	<u>52,644,778</u>	<u>54,961,398</u>	<u>57,945,428</u>	<u>61,642,686</u>
Other Revenue					
Net State Receipts	8,681,779	9,181,055	9,236,979	9,236,979	9,236,979
Local Receipts	8,225,721	7,197,882	7,727,882	7,921,079	7,919,106
Excess Free Cash	1,255,400	973,771	1,936,037	0	0
SSCC	1,516,725	1,796,758	1,802,510	2,202,510	2,202,510
Sewer	1,612,817	2,051,860	2,153,040	2,321,667	2,505,755
Light Plant	451,474	624,048	497,750	522,638	548,769
Other	0	902,877	535,375	548,759	562,478
Total Other Revenue	<u>21,743,916</u>	<u>22,728,251</u>	<u>23,889,573</u>	<u>22,753,631</u>	<u>22,975,598</u>
Total Sources	<u>71,887,792</u>	<u>75,373,029</u>	<u>78,850,970</u>	<u>80,699,060</u>	<u>84,618,284</u>
USES					
State assessments	2,624,281	2,735,165	2,708,800	2,921,272	3,154,265
Overlay	376,634	350,000	250,000	250,000	350,000
Other expenses / deficits	83,079	43,427	100,000	100,000	100,000
Total	<u>3,083,994</u>	<u>3,128,592</u>	<u>3,058,800</u>	<u>3,271,272</u>	<u>3,604,265</u>
Appropriations					
Article 6	67,385,897	71,541,437	74,056,839	76,812,014	81,009,111
Article 4&5 Raises	0	445,881	554,917	1,028,429	1,516,147
Other Post-employment Benefits	0	0	300,000	800,000	1,200,000
Other articles	1,240,000	173,674	880,203	0	0
Total approp.	<u>68,625,897</u>	<u>72,160,992</u>	<u>75,791,959</u>	<u>78,640,444</u>	<u>83,725,259</u>
Total Uses	<u>71,709,891</u>	<u>75,289,584</u>	<u>78,850,759</u>	<u>81,911,715</u>	<u>87,329,524</u>
EXCESS (Shortfall)	N/A	83,445	211	(1,212,656)	(2,711,240)

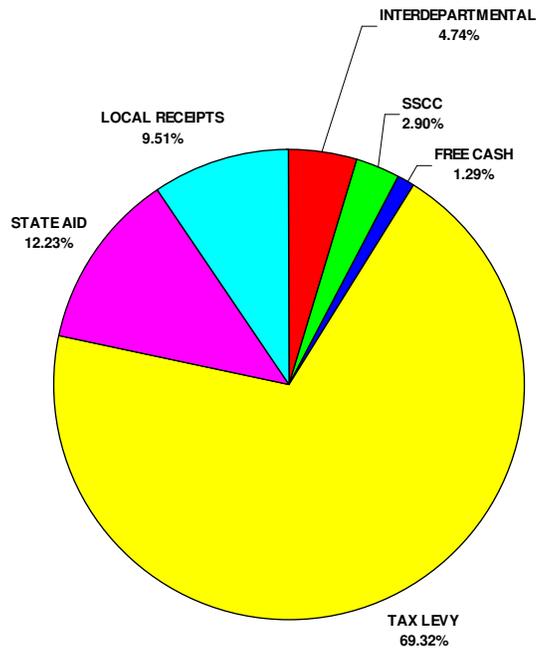
SOURCES AND USES OF FUNDS

The Sources and Uses of Funds Analysis presented in this report reflects forecasted FY 2009 tax receipts and other revenue sources used to prepare the budget included in this warrant. Under Proposition 2½, tax levy income is estimated by taking the dollar amount of last year's tax levy and adding a 2½% increase plus an allowance for new growth. New growth is the value of tax dollars assessed to new construction. In FY 2009, new growth is estimated to be \$927,469, a reduction of \$312,231 from FY 2008's estimate. Other sources of revenue include:

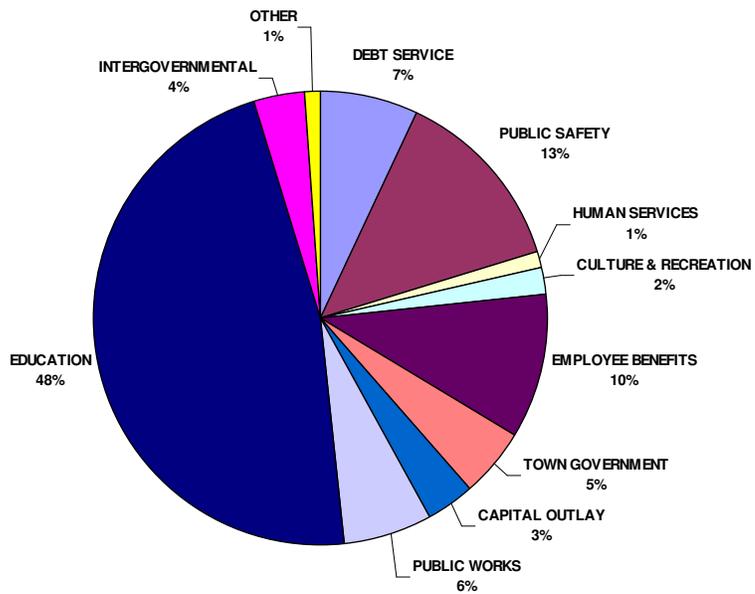
- Total local receipts are forecast to increase 7.36% in FY 2009 over FY 2008. Motor vehicle excise tax receipts, which comprise the single largest category of local receipts, are projected to remain at the same level of \$3,423,000. Town fees for licenses and permits have risen in recent years due to building activity for several large projects. Accordingly, the FY 2009 forecast reflects an increase in licenses and permit fees from \$1,613,000 in FY 2008 to \$1,913,000 in FY 2009. Projected ambulance fees have been increased from \$700,000 to \$870,000 for FY 2009 based on the Selectmen's determination to increase ambulance fee rates to market levels. The balance of local receipts comes from investment income and other sources.
- South Shore Country Club revenues fully offset operating costs of the Club that are included in Article 6. For FY 2009, the Advisory Committee recommends a budget for the Country Club that includes \$330,500 to be applied toward capital improvements at the facility. For FY 2009, debt service for the Country Club is \$183,400.
- Revenues from sewer charges fully offset sewer operating, debt and capital expenses that are included in Article 6.
- Light Plant revenue is a payment of \$497,750 in lieu of taxes.
- We project that State Aid will provide \$1,994,815 for School Building Assistance, \$4,850,597 under Chapter 70 for Education, and \$2,391,567 for other uses.

In addition, a number of new projects are coming into the Town that provide a unique revenue source. Those projects, such as Linden Ponds and the Shipyard Project, anticipate build-outs over a number of years. As a result, the Town anticipates building permit revenues for these projects to continue on a sustained basis for several years. While this revenue source eventually will disappear, the Advisory Committee has determined that \$300,000 of those anticipated building permits should be treated as increased recurring revenue for the next several years. Accordingly, funds in that amount have been used to balance the Town's operating budget. As the projects near the end of their building cycle, these funds will be replaced in the revenue projections with larger amounts of new growth.

SOURCES OF REVENUE

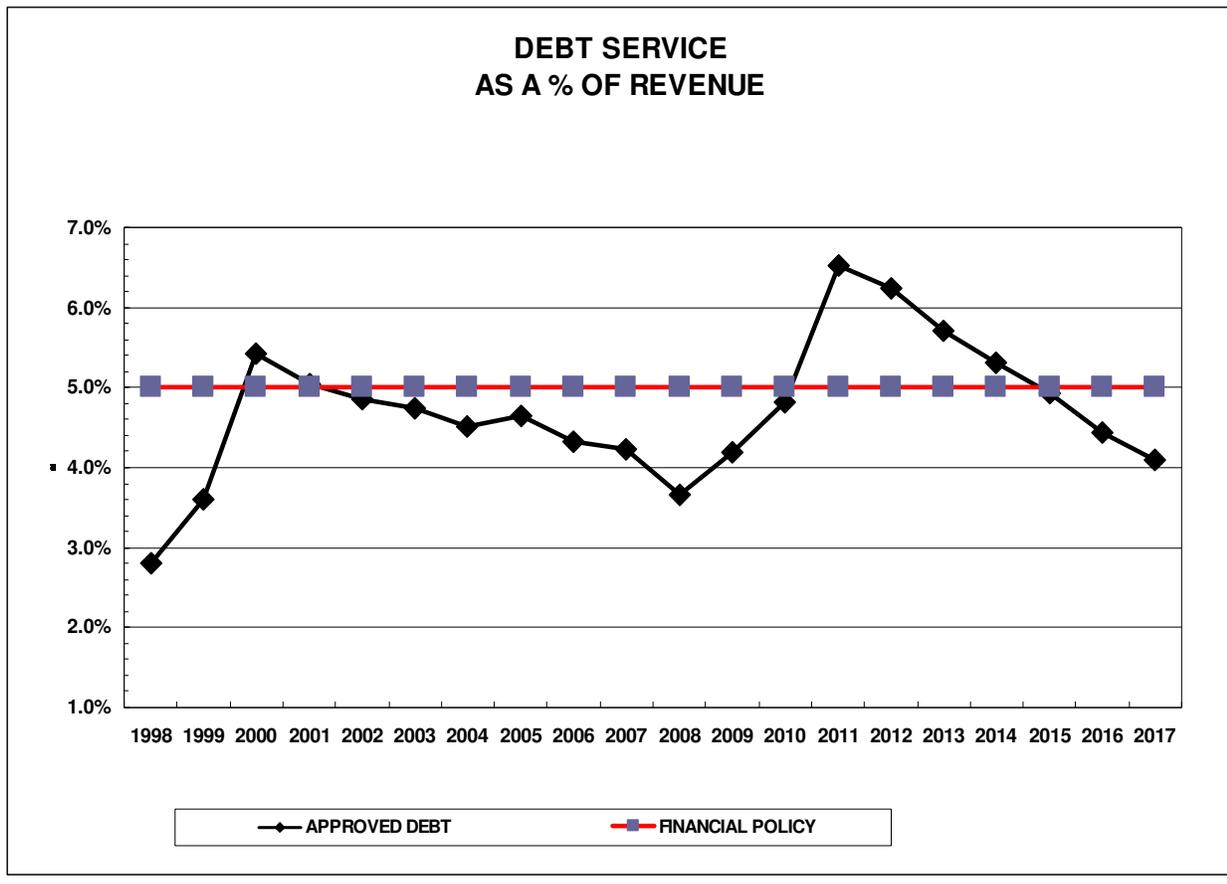


USES BY FUNCTION



DEBT SERVICE

The financial policy recommends that current revenues be used to finance operating expenses, capital expenditures for items costing less than \$25,000, and maintenance. The Policy further provides that debt should be reserved for the purchase of large, non-recurring capital items that have a life of five years or more, and not more than one-half of annual capital expenditures should generally be financed by debt. Total debt outstanding at any time ideally should not exceed 5% of forecasted revenues. In FY 2009, debt service will continue its decrease from the FY 2000 peak (when debt service increased above the 5% mark due in large part to the debt issued for prior school projects). Overall, the Town's debt service increased \$119,623 from \$5,045,697 in FY 2008 to \$5,165,320 in FY 2009. The Town is currently \$856,648 under the Town's financial policy guideline. As a result of the Town vote earlier this year to authorize further debt associated with the design and construction of a new elementary school and improvements to the Plymouth River and Foster schools, the Town's projected debt service will exceed the 5% guideline for a short period of time in future years. The graph below shows currently approved debt only.



RESERVE FUND

Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time with the concurrence of the Board of Selectmen and the Advisory Committee. The Reserve Fund is used to save the time and expense of a special town meeting for relatively low cost items. The Town's financial policy states that a reserve fund of approximately 1% of appropriations should be budgeted for contingencies. In FY 2007, transfers were made as follows:

<u>Department</u>	<u>Amount</u>
Fire-Capital Outlay	\$15,000
Fire-Capital Outlay	23,500
Emerg. Mgnt.-Salaries	54
Town Hall-Util.-Elec.	34,100
Town Hall-Util.-Gas	14,235
Hersey House-Util.-Heating Oil	3,426
Bd. of Appeals-Expenses	508
Historical-Salaries	461
Veterans-Salaries	848
Unemployment Claims	12,026
Accounting-Admin. Support	7,192
Accounting-Misc. Celebrations	5,390
Employers Medicare Tax	27,394
DPW-Salaries	20,000
DPW-Expenses	25,434
DPW-Snow & Ice	84,709
Landfill-Salaries	16,000
DPW-Capital Outlay	20,000
Library-Expenses	24,800
Fire Department-Expenses	6,000
Legal Services-Expense	25,000
Unclassified-Greenbush	182
Selectmen-Expenses	1,000
Town Hall Salaries	4,005
Engineering	38,600
Celebrations-Expenses	<u>136</u>
	\$410,000

For FY 2009, we are recommending a Reserve Fund amount of \$432,858, which as indicated above, is below the Town's financial policy guidelines. The Advisory Committee is comfortable with the amount included in the FY 2009 budget because the Town has rarely required Reserve Fund transfers in excess of that amount and because of the presence of the 5% reserve discussed above.

ADVISORY COMMITTEE RECOMMENDATIONS

The amounts shown in Articles 4, 5 and 6 represent the recommendations of the Advisory Committee. These funds provide for Town services at an appropriate level and also provide for necessary infrastructure maintenance and upgrading. The Advisory Committee has also reviewed the other articles in the warrant and, after discussion with proponents and other interested people, provided comments and recommendations. Town meeting will make the final decision for the FY 2009 budget and other warrant articles.

We are most grateful for the assistance and support of the Town Administrator Charles Cristello, the Finance Director/Town Accountant Ted Alexiades, and their staffs. Their support allows us to better serve you. Consistent with Hingham's tradition, the Advisory Committee benefited this year from strong working relationships with the Board of Selectmen, the School Committee and Administration, the Community Preservation Committee, the Capital Outlay Committee, and the Town Department heads. Hingham continues to be well served by the extraordinary efforts of many capable and responsible volunteers and employees. We thank them for their contributions.

THE ADVISORY COMMITTEE

Joseph L. Bierwirth, Jr., Chair
Irma Lauter, Vice Chair
Jerry Seelen, Secretary
Deborah Allinson
Jonathan Asher
Michael S. Barclay
David H. Ellison
Amy Farrell

Dennis C. Friedman
Richard J. Innis
Karen A. Johnson
Anthony Kiernan
John F. Manning
Mary Jane O'Meara
Linda B. Port

REPORT OF THE BOARD OF SELECTMEN

The annual budget process is the result of careful fiscal planning and close cooperation between the Board of Selectmen, Advisory Committee and all Town departments. The budget that is being recommended by both the Board of Selectmen and Advisory Committee has been carefully scrutinized to maximize the benefits from our limited resources.

The Town's financial picture worsened this year along with the overall economy. Fortunately, an increase in state aid proposed this year by Governor Patrick and approved by the legislature in an early local aid resolution helped us balance the operating budget. The budget that will be presented to Town Meeting funds only the most critical additional requests and a very modest capital budget for both Town and School departments. As we look forward the current forecast for fiscal year 2010 shows only a moderate deficit based on conservative revenue assumptions, i.e. no increase in state aid.

As we reported to you a year ago fiscal year 2009 is the year the Town needs to start addressing the advance funding of "Other Post-employment Benefits" (OPEB) as directed by recently established accounting rules that govern municipal finance. These new accounting rules require employers to set aside funds for the benefits that are promised to employees upon their retirement. Currently the town pays 50% of the cost of healthcare benefits for all employees. Upon retirement, the town continues to pay 50% of the cost of healthcare for all retirees except teachers, for whom the town pays 90% of healthcare benefits through the state Group Insurance Commission. The new accounting rules require the Town to determine how much money needs to be set aside now in order to meet the promises made to employees upon their retirement. Buck Consulting, the Town's actuaries, calculated the Town's current OPEB liability at approximately \$68M. In order to meet this future liability, the Town would need to set aside approximately \$2.9M each year for the next twenty years, in addition to the current cost of healthcare.

The Board of Selectmen has requested \$300,000 from available reserves in Article 14 to begin funding our OPEB liability. It is our intention to add an additional \$400,000 each year for the next several years. Once the Town's unfunded pension liability is paid off we plan to use the amount we have budgeted for that expense, roughly \$2 million annually, to meet the remainder of our annual obligation of \$2.9M for healthcare. The Board of Selectmen, in concert with the Advisory Committee, School Committee and Personnel Board, met recently to explore options to lessen the impact of OPEB costs on the Town's annual operating budget, while trying to preserve an important employee benefit.

The Board asks you to support Article 26, which seeks an appropriation of \$1,825,000 to acquire a 6.6 acre parcel of land from the Hersey family, which is adjacent to the public works garage and is currently being used for storage by the Public Works Department. This land was leased by the Town for use as a landfill and burning dump from 1917 until 1945 when the landfill was moved to a different location. The Town began to use the property again for storage a number of years ago. When the Town began to take steps to move the Public Works Department to a new location the Hersey family required the town to begin investigation of the property for contamination left over from its use by the town as a dump. The engineering firm of Tetra Tech Rizzo was hired to conduct the investigation and to evaluate alternative clean-up scenarios. The least expensive alternative is to acquire the property and address the contamination through an activity and use limitation, rather than to attempt to clean-up the property to meet the standards for a residential re-use, as was being required by the Hersey family. The article also requests an additional \$75,000 for further environmental assessment and testing by Tetra Tech Rizzo so that a final closure amount can be brought to next year's Annual Town Meeting.

The Board also asks for your support of Article 36 which seeks to sell part of the layout of North Street abutting the 'Settles Glass' property. In designing our streetscape improvements along North Street we have determined that we do not need the street layout to be as wide as it currently is. In fact, the intent of our street improvements in Hingham Square is to reduce the width of the roadway in order to reduce speeding traffic. The new design for North Street creates an excess of 3098 square feet bordering the 'Settles Glass' property. The current owner of the property has agreed to pay the town \$70,000 for the excess street layout and has committed to building a new building along the new sidewalk from the Station Street intersection and in line with the existing buildings further down North Street. We believe that this new building and its restaurant/retail use, should it meet the approval of our permitting boards, will encourage pedestrians/customers to venture from Hingham Square to the businesses further down North Street toward Hingham Harbor.

The Selectmen wish to thank all those who assist us in our executive budgetary responsibilities. We owe a sincere debt of gratitude to the energetic and dedicated efforts of our office staff, Marilyn Harrington, Betty Tower and Betty Foley, for their work right down to the last minute on the production of the warrant book. Town Administrator Charles J. Cristello and Town Accountant/Finance Director Ted Alexiades who lay the groundwork for and coordinate much of the budget process in a most professional manner. We appreciate and thank all those on the Advisory Committee, Capital Outlay Committee, Personnel Board, School Committee, and all Department Heads, Town employees, Boards, Committees and Commissions who make this process work. A special thanks to Advisory Committee Chairman Joseph L. Bierwirth for continuing the calm and cooperative atmosphere that has become the hallmark of our fiscal success. We remain convinced that the expertise, skill, creativity and community resolve and pride of our municipal employees and citizen volunteers will continue to meet and solve these fiscal challenges and in so doing continue to improve our quality of life in Hingham.

Melissa A. Tully, Chairman
John A. Riley
Laura M. Burns
BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To the Constable of the Town of Hingham in the County of Plymouth,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs, to meet in the HIGH SCHOOL, 17 Union Street, in said Hingham, MONDAY, the TWENTY-EIGHTH day of April, 2008 at SEVEN o'clock in the evening, then and there to act on the following Articles:

ARTICLE 1. To choose all necessary Town Officers, other than those to be elected by ballot, including the following:

1. One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, and

2. One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund to fill an unexpired term of one year, or act on anything relating thereto.

COMMENT: The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon in memory of her mother, "...to be expended in relieving the necessities of the deserving poor or unfortunate of South Hingham..." Grants from the income of the fund are made at the discretion of a committee of three members, one of whom is elected each year by the Town. As of December 31, 2007, the fund assets totaled \$17,241, of which \$2241 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

RECOMMENDED: 1. That Tereza Prime, 703 Main Street, be re-elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years; and

2. That Louis S. Belknap, 437 Main Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund to fill an unexpired term of one year.

ARTICLE 2. Will the Town confirm appointment of a Director for the Plymouth County Cooperative Extension Service in accordance with the provisions of the General Laws of

Massachusetts, Chapter 128, Sections 41 and 42, or act on anything relating thereto?

COMMENT: Plymouth County Cooperative Extension Service provides Plymouth County residents research-based information in the following areas: agriculture and landscape; family development; nutrition education; natural resources; and, environmental conservation. The group works with the UMass Amherst Faculty and Extension staff; UMass Extension; and the United States Department of Agriculture. The Extension Service also supports the 4-H Youth program. The Extension System is supported by County, Federal and State funds, and operates under Federal and State laws and agreements.

RECOMMENDED: That the Town confirm the choice by the Selectmen of Marjorie Mahoney as Director to serve for one year.

ARTICLE 3. To hear the reports of the following: Affordable Housing Trust; Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long-Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; Water Supply Committee and the Zoning Permits Study Committee, or act on anything relating thereto.

COMMENT: These are the existing posts, committees, councils, and commissions which were established by acts of Town Meeting. The Town is indeed fortunate to have many public-spirited citizens willing to work in these capacities. We thank them for their excellent service and recommend that all these posts and committees be continued.

RECOMMENDED: That the reports, if any, of the Affordable Housing Trust; Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging;

Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long-Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; Water Supply Committee; and the Zoning Permits Study Committee be received; and that all of said Committees, Commissions, the Council, and the Historian be continued.

ARTICLE 4. To hear the report of the Personnel Board appointed under the Classification and Salary Plan, or act on anything relating thereto.

COMMENT: This article provides funds to pay for an increase in financial obligations of the Town that result from salary increases, fringe benefit improvements and job reclassifications which have been or are yet to be determined.

RECOMMENDED: That the report of the Personnel Board, a copy of which is on file in the Town Clerk's Office, be accepted; that the amendments of the Personnel By-Law, including the Classification and Salary Plan, and any agreements reached by the Personnel Board in collective bargaining, which may be embodied or referred to in said report, be approved and adopted in their entirety, such approval and adoption to become effective July 1, 2008 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$554,917 for the purpose of this vote; and that the Town Accountant is hereby authorized and instructed to allocate said sum to and among the several Personal Services and Expense Accounts in such amounts, respectively, as are proper and required to meet such amendments and to comply with such collective bargaining agreements as may be entered into by the Board of Selectmen on behalf of the Town.

ARTICLE 5. Will the Town fix the salaries of the following Town Officers, viz:

1. Selectmen
2. Treasurer/Collector
3. Assessors
4. Town Clerk
5. Municipal Light Board;

or act on anything relating thereto?

RECOMMENDED: That, subject to the proviso below, the salary from July 1, 2008 through June 30, 2009 for each of the following officers shall be at the rates below stated or provided after the name of the office:

Town Clerk¹ and Treasurer/Collector in accordance with the compensation rates established in Grade 15 of the Town of Hingham Classification and Salary Plan of the Personnel By-Law.

Selectmen: at the annual rate of \$2,000.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,500.00.

Assessors: at the annual rate of \$1,800.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,000.00.

Municipal Light Board: at the annual rate of \$214.00 each (to be paid from the receipts of the Electric Light Department).

Provided: that the salary of each such officer except Selectman, Assessor and Municipal Light Board Member shall be reduced by all retirement allowances and pensions received by such officer from the Town of Hingham.

¹ Town Clerk, when serving as a member of the Board of Registrars of Voters, shall be paid for such duties in accordance with Section 19G of Chapter 41 of the General Laws.

ARTICLE 6. 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, 2008, or act on anything relating thereto?

RECOMMENDED: That there be raised and appropriated for each of the following purposes for the fiscal year beginning July 1, 2008, the sum of money stated therefor, provided that where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically appropriated as stated; also that the authority is hereby given to turn in vehicles and equipment in part payment for vehicles and equipment purchased in those cases where a turn in is stated.

	Fiscal 2007 <u>Expended</u>	Fiscal 2008 <u>Appropriated</u>	Advisory Fiscal 2009 <u>Recommended</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	356,113	376,079	391,255
Expenses	36,842	38,310	38,310
Capital Outlay	185,000	0	25,000
Total	577,956	414,389	454,565
132 RESERVE FUND	420,250	432,858	432,858
135 TOWN ACCOUNTANT			
Payroll	296,881	330,787	354,205
Expenses	60,497	49,890	66,890
Capital Outlay	40,278	142,000	67,000
Audit	38,000	45,000	45,000
Information Technology	71,845	76,684	89,920
Total	507,501	644,361	623,015
141 ASSESSORS			
Payroll	249,916	271,113	276,056
Expenses	7,957	10,870	10,870
Capital Outlay	0	20,000	0
Consulting	1,000	47,500	7,500
Map Maintenance	6,000	6,000	6,000
Total	264,873	355,483	300,426
145 TREASURER/COLLECTOR			
Payroll	231,310	249,066	263,308
Expenses	41,605	43,813	43,813
Capital Outlay	0	0	10,705
Tax Titles	9,775	10,000	10,000
Total	282,689	302,879	327,826
151 LEGAL SERVICES	168,777	168,000	168,000
159 TOWN MEETINGS			
Payroll	2,269	2,692	2,692
Expenses	22,766	26,833	26,833
Total	25,036	29,525	29,525
161 TOWN CLERK			
Payroll	140,048	148,869	153,499
Expenses	6,152	6,411	6,061
Total	146,201	155,280	159,560
162 ELECTIONS			
Payroll	13,310	12,370	17,680
Expenses	12,805	10,620	14,250
Capital Outlay	44,450	0	0
Total	70,565	22,990	31,930

	<u>Fiscal 2007</u> <u>Expended</u>	<u>Fiscal 2008</u> <u>Appropriated</u>	<u>Advisory</u> <u>Fiscal 2009</u> <u>Recommended</u>
171 CONSERVATION			
Payroll (\$39,468 from Wetlands Filing Fees)	117,799	172,434	174,613
Expenses	24,269	13,850	13,000
Total	142,069	186,284	187,613
175 PLANNING BOARD			
Payroll	104,946	106,062	114,785
Expenses	5,989	12,145	12,145
Total	110,935	118,207	126,930
176 BOARD OF APPEALS			
Payroll	67,192	85,853	86,286
Expenses	4,902	7,160	7,160
Total	72,094	93,013	93,446
177 BARE COVE PARK			
Payroll	13,946	13,949	14,711
Expenses	5,692	5,925	7,000
Capital Outlay	377,621	0	0
Total	397,260	19,874	21,711
191 HERSEY HOUSE			
Expenses	5,396	7,123	7,123
Total	5,396	7,123	7,123
192 TOWN HALL			
Payroll	147,526	153,690	160,918
Expenses	363,689	391,328	401,727
Capital Outlay	140,481	189,200	58,000
Total	651,695	734,218	620,645
193 GRAND ARMY MEMORIAL HALL			
	7,638	12,371	12,371
TOTAL GENERAL GOVERNMENT	3,850,933	3,696,855	3,597,544
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$330,244)	3,770,986	3,882,052	4,030,944
Expenses	299,487	303,578	311,562
Capital Outlay (\$320,000 from available reserves)	251,575	0	320,000
Total	4,322,048	4,185,630	4,662,506
220 FIRE DEPARTMENT			
Payroll (Overtime \$282,169)	3,591,167	3,737,834	4,077,611
Expenses	258,091	298,985	332,642
Capital Outlay (\$266,450 from available reserves)	201,969	328,000	266,450
Total	4,051,226	4,364,819	4,676,703

	Fiscal 2007 <u>Expended</u>	Fiscal 2008 <u>Appropriated</u>	Advisory Fiscal 2009 <u>Recommended</u>
230 DISPATCH SERVICES			
Payroll (Overtime \$46,428)	418,750	460,655	442,601
Expenses	5,060	5,600	5,600
Total	423,810	466,255	448,201
241 BUILDING COMMISSIONER			
Payroll	211,889	240,107	261,581
Expenses	7,065	7,325	4,664
Total	218,954	247,432	266,245
244 WEIGHTS AND MEASURES			
Payroll	9,787	9,666	10,221
Expenses	588	1,072	1,072
Total	10,375	10,738	11,293
291 EMERGENCY MANAGEMENT			
Payroll	5,575	5,631	5,800
Expenses	3,183	3,193	3,193
Total	8,759	8,824	8,993
292 ANIMAL CONTROL			
Payroll	48,061	50,514	45,538
Expenses	4,151	9,950	8,750
Total	52,212	60,464	54,288
295 HARBORMASTER			
Payroll	105,009	106,389	112,650
Expenses	33,564	34,130	31,230
Total	138,573	140,519	143,880
299 PUBLIC SAFETY UTILITIES			
Emergency Water	286,383	297,300	297,300
Street Lighting	126,624	140,000	140,000
Total	413,007	437,300	437,300
TOTAL PUBLIC SAFETY	9,638,962	9,921,981	10,709,409
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	25,254,541	26,829,700	28,113,293
Expenses	6,131,318	6,709,894	7,090,854
Capital Outlay (\$169,384 from available reserves)	338,330	494,250	481,890
TOTAL EDUCATION	31,724,189	34,033,844	35,686,037

	<u>Fiscal 2007</u> <u>Expended</u>	<u>Fiscal 2008</u> <u>Appropriated</u>	<u>Advisory</u> <u>Fiscal 2009</u> <u>Recommended</u>
PUBLIC WORKS AND FACILITIES			
410 SELECTMEN'S ENGINEERING			
Payroll		85,618	91,394
Expenses	41,034	20,000	20,000
Total	41,034	105,618	111,394
420 HIGHWAY/RECREATION/TREE & PARK			
Payroll (Overtime \$37,989)	1,504,462	1,608,302	1,678,921
Expenses	341,065	339,331	322,026
Capital Outlay (\$472,097 from available reserves)	118,614	476,000	209,500
Snow Removal	268,717	250,000	250,000
Resurfacing	299,053	306,500	306,500
Total	2,531,909	2,980,133	2,766,947
430 LANDFILL/RECYCLING			
Payroll (Overtime \$17,053)	384,939	403,395	409,021
Expenses	989,028	1,093,792	1,092,356
Capital Outlay	9,848	553,000	123,000
Total	1,383,814	2,050,187	1,624,377
440 SEWER COMMISSION			
Payroll	265,920	283,219	287,044
Expenses	174,598	189,287	197,620
Capital Outlay	62,981	34,000	38,000
Engineering	9,464	10,000	10,000
MWRA Charges	1,263,977	1,351,108	1,486,219
Debt Service	77,376	109,246	59,157
Hull Intermunicipal Agreement	59,976	75,000	75,000
Total	1,914,292	2,051,860	2,153,040
The sum of \$2,153,040 shall be funded from Sewer revenue.			
TOTAL PUBLIC WORKS	5,871,049	7,187,798	6,655,758
HUMAN SERVICES			
510 HEALTH DEPARTMENT			
Payroll	254,853	262,840	270,823
Expenses	16,012	19,650	18,820
Total	270,865	282,490	289,643
541 ELDER SERVICES			
Payroll	157,217	163,525	168,513
Expenses	47,275	61,207	59,536
Capital Outlay		0	10,000
Tax Work Off Program	8,088	12,000	12,000
Total	212,580	236,732	250,049

	Fiscal 2007 <u>Expended</u>	Fiscal 2008 <u>Appropriated</u>	Advisory Fiscal 2009 <u>Recommended</u>
543 VETERANS' SERVICES			
Payroll	37,186	39,219	43,464
Expenses	5,491	6,800	6,800
Benefits	182,740	141,000	184,000
Total	225,418	187,019	234,264
545 WOMANSPLACE CRISIS CENTER			
	2,500	2,500	2,500
546 SOUTH SHORE WOMEN'S CENTER			
	3,500	3,500	3,500
TOTAL HUMAN SERVICES	714,863	712,241	779,956
CULTURE AND RECREATION			
610 LIBRARY			
Payroll	1,038,311	1,072,019	1,079,284
Expenses	259,216	253,684	249,962
Capital Outlay	76,610	103,000	54,832
Total	1,374,136	1,428,703	1,384,078
630 RECREATION COMMISSION			
Payroll	112,935	148,201	152,568
Expenses	3,534	5,239	0
Capital Outlay	0	0	29,457
Total	116,468	153,440	182,025
650 TRUSTEES OF BATHING BEACH			
Payroll	16,470	17,973	17,280
Expenses	11,021	5,825	5,825
Capital Outlay	0	0	0
Total	27,490	23,798	23,105
691 HISTORICAL COMMISSION			
Payroll	31,398	31,544	33,566
Expenses	2,811	5,585	5,585
Capital Outlay	0	0	0
Total	34,209	37,129	39,151
692 CELEBRATIONS			
	8,090	9,500	9,500
TOTAL CULTURE & RECREATION	1,560,395	1,652,570	1,637,859
ENTERPRISE FUND			
720 COUNTRY CLUB			
The total sum of \$1,802,510 shall be funded from Country Club revenue.	1,705,958	1,551,727	1,802,510
TOTAL ENTERPRISE FUND	1,705,958	1,551,727	1,802,510

	Fiscal 2007 <u>Expended</u>	Fiscal 2008 <u>Appropriated</u>	Advisory Fiscal 2009 <u>Recommended</u>
DEBT SERVICE			
710 DEBT SERVICE (\$4,058,553 IS EXCLUDED FROM PROPOSITION 2 1/2)	5,109,100	5,045,697	5,165,320
TOTAL DEBT SERVICE	5,109,100	5,045,697	5,165,320
EMPLOYEE BENEFITS			
900 CONTRIBUTORY GROUP INSURANCE	3,324,649	3,761,239	3,950,000
910 CONTRIBUTORY RETIREMENT	2,652,802	2,816,409	2,809,745
911 NON-CONTRIBUTORY PENSIONS	14,904	14,177	14,603
912 WORKERS' COMPENSATION	200,000	210,000	300,000
913 UNEMPLOYMENT	12,919	25,000	25,000
914 MANDATORY MEDICARE	427,884	462,000	508,200
TOTAL EMPLOYEE BENEFITS	6,633,157	7,288,825	7,607,548
UNCLASSIFIED			
901 INSURANCE Fire, Public Liability, Property Damage, etc.	487,863	436,649	401,649
940 CLAIMS AND INCIDENTALS			
Claims and Incidentals	10,009	13,250	13,250
Greenbush Legal and Consulting	79,419	0	0
Total	89,428	13,250	13,250
TOTAL UNCLASSIFIED	577,291	449,899	414,899
GRAND TOTAL	67,385,897	71,541,437	74,056,840

ARTICLE 7. Will the Town appropriate, from the receipts of the Electric Light Department, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2008, pursuant to Sections 57 and 57A of Chapter 164 of the General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?

COMMENT: The Hingham Municipal Lighting Plant is self-funding. Funds collected by billing customers are used to pay all expenses incurred by the Plant.

RECOMMENDED: That, with the exception of \$497,750 which is hereby transferred to the General Fund to reduce the tax rate, all funds received by the Municipal Lighting Plant during the fiscal year commencing July 1, 2008, be appropriated to said Municipal Lighting Plant, the same to be expended by the Manager of Municipal Lighting under the control and direction of the Municipal Light Board for the expenses of the Plant for said fiscal year, as defined in section 57 and 57A of Chapter 164 of the Massachusetts General Laws and, if there should be any unexpended balance thereof at the end of said fiscal year, such amount as is deemed necessary shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may be authorized by the Municipal Light Board during the next fiscal year.

ARTICLE 8. Will the Town assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, 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, and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth, or act on anything relating thereto?

COMMENT: The Department of Conservation and Recreation (DCR), as a matter of policy, requires the Town to assume liability if it is to perform any of this type of work within the Town. In accordance with the statute, the Town would assume liability for all damages to property suffered by any person as a result of such work performed by the DCR.

RECOMMENDED: That the Town, in accordance with, and to the extent only permitted by, General Laws, Chapter 91, Section 29, 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 that the Board of Selectmen is hereby authorized to execute and deliver a bond of indemnity to the Commonwealth assuming such liability.

ARTICLE 9. Will the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, so as to establish and define the terms of a departmental revolving fund for the Building Department, or act on anything relating thereto?

COMMENT: The purpose of this article is to continue the "Building Department Revolving Fund", which provides payments to the Assistant Building Inspectors for their services. The Fund matches revenues from inspections with payments to the Assistant Building Inspectors. For the fiscal year ended June 30, 2007, the fund had \$229,668 in revenues and \$307,841 in expenditures. For the six-month period ended December 31, 2007, the fund had \$97,877 in revenues and \$188,210 in expenditures.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. Moneys shall be spent primarily to compensate such inspectors for their services. The Building Commissioner shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$350,000 during Fiscal Year 2009.

ARTICLE 10. Will the Town raise and appropriate, or transfer from available funds, a

sum of money for the dredging of Hingham Harbor, or act on anything relating thereto?

COMMENT: Each year Hingham boat owners are assessed marine excise taxes by the Town of Hingham. Under Massachusetts General Laws, one-half of the collections must be used for waterways improvements. The remaining half is general revenue to the Town. Approximately \$30,000 a year over ten years is required to fund the Town's share of the periodic dredging of Hingham's inner harbor.

It is expected that the Town's cost for dredging, scheduled to begin in the fall of 2009, will be in the \$600,000 to \$700,000 range. The Town's cost is expected to be approximately 25% of the total with state and federal moneys covering the remaining 75%. The amount set aside for harbor dredging after the proposed \$30,000 from marine excise taxes this year will be \$732,840.

RECOMMENDED: That the Town transfer \$30,000 from the Waterways Fund to the Dredging Fund, such account to be used for the future dredging of Hingham Harbor, and the Town accept and credit said account with funds from State and Federal Governments for that purpose.

ARTICLE 11. Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during the fiscal year 2008, or act on anything relating thereto?

COMMENT: Extraordinary snow and ice removal expenses necessitate a transfer to the Town's Reserve Fund.

RECOMMENDED: That the Town transfer the sum of \$230,000 from available reserves to the Reserve Fund for use during fiscal year 2008.

ARTICLE 12. Will the Town transfer a sum of money from the Stabilization Fund for the purpose of reducing the tax rate, or act on anything relating thereto?

COMMENT: Pursuant to a prior Town Meeting vote, the proceeds from the sale of the old school administration building, municipal light plant building and the former police station were deposited to the Stabilization Fund for future tax reduction. It is the intention of this article to transfer \$111,486 from the Stabilization Fund for

the purpose of reducing the fiscal year 2009 tax rate.

RECOMMENDED: That the Town transfer the sum of \$111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2009 tax rate.

ARTICLE 13. Will the Town transfer from available funds a sum of money to the Hingham Municipal Lighting Plant in order to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant, or act on anything related thereto?

COMMENT: In December 2005, the Hingham Municipal Light Plant (HMLP) transferred approximately \$3.9 million of invested pension reserves to the Town's general fund. These moneys are ultimately expected to be allocated, at the direction of the Light Board, for the benefit of HMLP employees' pension and post-retirement medical benefits. The effect of this article is to reimburse the HMLP for the investment income earned on pension reserves in the now closed 2007 fiscal year.

RECOMMENDED: That the Town transfer from available funds the sum of \$200,203 to the Hingham Municipal Lighting Plant in order to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant.

ARTICLE 14. Will the Town transfer a sum of money from available funds to the Other Post Employment Benefits Trust, or act on anything relating thereto?

COMMENT: The Government Accounting Standards Board recently issued Standards #43 and #45, requiring all municipalities to account for and report their obligations for Post Retirement Costs. These costs are made up principally of healthcare benefits. The liability related to these costs for the Town of Hingham approximates \$67,943,000. This amount is for both current/active employees and retired employees. The breakout between the two classes is as follows:

Current Accrued Liability for:	
Current Employees	\$33,223,000
Retired Employees	\$34,720,000
<hr/>	
Total Accrued Liability	\$67,943,000
for Post Retirement Cost	

Under the new Standards, municipalities are required to calculate an "Annual Required Contribution", or ARC. The ARC is the amount required to fund all current and past unfunded Post Employment costs. The new Standards further require the Town to either fund the current liability, which is made up of amounts currently due and an amortized amount for the remaining unfunded liability, or to partially fund the ARC and show the remainder as a Current Liability. The amount of the ARC for the fiscal year 2009 is approximately \$5,733,890. After comparing Hingham to other like sized towns and communities in the Commonwealth, a determination was made to fund \$300,000 of the ARC for Fiscal 2009. The remainder of the ARC will be shown in Current Liabilities. It is expected that efforts will be made to increase the percentage of funding the ARC in future years, and to also look at the potential for reducing future costs by examining the Plan design.

RECOMMENDED: That the Town transfer the sum of \$300,000 from available funds to the Other Post Employment Benefits Trust.

ARTICLE 15. Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Sewer Commissioners for the improvement and/or replacement of various sewer pumping stations and/or force and/or gravity mains, or act on anything relating thereto?

COMMENT: The recommended appropriation is intended for replacement of the Mill Street Pumping Station.

The Station was constructed over 40 years ago, and, while various components have been replaced as needed over that time, a complete replacement is now the most cost-effective solution. This determination is the result of both an inspection by the Commission's regular consulting engineer in November, 2007 and a corroborating assessment by a second engineering firm in March, 2008.

If approved, the Town will issue debt on behalf of the Sewer Commission to be repaid from Sewer Commission rate-payer funds over the life of the debt instruments.

During the past 20 years, the Sewer Commission has replaced five pumping stations on an as-needed basis. In these and several other

instances, the Town has borrowed funds for repairs on behalf of the Sewer Commission. In each case, the Sewer Commission has made timely repayments of principal and interest against these obligations without interruption or incident. The net financial impact on the Town operating budget is zero.

RECOMMENDED: That (1) the Town authorize and empower the Sewer Commissioners to renovate and/or replace the Mill Street sewer pumping station; and, (2) the sum of \$380,000 be, and hereby is, appropriated for purposes of this vote; and, (3) to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, hereby is authorized to borrow up to the sum of \$380,000 under MGL Chapter 44 (Municipal Finance), as amended, and that for said borrowing, the Treasurer, with the approval of the Board of Selectmen, hereby is authorized to issue bonds or notes of the Town, payable in not more than twenty (20) years from their dates of issue and upon such other terms as the Treasurer and the Board of Selectmen shall determine.

ARTICLE 16. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve for the following purposes: i) to restore the "Hingham" sign located at the Hingham Public Library and create a replica sign, ii) to inventory and preserve five historic Town markers, iii) to inventory and conserve gravestones at the Liberty Plain Cemetery, and iv) for a study to determine preservation needs for historical Hingham documents and artifacts, or act on anything related thereto?

COMMENT: This article would provide funding for several different historic preservation projects with funds from the Community Preservation Historic Resources Reserve. The first two projects were proposed by the Hingham Historical Commission. The objective of the first project is to restore and preserve the existing Hingham sign that is located in front of the Town Public Library and to create a replica sign that can withstand an outside setting. The Hingham sign, a gift from Hingham England in honor of Hingham's 350th anniversary, is a replica of a sign in Hingham, England. The second project involves the restoration and preservation of the early markers that define the Town's settlement boundaries, and the mileage markers along the Boston to Plymouth Stagecoach line. The third project was proposed by the Liberty Plain

Cemetery Association, a separate non-profit entity. In order to preserve the records and the history of the early residents of South Hingham, this project will inventory the markers including headstones, footstones, markers and monuments and prioritize their conservation needs, and conserve approximately 25 of the headstones most in need. There are approximately 160 other headstones in the cemetery. The Liberty Plain Cemetery was first established as a burial ground in 1739 and includes gravestones dating back to the Revolutionary War. The cemetery is located in the Liberty Plain Historic District. The proponents for the fourth project are the Hingham Public Library, the Town Clerk, the Historical Commission, the School Department and the Hingham Historical Society. The requested funds will pay to determine the scope of work to catalog, preserve and digitize the wealth of documents and artifacts that are central to the Town's history and development. The initial phase will determine the type, amount and condition of the documents and artifacts that currently reside with each of the project proponents.

RECOMMENDED: That the Town appropriate \$76,120 from the Community Preservation Historic Resources Reserve for the following purposes: i) \$10,620 to replicate the "Hingham" sign located at the Hingham Public Library and create a replica sign, ii) \$4,000 to inventory and preserve five historic Town markers, iii) \$21,500 to inventory and conserve gravestones at the Liberty Plain Cemetery, and iv) \$40,000 for a study to determine preservation needs for historical Hingham documents and artifacts.

ARTICLE 17. Will the Town transfer an amount of unspent funds from Community Preservation funds previously appropriated at the 2003 Annual Town Meeting under Article 21, Item 4, for construction of a park and pedestrian bridge on Whitney Wharf, to the Community Preservation Open Space Reserve, to be used for a pre-engineering study, final design, preparation of construction drawings and construction cost estimates to build a Mill Pond Outfall Crossing to enhance pedestrian access along the inner shoreline, or act on anything related thereto?

COMMENT: The project proponent is the Hingham Harbor Development Committee. This article would transfer \$50,000 out of the approximately \$77,000 remaining funds from an appropriation made at Town Meeting in 2003 for construction of a park and pedestrian bridge on

Whitney Wharf. The \$50,000 would be used to pay for a pre-engineering study, final design, and preparation of construction drawings and construction cost estimates to build a Mill Pond Outfall crossing to enhance pedestrian access along the inner shoreline. The initial plan approved in 2003, to build a pedestrian bridge, proved unfeasible, due to tidal swings and extensive ramps for handicap access. Currently pedestrians and others use the sidewalk across from Stars (along the waterfront at the intersection of Otis Street, Summer Street and North Street between the Town Pier and Whitney Wharf), but this sidewalk is obstructed by a cross walk signal pole and a signal control cabinet making it particularly difficult for people with strollers or wheel chairs. The current plan is to tie into the existing cement abutment using a cantilever bridge; this was previously considered but deemed unlikely to get state approval. This has changed with recent discussions with the state's engineers, and they support the cantilevered approach, which has appeal for ease of construction and lower cost. The pre-engineering plan will confirm the approach and develop the detailed construction cost estimates. This plan may change based on the pre-engineering studies.

RECOMMENDED: That the Town transfer \$50,000 of unspent funds from Community Preservation funds previously appropriated at the 2003 Annual Town Meeting under Article 21, Item 4, for construction of a park and pedestrian bridge on Whitney Wharf, to the Community Preservation Open Space Reserve, to be used for a pre-engineering study, final design, preparation of construction drawings and construction cost estimates to build a Mill Pond Outfall Crossing to enhance pedestrian access along the inner shoreline.

ARTICLE 18. Will the Town appropriate a sum of money from the Community Preservation Historic Preservation Reserve to help defray the costs of placing underground all existing telephone, cable, electric and other wire services located on a portion of North Street in the downtown area, or act on anything related thereto?

COMMENT: This article was proposed by the Underground Utility Taskforce and Anne Collins. The Underground Utility Taskforce was formed by the Board of Selectmen in order to examine the feasibility to place all existing telephone, cable,

electric and other wired services underground throughout the Town. A similar project, "Telephone Pole Removal," was submitted by Anne Collins and the projects were combined.

As an adjunct to the Downtown Restoration effort, the funds requested would fund a portion of the costs of the removal of six telephone poles from the south side of North Street in the downtown area and moving the various services underground. The poles being removed begin near Settles Glass and end near Liberty Grill. The total cost of the project (excluding connection costs described below) is approximately \$550,000, with \$250,000 being contributed by the developers of the former Shipyard site, \$200,000 being requested from the Community Preservation Historic Preservation Reserve and approximately \$100,000 of work that the Hingham Municipal Light Plant has agreed to contribute. The costs of this project are less than they would be otherwise because the road will be under construction for other reasons. Abutting property owners are expected to be required to pay the costs of connecting to the new underground wiring either directly or indirectly. Town Counsel has opined that funds from the Community Preservation Historic Preservation Reserve may be used to pay for this project.

RECOMMENDED: That the Town appropriate \$200,000 from the Community Preservation Historic Preservation Reserve to help defray the costs of placing underground all existing telephone, cable, electric and other wire services located on a portion of North Street in the downtown area.

ARTICLE 19. Will the Town appropriate a sum of money from the Community Preservation General Reserve and transfer said amount to the Community Preservation Open Space Reserve, to be used for the acquisition by the Hingham Conservation Commission, for conservation purposes, of Lot 6 on Assessors' Map 42, known as 144 Rockland Street, consisting of approximately 3.3 acres, and authorize and direct the Conservation Commission to complete such acquisition, or act on anything relating thereto?

COMMENT: This article would provide money for the Hingham Conservation Commission to purchase an approximately 3.3 acre site on Rockland Street near the Weir River. The property is directly adjacent to the Pocahontas service station. A substantial amount of the property is located within an area of critical

environmental concern (ACEC) and has open meadow, marsh land and trees. The acquisition is conditioned on a satisfactory environmental contamination review. This acquisition has a great deal of support. The Open Space Acquisition Committee is sponsoring this article in large part in order to protect the Weir River Watershed. The Conservation Commission supports this acquisition as consistent with its master plan; this property has for some time been included on the Conservation Commission's target list of properties to be acquired. This property is also one of the parcels designated for acquisition by the Tri-Town Weir River Estuary Park Committee. Finally, Sustainable South Shore, a group whose stated purpose is to create a model sustainable community to help preserve the South Shore's ecosystem, is working to develop a South Shore Greenway to create a network of natural corridors and walking and bicycling paths connecting destinations and open space in Hull, Hingham, Cohasset, Scituate, and Norwell. The property to be acquired is along the proposed bikeway.

RECOMMENDED: That the Town appropriate \$492,500 from the Community Preservation General Reserve and transfer said amount to the Community Preservation Open Space Reserve, to be used for the acquisition by the Hingham Conservation Commission, for conservation purposes, of Lot 6 on Assessors' Map 42, known as 144 Rockland Street, consisting of approximately 3.3 acres, and authorize and direct the Conservation Commission to complete such acquisition.

ARTICLE 20. Will the Town 1) raise and appropriate, borrow or transfer from available funds a sum of money to be expended under the direction of the Board of Selectmen to acquire by eminent domain or other means a parcel of land located at 24 Summer Street, and to mitigate environmental contamination on the property; and 2) appropriate a sum of money from the Community Preservation Committee General Reserve for the acquisition of land or interest in land on said parcel; and 3) raise and appropriate, borrow, or transfer from available funds a sum of money for the acquisition of land or interest in land on said parcel; or act on anything related thereto?

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.

ARTICLE 21. Will the Town appropriate a sum of money from the Community Preservation Community Housing Reserve to help construct one (1) unit of affordable housing on a certain Nokomis Road lot transferred for the sum of One Dollar (\$1.00) to a non-profit organization in accordance with the vote under Article 16 at the 2000 Annual Town Meeting, or act on anything related thereto?

COMMENT: The 2000 Annual Town Meeting approved the transfer of land located on Nokomis Road, Assessors' Map 37, Lot 54, to the South Shore Habitat for Humanity (Habitat) for the construction of one (1) unit of affordable housing on the site. Habitat has completed plans for the development of one affordable home to be constructed on the Nokomis Road parcel. The Community Preservation Committee requests Town Meeting's authority to transfer \$85,000 from its Community Preservation Community Housing Reserve to support the construction costs of the home.

RECOMMENDED: That the Town appropriate \$85,000 from the Community Preservation Community Housing Reserve to help construct one (1) unit of affordable housing on the Nokomis Road parcel of land, Assessors' Map 37, Lot 54, transferred for the sum of One Dollar (\$1.00) to South Shore Habitat for Humanity, a non-profit organization, in accordance with the vote under Article 16 at the 2000 Annual Town Meeting.

ARTICLE 22. Will the Town transfer \$175,000, the sum appropriated by the 2006 Annual Town Meeting for a pilot loan program for affordable housing proceeds to be administered by the Community Preservation Committee (CPC), from the Community Preservation Housing Reserve to the Hingham Affordable Housing Trust (HAHT) or act on anything related thereto?

COMMENT: At the 2006 Annual Town Meeting the Community Preservation Committee proposed a pilot program to assist low-income residents with the basic repair and restoration requirements of their homes.

The 2006 Annual Town Meeting, under Article 25, voted favorably to approve the appropriation of "\$175,000 from the Community Preservation Community Housing Reserve for loans of up to \$30,000 (\$50,000 for historic properties) per household made in accordance with procedures

approved by the Community Preservation Committee and the Board of Selectmen to Hingham home-owners meeting income eligibility requirements established by the Housing Authority and approved by the Community Preservation Committee for use by such homeowners for restoration and repair of their homes (including the purchase and installation of handicap accessibility features), such loans to be repaid and returned to the Community Housing Reserve upon the homeowner's sale of the home, and to bear interest payable with such principal repayment at a rate, and to be on such other terms and conditions (including mortgage security), established by the Community Preservation Committee and approved by the Board of Selectmen, and for legal and administrative fees and expenses associated with such loans."

In 2007, the Annual Town Meeting, Article 21, established the Hingham Affordable Housing Trust (HAHT). "The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Hingham for low- and moderate-income households."

This Article transfers the Pilot Loan Program and associated appropriation to the HAHT, which will implement and administer the program as part of its Charter. The Program, as administered by the HAHT, will be subject to the same restrictions as set forth in the original vote in 2006; namely, that the loans shall be repaid and returned to the Hingham Affordable Housing Trust upon the homeowner's sale of the home, and bear interest payable with such principal repayment at a rate, and to be on such other terms and conditions (including mortgage security), established by the Hingham Affordable Housing Trust and approved by the Board of Selectmen. The funds transferred to the HAHT under this article may also be used for legal and administrative fees and expenses associated with such loans.

RECOMMENDED: That the Town transfer \$175,000, the sum appropriated by the vote under Article 25 of the 2006 Annual Town Meeting for a pilot loan program for affordable housing proceeds to be administered by the Community Preservation Committee (CPC), from the Community Preservation Community Housing Reserve to the Hingham Affordable Housing Trust (HAHT) for the same purposes and subject to the same restrictions set forth in the vote under Article 25 of the 2006 Annual Town Meeting.

ARTICLE 23. Will the Town appropriate a sum of money from the Community Preservation Housing Reserve and transfer such sum to the Hingham Affordable Housing Trust (HAHT), or act on anything related thereto?

COMMENT: The 2007 Annual Town Meeting, Article 21, voted favorably to establish the Hingham Affordable Housing Trust (HAHT) to provide for the creation and preservation of affordable housing in the Town of Hingham for low and moderate-income households. The HAHT was funded initially from funds the Town currently held which were generated for affordable housing by the inclusionary Zoning By-Law. Additional funding may be provided from a number of sources including the Community Preservation Community Housing Reserves.

The Community Preservation Act (CPA) sets aside a minimum of ten (10) percent of its yearly funding for Community Housing. The Community Preservation Committee (CPC) has voted favorably to transfer, for the fiscal year 2009, the sum of \$225,000 to the HAHT. Each year the CPC may propose, through a warrant article at the Annual Town Meeting, to transfer money from the Community Preservation Community Housing Reserve to the HAHT. This Article would approve the transfer of the money for FY2009.

The \$225,000 will be expended by the HAHT in accordance with an "Allocation Plan", developed by the HAHT Trustees and approved by Town Meeting each year. The Plan will recommend the use of the money for the general categories: maintaining and improving affordability of existing housing stock; construction of affordable housing; loans and/or grant programs; third-party costs including, but not limited to, engineering, accounting, appraisal, and financial and legal advice; and, general administration expenses. The distribution of the money may change from year to year based on the Trustees' analysis of Hingham's needs and opportunities for affordable housing.

RECOMMENDED: That the Town appropriate \$225,000 from the Community Preservation Community Housing Reserve and transfer said sum to the Hingham Affordable Housing Trust (HAHT).

ARTICLE 24. Will the Town, in accordance with the Hingham Affordable Housing Trust (HAHT) By-Law, adopted by vote under Article 21 at the 2007 Annual Town Meeting, approve an

allocation plan for any funds to be appropriated to the HAHT in FY 2008 and FY 2009; such allocation plan may include, without limitation, the following provisions:

a. any unrestricted funds directed to the HAHT by the 2008 Annual Town Meeting will be allocated in FY 2009 as follows:

- 50% for maintaining and improving affordability of existing housing stock,
- 15% for construction of affordable housing,
- 15% for loan or grant programs,
- 15% for third-party costs including, but not limited to, engineering, accounting, appraisal, and financial and legal advice,
- 5% for administration of the HAHT;

b. purpose-restricted funds which come to the HAHT in FY2008 or FY 2009 for designated purposes via grants, gifts, donations, Town Meeting appropriation, or the like, shall be allocated according to those purposes; and

c. funds which come in FY2008 or FY2009 or have previously come to the Trust from developers' payments under the Town's former Inclusionary Zoning By-Law shall be allocated at the discretion of the HAHT Board of Trustees pursuant to the HAHT Trust Agreement approved by the vote under Article 21 at the 2007 Annual Town Meeting, or act on anything related thereto?

COMMENT: The 2007 Annual Town Meeting approved Article 21, accepting M.G.L. c. 44 Section 55C and creating the Hingham Affordable Housing Trust (HAHT) by adding Article 39 to the By-Laws of the Town. The purpose of the HAHT is to provide for the creation and preservation of affordable housing in Hingham for low and moderate income households.

Section 2(a)(16) of the newly adopted By-Law requires that expenditures from the HAHT be made in accordance with an allocation plan recommended by the Trustees of the HAHT and approved by Town Meeting. The allocation plan shall be a general plan for the use of funds during the fiscal year to which the plan applies, and may provide for moneys to be held in reserve for expenditure in later years. The plan may be amended at a Town Meeting upon favorable recommendation of the Board of Trustees.

The Town Treasurer is the custodian of the funds held by the HAHT; any income or proceeds

received by the HAHT and any monies remaining in the HAHT at the end of the fiscal year remain with the HAHT.

Each year, at the Annual Town Meeting, the HAHT will present the allocation plan for the coming fiscal year as an Article for Town Meeting approval. The HAHT will also report to the Town on the previous year's allocation plan.

RECOMMENDED: That the Town, in accordance with the Hingham Affordable Housing Trust (HAHT) By-Law, adopted by vote under Article 21 at the 2007 Annual Town Meeting, approve the following allocation plan for any funds to be appropriated to the HAHT in FY 2008 and FY 2009:

a. any unrestricted funds directed to the HAHT by the 2008 Annual Town Meeting will be allocated in FY 2009 as follows:

- 50% for maintaining and improving affordability of existing housing stock,**
- 15% for construction of affordable housing,**
- 15% for loan or grant programs,**
- 15% for third-party costs including, but not limited to, engineering, accounting, appraisal, and financial and legal advice,**
- 5% for administration of the HAHT;**

b. purpose-restricted funds which come to the HAHT in FY 2008 or FY2009 for designated purposes via grants, gifts, donations, Town Meeting appropriation, or the like, shall be allocated according to those purposes; and

c. funds which come in FY2008 or FY2009 or have previously come to the Trust from developers' payments under the Town's former Inclusionary Zoning By-Law shall be allocated at the discretion of the HAHT Board of Trustees pursuant to the HAHT Trust Agreement approved by vote under Article 21 at the 2007 Annual Town Meeting.

ARTICLE 25. Will the Town amend the vote under Article 42 of the 2005 Annual Town Meeting Warrant by inserting the words "or functional equivalent" after the phrase "for the purpose of producing affordable housing under the Local Initiative Program", or act on anything relating thereto?

COMMENT: The 2005 Annual Town Meeting voted under Article 42:

"That the Town authorize but not require the Board of Selectmen, with the advice and assistance of the Hingham Housing Partnership, to (1) issue a Request for Proposal and (2) select one or more qualified for-profit or non-profit housing development organizations for the purpose of transferring, conveying and/or leasing under MGL Chapter 30B, approximately 10 acres of land now owned by the Town of Hingham located in a part of Assessors' Map 69 Parcel 44, all for the purpose of producing affordable housing under the Local Initiative Program, subject to" certain defined conditions.

This amendment would allow the Selectmen to pursue the development of this project pursuant to other state and federal funding programs in addition to or in lieu of the Local Initiatives Program. This would give the Selectmen greater flexibility in identifying the most appropriate and cost effective means to proceed with the project. This amendment does not alter in any way the project as approved at the 2005 Annual Town meeting.

RECOMMENDED: That the Town amend the vote under Article 42 of the 2005 Annual Town Meeting Warrant by inserting the words "or functional equivalent" after the phrase "for the purpose of producing affordable housing under the Local Initiative Program".

ARTICLE 26. Will the Town 1) authorize the Board of Selectmen to acquire by eminent domain or other means a parcel of land, adjacent to the Department of Public Works Building on Hersey Street, consisting of approximately 6.6 acres, shown as Lot 1 on Assessors' Map 79, and 2) to raise and appropriate, borrow or transfer from available funds a sum of money for such acquisition and for mitigation of environmental contamination on such property, or act on anything relating thereto?

COMMENT: This Article relates to the Town's acquisition and initial environmental remediation of real property currently used and occupied by the Town's Department of Public Works. The property, described as Lot 1 on Assessors' Map 79, is located behind the Town-owned DPW Building at 101 Hersey Street.

Portions of the land were used as the "Town Dump" at least as far back as the 1930's, perhaps as early as 1917. In addition to using the property as a landfill, trash was also burned on site. The Hingham DPW has used the property to house a

sand and salt shed and store heavy equipment for over twenty years.

The Town has occupied the property under a year-to-year lease arrangement with the landowner. The landowner does not wish to renew the lease arrangement. As the Town has made plans to vacate the property, it has performed initial environmental testing in order to assess the condition of the soil and groundwater at the site. This testing has resulted in findings of some hazardous materials. It is clear that the Town is responsible for the cost of required mitigation.

In order to control the scope and progress of the environmental remediation work at the site, the Selectmen have determined that the Town should purchase the property. By purchasing the property, the Town can better manage the remediation and control the ultimate cost associated with the clean-up. The Selectmen have negotiated a purchase price for the property of \$1,825,000. The \$75,000 requested for initial remediation work is for further assessment, including groundwater monitoring, reporting and compliance activities to be performed by a licensed site professional.

RECOMMENDED: That the Town (1) authorize the Board of Selectmen to acquire a parcel of land adjacent to the Department of Public Works Building on Hersey Street, consisting of approximately 6.6 acres, shown as Lot 1 on Assessors' Map 79, (2) appropriate \$1,825,000 for such acquisition and \$75,000 for the initial mitigation of environmental contamination on the property and (3) to meet said appropriations transfer \$450,000 from available reserves, and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to \$1,450,000 under and pursuant to Chapter 44, Section 3, of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

ARTICLE 27. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: At Section III-B, Special Conditions to Schedule of Uses, add a new Subsection 8 as follows:

8. The uses allowed in Section III-A, Subsections 3.1, 3.2, 3.3 and 3.4, to the extent provided under M.G.L. c.40A, §3, are allowed as of right, but subject to Site Plan Review in accordance with Section I-I. The site plan review under this Section III-B (8) shall apply to:

i. land or structures used for religious purposes, or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation;

ii. land or structures, or the expansion of existing structures, used for the primary, accessory or incidental purpose of operating a child care facility; and

shall be limited to developing guidelines and determining compliance with regulations under this By-Law concerning bulk and height of structures, yard size, lot area, setbacks, open space, parking, and building coverage requirements, or such other matters subject to reasonable requirements under M.G.L. 40A §3 as the same may be from time to time amended. A building permit shall only issue upon the completion of the site plan review in accordance with Section I-I.

Item 2: At Section III-A, Subsections 3.1, 3.2, 3.3 and 3.4, add the following phrase after each use description: ", subject to Special Condition 8 of Section III-B."

COMMENT: The two items contained in this proposed amendment are intended to correct a Zoning By-Law technical error that relates to so-called exempt uses under State enabling legislation, and to better define a reasonable and legal site plan review process for these use categories. State law does not allow local jurisdictions to limit the location of religious institutions, most educational uses and child care facilities (exempt uses), although it does permit the application of "reasonable" site development and dimensional requirements, such as height restrictions, setback requirements, parking standards, and the like; these dimensional requirements and parking standards are incorporated into Sections IV and V of our By-Law, respectively. Hingham's By-Law currently allows some of these exempt uses only by Special Permit, and it also does not permit some of these exempt uses at all in a number of zoning districts, both of which conditions are not consistent with

State law. The proposed amendment would correct this situation by specifically referencing State law regarding which uses are exempt from location restrictions. In addition, while the By-Law currently requires site plan review for most projects that would be covered by this amendment, the language of the amendment ties the extent and nature of the required review more closely to the underlying State enabling legislation. The dimensional requirements and site development standards contained within Sections IV and V of the By-Law would continue to be applied to the exempt uses addressed by this proposed amendment.

The Planning Board voted unanimously to recommend favorable action on this article.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: At Section III-B, Special Conditions to Schedule of Uses, add a new Subsection 8 as follows:

8. The uses allowed in Section III-A, Subsections 3.1, 3.2, 3.3 and 3.4, to the extent provided under M.G.L. c.40A, §3, are allowed as of right, but subject to Site Plan Review in accordance with Section I-I. The site plan review under this Section III-B (8) shall apply to:

i. land or structures used for religious purposes, or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation;

ii. land or structures, or the expansion of existing structures, used for the primary, accessory or incidental purpose of operating a child care facility; and

shall be limited to developing guidelines and to determining compliance with regulations under this By-Law concerning bulk and height of structures, yard size, lot area, setbacks, open space, parking, and building coverage requirements, or such other matters subject to reasonable requirements under M.G.L. 40A §3 as the same may be from time to time amended. A building permit shall only issue

upon the completion of the site plan review in accordance with Section I-I.

Item 2: At Section III-A, Subsections 3.1, 3.2, 3.3 and 3.4, add the following phrase after each use description: “, subject to Special Condition 8 of Section III-B.”

ARTICLE 28. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-A, Schedule of Uses, at subsection 2.4 “Seasonal sale of cut Christmas trees, subject to Special Condition 6 of Section III-B”, under Official and Open Space, change the letter O (prohibited) to P (permitted by-right).

Item 2. At Section III-A, Schedule of Uses, at subsection 1.8.1 “Garaging of not more than 3 non-commercial motor vehicles”, change “O” to “P” for all use categories.

Item 3. At Section III-A, Schedule of Uses, at subsection 1.8.2 “Garaging or parking of one commercial vehicle with a maximum gross weight of 10,000 lbs”, change “O” to “P” for all use categories.

Item 4. At Section III-A, Schedule of Uses, at subsection 1.8.3 “Garaging or parking of a commercial vehicle in excess of 10,000 lbs., or more than one commercial vehicle”, change “O” to “A1” for all use categories.

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

COMMENT: The four items contained in this proposed amendment are miscellaneous changes to the Schedule of Uses:

Item 1: The intention of Item 1 is to legitimize the traditional practice of the seasonal sale of Christmas trees at the bathing beach parking lot (and incidentally at other Official and Open Space locations as well). Though the sale of Christmas trees will now be allowed by right, the practice will be closely monitored through a Building Department permit process, as described in Special Condition 6 of Section III-B of the By-Law.

Items 2 - 4: The intention of these items is to extend the accessory parking rights associated with one- and two-family homes in residential zoning districts to such homes that might exist in non-residential zoning districts.

The Planning Board voted unanimously to recommend favorable action on this article.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1. At Section III-A, Schedule of Uses, at subsection 2.4 “Seasonal sale of cut Christmas trees, subject to Special Condition 6 of Section III-B”, under Official and Open Space, change the letter O (prohibited) to P (permitted by-right).

Item 2. At Section III-A, Schedule of Uses, at subsection 1.8.1 “Garaging of not more than 3 non-commercial motor vehicles”, change “O” to “P” for all use categories currently designated as “O”.

Item 3. At Section III-A, Schedule of Uses, at subsection 1.8.2 “Garaging or parking of one commercial vehicle with a maximum gross weight of 10,000 lbs”, change “O” to “P” for all use categories currently designated as “O”.

Item 4. At Section III-A, Schedule of Uses, at subsection 1.8.3 “Garaging or parking of a commercial vehicle in excess of 10,000 lbs., or more than one commercial vehicle”, change “O” to “A1” for all use categories currently designated as “O”.

ARTICLE 29. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, by amending the “Zoning Map, Part A, Town of Hingham”, as heretofore amended, as follows:

By removing from the Personal Wireless Services Overlay District the Aquarion Water Company property, 900 Main Street (Assessor’s Map 70-14).

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

COMMENT: When 2007 Annual Town Meeting voted to amend the Zoning By-Law by modifying the Personal Wireless Services Overlay District, the modifications included the removal of the Water Company property (900 Main Street) from the Overlay District. The removal of this property from the District was effected by a change in the language of Section III-F, Par. 2, but no additional reference was made to a change in the Zoning Map. Subsequently, the language of

the amendment was reviewed by the Attorney General, as is common practice, and the Town was notified that in order to perfect the 2007 amendment, the Zoning Map must be changed specifically as well. The amendment currently proposed will specifically change the Zoning Map to agree with the previously amended language of Section III-F, Par. 2; it is a technical correction of the amendment approved at 2007 Town Meeting, and it will have no material impact on the originally intended substance of the 2007 amendment. The recent court decisions and Zoning Board of Appeals decisions regarding a cell tower on the Water Company property are not affected by this proposed amendment.

The Planning Board voted unanimously to recommend favorable action on this article.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, by amending the “Zoning Map, Part A, Town of Hingham”, as heretofore amended, as follows:

By removing from the Personal Wireless Services Overlay District the Aquarion Water Company property, 900 Main Street (Assessor’s Map 70-14).

ARTICLE 30. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section IV-G(9)(a), “Site Area Requirements,” delete the first sentence, and replace it with the following: “A minimum of 100 acres is required, and a maximum of 140 acres is permitted, within the Industrial District.”

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

COMMENT: In 2006, Town Meeting created the Zoning Permits Study Committee. One of the Committee’s charges was to identify regulatory measures that might be utilized to manage the Town’s growth. Upon review of zoning in the busy Route 3A corridor surrounding the Hingham Shipyard development, it appeared that current zoning could allow development of another mixed-use project similar to the Shipyard on land in the Industrial District along Route 3A and Beal Street. This Article grew out of discussions of the Study Committee and the Planning Board concerning ways by which the Town might manage growth in the Industrial District, and thereby minimize the

adverse impacts of additional mixed-use development on the Town's infrastructure in that area, and particularly on traffic congestion on Route 3A and Beal Street. Any future mixed-use project in the Industrial District could include retail, residential, open space, general commercial, limited industrial and office uses, and a variety of building types. Such a development likely would impose overwhelming burdens on the Industrial District. In order to avoid such consequences, it is advisable to reconsider the appropriate site area requirements for mixed-use projects in the Industrial District. Specifically, this Article would amend the section of the Zoning By-Law that governs the size of any proposed mixed-use site area in the Industrial District by changing the current 25-acre minimum size to a minimum size of 100 acres and a maximum size of 140 acres. This amendment would allow the 127-acre Shipyard development to remain in compliance with the Zoning By-Law, and also allow for its potential limited expansion into contiguous parcels on Route 3A, but would effectively preclude the development of any new mixed-use projects in the Industrial District. The Planning Board unanimously voted to recommend favorable action on this Article for the reason that, following completion of the Shipyard development, this area of the Town will be at or near capacity with respect to traffic and density, and the infrastructure could not tolerate significant additional growth.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section IV-G(9)(a), "Site Area Requirements," delete the first sentence, and replace it with the following: "A minimum of 100 acres is required, and a maximum of 140 acres is permitted, within the Industrial District."

ARTICLE 31. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-A (Schedule of Uses), Subsection 4.17 (Retail Group), remove the word "uses" and insert the words "two or more businesses" after the words "consisting of".

Item 2 At Section III-A (Schedule of Uses), Subsection 4.17 (Retail Group), change the letter "P" under Industrial and Industrial Park to "A2".

COMMENT: In 2006, Town Meeting created the Zoning Permits Study Committee. One of the Committee's charges was to identify regulatory measures that might be utilized to manage the Town's growth. This Article originated in discussions of the Study Committee and the Planning Board concerning ways by which the Town might manage growth in the Industrial and Industrial Park Districts, and thereby minimize the adverse impacts of groups of retail businesses, i.e., shopping centers, on the Town's infrastructure in those areas, and particularly on traffic congestion. One purpose of this Article is to define clearly the term "retail group" in the Zoning By-Law as consisting of two or more retail businesses. Another purpose is to require a Special Permit A2 from the Zoning Board of Appeals (ZBA) to develop retail business complexes in the Industrial District, as is presently required in the South Hingham Development Overlay District. The Industrial District is located in the north-west corner of Town in the Route 3A/Beal Street area. At present, "retail group" uses are permitted "as-of-right" in the Industrial District, subject only to site plan review and the necessary building permits. This amendment would give the ZBA discretion in the permitting of retail groups in the Industrial District, and would require a higher level of scrutiny in the review process. Finally, this amendment would resolve an inconsistency in the Zoning By-Law with respect to retail groups in the Industrial Park District. Currently, the Industrial Park District is totally contained within the South Hingham Development Overlay District, which is governed by Section III-E of the By-Law. While Section III-E, Subsection 5, requires a Special Permit A2 for retail groups in the Overlay District, Section III-A (Schedule of Uses), Subsection 4.17 (Retail Group), allows retail group uses as-of-right in the Industrial Park District. Since the provisions of the overlay district (III-E) take precedence over the more general provisions of the Schedule of Uses (III-A), the proposed Industrial Park District change in III-A is merely a technical correction rather than a change in policy.

For these reasons, the Planning Board voted unanimously to recommend favorable action on this Article. In light of current conditions, including traffic congestion, in the industrial zones, it is advisable to enact these amendments to the Zoning By-Law.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham,

adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-A (Schedule of Uses), Subsection 4.17 (Retail Group), remove the word “uses” and insert the words “two or more businesses” after the words “consisting of”.

Item 2 At Section III-A (Schedule of Uses), Subsection 4.17 (Retail Group), change the letter “P” under Industrial and Industrial Park to “A2”.

ARTICLE 32. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At the Table at Section V-A (2) Off-Street Parking Requirements,

- a. Change the entry in the column entitled “Requirement” at the row for Medical & Dental office from “6 Spaces/Doctor or Dentist” to “1 space/175 SF of GFA”.
- b. Change the entry in the column entitled “Requirement” at the row for Warehousing & Wholesaling from “1 ¼ spaces/1000 SF of GFA” to “1 space/1000 SF of GFA”.
- c. Delete the entry for “Institutions including Hospitals, Public Buildings, Private Schools, Museums, Stadiums, Arenas, Transportation Terminals” in its entirety.

Item 2 At Section V-A (3), Parking Dimension Requirements, in the “Table of Parking Dimensions”,

- a. Under “Parallel Parking Spaces” change the minimum required width from “9 ft.” to “8.5 ft.”
- b. Under “Aisle Width”, change the required minimum aisle width for parallel parking from “24 ft.” to “14 ft.”

Item 3 At Section V-A (5) I, add a new sentence after the second sentence as follows: “In addition to the foregoing, pervious paving materials may be permitted at the discretion of the Planning Board, subject to compliance with design and construction standards referenced in this subparagraph.”

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

COMMENT: This article was initially triggered by a report prepared by a consultant to the Planning Board. The consultant’s assignment was to suggest improvements to the By-Law’s off-street parking requirements so that they will be more in line with current thinking on the subject. The article grew, in part, out of some of the consultant’s recommendations, and it incorporates six separate changes to the By-Law:

Item 1a changes the basis for parking requirements for medical and dental offices from the number of professionals in the office to the floor area of the office. This is more in line with the By-Law’s method of determining parking requirements for other uses.

Item 1b reduces the parking required for warehouses by 20% to better reflect this use group’s actual parking requirements and to prevent the creation of unnecessary pavement. By deleting this entry in its entirety, Item 1c shifts the approval process for the use groups indicated, by default, from Special Permit A2 to Special Permit A3, which has become the standard special permit process for otherwise undefined parking standards. Items 2a and 2b are minor corrections to the existing dimensional requirements associated with parallel parking spaces. Item 3 incorporates a provision for allowing newly developed pavement materials that are less impervious than traditional pavements. The Planning Board voted unanimously to recommend favorable action on this article.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At the Table at Section V-A (2) Off-Street Parking Requirements,

- a. Change the entry in the column entitled “Requirement” at the row for Medical and Dental offices from “6 Spaces/Doctor or Dentist” to “1 space/175 SF of GFA”.
- b. Change the entry in the column entitled “Requirement” at the row for Warehousing & Wholesaling from “1 ¼ spaces/1000 GFA” to “1 space/1000 SF of GFA”.
- c. Delete the entry for “Institutions including Hospitals, Public Buildings, Private Schools, Museums, Stadiums, Arenas, Transportation Terminals” in its entirety.

Item 2 At Section V-A (3), Parking Dimension Requirements, in the “Table of Parking Dimensions”,

- a. Under “Parallel Parking Spaces” change the minimum required width from “9 ft.” to “8.5 ft.”
- b. Under “Aisle Width”, change the required minimum aisle width for parallel parking from “24 ft.” to “14 ft.”

Item 3 At Section V-A (5) I, add a new sentence after the second sentence as follows: “In addition to the foregoing, pervious paving materials may be permitted at the discretion of the Planning Board, subject to compliance with design and construction standards referenced in this sub-paragraph.”

ARTICLE 33. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1. At the end of Section II-B, add the following new entry:
6. Hingham Smart Growth Overlay District – HSGOD.

Item 2. Add the following new Section III-J:
SECTION III-J HINGHAM SMART GROWTH OVERLAY DISTRICT (HSGOD)

- 1. Purpose.
It is the purpose of this Section to establish a Hingham Smart Growth Overlay District (HSGOD) and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R. Other objectives of this Section are to:
 - a. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
 - b. Provide for a range of housing choices for households of differing incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
 - c. Increase the production of a range of housing units to meet existing and anticipated housing needs;
 - d. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
 - e. Establish development standards to allow context-sensitive design and creative site planning; and

f. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the HSGOD.

2. Definitions

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section III-J. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. c. 184, Section 31 and the requirements of Section 7-17.D of this By-Law.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

As-of-right Project or Project - means a Multifamily Use development or a Mixed Use development allowed under Section E without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Building Envelope Area - The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height, maximum lot coverage and minimum setback requirements.

DHCD – The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

Multifamily Use - Dwelling containing four or more dwelling units.

Open Space - the part or parts of land within a Project which are reserved or restricted for permanent open space. This space shall exclude parking areas and stormwater detention areas, but include required setbacks and walkways. The Open Space shall be open and unobstructed to the sky; however; trees, planting, arbors, flagpoles, sculptures, fountains, swimming pools, outdoor recreational facilities, such items as streetscape elements (lights, planters, benches, etc.), and decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobblestones or concrete surface treatments designed to resemble pavers or cobblestones) and similar objects shall not be considered obstructions.

Plan Approval standards and criteria which a Project in the HSGOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority - For purposes of reviewing Project applications and issuing decisions on development Projects within the HSGOD, the Plan Approval Authority (PAA), consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Zoning Board of Appeals and the Planning Board, jointly. The PAA is authorized to approve a site plan to implement a Project.

Project - For the purposes of this By-Law, each Subzone shall be considered to be and to contain a separate and independent Project. There are two (2) Subzones and two (2) Projects in the HSGOD.

Recreational Uses - Active recreational uses, including but not limited to ballfields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

Smart Growth Overlay District Standards - The Design Standards for the HSGOD are attached hereto as Appendix A, and incorporated by reference as part of this Zoning By-Law (Design Standards).

Zoning By-Law - the Zoning By-Law of the Town.

3. Overlay District

a. Establishment. The Hingham Smart Growth Overlay District is an overlay district having a land area of approximately 27.79 acres, being portions of Assessor's Map 58, Lot 23; Assessor's Map 69, Lot 44; and Assessor's Map 36, Lot 160; that is superimposed over the underlying zoning district, as shown on the Zoning Map, all as set forth on the map entitled "Hingham Smart Growth Overlay District," dated _____, 2008, and attached hereto as Appendix B. This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

b. Underlying Zoning By-Law. The HSGOD is an overlay district superimposed on all underlying Zoning districts. Except as limited herein, the underlying Zoning By-Law shall remain in full force and effect.

c. Applicability of HSGOD. In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the HSGOD may seek Plan Approval in accordance with the requirements of this Section III-J. In such case, then notwithstanding anything to the contrary in this Zoning By-Law, such Plan Approval shall not be subject to any other provisions of this Zoning By-Law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits. When a building permit is issued for any Project in any Subzone approved in accordance with this Section III-J, the provisions of the underlying district(s) shall no longer be applicable in the Subzone in which the Project is located.

4. Housing and Affordability.

a. Marketing Plan. Prior to granting Plan Approval for housing within the HSGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section F, below, shall include details about construction related to the provision, within the Project, of units that are accessible to the disabled.

b. Number of Affordable Housing Units. For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50% of area median income. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. Each subzone shall be considered to contain a separate Project and shall independently meet these standards.

c. Requirements. Affordable Housing shall comply with the following requirements:

1. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

2. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

3. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4. The HSGOD shall not include the imposition of restrictions on age upon any Project.

d. Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the development.. The total number of bedrooms in the Affordable Housing shall be proportionate to

the total number of bedrooms in all the units in the development of which the Affordable Housing is part.

e. Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. specification of the term of the affordable housing restriction which shall be the maximum period allowed by law but not less than ninety nine years;

2. the name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;

3.a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

4. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law for the Affordable Housing Units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

6. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender and approved by the PAA;

8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Administering Agency;

9. provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;

10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

13. a requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

f. Administering Agency. An Administering Agency which may be the Local Housing

Authority, or other qualified housing entity (the "Administering Agency") shall be designated by the PAA as the Administering Agency for all Projects in the HSGOD. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the HSGOD, and on a continuing basis thereafter, as the case may be:

1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

2. income eligibility of households applying for Affordable Housing is properly and reliably determined;

3. the housing marketing and resident selection plan conforms to all requirements and is properly administered;

4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

g. Housing Marketing and Selection Plan. The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in Section D.

h. Phasing. For any Project that is approved and developed in phases, the proportion of Affordable Housing Units and the proportion of market rate units shall be consistent across all phases.

i. Computation. Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the

Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

j. No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section D shall not be waived.

5. Permitted and Prohibited Uses; Density.

a. Permitted Uses. The following uses are permitted as of right in the HSGOD:

Subzone A: Multifamily dwellings

Subzone B: Townhouse dwellings

Accessory uses customarily incidental to such permitted uses are also allowed; provided, however, that no home occupation shall be conducted within any Project in any Subzone.

b. Density.

Subzone A: Multifamily dwellings with a density of 30 dwelling units per acre of developable land.

Subzone B: Townhouse dwellings with a density of 12 dwelling units per acre of developable land.

6. Application for Plan Approval

a. Preapplication. Prior to the submittal of a site plan, a "Concept Plan" shall be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Areas to remain undeveloped, including but not limited to open space;
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the HSGOD.

b. Application. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire Project in the Subzone, whether the Project will be phased or not.

c. Required Submittals. The application for Plan Approval shall be accompanied by the following plans and documents:

1. Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;

2. A filing fee of \$_____ plus \$_____ per dwelling unit to cover administrative costs.

3. List of any requested waivers from the requirements of this Section III-J, including a detailed explanation/justification of the reason for such request.

4. A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one inch equals forty feet (1" = 40'), or at other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. If the plans submitted are 11" x 17" in size, a total of twenty-five (25) copies of the plans shall accompany the application. If the plans prepared exceed 11" x 17" in size, a total of five (5) copies of such plans and twenty (20) sets of reduced-size copies (11" x 17") shall be submitted. The Plan shall include the following information:

- a. Name and address of the person or entity submitting the application;
- b. Name and address of the owner of the subject property, if different;
- c. Present use of the land and description and use of existing building thereon, if any;
- d. Proposed use of the land;
- e. Proposed use of existing buildings, if any;
- f. Description and proposed use of the proposed building, if any;
- g. Zoning District in which the parcel is located, including floodplain if applicable;
- h. Locus Map (scale of 1"=1,000') and north arrow;
- i. Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;
- j. Wetlands, Ponds, Streams, or other water bodies, including all applicable

buffer zones as certified by a professional engineer;

k. Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;

l. Existing and proposed topography at two-foot (2') elevation intervals;

m. All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

n. Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;

o. Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;

p. Parking calculations for proposed use, including all existing use that will continue to exist on the property, if applicable;

q. Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location of such activity;

r. Driveways and driveway openings/entrances;

s. Parking and loading spaces;

t. Service areas and all facilities for screening;

u. Landscaping;

v. Lighting;

w. Proposed signs (business, traffic, etc.);

x. Sewage, refuse and other waste disposal;

y. Stormwater management facilities (drainage);

z. All structures and buildings associated with the proposed and existing use(s) on the property;

aa. Exterior storage areas and fences;

bb. Utilities and their exterior appurtenances (e.g., fire connections);

cc. Provisions for dust and erosion control and;

dd. Any other details or information deemed necessary by the PAA due to the unique nature of a proposed use or the subject property;

5. A stormwater management hydrological study prepared in accordance with the Design Standards.

6. A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the PAA may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route of transporting materials to and from site; measures for dust and erosion control (both on- and off-site) for the activity.

7. Scaled architectural drawings showing all proposed development, including site plans, elevation drawings, and floor plans. Drawings should clearly and comprehensively illustrate all aspects of the project and detail conformance with the Design Standards.

7. Procedures

a. Filing. An applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 20 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

b. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, Affordable Housing Trust, Sewer Department, Aquarion Water Company, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

c. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be

deemed to be an approval of the application and site plan.

d. Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit shall be \$10,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

8. Design Standards

In order to ensure that the physical character of projects within the HSGOD will be complementary to nearby buildings and structures and will provide high-density quality development consistent with the character of building types, streetscapes and other community facilities typically found in densely settled areas, the PAA hereby adopts the "HSGOD Design Standards," attached hereto and as amended from time to time by majority vote of the PAA and upon approval of DHCD. The HSGOD Design Standards may address the scale, proportions and exterior appearance of buildings; the placement, alignment, width and grade of streets and sidewalks; the type and location of infrastructure; the location of building and garage entrances; off-street parking; the protection of significant natural site features; the location and design of on-site open spaces; landscaping; exterior signs; and buffering in relation to adjacent properties.

9. Performance Standards

a. Exemption. The Minimum Lot Area and Lot Frontage, Minimum Yard Dimensions, and Maximum Coverage requirements set forth in Section IV, Schedule IV-A, shall not apply in the HSGOD.

b. Parking. The following parking standards shall apply:

Subzone A: ___ spaces per dwelling unit

Subzone B: ___ spaces per dwelling unit

The following provisions of Section V-A of the Zoning By-Law in effect on the date of the adoption of this HSGOD shall apply:

V-A.3 to 5, inclusive.

c. Signs. The following standards shall apply: The following provisions of Section V-B of the Zoning By-Law in effect on the date of the adoption of this HSGOD shall apply: V-B, Schedule of Sign Regulations, Residence District Standards only.

10. Decision

a. Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of this Section III-J, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the HSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

b. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

c. Plan Approval. Plan Approval, or approval with conditions, shall be granted by a simple majority where the PAA finds that:

1. the applicant has submitted the required fees and information as set forth herein; and
2. the Project and site plan meet the requirements and standards set forth this Section III-J, or a waiver has been granted therefrom; and
3. adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

d. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

1. the applicant has not submitted the required fees and information as set forth herein; or
2. the Project and site plan do not meet the requirements and standards set forth this Section III-J, or a waiver has not been granted therefrom; or
3. it is not possible to adequately mitigate adverse Project impacts on nearby properties by means of suitable conditions.

e. Form of Decision. All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the

applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Building Commissioner. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

11. Change in Plans After Approval by PAA

a. Minor Change. After Plan Approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Commissioner.

b. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

12. Enforcement; Appeal

The provisions of the HSGOD and Plan Approval shall be administered by the Building Commissioner, except as otherwise provided herein. Any appeal arising out of action by the

PAA regarding an application for Plan Approval shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

13. Severability

If any provision of this Section III-J is found to be invalid by a court of competent jurisdiction, the remainder of Section III-J shall remain in full force. The invalidity of any provision of this Section III-J shall not affect the validity of the remainder of the Town's Zoning By-Law .

Or act on anything relating thereto?

APPENDICES

- A HINGHAM SMART GROWTH OVERLAY DISTRICT DESIGN STANDARDS
- B MAP OF HSGOD

APPENDIX A

PLAN APPROVAL AUTHORITY HSGOD DESIGN STANDARDS

An applicant for plan approval, in accordance with Section III-J(6) of the Zoning By-Law, shall comply with the following minimum criteria:

SUBZONE A

I. Dimensional Requirements

Number of lots allowed in District: 1

Number of buildings allowed per lot: 1

Maximum size of building: 107,500 s.f.

Maximum building footprint: 26,000 s.f.

Maximum lot coverage (building only): 20%

Maximum Floor Area Ratio (FAR): .85

Setbacks from property line: 20' minimum on all sides

Height: No more than 4 Stories or 55' feet*

*Parking Facilities within the building shall not be calculated as part of the allowable height. The maximum allowable height allowed for parking facilities shall be nine feet, provided that this shall not apply to free-standing parking garages.

II. Signage

The following standards shall be in addition to those set forth in Section V-B of the Zoning Bylaw, for the Residence District. In the event of a conflict between said Section V-B and these standards, these standards shall control.

1. Parallel signs affixed to the facade of the structure shall not exceed 30 square feet. Further, the location of said sign is limited to the first floor of the building.

2. Awnings at entrances shall not be considered signs; however, the area used to denote the name of the building on the awning shall not exceed 30 square feet.
3. Perpendicular signs are not allowed on residential buildings.
4. Free standing signs, located in an area clearly associated with the residential structure, are allowed.
5. In no instance shall any sign be more than 30 square feet or 6 feet in height or within 20 feet of a roadway.

III. Landscaping

1. The front façade of the building shall have a planted, landscaped entry area of at least 25% the size of the building footprint.
2. The rear and sides of the building shall be separated from surrounding parking areas or roadways by landscaping and/or walkways at least 20' wide.
3. Parking areas shall have at least one tree per 10 spaces.

IV. Parking

Off Street parking areas shall be laid out in accordance with the standards set forth in Section V-A of the Hingham Zoning By-Law as follows:

TABLE OF PARKING DIMENSIONS

Standard	Parallel
Parking Spaces	Parking Spaces
Width 9 ft.	Width 9 ft.
Length 18 ft.	Length 22 ft.
with overhang	
20 ft. without overhang	
Loading Spaces	
Width 12 ft.	
Height Clearance	14 ft.
Aisle Width/Parking Angle	
45 degree	14 ft.
60 degree	18 ft.
75 degree	22 ft.
90 degree	24 ft.
Parallel	14 ft.
Minimum Driveway Widths	
One way	- 12 ft.
Two way	- 20 ft.

V. Design Standards

1. All parking areas designated for a use other than single-family residential shall be designed to provide safe and convenient vehicular and pedestrian access, circulation and

maneuverability and pedestrian activity, in accordance with this Section.

2. All driveways shall be located and designed so as to minimize conflict with traffic on public and private ways and to provide good visibility and sight distance for observation of approaching vehicular or pedestrian traffic.

3. Loading spaces shall be provided for all commercial activities.

4. Ample space shall be designated for access to loading and service doors separate from all parking areas and without obstruction or hindrance to travel on streets, driveways and aisles.

5. Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall parking or loading spaces be located as to require the backing or maneuvering of a vehicle onto a sidewalk, or public or private way in order to leave the space. Driveways should be located and designed so that queues do not obstruct effective use of aisles and parking spaces.

6. Parking space overhangs are not permissible beyond a property line, over a sidewalk, into a fire lane, or adjacent to a structure where a minimum clear distance of four feet cannot be provided.

7. A substantial bumper of masonry, steel or heavy timber, or concrete or granite curb, or berm curb which is backed shall be placed at the edge of the surfaced areas except driveways to protect abutting structures, properties, sidewalks and screening materials.

8. Any illumination of parking areas or loading or service areas shall be directed so as not to shine upwards or on abutting properties or public or private ways.

9. Parking spaces shall be delineated by white pavement markings.

10. Handicap spaces shall be provided in accordance with the Architectural Access Board regulations (521 CMR) for all parking areas exceeding 15 spaces.

11. The layout of the parking area shall provide sufficient space for the storage of plowed snow unless removal by other means is assured.

12. The maximum parking lot grade shall be 4 percent and the minimum 1 percent. Parking areas shall be surfaced with asphalt, concrete, or similar nonerosive surface, and drained in a manner deemed to be best management practice (BMP) to prevent erosion or excessive water flow across public and private ways or abutting properties as well as graded and drained such that stormwater runoff does not accumulate on the ground surface. The drainage system shall be designed to control the 10-year storm event, and stormwater management shall conform to the Stormwater Performance Standards and Guidelines of the Massachusetts Department of Environmental Protection.

13. Parking lots containing 10 or more parking spaces shall have at least one live tree per 10 spaces, such trees to be located within or around the parking area so as to soften the visual impact of parked vehicles as much as possible. Trees and landscaped plots shall be so designed and located to provide visual relief, channelize logical areas for safe pedestrian and vehicular circulation, and screen the parking lot from adjoining properties. Trees shall be at least a three inch (3") caliper, with a clear trunk at least five feet (5') from the ground, and planted in raised plots providing a minimum of fifty square feet of seeded or landscaped permeable area per tree, whether planted singly or in groves. Preference should be given to species of growth and cultivation habit appropriate to the site. Existing trees shall be retained to meet this requirement whenever appropriate and practicable. Any landscaped areas may be included in the calculations for open space areas.

Parking lot trees must be maintained in a healthy growing condition at all times. The property owner is responsible for regular trash removal, weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any tree which dies shall be removed promptly and replaced within the next planting season.

Parking lot trees shall not be cut down or removed when a parking lot is reconstructed or enlarged. Said trees may be moved to another location on the lot upon approval of a site plan modification by the Planning Board.

SUBZONE B

I. Landscaping

Existing trees and other vegetation shall be saved, where feasible. Significant new vegetation shall be part of the landscaping plan.

II. Open Space

Site plan shall include considerable planned open space and connecting pedestrian and bicycle ways, designed to promote various outdoor activities and the development of community.

III. Screening

Screening shall exceed 100' in width from Beal Street and provide a dense and varied buffer.

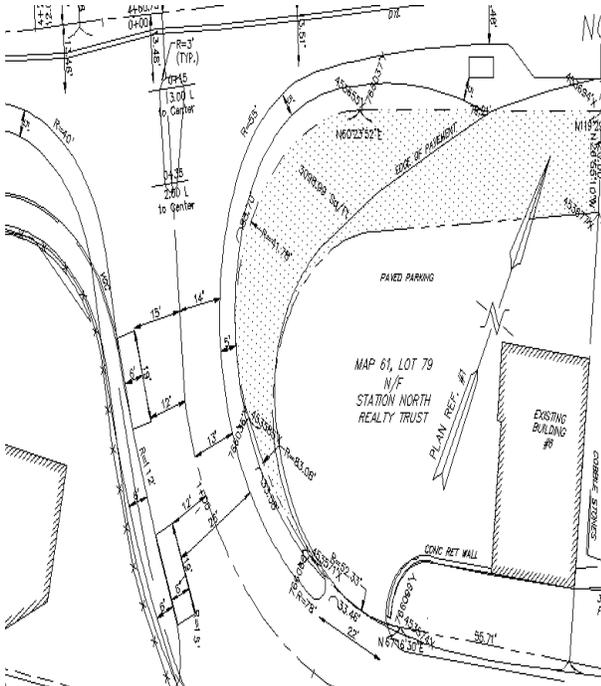
IV. Unit Profiles

The majority – i.e., more than fifty percent (50%) – of units shall have more than two bedrooms. The design shall address quality of life features such as entrance areas, closets, storage, garbage holding areas, storage sheds, parking and/or garages.

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.

ARTICLE 34. Will the Town vote to (1) discontinue, as a Town Way, a portion of the way known as North Street, beginning at the intersection of the Easterly sideline of Station Street with the Southern sideline of North Street, said intersection being the Southwest corner of the herein described parcel located on Assessors' Map 61, Parcel 79; thence running from existing HHB N26°55'10"W, a distance of 20.00 feet along the Easterly sideline; thence turning and running N119°29'13"W, a distance of 79.21 feet along the Southern sideline of North Street; thence turning and running South along an arc length of 83.70' with a radius of 41.78'; thence turning and running Southeast along an arc length of 33.58' with a radius of 83.08'; thence turning and running East along an arc length of 33.46' with a radius of 52.33' to an existing HHB located on the north side of Station Street, which parcel contains an area of 3098.99 square feet and is shown on a plan entitled "Roadway Discontinuance Plan, Station Street, Hingham, Mass." dated Monday, January 28, 2008, which the Board of Selectmen has determined that the common convenience and necessity no longer require the Town be bound to keep this portion of said way in repair; and (2) authorize, but not require, the Board of Selectmen to transfer, convey and/or lease said

parcel or any portion thereof under such terms it deems in the best interest of the Town, or act on anything relating thereto?



COMMENT: Over the past several years, the Hingham Development and Industrial Commission, with support from the Selectmen, has led efforts to improve the Downtown experience by enhancing the streetscape and creating a pedestrian friendly walkway from upper North Street to the Harbor area. Improvements have been made to the upper North Street area, including new sidewalks making it more accessible and friendly.

This article supports those initiatives by seeking authorization to convey part of the street layout on North Street directly abutting the “Settles Glass” parcel. Currently, the intersection is characterized by an expanse of asphalt that results in unclear intersection markings and subpar pedestrian access that deters people from venturing on to the lower portion of North Street. If approved, this article would allow the Town to reengineer the intersection, decrease the width of the roadway and create pedestrian friendly access to lower North Street and the Harbor and allow the development of a new building in the “Settles Glass” property that is more in keeping with the streetscape on North Street.

The new owners of the “Settles Glass” property have expressed an interest in obtaining additional land from the Town so that they can redevelop the parcel for restaurant and/or retail use.

The potential agreement between the Town and the landowners was not finalized as of the time of the printing of this warrant book. The Advisory Committee will provide details regarding the agreement and the Town’s disposition of the land at the time of Town Meeting.

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.

ARTICLE 35. Will the Town accept Chapter 481 of Massachusetts Acts of 1993 in the Massachusetts General Laws, or act on anything relating thereto?

COMMENT: Chapter 481 of the Massachusetts Acts of 1993 allows Common Victuallers who hold a license to sell wines and malt beverages under MGL c 138 §12 to sell liqueurs and cordials upon approval of the Local Licensing Authority and the Alcoholic Beverages Control Commission. Acceptance of Chapter 481 would allow holders of Wine & Malt beverage licenses to also sell liqueurs and other cordial beverages, thereby enhancing the value of the licenses. Currently holders of these licenses are prohibited from selling liqueurs and cordials. If adopted, those parties applying for or requesting such licenses would still be required to get approval of Local Licensing Authority (i.e., Selectman) and the Alcoholic Beverages Control Commission.

RECOMMENDED: That the Town accept Chapter 481 of the Acts of 1993.

ARTICLE 36. Will the Town, pursuant to the provisions of Chapter 40C, Section 3, of the Massachusetts General Laws, and Article XV-L of the General By-Laws of the Town of Hingham, and in accordance with the recommendations of the Historic Districts Commission and the Massachusetts Historical Commission, duly establish the Hingham Centre Local Historic District, Phase II, in the manner shown on a plan entitled: “Hingham Centre Local Historic District, Phase II, Hingham, Massachusetts, prepared for the Hingham Historic Districts Commission”, dated February 11, 2003, and revised August 7, 2007, by Perkins Engineering, Inc., filed in the office of

the Town Clerk, and bounded and described as follows:

Beginning at a point in the Northerly sideline of Union Street at the Southeasterly corner of land now or formerly of Mary L. & Betsy McLellan, thence running in a generally Northwesterly direction, along the Easterly boundaries of land now or formerly of said McLellan, now or formerly of Ronald L. & Janice L. Bacon, land now or formerly of Wilma S. & Russell Halliday, now or formerly of Debra L. Elwell, land now or formerly of Patrick S. & Megan M. Durkin, land now or formerly of George W. & Margery M. Price, land now or formerly of Hugh T. & Noreen L. Devine, land now or formerly of Gary R. Ast & Joan G. Quenneville, land now or formerly of the Hersey Real Estate Trust, land now or formerly of Deborah Leggat, land now or formerly of Susan L. Merrill, land now or formerly of Herbert W. Farrar, land of Stephen P. & Ann S. Skinner, and land now or formerly of Berthe V. Melikian, respectively, in twenty-two courses measuring eighty-four (84) feet, more or less, thirteen (13) feet, more or less, one hundred and fifty-one (151) feet, more or less, twenty-six (26) feet, more or less, one hundred and fifty-two (152) feet, more or less, seven (7) feet, more or less, ninety-five (95) feet, more or less, ninety-eight (98) feet, more or less, one hundred and twenty (120) feet, more or less, eighty-six (86) feet, more or less, one hundred and seventy-two (172) feet, more or less, ten (10) feet, more or less, seventy-six (76) feet, more or less, thirty-five (35) feet, more or less, fifty (50) feet, more or less, fifty-six (56) feet, more or less, one hundred and twenty-five (125) feet, more or less, forty-seven (47) feet, more or less, one hundred and forty-two (142) feet, more or less, eighteen (18) feet, more or less, eighty-eight (88) feet, more or less, and ninety-two (92) feet, more or less, to a point in the Westerly sideline of School Street; thence running Easterly, across School Street, fifty-seven (57) feet, more or less, to a point in the Easterly sideline of School Street; thence running Northwesterly by School Street, one hundred and thirty-eight (138) feet, more or less, by to a point in the Easterly sideline of School Street; thence turning and running Easterly in two courses, measuring forty-six (46) feet and three hundred and thirty-one (331) feet, more or less, by land of the Town of Hingham, to a point in the Westerly sideline of Spring Street; thence turning and running Northerly along the Westerly sideline of Spring Street nine hundred and sixty-eight (968) feet, more or less, to the intersection of Spring Street and Leavitt Street; thence running one hundred and twenty (120) feet, more or less,

Northeasterly across Spring Street to the Northwesterly corner of land now or formerly of Mark D. & Jane D. Cahill; thence running Easterly by said land of Cahill, land now or formerly of Charles H. Jr. & Winifred E. Cushing, land now or formerly of Edward J. Jr. & Margaret Brennan, land now or formerly of Bonnie S. Handrahan, and land now or formerly of Barry W. Littleton, six-hundred and seventy point one (670.1) feet, more or less, in five courses measuring one hundred and forty-five and one-half (145.5) feet, more or less, one hundred and six (106) feet, more or less, one hundred and thirty-six (136) feet, more or less, one hundred and one point one (101.1) feet, more or less, and one hundred and eighty-three (183) feet, more or less, to the Northeasterly corner of said land of Littleton; thence turning and running Northeasterly across Leavitt Street seventy-eight (78) feet, more or less, to a point in the sideline of Leavitt Street at the Southwesterly corner of land now or formerly of Michael S. Whitner & Ruth C. Gilbert-Whitner; thence running Northerly, by said land of Whitner, three hundred and thirty (330) feet, more or less; thence turning and running Easterly by said land of Whitner, land now or formerly of Clifford S. & Norah S. Webster, land now or formerly of Bernadette M. & Richard Higgins, and land now or formerly of Henry A. Rice, five hundred and seventy-seven (577) feet, more or less, to a point in the middle of the Weir River; thence turning and running Northerly and Easterly along the center line of the Weir River one hundred and sixteen (116) feet, more or less, to the Northeasterly corner of land now or formerly of Isabelle Littleton & Gardner D. Hawkes, et. al; thence turning and running Southeasterly by said land of Littleton, Hawkes et. al, three hundred and sixty-one (361) feet, more or less, in two courses measuring two hundred and thirty-five (235) feet, more or less, and one hundred and twenty-six (126) feet, more or less, to a point in the Northerly sideline of Jones Street; thence running Southerly across Jones Street eighty (80) feet, more or less, to the Northerly corner of land now or formerly of Alden Weston, Jr. & Sally Cernik; thence running Southerly, by land of said Weston & Cernik, four hundred and fourteen (414) feet, more or less, in five courses measuring thirty-one (31) feet, more or less, fifty-two (52) feet, more or less, one hundred and thirty-three (133) feet, more or less, forty-seven (47) feet, more or less, and one hundred and fifty-one (151) feet, more or less, to a point in the Northerly sideline of Leavitt Street; thence turning and running Easterly by said sideline forty-two point forty-one (42.41) feet, to the Southwesterly corner of land now or formerly of Michael J. & S. Ann Shilhan; thence turning and

running Northerly, Easterly and Southeasterly by said land of Shilhan, six hundred and fifty-two (652) feet, more or less, in four courses measuring one hundred and twenty-one (121) feet, more or less, sixty-five (65) feet, more or less, one hundred and sixty-three (163) feet, more or less, and three hundred and three (303) feet, more or less, to the Northwesterly corner of land now or formerly of Allan E. & June B. Pratt; thence turning and running Easterly by said land of Pratt, three hundred and twenty-four (324) feet, more or less, to a point in the Westerly sideline of land now or formerly of Steven J. & Claire H. Overlee; thence turning and running Northerly, Easterly and Southerly by said land of Overlee, six hundred and forty-five (645) feet, more or less, in three courses measuring two hundred and fifty-six (256) feet, more or less, one hundred sixty-one (161) feet, more or less, and two hundred and twenty-eight feet, more or less, to the Northwesterly corner of land now or formerly of Troop 1, Boy Scouts of America; thence running Easterly and Southerly by said land of Troup 1, in two courses measuring three hundred and eighty (380) feet and two hundred and ninety (290) feet, more or less, respectively, to a point in the Northerly sideline of Leavitt Street; thence running Southerly, across Leavitt Street and by land now or formerly of Leslie J. & Dale F. Revzon, in three courses measuring sixty (60) feet, three hundred and ninety-three (393) feet, and sixty (60) feet, more or less, respectively, to the Southeasterly corner of said land of Revzon; thence running Westerly, by said land of Revzon, land now or formerly of Jan & Jill Faller, land now or formerly of Antonio & Emma M. Rizzotto, and land now or formerly of Richard C. & Lynn T. Rizzotto, in four courses measuring one hundred and sixty-six (166) feet, eighty-seven (87) feet, sixty-three (63) feet, and two hundred and thirty (230) feet, more or less, respectively, to a point in the Westerly sideline of Pope's Lane; thence turning and running Southerly by said Westerly sideline in two courses measuring seventy-four point seventy-three (74.73) feet, and one hundred and eighty point thirty (180.30) feet, respectively, to the Southeasterly corner of land now or formerly of 133 Leavitt Street Realty Trust; thence turning and running Westerly and Northerly by said land of the Trust, in two courses measuring four hundred and sixty-seven (467) feet and two hundred and eighty-four (284) feet, more or less, respectively, to the Southeasterly corner of land now or formerly of John Rogers Thomas & Elizabeth Thomas; thence turning and running Westerly and Northerly, by said land of Thomas, in three courses measuring seventy-five (75) feet, forty-six (46) feet, and one hundred and forty-eight

(148) feet, more or less, respectively, to a point in the Southerly sideline of Leavitt Street; thence running Westerly, by said sideline, one hundred and twenty-three (123) feet, more or less, to the Northeasterly corner of land now or formerly of John E. & Ellen A. Gallagher; thence turning and running Southerly and Westerly by said land of Gallagher, in four courses measuring five hundred and seventy-three (573) feet, one hundred and fifty-three (153) feet, seventy-seven (77) feet, and three hundred and twenty-two (322) feet, more or less, respectively, to a point on the Easterly bank of the Weir River; thence turning and running Northerly, by said Easterly bank, five hundred and eighty-two (582) feet, more or less, to a point; thence turning and running Westerly, Northerly and again Westerly, across the Weir River, by land now or formerly of the Hingham Conservation Commission, across Village Lane, by land now or formerly of Henry G. & Gail R. Farley, by land now or formerly of James M. & Carol Maryanski O'Neill, land now or formerly of Barry W. Littleton, land now or formerly of Bonnie S. Handrahan, land now or formerly of Edward J. Brennan, Jr. & Margaret Brennan, and land now or formerly of Charles H. Cushing and Winifred Cushing, in eleven courses measuring eighty-six (86) feet, one hundred and forty (140) feet, one hundred and sixteen (116) feet, thirty-seven (37) feet, sixty (60) feet, twelve (12) feet, eighty-nine (89) feet, twenty-four (24) feet, two hundred and fifty (250) feet, two hundred and thirty-eight (238) feet, and one hundred and eight (108) feet, more or less, respectively, to the Southwesterly corner of said land of Cushing; thence turning and running Southerly and Westerly, by land now or formerly of Linda G. Lucas, land now or formerly of Richard E. & Toni E. Trudell, land now or formerly of Dorothy M. Fitzpatrick, across Spring Lane, by land now or formerly of 26 Spring Street Realty Trust, land now or formerly of John M. Sheskey & Anne Morrison, land now or formerly of Herbert I. & Janice L. Hirsch, land now or formerly of Elmer & Pricilla L. Hume, land now or formerly of JRC Realty Trust, land now or formerly of Polly Haskins, land now or formerly of William B. & Glynn A. McCulloch, and Stephanie & Hans Von Der Luft, in fourteen courses measuring two hundred and twenty (220) feet, more or less, one hundred and six (106) feet, more or less, one hundred and sixty (160) feet, more or less, thirty-one (31) feet, more or less, ninety-two (92) feet, more or less, sixty-five (65) feet, more or less, one hundred and fifteen (115) feet, more or less, one hundred and twelve (112) feet, more or less, ninety-eight (98) feet, more or less, two hundred and eighty-six (286) feet, more or less, two hundred and eleven (211) feet, more

or less, three hundred and thirty-two (332) feet, more or less, one hundred and fifty-four (154) feet, more or less, and eighty-six (86) feet, more or less, respectively, to a point in the Northerly sideline of Studley Road; thence running Southwesterly across Studley Road, sixty-two (62) feet, more or less, to the Northwesterly corner of land now or formerly of Charles L. & Christy E. Bacon; thence running Southerly and Westerly, by said land of Bacon, land now or formerly of William Thomas Mansfield, land now or formerly of Kurt E. & Susan B. Weisenbeck, land now or formerly of Alan S. McKim, land now or formerly of Farrell J. & Dianne S. Dolan, land now or formerly of Stephen A. & Patricia A. Villani, land now or formerly of Stephen L. & Maureen M. Demenna, land now or formerly of Richard W. & Barbara L. Hatch, across Triphammer Lane, and by land now or formerly of Catherine U. (Le) Wall, in eight courses measuring eighty (80) feet, more or less, one hundred and forty-eight (148) feet, more or less, eighty-six (86) feet, more or less, one hundred and fifteen (115) feet, more or less, two hundred and sixteen (216) feet, more or less, one hundred and eleven (111) feet, more or less, two hundred and thirty-two (232) feet, more or less, and eight hundred and seven (807) feet, more or less, to the Southeasterly corner of said land of Wall, with the final course running along the Westerly boundary of a right of way belonging to the Hingham Water Company; thence turning and running Westerly and Northerly, by said land of Wall, in two courses measuring two hundred and sixty-six (266) feet, more or less, and three hundred and two (302) feet, more or less, respectively, to the Northwesterly corner of said land of Wall; thence running Westerly by the Southerly sideline of Stoddard Road seventy-seven (77) feet, more or less, to a point in said sideline; thence running Northerly, across Stoddard Road, forty-one (41) feet, more or less, to the Southwesterly corner of land now or formerly of Robert L. & Mary Clare Hickey; thence running Northerly and Westerly, by said land of Hickey, land now or formerly of Daniel W. & Jennifer A. Murray, land now or formerly of Mark & Jayne M. Giarusso, land now or formerly of Robert G. & Kathryn M. Johnson, land now or formerly of Dennis J. Kelly, land now or formerly of Thomas H. and Jennie E. McGirr, and land now or formerly of Sean Preston & Peter Platt, and across Pleasant Street, in thirteen courses measuring one hundred and fifty-three (153) feet, more or less, eighty-one (81) feet, more or less, nineteen (19) feet, more or less, seventy (70) feet, more or less, sixty-three (63) feet, more or less, one hundred and seven (107) feet, more or less, ninety-six (96) feet, more or less, one hundred and fifty-seven

(157) feet, more or less, eighty-six (86) feet, more or less, one hundred and twenty-six (126) feet, more or less, one hundred and fifty-five (155) feet, more or less, fifty-two (52) feet, more or less, and fifty-seven (57) feet, more or less, respectively, to the point of beginning, or act on anything relating thereto?

COMMENT: The establishment of a historic district in Hingham Centre was initially approved at the 1990 Annual Town Meeting with the adoption of phase one of the Hingham Centre Historic District. The first phase of what is envisioned to be a three-phase implementation consists primarily of the area bounded by Main, Pleasant and Middle Streets. The purpose of this article is to adopt the second phase consisting of all or portions of School and Spring Streets and the portion of Leavitt Street from Spring Street toward Turkey Hill ending at the far end of the property owned by Troop 1, Boy Scouts of America. This would also encompass the Militia Training Field adjacent to the Hingham Centre Cemetery. Included in the proposed district are twelve houses built in the 1700's, 25 in the 1800's and 27 in the early 1900's. Adoption of historic districts, where appropriate, is an important step if it is the Town's desire to preserve and promote its history and heritage.

Prior to submitting this article for consideration, the Hingham Centre Extension Task Force solicited input from every affected property owner, hosted several neighborhood informational gatherings and held two public hearings. Support, by the affected property owners, for inclusion in the historic district has been overwhelmingly favorable, although not unanimous. One property owner has expressed his opposition to the creation of the district. Troop 1 also had reservations about inclusion in the district. The Hingham Centre Extension Task Force and Troop 1 have each agreed to accept a provision which protects the property should it no longer be used for scouting while providing Troop 1 with flexibility in continuing to use the property to promote the mission of scouting. The recommendation of the Advisory Committee reflects the agreed-upon provision.

RECOMMENDED: That the Town, pursuant to the provisions of Chapter 40C, Section 3, of the Massachusetts General Laws, and Article XV-L of the General By-Laws of the Town of Hingham, and in accordance with the recommendations of the Historic Districts Commission and the Massachusetts Historical

Commission, duly establish the Hingham Centre Local Historic District, Phase II, in the manner shown on a plan entitled: "Hingham Centre Local Historic District, Phase II, Hingham, Massachusetts, prepared for the Hingham Historic Districts Commission", dated February 11, 2003, and revised August 7, 2007, by Perkins Engineering, Inc., filed in the office of the Town Clerk, and bounded and described as follows:

Beginning at a point in the Northerly sideline of Union Street at the Southeasterly corner of land now or formerly of Mary L. & Betsy McLellan, thence running in a generally Northwesterly direction, along the Easterly boundaries of land now or formerly of said McLellan, now or formerly of Ronald L. & Janice L. Bacon, land now or formerly of Wilma S. & Russell Halliday, now or formerly of Debra L. Elwell, land now or formerly of Patrick S. & Megan M. Durkin, land now or formerly of George W. & Margery M. Price, land now or formerly of Hugh T. & Noreen L. Devine, land now or formerly of Gary R. Ast & Joan G. Quenneville, land now or formerly of the Hersey Real Estate Trust, land now or formerly of Deborah Leggat, land now or formerly of Susan L. Merrill, land now or formerly of Herbert W. Farrar, land of Stephen P. & Ann S. Skinner, and land now or formerly of Berthe V. Melikian, respectively, in twenty-two courses measuring eighty-four (84) feet, more or less, thirteen (13) feet, more or less, one hundred and fifty-one (151) feet, more or less, twenty-six (26) feet, more or less, one hundred and fifty-two (152) feet, more or less, seven (7) feet, more or less, ninety-five (95) feet, more or less, ninety-eight (98) feet, more or less, one hundred and twenty (120) feet, more or less, eighty-six (86) feet, more or less, one hundred and seventy-two (172) feet, more or less, ten (10) feet, more or less, seventy-six (76) feet, more or less, thirty-five (35) feet, more or less, fifty (50) feet, more or less, fifty-six (56) feet, more or less, one hundred and twenty-five (125) feet, more or less, forty-seven (47) feet, more or less, one hundred and forty-two (142) feet, more or less, eighteen (18) feet, more or less, eighty-eight (88) feet, more or less, and ninety-two (92) feet, more or less, to a point in the Westerly sideline of School Street; thence running Easterly, across School Street, fifty-seven (57) feet, more or less, to a point in the Easterly sideline of School Street; thence running Northwesterly by School Street, one hundred and thirty-eight

(138) feet, more or less, by to a point in the Easterly sideline of School Street; thence turning and running Easterly in two courses, measuring forty-six (46) feet and three hundred and thirty-one (331) feet, more or less, by land of the Town of Hingham, to a point in the Westerly sideline of Spring Street; thence turning and running Northerly along the Westerly sideline of Spring Street nine hundred and sixty-eight (968) feet, more or less, to the intersection of Spring Street and Leavitt Street; thence running one hundred and twenty (120) feet, more or less, Northeasterly across Spring Street to the Northwesterly corner of land now or formerly of Mark D. & Jane D. Cahill; thence running Easterly by said land of Cahill, land now or formerly of Charles H. Jr. & Winifred E. Cushing, land now or formerly of Edward J. Jr. & Margaret Brennan, land now or formerly of Bonnie S. Handrahan, and land now or formerly of Barry W. Littleton, six-hundred and seventy point one (670.1) feet, more or less, in five courses measuring one hundred and forty-five and one-half (145.5) feet, more or less, one hundred and six (106) feet, more or less, one hundred and thirty-six (136) feet, more or less, one hundred and one point one (101.1) feet, more or less, and one hundred and eighty-three (183) feet, more or less, to the Northeasterly corner of said land of Littleton; thence turning and running Northeasterly across Leavitt Street seventy-eight (78) feet, more or less, to a point in the sideline of Leavitt Street at the Southwesterly corner of land now or formerly of Michael S. Whitner & Ruth C. Gilbert-Whitner; thence running Northerly, by said land of Whitner, three hundred and thirty (330) feet, more or less; thence turning and running Easterly by said land of Whitner, land now or formerly of Clifford S. & Norah S. Webster, land now or formerly of Bernadette M. & Richard Higgins, and land now or formerly of Henry A. Rice, five hundred and seventy-seven (577) feet, more or less, to a point in the middle of the Weir River; thence turning and running Northerly and Easterly along the center line of the Weir River one hundred and sixteen (116) feet, more or less, to the Northeasterly corner of land now or formerly of Isabelle Littleton & Gardner D. Hawkes, et. al; thence turning and running Southeasterly by said land of Littleton, Hawkes et. al, three hundred and sixty-one (361) feet, more or less, in two courses measuring two hundred and thirty-five (235) feet, more or less, and one hundred and

twenty-six (126) feet, more or less, to a point in the Northerly sideline of Jones Street; thence running Southerly across Jones Street eighty (80) feet, more or less, to the Northerly corner of land now or formerly of Alden Weston, Jr. & Sally Cernik; thence running Southerly, by land of said Weston & Cernik, four hundred and fourteen (414) feet, more or less, in five courses measuring thirty-one (31) feet, more or less, fifty-two (52) feet, more or less, one hundred and thirty-three (133) feet, more or less, forty-seven (47) feet, more or less, and one hundred and fifty-one (151) feet, more or less, to a point in the Northerly sideline of Leavitt Street; thence turning and running Easterly by said sideline forty-two point forty-one (42.41) feet, to the Southwesterly corner of land now or formerly of Michael J. & S. Ann Shilhan; thence turning and running Northerly, Easterly and Southeasterly by said land of Shilhan, six hundred and fifty-two (652) feet, more or less, in four courses measuring one hundred and twenty-one (121) feet, more or less, sixty-five (65) feet, more or less, one hundred and sixty-three (163) feet, more or less, and three hundred and three (303) feet, more or less, to the Northwesterly corner of land now or formerly of Allan E. & June B. Pratt; thence turning and running Easterly by said land of Pratt, three hundred and twenty-four (324) feet, more or less, to a point in the Westerly sideline of land now or formerly of Steven J. & Claire H. Overlee; thence turning and running Northerly, Easterly and Southerly by said land of Overlee, six hundred and forty-five (645) feet, more or less, in three courses measuring two hundred and fifty-six (256) feet, more or less, one hundred sixty-one (161) feet, more or less, and two hundred and twenty-eight (228) feet, more or less, to the Northwesterly corner of land now or formerly of Troop 1, Boy Scouts of America; thence running Easterly and Southerly by said land of Troop 1, in two courses measuring three hundred and eighty (380) feet and two hundred and ninety (290) feet, more or less, respectively, to a point in the Northerly sideline of Leavitt Street; thence running Southerly, across Leavitt Street and by land now or formerly of Leslie J. & Dale F. Revzon, in three courses measuring sixty (60) feet, three hundred and ninety-three (393) feet, and sixty (60) feet, more or less, respectively, to the Southeasterly corner of said land of Revzon; thence running Westerly, by said land of Revzon, land now or formerly of Jan & Jill Faller, land now or formerly of Antonio &

Emma M. Rizzotto, and land now or formerly of Richard C. & Lynn T. Rizzotto, in four courses measuring one hundred and sixty-six (166) feet, eighty-seven (87) feet, sixty-three (63) feet, and two hundred and thirty (230) feet, more or less, respectively, to a point in the Westerly sideline of Pope's Lane; thence turning and running Southerly by said Westerly sideline in two courses measuring seventy-four point seventy-three (74.73) feet, and one hundred and eighty point thirty (180.30) feet, respectively, to the Southeasterly corner of land now or formerly of 133 Leavitt Street Realty Trust; thence turning and running Westerly and Northerly by said land of the Trust, in two courses measuring four hundred and sixty-seven (467) feet and two hundred and eighty-four (284) feet, more or less, respectively, to the Southeasterly corner of land now or formerly of John Rogers Thomas & Elizabeth Thomas; thence turning and running Westerly and Northerly, by said land of Thomas, in three courses measuring seventy-five (75) feet, forty-six (46) feet, and one hundred and forty-eight (148) feet, more or less, respectively, to a point in the Southerly sideline of Leavitt Street; thence running Westerly, by said sideline, one hundred and twenty-three (123) feet, more or less, to the Northeasterly corner of land now or formerly of John E. & Ellen A. Gallagher; thence turning and running Southerly and Westerly by said land of Gallagher, in four courses measuring five hundred and seventy-three (573) feet, one hundred and fifty-three (153) feet, seventy-seven (77) feet, and three hundred and twenty-two (322) feet, more or less, respectively, to a point on the Easterly bank of the Weir River; thence turning and running Northerly, by said Easterly bank, five hundred and eighty-two (582) feet, more or less, to a point; thence turning and running Westerly, Northerly and again Westerly, across the Weir River, by land now or formerly of the Hingham Conservation Commission, across Village Lane, by land now or formerly of Henry G. & Gail R. Farley, by land now or formerly of James M. & Carol Maryanski O'Neill, land now or formerly of Barry W. Littleton, land now or formerly of Bonnie S. Handrahan, land now or formerly of Edward J. Brennan, Jr. & Margaret Brennan, and land now or formerly of Charles H. Cushing and Winifred Cushing, in eleven courses measuring eighty-six (86) feet, one hundred and forty (140) feet, one hundred and sixteen (116) feet, thirty-seven (37) feet, sixty (60) feet, twelve (12) feet, eighty-nine (89) feet,

twenty-four (24) feet, two hundred and fifty (250) feet, two hundred and thirty-eight (238) feet, and one hundred and eight (108) feet, more or less, respectively, to the Southwesterly corner of said land of Cushing; thence turning and running Southerly and Westerly, by land now or formerly of Linda G. Lucas, land now or formerly of Richard E. & Toni E. Trudell, land now or formerly of Dorothy M. Fitzpatrick, across Spring Lane, by land now or formerly of 26 Spring Street Realty Trust, land now or formerly of John M. Sheskey & Anne Morrison, land now or formerly of Herbert I. & Janice L. Hirsch, land now or formerly of Elmer & Pricilla L. Hume, land now or formerly of JRC Realty Trust, land now or formerly of Polly Haskins, land now or formerly of William B. & Glynn A. McCulloch, and Stephanie & Hans Von Der Luft, in fourteen courses measuring two hundred and twenty (220) feet, more or less, one hundred and six (106) feet, more or less, one hundred and sixty (160) feet, more or less, thirty-one (31) feet, more or less, ninety-two (92) feet, more or less, sixty-five (65) feet, more or less, one hundred and fifteen (115) feet, more or less, one hundred and twelve (112) feet, more or less, ninety-eight (98) feet, more or less, two hundred and eighty-six (286) feet, more or less, two hundred and eleven (211) feet, more or less, three hundred and thirty-two (332) feet, more or less, one hundred and fifty-four (154) feet, more or less, and eighty-six (86) feet, more or less, respectively, to a point in the Northerly sideline of Studley Road; thence running Southwesterly across Studley Road, sixty-two (62) feet, more or less, to the Northwesterly corner of land now or formerly of Charles L. & Christy E. Bacon; thence running Southerly and Westerly, by said land of Bacon, land now or formerly of William Thomas Mansfield, land now or formerly of Kurt E. & Susan B. Weisenbeck, land now or formerly of Alan S. McKim, land now or formerly of Farrell J. & Dianne S. Dolan, land now or formerly of Stephen A. & Patricia A. Villani, land now or formerly of Stephen L. & Maureen M. Demenna, land now or formerly of Richard W. & Barbara L. Hatch, across Triphammer Lane, and by land now or formerly of Catherine U. (Le) Wall, in eight courses measuring eighty (80) feet, more or less, one hundred and forty-eight (148) feet, more or less, eighty-six (86) feet, more or less, one hundred and fifteen (115) feet, more or less, two hundred and sixteen (216) feet, more or less, one hundred and eleven (111) feet, more or less, two

hundred and thirty-two (232) feet, more or less, and eight hundred and seven (807) feet, more or less, to the Southeasterly corner of said land of Wall, with the final course running along the Westerly boundary of a right of way belonging to the Hingham Water Company; thence turning and running Westerly and Northerly, by said land of Wall, in two courses measuring two hundred and sixty-six (266) feet, more or less, and three hundred and two (302) feet, more or less, respectively, to the Northwesterly corner of said land of Wall; thence running Westerly by the Southerly sideline of Stoddard Road seventy-seven (77) feet, more or less, to a point in said sideline; thence running Northerly, across Stoddard Road, forty-one (41) feet, more or less, to the Southwesterly corner of land now or formerly of Robert L. & Mary Clare Hickey; thence running Northerly and Westerly, by said land of Hickey, land now or formerly of Daniel W. & Jennifer A. Murray, land now or formerly of Mark & Jayne M. Giarusso, land now or formerly of Robert G. & Kathryn M. Johnson, land now or formerly of Dennis J. Kelly, land now or formerly of Thomas H. and Jennie E. McGirr, and land now or formerly of Sean Preston & Peter Platt, and across Pleasant Street, in thirteen courses measuring one hundred and fifty-three (153) feet, more or less, eighty-one (81) feet, more or less, nineteen (19) feet, more or less, seventy (70) feet, more or less, sixty-three (63) feet, more or less, one hundred and seven (107) feet, more or less, ninety-six (96) feet, more or less, one hundred and fifty-seven (157) feet, more or less, eighty-six (86) feet, more or less, one hundred and twenty-six (126) feet, more or less, one hundred and fifty-five (155) feet, more or less, fifty-two (52) feet, more or less, and fifty-seven (57) feet, more or less, respectively, to the point of beginning, with the exceptions that: (1) the existing building located on the land previously described of Troop 1, Boy Scouts of America shall be exempted from application of the Town's Historic District (Article 28) and M.G.L. c. 40C, provided that it is not demolished and for as long as the dimensions of the building remain unchanged, provided that such dimensional change would otherwise be subject to application of the Historic District By-Law, and the property remains in use for charitable, scouting purposes; and (2) that the architectural features defined in M.G.L. c. 40C, sec. 8(a) that currently exist on the property, and those features defined at M.G.L. c. 40C,

sec. 8 (a) (2) whether existing or not, will also be exempted from application of the Town's Historic District By-Law (Article 28) and M.G.L. c. 40C so long as the property remains in use for charitable, scouting purposes.

ARTICLE 37. Will the Town adopt a change in the age and assets limits of certain MGL Chapter 59, Section 5 Clause 41C elderly exemptions, or act on anything relating thereto? (Inserted by the Board of Assessors)

COMMENT: MGL Chapter 59, Section 5 provides limited property tax exemptions to eligible elderly property owners. The exemptions require persons to satisfy various eligibility criteria, but the statute permits Town Meeting to adjust those criteria within certain limits. Over the years, at the request of the Board of Assessors, Town Meeting has adopted various changes in an effort to maximize the property tax relief available to eligible elderly property owners. Under current law, there are only two remaining changes that could be made, and they relate to age and taxable value of assets of the elderly taxpayer. Clause 41C of Section 5 permits Town Meeting to reduce the eligible age from 70 to 65, and to increase the asset limit to the statutory maximum of \$40,000 for an unmarried person. (Town Meeting previously increased the asset limit to \$55,000 for a married couple, the maximum permitted by Clause 41C.) In light of current economic conditions, the Board of Assessors recommends that these changes be adopted by Town Meeting.

RECOMMENDED: That the Town adopt the following changes in the age and asset limits of certain MGL Chapter 59, Section 5 Clause 41C elderly exemptions: reduce the eligible age from 70 to 65 and increase the asset limit from \$20,000 to \$40,000 for unmarried persons.

ARTICLE 38. Will the Town determine the interest rate on property taxes deferred pursuant to MGL Chapter 59, Section 5 (41A), as amended by Chapter 136 of the Acts of 2005, or act on anything relating thereto? (Inserted at the request of the Board of Assessors)

COMMENT: The tax deferral program created by Chapter 59, Section 5 is intended to benefit elderly homeowners with limited incomes. The prescribed statutory interest rate was 8% per annum. The 2006 Annual Town Meeting adopted adjustments to the program which allow the Town

to set the interest rate on deferred taxes each year in light of current economic conditions. Because we no longer use the statutory 8% interest rate, the Town Treasurer/Collector reviews current conditions and recommends an appropriate interest rate each year for Town Meeting approval. In each of the last two years, Town Meeting approved an interest rate of 4%. This year, in order to avoid the necessity of resetting the interest rate annually at Town Meeting, based on variable conditions, the Treasurer recommends tying the interest rate to the Town's cost of borrowing in the Statehouse Note Program. That interest rate, based on the average of the published rates in the Statehouse Note Program, is currently 4%, rounded to the nearest full percentage point.

RECOMMENDED: That the interest rate on property taxes deferred pursuant to MGL Chapter 59, Section 5 (41A), as amended by Chapter 136 of the Acts of 2005, be tied to the Town's cost of borrowing in the Statehouse Note Program, for fiscal years beginning on or after July 1, 2008, using the average of the published rates in the Statehouse Loan Program, rounded to the nearest full percentage point, as of June 30 of the previous fiscal year, said interest rate to be determined and confirmed to the Board of Assessors by the Treasurer/Collector each fiscal year.

ARTICLE 39. Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 22 by replacing the 1984 bylaw with the new revised Article 22 in the Town of Hingham By-Law, or act on anything relating thereto? (Inserted at the request of the Conservation Commission)

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.

ARTICLE 40. Will the Town authorize the Board of Selectmen to transfer the care, custody and control of a parcel of land, consisting of approximately 6.21 acres, more or less, known as Parcel 102 on Assessors' Map 38, from the Selectmen to the Conservation Commission or act on anything relating thereto?

COMMENT: The executors of the estate of Peter B. Bradley, pursuant to his last will and testament, on July 22, 1936, sold for the sum of

\$1.00 the land shown on Assessors' Map 38, Parcels 102 and 103, to the Town of Hingham. The Town was committed to build a Police Station on the land. The current building, now renovated for private commercial use, was that Police Station.

The Town of Hingham entered into a mutually agreeable Agreement for Judgment with the heirs and descendants of Peter Bradley; abutters; and, the Coalition to Save Broad Cove Park.

This article is to carry out part of the Agreement for Judgment that included the lease of Assessors' Map 38, Parcel 103, to private parties. The resulting funds from the lease were deposited into the Stabilization Fund by the 2006 Annual Town Meeting vote under Article 13.

A provision in the Agreement calls for the transfer of the parcel of land defined as Assessors' Map 38, Parcel 102, totaling approximately 6.21 acres, to the Town's inventory of conservation land under the control of the Conservation Commission.

This article authorizes the transfer.

RECOMMENDED: That the Town authorize the Board of Selectmen to transfer the care, custody and control of a parcel of land consisting of approximately 6.21 acres, more or less, known as Parcel 102 on Assessors' Map 38, from the Selectmen to the Conservation Commission.

ARTICLE 41. Will the Town (1) establish a permanent Energy Action Committee and (2) appropriate, borrow or transfer from available funds a sum of money to be expended under the direction of the Energy Action Committee to implement the energy plan as prepared by the Energy Policy Committee and carry forward the mission to reduce the energy footprint of the Town, or act on anything relating thereto? (Inserted at the request of the Energy Policy Committee)

COMMENT: The Board of Selectmen established a temporary Energy Policy Committee in November 2006 to benchmark the energy footprint of the Town and develop a plan to understand and control energy consumption, raise public awareness, and reduce the Town's impact on the environment. The Town Administrator and the Energy Policy Committee submitted this article to establish a standing Energy Action Committee to continue the work of the Energy Policy

Committee by performing the following duties: (1) implement the short and long-term energy plan recommendations as approved by the Board of Selectmen; (2) continually monitor the energy footprint and act accordingly per the established targets; (3) submit an annual line item funding request for approval by the Board of Selectmen; (4) increase public awareness; (5) mobilize citizen volunteers to assist in implementing the energy plan; and (6) continue to develop and implement energy-related recommendations based on market conditions and available technologies.

RECOMMENDED: That the Town establish an Energy Action Committee with seven members: three citizens to be appointed by the Board of Selectmen, three citizens to be appointed by the Moderator, and the General Manager of the Municipal Light Plant (or designee), with the chair of said Committee to be jointly designated by the Board of Selectmen and the Moderator. The Town Accountant and the Business Manager of the School Department (or their designees) will serve as non-voting ex-officio members of the Committee.

ARTICLE 42. Will the Town designate South Pleasant Street in Hingham as a Scenic Road pursuant to Chapter 40, Section 15C of the Massachusetts General Laws (Scenic Roads Act) upon the joint recommendation and request of the Planning Board and Historical Commission and in accordance with the Rules and Regulations of the Planning Board adopted under the Scenic Roads Act on April 2, 1984, as amended, or act on anything related thereto?

COMMENT: The Town designated Lazell and Union Streets as Scenic Roads at the 1978 Annual Town Meeting. Since then, Free Street, a portion of Leavitt Street, Turkey Hill Lane, and Popes Lane have been designated Scenic Roads in the Town.

The Board of Selectmen voted in favor of this designation for South Pleasant Street at its February 26, 2008 meeting.

The entire length of South Pleasant Street, from Main Street to its termination at the Wompatuck State Park boundary, would be encompassed by the Scenic Road designation. The street is bordered by large, old trees and stone walls of exceptional quality, Fulling Mill Pond, George Washington Town Forest, Spring Brook, and eight 18th and 19th century homesteads.

Since shade trees along all Town right-of-ways are already protected through the Town's adoption of the Public Shade Tree Law (M.G.L. Ch. 87), the Scenic Road designation basically adds protection for those stone walls in or bordering a so-designated right-of-way. Each of these laws governs only the land contained within a Town right-of-way.

Within thirty days of the Scenic Road designation, the Planning Board would be obligated to notify all municipal departments, the State Department of Public Works, and all affected utility companies that any repair, maintenance, reconstruction, or paving work done shall not involve the tearing down or destruction of stone walls except with the prior written consent of the Planning Board after a duly advertised public hearing attended by the Tree Warden, as appropriate.

RECOMMENDED: That the Town designate South Pleasant Street in Hingham as a scenic road in accordance with MGL Chapter 40, Section 15C and the corresponding Rules and Regulations of the Planning Board adopted on April 2, 1984, as amended.

ARTICLE 43. Will the Town accept the provisions of Chapter 55 of the Acts of 2006, so as to increase the accidental death benefit paid to surviving eligible children of deceased members of the Hingham Contributory Retirement System pursuant to MGL C.32. §9(2) (d)(ii), or act on anything relating thereto?
(Inserted at the request of the Hingham Retirement Board)

COMMENT: The 2007 Annual Town Meeting voted unanimously to authorize a supplemental dependents' allowance for eligible children of town employees retired for accidental disability (Massachusetts General Laws, Chapter 32, §7 (2)(a)(iii)). That approval did not include language to authorize an increase in the accidental death benefit allowance for eligible children. This article, if approved, will provide that an eligible dependent, defined as under 18 (or under 21 if a full-time student) will receive an annual survivor's benefit equal to the benefit allowance paid to eligible children of persons retired due to accidental disability. Presently this annual amount totals \$630.

RECOMMENDED: That the Town accept the provisions of Chapter 55 of the Acts of 2006, so as to increase the accidental death

benefit paid to surviving eligible children of deceased members of the Hingham Contributory Retirement System pursuant to MGL C.32. §9(2) (d)(ii).

ARTICLE 44. Will the Town authorize the Board of Selectmen to sign a five-year extension of the Intermunicipal Agreement relative to the South Shore Recycling Cooperative, effective July 1, 2008, or act on anything relating thereto?

COMMENT: The South Shore Recycling Cooperative (SSRC), established in 1998, is made up of fifteen (15) Towns: Abington, Cohasset, Duxbury, Hanover, Hanson, Holbrook, Kingston, Marshfield, Norwell, Plymouth, Rockland, Scituate, Weymouth, Whitman, and Hingham. The Cooperative was established to help member towns improve their recycling programs, and reduce the amount, toxicity and cost of disposal. Hingham benefits from the Cooperative by maintaining full local authority and control of the Town's solid waste management and recycling activities while utilizing the SSRC as a resource. The SSRC assists Hingham, and other member Towns, with: managing their solid waste programs efficiently; providing economy of scale through regional procurement of services; and advocating for funding, sensible laws and regulations to accomplish the goal of minimizing waste and cost and maximizing recovery at the municipal level.

The annual cost of \$4,500 is covered under the DPW budget under Article 6 of the 2008 Annual Town Meeting.

RECOMMENDED: That the Town authorize the Board of Selectmen to sign a five-year extension of the Intermunicipal Agreement relative to the South Shore Recycling Cooperative, effective July 1, 2008.

ARTICLE 45. Will the Town authorize the Board of Selectmen to transfer and convey parcels of Town-owned real estate, and to accept for Town ownership other parcels of real estate, in connection with the Massachusetts Bay Transportation Authority's Greenbush Line project, as said parcels are identified on Land Acquisition Plans and Existing Condition Plans for the Old Colony Railroad Rehabilitation Project, Greenbush Line on file in the office of the Board of Selectmen, and establish terms and conditions therefor;
or act on anything relating thereto?

COMMENT: In connection with the construction of the Greenbush Line project, the Massachusetts Bay Transportation Authority (MBTA) and the Town have agreed that various real estate conveyances will be transacted on a "friendly" basis at no cost to either party. The Town will accept the parcels of land that the MBTA proposes to deed to the Town and the MBTA will provide the Town with recordable plans of such property.

RECOMMENDED: That the Town authorize the Board of Selectmen to transfer and convey Town-owned real estate, and to accept for Town ownership other parcels of real estate, in connection with the Massachusetts Bay Transportation Authority's Greenbush Line project, as said parcels are identified on Land Acquisition Plans and Existing Condition Plans for the Old Colony Railroad Rehabilitation Project, Greenbush Line, on file in the office of the Board of Selectmen, and establish terms and conditions therefor.

ARTICLE 46. Will the Town authorize the Board of Selectman to petition the Great and General Court of the Commonwealth to enact special legislation that would exempt the position of Deputy Fire Chief from the provisions of the Civil Service Law and Rules, or act on anything related thereto?

COMMENT: Town Meeting approved this article in 2007; however, the Legislature did not act on the petition before their session ended. Once the legislative session ends, anything not acted on must be resubmitted for the new session and, in order for it be resubmitted, Town Meeting is required to re-vote the article. This article proposes to exempt the position of Deputy Fire Chief from the provisions of Civil Service. The article would provide the Fire Chief, who serves as the appointing authority for the Deputy Fire Chief, the flexibility to appoint qualified persons who do not appear on the list provided by Civil Service. The proposed change will fully integrate the Deputy Fire Chief position into the management of the Fire Department and help the Fire Chief with succession planning. There is no cost to the Town associated with this article.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation that would exempt the position of Deputy Fire

Chief from the provisions of the Civil Service Law and Rules.

ARTICLE 47. Will the Town authorize the Board of Selectman to petition the Great & General Court of the Commonwealth to enact special legislation to permit Michael P. Hickey to be placed on a Hingham Civil Service list for Police Officer notwithstanding the maximum age requirements or act on anything related thereto? (Inserted at the request of Michael Hickey and others)

COMMENT: At the time Michael P. Hickey sat for the Civil Service Exam in May 2007, he was 33 years of age, having turned 33 on March 5, 2007. Mr. Hickey was under the impression that Hingham was a community covered by Section 58A of Chapter 31 of the Massachusetts General Laws, which allows a veteran to exceed the maximum age provision (32) by the number of years served on active military duty but not for more than four years of active military duty. Mr. Hickey is a Marine Corps veteran and served for four years. Hingham is not covered by Section 58A of Chapter 31 of the Massachusetts General Laws.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to permit Michael P. Hickey to be placed upon a Hingham Civil Service List for Police Officer notwithstanding the maximum age requirements.

ARTICLE 48. Will the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue temporary loans for periods greater than two years, and allow the Town to charge the Town's actual interest costs to betterment assessments issued by the Town, or act on anything relating thereto?

COMMENT: This article was approved at the 2005, 2006 and 2007 Annual Town Meetings; however, the state legislature has not acted on the petition during those legislative sessions. Thus the article is re-proposed in this 2008 Annual Town Meeting Warrant.

Current state law limits the Town's authority to issue short-term notes, with no required payment against principal, to a term of no more than two years. Section 1 of this home rule petition will remove that number of years restriction, but will require the Town to begin making principal payments within two years. Section 2 of this home rule petition will allow the Town to pass on the Town's actual interest costs for betterments. Current state law provides the Town with only two options in regard to charging betterments interest costs to property owners. One method is a straight 5.0%, and the second is the Town's actual cost, plus 2.0%. Both methods increase the interest charges to property owners for betterments well beyond Town's true cost of interest. This petition would allow for an allocation of interest that reflects only the Town's true costs, thereby reducing the cost to property owners currently being charged to them. Approval of this article would authorize the Town to petition the legislature to authorize these changes in its debt issuance practices.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue temporary loans for periods greater than two years, and allow the Town to charge the Town's actual interest costs to betterment assessments issued by the Town.

ARTICLE 49. Will the Town authorize but not require the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to make the following All Alcoholic Beverages Licenses site specific: (1) South Shore Country Club, 274 South Street and (2) Linden Ponds Inc., d/b/a Linden Ponds, 300 Linden Ponds Way, or act on anything relating thereto?

COMMENT: This article was approved at the 2005, 2006, and 2007 Annual Town Meetings; however, the Legislature did not act on the petition before their session ended. Once the legislative session ends, anything not acted on must be resubmitted for the new session and, in order for it to be resubmitted, Town Meeting is required to revoke the article.

The special legislation requested would ensure that the operator of the restaurant at the South Shore Country Club could not transfer the license to another site and leave our town facility without

a liquor license. When the 2004 Annual Town Meeting voted to petition the Great and General Court to enact special legislation authorizing an additional liquor license for Linden Ponds Inc., it was with the intent that the license be site specific. The legislation did not include that provision. This article would correct that.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to make the following All Alcoholic Beverages Licenses site specific: (1) South Shore Country Club, 274 South Street and (2) Linden Ponds Inc., d/b/a Linden Ponds, 300 Linden Ponds Way.

ARTICLE 50. Will the Town authorize the Board of Selectmen to petition the General Court to enact special legislation establishing the Hingham Shipyard Improvement District, a body politic and corporate, independent from the Town, which will assume all financial liability for the capital and operating costs associated with certain existing, proposed and future public improvements within the boundaries of the district, and be empowered to purchase, own, maintain, construct, reconstruct and operate such public improvements, including streets, parking facilities, sidewalks, water and sewer lines and related facilities, and fiber optic and telecommunications links, to take property within the District by eminent domain, to borrow funds for capital improvements and to assess betterments, assessments and fees in relation thereto and to support operating expenses, to enter into such contracts as may be necessary to carry out the purposes of the District, and to exercise such additional powers as shall be defined in the special act, a summary of which is available at the office of the Town Clerk; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and the Board of Selectmen are authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto?

COMMENT: Town Meeting approved this article in 2004, 2005, 2006 and 2007; however, the Legislature did not act on the petition before their session ended. Once the legislative session ends, anything not acted on must be resubmitted for the new session and, in order for it to be

resubmitted, Town Meeting is required to re-vote the article.

By creating such a District, it would enable the entity to issue bonds as a financing mechanism to fund infrastructure improvements required for a large development project such as the Hingham Shipyard. Through the establishment of an Improvement District, the developer can obtain more financing and at a faster rate than with traditional borrowing methods. Interest payments on the bonds are paid through the assessment of betterments that are paid by the businesses and residences within the District. The creation of an Improvement District within the Shipyard would enhance its economic development by allowing the District to construct and maintain critical infrastructure required to serve the needs of those in the district, such as roads, sewer lines, bridges, sidewalks, parks, lighting etc., in advance of businesses and/or residences coming into the District. The District would also have the authority to acquire by eminent domain land that is located within its bounds. Members within the District would still pay property taxes to the Town and would receive the same Town services as residents outside the District (schools, police, fire, etc.). The District would buy its electricity from the Hingham Municipal Lighting Plant, and members would contract with the same providers as non-District residents for services such as phone and cable TV services. The District would be governed by a board of commissioners that would be appointed by the Board of Selectmen; four (4) members would be nominated by the Hingham Shipyard Property Owners Association, and one (1) member would be the Hingham Town Administrator or his or her designee. In the proposed legislation there is a provision that after twenty-five years, if all the bonds have been paid off and the Town wishes that the District be dissolved, it can do so through a vote of Town Meeting.

Favorable action on this article does not create the District, but allows the Board of Selectmen to petition the state legislature to authorize its creation.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the General Court to enact special legislation establishing the Hingham Shipyard Improvement District, a body politic and corporate, independent from the Town, which will assume all financial liability for the capital and operating costs associated with certain

existing, proposed and future public improvements within the boundaries of the district, and be empowered to purchase, own, maintain, construct, reconstruct and operate such public improvements, including streets, parking facilities, sidewalks, water and sewer lines and related facilities, and fiber optic and telecommunications links, to take property within the District by eminent domain, to borrow funds for capital improvements and to assess betterments, assessments and fees in relation thereto and to support operating expenses, to enter into such contracts as may be necessary to carry out the purposes of the District, and to exercise such additional powers as shall be defined in the special act, a summary of which is available at the office of the Town Clerk; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and the Board of Selectmen are authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

ARTICLE 51. Will the Town build a sidewalk on Park Circle, and widen the sidewalk on Planters Field Lane, for the safety of children walking to Foster Elementary School?
(Inserted at the request of Robert Baynes and others)

COMMENT: Rather than seek Town Meeting action on their petition, the proponents will pursue their sidewalk proposal through the Department of Public Works and the Capital Outlay Committee.

RECOMMENDED: That no action be taken on this article.

ARTICLE 52. Will the Town authorize the Board of Selectmen to enter into an agreement (1) for the regulation and authorization of parking in proximity to the public launch ramp on Lot 50 of Assessors' Map 50; and (2) for the acquisition of office space, restroom facilities and public access to the harbor at 3 Otis Street, or act on anything relating thereto?
(Inserted at the request of Jeffery A. Tocchio and others)

COMMENT: This article relates to the marina property located at 3 Otis Street at Hingham Harbor. Currently, the marina, with its associated

slips, needs additional parking spaces to attain compliance with Zoning By-Law requirements. This article would authorize the Selectmen to enter into a lease or other arrangement to make a number of Town-owned parking spaces near the public launch ramp available for use by the marina property in return for certain improvements beneficial to the public and other consideration. This article also appeared in the 2007 Annual Town Meeting as Article 24. At the time of the publication of the 2008 Annual Town Meeting warrant, no further progress has occurred with respect to negotiation of the terms of the arrangement.

RECOMMENDED: That no action be taken on this article.



ARTICLE 53. Will the Town accept the laying out, as a town way, of a way beginning at the intersection of Thaxter Street extending approximately 1,106.58 feet, more or less, in a southwesterly direction as shown through a

turnaround as shown on a plan entitled: "Roadway Acceptance Plan & Profile, Hill Top Road, Hingham, MA" dated October 12, 2007, prepared by Coler & Colantonio Inc., Engineers and Scientists, as revised from time to time, and the name Hill Top Road be given said way, or act on anything relating thereto?

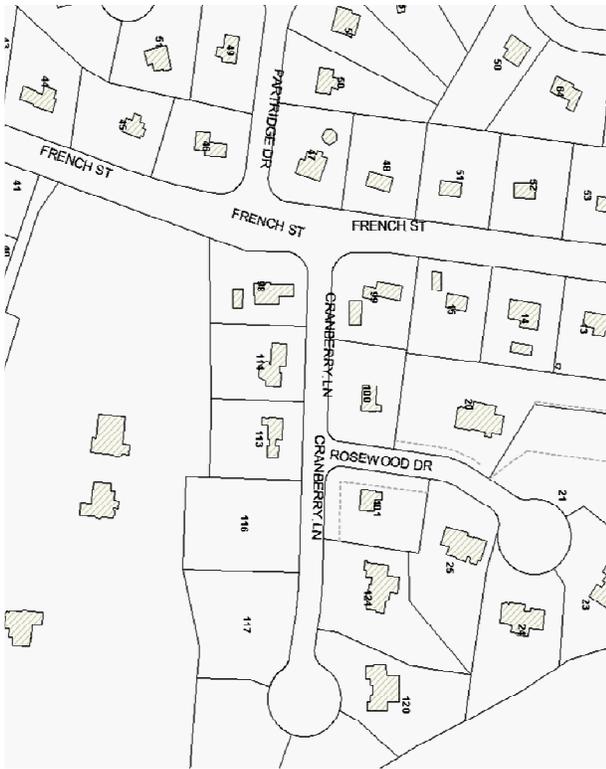
COMMENT: While there remains some amount of work which must be completed in order for the Town to accept this road, the work is expected to be completed by the time of Town Meeting. If the work is not completed by that time, the Planning Board presently holds a bond of \$37,000, an amount deemed adequate by the Planning Board to complete the balance of the work to finish Hill Top Road.

RECOMMENDED: That the Town accept the laying out, as a town way, of a way beginning at the intersection of Thaxter Street extending approximately 1,106.58 feet, more or less, in a southwesterly direction as shown through a turnaround as shown on a plan entitled: "Roadway Acceptance Plan & Profile, Hill Top Road, Hingham, MA" dated October 12, 2007, prepared by Coler & Colantonio Inc., Engineers and Scientists, as revised from time to time, and the name Hill Top Road be given said way.

ARTICLE 54. Will the Town accept the laying out, as a Town way, of a way beginning at the intersection with French Street extending approximately 797 feet, more or less, in an easterly direction, through a turnaround as shown on a plan entitled: "As Built Plan" Cranberry Lane and Rosewood Lane, dated 09/08/06, prepared by Coneco Engineers & Scientists, Inc., as revised from time to time, and the name Cranberry Lane be given said way, or act on anything relating thereto?

COMMENT: There remains work to be done in order for the Town to accept this road as a public way. If the work to finish the road in a manner acceptable to the Town is completed by Town Meeting, it is expected the Advisory Committee's recommendation will likely be favorable.

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.



ARTICLE 55. Will the Town accept the laying out, as a town way, of a way beginning at the intersection with Cranberry Lane extending approximately 469 feet, more or less, in a northerly direction as shown on a plan entitled: "As Built Plan" Cranberry Lane and Rosewood Lane, dated 09/08/06, prepared by Coneco Engineers & Scientists, Inc., as revised from time to time, and the name Rosewood Lane be given said way, or act on anything relating thereto?

COMMENT: The formal acceptance of Rosewood Lane is contingent upon the acceptance of Cranberry Lane, as Cranberry provides access to Rosewood Lane. For this reason Rosewood will not be accepted until Cranberry Lane is accepted by the Town. However, it is anticipated that, if the work needed to complete Cranberry Lane in a manner acceptable to the Town is completed by Town Meeting, then the Advisory Committee's recommendation will likely be favorable.

RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.

And you are hereby also directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet at two designated polling places in said Town of Hingham according to their precinct, to wit: Precinct 1, 2, 3, and 5: High School, 17 Union Street; Precincts 4 and 6: Middle School, 1103 Main Street on SATURDAY, the Third day of May 2008 at EIGHT O'CLOCK in the forenoon, then and there to give in their votes on the official ballot for:

A Moderator to serve one year; a Selectman to serve three years; an Assessor to serve three years; one member of the Board of Health to serve three years; two members of the School Committee to serve three years; a member of the Planning Board to serve five years; a member of the Sewer Commission to serve three years; a member of the Recreation Commission to serve five years; a member of the Municipal Light Board to serve three years; and a member of the Housing Authority to serve five years.

And you are directed to serve this warrant by causing an attested copy thereof to be posted in the Town Hall seven days at least before the day appointed for said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the ninth day of April 2008.

Given under our hands at Hingham this 8th day of April 2008.

Melissa A. Tully
John A. Riley
Laura A. Burns

A True Copy
Attest:

Kathleen A. Peloquin
Constable of Hingham
April 8, 2008

By virtue of the within warrant I hereby certify that I have noticed and warned the inhabitants of the Town of Hingham, qualified to vote in town affairs to meet at the time and place indicated in the above warrant, by causing an attested copy thereof to be published in The Hingham Journal seven days at least before the day appointed for said meeting. It was presented to and posted by the Town Clerk in the Town Hall on this date.

Kathleen A. Peloquin
Constable of Hingham
April 9, 2008

REPORT OF THE CAPITAL OUTLAY COMMITTEE

I. OVERVIEW

The Capital Outlay Committee (CAPITAL) is charged with:

- A. Ascertaining the Capital Outlay requirements of various Town Departments, Boards and Committees over the next six years. Any expenditure for equipment or real property costing \$5,000 or more is defined as a capital outlay.
- B. Analyzing and evaluating proposed capital expenditures for all Town Departments, boards and committees and making recommendations to the Board of Selectmen (SELECTMEN) and the Advisory Committee (ADVISORY). CAPITAL recommendations are developed as follows:
 1. Departments submit requests for the next six years.
 2. CAPITAL reviews requests with the department heads, boards and, or committees.
 3. Needs are determined and possible alternatives are discussed.
 4. CAPITAL makes its recommendations to the SELECTMEN and ADVISORY.
 5. SELECTMEN accepts, alters, or rejects CAPITAL'S recommendation, and forwards it to ADVISORY.

CAPITAL has reviewed the capital requests from the various Town Departments and herein submits its recommendations for fiscal year 2009 (FY2009), as well as general projections of capital needs for the next five fiscal years. CAPITAL'S recommendations for FY2009 are based on the assessment of need. Capital items, for the most part, consist of the Town's infrastructure and the equipment to support that infrastructure. Over the long run, most capital spending on infrastructure is not discretionary.

At the start of the budget process, each department was requested to produce a current year capital outlay request, and a realistic five-year capital outlay request. Both requests were compared to the prior year capital outlay requests, and departments were asked to explain significant changes. CAPITAL is recommending an FY2009 capital outlay budget of \$2,423,634.

CAPITAL'S recommendations are summarized below:

RECOMMENDED	
Not subject to borrowing	\$1,655,834
User rates/borrowing/other	\$ 767,800

II. SPECIFIC RECOMMENDATIONS

The Capital Outlay Committee makes the following recommendations:

Town Accountant/MIS

For FY2009 the committee recommends \$67,000 for information technology replacement.

Board of Selectmen

For FY2009 the committee recommends \$20,000 for an engineering study of the Route 3A rotary, and \$5,000 for the replacement and repairs to the Beal Street playground.

Police Department

For FY2009 the committee recommends \$182,000 for the replacement of eight vehicles, \$120,000 for the replacement of portable radios, and \$18,000 for the replacement of one outboard motor for the Harbormaster. It should be noted that the Police department is submitting a grant application for the portable radios, and should they be successful, then the fund allocated under the capital outlay budget will not be spent. The committee felt that the importance of the portable radios, coupled with the uncertainty of the grant process, warranted the inclusion of the portables in the FY2009 capital budget.

Fire Department

For FY2009 the committee recommends \$210,000 for the purchase and installation of a town wide communications system, \$15,450 for the replacement of ten sets of fire fighting turnout gear, \$21,000 for the replacement of an administrative vehicle, and \$20,000 for the replacement of fire hydrants. It should be noted that the replacement of the administrative vehicle represents a downsizing to a more fuel efficient vehicle.

Building Department

For FY2009 the committee does not recommend the replacement of the Building Commissioner's inspection vehicle. At this time making any needed repairs to the vehicle will create a lower cost of ownership to the Town, and in the future the committee continues to request that the Building Department consider a compact light duty pickup truck similar to the one recently purchased by the Board of Health.

Public Works

For FY2009 the committee recommends \$124,000 for the replacement of dump truck with a sand and plow package, \$15,500 for the replacement of a compressor, \$40,000 for the replacement of a brush chipper, \$20,000 for repairs to the Plymouth River School tennis courts, \$10,000 repairs to town playing fields, \$43,000 for the replacement of a Skid Steer Tractor, \$50,000 for the replacement of an open top trash trailer, \$10,000 for the replacement of tires on trash trailers, and \$20,000 for the replacement of two 4' mowers.

Sewer Department

For FY2009 the committee recommends \$380,000 for renovations and repairs to the Mill Street pumping station, and \$38,000 for renovations and repairs of pump stations.

South Shore Country Club

The committee recommends \$330,500 for the relocation of the golf course maintenance facility, installation of a more user friendly approach to the golf course and relocation of the Pro Shop.

Department of Elder Services

For FY2009 the committee recommends \$10,000 as the Town's share of a State grant for the purchase of a van.

Treasurer's Department

For FY2009 the committee recommends \$10,705 for the replacement the postage machine.

Town Hall

The committee recommends \$12,000 for the purchase of a light duty pickup truck for shared use by Town Hall departments, \$20,000 for the replacement of carpeting and stair treads, \$20,000 for general building repairs, and \$6,000 for the purchase of a portable camera system to be used in taping public meetings for the public to view.

Library

For FY2009 the committee recommends \$9,832 for the replacement of carpet in meeting rooms and on the mezzanine level of the Library, \$15,000 for the replacement of technology equipment, and \$30,000 as the second year of a three year effort to assist the library in maintaining its book collection.

Recreation Department

The Capital Outlay Committee would like to welcome the Recreation Department to the capital planning process and would like to thank the Recreation Director for providing a very comprehensive capital plan in its first year. For FY2009 the committee recommends \$29,457 for the replacement the Hersey Street playground as the first of five playgrounds that are the responsibility of the Recreation Department. Additionally, the committee recommends \$19,300 for the replacement of fitness room equipment, which will be funded by fitness room revenues.

School

For FY2009 the committee recommends \$60,000 for the third year of a three year classroom carpeting replacement plan at South School, along with \$10,000 for the installation of ceiling fans and \$15,000 for the reconstruction of the entrance. The committee also recommends the following for school system-wide capital needs: \$150,000 for information technology replacements, \$95,100 for enhancements to the security systems, \$23,390 for the replacement of furniture and equipment, \$36,000 for the replacement of photocopiers, \$9,000 for the replacement of musical instruments, \$56,000 for the replacement of the Student Information System, \$15,000 for replacement of the Television studio, and \$12,000 for the replacement of eight (8) garage doors at the Depot.

Capital Outlay Committee

Andrew Mooradian, Chairman

Thomas Pyles

Ron Kirven

Irma Lauter, Advisory Committee

Jerry Seelen, Advisory Committee

Ted C. Alexiades, Finance Director/Town Accountant ex-officio (non-voting)

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
ACCOUNTING/MIS:					
Information Technology Assets (20% rplcmt)	\$67,000				
Information Technology Assets (20% rplcmt)		\$60,000			
Information Technology Assets (20% rplcmt)			\$70,000		
Information Technology Assets (20% rplcmt)				\$80,000	
Information Technology Assets (20% rplcmt)					\$90,000
TOTAL ACCOUNTING/MIS	\$67,000	\$60,000	\$70,000	\$80,000	\$90,000
ASSESSOR'S DEPARTMENT:					
GIS: Contour Development(1 of 4)		\$20,000			
GIS: Contour Development(2 of 4)			\$20,000		
GIS: Contour Development(3 of 4)				\$20,000	
GIS: Contour Development(4 of 4)					\$20,000
TOTAL ASSESSOR'S DEPARTMENT	\$0	\$20,000	\$20,000	\$20,000	\$20,000
BOARD OF SELECTMEN:					
Engineering Route 3A Rotary (new)	\$20,000				
Beal Street Playground (replacements)	\$5,000				
TOTAL BOARD OF SELECTMEN	\$25,000	\$0	\$0	\$0	\$0
POLICE DEPARTMENT:					
Portable Radios	\$120,000				
Police Vehicles (replacement of 8 vehicles)	\$182,000				
Harbormaster Boat Engines (replaces 1)	\$18,000				
Police Vehicles (replacement of 8 vehicles)		\$214,500			
Dispatch Command Center (replacement)		\$250,000			
Computer Aided Dispatch		\$150,000			
Mobile Data Terminals (replacement)		\$50,000			
Harbormaster Floats/Gangways (replacement)		\$40,000			
Harbormaster Boat Engines (replaces 1)		\$19,000			
Patrol Rifles (replacement)		\$12,000			
Harbormaster Building Engineering (new)		\$12,000			
Body Armor (replacement)		\$70,000			
Police Vehicles (replacement of 9 vehicles)			\$220,600		
Police Motorcycles (replacement of 2)			\$40,000		
Harbormaster Building (new)			\$150,000		
Harbormaster Boat Engines (replaces 1)			\$19,000		
Police Vehicles (replacement of 9 vehicles)				\$227,350	
Harbormaster Boat Engines (replaces 1)				\$19,000	
Firearms (replacement)				\$52,000	
Men's Locker Room (replaces 1998)					\$25,000
Police Mountain Bikes (replaces 19xx)					\$10,000
TOTAL POLICE DEPARTMENT	\$320,000	\$817,500	\$429,600	\$298,350	\$35,000

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
FIRE DEPARTMENT:					
Administrative Vehicle #C-4 (replaces 1997)	\$21,000				
Fire Hydrants (replacement)	\$20,000				
Turnout Gear (10 sets)	\$15,450				
Radio System (new)	\$210,000				
Rescue Boat (replaces 1970)		\$21,300			
Command Vehicle #C-2 (replaces 1999)		\$36,000			
Fire Alarm Vehicle #50 (replaces 1987)		\$82,000			
North & South Station Exterior Painting		\$25,000			
Administrative Vehicle #C-3 (replaces 2004)		\$39,000			
Utility Vehicle #49 (replaces 1999)		\$39,000			
Fire Hydrants (replacement)		\$26,000			
North Station Interior Painting		\$10,000			
Turnout Gear (13 sets)		\$20,688			
Stryker Stretcher		\$5,000			
Squad Vehicle (replaces 1985)			\$223,000		
Command Vehicle #C-1 (replaces 2004)			\$35,000		
Fire Hydrants (replacement)			\$26,000		
South Station Interior Painting			\$10,000		
Turnout Gear (11 sets)			\$18,033		
SAED Units 1-3 (replacement)			\$9,000		
Medic 1 (replaces 2007)				\$176,000	
Fire Hydrants (replacement)				\$26,000	
Turnout Gear (9 sets)				\$15,194	
SAED Units 1-3 (replacement)				\$9,000	
EKG Monitors (new)				\$50,000	
Stair Chair M2 (new)				\$2,500	
Engine 1 (replaces 1991)					\$375,000
Fire Hydrants (replacement)					\$26,000
Turnout Gear (10 sets)					\$17,390
Hurst Hydraulic Tools (replacement)					\$15,000
Stryker Stretcher					\$5,000
Stair Chair M3 (new)					\$2,500
TOTAL FIRE DEPARTMENT	\$266,450	\$303,988	\$321,033	\$278,694	\$440,890
PUBLIC WORKS:					
Dump Truck w/S&P #5106 (replaces 1998)	\$124,000				
Compressor #35 (replaces 1985)	\$15,500				
Brush Chipper #20T (replaces 1997)	\$40,000				
Plymouth River Sch.Tennis Courts-Paint & Line	\$20,000				
Infield Rehabilitation	\$10,000				
Road Sweeper#5878 (replaces 2000)		\$127,000			
Backhoe #5865 (replaces 2000)		\$84,500			
3/4 Ton Truck w/Plow #5117 (replaces 2001)		\$31,000			
Administrative Vehicle #5373 (replaces 2001)		\$32,000			
Stump Grinder (replaces 1997)		\$29,000			

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
Compact Truck #5880 (replaces 2000)		\$16,500			
Mid-size Dump Truck #5016 (replaces 2002)		\$70,000			
Dump Truck w/S&P #5107 (replaces 1998)		\$124,000			
3/4 Ton Truck w/Plow #5374 (replaces 2001)		\$30,000			
3/4 Ton Truck w/Plow #5375 (replaces 2001)		\$30,000			
Gardner Street Sidewalk		\$335,000			
Infield Rehabilitation		\$10,000			
Dump Truck w/S&P #5108 (replaces 2000)			\$124,000		
Catch Basin Cleaner #5019 (replaces 1998)			\$140,000		
1 Ton Dump Truck #5027 (replaces 2003)			\$55,000		
1 Ton Dump Truck #5115 (replaces 2005)			\$42,000		
3/4 Ton Truck #5412 (replaces 2003)			\$31,000		
IH4300 Knuckle Boom #5417 (replaces 2003)			\$105,000		
1 Ton Dump Truck #5421 (replaces 2005)			\$42,000		
Walk Behind 48" Mower #TP-1 (replaces 2001)			\$10,000		
Infield Rehabilitation			\$10,000		
Dump Truck w/S&P #5883 (replaces 2002)				\$124,000	
Sidewalk Tractor #5024 (replaces 1993)				\$92,000	
Leaf Blower #5433 (replaces 2000)				\$5,000	
Bucket Truck #5441 (replaces 2004)				\$108,000	
3/4 Ton Truck #5110 (replaces 1998)				\$31,000	
Middle School Tennis Courts-Paint & Line				\$20,000	
Infield Rehabilitation				\$10,000	
3/4 Ton Truck #5468 (replaces 2005)					\$29,000
3/4 Ton Truck #5430 (replaces 2003)					\$30,000
Walk Behind 48" Mower #TP-2 (replaces 2003)					\$10,000
3/4 Ton Truck #5435 (replaces 2003)					\$30,000
Dump Truck w/S&P #5428 (replaces 2003)					\$124,000
Infield Rehabilitation					\$10,000
TOTAL PUBLIC WORKS (HIGHWAY)	\$209,500	\$919,000	\$559,000	\$390,000	\$233,000
<u>PUBLIC WORKS (LANDFILL):</u>					
Skid Steer Tractor #5874 (replaces 2000)	\$43,000				
T-1 Open Top Trailer (replaces 2000)	\$50,000				
Trailer Tires 36 (replaces 2000)	\$10,000				
2 Mowers w/4' Deck (replaces 1997 models)	\$20,000				
T-2 Open Top Trailer		\$50,000			
Trailer Tires 36 (replaces 2000)		\$10,000			
Landfill Closure		\$250,000			
Front-end Loader #5565 (replaces 1999)			\$185,000		
T-3 Open Top Trailer			\$50,000		

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
Forklift #5564 (replaces 1996)			\$26,000		
Trailer Tires 36 (replaces 2000)			\$10,000		
T-4 Open Top Trailer				\$50,000	
Trailer Tires 36 (replaces 2000)				\$10,000	
T-5 Open Top Trailer					\$50,000
Trailer Tires 36 (replaces 2000)					\$10,000
TOTAL PUBLIC WORKS (LANDFILL)	\$123,000	\$310,000	\$271,000	\$60,000	\$60,000
SEWER DEPARTMENT:					
Mill Street Pump Station (replacement)	\$380,000				
Pump Station (renovations & repairs)	\$38,000				
Pump Station (renovations & repairs)		\$57,000			
Pump Station (renovations & repairs)			\$55,000		
Pump Station (renovations & repairs)				\$24,000	
3/4 Ton Truck (replaces 2001)				\$35,000	
Pump Station (renovations & repairs)					\$20,000
1 Ton Truck (replaces 2001)					\$35,000
TOTAL SEWER DEPARTMENT	\$418,000	\$57,000	\$55,000	\$59,000	\$55,000
SOUTH SHORE COUNTRY CLUB:					
Golf Course & Facility Improvements	\$330,500				
Golf Course & Facility Improvements		\$66,000			
Golf Course & Facility Improvements			\$106,000		
Golf Course & Facility Improvements				\$106,000	
Golf Course & Facility Improvements					\$100,000
TOTAL SOUTH SHORE COUNTRY CLUB	\$330,500	\$66,000	\$106,000	\$106,000	\$100,000
ELDER SERVICES:					
Van (replacement 20% Grant match)	\$10,000				
Van (replacement 20% Grant match)		\$12,000			
TOTAL ELDER SERVICES	\$10,000	\$12,000	\$0	\$0	\$0
BUILDING DEPARTMENT:					
Vehicle (replacement)		\$12,000			
TOTAL BUILDING DEPARTMENT	\$0	\$12,000	\$0	\$0	\$0
TREASURER:					
Postage Machine (replacement)	\$10,705				
TOTAL TREASURER	\$10,705	\$0	\$0	\$0	\$0
TOWN HALL:					
Permitting Boards Shared Vehicle (new)	\$12,000				
Carpeting & Stair Treads (replacement)	\$20,000				
Town Hall (renovations & repairs)	\$20,000				
Board Meeting Camera Equipment (new)	\$6,000				
Auditorium Seating (replacement)		\$90,000			

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
Carpeting & Painting Offices (replacement)		\$20,000			
Town Hall (renovations & repairs)		\$20,000			
Carpeting & Painting Offices (replacement)			\$20,000		
Town Hall (renovations & repairs)			\$20,000		
Carpeting & Painting Offices (replacement)				\$20,000	
Town Hall (renovations & repairs)				\$20,000	
Carpeting & Painting Offices (replacement)					\$20,000
Town Hall (renovations & repairs)					\$20,000
TOTAL TOWN HALL	\$58,000	\$130,000	\$40,000	\$40,000	\$40,000
LIBRARY:					
Meeting Room & Mezz. Carpeting (replacement)	\$9,832				
Computers (replacement 20%)	\$15,000				
Books & Periodicals Phase 2 of 3	\$30,000				
Heating System Boilers (replacement)		\$75,000			
Computers (replacement 20%)		\$20,000			
Books & Periodicals Phase 3 of 3		\$30,000			
Upper Level Carpeting (replacement)			\$25,000		
Computers (replacement 20%)			\$25,000		
HVAC Components (replacement)			\$60,000		
Lower Level Carpeting (replacement)				\$25,000	
Computers (replacement 20%)				\$30,000	
Roof Phase 2 (replacement)				\$302,100	
Exterior Painting					\$25,000
Computers (replacement 20%)					\$35,000
TOTAL LIBRARY	\$54,832	\$125,000	\$110,000	\$357,100	\$60,000
RECREATION DEPARTMENT:					
Hersey Field Playground (replacement)	\$29,457				
Fitness Equipment (replacement)	\$19,300				
Hull Street Playground (replacement)		\$29,457			
Fitness Equipment (replacement)		\$20,000			
Bradley Woods Playground (replacement)			\$29,457		
Fitness Equipment (replacement)			\$25,000		
Kress Field Playground (replacement)				\$29,457	
Fitness Equipment (replacement)				\$24,000	
Haley Field Playground (replacement)					\$29,457
Gymnasium Flooring (replacemnt0					\$35,000
TOTAL RECREATION	\$48,757	\$49,457	\$54,457	\$53,457	\$64,457

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
SCHOOL DEPARTMENT:					
MIDDLE SCHOOL:					
Roof (replacement)		\$1,400,000			
Classroom Smartboards/Whiteboards (new)			\$170,000		
Resurface Parking Lot			\$85,000		
Install Classroom Windows and Ventilators			\$700,000		
Emergency Generator/Main Panel/Lighting				\$410,000	
Replace Classroom Floors				\$200,000	
Family, Consumer Science & Ind.Tech Classrooms					\$250,000
MIDDLE SCHOOL TOTALS	\$0	\$1,400,000	\$955,000	\$610,000	\$250,000
FOSTER ELEMENTARY:					
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
FOSTER ELEMENTARY TOTALS	\$0	\$0	\$25,000	\$25,000	\$25,000
PLYMOUTH RIVER SCHOOL:					
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
PLYMOUTH RIVER SCHOOL TOTALS	\$0	\$0	\$25,000	\$25,000	\$25,000
SOUTH SCHOOL:					
Classroom Carpeting Phase 3 of 3 (replacement)	\$60,000				
Ceiling Fans (new)	\$10,000				
Reconfigure Entrance Drive	\$15,000				
Building Repairs and Improvements		\$25,000			
Classroom Carpeting (replacement)		\$15,000			
Building Repairs and Improvements			\$25,000		
Classroom Carpeting (replacement)			\$15,000		
Building Repairs and Improvements				\$40,000	
Building Repairs and Improvements					\$40,000
SOUTH SCHOOL TOTALS	\$85,000	\$40,000	\$40,000	\$40,000	\$40,000
HIGH SCHOOL:					
Paint student lockers and install locking system		\$23,250			
* Stadium Bleachers (replacement)		\$695,000			
* Varsity Football Field relocation (replacement)		TBD			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
HIGH SCHOOL TOTALS	\$0	\$768,250	\$50,000	\$50,000	\$50,000
SCHOOL SYSTEM WIDE:					
School Technology (new & replacements)	\$150,000				
Security System (new)	\$95,100				
School Furniture & Equipment (new & rplcmts)	\$25,390				

FY2009 Five Year Capital Plan

Department/Category	FY2009	FY2010	FY2011	FY2012	FY2013
Photocopy Equipment (replacements)	\$36,000				
Musical Instruments (replacements)	\$9,000				
Student Information System (replacement)	\$56,000				
Television Studio (replacements MS and HS)	\$15,000				
Garage Doors 8 (replacement)	\$10,400				
Gas Pumps (replacement)		\$12,000			
School Technology (new & replacements)		\$160,000			
School Furniture & Equipment (new & rplcmts)		\$50,000			
Photocopy Equipment (replacements)		\$48,000			
Television Studio (replacements MS and HS)		\$45,000			
Building #12 Study		\$15,000			
Gatehouse Improvements		\$16,500			
School Technology (new & replacements)			\$170,000		
School Furniture & Equipment (new & rplcmts)			\$50,000		
Photocopy Equipment (replacements)			\$48,000		
Television Studio (replacements MS and HS)			\$30,000		
Depot Building Repairs			\$15,000		
School Technology (new & replacements)				\$180,000	
School Furniture & Equipment (new & rplcmts)				\$50,000	
Photocopy Equipment (replacements)				\$48,000	
School Technology (new & replacements)					\$190,000
School Furniture & Equipment (new & rplcmts)					\$50,000
Photocopy Equipment (replacements)					\$48,000
Depot Building Repairs					\$15,000
SCHOOL SYSTEM WIDE TOTALS	\$396,890	\$346,500	\$313,000	\$278,000	\$303,000
TOTAL SCHOOL	\$481,890	\$2,554,750	\$1,408,000	\$1,028,000	\$693,000
Total Capital Projects	\$2,423,634	\$5,436,695	\$3,444,090	\$2,770,601	\$1,891,347

Funding Sources	FY2009	FY2010	FY2011\	FY2012	FY2013
Tax Levy	\$900,000	\$900,000	\$900,000	\$900,000	\$900,000
Free Cash	\$755,834	\$4,393,695	\$2,358,090	\$1,681,601	\$801,347
Other (Grants, Trusts, etc.)	\$19,300	\$20,000	\$25,000	\$24,000	\$35,000
Borrowing					
User Rates/Charges	\$748,500	\$123,000	\$161,000	\$165,000	\$155,000
Total Funding	\$2,423,634	\$5,436,695	\$3,444,090	\$2,770,601	\$1,891,347
Total Capital Projects	\$2,423,634	\$5,436,695	\$3,444,090	\$2,770,601	\$1,891,347

REPORT OF THE PERSONNEL BOARD

In anticipation of the 2008 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2007 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2007 Annual Town Meeting, the Board has conducted negotiations with the six bargaining units. We are pleased to report that settlements have been reached and agreements signed with two of the six units. A summary of the most important terms of each settlement follows. The full text of the agreements is on file at the Selectmen's office.

Fire Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Firefighters Union, IAFF, Local 2398 for the period from July 1, 2007 through June 30, 2010.

The Salary Schedule effective July 1, 2007 reflects a change from a five step scale to a four step scale effective July 1, 2007. The existing differentials between the ranks for Grade FS-1 and higher grades, other than Grade FS-2, were maintained in constructing the salary scale, which is effective July 1, 2007. In constructing the new FS-1 salary scale, an equity adjustment in the amount of \$455 was applied to the top step (Step E of the old scale). No equity adjustment was applied to the first step of the old scale (Step A of the old scale). Steps B and C of the new FS-1 scale were then set at proportionate intervals between new steps A and D. The same procedure was used to construct the FS-2 salary scale, except that equity adjustments were applied to both the first step of the old scale (Step A of the old scale) and the top step of the old scale (Step E of the old scale), in the amounts of \$3580 and \$1484 respectively. A 3% general wage increase, effective July 1, 2007 was then applied to the rates of all the new scales. The agreement also provides for additional general wage increases of 3% on July 1, 2008 and July 1, 2009.

The Uniform Allowance was increased from \$500 per year to: \$600 per year effective July 1, 2007; \$625 per year effective July 1, 2008; \$650 per year effective July 1, 2009. Effective July 1, 2007, the Dive Team Gear Allowance was increased from \$250 per year to \$350 per year and effective July 1, 2009, the Allowance was increased to \$400 per year.

Effective July 1, 2007, The EMT Stipend was increased to \$34.67 per week and effective July 1, 2009, it will be increased to \$38.31 per week.

The Title of the Assistant EMS Coordinator was changed to Senior Assistant EMS Coordinator and compensated at \$25 per week. Two Assistant EMS Coordinator positions were established at \$12.50 each per week.

EMT-P certified members, in addition to all other compensation will receive \$10 for each full day actually worked on the ambulance. This additional amount was increased from \$10 per duty day to \$12 per duty day effective July 1, 2008.

Police Patrolmen Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Police Patrolmen, NEPBA, AFL-CIO, Local 70, terminating June 30, 2010.

Effective July 1, 2007, there will be a one time equity adjustment of \$1,474.25 added to the base pay. A 3% general wage increase, effective July 1, 2007 was then applied to the rates of all the

new scales. It provides for additional general wage increases of 3% on July 1, 2008 and 3% on July 1, 2009.

Effective July 1, 2007, the clothing allowance was increased from \$600 to \$775 annually and effective July 1, 2008, the clothing allowance was increased to \$900 annually.

Other Units. Currently, the Board is in successor contract negotiations with the Department of Public Works, Library Staff, Police Superiors and Communications Center Units and hopes to conclude agreements shortly.

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommended a general wage increase of 3%, effective July 1, 2008, for Town employees who are not covered by collective bargaining agreements.

The Personnel Board also dealt with a number of personnel issues, including approving the reclassification of the existing positions of Tree and Parks Foreman, Recycling and Transfer Station Foreman, Highway Foreman, Recreation Foreman, Recycling and Transfer Station Supervisor, Town Planner, Director of Veterans' Services and Animal Control Officer as well as approving the reclassification and position title change of the Project Inspector to the Project Engineer.

The Board classified and approved the newly created job descriptions of Inspector of Wires and Wetlands Filing Clerk and approved a stipend of \$3000 annually for the Deputy Director of Emergency Management.

The Board approved the hiring of six new employees at salaries above the minimum step for the positions involved based on background and prior experience. These positions were the Library Administrative Assistant, Communications Center Dispatcher, Zoning Board of Appeals Administrative Assistant, Assessing Technician, Data Quality Inspector and Inspector of Wires.

The Board adjudicated two union grievances regarding overtime and worked with the various Department Heads in addressing a total of fifteen vacation carry-over requests.

THE PERSONNEL BOARD

Michael J. Puzo, Chairman
Marie Harris
William D. MacGillivray
David Pace
Nelson Ross

REPORT OF THE SCHOOL COMMITTEE

The FY '09 budget process was guided by the following principles that were adopted by the School Committee in fall 2007:

- The budget will support the highest quality educational programs and services possible, within available financial and physical plant resources.
- The budget will continue to include program development initiatives that will improve the school system.
- Recommended staffing levels will be adjusted to reflect enrollment changes so that reasonable class sizes can be maintained or improved and, as a result, the same level of services can be maintained or improved.
- Salary adjustments including step increases, degree changes, and other contractual obligations will be included in the salary portions of the budget
- Funding for state mandates, including those relating to the Education Reform Act, current special education laws and circuit breaker guidelines, and "No Child Left Behind" legislation, will be incorporated into the budget.
- Maintenance of the school buildings will continue to be approached in a thorough and systematic manner and, accordingly, the budget will support such maintenance and address health and safety needs.

The initial FY '09 budget that was recommended by the administration to the School Committee in December 2007 was in the amount of \$35,831,111. It was designed to maintain the existing level of services including class size ratios and to address several other needs such as for an additional mathematics teacher at the middle school, elementary and sixth grade classroom teachers, funding for the last phase of the elementary mathematics adoption and for the first phase of an elementary science and a middle school science adoption, health aide hours for the high school, partial funding of the rowing program, and partial funding of an ABA specialist. By the end of the budget season, adjustments based on new information and administration proposed reductions reduced the size of the original request by more than \$600,000, including the majority of the proposed new initiatives. The latter cuts were made reluctantly, but with a focus on not significantly compromising the School Committee's advocacy for a strong academic program or its goal of protecting the past gains, particularly in the area of class size and support programs that the community has funded over the past several years.

On March 10, 2008, the School Committee adopted a FY '09 operating budget of \$35,204,147 and a capital budget of \$481,890 (as recommended by the Town's Capital Outlay Committee). On March 11, 2008, the Board of Selectmen and the Advisory Committee each unanimously approved those operating and capital budget amounts as the figures to be forwarded for Town Meeting approval.

Over the past eight years, school enrollment has grown by more than 400 students with an anticipated increase of another 200+ students in the next two years (for a total ten-year growth of nearly 700 students). A combination of factors, including enrollment growth, reduced class size averages, and the need for additional large and small group spaces for specialized programs, has resulted in all of the elementary schools and the middle school being now above peak capacity. As well, the middle school and two of the elementary schools are aging facilities, which lack appropriate art, music, and computer classrooms and sufficiently sized core facilities (such as gyms, performance spaces, and cafeterias) for their current capacities.

In late spring 2005, the Town Meeting funded School Facility Study Committee was appointed and began its work. Architecture Involution (Ai3) was hired to work with the Committee to develop options for a ten-year Master Plan to accommodate anticipated growth and other programmatic and physical plant needs. In January 2006, the School Facility Study Committee presented its report to the School Committee, which subsequently adopted a plan that called for the building of a new elementary school on the East School site, significant renovations and an addition to the middle school, and modest renovations to Plymouth River and Foster Schools. This proposal includes over \$7 million in school capital projects that were previously identified in the town-wide, five-year capital plan. The Selectmen and Advisory Committee and Town Meeting were all unanimous in their support of a School Committee requested Town Meeting 2006 warrant item to appoint a building committee and to appropriate \$1.7 million for design costs for the recommended Master Plan option. In late spring of 2006, a School Building Committee was appointed and began planning for full implementation of the Master Plan. As a result of the March 3, 2008 Special Town Meeting and the March 8, 2008 ballot vote, funding was approved for the construction of a new school, with partial reimbursement from the Massachusetts School Building Authority in the amount of \$10,370,000. As well the Town approved the expenditure of \$7,000,000 for renovations to the Foster and Plymouth River Schools and \$700,000 for the purchase of modular classrooms to ease temporarily the overcrowding at the middle school. Those projects are all in process at the time of this writing.

Despite the economic realities that limit fiscal resources, the School Department continues to be challenged to do more with constrained resources. Increasing state accountability measures, including Massachusetts curriculum frameworks alignment, MCAS related expectations, and a growing number of required databases, reports, and plans, have been compounded by the mandates related to the educational reform provisions of the federal "No Child Left Behind" legislation.

The resources required for special education services, particularly in the area of tuitions and related transportation continue to grow at a rate that outpaces other sections of the budget. State funding, emanating from the "circuit breaker" legislation, is anticipated to increase slightly for FY 09. However, certain costs (such as transportation) are not currently reimbursable under this program. Overall, the number of special education students has not increased significantly, but the number of students with multiple and complex disabilities, mental/emotional health issues, family crises and behavioral disorders has increased at a rate disproportionate to the overall enrollment. The financial resources that are necessary to accommodate those needs represent a growing percentage of the annual budget.

But there is good news about enhanced school offerings and improved support services and also about the achievement of Hingham students, both in the academic realm and in sports, performance, and community service arenas.

Spring 2007 MCAS test results released last fall again indicated that Hingham students continue to perform above state averages across the grade spectrum. The percentage of Hingham students scoring at the proficient and advanced levels increased in grade 3 mathematics, grade 4 English/Language Arts (ELA), grade 5 ELA, math and science, grade 6 ELA and math, grade 7 ELA and grade 8 math. Nevertheless, Hingham Middle School was cited as a school "in need of improvement" because of the performance of one subgroup in mathematics. The required improvement plan has been written and is being implemented. Ninety-seven percent of grade 10 students passed both the ELA and mathematics MCAS, with 43% scoring at the advanced level in ELA and 58% scoring at the advanced level in math. All members of the Class of 2007 passed

both the ELA and math MCAS required for graduation and received a state certified high school diploma.

HHS was cited for excellence by two independent sources. Last spring, the Massachusetts Department of Education named HHS a Compass School based upon student performance and achievement on the tenth grade MCAS. HHS also received a silver medal from U.S. News and World Report in its first annual list of America's best high schools. That award was based upon standardized test performance, proficiency rates for all students, and the offering of a challenging college curriculum.

On June 2, 2007, 254 students graduated from Hingham High School. Academic accomplishments of the HHS Class of 2007 include: three National Merit semifinalists, 15 NM commended students, 59 Advanced Placement Scholars, and 59 members inducted into the National Honor Society. At the eighth annual Senior Awards Night, 222 members of the Class of 2007 were honored. Over \$275,000 in local scholarship money was awarded to these graduates. Myriad awards were also presented in recognition of students' outstanding performance in academic areas or a student's involvement in school organizations.

During the winter 2007-2008 sports season, several of the Hingham High School boys and girls sports teams qualified for tournament play. The Girls Hockey Team emerged as Division 2 State Champions and the Girls Track Team took Division 3 Honors. The high school drama club made it to the finals in the state festival. In all areas, individual honors, particularly in the area of sportsmanship, complemented group successes.

Capital improvements and building maintenance efforts have continued to provide a sound infrastructure for educating our students, despite the aging condition of some of our buildings. Hingham residents can continue to be proud of their schools and also of their own support in realizing the many improvements that have been made over the last decade. However, change and growth require ongoing efforts in a difficult economic climate. We are all pleased that community pride, a desire to maintain past gains, and the spirit of collaboration and cooperation that have traditionally marked budget process deliberations and discussions will allow us to continue to provide educational excellence for the children of Hingham.

HINGHAM SCHOOL COMMITTEE

Chrisanne Gregoire, Chair
Christine Smith, Vice Chair
Barbara Cook, Secretary
Linda Hill
Steven Nagle
Esther Healey
Caryl Falvey

SUPERINTENDENT OF SCHOOLS

Dorothy Galo

TALENT BANK APPLICATION

Board of Selectmen
Town Hall
210 Central Street
Hingham, MA 02043-2757

781.741.1400 - 781.741.1454 (FAX)

Date _____

Name _____

Home Address _____

Business Address _____

Telephone _____ (Home) _____ (Business)

Fax _____

E-mail _____ (Home) _____ (Business)

Occupation _____

Educational Background _____

Civic, Charitable and Educational Activities

Town Committees or Offices _____

I am interested in the following Committees: _____
