

**2013 TOWN MEETING
SUPPLEMENTAL REPORT OF THE ADVISORY COMMITTEE
APRIL 23, 2013**

ARTICLE 40

COMMENT: In 2012, Town Meeting authorized the commitment of \$275,000 from the Community Preservation General Reserve to be used for construction of a pedestrian bridge over the water at the outfall of the Town Brook and connection of the Town Pier area, across an easement to be granted by the owner of 3 Otis Street, to the park at Whitney Wharf. The specific terms identified in the recommended motion below are the result of negotiations between the Board of Selectmen and the owner of 3 Otis Street with respect to the easement. Because the easement will adversely affect the business operations at 3 Otis Street, specifically, the amount of storage area used by the business will be significantly reduced, the Town will grant to the property owner an easement to use adjacent Town-owned land for storage and the Town will install a modest structure for such storage. The Town will also be granted a right of first offer on 3 Otis Street if the owner chooses to sell the property in the future. In exchange for the easement and the right of first offer, the Town will pay to the owner of 3 Otis Street the sum of \$10,000. In addition, the cost of the storage structure described above will be borne by the Town and is expected to be no more than \$10,000. Funding for these expenditures will come from mooring fees.

The pedestrian bridge is a significant component of the Town's long-term plan for the waterfront area and obtaining the easement at 3 Otis Street is necessary to move this project forward. In this context, the Advisory Committee believes the terms reached by the Board of Selectmen are reasonable and appropriate.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen, on such terms and conditions as the Board deems in the best interest of the Town, to (1) accept a right of first offer ("ROFO") to purchase that certain parcel of land known as 3 Otis Street, more particularly described in that certain deed, dated August 15, 2008, recorded with the Plymouth Country Registry of Deeds in Book 36276, Page 124 ("3 Otis Street"); (2) accept an easement from the record owner of 3 Otis Street as contemplated by the 2012 Annual Town Meeting under Article 23 ("Easement"); (3) transfer from available funds a sum of \$10,000 in consideration for the grant to the Town by the record owner of 3 Otis Street of the Easement and the ROFO; and (4) (a) grant an easement over land owned by the Town of Hingham, acting under the Board of Selectmen, along Hingham's inner harbor, for the storage of marina equipment; (b) to the extent required by applicable law, petition the Great and General Court to authorize the granting of such easement; and (c) transfer from available funds a sum up to \$10,000 for the erection of a storage structure.