

TOWN OF HINGHAM


Tom Mayo
Town Administrator



Michelle Monsegur,
Assistant Town Administrator

Arthur P. Robert,
Assistant Town Administrator

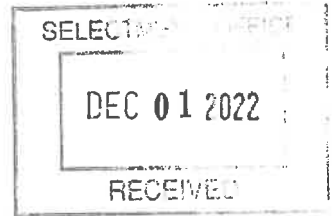
MEMORANDUM

To: Planning Board
From: Tom Mayo, Town Administrator 
Date: December 5, 2022
Re: Proposed Articles for Town Meeting 2023

Attached please find seven proposed amendments to the Zoning By-law for consideration at the 2023 Annual Town Meeting. These amendments consist of six articles from the Planning Board and one Citizen's Petition.

The Select Board hereby submits these articles to the Planning Board for review in accordance with Chapter 40A, Section 5 of the Massachusetts General Laws.

Cc: Emily Wentworth, Community Planning



**Zoning Article
Accessory Dwelling Units**

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

Item 1 By replacing Section 1.8.9 under Section III-A in its entirety with the following "Accessory dwelling units within a Single-Family Dwelling or an accessory structure thereto, subject to Section V-K"

Item 2 By replacing Section V-K in its entirety with the following:

V-K Accessory Dwelling Units

1. Purpose

Consistent with the goals of the Master Plan, adopted August 23, 2021, the purpose of permitting dwelling units accessory to single-family dwellings is to:

- a. Provide a variety of housing to encourage population diversity and aging in the community.
- b. Provide accessory dwelling units without significantly adding to the number of buildings in the Town or substantially altering the appearance of the residential property and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership while also protecting the stability, property values and residential character of the surrounding neighborhood.
- c. Provide housing units for households with diverse housing needs including, without limitation, family members with mental and physical disabilities.
- d. Enable the Town to monitor accessory dwelling unit construction for code compliance.

2. Definitions

- a. An "accessory dwelling unit" is a second self-contained dwelling unit located either within a single-family dwelling or a detached structure accessory thereto, which second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.
- b. A "principal dwelling" for the purposes of this Section V-K is a single-family dwelling exclusive of the area that constitutes the accessory dwelling unit.
- c. A single-family dwelling with an accessory dwelling unit shall not be deemed to be a two-family dwelling.

3. Eligibility Requirements

The Board of Appeals may only issue a Special Permit A1 for an accessory dwelling unit that meets the following minimum eligibility requirements:

- a. As of the date that the application for a special permit is filed with the Board of Appeals, the total number of accessory dwelling units in the Town shall not exceed two and one-half percent (2.5%) of the total single-family dwelling units in the Town (the "ADU Cap"). The ADU Cap shall be determined by a fraction represented as follows: the numerator shall be the total number of accessory dwelling units allowed by special permit pursuant to this Section V-K plus the number of accessory dwelling unit permit applications pending approval before the Board of Appeals and the denominator shall be the total number of single-family dwelling units existing in the Town as classified in the Hingham assessors' records.
- b. The applicant shall, at the time application is made for the special permit, be the owner of the lot and single-family dwelling thereon where the accessory dwelling unit is proposed and must certify in such application that the owner currently occupies the single-family dwelling or will occupy the principal dwelling or accessory dwelling unit as his or her primary residence immediately upon issuance of the special permit.
- c. The area of the lot on which the existing single-family dwelling is located shall not be less than five thousand (5,000) square feet for an accessory dwelling unit within the principal structure or ten thousand (10,000) square feet for an accessory dwelling unit in a detached accessory structure. In the case of new construction, the area of the lot shall comply with the applicable minimum lot size for the single-family zoning district in which the single-family dwelling is proposed.
- d. The application must be accompanied by written confirmation from either (i) the Board of Health that the requirements of the Massachusetts Title 5 septic system regulations and the Hingham Board of Health Supplemental Rules and Regulations for septic systems have been or can be met or (ii) the Sewer Department that there exists available capacity in the applicable sewer district, in either case, to support the total number of bedrooms proposed for the lot inclusive of the accessory dwelling unit.
- e. Only one accessory dwelling unit shall be permitted per lot so that the total number of dwelling units per lot shall not exceed two.
- f. In Residence District D and in Business Districts A and B accessory dwelling units are only permitted in connection with preexisting nonconforming single-family dwellings.

4. Dimensional and Design Requirements Applicable to all Accessory Dwelling Units

The Board of Appeals may only issue a Special Permit A1 for an accessory dwelling unit that meets the following dimensional and design requirements:

- a. The architectural character of a single-family dwelling use shall be maintained.

- b. All stairways accessing an accessory dwelling unit above the ground floor of a single-family dwelling or detached accessory structure shall be enclosed within the exterior walls of the building.
- c. The maximum area of an accessory dwelling unit shall be the lesser of 875 square feet or 35% of the gross floor area of the principal dwelling. For this calculation, the gross floor area shall be as defined in Section VI of this By-Law.
- d. An accessory dwelling unit shall not be created by any extension of a non-conforming building dimension, including the front, side or rear yard setback.
- e. Any new entrance for the accessory dwelling unit or principal dwelling shall be located to the side or rear of the single-family dwelling or detached accessory structure.
- f. Water and sewer utilities serving the accessory dwelling unit shall not be metered separately from the principal dwelling; provided, however, that the Board of Appeals may waive this requirement for an accessory dwelling unit within a lawfully existing structure which already maintains separately metered utilities, if the request is accompanied by the written approval of the appropriate utility, upon a finding that a waiver advances the purposes of this bylaw.
- g. Additional or modified landscaping, fences or other buffers may be required to protect abutting properties from potential negative visual or auditory impacts of the accessory dwelling unit.
- h. The parking requirement for an accessory dwelling unit is one space per bedroom in addition to the minimum required parking spaces for a single-family dwelling.
- i. An accessory dwelling unit may not have more than two (2) bedrooms.

5. Additional Dimensional and Design Requirements Applicable to Accessory Dwelling Units in Detached Accessory Structures

The Board of Appeals may only issue a Special Permit A1 for a detached accessory dwelling unit that meets the following dimensional and design requirements:

- a. The detached accessory dwelling unit shall comply with all building dimensions, including the front, side or rear yard setback and height limitations. Notwithstanding the foregoing, the Permit Granting Authority may waive the preceding requirements for an accessory dwelling unit within a lawfully existing nonconforming detached accessory structure to no less than 10' from a side or rear property line upon a finding that there will no potential negative visual or auditory impacts associated with the accessory dwelling unit that cannot be mitigated.
- b. The detached accessory dwelling unit shall be located a minimum of 10' from the principal dwelling and to the rear of the principal single-family dwelling or to the side of the single-

family dwelling at a minimum position 10' further back from the front plane of the single-family dwelling.

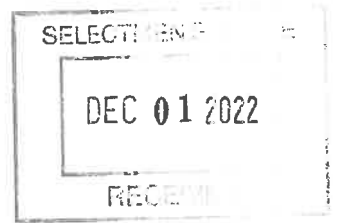
6. General Conditions

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

- a. The owner of the single-family dwelling shall occupy either the principal dwelling or the accessory dwelling unit as the owner's primary residence. Temporary absences of the owner for a period of not more than six months in the aggregate in any twelve month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement.
- b. The owner shall recertify annually, by submission of a notarized letter to the Building Commissioner, that the owner will continue to occupy either the primary dwelling or the accessory dwelling unit as the owner's primary residence, except for a bona fide temporary absence as provided above in subsection 6.a.
- c. Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued a permit for an accessory dwelling unit, if the new owner wishes to maintain the special permit for the accessory dwelling unit use, such new owner must, within thirty (30) days of such transfer, submit a notarized letter to the Building Commissioner certifying that the new owner will occupy one of the dwelling units as the new owner's primary residence and comply with the other conditions of the accessory dwelling unit use.
- d. Neither the principal dwelling nor the accessory dwelling unit may be sold or otherwise conveyed or transferred separately from the other.
- e. The accessory dwelling unit or the principal dwelling, whichever is not owner-occupied, shall have a minimum occupancy or rental term of 30 consecutive days.

or act on anything related thereto?

(Inserted at the request of the Planning Board)



Zoning Article
Minimum Occupancy Term for Residential Uses

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

Item 1 By replacing Section III-A, 1. under the Schedule of Uses in its entirety as follows:

1. Residential, subject to Special Condition 4 of Section III-B

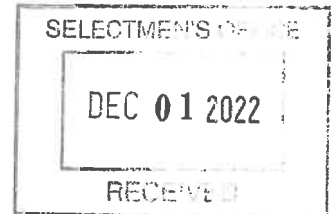
Item 2 By replacing the parenthetical in Section 4.22 under Section III-A with "(Subject to Special Condition 4 and Special Condition 7 of Section III-B)"

Item 3 By replacing Special Condition 4. under Section III-B in its entirety as follows:

4. No dwelling unit shall be leased or rented for a period of less than 30 consecutive days.

or act on anything related thereto?

(Inserted at the request of the Planning Board)



**Zoning Article
Storage of Unregistered Vehicles**

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

By amending Section III-A Schedule of Uses to include the following new subsets under section 1.8:

"1.8.10 Outdoor storage of not more than one unregistered vehicle", to be permitted in all zoning districts; and

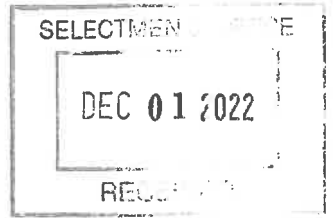
"1.8.11 Outdoor storage of two or more unregistered vehicles, provided, however that such vehicles shall be screened from public view", to be allowed by Special Permit A1 in all zoning districts.

And further will the town vote to amend the General By-laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, as follows:

By deleting Section 35 of Article 10 of said General By-laws and by amending Section 36 of Article 10 of said General By-laws to now become Section 35.

or act on anything related thereto?

(Inserted at the request of the Planning Board)



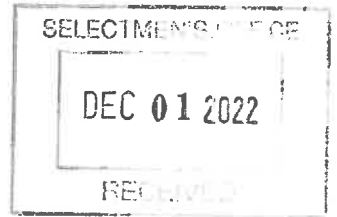
**Zoning Article
Downtown Hingham Overlay District**

Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by replacing the second sentence under Section III-G,6.b.(ii) with the following:

"A permitted commercial use shall be those uses permitted under Section III-G,4. Above, but excluding parking areas, except as specifically provided in subsection 7.a. below;

or act on anything related thereto?

(Inserted at the request of the Planning Board)



**Zoning Article
Hingham Harbor Overlay District**

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

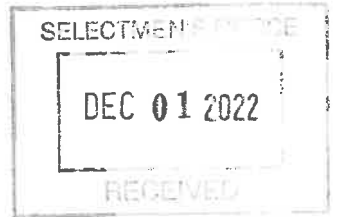
- Item 1 Amend Section III-H,5.c. to replace the first sentence with the following: "For all parcels within the Overlay District, the offsite parking provisions under Section V-A,2. are modified as follows:"

- Item 2 Amend Section III-H,5. to insert the following new subsection e:
 - e. Seawalls, embankments or other coastal defense structures are permitted uses within the Overlay District, subject to the requirements of Section III-C.and resequence the existing subsection e. to subsection f.

- Item 4 Amend Section III-H,6. to insert a new subsection d. that reads: "Notwithstanding the foregoing provisions of this subsection 6, seawalls, embankments or other coastal defense structures shall be exempt from the dimensional requirements of the Overlay District and Section VI-A, regardless of the underlying zoning district.

or act on anything related thereto?

(Inserted at the request of the Planning Board)



Zoning Article
Electric Vehicle Charging Parking Requirements

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

Item 1 Amend Section V-A by replacing in its entirety Note d. to the Off-Street Parking Requirements with the following:

- d. No space reserved for any person, tenant, activity or purpose shall be included to satisfy the parking requirement with the following exceptions:
 - (i) Spaces reserved for "visitor" or "customer" parking; and
 - (ii) Spaces equipped with electric vehicle charging stations or infrastructure to make spaces compatible with future electric vehicle charging.

Item 2 Amend Section V-A, 5. Design Standards by inserting a new subsection p. as follows:

- p. Parking lots containing 20 or more parking spaces shall provide infrastructure to make a minimum of 25 percent of the spaces compatible with electric vehicle charging and a minimum of 10 percent shall be equipped with electric vehicle charging stations.

or act on anything related thereto?

(Inserted at the request of the Planning Board)

DEC 01 2022

RECEIVED

**TOWN OF HINGHAM
TOWN MEETING ARTICLE -- CITIZEN PETITION FORM**

Important 1. The Petitioner will be the Contact name listed in the Warrant and should be the first registered voter to sign this Petition Form.

2. Before gathering signatures, please consult the Board of Selectmen's office to confirm that the language of your Article is actionable. It will be voted at Town Meeting EXACTLY as worded in your submission.

Petitioner's Name (please print) Priya Howell

Address 26 Del Prete Dr. Hingham, MA 02043

Phone 617.416.0889

Email (optional) priyahowell@gmail.com

Proposed Warrant Article (also to be included on the top of **each** signature page):



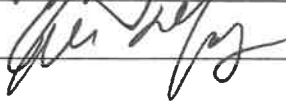
Will the Town vote to amend the zoning bylaws to provide that all buildable lots created in Residence District A after the adoption of this amendment shall contain a minimum of 30,000 square feet of area, a minimum of 150' of frontage, and have at least 80% contiguous upland area - i.e., non wetlands with slopes less than 25%, or act on anything related thereto?

Please return this Citizen Petition form to the Selectmen's Office when complete. A minimum of 10 signatures of voters registered in Hingham is required for an Annual Town Meeting article. It is suggested that you obtain a few more than that for verification. (A minimum of 100 signatures is needed for a Special Town Meeting article. Please attach additional sheets with signatures.)

While use of this form may not legally be required, use of this format is preferred under town by-laws and will facilitate processing of an article on the warrant.

Proposed Warrant Article: Will the Town vote to amend the zoning bylaws to provide that all buildable lots created in Residence District A after the adoption of this amendment shall contain a minimum of 30,000 square feet of area, a minimum of 150' of frontage, and have at least 80% contiguous upland area - i.e., non wetlands with slopes less than 25%, or act on anything related thereto?

We, the undersigned registered voters of Hingham, do hereby petition the Board of Selectmen to include the above Article in the Warrant of the next Town Meeting.

	Name as Registered (Print)	Signature	Voting Address
1.	Priya Howell		26 Del Prete Dr.
2.	Jamie DeYoung		175 Leavitt St.
3.	John DeYoung		175 LEAVITT ST.
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Total Signatures Certified _____

Town Clerk

Proposed Warrant Article: Will the Town vote to amend the zoning bylaws to provide that all buildable lots created in Residence District A after the adoption of this amendment shall contain a minimum of 30,000 square feet of area, a minimum of 150' of frontage, and have at least 80% contiguous upland area - i.e., non wetlands with slopes less than 25%, or act on anything related thereto?

We, the undersigned registered voters of Hingham, do hereby petition the Board of Selectmen to include the above Article in the Warrant of the next Town Meeting.

	Name as Registered (Print)	Signature	Voting Address
1.	Peter Howell	<i>Peter Howell</i>	26 Del Ate Drive, Hingham, MA
2.	Anthony Dell	<i>Anthony Dell</i>	8 Thompson Ave, Hingham, MA
3.	MICHELLE ROZENDAL	<i>[Signature]</i>	8 THOMPSON AVE, Hingham, MA
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Total Signatures Certified _____

Town Clerk

Proposed Warrant Article: Will the Town vote to amend the zoning bylaws to provide that all buildable lots created in Residence District A after the adoption of this amendment shall contain a minimum of 30,000 square feet of area, a minimum of 150' of frontage, and have at least 80% contiguous upland area - i.e., non wetlands with slopes less than 25%, or act on anything related thereto?

We, the undersigned registered voters of Hingham, do hereby petition the Board of Selectmen to include the above Article in the Warrant of the next Town Meeting.

	Name as Registered (Print)	Signature	Voting Address
1.	Katie McBrine	<i>Katie McBrine</i>	157 Central St.
2.	<i>Cindy Boschetto</i>	<i>Cindy Boschetto</i>	<i>56 Park View Drive</i>
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Proposed Warrant Article: Will the Town vote to amend the zoning bylaws to provide that all buildable lots created in Residence District A after the adoption of this amendment shall contain a minimum of 30,000 square feet of area, a minimum of 150' of frontage, and have at least 80% contiguous upland area - i.e., non wetlands with slopes less than 25%, or act on anything related thereto?

We, the undersigned registered voters of Hingham, do hereby petition the Board of Selectmen to include the above Article in the Warrant of the next Town Meeting.

	Name as Registered (Print)	Signature	Voting Address
1.	Heather Kzas	<i>Heather Kzas</i>	29 Rice Rd
2.	David Del Sesto	<i>David Del Sesto</i>	29 Rice Rd
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Total Signatures Certified _____

Town Clerk