



# **2023 Proposed Zoning Amendments**

January 30, 2023  
Planning Board Hearings

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# Downtown Hingham Overlay District



## Proposed Article:

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)

## Current Zoning By-Law (Eligibility Requirements for Commercial/Residential Building):

*Buildings containing a permitted commercial use at the ground floor. A permitted commercial use shall be those uses permitted under Section III-G, 4 above, but excluding Parking Areas under **Section III-A, 4.18**, except as specifically provided in subsection 7.a. below...*

“4.18 Retail Sale of Alcoholic Beverages”

## Previous Zoning By-Law:

“4.18 Intentionally left blank”

“4.18 Parking area for employees, customers, or guests of a use abutting or across the street from it, provided that service operations are not preformed at the parking area.” – Allowed by Special Permit A2

# 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 **3** 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 ~~V-A~~ **IV-A and IV-B**, regardless of the underlying zoning district.

or act on anything related thereto?

(Inserted at the request of the Planning Board)

# 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. **New or redeveloped** 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)

# Electric Vehicle Charging Parking Requirements



## Intent

The intent of this article is to update provisions of Section V-A Off-Street Parking Requirements to create a standard for the installation of electric vehicle charging stations or infrastructure for future charging stations for all moderate or large parking lots. Additionally, the article would allow parking spaces reserved for electric vehicle charging to qualify toward the minimum parking requirement for the use of the property.

## Background

Master Plan Recommendation to “Consider an addition to the Zoning By-Law to require EV charging stations at commercial developments.”

An Act Driving Clean Energy and Offshore Wind will end the sale of new gasoline-powered cars in Massachusetts in 2035.





# Minimum Occupancy Term for Residential Uses

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## **Article:**

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?

## **Intent:**

The intent of this article is to adopt a minimum occupancy term for residential dwelling units in order to prevent transient uses such as short-term rentals.



# Accessory Dwelling Units

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## **Article:**

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...

## **Intent:**

The intent of this article is to amend provisions of the Zoning By-Law to allow detached accessory dwelling units and adopt new or update existing regulations related to the creation of both detached and attached accessory dwelling units. Affected provisions include, but are not limited to updated purposes, definitions, and standards such as minimum lot size, maximum area, setback and separation requirements, occupancy terms, and any other eligibility, dimensional, and design requirements reasonably related to the creation of accessory dwelling units. The article also proposes to maintain the existing owner occupancy requirement and eliminate the requirement that family members occupy the other unit.

# Benchmark Community ADU Comparison



Community	Location (Attached or Detached)	Occupancy	Owner Occupied	Lease or Occupancy Term
Concord	Both	Unrestricted	Yes	No
Lexington	Both	Unrestricted	Yes	No
Norwell	Both	Unrestricted	Yes	Yes - 30 Days
Scituate	Both	Unrestricted	Yes	No
Wellesley	Both	Unrestricted	Yes	Yes - 30 Days
Weston	Both	Unrestricted	Yes	No
Westwood	Both	Unrestricted	Yes	No
Canton	Attached	Unrestricted	Yes	No
Cohasset	Attached	Unrestricted	Yes	No
Dedham	Attached	Unrestricted	Yes	No
Duxbury*	Attached	Unrestricted	Yes	No
<b>Hingham</b>	<b>Attached</b>	<b>Family</b>	<b>Yes</b>	No
Milton	Attached	Family	Yes	No
Needham	Attached	Family and Caregivers	Yes	No
Rockland	Attached	Family	Yes	No

\* Duxbury is not a Benchmark Community



# Existing and Proposed ADU Restrictions



<b>PROCESS AND ELIGIBILITY REQUIREMENTS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Special Permit Required	Maintain	Maintain
ADU CAP not met (2.5% single-family dwellings or approximately 155 units)	Maintain	Maintain
Applicant is owner of lot and single-family dwelling	Maintain	Maintain
Owner-occupancy of one of the units	Maintain	Maintain
Other unit occupied by family member	Modify - Unrestricted Occupancy	Modify - Unrestricted Occupancy
Lot area not less than 5,000 SF	Maintain	Modify - Not less than 10,000 SF
Complies with BOH or Sewer Requirements	Maintain	Maintain
Total number of dwelling units doesn't exceed two	Maintain	Maintain
Pre-existing nonconforming single-family if located in Residence D or Business A and B	Maintain	Maintain

# Existing and Proposed ADU Restrictions



<b>DIMENSIONAL AND DESIGN REQUIREMENTS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Single-family architectural character maintained	Maintain	Maintain
Stairways accessing ADU enclosed within building	Maintain	Maintain
Max. area the lesser of 750 SF or 30% of GFA of principal dwelling	Modify - 875 SF or 35% of GFA	Modify - 875 SF or 35% of GFA
No extension of a non-conforming building dimension including setbacks	Maintain	Maintain
Any new entrance shall be located to side or rear of building	Maintain	Maintain
Water and sewer utilities shall not be metered separately	Modify - Existing separate metering allowed by waiver	Modify - Existing separate metering allowed by waiver
Additional or modified landscaping, fences or other buffers may be required to protect abutting properties	Maintain	Maintain
Parking requirement for ADU is one space/bedroom	Maintain	Maintain
ADU may not have more than two (2) bedrooms	Maintain	Maintain

# Additional ADU Restrictions



ADDITIONAL REQUIREMENTS:	Attached ADU Maintain or Modify	Detached ADU Maintain or Modify
Separation Standard between Single-Family and Detached ADU (10')	N/A	Add Requirement
Minimum Setback for Detached ADU from front façade of dwelling (10') and property lines (15'-20')	N/A	Add Requirement
Temporary absences of the owner for not more than 9 months	Modify - Decrease to 6 months	Modify - Decrease to 6 months
Minimum Occupancy Term (30 days) to prevent short-term use	Add Requirement	Add Requirement

## Waiver Provision created for certain requirements in Lawfully Existing Nonconforming Structures:

- Already Maintains Separately Metered Utilities (both attached and detached), provided the respective utility issues written approval; and/or
- Does not Comply with all Building Dimensions (detached only), provided the ADU is no less than 10' from a side or rear property line.