



Commonwealth of Massachusetts  
**EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via email: [mayot@hingham-ma.gov](mailto:mayot@hingham-ma.gov)

March 19, 2025

Tom Mayo, Town Administrator  
210 Central Street  
Hingham, MA 02050

**Re: Hingham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)**

Dear Town Administrator Mayo:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Hingham's Multi-Family Overlay District (District). After careful review and analysis, EOHLC has determined that Hingham is **compliant** with Section 3A, as it finds that Hingham meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this Determination of Compliance by EOHLC qualifies Hingham for the MBTA Communities Catalyst Fund which was announced by Governor Healey in [June](#). Learn more about the program at the web page [MBTA Communities Catalyst Fund](#) which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at [EOHLC3A@mass.gov](mailto:EOHLC3A@mass.gov).

Hingham is designated a Commuter Rail community with 9,930 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 1,490 units, and a minimum gross density of 15 units per acre. Additionally, at least seventy-five (75%) of the district must be within a half-mile of a transit station.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,493 units**.
3. The gross density of the District is estimated at **28.7 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five (75%)** of the required land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District’s estimated multi-family unit capacity.
8. The Economic Feasibility Analysis submitted in support of the District’s inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLIC following its review:

	<b>Required</b>	<b>Submitted</b>	<b>Determined</b>
Land area (acres)	50	59.5	59.5
Multi-family unit capacity (units)	1,490	1,493	1,493
Gross density (units per acre)	15	28.7	28.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the major site plan review section of Hingham’s zoning bylaw lean towards discretionary criteria which may affect “as of right” approvals for development proposals in the District. EOHLIC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

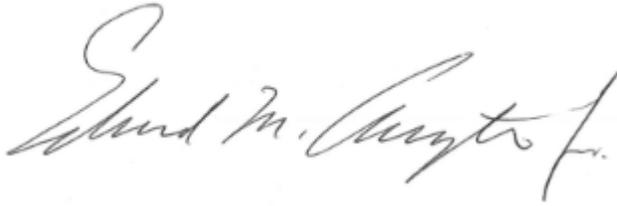
Please note that continued district compliance is **subject to** the following requirements:

- Satisfaction of the posting/publishing requirements of G.L. c. 40, Section 32 as referenced in the Attorney General’s approval letter for Article 34 of Hingham’s Annual Town Meeting of April 24, 2024 – Case #11418 dated August 22, 2024.
- Municipalities must notify EOHLIC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to [EOHLC3A@mass.gov](mailto:EOHLC3A@mass.gov) prior to any planning board public hearing on the proposed zoning amendment.
- EOHLIC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at [nathan.carlucci@mass.gov](mailto:nathan.carlucci@mass.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward M. Augustus, Jr.".

Edward M. Augustus, Jr.  
Secretary

cc: Senator Patrick O'Connor, [Patrick.OConnor@masenate.gov](mailto:Patrick.OConnor@masenate.gov)  
Representative Joan Meschino, [Joan.Meschino@mahouse.gov](mailto:Joan.Meschino@mahouse.gov)  
Emily Wentworth, Town of Hingham, [wentworthe@hingham-ma.gov](mailto:wentworthe@hingham-ma.gov)