

TOWN OF HINGHAM



WARRANT

for the
ANNUAL TOWN MEETING
April 23, 2018
at 7:00 P.M.

and

REPORTS
of the

Advisory Committee
Capital Outlay Committee
Planning Board

Board of Selectmen
Personnel Board
School Committee

Elder and Handicapped transportation available – Register: 781.741.1458

Please bring this report to the meeting for use in the proceedings
at
Hingham High School, 17 Union Street

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

Welcome to the 2018 Hingham Town Meeting. In our commitment to open town meeting, Hingham remains true to a wonderful tradition – of vesting in each citizen both voice and vote, enabling all of us to play a pivotal part in the work of our town and in shaping its future. Town meeting is not only a gathering of citizens to consider matters of common concern; it is the legislative body of the town. As such, the meeting must be conducted in a fair and open manner and in accordance with the Town By-Laws, as well as traditions that we have 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. All motions must be seconded.
- 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 six (6) minutes for the first time or for more than three (3) 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, but only 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.
- At a **Special Town Meeting**, no money may be appropriated for any purpose if the Advisory Committee recommends against the appropriation, except by a **two-thirds vote** of the meeting.
- 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.
- **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.
- The number of voters constituting a **quorum** in order to convene the first session of a Regular or Special Town Meeting is 300. The number of voters necessary to convene the second or any subsequent session of a Regular or Special Town Meeting is 200. Once convened, the quorum to transact business at any Regular or Special Town Meeting is 200; provided, however, that a number of less than 200 may from time to time adjourn the same. 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 wish 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.

April 2018

Michael J. Puzo
Moderator

REPORT OF THE ADVISORY COMMITTEE

The Advisory Committee recommends the proposed Fiscal Year (“FY”) 2019 budget (Articles 4, 5, and 6) for Town Meeting approval.

While the financial position of the Town is solid, balancing the budget was challenging once again this year. The growth of expenses continues to outpace the growth of revenues. The five-year forecast reflects flattening revenue, driven by a decrease in new growth and an assumption that State aid will decrease. The Town would benefit from a long-term financial management plan, including an examination of capital priorities and service levels, all the while being mindful of the impact on taxpayers and rating agencies.

The Town’s FY2019 Total Annual Expenditures (“TAE”) (Articles 4, 5, and 6) will increase 2.78% over the FY2018 TAE, and the Town’s FY 2019 Operating Budget (TAE minus employee benefits, debt service, and items that are financed by user rates/charges) will increase 4.07% over the FY2018 Operating Budget. This increase is primarily due to wage inflation, as personnel expenses represent 77.39% of the Town’s Operating Budget.

The increase in expenditures for FY2019 will be funded by a 2.5% increase in the tax levy, new growth of approximately \$675,000, and modest increases in State aid and local receipts (including \$800,000 in current meals tax revenue). Additionally, a Fund Balance disbursement of \$325,000 (generated from building permit fees for new construction at Linden Ponds and the Shipyard) is recommended. It is anticipated that this budget will result in a slight surplus.

The budget presented for Town Meeting consideration is based on “level services”, i.e., FY2018 service levels adjusted for FY2019 costs. The Board of Selectmen, Personnel Board, and School Committee continue to work diligently to ensure that Town employees are compensated fairly. A number of municipal and school bargaining units’ contracts were settled recently. This process is critical, as employee payroll accounts for such a large percent of the of the Town’s total budget.

The FY2019 budgets differ from the FY2018 budgets as listed in the table below. This includes Articles 4, 5, and 6 (excluding the Sewer and South Shore Country Club budgets, which are funded by user rates / charges) and includes \$27,000 in capital funded through mooring permit fees.

| | <u>FY 2018</u> | <u>FY 2019</u> | <u>% CHANGE</u> |
|----------------------------|------------------|------------------|-----------------|
| Municipal Departments: | \$25,848,086 | \$26,498,584 | 2.52% |
| School Department: | \$49,762,694 | \$52,006,697 | 4.51% |
| Capital Outlay: | \$2,081,462 | \$2,354,462 | 13.12% |
| Employee Benefits: | \$13,111,755 | \$13,116,282 | 0.03% |
| Debt Service: | \$9,208,168 | \$8,747,260 | -5.01% |
| Insurance and Incidentals: | <u>\$646,200</u> | <u>\$665,008</u> | <u>2.91%</u> |
| TOTAL | \$100,658,365 | \$103,388,293 | 2.71% |

All budgets have been closely scrutinized by each department head, the Town Administrator, the Town Accountant, the Board of Selectmen, and the Advisory Committee. Each department presented a level services budget, and some departments also included additional requests for funding. The recommended budget increase for the Municipal Departments reflects wage and cost inflation, along with modest increases in services. With respect to the School Department’s FY2019 budget, the Advisory Committee is recommending an appropriation that is \$2,244,003 (4.51%) greater than the FY2018 funding authorization. This increase represents wage inflation along with some increases in services.

The FY2019 budgets presented to Town Meeting do not reflect the full requested amounts from all departments. The Advisory Committee approved only a few of the additional requests for funding. The Committee believes that the proposed budgets are fair and equitable and represent a level of service consistent with the expectations of the Town's residents.

While the Municipal and School Departments worked through the financial constraints of the last several budget cycles with limited disruption in services, increasing service demands and unfunded Federal and State mandates require the allocation of additional dollars to meet the most pressing needs. Unfunded mandates will continue to influence future budgets, especially as they relate to the Education budget. The School Department remains especially concerned about the chronic underfunding and delayed reimbursement from the Commonwealth regarding special education out-of-district tuition and transportation costs.

The resulting impact of the proposed budget will result in a tax increase to the average homeowner of approximately 1.84% or \$147.34.

The Town continues to strengthen its financial position while maintaining reasonable service levels and providing for the Town's capital needs. In developing the proposed FY2019 budget, the Advisory Committee deliberations included four important considerations: (1) delivery of Town services in the most cost-effective manner possible; (2) addressing the capital and infrastructure needs of the Town; (3) the effect of the Committee's recommendations on residential property taxes; and (4) maintenance of the Town's Aaa bond rating.

Budgeted expenditures for employee benefits in FY2019 are only \$4,527 more than FY2018 primarily because of a reduction in the anticipated cost of the Town's health insurance plan. (The Town is in its second year with the State Group Insurance Commission ("GIC") Plan.) Health care expenses for active and retired employees, though, are budgeted to increase at a rate of 10% per year in the future, creating a significant long-term issue. The Town continues to fund its Other Post-Employment Benefits ("OPEB") liability and has budgeted an additional \$250,000 for this item in FY2019 (as it did in FY2018), but this will require continued analysis to determine if the funding rate is adequate.

Budgeted debt service has decreased by \$460,909, as previously funded projects begin to roll off the debt schedule. This trend is expected to continue, but the expectation is that new capital needs will require significant future borrowing. The Town has made an effort to ensure that the savings for non-excluded debt service are not incorporated into the operating budget. These funds are being tracked in a new reserve account in the General Fund.

The Advisory Committee continues to monitor the ratio of the Town's Unassigned Fund Balance to the Town's Total Annual Expenditures. This is a key metric of fiscal health and effective management in evaluations by all three bond-rating agencies. The Town's Aaa bond rating provides the Town access to debt markets when other potential borrowers (with lower bond ratings) are unable to find purchasers for their riskier debt. The Aaa bond rating also means the Town can secure the lowest possible interest rates for its bond offerings, resulting in lower debt-service costs funded by property taxes. The availability of debt at reasonable rates is a key component of the Town's financial assumptions. The resulting debt service costs at lower-than-projected levels also reduce the tax burden for Hingham households.

The Town is committed to providing for its ongoing capital needs primarily within the tax levy or operating budget of the Town. Rebounding from a low in capital spending in FY2010, there has been a steady increase in capital funding through the capital outlay process. Working with the Capital Outlay Committee, the Advisory Committee continues to balance the need to repair and replace capital items before such costs become unreasonable.

The Town has a number of large capital projects that will require analysis and potential funding. This includes the possible renovation or reconstruction of Foster School, two new fire stations, possible renovations of the Library and Town Hall, the development of new space for the Senior Center, and Harbor repairs and improvements. The Town will need to consider how any or all of these projects may impact the Town's financial position. An Advisory Committee working group developed a financial planning tool that facilitates the analysis and forecasting of debt capacity. It allows the input of a number of variables to see the impact that any future capital projects may have on the Town budget. The Town Administrator's office is responsible for the use of this tool.

FINANCIAL POLICY CONFORMANCE

Expenditures in the proposed FY2019 budget conform to the Town's Financial Policy guidelines as follows:

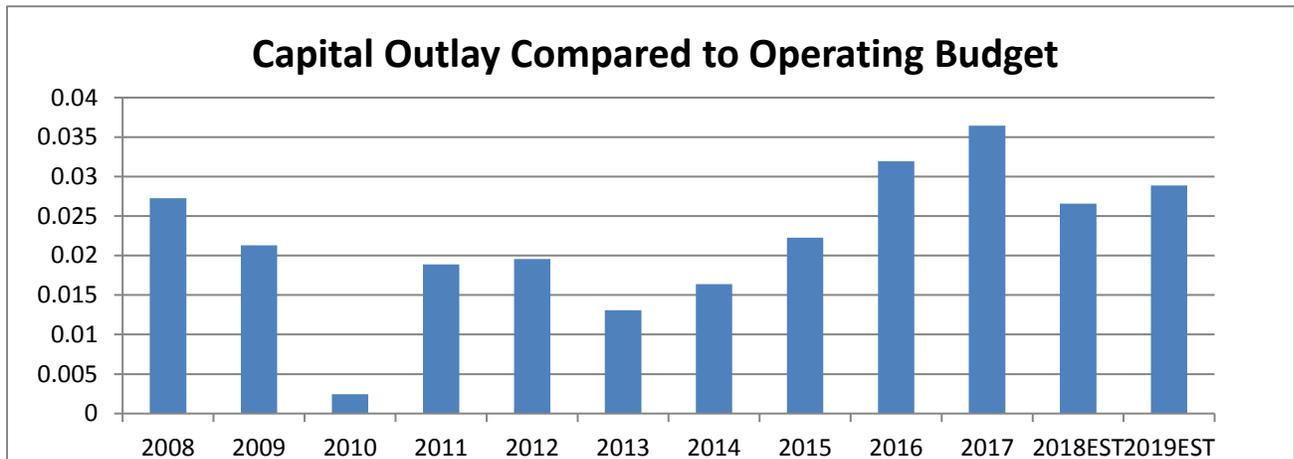
Unassigned Fund Balance between 16% and 20% of Total Annual Expenditures ("TAE")

- Fund Balance, also known as Available Reserves or Available Funds, is the accumulation of each year's actual surpluses and deficits. In accordance with the implementation of GASB 54, Fund Balance is classified into five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.
- Total Fund Balance has increased from 8.9% of TAE at the end of FY2009 to 31.61% at the end of FY 2017 (the most recently completed Fiscal Year). As of the end of FY2017, total Fund Balance equaled an historic high of \$32,561,028. The amount "reserved" for particular future uses (per GASB 54) is \$9,579,849 (29.42%).
- Per the Town Financial Policy, the Town should maintain an Unassigned Fund Balance at a level no less than 16% and as high as 20% of TAE.
- As of the end of FY2017, Unassigned Fund Balance equaled \$22,981,179 or 22.31% of TAE. As of the end of FY2016, this dollar amount was \$20,842,432, and the ratio was 20.93% of TAE. One Warrant Article under consideration by the 2018 Annual Town Meeting seeks funding of up to \$60,000 from Unassigned Fund Balance, and another seeks funding of up to \$55,300 from Unassigned Fund Balance. These expenditures will not significantly impact Fund Balance at 6/30/2018. In addition, \$325,000 in building permit fees will be spent on departmental capital purchases rather than being added to Unassigned Fund Balance.

Capital Expenditures between 2% and 5% of the Operating Budget

- Per the Town Financial Policy, the Capital Plan for any Fiscal Year should budget an expenditure amount that is between 2% and 5% of the Town's Operating Budget for that Fiscal Year.
- For FY2019, the Capital Outlay budget (excluding borrowing and Sewer, Recreation, and South Shore Country Club capital, which is funded from user rates/charges) is \$2,354,462. This amount is 2.89% of the FY2019 Operating Budget.

- This is the sixth consecutive year that capital spending has been within the limits set forth in the Town Financial Policy. The Advisory Committee recognizes the importance of continuing the plan to increase capital funding.



- For FY2019, the Capital Outlay Committee (“COC”) reviewed and evaluated departmental capital requests using the following six criteria:
 - If lack of the particular capital item puts citizen / employee safety at risk.
 - If the capital item is broken.
 - If the capital item is core to the department's mission, i.e., the department cannot function without it.
 - If the capital item is still functional but repairs are required that would cost 25% or more of the new item purchase price.
 - If the capital item is substantially beyond its originally projected useful life and its failure would jeopardize performance of the department's overall mission.
 - If the cost of the capital item can be recovered in three years or less.
- From initial capital requests of \$4,214,552, the COC recommended a FY2019 capital budget of \$2,327,462 to be funded from the tax levy plus \$27,000 to be funded from mooring permit revenue in Committed Fund Balance. Furthermore, COC recommended a capital budget of \$79,000 for the South Shore Country Club and \$85,000 for the Recreation Commission, both of which are to be funded by user fees. Lastly, a total of \$296,000 was recommended for Sewer-related projects to be paid by Sewer rate payers.
- In separate Warrant Articles, the Advisory Committee recommended:
 - That the Town borrow up to \$500,000 for partial funding of a new Fire Aerial Apparatus. The Avalon Hingham Shipyard developer will contribute \$1,000,000 toward this purchase.
 - That the Town borrow up to \$200,000 for the purpose of initial repair, reconstruction, and improved resiliency of up to four Town-owned wharves. The expenditure of these funds is subject to the award of a grant from the Seaport Bond Council or similar agency.
 - That the Town appropriate up to \$60,000 from available reserves to assess and provide design services for the replacement of the glass block windows at the Hingham High School gymnasium and related work.
 - That the Town appropriate \$55,300 from available reserves for the purpose of engineering and associated fees to submit applications to the Massachusetts Water Resources Authority to obtain permits for the extension of sewer service to the properties located at Barnes Wharf and/or the Hingham Public Library.

- All of this spending and borrowing is subject to approval at Town Meeting.
- The COC continues to call for adequate funding throughout the term of the *Five-Year Capital Plan*, including consideration of the targeted use of debt to address major capital expenditures.

Reserve Fund of Approximately 0.75% of the Operating Budget

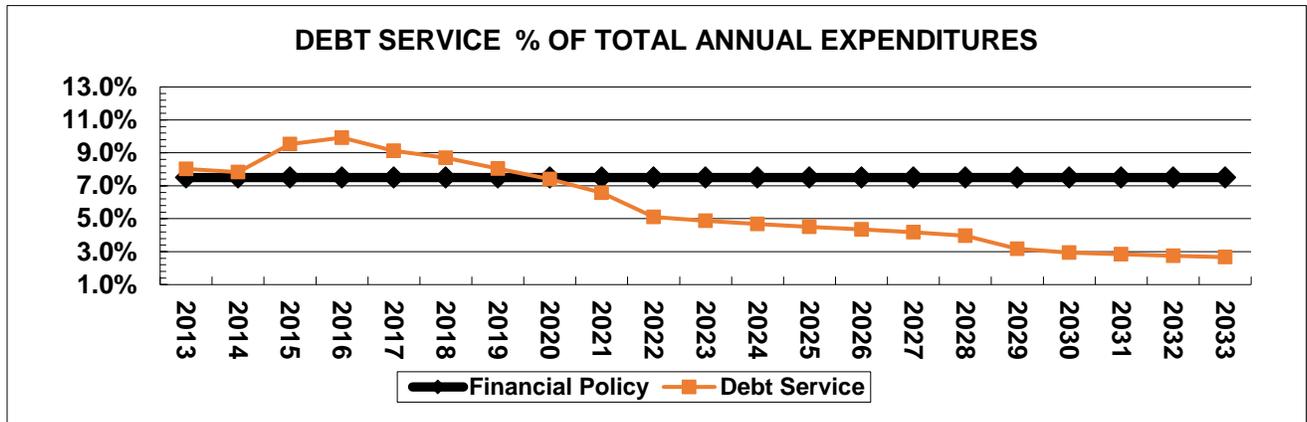
- Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time, with the advice of the Board of Selectmen and the approval of the Advisory Committee. The Reserve Fund is used to save the time and expense of a Special Town Meeting for relatively low-cost items.
- Per the Town Financial Policy, the annual appropriation amount for the Reserve Fund should be approximately 0.75% of the Operating Budget.
- In FY2017, Reserve Fund transfers were made as follows

| <u>DEPARTMENT</u> | <u>AMOUNT</u> |
|---|----------------------------------|
| Selectmen-Expenses-308 Cushing St. | \$30,000 |
| Town Accountant-Salaries-Benefits Coordinator | \$8,850 |
| Library-Expenses-Truss Repair | \$29,700 |
| Tree & Park-Septic System | \$30,000 |
| Snow & Ice | \$432,749 |
| Legal | \$220,000 |
| Medicare taxes | \$80,000 |
| Workers Comp | \$75,000 |
| Fire-Overtime | \$40,000 |
| Fire-Overtime | \$6,000 |
| Fire-Expenses-Turnout gear | \$25,000 |
| Unemployment | \$20,000 |
| Emergency Water-Aquarion | \$11,447 |
| Bare Cove Park Expenses | \$7,500 |
| Contributory Retirement | \$1,155 |
| Dispatch (SSRECC Assessment) | \$406 |
| FY17 TOTAL APPROVED TRANSFERS | <u><u>\$1,017,807</u></u> |

- Unexpended funds (if any) in the Reserve Fund for a Fiscal Year are returned to Fund Balance effective at the end of that Fiscal Year.
- The proposed amount for the FY2019 Reserve Fund is \$580,000. This is 0.71% of the Operating Budget.

Average Annual Debt Service between 5% and 7.5% of Total Annual Expenditures (“TAE”)

- Per the Town Financial Policy, the Town should maintain average annual debt service (repayment of principal and current interest for borrowings) between 5% and 7.5% of TAE.
- FY2019 debt service represents 8.04% of FY2019 TAE – a slight decrease from FY2018 (8.70%).
- The graph below shows currently authorized debt only.



- The graph indicates that, assuming no additional borrowing, debt service would conform to Financial Policy guidelines by FY2020. However, the Advisory Committee notes that the Town is contemplating several projects that could be financed through the issuance of additional debt. As mentioned earlier, the Fire Aerial Apparatus Article seeks authorization to borrow \$500,000, and the Wharves Article seeks authorization to borrow \$200,000.
- Additional projects will be presented to future Town Meetings for consideration. Many worthy projects are on the Town's "radar screen". It would seem appropriate to have a public discourse on the priority, amount, and timing of these opportunities, being mindful of the impact of future borrowings on the taxpayer and rating agencies.
- Note that the Advisory Committee recently conducted its triennial review of the Town's Financial Policy and discussed possible changes in the criteria for determining the acceptable amount of debt service.
- FY2018 is the first year that the Town set aside an annual amount that represents the unused non-excluded debt capacity. For FY2018, the amount is \$18,267. For FY2019, the forecast amount is \$107,532. The estimated annual amounts for FY2020 and FY2021 are \$310,021 and \$396,924, respectively, but these amounts will change upon the issuance of new debt. Note that the unused non-excluded debt capacity will be tracked in a new Committed account in the General Fund. It is likely that these funds will be used for future debt service or capital purchases.

FY2019 PROPERTY TAX RELIEF

- As in previous years, the FY2019 budget includes tax relief for the benefit of all taxpayers. Property taxes for FY2019 will be higher than in FY2018, but the amount of increase will be less than it would be without certain tax relief measures. Pursuant to Article 14 of the April

2013 Annual Town Meeting, \$450,000 of meals tax receipts from prior years, currently held in the Meals Tax Stabilization Fund, will be transferred for the purposes of FY2019 tax relief. Some of the current meals tax revenue will also be used for tax relief. In addition, \$178,836 will be transferred from the Stabilization Fund, which contains proceeds from the sale of Town buildings plus bond premiums associated with debt refinancing. Note that the balances in the two Stabilization Funds will decline over the next few years, and this will impact tax relief.

- The Town chose not to raise taxes to the maximum level (2.5%) in FY2018 and thus created \$500,000 in unused levy capacity. Adoption of the FY2019 budget will also create \$500,000 in unused levy capacity. While unused levy capacity is not cumulative (taxes foregone in one Fiscal Year cannot be recouped in a future year), it does carry forward. As a result, future Town Meetings will have the ability to increase taxes up to the full levy capacity. If a future Town Meeting chooses to use all or some of the now existing unused levy capacity, the resulting increase in taxes will be disproportionate to the historical trend.
- The Town's financial forecast includes tax relief in future years, but there is no guarantee that the Town's financial condition will support it. The Town's current budgeting process includes appropriate checks and balances to manage the risk of tax rate volatility. While the Town's recent history of fiscal discipline and responsibility bode well for the future, continued diligence by the Board of Selectmen and the Advisory Committee will be necessary to ensure the ongoing success of this tax relief program.

LONG-TERM FINANCIAL OBLIGATION AND LIABILITY FUNDING

- Contributory Retirement and Other Post-Employment Benefits (“OPEB”) (retiree health care benefits) are each funded as required by law. The FY2019 budget recommends funding each so as not to burden future generations with unsustainable or disproportionate financial obligations. The FY2019 budget includes a Contributory Retirement funding amount of \$4,502,044 and an OPEB contribution of \$1,136,484.
- Further analysis of the OPEB funding level is necessary due to the continual changes in the actuarial assumptions that determine the contribution amount. These include the impact of future health insurance premiums, the updating of actuarial assumptions related to lifespans, and the assumed future rate of return on the set-aside funds. The Town does a full actuarial valuation of OPEB every two years. As of 6/30/2017, Hingham had funded its OPEB trust with \$12 million. Assets are projected to be available to make all projected future benefit payments for current plan members. The next valuation will be done in the fall of 2018. Hingham is far ahead of comparable towns with regard to funding OPEB obligations.

REVENUE SOURCES AND USES

- For 2019, total budgeted revenue Uses include Article 4, 5, and 6 appropriations of \$108,805,160 and amounts reserved for State Assessments, Overlay and Other Expenses totaling \$1,451,939.
- The aggregate budget Uses for FY2019 of \$110,257,099 balances to the forecasted revenue sources of \$110,257,891, resulting in a projected Excess (i.e., surplus) of \$793.

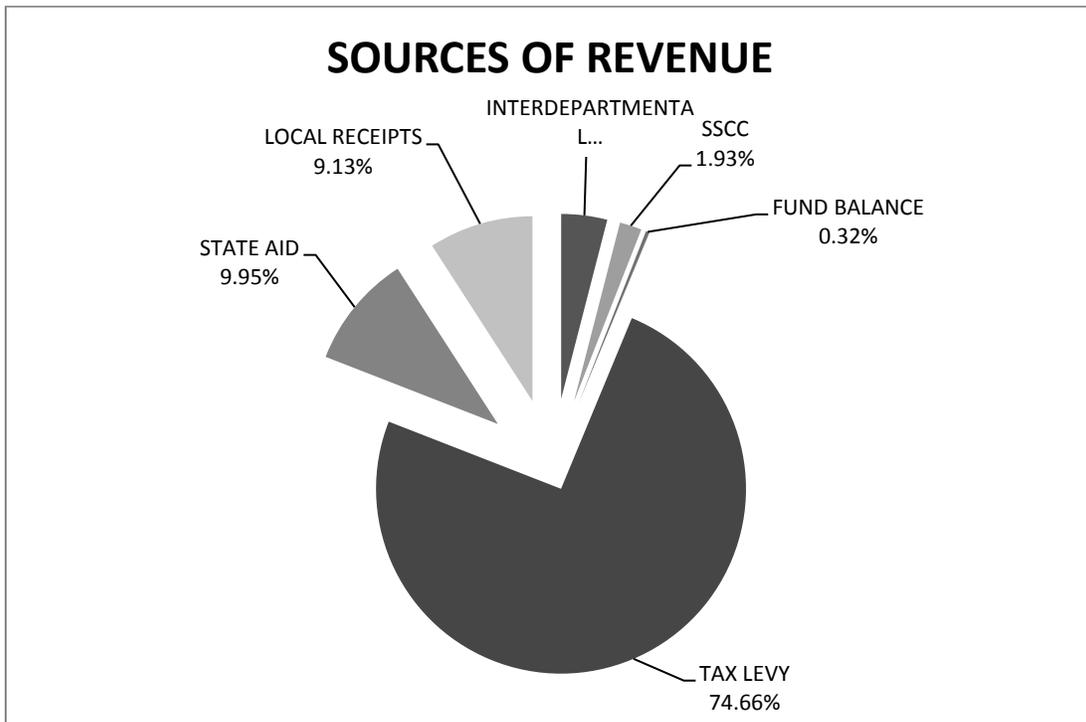
| | ACTUALS | ESTIMATE | FORECAST | FORECAST | FORECAST | FORECAST | FORECAST |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | FY2017 | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| SOURCES | | | | | | | |
| Tax Levy | | | | | | | |
| Levy | 71,732,082 | 74,111,683 | 76,501,004 | 79,088,529 | 82,015,742 | 85,016,136 | 87,691,539 |
| 2 1/2 % increase | 1,793,302 | 1,852,792 | 1,912,525 | 1,977,213 | 2,050,394 | 2,125,403 | 2,192,288 |
| New growth | 586,299 | 536,529 | 675,000 | 950,000 | 950,000 | 550,000 | 550,000 |
| Debt exclusions | 4,504,621 | 4,037,059 | 3,734,626 | 3,652,492 | 3,313,103 | 2,955,387 | 2,848,676 |
| Unused Levy Capacity | -500,000 | -500,000 | -500,000 | -500,000 | -500,000 | -500,000 | -500,000 |
| Total Tax Levy | 78,116,304 | 80,038,063 | 82,323,155 | 85,168,234 | 87,829,239 | 90,146,926 | 92,782,504 |
| Other Revenue | | | | | | | |
| State Aid | 10,587,927 | 10,785,905 | 10,974,204 | 10,974,204 | 10,974,204 | 9,340,015 | 9,340,015 |
| Local Receipts | 10,540,243 | 9,328,515 | 10,062,829 | 10,314,400 | 10,572,260 | 10,836,566 | 11,107,480 |
| Fund Balance | 1,793,109 | 909,000 | 352,000 | 0 | 0 | 0 | 0 |
| SSCC | 2,103,614 | 2,192,765 | 2,123,677 | 2,123,677 | 2,123,677 | 2,123,677 | 2,123,677 |
| Sewer | 2,827,696 | 3,009,788 | 3,293,190 | 3,530,270 | 3,788,291 | 4,069,264 | 4,375,399 |
| Light Plant (\$450K Min.) | 494,999 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 |
| Meals Tax Reserves | 450,000 | 450,000 | 450,000 | 0 | 0 | 0 | 0 |
| Stabilization Fund | 65,413 | 178,836 | 178,836 | 178,836 | 178,836 | 178,836 | 178,836 |
| Excess Overlay | 238,428 | 0 | 0 | | | | |
| Total Other Revenue | 29,101,429 | 27,354,809 | 27,934,736 | 27,621,387 | 28,137,268 | 27,048,359 | 27,625,407 |
| Total Sources | 107,217,733 | 107,392,872 | 110,257,891 | 112,789,621 | 115,966,507 | 117,195,285 | 120,407,911 |
| USES | | | | | | | |
| State Assessments | 892,397 | 959,430 | 1,001,939 | 1,052,036 | 1,104,638 | 1,159,870 | 1,217,863 |
| Overlay | 350,000 | 350,000 | 350,000 | 350,000 | 350,000 | 350,000 | 350,000 |
| Other expenses / deficits | 0 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| Total | 1,242,397 | 1,409,430 | 1,451,939 | 1,502,036 | 1,554,638 | 1,609,870 | 1,667,863 |
| Appropriations | | | | | | | |
| Capital Outlay | 2,771,705 | 2,226,462 | 2,650,462 | 2,400,000 | 2,500,000 | 2,600,000 | 2,700,000 |
| Article 6 | 100,249,570 | 103,468,231 | 105,776,157 | 107,769,210 | 110,123,983 | 111,015,440 | 113,909,982 |
| Article 4&5 | 0 | 166,223 | 378,541 | 771,903 | 1,173,132 | 1,582,386 | 1,999,824 |
| Other articles | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total appropriation | 103,021,275 | 105,860,916 | 108,805,160 | 110,941,113 | 113,797,115 | 115,197,826 | 118,609,806 |
| Total Uses | 104,263,672 | 107,270,346 | 110,257,099 | 112,443,149 | 115,351,752 | 116,807,696 | 120,277,669 |
| EXCESS (Shortfall) | 2,954,061 | 122,526 | 793 | 346,472 | 614,755 | 387,589 | 130,242 |

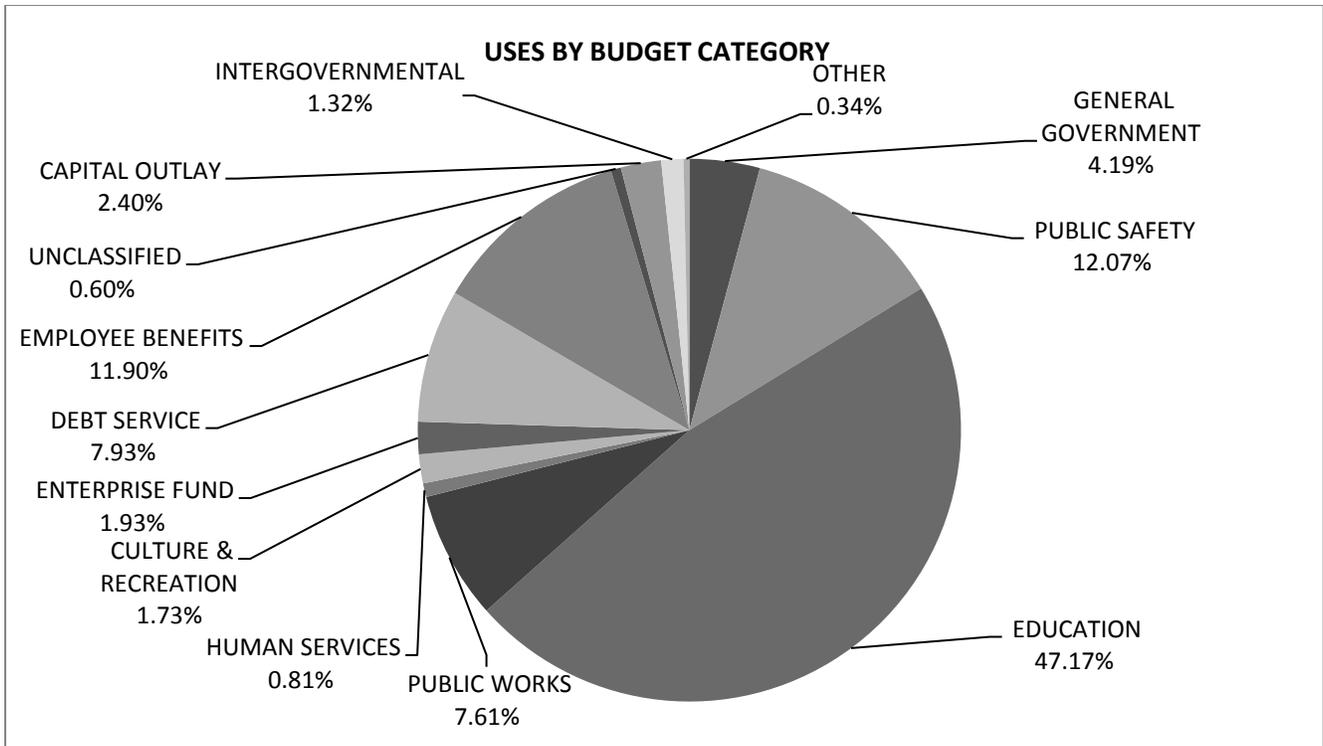
- New Growth is the amount by which the property tax base increases due to new development and improvement to existing properties. The projection of New Growth revenue for FY2019 and beyond is based on the extrapolation of building permit activity and other indicators of the local economic outlook. The Town is currently forecasting New Growth to increase

modestly from FY2019 to FY2020 (as new apartment and condominium projects are completed), to stay static in FY2021, and to decrease back to FY2018 levels in FY2022. While there may be opportunities for new growth, the realization of these opportunities is dependent on a number of variables, many of which are outside the control of the Town. Accordingly, conservative forecasting is both prudent and necessary.

- With regard to particular FY2019 Other Revenue line items:
 - Future Local Receipts revenue, primarily from Motor Vehicle Excise taxes, is tracked carefully and forecasted conservatively.
 - Fund Balance (\$352,000) includes \$27,000 from Committed Fund Balance to fund Harbormaster capital outlay as well as \$325,000 from received building permit fees which otherwise go to Unassigned Fund Balance. The future tax revenue from these projects is expected to exceed the amount of these building permit fees.
 - South Shore Country Club (“SSCC”) revenues of \$2,123,677 fully offset SSCC operating expenses, capital expenses, and employee benefit costs, all of which are included in the Article 6 Uses total.
 - Sewer revenues of \$3,293,190 fully offset sewer operating expenses, debt, capital expenses, and employee benefit costs, all of which are included in the Article 6 Uses total.
 - Light Plant revenue of \$500,000 is a payment in lieu of taxes (“PILOT”).

- The Advisory Committee notes that the impact of reduced growth in the future will make it increasingly difficult to fund new services or initiatives, considering the structurally high levels of increases in the Education (estimated at 4-5%) and Health Insurance (estimated at 10%) budgets. Additionally, Debt Service is likely to be higher than forecasted if new debt is issued to fund new projects. Accordingly, the above chart understates the possible deficits of the future.





ADVISORY COMMITTEE RECOMMENDATIONS

The Advisory Committee has voted to recommend the budget amounts presented in Articles 4, 5, and 6 for approval by Town Meeting.

In addition, the Advisory Committee has reviewed each of the other Articles in the Warrant and, after public discussion with sponsors, petitioners, proponents, and other interested citizens, has provided comments and recommended motions that reflect the relevant points made during the Committee’s deliberations.

ACKNOWLEDGEMENTS

The Advisory Committee is most grateful for the assistance and support of Town Administrator Tom Mayo, Acting Assistant Town Administrator Betty Foley, Town Accountant Sue Nickerson, Office Manager Sharon Perfetti, Accounts Payable Specialist Lynn Phillips, and Administrative Secretary Sally Sinclair. Their diligence and timely support have enabled the Advisory Committee to better represent and serve the Town.

As in past years, the Advisory Committee benefited from strong working relationships with the Board of Selectmen, the School Committee and Administration, Town Department heads, the Capital Outlay Committee, the Community Preservation Committee, the Planning Board, and the numerous other Town Boards, Commissions, and Committees with which the Advisory Committee and its liaisons routinely interface. Continued collaboration, mutual respect, and teamwork benefit everyone.

Hingham continues to be well served by the extraordinary efforts of its many capable and responsible employees and volunteers. The Advisory Committee thanks them all for their contributions.

THE ADVISORY COMMITTEE

Lucy Hancock, Chair

Donna Smallwood, Vice-Chair

Daniel Coughlin, Secretary

David Anderson

Victor Baltera

Thomas Belyea

Libby Claypoole

Robert Curley

George Danis

Eric Haskell

Eryn Kelley

Craig MacKay

Nicole Raphaelson

Evan Sheehan

Julie Strehle

REPORT OF THE BOARD OF SELECTMEN

Articles Four, Five, and Six propose the Fiscal Year 2019 Town budget, which reflects many hours of analysis, careful fiscal planning, and close cooperation between the Board of Selectmen, Advisory Committee, and every Town department. Our Town's Aaa bond rating remains intact, in large part due to our continued focus on balancing citizen expectations for increased services with decreasing revenue growth.

Mindful of both the economic burdens faced by many of our citizens, and the number of large infrastructure projects on the horizon, the Board of Selectmen began the budget process by affirming that we would:

- Not consider or support an override
- Maintain the unused levy capacity in our budget that resulted from a tax relief proposal introduced several years ago
- Continue to budget debt service to remain flat, effectively creating capacity for future borrowing

The proposed municipal budgets (+2.52% vs. FY18) reallocate funds within the Health Department and Community Planning Department to provide needed new services. Newly funded initiatives include one additional firefighter position, which enables equal staffing on all shifts, and a small stipend to certify our Animal Control Officer in the use of Narcan and AED equipment. The proposed budget also includes funding to update our wage and classification study, which is an important tool used by the Personnel Board.

At our request, the Advisory Committee created a financial model that enables us to determine how much debt capacity is created when existing debt is retired and to assess the taxpayer impact of taking on additional debt. The preliminary analysis indicates that the capacity created by the expiration of debt is significantly less than the estimated cost of all the projects under consideration. In light of this, the Board has discussed three things;

1. **Reduce the cost of these projects to the taxpayer** by maximizing state funding and grants and by using one-time money and excess fund balance
2. **Manage timing and control project costs** by building what is needed to deliver programs and services and by deferring and/or potentially saying "no" to some projects
3. **Live with our operating budget** by targeting future budget increases not to exceed historical averages and by exploring opportunities to fund new initiatives within budgets through operational efficiencies and cost savings

While there is more work to be done, and all projects will require approval by a future Town Meeting, we want you to know that the individual and cumulative impact of these projects on your property tax bill is of paramount importance to the Board.

The Board's work over this past year includes the implementation of warrant articles approved by previous Annual Town Meetings. The Herbert L. Foss Intermodal Center was opened and dedicated at the Hingham Shipyard, honoring Hingham's only Medal of Honor recipient. We formed a Route 3A Task Force to coordinate the activities of the Rte. 3A-Summer Street corridor project. With the School Committee and Moderator, we appointed the Foster School Building Committee and submitted a Statement of Interest to the Massachusetts School Building Committee. We also created and implemented an off-leash program at Bare Cove Park. The Town Annual Report provides additional information about other activities over the past year.

The Board of Selectmen asks you to support Article 14, which seeks an appropriation up to \$200,000 to continue our harbor resiliency work. Two storms in early 2018 produced significant flooding, demonstrating the need to both elevate and repair the wharves and protect surrounding areas. The Harbor Development Committee has been working for several years to design a resiliency plan and position the Town to receive state funding to fund a portion of this work; Article 14 is the next step in that process.

The Board also requests your support of Article 13, funding for the purchase of Fire Apparatus. "The Quint" has been targeted for replacement in the Capital Outlay plan for a few years, and recent repair history suggests that it is nearing the end of its useful life. In 2016, the Board secured \$1 million in a development agreement with Avalon to be applied toward the purchase of a replacement truck. Article 13 represents the incremental cost for this asset, which will take approximately one year to procure and build.

While the Board does not formally take a position on Planning and Zoning articles, we request your consideration of Article 26, Accessory Dwelling Units. Article 26 relates to two housing needs that we discussed as part of our FY18 goals and objectives; options for Hingham residents to affordably age in place, and options for family members with mental and physical disabilities. This topic was first considered by the Town twenty years ago, and was extensively explored in 2014. We appreciate the Planning Board taking it up and advancing it for Town Meeting's consideration.

The Selectmen would like to thank all those who assist us in our executive budgetary responsibilities and in the preparation of warrant articles. In particular, the Board wishes to thank Tom Mayo, Betty Foley, Sue Nickerson, Sharon Perfetti, and Sally Sinclair for their dedication and hard work.

We would also like to acknowledge and thank all the members of the Advisory Committee, Capital Outlay Committee, School Committee, Community Preservation Committee, and all Department heads, Town employees, and volunteers. Special thanks to Advisory Committee Chair Lucy Hancock for continuing the cooperative atmosphere and respect for everyone's roles that has become the hallmark of this process. We are proud to serve with all of you.

Mary M. Power, Chair
Paul K. Healey
Karen A. Johnson

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To the Constables 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-third day of April 2018 at SEVEN O'CLOCK in the evening, Then and thereto act on the following Articles:

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

One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, or act on anything relating thereto? (Inserted by the Board of Selectmen)

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, 2017, the fund assets totaled \$15,442.91 of which \$442.91 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That Laurel Cosman, 16 Queen Anne Lane, 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.

ARTICLE 2: Will the Town, in accordance with, and only to the extent permitted by, Massachusetts General Laws chapter 91, section 29, as amended, 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 authorize the Board of Selectmen to execute and deliver a bond of indemnity to the Commonwealth

assuming such liability, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

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 sustained by any person as a result of such work performed by the DCR.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town, in accordance with, and only to the extent permitted by, Massachusetts General Laws chapter 91, section 29, as amended, 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 such indemnity to the Commonwealth assuming such liability.

ARTICLE 3: Will the Town receive the reports, if any, of the following: Affordable Housing Trust; Audit Committee; Capital Outlay Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; Fire Station Building Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Managers of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: 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, except that the 2006 School Building Committee be discharged with thanks.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the reports, if any, of the existing Town Committees and Commissions and the Town Historian be received; and that all of said bodies and posts of government be continued, except that the 2006 School Building Committee be discharged with thanks.

ARTICLE 4: Will the Town accept the report of the Personnel Board appointed under the Classification and Salary Plan, or act on anything relating thereto? (Inserted by the Board of Selectmen)

COMMENT: The Personnel Board is established pursuant to the Town of Hingham Personnel By-Law and is comprised of five members appointed by the Moderator. This Article provides funds to pay for as yet undetermined financial obligations of the Town relating to salary increases, fringe benefit changes, and job reclassifications for non-School Department employees who either are not in a collective bargaining unit or who are covered by a collective bargaining agreement not yet concluded.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

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 Cost Item 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, 2018 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$378,541 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 Personnel 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:

1. Selectmen
 2. Assessors
 3. Town Clerk
 4. Municipal Light Board;
- or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This Article fixes the salaries of the elected Town Officers listed above.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That, subject to the proviso below, the salary from July 1, 2018 through June 30, 2019 for each of the following officers shall be at the rates below stated or provided after the name of the office.

Selectmen: at the annual rate of \$2,000 each, except that the Chair shall receive an annual rate of \$2,500 for the period of incumbency.

Assessors: at the annual rate of \$1,800 each, except that the Chair shall receive an annual rate of \$2,000 for the period of incumbency.

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

Municipal Light Board: at the annual rate of \$214 each (to be paid from the receipts of the Electric Light Department).

Provided: that the salary of the Town Clerk 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 Massachusetts General Laws chapter 41, section 19G.

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, 2018, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The Advisory Committee voted 13 to 1 in support of this budget, except that several members abstained on specific departmental budgets.

RECOMMENDED: That the Town raise and appropriate for each of the following purposes, for the Fiscal Year beginning July 1, 2018, the sum

of money stated therefor, provided that, where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically stated; also that the authority is hereby given to turn in vehicles and equipment in partial payment for vehicles and equipment purchased in those cases where a turn-in is stated; and provided that

any amount or portion thereof appropriated to a sub-account and included in a numbered account as set forth below may be transferred to another sub-account under the same numbered account with the approval of the Board of Selectmen and the Advisory Committee.

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|-----------------------------------|---------------------------------|-------------------------------------|---|
| GENERAL GOVERNMENT | | | |
| 122 SELECTMEN | | | |
| Payroll | 480,762 | 492,517 | 503,462 |
| Expenses | 28,667 | 94,090 | 34,090 |
| Total | 509,429 | 586,607 | 537,552 |
| 132 RESERVE FUND | | | |
| | 1,017,807 | 550,000 | 580,000 |
| 135 TOWN ACCOUNTANT | | | |
| Payroll | 259,145 | 276,364 | 293,414 |
| Expenses | 7,623 | 12,555 | 12,555 |
| Audit | 60,500 | 61,500 | 65,000 |
| Total | 327,268 | 350,419 | 370,969 |
| 137 INFORMATION TECHNOLOGY | | | |
| Payroll | 144,986 | 171,681 | 173,886 |
| Expenses | 199,273 | 243,095 | 223,915 |
| Capital Outlay | 77,138 | 146,060 | 109,000 |
| Total | 421,398 | 560,836 | 506,801 |
| 141 ASSESSORS | | | |
| Payroll | 241,031 | 246,328 | 253,663 |
| Expenses | 7,763 | 11,510 | 11,510 |
| Consulting | 68,925 | 125,000 | 67,000 |
| Map Maintenance | 2,400 | 6,000 | 6,000 |
| Total | 320,119 | 388,838 | 338,173 |
| 145 TREASURER/COLLECTOR | | | |
| Payroll | 333,041 | 334,507 | 339,649 |
| Expenses | 41,548 | 46,554 | 46,554 |
| Tax Titles | 444 | 10,000 | 10,000 |
| Total | 375,033 | 391,061 | 396,203 |
| 151 LEGAL SERVICES | | | |
| | 411,660 | 232,000 | 232,000 |
| 159 TOWN MEETINGS | | | |
| Payroll | 774 | 2,692 | 2,692 |
| Expenses | 27,262 | 29,000 | 29,500 |
| Total | 28,036 | 31,692 | 32,192 |

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|--|---------------------------------|-------------------------------------|---|
| 161 TOWN CLERK | | | |
| Payroll | 182,414 | 177,174 | 193,228 |
| Expenses | 7,866 | 7,866 | 7,866 |
| Total | 190,280 | 185,040 | 201,094 |
| 162 ELECTIONS | | | |
| Payroll | 20,850 | 6,850 | 29,292 |
| Expenses | 17,989 | 10,845 | 18,345 |
| Total | 38,839 | 17,695 | 47,637 |
| 173 COMMUNITY PLANNING | | | |
| Payroll | 732,883 | 744,614 | 754,225 |
| Expenses | 41,026 | 62,684 | 62,384 |
| Total | 773,909 | 807,298 | 816,609 |
| 177 BARE COVE PARK | | | |
| Payroll | 17,572 | 17,508 | 17,864 |
| Expenses | 9,767 | 7,370 | 7,370 |
| Total | 27,339 | 24,878 | 25,234 |
| 192 TOWN HALL | | | |
| Payroll | 216,607 | 214,822 | 221,060 |
| Expenses | 315,887 | 441,787 | 403,619 |
| Capital Outlay | 6,659 | 128,482 | 91,000 |
| Total | 539,153 | 785,091 | 715,679 |
| 193 GRAND ARMY MEMORIAL HALL | | | |
| Expenses | 10,111 | 14,500 | 15,865 |
| Capital Outlay | 6,200 | | |
| Total | 16,311 | 14,500 | 15,865 |
| TOTAL GENERAL GOVERNMENT | <u>4,996,583</u> | <u>4,925,955</u> | <u>4,816,008</u> |
| PUBLIC SAFETY | | | |
| 210 POLICE DEPARTMENT | | | |
| Payroll (Overtime \$460,406) | 5,214,415 | 5,217,118 | 5,636,748 |
| Expenses | 308,491 | 347,300 | 358,500 |
| Capital Outlay (\$27,000 from Mooring Permits) | 357,247 | 133,500 | 308,000 |
| Total | 5,880,153 | 5,697,918 | 6,303,248 |
| 220 FIRE DEPARTMENT | | | |
| Payroll (Overtime \$459,628) | 5,108,161 | 5,069,797 | 5,211,257 |
| Expenses | 368,865 | 399,810 | 418,865 |
| Capital Outlay | 100,525 | 157,000 | 120,000 |
| Total | 5,577,551 | 5,626,607 | 5,750,122 |

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|--|---------------------------------|-------------------------------------|---|
| 240 DISPATCH SERVICES | | | |
| Expenses | 854,843 | 817,586 | 858,466 |
| Total | 854,843 | 817,586 | 858,466 |
| 292 ANIMAL CONTROL | | | |
| Payroll | 62,546 | 62,974 | 65,163 |
| Expenses | 4,771 | 5,300 | 5,800 |
| Total | 67,317 | 68,274 | 70,963 |
| 295 HARBORMASTER | | | |
| Payroll | 158,736 | 173,992 | 177,481 |
| Expenses | 55,495 | 53,712 | 57,092 |
| Total | 214,231 | 227,704 | 234,573 |
| 299 PUBLIC SAFETY UTILITIES | | | |
| Emergency Water | 275,818 | 364,424 | 414,044 |
| Street Lighting | 183,000 | 183,274 | 105,000 |
| Total | 458,818 | 547,698 | 519,044 |
| TOTAL PUBLIC SAFETY | <u>13,052,914</u> | <u>12,985,787</u> | <u>13,736,416</u> |
| EDUCATION | | | |
| 300 SCHOOL DEPARTMENT | | | |
| Payroll | 38,857,576 | 40,317,087 | 43,425,592 |
| Expenses | 8,404,059 | 9,445,607 | 8,581,105 |
| Capital Outlay | 662,422 | 850,820 | 1,023,962 |
| TOTAL EDUCATION | <u>47,924,057</u> | <u>50,613,514</u> | <u>53,030,659</u> |
| PUBLIC WORKS AND FACILITIES | | | |
| 405 TOWN ENGINEERING | | | |
| Payroll | 248,349 | 251,342 | 259,599 |
| Expenses | 30,047 | 33,350 | 33,350 |
| Road Building/Construction | 299,569 | 300,000 | 300,000 |
| Total | 577,965 | 584,692 | 592,949 |
| 420 HIGHWAY/RECREATION/TREE & PARK | | | |
| Payroll (Overtime \$55,300) | 1,877,746 | 2,014,608 | 2,072,803 |
| Expenses | 410,372 | 438,950 | 440,275 |
| Capital Outlay (\$325,000 from available reserves) | 287,131 | 466,600 | 337,500 |
| Snow Removal | 937,074 | 554,325 | 554,325 |
| Road Maintenance | 298,596 | 358,500 | 358,500 |
| Total | 3,810,918 | 3,832,983 | 3,763,403 |

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|---|---------------------------------|-------------------------------------|---|
| 434 LANDFILL/RECYCLING | | | |
| Payroll (Overtime \$29,227) | 514,000 | 520,559 | 544,191 |
| Expenses | 695,565 | 833,356 | 832,115 |
| Capital Outlay | 192,214 | 159,000 | 260,000 |
| Total | 1,401,779 | 1,512,915 | 1,636,306 |
| 440 SEWER COMMISSION | | | |
| Payroll (Overtime \$26,003) | 327,361 | 329,258 | 350,596 |
| Expenses | 232,178 | 285,419 | 273,389 |
| Capital Outlay | 147,831 | 145,000 | 296,000 |
| Engineering | 9,966 | 10,000 | 10,000 |
| MWRA Charges | 1,798,028 | 1,941,871 | 1,975,493 |
| Hull Intermunicipal Agreement | 228,605 | 298,240 | 387,712 |
| Total | 2,743,969 | 3,009,788 | 3,293,190 |
| The sum of \$3,293,190 shall be funded from Sewer Revenue | | | |
| TOTAL PUBLIC WORKS | 8,534,631 | 8,940,378 | 9,285,848 |
| HUMAN SERVICES | | | |
| 510 HEALTH DEPARTMENT | | | |
| Payroll | 302,841 | 308,871 | 290,703 |
| Expenses | 19,500 | 23,335 | 36,785 |
| Total | 322,341 | 332,206 | 327,488 |
| 540 ELDER SERVICES | | | |
| Payroll | 204,514 | 221,435 | 239,355 |
| Expenses | 14,419 | 19,933 | 18,308 |
| Capital Outlay | 50,000 | | 0 |
| Total | 268,933 | 241,368 | 257,663 |
| 543 VETERANS' SERVICES | | | |
| Payroll | 97,339 | 100,246 | 102,256 |
| Expenses | 5,037 | 5,684 | 6,444 |
| Benefits | 191,969 | 259,449 | 198,250 |
| Total | 294,346 | 365,379 | 306,950 |
| 545 HEALTH IMPERATIVES | 2,700 | 2,700 | 2,700 |
| 546 SOUTH SHORE WOMEN'S CENTER | 3,700 | 3,700 | 3,700 |
| TOTAL HUMAN SERVICES | 892,020 | 945,353 | 898,501 |

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|--|---------------------------------|-------------------------------------|---|
| CULTURE AND RECREATION | | | |
| 610 LIBRARY | | | |
| Payroll | 1,330,339 | 1,365,837 | 1,441,550 |
| Expenses | 273,086 | 330,862 | 310,473 |
| Capital Outlay | 1,032,168 | 40,000 | 105,000 |
| Total | 2,635,593 | 1,736,699 | 1,857,023 |
| 630 RECREATION COMMISSION | | | |
| Payroll | 91,777 | 93,202 | 95,158 |
| Total | 91,777 | 93,202 | 95,158 |
| 650 TRUSTEES OF BATHING BEACH | | | |
| Payroll | 18,443 | 18,447 | 20,256 |
| Expenses | 18,828 | 21,145 | 21,254 |
| Total | 37,271 | 39,592 | 41,510 |
| 692 CELEBRATIONS | 7,694 | 11,924 | 13,268 |
| TOTAL CULTURE & RECREATION | <u>2,772,335</u> | <u>1,881,417</u> | <u>2,006,959</u> |
| ENTERPRISE FUND | | | |
| 720 COUNTRY CLUB | 1,998,409 | 2,192,765 | 2,123,677 |
| The sum of \$2,123,677 shall be funded from Country Club Revenue | | | |
| TOTAL ENTERPRISE FUND | <u>1,998,409</u> | <u>2,192,765</u> | <u>2,123,677</u> |
| DEBT SERVICE | | | |
| DEBT SERVICE | 9,400,966 | 9,208,170 | 8,747,261 |
| TOTAL DEBT SERVICE | <u>9,400,966</u> | <u>9,208,170</u> | <u>8,747,261</u> |
| EMPLOYEE BENEFITS | | | |
| 900 GROUP INSURANCE | 6,729,306 | 6,863,728 | 6,232,754 |
| 903 OTHER POST EMPLOYMENT BENEFITS | 795,063 | 814,175 | 1,136,484 |
| 910 CONTRIBUTORY RETIREMENT | 4,030,938 | 4,221,102 | 4,502,044 |
| 912 WORKER'S COMPENSATION | 405,000 | 330,000 | 330,000 |
| 913 UNEMPLOYMENT | 40,128 | 30,000 | 30,000 |

| | <u>Fiscal 2017 Expended</u> | <u>Fiscal 2018 Appropriated</u> | <u>Advisory Fiscal 2019 Recommended</u> |
|--------------------------------------|----------------------------------|-------------------------------------|---|
| 914 MANDATORY MEDICARE | 810,644 | 852,750 | 885,000 |
| TOTAL EMPLOYEE BENEFITS | <u>12,811,078</u> | <u>13,111,755</u> | <u>13,116,282</u> |
| UNCLASSIFIED | | | |
| 999 Unclassified | 7,155 | 10,950 | 10,700 |
| 915 Property and Liability Insurance | 605,000 | 635,250 | 654,308 |
| TOTAL UNCLASSIFIED | <u>612,155</u> | <u>646,200</u> | <u>665,008</u> |
| GRAND TOTAL | <u><u>102,995,149</u></u> | <u><u>105,451,294</u></u> | <u><u>108,426,619</u></u> |

ARTICLE 7: Will the Town transfer a sum of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the Fiscal Year 2019 tax rate, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: Pursuant to prior Town Meeting votes, the proceeds from the sale of the former school administration building, municipal light plant building, and former police station were deposited in the Stabilization Fund for future tax reduction. This amount was augmented by the addition of bond premiums associated with the refinancing of excluded debt. This Article would transfer a portion of the Stabilization Fund for the purpose of reducing the Fiscal Year 2019 tax rate.

Approval of this Article requires a two-thirds vote of Town Meeting.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate the sum of \$178,836 from the Stabilization Fund for the purpose of reducing the Fiscal Year 2019 tax rate.

ARTICLE 8: Will the Town transfer a sum of money from the Meals Tax Stabilization Fund for the purpose of reducing the Fiscal Year 2019 tax rate, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: This Article seeks to appropriate \$450,000 from the Meals Tax Stabilization Fund to reduce the Fiscal Year 2019 tax rate. The remaining amount in the Fund will stay available to reduce tax rates in future years.

Approval of this Article requires a two-thirds vote of Town Meeting.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate the sum of \$450,000 from the Meals Tax Stabilization Fund for the purpose of reducing the Fiscal Year 2019 tax rate.

ARTICLE 9: Will the Town appropriate, from the receipts of the Hingham Municipal Lighting Plant, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2018,

pursuant to sections 57 and 57A of chapter 164 of the Massachusetts General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The Hingham Municipal Lighting Plant (“HMLP”) is self-funding; funds collected from billing customers are used to pay all expenses incurred by the Plant. The HMLP Board has an agreement in place whereby it makes a payment in lieu of taxes (“PILOT”) to the Town. The PILOT amount is calculated by multiplying the number of kilowatt hours sold by HMLP in the prior year by \$0.0025, with a minimum payment to the Town of \$450,000. Based on sales for the last several years, it is estimated that this payment will be approximately \$500,000. The Plant’s PILOT to the Town has the effect of reducing the Town’s tax rate.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That, with the exception of the Hingham Municipal Lighting Plant’s payment in lieu of taxes (expected to be approximately \$500,000 based on Plant sales, but no less than \$450,000), which is hereby transferred to the General Fund, all funds received by the Hingham Municipal Lighting Plant during the Fiscal Year commencing July 1, 2018, 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 sections 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 10: Will the Town limit the total amount that may be spent from the Building Department Revolving Fund, established under Article 18 of the General By-Laws, to \$300,000.00 during Fiscal Year 2019, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The Building Department Revolving Fund is credited with all fees from plumbing, gas, and electrical inspections performed by Inspectors. This fund is used to pay wages, salaries, and fringe

benefits (as applicable) to these Building Department staff members. Until it was amended in 2016, Massachusetts General Laws chapter 44, section 53E1/2 required towns to reauthorize a revolving fund annually. As a result of the 2016 amendment, towns now may establish departmental revolving funds through a one-time enactment of a By-Law, leaving only the limit on the total amount that may be expended for annual authorization. Pursuant to Article 10 of the 2017 Annual Town Meeting, the Town amended General By-Laws article 18 to establish the Building Department Revolving Fund. The current Article would limit the total amount that may be spent from this revolving fund.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town limit the total amount that may be spent from the Building Department Revolving Fund for Fiscal Year 2019 to \$300,000.

ARTICLE 11: Will the Town limit the total amount that may be spent from the Elder Services Revolving Fund, established under Article 16 of the General By-Laws, to \$60,000.00 during Fiscal Year 2019, or act on anything relating thereto?
(Inserted at the Request of the Council on Aging)

COMMENT: The Department of Elder Services Revolving Fund is credited with all fees and charges received from Senior Center programs and pays expenses associated with providing these services and activities for the Town's senior residents. Until it was amended in 2016, Massachusetts General Laws chapter 44, section 53E1/2 required towns to reauthorize a revolving fund annually. As a result of the 2016 amendment, towns now may establish departmental revolving funds through a one-time enactment of a By-Law, leaving only the limit on the total amount that may be expended for annual authorization. Pursuant to Article 11 of the 2017 Annual Town Meeting, the Town amended General By-Laws article 16 to establish the Department of Elder Services Revolving Fund. The current Article would limit the total amount that may be spent from this revolving fund.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town limit the total amount that may be spent from the Department of Elder Services Revolving Fund for Fiscal Year 2019 to \$60,000.

ARTICLE 12: Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during Fiscal Year 2018, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This Article is included each year in the event that the existing Reserve Fund is not adequate to cover unbudgeted and unanticipated expenses for the balance of the current Fiscal Year (FY 2018). The specific amount will be reported at Town Meeting.

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

ARTICLE 13: Will the Town raise and appropriate, borrow, or transfer from available funds a sum of money in the amount of \$500,000 to be used with the \$1,000,000 from the Avalon Hingham Shipyard II Memorandum of Agreement signed April 21, 2016 for the purchase of a new Aerial Apparatus for the Hingham Fire Department, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The Hingham Fire Department has a long-term capital replacement program for all assets worth over \$5,000. This ensures that the Department can meet service requirements, maximize the useful life of equipment, and spread major capital purchases over time. Currently, the most pressing need is replacement of the Quint (fire engine/ladder truck), which is 20 years old. To choose a replacement, the Fire Department evaluated various fire apparatus over a 17-month period (including site visits to manufacturers and neighboring fire departments), developed specifications, and evaluated bids. Based on this extensive review, the department concluded that an Aerial Apparatus will best serve the needs of the Town.

The Aerial Apparatus, to be located at Central Station, will provide all the functions of the Quint (pump, water tank, fire hose, aerial ladder, and ground ladders) and also include a platform, i.e., a basket or bucket, mounted at the top of the ladder. The platform will provide a secure place from which a firefighter can operate. It also will allow multiple firefighters and equipment to quickly and safely provide aid, rather than having to scale the ladder individually, while carrying fire-fighting equipment.

The estimated cost of the Aerial Apparatus is \$1,450,000 to \$1,500,000, including the cost of tools and equipment to outfit it for service. Tools and

equipment currently on the Quint are worn-out or obsolete and should not be moved to the new apparatus. To cover a portion of the cost, the Board of Selectmen has entered into an agreement with Avalon Hingham Shipyard II, whereby the latter will contribute \$1,000,000 toward the purchase of a fire apparatus. As a result, the net cost to the Town is \$450,000 to \$500,000. The Quint will be traded in, and the current trade-in estimate of \$5,000 is reflected in the net purchase price. Any amount received over \$5,000 will further reduce the purchase price.

The purchase of a fire engine is typically a 10 to 12-month process, during which the apparatus is built and delivered, the firefighters are trained on the new apparatus, and the apparatus is placed in service. Technology is constantly advancing, and this Aerial Apparatus will allow the Fire Department to meet current fire-fighting needs, maintain the safety of Hingham and its citizens, and ensure a safe and stable platform for our firefighters to perform their duties.

Approval of this Article requires a two-thirds vote by Town Meeting.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate an amount not in excess of \$500,000 for the purchase of a new Aerial Apparatus for the Hingham Fire Department. To meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws chapter 44, section 7, or any other enabling authority and to issue bonds or notes of the Town therefor.

Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws chapter 44, section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 14: Will the Town raise and appropriate, borrow, or transfer from available funds a sum of money to be expended under the direction of the Harbor Development Committee for the purpose of initial repair and restoration of up to four

Town-owned wharves at Town Pier, the POW/MIA Park, the former Mobil Station Parcel, and Barnes Wharf, or act on anything relating thereto?

(Inserted at the request of the Harbor Development Committee)

COMMENT: Article 31 of the 2015 Annual Town Meeting appropriated \$175,000 for Phase I of the repair and restoration of the Town wharves, focusing first on an engineering assessment of the condition of all the wharves. During 2016 and 2017, the Harbor Development Committee pursued Phase II (engineering, design, and permitting) using an additional \$240,000 approved by the 2017 Annual Town Meeting for all four Town-owned wharves. This work will continue in 2018, with a target of completed designs, plans, and substantial progress on permit requests, prior to August 2018.

The Town anticipates applying for a grant from the Seaport Bond Council, which typically entertains municipal requests for funding up to \$1 million annually. These grants are contingent on the Town agreeing to match 20% of the requested amount. The Seaport Bond Council is one example of potential grant opportunities that may require matching funds. With the combination of grant money and Town funds, up to \$1.2 million could be available for the wharf reconstruction and resiliency improvement effort.

The cost and timing of the repairs, reconstruction, and resiliency improvements to all four Town owned wharves is uncertain. Recognizing the significant deferred maintenance and the anticipated rise in sea level, this multi-wharf program will require substantial capital costs to be incurred in future years. The Town expects to be opportunistic in its approach, seeking State and other funding sources to help offset the total cost of the investment.

This Article is an opportunity for the Town to seek inclusion in the August 2018 funding cycle of the Seaport Bond Council. There are no assurances that this source will grant an award during this cycle or will be available in the future. The Article requests an amount of up to \$200,000 that will only be used as "matching funds" if the Town receives a grant from the Seaport Bond Council or similar agency. It is anticipated that, over time, the Town likely will borrow funds for this extensive project. Accordingly, the funding source for this Article is borrowing.

Approval of this Article requires a two-thirds vote by Town Meeting.

The Advisory Committee voted 11-0-2 in support of this Article. The Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate an amount not in excess of \$200,000 to be expended under the direction of the Board of Selectmen for the purpose of the initial repair and reconstruction, as well as the improved resiliency, of up to four Town-owned wharves at Town Pier, the POW/MIA Park, the former Mobil Station Parcel, and Barnes Wharf. The expenditure of these funds is subject to the award of a grant from the Seaport Bond Council or equivalent funding source. To meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws chapter 44, section 7, or any other enabling authority and to issue bonds or notes of the Town therefor.

Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws chapter 44, section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 15: Will the Town raise and appropriate, borrow or transfer from available funds a sum of money to assess and provide designer services for the replacement of the glass block windows at the High School gymnasium and related work, which may involve structural support work including masonry repointing, flashing, roof repair or replacement, replacing heating units, and other ancillary work which would be necessitated by the replacement project, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This Article seeks to appropriate \$60,000 for services related to replacing the failing glass block windows in the High School gymnasium. The project includes an assessment of the structural integrity of the window area and surrounding roof sections. Also included is the preparation of project design documents, management of the bid process, and overall project management.

Cracks were discovered in a number of the glass block windows during a recent preventive maintenance check of the roof and related items. The

cracks were observed in both the three original 50-year old walls and the newer (20-year old) wall. The School Administration requested a safety check of the windows, and it was determined that, while there is a risk of further cracking and a possibility of glass pieces falling into the gymnasium, that risk can be mitigated by the installation of safety netting.

The report also indicated that establishing the total cost of replacing the windows requires a complete structural assessment of the window knee wall and the surrounding roof sections upon which air handlers are located. The concern is that water may have seeped down between the knee wall and roof causing additional problems. Preliminary quotes to replace the windows range from \$600,000 to \$1,000,000 depending on the problems encountered. Also, the work must be performed over the summer, and the Administration feels that there is insufficient time to perform a proper assessment and secure bids to complete the work this summer.

Therefore, the request under this Article is to provide \$60,000 to fund the necessary preliminary work in preparation for submitting an Article to the 2019 Town Meeting to seek funding to replace the windows. In the meantime, netting will be installed to ensure the gymnasium can be used in a safe manner.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate an amount not in excess of \$60,000 from available reserves to assess and provide designer services for the replacement of the glass block windows at the High School gymnasium and related work which may involve structural support work including masonry repointing, flashing, roof repair or replacement, replacing heating units, and other ancillary work that would be necessitated by the replacement project.

ARTICLE 16: Will the Town raise and appropriate, borrow or transfer from available funds a sum of money to be expended at the direction of the Board of Selectmen for the purpose of engineering and associated professional fees to submit an application to the Massachusetts Water Resources Authority ("MWRA") to obtain a permit for the extension of a sewer line to the property located at Barnes Wharf, 30 Summer Street, Hingham, MA and/or the property located at the Hingham Public Library, 66 Leavitt Street, Hingham, MA, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: Neither Barnes Wharf at 30 Summer Street nor the Hingham Public Library at 66 Leavitt Street has a connection to a sewer system, and both are located outside of the Massachusetts Water Resources Authority (“MWRA”) sewer service area. There is interest in seeking admission to the MWRA sewer system for these two Town-owned properties, as discussed below.

Currently, Barnes Wharf has neither a sewer connection nor a septic system. The Town and the Hingham Maritime Center are in discussions concerning a long-term lease of the Barnes Wharf property. As part of any agreement, the Town will pursue admission to the MWRA sewer system for the property.

The Library uses an on-site septic system, but there is some concern that any future modifications/additions to the Library could have an adverse impact on the system. The ability to connect to the MWRA sewer system may be an alternative.

Since both properties are outside the MWRA service area, they each must apply for admission to the system under MWRA Policy OP.11. This process requires the Town initially to request permission from the MWRA to submit an application for each property, and, if approved, then to submit the actual application. The application process requires that certain analyses and engineering be performed, and the Town has received an estimate of \$55,300 for this work. If, for any reason, the Town decides to apply for admission for only one property, the application cost would be reduced by \$3,800.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town appropriate \$55,300 from available reserves to be expended at the direction of the Board of Selectmen for the purpose of engineering and associated fees to submit an application(s) to the Massachusetts Water Resources Authority to obtain a permit(s) for the extension of sewer service to the properties located at Barnes Wharf, 30 Summer Street, Hingham, MA, and/or at the Hingham Public Library, 66 Leavitt Street, Hingham, MA.

ARTICLE 17: Will the Town appropriate or set aside for later spending funds as recommended by the Community Preservation Committee as follows:

1) Appropriate a sum of money from the Community Preservation General Fund for addition to the

Community Preservation Committee’s Administrative Fund;

2) Appropriate a sum of money from the Community Preservation Community Housing Reserve and the Community Preservation General Fund to be used by the Hingham Affordable Housing Trust for the HAHT Opportunity Fund;

3) Appropriate a sum of money from the Community Preservation General Fund to be used by the Hingham Historical Commission for the conservation of historic Town records;

4) Appropriate a sum of money from the Community Preservation General Fund to be used by the Hingham Cemetery Association for the Hingham Cemetery Erosion Control project to preserve historical grave plots located on the southwest corner of the cemetery at 12 South Street, Map 61/Lot 116;

5) Appropriate a sum of money from the Community Preservation General Fund to be used by the Hingham Memorial Bell Tower Committee to restore the mechanisms of Bell #6 and Bell #8 located at 68R Main Street, Map 61/Lot 124A;

6) Appropriate a sum of money from the Community Preservation General Fund to be used by the Hingham Historical Society to install The Old Fort house (Richardson) on a granite foundation and to conduct a limited archaeological survey as needed at 21 Lincoln Street, Map 61/Lot 21;

7) Appropriate a sum of money from the Community Preservation General Fund to be used by the Harbor Development Committee for the Harbor Boardwalk Extension Project, extending from the existing bathing beach boardwalk and extending along the harbor to the Boat Launch parking lot located at 0 Otis Street, Map 50/Lot 50;

8) Appropriate a sum of money from the Community Preservation General Fund to be used by the Hingham Recreation Commission for construction of a play area located at 0 Hull Street, Map 43/Lot 19;

9) Appropriate a sum of money from the Community Preservation General Fund to be used by the South Shore Country Club for Design and Construction Plans for possible replacement of the pool located at 274 South Street, Map 70/Lot 14;

or act on anything relating thereto?
(Inserted at the request of the Community Preservation Committee)

COMMENT: The Community Preservation Act (Massachusetts General Laws chapter 44B) (“CPA”) is a local option statute enacted by the State Legislature in 2000 and adopted by the Town in 2001. It enables municipalities to collect and expend funds (including matching funds from the Commonwealth) to maintain their character by supporting open space, affordable housing, recreation lands, and historic preservation initiatives specifically defined by the CPA. The current Hingham CPA surcharge rate is 1.5% of real property taxes.

The Community Preservation Committee (“CPC”) started the deliberation process this year with a budget of \$1,573,847. That includes local tax revenue from FY17 of \$1,011,594 and a State grant of \$174,017. It also includes funds returned to the CPC from projects that either were completed under budget or cancelled.

In 2018, the CPC is recommending approval of funding for 9 projects for a total of \$1,093,385. An additional \$165,462 of CPA funds will be set aside in anticipation of debt payments for the Hingham Heritage Museum. The museum project (\$1.1MM) was approved by the Annual Town Meeting in 2013 and will require debt payments from CPA funds for no more than five years. To date, \$547,707 has been retained for this purpose. An additional \$315,000 of CPA funds will be set aside in anticipation of debt payments for the Lehner Property. In previous years, \$360,000 has been retained for this purpose. The purchase of this property (\$5MM) was approved by the Annual Town Meeting in 2016, along with an initial payment of \$500,000, and will require debt payments from CPA funds for 20 years. The proposed funding of the 2018 projects will meet the required allocations for historic preservation, open space, and housing.

The comments of the Advisory Committee are set forth below and correspond to the numbered sections of this Article.

1) The CPA allows up to 5% of annual CPA revenues to be reserved for operational and administrative expenses, including engineering, legal, and consulting costs associated with the review of proposed projects, the administration of projects approved by Town Meeting, and the salaries of part-time staff. In the past, Hingham’s administrative appropriations have averaged 3.2% of annual CPA revenues compared to the 5% allowed by the CPA. This year’s contribution to the CPC Administrative Fund equals \$50,000 and represents 4.2% of the annual CPA revenues.

The Advisory Committee, the Board of Selectmen, and the CPC all voted unanimously in support of this appropriation.

2) The Hingham Affordable Housing Trust (“HAHT”) requests \$464,500 to place in the Opportunity Fund established by Town Meeting in 2014. This fund is for the sole purpose of responding quickly to potentially short-window opportunities to purchase sites with major potential for development/preservation of affordable housing within the Town. Should there be a need to borrow funds or mortgage assets to complete a purchase, approval by the majority of the Board of Selectmen is required. If, however, a potential purchase is of a smaller nature, the HAHT can act on its own and acquire the property independently in a timely manner. Transactions involving such funding will be included in a detailed annual financial report from HAHT to the Selectmen. The Town has placed \$493,011 in the Opportunity Fund since it was first established.

In 2017, the HAHT used monies from the Opportunity Fund to create a new affordable unit in Town. When the HAHT purchases such a property, the Trust applies for an affordability restriction from the State Department of Housing and Community Development. Once the restriction is in effect, the HAHT sells the property and places the proceeds back into the Opportunity Fund for future purchases.

The Advisory Committee, the Board of Selectmen, and the CPC all voted unanimously in support of this project.

3) The Hingham Historical Commission is seeking \$3,050 in CPA funds to restore and preserve permanent Town records of births, marriages, deaths, “Records of Bargains and Sales,” “Land Grants,” and other early Town records. The timeframe covers the period of 1630 to 1848. Foremost in need are 10 deteriorated leather-bound volumes considered to be in the poorest condition and currently unusable. Existing degraded conditions include: a) separated bindings, due to dried out animal hide glue, and cracked leather coverings; b) faded, discolored quill pen entries and Gall ink bleed-through; and c) moldy, stained, torn, and flaking parchment paper, resulting in page disintegration. Recent preservation work resulted in all volumes being wrapped in archival tissue paper and safely stored in archival boxes to stabilize and prevent further damage. Restoration by a document conservator will result in: a) a documented record of before and after photographs; b) condition assessments and treatment plans for each of the 10

volumes; and c) public access through the Town Clerk's office.

The Advisory Committee, the Board of Selectmen, and the CPC all voted unanimously in support of this project.

4) The Hingham Cemetery Corporation seeks \$15,000 to control erosion on its southwest corner along an embankment running perpendicular to the street behind Old Ship Church and beside the Memorial Bell Tower. Erosion on the bluff and slope is severe and needs urgent attention in order to preserve colonial-era graves from the risk of collapse. The restoration plan includes excavation and backfill, to reduce the angle of the slope, and then plantings to control future erosion.

Established about 1672 and incorporated in 1838, the Hingham Cemetery is a nonprofit burial ground on 13.3 acres of hilly, terraced land. The cemetery is the oldest burial ground in Hingham, listed on the National Register of Historic Places, and does not receive funding from the Town for its normal operation. The total cost of this erosion control and restoration project is \$43,729, the balance of which will be funded by the Cemetery Corporation. Other recent cemetery projects, paid for by the Cemetery Corporation, include pruning and removal of specimen trees, as needed, and landscaping at the Water Street entrance.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this project. The CPC voted unanimously in support of this project, with one member abstaining.

5) The Hingham Memorial Bell Tower Committee requests \$28,535 to repair two of its 10 change bells. The mechanisms of these two bells, #6 and #8, are in a state of deterioration that requires extraordinary physical effort to ring them. The Memorial Bell Tower, situated on Main Street next to Old Ship Meeting House, is owned by the Town, maintained by the Memorial Bell Tower Committee, and managed by the Hingham Historical Commission.

The Bell Tower is an historic asset to the Town, one of only 11 free-standing "change ringing" towers in the world, and is unusual for its 10 bells (most have 8). Built in 1912 through public donations to commemorate the Town's 275th anniversary, the 6-story tower and bells serve as a "speaking memorial" dedicated to Hingham's original settlers. They create sounds similar to the bell sounds that the original settlers of Hingham would have heard in England

before they left for America. Direct copies of the bells in Hingham, England, these bells were cast by Whitechapel Foundry, which also cast Big Ben and the Liberty Bell.

While CPC granted previous funds used to stabilize the building, the bells and their frames, both over 100 years old, have never been replaced or modified. All 10 bells need work to restore them to their original working condition, including replacing the stays, sliders, and clappers. This funding request addresses the two bells, #6 and #8, which are in the direst need of repair. The Bell Tower Committee may seek additional CPC funding in future years to repair mechanisms in the remaining bells.

Hingham's bells are rung for holidays, Town events, and during visits from international bell ringing tours, as well as weekly on Saturdays. These repairs will help preserve this historic Town asset while ensuring its continued enjoyment by residents and visitors.

The Advisory Committee, the Board of Selectmen, and the CPC all voted unanimously in support of this project.

6) The Hingham Historical Society is seeking \$37,300 in CPA funding to install the 1685 Old Fort House on its former granite block foundation. The building has been resting on temporary concrete blocks since it was moved to the Old Ordinary property at 21 Lincoln Street from 99 Fort Hill Street in 2013. The permanent foundation will be reconstructed from existing stones, previously used at the Fort Hill site, and additional weathered granite stones sourced for correct color and aggregate size to match the appearance of the former foundation.

Focused solely on work pertaining to the Old Fort House, \$37,300 is recommended for appropriation to: 1) archaeologically investigate soil surrounding and beneath the foundation footprint to determine if there are any artifacts; 2) prepare the immediate site and construct the building substructure using the original granite capstones; 3) move the building; 4) complete the perimeter foundation and interior support piers; and 5) provide crawl space access and a new entryway.

The building has been termed "a unique survival as a provision building or military storehouse and it could be the only survivor," according to a local historian, the late John D. Richardson. The Historical Society's goal in installing the Old Fort House on its permanent foundation is to open the building to the public.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this project. The CPC voted unanimously in support of this project with one member abstaining.

7) The Trustees of the Bathing Beach and the Harbor Development Committee seek \$110,000 to extend the existing 8-foot wide brick paver boardwalk southward for 360 feet across the bandstand area to the boat ramp parking lot. To the extent that available funds permit, this project would also construct a portion of a five-foot wide connector walkway from the harbor to the bathhouse/concession/community building. In 2014 and 2017, Town Meeting approved the previous two segments of this walkway, first along the Bathing Beach and then through the grove area.

Proponents estimate the total cost for this phase of walkway construction at \$150,000 to \$160,000. These CPC funds will underwrite a portion of it, with the funds first applied to the walkway along the water and then, to the extent available, the pathway toward the bathhouse. The two committees are seeking grant funding, along with other sources, to cover remaining walkway construction costs.

Envisioned in the 2007 Harbor Master Plan, this project will result in a hard surface/handicapped-accessible walkway along Hingham Harbor, located a safe distance from Route 3A and its traffic. The bathhouse connector will provide safer pedestrian access from that attraction to the beach. Families, beach goers, and Farmers' Market attendees are increasing activity along Hingham's waterfront. These pathways will enhance the Harbor's amenities, providing a more secure and enjoyable pedestrian experience. If approved, proponents anticipate construction during fall 2018 after review and coordination with Town boards.

The Advisory Committee, the Board of Selectmen, and the CPC all voted unanimously in support of this project.

8) The Hingham Recreation Commission seeks \$85,000 to construct a playground at Hull Street field. Located at the corner of Hull and Canterbury Streets, the Town-owned field currently has no recreational amenities, after a safety audit over a decade ago necessitated removal of the playground's equipment. Once vibrant, the field has become an eyesore with no recreational benefit to the neighborhood. Plans call for construction of an 1,800-square foot playground on the field's upper level, with play structures appropriate for both pre-school and elementary school-aged children. The Recreation

Commission will assume financial responsibility for the playground's ongoing maintenance.

Playgrounds serve as community destinations where friends and family can gather in a safe and friendly environment while children pursue physical activity important to health and learning. Cronin Field, the nearest public play area to this neighborhood, is well beyond walking distance for families in this part of Town.

The Advisory Committee voted unanimously in support of this project, with one member abstaining. The Board of Selectmen and the CPC voted unanimously in support of this project.

9) The South Shore Country Club Management Committee ("CCMC") seeks \$300,000 of CPA funding, which is expected to be matched by \$350,000 of private donations, for design and construction plans for a new pool facility located at the South Shore Country Club ("SSCC"). Adoption of the Recommended Motion under this Article would not approve construction of a new pool, per se. Should the SSCC Enterprise Fund seek to raise capital via a bond issuance, or should any additional Town resources be required for construction, approval from a subsequent Town Meeting would be required.

The existing outdoor pool at the SSCC was originally constructed in the 1950s and was extensively upgraded in the 1980s. In recent years, as the previous repairs have approached the end of their useful life, the SSCC has made repairs to the structure to ensure the pool is safe for operation each summer. The SSCC continues to have frequent structural engineering reviews of the pool to ensure its safety. The remaining useful life of the existing pool is considered to be only a few years at best. If it is ever determined the pool is unsafe and repairs are not cost-effective, pool operations will cease.

The 2017 Annual Town Meeting approved a CPC grant to the CCMC for a feasibility study to assess the comparative costs and benefits of options to address the deteriorating swimming pool facility structure. Those options include: terminating SSCC pool operations; repair/replacement of the existing pool; and several pool configurations at a new location within the Country Club (i.e., outdoor pool, indoor pool, and indoor/outdoor facility).

While the completed feasibility study is expected in spring 2018, the CCMC has concluded the following based on the study results received to date:

- That repairing or constructing a new pool in the current pool location is not advisable.
- That it is important that Hingham continue to have a public pool as it benefits residents of all ages and there is considerable Town support for a pool facility.
- That a pool facility that includes all of the following features has the highest likelihood of generating sufficient operating revenue to at least cover the operating costs of the facility. Without all of these attributes, the economic model of the pool facility is considerably less compelling:
 - Indoor year-round lap pool
 - Additional, smaller indoor warm-water pool for swim lessons, exercise classes, and physical therapy
 - Outdoor seasonal family pool with water features
 - Space for fitness equipment and other supportive facilities
- That it is possible to secure private donations to augment public resources to fund design and construction of a new pool facility. As evidence of this, supportive citizens have formed the Friends of South Shore Country Club, a new nonprofit organization to raise money for this project.

With the feasibility study and other analyses not complete, the proponents recognize that the Town does not yet have sufficient information to evaluate the proposed project's ultimate operational and capital financing implications. Therefore, the CCMC has agreed that it will not expend the CPC grant of \$300,000 until the following conditions have been met to the satisfaction of a majority of the Board of Selectmen ("BOS"):

1. Private pledges or donations in the amount of \$350,000 have been raised to match the CPC grant of \$300,000.
2. The feasibility study has been completed and a sustainable operating plan for the facility has been developed.
3. The CCMC and the BOS have agreed on a path forward to fund the capital required to pay for the reasonably estimated construction costs of the facility. Capital funding sources may include some or all of the following: private donations; new debt issued by the

SSCC; and new debt issued by the Town on behalf of the SSCC.

If the conditions are not met, the grant funds will be returned to the CPC for use on future projects.

The Advisory Committee voted 12 to 1 in support of this project with one member abstaining. The Board of Selectmen and the CPC voted unanimously in support of this project.

RECOMMENDED: That the Town appropriate or set aside for later spending funds as recommended by the Community Preservation Committee ("CPC") as follows:

1) Appropriate \$50,000 from the Community Preservation General Fund for addition to the Community Preservation Committee's Administrative Fund;

2) Appropriate \$357,809 from the Community Preservation Community Housing Reserve and \$106,691 from the Community Preservation General Fund to be used by the Hingham Affordable Housing Trust for the HAHT Opportunity Fund;

3) Appropriate \$3,050 from the Community Preservation General Fund to be used by the Hingham Historical Commission for the conservation of historic Town records;

4) Appropriate \$15,000 from the Community Preservation General Fund to be used by the Hingham Cemetery Association for the Hingham Cemetery Erosion Control Project to preserve historical grave plots located on the southwest corner of the cemetery at 12 South Street, Map 61/Lot 116;

5) Appropriate \$28,535 from the Community Preservation General Fund to be used by the Hingham Memorial Bell Tower Committee to restore the mechanisms of Bell #6 and Bell #8 located at 68R Main Street, Map 61/Lot 124A;

6) Appropriate \$37,300 from the Community Preservation General Fund to be used by the Hingham Historical Society to install the Old Fort House (Richardson) on a granite foundation and to conduct a limited archaeological survey as needed located at 21 Lincoln Street, Map 61/Lot 21;

7) Appropriate \$110,000 from the Community Preservation General Fund to be used by the Trustees of the Hingham Bathing Beach and the Harbor Development Committee for the Harbor Boardwalk Extension Project located at 0 Otis Street, Map 50/Lot 50;

8) Appropriate \$85,000 from the Community Preservation General Fund to be used by the Hingham Recreation Commission for construction of a play area located at 0 Hull Street, Map 43/Lot 19;

9) Appropriate \$300,000 from the Community Preservation General Fund to be used by the South Shore Country Club (“SSCC”) for Design and Construction Plans for possible replacement of the pool located at 274 South Street, Map 70/Lot 14. The Country Club Management Committee (“CCMC”) shall not expend the CPC grant of \$300,000 until the following conditions have been met to the satisfaction of a majority of the Board of Selectmen (“BOS”) and shall return such grant funds to the CPC for use on future projects if such conditions have not been met:

- 1. Private pledges or donations in the amount of \$350,000 have been raised to match the CPC grant of \$300,000.**
- 2. The feasibility study has been completed and a sustainable operating plan for the facility has been developed.**
- 3. The CCMC and the BOS have agreed on a path forward to fund the capital required to pay for the reasonably estimated construction costs of the facility. Capital funding sources may include some or all of the following: private donations; new debt issued by the SSCC; and new debt issued by the Town on behalf of the SSCC.**

ARTICLE 18: Will the Town adopt the “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, including future editions, amendments and modifications, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The purpose of this Article is to require the Building Department to regulate new construction according to the “Stretch Energy Code” appendix to the Massachusetts Building Code

(“stretch code”). By adopting the stretch code, Hingham can qualify for designation as a Green Community and thus be eligible for State grants to pay for energy saving projects in municipal buildings.

Massachusetts gives communities two options for their building energy code – a base code and an optional stretch code. The base energy code specifies certain standards that all building projects must achieve regarding their energy consumption and has long been part of the Building Code. In 2009, Massachusetts became the first state to adopt an above-code appendix to the base energy code called the “Stretch Energy Code” (780 CMR Appendix 115.AA), based on standards specified by the International Energy Conservation Code (“IECC”). Unlike the base code, the stretch code emphasizes energy performance, as opposed to prescriptive requirements, and is designed to result in cost-effective construction that is more energy efficient than that built to the base code.

The stretch code is optional. Municipalities can choose to adopt it by vote of Town Meeting, and it likewise can be rescinded by Town Meeting. Where adopted, the stretch code applies to all new residential construction and commercial buildings over 100,000 square feet. It is not applicable to additions, renovations, or repairs to residential or commercial buildings. The stretch code is performance based. It requires new homes to meet a Home Energy Rating System (“HERS”) index rating target, based on a home’s total expected energy use and overall efficiency, rather than mandating the installation of specific levels of energy efficiency for each building element (e.g., windows, wall insulation, roof insulation, furnace). As a result, builders do not have to install specific energy efficiency measures; instead, they have flexibility to choose how to design the home in order to meet the HERS target. The HERS rating is calculated by a certified HERS Rater using accredited software, which adds an additional cost to new home construction (generally found to be in the \$700 to \$1,300 range). However, there are typically significant annual energy bill savings that more than tip the balance to give homeowners a net savings every year.

As of December 2017, there are 216 communities in Massachusetts (out of 351) that have adopted the stretch code, including most towns on the South Shore. Currently, Hingham uses the base energy code which follows IECC standards set in 2015. These 2015 IECC standards are close to the existing stretch code. Moreover, in an effort to promote quality construction, the Building Department currently asks

builders of residential additions to provide HERS ratings on insulation, and does air duct testing for energy efficiency in these residential additions. Therefore, adoption of the stretch code is unlikely to place a burden on local builders.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town adopt the “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, including future editions, amendments and modifications, with an effective date of July 1, 2018.

ARTICLE 19: Will the Town give the name “Lehner Conservation Area” to those parcels of land located on South Pleasant Street, Hingham, MA as described in deeds recorded at the Plymouth County Registry of Deeds in Book 47989, Page 233 and in Book 47989, Page 243 and as further shown on a plan recorded at said registry of deeds in Plan Book 61, Page 40, pursuant to the Town of Hingham General By-Laws Article 40, or act on anything relating thereto?
(Inserted at the request of the Conservation Commission)

COMMENT: The Conservation Commission is proposing that the Town name the 51-acre former Lehner property on South Pleasant Street the “Lehner Conservation Area”. The Town acquired the property from the Lehner family in January 2017 with Community Preservation Act (“CPA”) funds for \$5,000,000 to be financed using CPA bond payments over 20 years.

The property, which is situated within the Accord Pond Watershed and Aquifer Protection District, consists of mixed forest woodlands, grassland meadows, trails, streams, and scenic vistas. It is undeveloped and was the largest remaining privately-owned, residentially-zoned, developable tract of open space in Town. The Lehner family offered to sell the property to the Town at a reduced price, rather than sell it for development, thereby preserving the land in its natural state.

Article 40 of the General By-Laws, adopted at the 2010 Town Meeting, establishes the procedure for the Naming of Public Buildings and Public Lands. Under the By-Law, any proposed name or designation must be recommended by the Board of Selectmen with the advice of the Hingham Historical Commission.

The proposed name “Lehner Conservation Area” has received unanimous approval from the Historical Commission and the recommendation of the Board of Selectmen. As voted by the Historical Commission, “...the proposed designation appropriately honors those family members who protected and maintained the land for nearly one hundred years”.

If Town Meeting approves the name, it will be posted on a hand painted wooden sign on the property like those posted on 20 other open space properties under the jurisdiction of the Conservation Commission.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town give the name “Lehner Conservation Area” to those parcels of land located on South Pleasant Street, Hingham, MA, as described in the deeds recorded at the Plymouth County Registry of Deeds in Book 47989, Page 233, and in Book 47989, Page 243, and as further shown on a plan recorded at said Registry of Deeds in Plan Book 61, Page 40.

ARTICLE 20: Will the Town authorize, but not require, the Board of Selectmen to acquire from Broadstone Bare Cove Alliance, LLC (or the current record owner) for public park purposes to be combined with the adjacent public park known as Bare Cove Park, in accordance with the terms and conditions of the Memorandum of Agreement between Broadstone Bare Cove, LLC and the Town of Hingham dated October 27, 2016 and the First Amendment to said Memorandum of Agreement dated June 20, 2017, for nominal consideration of One Dollar (\$1.00), and on such other terms and conditions as the Board of Selectmen deem in the best interest of the Town, a certain parcel of land shown as Parcel B-1B on a Plan entitled “#230 Beal Street Plan of Land in Hingham, MA (Plymouth County)”, dated November 20, 2017, prepared by Precision Land Surveying, Inc., to be recorded at the Plymouth County Registry of Deeds, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The purpose of this Article is to authorize, but not require, the Board of Selectmen to acquire a 2.231-acre parcel of land located off Beal Street and adjacent to Bare Cove Park for the nominal sum of \$1.00. The parcel was offered to the Town as part of a mitigation package negotiated by the Board of Selectmen in connection with a Chapter 40B project proposed by Broadstone Bare Cove Alliance, LLC (the “Developer”), at 230 Beal Street (the former

Hingham Mutual Insurance site). The comprehensive permit issued by the Board of Appeals for the project also requires the Developer to convey the parcel to the Town. The parcel is to be conveyed prior to occupancy of the project by any tenants. It will be combined with the adjoining Bare Cove Park and used for public park purposes; however, it will only be subject to State and local restrictions and not the Federal restrictions that govern Bare Cove Park.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article. The Conservation Commission and the Bare Cove Park Committee also support this Article.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to acquire from Broadstone Bare Cove Alliance, LLC (or the current record owner), for public park purposes to be combined with the adjacent public park known as Bare Cove Park, in accordance with the terms and conditions of the Memorandum of Agreement (“MOA”) between Broadstone Bare Cove, LLC, and the Town of Hingham dated October 27, 2016 and the First Amendment to said MOA dated June 20, 2017, for nominal consideration of One Dollar (\$1.00), and on such other terms and conditions as the Board of Selectmen deem in the best interest of the Town, that certain parcel of land shown as Parcel B-1B on a Plan entitled “#230 Beal Street Plan of Land in Hingham, MA (Plymouth County)”, dated November 20, 2017, prepared by Precision Land Surveying, Inc.

ARTICLE 21: 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 amending Section VI by inserting after the definition of Lot Line, Side the following:
"Lot Width the horizontal distance between side lot lines, measured parallel to the lot frontage";

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

COMMENT: The purpose of this Article is to add the definition for “Lot Width,” which was adopted as part of the regulation of “Lot Shape” under Article 33 at last year’s Town Meeting, to the definitions section of the Zoning By-Law for easy reference. The Article does not in any way amend the definition.

Approval of this Article requires a two-thirds vote by Town Meeting.

The Planning Board and the Advisory Committee each voted unanimously in support of 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: By amending Section VI by inserting after the definition of “Lot Line, Side” the following: “Lot Width The horizontal distance between side lot lines, measured parallel to the lot frontage.”

ARTICLE 22: 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 amending Section IV-D.9.b. by inserting “principal” after the word “detached” in the last sentence;

Item 2: By amending Section IV-D.9.b by deleting “where applicable” in the last sentence;

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

COMMENT: The intent of this Article is to clarify the existing language in Section IV-D.9.b of the Zoning By-Law regarding dimensional requirements for Flexible Residential Developments. Currently, this section requires a minimum distance of 30 feet between detached structures on the same lot. The Article would provide that this requirement only applies to principal structures (residential buildings) and not accessory structures (swimming pools, sheds, etc.)

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board refined the language of the amendment for clarity and then voted unanimously in support of this Article. The Advisory Committee voted unanimously in support of 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: By amending Section IV-D.9.b. by replacing the last sentence thereof with the following:

“· Minimum Distance between detached principal structures on the same lot: 30 feet”.

ARTICLE 23: 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 amending Section III-C, 1 by deleting the following text: "25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 25023C0101J, 25023C0102J, 25023C0103J, 25023C0104J, and 25023C0111J, dated July 17, 2012, and panel numbers 25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J and 25023C0082J revised to August 14, 2015" and inserting the following text: "25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 25023C0101J, 25023C0102J, 25023C0103J, 25023C0104J, and 25023C0111J, dated July 17, 2012, and revised by Letters of Map Revision effective August 14, 2015, September 8, 2017, and December 13, 2017.",

Item 2: By deleting the number "2015" from the last sentence in the first paragraph of Section III-C.1.,

Item 3: By inserting "s" to "Letter" and changing "is" to "are" in the last sentence of the first paragraph of Section III-C.1,

Item 4: By deleting the current map "Zoning Part B: Floodplain Protection Overlay District" and replacing it with the updated map with the same title that (1) shows the correction to the floodplain information on the following parcels: 30 Cushing Avenue, 17-0-99; 37 Cushing Avenue, 17-0-100; 60 Howe Street, 17-0-10; 62 Howe Street, 17-0-11; 64 Howe Street, 17-0-12 (2) is dated 2018, not 2016, (3) deletes "and 2015", and (4) inserts "and revised by Letters of Map Revision effective August 14, 2015, September 8, 2017, and December 13, 2017" after "FEMA";

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

COMMENT: This Article seeks to update language in the Floodplain Protection Overlay District section of the Zoning By-Law, by correctly referencing the relevant Flood Insurance Rate Map (FIRM) panel numbers and related Letters of Map Revision. The FIRM panels are used to identify which areas lie within the overlay district. The Article also proposes to modify the map of the Floodplain Protection Overlay District (Zoning Part B map) to correct a mapping error and to update the map legend.

The data available online referencing the Floodplain Protection Overlay District are correct; only the

printed maps are in error. As noted above, the Town relies on the FIRM panels for regulations; the FIRM panels are not in error.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board clarified language in the Article; as a result, Items 2 and 3 were deleted and replaced with Item 2 in the Recommended Motion. The Planning Board then voted unanimously to approve the Article as revised. The Advisory Committee voted unanimously in support of this Article.

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

Item 1: By replacing the third sentence of the first paragraph of Section III-C.1 in its entirety with the following: "The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hingham are panel numbers 25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 25023C0101J, 25023C0102J, 25023C0103J, 25023C0104J, and 25023C0111J, dated July 17, 2012, and revised by Letters of Map Revision effective August 14, 2015, September 8, 2017, and December 13, 2017."

Item 2: By replacing the last sentence of the first paragraph of Section III-C.1 in its entirety with the following: "The Letters of Map Revision are on file with the Conservation Commission."

Item 3: By replacing the zoning map entitled "Zoning Part B Floodplain Protection Overlay District", dated April 2016, with the map entitled "Zoning Part B Floodplain Protection Overlay District", dated April 2018, to reflect the following changes: (1) to correct the Federal Emergency Management Agency (FEMA) Flood Zone designation for the following parcels: 30 Cushing Avenue, 17-0-99; 37 Cushing Avenue, 17-0-100; 60 Howe Street, 17-0-10; 62 Howe Street, 17-0-11; 64 Howe Street, 17-0-12 and (2) to replace the last sentence of the footnote to such map with the following: "Flood zone designations are based on 2012 Flood Insurance Rate Maps issued by FEMA and revised by Letters of Map Revision effective August 14, 2015, September 8, 2017, and December 13, 2017 for the administration of the National Flood Insurance Program."

ARTICLE 24: 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 amending Section III-A to delete the content in III-A.4.18 and insert "Intentionally left blank";

Item 2: By amending Section V-A.2 to insert ", or deviating from the Design Standards specified by this Section V-A" after "V-A" in the second sentence;

Item 3: By amending Section V-A.2 to insert "or across the street from it, provided that service operations are not performed at the parking area" after "contiguous parcel";

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

COMMENT: This is a "cleanup" Article intended to correct a prior oversight, move the off-site parking provisions into Section V-A of the Zoning By-Law (the off-street parking requirements section), and conform language to existing Planning Board practice. In 2006, the Town amended the Zoning By-Law to transfer responsibility for review of parking from the Board of Appeals to the Planning Board. It appears, however, that Item 4.18 of the use table governing off-site parking was inadvertently left unchanged, thereby keeping the Board of Appeals as the special permit granting authority for off-site parking determinations. This Article would correct that oversight and would also clarify that the Planning Board may waive strict compliance with the Zoning By-Law's parking design standards as part of the special permit process. This is consistent with current practice.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board deleted language imposing a ban on service operations at off-site parking areas because the Planning Board already regulates such activities under other provisions of the Zoning By-Law. The Board also made clarifying changes in the language and then voted unanimously to approve the Article as revised. The Advisory Committee voted unanimously in support of 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: By amending Section III-A to delete the content in III-A.4.18 and insert "Intentionally left blank";

Item 2: By amending Section V-A.2 to insert ", or deviating from the Design Standards specified by this Section V-A" after "V-A" in the second sentence;

Item 3: By amending Section V-A.2 to replace the fifth sentence with the following: "Parking areas for each land use shall be located on the same parcel unless a Special Permit A3 is granted by the Planning Board to permit parking on a contiguous parcel or on a parcel across the street."

ARTICLE 25: 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 amending Section V-I.4(a) to insert "and related access roads" after "Driveways" in the first sentence.

Item 2: By amending Section V-I.4(a) to insert ", as amended." after "Chapter 18";

Item 3: By amending Section V-I.4(a) to delete "18" cape cod berm" in the last sentence and insert "12" cape cod berm";

Item 4: By amending Section V-I.4(b) to insert "or access road" after "Driveway" in the second sentence.

Item 5: By amending Section V-I.5 to delete the last sentence which states "Approved legal documents shall be recorded prior to issuance of a building permit for any building to be served by the Common Driveway." and replace it with "Approved legal documents shall be recorded prior to a. issuance of a building permit for any building to be served by the Common Driveway or b. construction of or improvements to the Common Driveway or related access roads, whichever occurs first."

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

COMMENT: This Article makes minor refinements to the Common Driveways section of the Zoning By-Law (i) to reduce the size of required cape cod berms

from 18 to 12 inches and (ii) to amend the language regarding filing of required easements and other agreements. The proposed narrower berm functions as effectively for common driveway curbing as the currently required 18-inch version. In addition, the 12-inch berm offers positive environmental impacts by reducing impervious surfaces and conforms with the size of commonly used paving equipment. The Article's revised language regarding legal documents imposes the requirement to record easements and similar documentation in advance of construction on all common driveways, not just those associated with building permits.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board decided not to change language governing access roads. As a result, items 1, 2, and 4 in the original Article were deleted and the items renumbered in the Recommended Motion. The Planning Board then voted unanimously to approve this Article as revised. The Advisory Committee voted unanimously in support of 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: By amending Section V-I.4(a) to delete "an 18"cape cod berm" in the last sentence and insert "a 12" cape cod berm";

Item 2: By amending Section V-I.5 to delete the last sentence, which states "Approved legal documents shall be recorded prior to issuance of a building permit for any building to be served by the Common Driveway", and replacing it with "Approved legal documents shall be recorded prior to a) issuance of a building permit for any building to be served by the Common Driveway or b) construction of or improvements to the Common Driveway, whichever occurs first."

ARTICLE 26: 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 amending Section III-A. to insert the following subsection: "1.8.9 Accessory Dwelling Units within an existing single-family dwelling, subject to Section V-K", to be permitted by Special Permit A1 ("A1") in Residence District A, Residence District B, Residence District C Residence District D, Residence

District E, Business District A and Business District B, and prohibited ("O") in all other zoning districts.

Item 2: By amending Section V to insert the following:

"V-K Accessory Dwelling Units

1. Purpose

The purpose of permitting accessory dwelling units in existing dwellings is to:

- a. Provide small additional dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of the Town and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership.
- b. Eliminate unpermitted accessory dwelling units and enable the Town to monitor construction for code compliance.
- c. Protect stability, property values and residential character of the surrounding neighborhood.

2. Definitions

An "accessory dwelling unit" is a second self-contained dwelling unit subordinate in size to the principal dwelling on a lot and incorporated within the principal dwelling.

A "principal dwelling", for the purposes of this Section V-K, shall be a single-family dwelling.

A single-family dwelling with an accessory dwelling unit shall not be deemed to be a two-family dwelling.

3. Eligibility Requirements

An accessory dwelling unit may be allowed by Special Permit A1 issued by the Board of Appeals within a principal dwelling that meets the following minimum requirements:

- a. The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet.
- b. The accessory dwelling unit shall only be permitted in a single-family dwelling for which a final certificate of occupancy was issued at least two-years prior to an application for said permit, and if no such certificate was issued, which was legally occupied prior to such date.

- c. Only one accessory dwelling unit shall be permitted within a single-family dwelling and per lot, so that the total number of dwelling units per lot shall not exceed two.
- d. Accessory dwelling units shall comply with all applicable state and local regulations and deed restrictions.

4. Ownership Requirements and Term of Permit Limitations

- a. The owner of the property shall occupy either the principal dwelling or the accessory dwelling unit as their primary legal residence. Said ownership shall be full one hundred percent (100%) fee ownership of the property or a life estate. Temporary absences of the owner of periods less than one year shall not be deemed a violation of this requirement.
- b. The special permit shall expire automatically three years from the date of issuance unless an earlier expiration date is specified by the Board of Appeals. Prior to expiration the applicant may submit a written request to the Zoning Administrator for successive three-year terms which will be granted by the Zoning Administrator if the property continues to comply with the approval criteria contained herein and any conditions of the special permit.
- c. The special permit shall terminate if the property is no longer the primary and legal residence of the owner.
- d. A subsequent owner occupant may submit an application to the Board of Appeals for a Special Permit A1 to maintain the accessory dwelling unit.
- e. There shall be no renting of rooms or boarding of lodgers in either dwelling unit on the premises.
- f. No condominium conversion is permitted.

5. Dimensional and Design Requirements

- a. The accessory dwelling unit shall be located in the existing principal dwelling.
- b. The scale of any accessory dwelling unit shall be consistent with the single-family character of the lot and the principal residence and of the surrounding neighborhood.

- c. The maximum area of an accessory dwelling unit shall be the lesser of 900 square feet or 40% of the gross floor area of the principal dwelling. The accessory dwelling unit shall contain no more than one bedroom. For this calculation, the gross floor area shall be as defined in section VI of the Zoning By-Law.
- d. An accessory dwelling unit shall not be created by any extension of a non-conforming dimension or front, side or rear lot setback.
- e. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
- f. If provided, any new entrance and/or independent access or egress for the accessory dwelling unit shall be located to the side or rear of the principal single-family dwelling or accessory dwelling unit.
- g. Where two or more entrances already exist on the front façade of a single-family dwelling, modifications made to any of the entrances shall result in one entrance appearing to be the principal entrance and the other entrance appearing to be secondary.
- h. All utilities serving the accessory dwelling unit shall be extensions of utilities serving the principal single-family dwelling.
- i. The accessory dwelling unit shall be constructed in a manner that protects abutting properties from potential negative impacts with appropriate landscaping or other buffers.
- j. The parking requirement for an accessory dwelling unit is one space.
- k. Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.
- l. As applicable, the maximum number of bedrooms on an existing single-family lot with an accessory dwelling unit shall

comply with the requirements of Title 5, the Hingham Board of Health requirements, and the Town of Hingham's Supplemental Rules and Regulations, as amended.

6. Special Conditions

In addition to the conditions, standards and criteria as may be set forth in this By-Law, the Board of Appeals may impose additional conditions and limitations as it deems necessary to ensure that the findings that it must make are satisfied, including but not limited to:

- a. Dimensional standards and controls that are more restrictive than the zoning district in which the single-family dwelling is located.
- b. Screening or landscaping of the principal or accessory uses from view from adjoining lots and from the street, by planting, walls, fences or other devices; planting of larger planting buffers, with more or larger plant materials or higher walls or fences than that required.
- c. Conditions requiring modification of the special permit shall include any proposed change to the site, lot or extension of the principal dwelling.

7. Additional Requirements

- a. No use as an accessory dwelling unit shall be permitted prior to the issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall be issued after the Building Commissioner determines that the accessory dwelling unit as constructed is in conformity with the approved plans and with the provisions of the Hingham Zoning By-Law.

8. Approval Criteria

In addition to the criteria contained in Section I-F, 2, the Board of Appeals may approve such application for a Special Permit A1 if it finds that, in its judgment:

- a. The architectural character of a detached single-family dwelling is maintained.
- b. The existing structure is consistent with the typical size of nearby single-family dwellings."

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

COMMENT: This Article would add provisions for accessory dwelling units ("ADUs") to Hingham's Zoning By-Law for the first time. These units, also referred to as accessory apartments, in-law apartments, or granny-flats, are second living quarters within a single-family dwelling that are independent of the principal dwelling. As separate living spaces, they are equipped with their own kitchen and bathroom facilities. This proposed zoning amendment would only allow ADUs that are incorporated within the primary dwelling, rather than in separate structures, such as barns or garages. It requires the property to be owner-occupied, and the residents of the two units must be family members. Family members are defined for the purposes of this Article as persons related to the owner by blood, adoption, or marriage, and may also include domestic help and caregivers.

These comments pertain to the version of this Zoning By-Law amendment found in the Recommended Motion below. During the public hearing sessions, the Planning Board made alterations to the provisions of this Article to reflect the intent of the Board.

An applicant seeking to have an ADU would need to request a Special Permit A1 from the Board of Appeals ("ZBA"). Following a public hearing, the ZBA may grant, grant with conditions, or deny the Special Permit application.

The majority of the Planning Board sees this proposal as an important addition to Hingham's housing strategy and consistent with the goals of its 2017 Master Plan. By creating flexible housing options in owner-occupied residences, ADUs could allow seniors to age in place, accommodate family members in need, and provide lower cost options for Hingham residents. The amendment seeks to enable this housing without adding buildings or affecting the residential character of the Town.

While Hingham housing costs continue to rise, 20% of residents earn less than \$40,000 a year. According to the Metropolitan Area Planning Council's master plan study for Hingham, 32% of the Town's owner-occupied households fall into the category of "housing cost burdened," defined as residents whose housing expenditures exceed 30% of household income. ADUs offer less expensive housing options.

Often residents' homes are their largest asset. This amendment would allow such assets to be utilized for

the benefit of Hingham families. For residents 65 and older, projected to be over 30% of the Town's population by 2030, ADUs offer opportunities for aging in place. Seniors could remain in their homes while family members live with them, providing companionship and security while sharing in homeownership costs and responsibilities. For adult children, these units could offer economical housing options permitting them to live in the town they call their own, while continuing academic or professional pursuits. This amendment may also furnish alternatives for persons with disabilities to live in their home of origin. Public comments throughout the hearing process focused on providing options for families that are already a part of the Hingham community. These owners want to stay in the community they call home. Their children want to reside here.

A number of Massachusetts communities currently permit ADUs under their zoning regulations, either by right or through special permits. In 2014, a review of similar towns to Hingham compared 14 communities all of which allow ADUs. This list includes Andover, Canton, Cohasset, Concord, Dedham, Duxbury, Lexington, Milton, Norwell, Rockland, Scituate, Weston, Westwood, and Wellesley.

Significant elements included in this proposed Zoning By-Law amendment include:

- Restricting ADUs to owner-occupied single-family dwellings;
- Limiting occupancy of ADUs to family members;
- Permitting ADUs throughout Hingham's residential districts;
- Allowing only one ADU per single-family lot, on lots no smaller than 5,000 square feet;
- Capping the total number of ADUs eligible for special permits at 2.5% of the Town's single-family housing stock;
- Restricting the size of accessory units to no more than 750 square feet or 30% of the principal dwelling's gross floor area, whichever is smaller;
- Limiting the number of bedrooms in ADUs to two;
- Ensuring adequate noise and sight buffers by requiring fencing or landscaping where appropriate;
- Requiring certifications, both annually and at the sale of any single-family dwelling with an ADU, that the owner occupies one of the units and that a family member occupies the other;

- Restricting eligibility for a special permit to ADUs created without extensions of non-conforming dimensions.

The amendment addresses environmental concerns by requiring Board of Health or Sewer Department confirmation that waste water requirements are met. Increased parking and traffic impacts are mitigated by capping the units' size at two bedrooms. Requirements such as internal stairways and side or rear entrances help protect the single-family architectural design of neighborhoods. Abutters' concerns are mitigated by the requirement of noise and visual buffers. Provisions that help to preserve Hingham's residential character include: limiting ADUs to one per single-family lot; locating them exclusively within the primary dwelling; permitting them solely in owner-occupied homes; restricting occupancy to family members; and constraining the total number of ADUs town-wide.

Those in support of this Article see the importance of providing flexible, moderately-priced housing options for Hingham families. In particular, they cite the ability of seniors to age in Town while sharing the burdens and responsibilities of home ownership. Proponents view the amendment as protecting the stability, property values, and residential character of surrounding neighborhoods where ADUs are permitted.

Members of the Police and Fire Departments commented in support of this Article primarily because it would help eliminate currently unpermitted ADUs, enabling the Town to monitor construction for code compliance. Among other things, this monitoring ensures that fire alarm systems meet code, septic systems and sewer capacity are adequate, and buildings have the proper house numbers with designations for each entrance for emergency situations.

Those in opposition to the amendment express concerns about increased density degrading Hingham's residential character. They cite potential negative environmental consequences such as increased water consumption and septic and sewer impacts. In their view, additional units on existing lots may lead to increased parking and traffic. They also fear inadequate enforcement to adequately protect neighbors and abutters.

While the majority of the Planning Board sees this Article as balancing the advantages of allowing accessory units with conditions appropriate for

Hingham, they also consider it important for Town Meeting to decide.

This amendment provides practical housing options for Hingham families, including seniors, disabled residents, empty nesters, and young workers. ADUs are smaller in size, developed primarily by converting existing structures, are dispersed throughout the community, and make efficient use of existing infrastructure. By providing flexible housing options for residents, Hingham can retain families and individuals who might otherwise be priced out of the community. This amendment allows Hingham residents to stay in Hingham while maintaining the Town's residential character.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board refined the amendment's provisions to address concerns raised at the hearing and then voted 4 to 1 in support of this Article. The Advisory Committee voted 13 to 1 in support of 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: By amending Section III-A. to insert the following subsection: "1.8.9 Accessory Dwelling Units within a single-family dwelling, subject to Section V-K", to be permitted by Special Permit A1 ("A1") in Residence District A, Residence District B, Residence District C, Residence District D, Residence District E, Business District A and Business District B, and prohibited ("O") in all other zoning districts.

Item 2: By amending Section V to insert the following:

"V-K Accessory Dwelling Units

1. Purpose

Consistent with the Master Plan Goals adopted March 20, 2017, the purpose of permitting accessory dwelling units in single-family dwellings is to:

- a. Provide accessory dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of the dwelling and for the purpose of enabling owners of single-

family dwellings to share space and the burdens of homeownership with family members (as defined in this Section V-K) while also protecting the stability, property values and residential character of the surrounding neighborhood.

- b. Provide housing units for family members with diverse housing needs including, without limitation, family members with mental and physical disabilities.
- c. 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 within a single-family dwelling, which second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.
- b. For the purposes of this Section V-K, a "family member" shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.
- c. 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.
- d. 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 in which the accessory dwelling unit is proposed and must certify in such application that (i) 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 and (ii) that the other unit shall be occupied by a family member.
- 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 or, in the case of new construction, 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 within a single-family dwelling and 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 preexisting nonconforming single-family dwellings.

4. Dimensional and Design Requirements

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 detached single-family dwelling shall be maintained.
- b. All stairways accessing an accessory dwelling unit above the ground floor of a single-family dwelling shall be enclosed within the exterior walls of the single-family dwelling.
- c. The maximum area of an accessory dwelling unit shall be the lesser of 750 square feet or 30% 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.
- f. Water and sewer utilities serving the accessory dwelling unit shall not be metered separately from the principal dwelling.
- 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. 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 nine 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 provided that the dwelling units may only be occupied by family members of the owner during the owner's absence.**
- 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 5.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.**

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: By amending Section III-A to number the first two paragraphs by inserting the numerals "1" and "2" respectively;

Item 2: By amending Section III-A by inserting a new paragraph "3. In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, and any other types of licensed marijuana-related businesses, including businesses dealing in marijuana accessories, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Hingham. This prohibition shall not be construed to prohibit Registered Marijuana Dispensaries to the extent permitted under this Zoning By-Law.";

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

COMMENT: This is the first of three zoning Articles proposed by the Planning Board and two Articles advanced for Town Meeting consideration by the Board of Selectmen relating to the prohibition or regulation of marijuana establishments (i.e., marijuana not medically prescribed, also referred to as recreational or adult-use marijuana) and businesses dealing in marijuana accessories. These Articles do not affect medical marijuana.

In 2016, voters in the Commonwealth approved a ballot initiative legalizing limited adult use of marijuana and licensing of marijuana establishments. Subsequently, the Legislature amended the new marijuana law (now codified as Massachusetts General Laws chapter 94G) and created the Cannabis Control Commission (the "Commission") to develop a licensing and regulatory system for marijuana establishments. These establishments include businesses cultivating, selling, producing, and testing marijuana and marijuana products as well as businesses offering onsite consumption of marijuana. In addition, the law authorizes municipalities to regulate businesses selling marijuana accessories. In the election held on November 16, 2016, Hingham voted 58.3% (8,373 votes) against the ballot initiative and 41.7% (5,994 votes) in favor. Under State law, towns such as Hingham that voted against the ballot initiative may ban marijuana establishments by a town meeting vote adopted before the end of December 2019 (after which date the town must also have a ballot vote at an election).

It is unclear whether a ban must be adopted as an amendment to the Zoning By-Law (and hence require a two-thirds vote) because it would involve a land use or whether it may be done by a general By-Law (majority vote). Because of this uncertainty, and upon the recommendation of the Massachusetts Attorney General's office and Town Counsel, both a zoning amendment and a general By-Law amendment are being brought before Town Meeting for consideration.

At the 2017 Town Meeting, Hingham imposed a temporary moratorium on marijuana establishments until June 30, 2018. The purpose of the moratorium was to allow the Town time to review expected State regulations of marijuana establishments and, against the background of the State requirements, determine how best to regulate these businesses locally. The State regulations came out in draft form in December 2017 and were expected to be final in part by March 15, 2018, after the Warrant is finalized. Other regulations relating to delivery services and onsite consumption of marijuana have been deferred until at least the fall of 2018. The Commission is authorized to start accepting license applications for marijuana establishments on April 1, 2018. Accordingly, the final State regulations were not available for the Planning Board's deliberations, leaving questions about the nature and variety of activities that the Commission will allow and the requirements that will apply to these establishments.

This Article 27 proposes a zoning ban, while Article 28 proposes a general By-Law ban. If Article 27 passes, the Planning Board recommends no action on Articles 29 and 30. If Article 27 fails, Articles 29 and 30 provide two alternatives that would regulate marijuana establishments similar to other land use categories. If Article 27 fails, the Planning Board will recommend Article 29 be adopted and no action taken on Article 30. Article 29 would designate zoning districts and establish requirements governing these businesses. If both Article 27 and Article 29 fail, the Planning Board will recommend Article 30 to impose only minimal restrictions by excluding marijuana establishments from certain use categories (e.g., the Farmers' Market and home occupations).

The current Article would amend the use table of the Zoning By-Law so as to prohibit in the Town all types of marijuana establishments, including marijuana cultivators, testing facilities, product manufacturers, retailers, and businesses offering on-site consumption, as well as businesses dealing in marijuana accessories. The ban would not affect medical marijuana facilities (also known as registered marijuana dispensaries), which are currently allowed

by special permit in two zoning districts. Nor would the ban affect the ability of marijuana establishments outside of Hingham from making deliveries within the Town were the Commission to adopt regulations authorizing such businesses.

Several reasons have been advanced in support of a ban. These include potential adverse impacts on public health, public safety, youth, and community character. Thus, proponents of the ban warn of negative effects on children and young adults due to easier access to marijuana. They believe allowing marijuana establishments in Town would suggest to adolescents that marijuana is safe and not subject to abuse. Edible marijuana products are seen as a particular concern in this regard. With respect to public health, ban proponents argue that, at least for some people, marijuana is a gateway drug, the use of which should not be encouraged, and that easy access will increase drug misuse and abuse, resulting in increased accidental overdoses and hospitalizations. Public safety concerns and associated demands placed on police department resources relate to impaired driving and crimes (such as burglary) directed at marijuana establishments. The difficulty of reliably measuring marijuana levels in drivers could present challenges for traffic enforcement. The cash-only nature of these businesses (due to the status of marijuana under federal law) could make them prime targets for robbery. Moreover, the Hingham Fire Department has expressed concerns about fire safety in connection with the marijuana cultivation and product manufacturing processes. Finally, some ban proponents believe that allowing retail marijuana sales is not consistent with a desirable image of the Town.

In response to these arguments, opponents of the ban argue that marijuana is a legal substance in the Commonwealth and should be treated on a par with alcohol. It will be easily available to Hingham residents by traveling to other communities or potentially by delivery to Hingham locations from businesses in other municipalities, so why not allow its sale in Town? In short, it is inappropriate to burden Hingham residents looking to buy a legal product. They note that the State statute and draft regulations mandate large buffer zones between marijuana establishments and schools and other places where children gather. Thus, there will be safeguards against access by youth. Moreover, ban opponents urge that adults should be respected and trusted not to provide illegal substances to the under-aged. They also argue that health data show marijuana is not widely addictive, with few, if any, adverse health

effects for the vast majority of adults. Indeed, they believe that the availability of marijuana could decrease the misuse of opioids.

In addition, by legalizing and regulating marijuana, ban opponents claim that illegal activity will decrease and safety will be improved. Illegally obtained marijuana is not subject to any testing standards. By creating a regulatory structure, the quality and safety of the supply will be enhanced to the benefit of the community. Legalization should result in a decline in illicit sales, thereby freeing up police resources. Finally, they point out that marijuana establishments can be a source of tax revenue, as well as benefits from a host community agreement, especially welcome in difficult times for the Town's budget. However, the amount of revenue, if any, which might be generated is speculative and dependent on whether one or more marijuana establishments desire to locate in Hingham.

During its deliberations, the Planning Board's overriding concern was the unsettled nature of the State regulatory framework. Given the rapid evolution of the Commission's regulations, which remain incomplete, there are many questions as to how marijuana will be governed. Furthermore, the ultimate position of the federal government (with marijuana still illegal under federal law) is likewise unknown. Under these circumstances, the Planning Board believes it is prudent to proceed with caution, see how the State regulations develop, and understand how this new industry will operate. The Town should take time to evaluate the impacts of marijuana establishments on other towns before trying to set up a zoning structure.

Similarly, the Planning Board believes there are too many unknowns concerning the effect of marijuana on health and safety as well as on community character and services to allow marijuana establishments in Town at this time. The State marijuana statute directs the Commission to conduct wide-ranging research to understand the social and economic trends of marijuana in the Commonwealth. This research, of course, has not yet occurred and no doubt will extend over a lengthy time period. Data from Colorado (where marijuana has been legal since 2014) is so far inconclusive, but has raised some troubling issues as to impacts on safety, health, and youth, which that state will continue to assess. Accordingly, the Planning Board believes the Town should not be in the forefront of this issue, but instead wait for more data to be developed through the Commission's (and other) research and to see the experience of other communities that do allow

marijuana establishments. If research and the experience of others subsequently show it to be appropriate, the Town could rescind the ban. The Advisory Committee agrees with the Planning Board's analysis. The School Administration, School Committee, and Police Chief all support a ban.

Approval of this Article requires a two-thirds vote by Town Meeting.

The Planning Board held 9 hearings lasting a total of approximately 10 hours and received numerous written comments on this and the other marijuana zoning Articles. For the reasons set forth in the Planning Board's report, which is included in the Warrant, the Planning Board voted unanimously in support of this Article. The Advisory Committee voted unanimously in support of 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: By amending Section III-A to number the first two paragraphs by inserting the numerals "1" and "2" respectively;

Item 2: By amending Section III-A by inserting a new paragraph "3. In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, including, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana, and any other types of licensed marijuana-related businesses, as well as businesses dealing in marijuana accessories, and the conducting of any such activity for commercial purposes by whatever name used, shall be prohibited within the Town of Hingham. This prohibition shall not be construed to prohibit Registered Marijuana Dispensaries to the extent permitted under this Zoning By-Law."

Item 3: By repealing Section V-J (Regulation of the Sale and Consumption of Marijuana Not Medical Prescribed) in its entirety.

ARTICLE 28: Will the Town vote to amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by inserting a new General By-Law Article 43 as follows:

Article 43 – Marijuana Not Medically Prescribed

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1, and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana, and any other types of licensed marijuana-related businesses, including businesses dealing in marijuana accessories, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Hingham. This prohibition shall not be construed to prohibit Registered Marijuana Dispensaries to the extent permitted under the Town of Hingham Zoning By-Laws;

or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This Article proposes the adoption of a General By-Law to ban marijuana establishments (i.e., marijuana cultivators, testing facilities, product manufacturers, retailers, and on-site sellers for on-site consumption) and businesses dealing in marijuana accessories in Hingham. This Article does not affect medical marijuana and does not prevent marijuana establishments located outside Hingham from making deliveries within the Town of Hingham, consistent with regulations adopted by the State Cannabis Control Commission (“Commission”). The details of the regulations relating to delivery services will not be available until the Fall of 2018 and could be deferred to a later date. The Board of Selectmen proposed this Article and, without taking a position for or against the proposed law, voted unanimously to advance this question for Town Meeting consideration.

In 2016, voters in the Commonwealth approved a ballot initiative legalizing limited adult use of marijuana and licensing of marijuana establishments. Subsequently, the Legislature amended the new marijuana law (now codified as Massachusetts General Laws chapter 94G) and created the Commission to develop a licensing and regulatory system for marijuana establishments. These establishments include businesses cultivating, selling, producing, and testing marijuana and marijuana products, as well as businesses offering onsite consumption of marijuana. In addition, the law authorizes municipalities to regulate businesses selling marijuana accessories. In the election held on November 16, 2016, Hingham voted 58.3% (8,373

votes) against the ballot initiative and 41.7% (5,994 votes) in favor. Under State law, towns such as Hingham that voted against the ballot initiative may ban marijuana establishments by a town meeting vote adopted before the end of December 2019 (after which date the Town must also have a ballot vote at an election).

It is unclear whether a ban must be adopted as an amendment to the Zoning By-Law (and hence require a two-thirds vote) because it would involve a land use or whether it may be done by a general By-Law (majority vote). Because of this uncertainty, and upon the recommendation of the Massachusetts Attorney General’s office and Town Counsel, both a zoning amendment and this general By-Law amendment are being brought before Town Meeting for consideration.

At the 2017 Town Meeting, Hingham imposed a temporary moratorium on marijuana establishments until June 30, 2018. The purpose of the moratorium was to allow the Town time to review expected State regulations of marijuana establishments and, against the background of the State requirements, determine how best to regulate these businesses locally. The State regulations came out in draft form in December 2017 and are expected to be final in part by March 15, 2018, after finalization of the Warrant. Other regulations relating to delivery services and social consumption facilities have been deferred until at least the Fall of 2018. The Commission is authorized to start accepting license applications for marijuana establishments on April 1, 2018. Accordingly, the final State regulations were not available for the deliberations of Town boards and committees, leaving questions about the nature and variety of activities that the Commission will allow and the requirements that will apply to these establishments.

The current Article would prohibit in the Town all types of marijuana establishments, including marijuana cultivators, testing facilities, product manufacturers, retailers, and businesses offering on-site consumption, as well as businesses dealing in marijuana accessories. The ban would not affect medical marijuana facilities (also known as registered marijuana dispensaries), which are currently allowed by special permit in two zoning districts.

Several reasons have been advanced in support of a ban. These include potential adverse impacts on public health, public safety, youth, community character, and the present uncertain state of the regulations. Thus, proponents of the ban warn of adverse impacts on children and young adults due to easier access to marijuana. They believe allowing

marijuana establishments in Town will suggest to adolescents that marijuana is safe and not subject to abuse. Edible marijuana products are seen as a particular concern in this regard. With respect to public health concerns, ban proponents argue that, at least for some people, marijuana is a gateway drug, the use of which should not be encouraged, and that easy access will increase drug misuse and abuse, resulting in increased accidental overdoses and hospitalizations. Public safety concerns and associated demands placed on police department resources relate to impaired driving and crimes (such as burglary) directed at marijuana establishments. The difficulty in reliably measuring marijuana-levels in drivers could present challenges for traffic enforcement. The Hingham Fire Chief has expressed concerns about the processes used in marijuana product manufacture. Finally, some ban proponents believe that retail marijuana sales are not consistent with a desirable image of the Town.

In response to these arguments, opponents of the ban argue that marijuana is a legal substance in the Commonwealth and should be treated on a par with alcohol. It will be easily available to Hingham residents by traveling to other communities or presumptively by delivery to Hingham locations from businesses in other cities and towns so why not allow its sale in Town? In short, it is inappropriate to burden Hingham residents looking to buy a legal product. They note that the State statute and draft regulations mandate large buffer zones between marijuana establishments and schools and other places where children gather. Thus, there will be some safeguards against access by youth. Moreover, ban opponents urge that adults should be respected and trusted not to provide illegal substances to the under-aged. They also argue that health data show marijuana is not widely addictive with few, if any adverse health effects for the vast majority of adults. Indeed, they believe that the availability of marijuana could decrease the misuse of opioids.

In addition, by legalizing and regulating marijuana, ban opponents claim that illegal activity will decrease and safety will be improved. Illegally obtained marijuana is not subject to any testing standards. By creating a regulatory structure, the quality and safety of the supply will be enhanced to the benefit of the community. Legalization should result in a decline in illicit sales, thereby freeing up police resources. Finally, they point out that marijuana establishments can be a source of tax revenue, as well as benefits from a host community agreement, especially welcome in difficult times for the Town's budget. However, the amount of revenue, if any, which might

be generated is speculative and dependent on whether one or more marijuana establishments desire to locate a business in Hingham.

During its deliberations, the Advisory Committee generally agreed with arguments advanced by supporters of the ban. However, the Advisory Committee's overriding concern was a belief that there currently are too many unknowns as to the impact of marijuana on health and safety, as well as on community character and services, to allow marijuana establishments in Town. The State marijuana statute directs the Commission to conduct wide-ranging research to understand the social and economic trends of marijuana in the Commonwealth. This research, of course, has not yet occurred and no doubt will extend over a lengthy time period. Data from Colorado (where marijuana has been legal since 2014) is so far inconclusive, but has raised some troubling issues as to impacts on safety, health, and youth. Accordingly, the Advisory Committee believes the Town should not be in the forefront of this issue, but instead wait for more data to be developed through the Commission's (and other) research and to see the experience of other communities that do allow marijuana establishments. Similarly, the rapid evolution of the regulations, which remain incomplete and in draft form, leave many unknowns as to how marijuana will be governed. The ultimate position of the federal government (with marijuana still illegal under federal law) is likewise unknown. Under these circumstances, it is prudent to proceed with caution, see how the State regulations develop, learn from the experiences of other communities that do allow marijuana establishments, and evaluate the marijuana establishments that may desire to locate in Hingham. If research and the experience of others subsequently show it to be appropriate, the Town could rescind the ban.

Approval of this Article requires a majority vote by Town Meeting.

The School Administration, School Committee, Planning Board, and Police Chief all support a ban. The Advisory Committee voted unanimously in support of this Article. The Board of Selectmen voted unanimously to advance this Article for Town Meeting consideration without taking a position on a ban.

RECOMMENDED: That the Town vote to amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by inserting a new General By-Law Article 43 as follows:

Article 43 – Marijuana Not Medically Prescribed

In accordance with Massachusetts General Laws chapter 94G, section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws chapter 94G, section 1, and as may otherwise be defined by Massachusetts law or regulation, including, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana, and any other types of licensed marijuana-related businesses, as well as businesses dealing in marijuana accessories, and the conducting of any such activity for commercial purposes by whatever name used, shall be prohibited within the Town of Hingham. This prohibition shall not be construed to prohibit Registered Marijuana Dispensaries to the extent permitted under the Town of Hingham Zoning By-Laws.

ARTICLE 29: 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 repealing Section V-J and replacing it in its entirety with the following: **"Regulation of the Sale and Consumption of Marijuana Not Medically Prescribed"**

1. Purpose

- a) To regulate the siting, security, and operation of Marijuana Establishments and Businesses Dealing in Marijuana Accessories, and the on-site consumption of marijuana and marijuana products, subject to the applicable provisions of M.G.L. Chapter 94G and the regulations promulgated thereunder (collectively, the "Act").
- b) To minimize the adverse impacts of Marijuana Establishments and Businesses Dealing in Marijuana Accessories on adjacent properties, residential neighborhoods, schools and land uses potentially incompatible with Marijuana Establishments and Businesses Dealing in Marijuana Accessories.

2. Definitions

The capitalized terms used in this Section and not otherwise defined in this By-Law shall have the meaning set forth in the Act.

3. Applicability

The provisions in this Section apply to any one or combination of the uses which may constitute a Marijuana Establishments and Businesses Dealing in Marijuana Accessories, excluding any one or combination of the uses which may constitute a Registered Marijuana Dispensary.

4. Special Permit Requirements

- a) A Special Permit A2 is required for any Marijuana Establishment or Business Dealing in Marijuana Accessories. A Special Permit A3 Parking Determination is required in accordance with Section V-A.2 of the Zoning By-Law.
- b) In addition to the application requirements set forth in this Section V-J, a special permit application for a Marijuana Establishment or Business Dealing in Marijuana Accessories shall include the following:
 - (i) the name and address of each owner of the Marijuana Establishment or Business Dealing in Marijuana Accessories;
 - (ii) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies or Commissions for the Marijuana Establishment or Business Dealing in Marijuana Accessories;
 - (iii) trade name, logo and building signage that complies with applicable provisions of this By-Law and applicable law;
 - (iv) evidence of the Applicant's site control of the site of the Marijuana Establishment or Business Dealing in Marijuana Accessories for the Marijuana Establishment or Business Dealing in Marijuana Accessories, such as a deed or lease;
 - (v) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of

- the above are entities, rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- (vi) proposed security measures for the Marijuana Establishment or Business Dealing in Marijuana Accessories, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft;
 - (vii) a list of any vehicles associated with the business and anticipated to be stored on the premises; and
 - (viii) proposed hours of operation.
- c) Mandatory Findings. The Board of Appeals shall not issue a special permit for a Marijuana Establishment or Business Dealing in Marijuana Accessories unless it finds that:
- (i) the applicant has satisfied all of the conditions and requirements of this Section V-J and any other applicable provisions of the Zoning By-Law; and
 - (ii) the Marijuana Establishment or Business Dealing in Marijuana Accessories demonstrates that it will meet the permitting requirements of all other applicable state and local authorities related to the use and operation of an Marijuana Establishment or Business Dealing in Marijuana Accessories; and
 - (iii) the Marijuana Establishment or Business Dealing in Marijuana Accessories is designed to minimize any adverse visual, odor, audible, vehicular or economic impacts on abutters or the surrounding neighborhood.

5. General Requirements and Conditions.

- a) Use variances shall be strictly prohibited.
- b) The hours of operation shall be set by the Board of Appeals.
- c) Special Permits shall remain exclusively with the original applicant to whom it is issued, who shall be the owner or lessee of the land and/or building described in the application. The Special Permit shall automatically terminate on the date the

- applicant transfers or conveys (other than the granting of a mortgage to an institutional lender) its title or leasehold interest, as applicable, in the land or the building where the Marijuana Establishment or Business Dealing in Marijuana Accessories is located. A special permit may be transferred only with the approval of the Board of Appeals by major modification to the special permit with all information required in this Section V-J.
- d) All sales or other distribution of Marijuana or Marijuana Products or Marijuana Accessories shall occur indoors. No smoking, burning or consumption of Marijuana or Marijuana Products shall be permitted on the premises of an Marijuana Establishment or Business Dealing in Marijuana Accessories.
 - e) The Marijuana Establishment or Business Dealing in Marijuana Accessories shall provide the Hingham Police and Fire Departments, Building Commissioner and the Board of Appeals with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the Marijuana Establishment or Business Dealing in Marijuana Accessories.
 - f) As a condition of its special permit, the holder shall (i) prior to the issuance of a certificate of occupancy, provide to the Board of Appeals a copy of all local permits required for operation of the Marijuana Establishment or Business Dealing in Marijuana Accessories, and (ii) file an annual report to the Board of Appeals no later than January 31st, providing a copy of all current applicable local permits and state licenses for the Marijuana Establishment or Business Dealing in Marijuana Accessories and its owners and demonstrating continued compliance with the conditions of the Special Permit.
 - g) Any special permit issued under this Section V-J shall lapse if not exercised within one year of issuance.
 - h) Immediately upon the earlier of the expiration, surrender or revocation of any state issued licenses or registration, or the ceasing of operations at the Marijuana Establishment or Business Dealing in Marijuana Accessories, all Marijuana,

including plants, Marijuana Products and Marijuana Accessories of any kind shall be destroyed or removed from the property."

Item 2: By amending Section VI by inserting after the definition of "Lot Line, Side" the following:

"Marijuana or Marihuana

all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or
- (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories

equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Cultivator

an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment

a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer

an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products

products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Testing Facility

an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana Retailer

an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers."

Item 3: By amending Section VI by inserting the following in the first sentence of the definition for Farmers' Market after the word "beverages: ", but excluding Marijuana, Marijuana Products and Marijuana Accessories"".

Item 4: By amending the definition of Home Occupation in Section VI by inserting "Marijuana Establishments and Businesses Dealing in Marijuana Accessories shall not be considered Home Occupations." at the end thereof.

Item 5: By amending the definition of Light Industry in Section VI by inserting the following at the end thereof: "5. Involves Marijuana Establishments or Businesses Dealing in Marijuana Accessories."

Item 6: By amending Section III-B to insert the following at the end thereof: "10. Excluding Marijuana Establishments and Businesses Dealing in Marijuana Accessories."

Item 7: By amending Section III-A, 1.8 to insert the following at the end thereof: ", and subject to Special Condition 10 of Section III-B."

Item 8: By amending Section III-A, 2.1 to replace the words "subject to Special Condition 1" with the words "subject to Special Conditions 1 and 10".

Item 9: By amending Section III-A.2.2 to replace the words "subject to Special Condition 1" with the words "subject to Special Conditions 1 and 10".

Item 10: By amending Section III-A to insert the following after subsection 2.3: "2.4 Marijuana Cultivator, subject to Section V-J", to be permitted by Special Permit A2 ("A2") in the Office Park District, Industrial District, Industrial Park District, and Limited Industrial Park District, and prohibited ("O") in all other zoning districts.

Item 11: By amending Section III-A.3.7 to insert ", subject to Special Condition 10 of Section III-B." after "business"

Item 12: By amending Section III-A.3.11 to insert ", and Special Condition 10 of Section III-B" after "III-J";

Item 13: By amending Section III-A, 4.1 to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 14: By amending Section III-A.4.2 to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 15: By amending Section III-A.4.6 to insert "and Special Condition 10 of Section III-B" after "subsection 2.1".

Item 16: By amending Section III-A.4.9A to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 17: By amending Section III-A.4.9B to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 18: By amending Section III-A.4.25 to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 19: By amending Section III-A to insert the following after subsection 4.27: "4.28 Marijuana Retailer, subject to Section V-J", to be permitted by Special Permit A2 ("A2") in Business District A, Business District B, Office Park District, Industrial District, Industrial Park District, and Limited Industrial

Park District, and prohibited ("O") in all other zoning districts.

Item 20: By amending Section III-A. to insert the following after subsection 4.28 inserted above: "4.29 Businesses Dealing in Marijuana Accessories, subject to Section V-J.", to be permitted by Special Permit A2 ("A2") in Business District A, Business District B, Office Park District, Industrial District, Industrial Park District, and Limited Industrial Park District, and prohibited ("O") in all other zoning districts.

Item 21: By amending Section III-A.6.1 to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 22: By amending Section III-A.6.2 to insert the following at the end thereof: ", subject to Special Condition 10 of Section III-B."

Item 23: By amending Section III-A to insert the following after subsection 6.2: "6.3 Marijuana Product Manufacturing, Marijuana Testing Facility, and Wholesale Businesses Dealing in Marijuana Accessories, subject to Section V-J", to be permitted by Special Permit A2 ("A2") in Office Park District, Industrial District, Industrial Park District, and Limited Industrial Park District, and prohibited ("O") in all other zoning districts.

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

COMMENT: This Article proposes to amend the Zoning By-Law to establish regulations governing marijuana establishments (so-called time, place, and manner regulations). It is recommended for affirmative action only if the zoning ban proposed under Article 27 fails to be adopted. Specifically, this Article designates zoning districts for marijuana establishments (e.g., retailers, cultivators, product manufacturers, and testing facilities), as well as for businesses dealing in marijuana accessories. The Article also creates a special permit process to govern the review and approval of such facilities.

These comments pertain to the version of this Zoning By-Law amendment found in the Recommended Motion below. During the public hearing sessions, the Planning Board extensively revised the provisions of this Article to adequately reflect the intent of the Board.

Under the Article, marijuana retail use and businesses dealing in marijuana accessories would be allowed with a Special Permit A2 in the Business B zoning district, while marijuana cultivators, product manufacturers, and testing facilities would be allowed (again, with a Special Permit A2) in the Industrial Park District. However, marijuana establishments would be subject to setbacks contained in the State marijuana statute that would further restrict their location. The statute imposes a 500-foot buffer zone between these businesses and existing public and private kindergarten-through-grade-12 schools, and the draft State regulations also include (within this buffer zone) day care centers and any facility in which children commonly congregate. The proposed zoning amendment adopts the draft regulatory version of the buffer zone, but it will not be known until the State regulations are finalized whether this approach will be adopted by the State.

The Business B zoning district is generally located along portions of Route 3A on the northern end of Hingham and along portions of Route 53 on the southern end of Town. The Planning Board believes this district is more appropriate than Business A, which covers pedestrian-oriented retail areas such as Hingham Square and Hingham Center. The Industrial Park District is located around Route 3 in the southern end of Hingham and includes the Derby Street Shoppes area. The Planning Board believes that siting production and cultivation facilities (which in essence are industrial type operations) in the Industrial Park District is appropriate given the nature of the activities, the high demand on energy, and the potential for odor and other impacts similar to typical industrial uses. In all cases, a Special Permit A2 from the Board of Appeals with site plan review from the Planning Board would be required in addition to any State licensing requirements. This Article also includes language to exclude marijuana establishments and businesses dealing in marijuana accessories from the Hingham Shipyard development.

Besides designating zoning districts, the Article would create a new section of the Zoning By-Law regulating marijuana establishments. These uses would require a discretionary Special Permit A2 from the Board of Appeals with site plan review by the Planning Board. In addition to the usual approval criteria for a Special Permit A2, marijuana establishments would have to meet requirements designed to minimize adverse visual, audible, vehicular, and economic impacts on abutters and the surrounding neighborhood, as well as satisfy strict odor controls.

Any special permit that is granted must incorporate a series of specific conditions including automatic termination upon transfer or conveyance of title or leasehold interest. All sales must occur indoors with no consumption on the premises. The special permit will specify the hours of operation. Before beginning operations, the applicant must provide to the Town all required State and local licenses and permits as well as evidence that security measures have been approved by the State and provided to the Hingham Police Department. Moreover, the business must file an annual report with the Building Commissioner and the Board of Appeals showing continued compliance with the special permit conditions together with copies of State license renewals and other then current licenses and permits. Upon termination of any State issued license or the cessation of operations, all marijuana plants and other products must be destroyed or removed. The Planning Board believes that these controls, along with expected licensing requirements and oversight by the State Cannabis Control Commission, will adequately address the potential impacts and unique security issues raised by these types of businesses.

Article 29 would also establish definitions for various marijuana-related businesses and activities, which generally track the definitions in the proposed State regulations. Further, it would amend the definitions of farmers' market, home occupation, and light industry to specifically exclude marijuana establishments and businesses dealing in marijuana accessories.

If this Article fails, marijuana retailers could locate as-of-right in both Business Districts A and B and with special permits in any other districts where all other retail uses are allowed. This includes the Waterfront Business District at the Harbor and within shopping centers in the Industrial and Industrial Park Districts, such as the Derby Shoppes and Hingham Shipyard.

Marijuana production and cultivation uses would be permitted as-of-right in the Industrial and Industrial Park Districts. They could be permitted by special permit in the Office Park and Limited Industrial Districts. The latter two collectively cover much of the south end of Hingham between Whiting Street, Derby Street, and Route 3 as well as a smaller area on the north end of Town lying generally between Beal Street, Route 3A, and Sergeant William B. Terry Drive.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board refined the amendment to limit the zoning districts where these establishments would be allowed, modified the special permit structure, and made related changes. The Planning Board then voted 3 to 0 in support of this Article. To take into account contingencies associated with other marijuana-related Articles, the Advisory Committee voted unanimously in support of no action on this Article 29 if the Town chooses to adopt the zoning ban proposed in Article 27. Alternatively, if the Town does not adopt the ban in Article 27, the Advisory Committee unanimously supports favorable action on Article 29

RECOMMENDED: No action; except that, in the event Town Meeting does not adopt the Recommended Motion on Article 27, then it is 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: By repealing Section V-J and replacing it in its entirety with the following:

“V-J Regulation of Marijuana Establishments

1. Purpose

- a. To regulate the siting, security, and operation of Marijuana Establishments and Businesses Dealing in Marijuana Accessories, and the on-site consumption of marijuana and marijuana products, subject to the applicable provisions of M.G.L. Chapter 94G and the regulations promulgated thereunder (collectively, the “Act”) to the extent that Marijuana Establishments or Businesses Dealing in Marijuana Accessories are not otherwise prohibited by any general By-Law or regulation of the Town of Hingham.
- b. To minimize the adverse impacts of Marijuana Establishments and Businesses Dealing in Marijuana Accessories on adjacent properties, residential neighborhoods, schools and land uses potentially incompatible with Marijuana Establishments and Businesses Dealing in Marijuana Accessories.

2. Definitions

The capitalized terms used in this Section and not otherwise defined in this Zoning By-Law

shall have the meaning set forth in the Act. Without limiting the foregoing, the Cannabis Control Commission shall mean the commission established pursuant to the Act or any successor thereto charged with the licensing of Marijuana Establishments.

3. Applicability

The provisions in this Section apply to any one or combination of the uses that may constitute Marijuana Establishments and Businesses Dealing in Marijuana Accessories, to the extent that such Marijuana Establishments or Businesses Dealing in Marijuana Accessories are not otherwise prohibited by any general By-Law or regulation of the Town of Hingham, excluding any one or combination of the uses which may constitute a Registered Marijuana Dispensary.

4. Special Permit Requirements

- a. A Special Permit A2 is required for any Marijuana Establishment or Business Dealing in Marijuana Accessories. Marijuana Establishments or Businesses Dealing in Marijuana Accessories may only be permitted within the zoning districts authorized for such uses in Section III-A and III-B of this Zoning By-Law and shall not be permitted by use variance.
- b. A special permit application for a Marijuana Establishment or Business Dealing in Marijuana Accessories shall include the following:
 - i. a complete and detailed description of the type of Marijuana Establishment or Business Dealing in Marijuana Accessories proposed for the premises, including, without limitation, the activities proposed for the premises, and products to be cultivated, processed, manufactured, sold, or distributed at the premises;
 - ii. a complete copy of any application, and all documentation in support thereof, submitted to the Cannabis Control Commission for licensure and

pending with, or granted by, the Cannabis Control Commission and, if applicable, copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for a Registered Marijuana Dispensary, Marijuana Establishment or Business Dealing in Marijuana Accessories;

- iii. the site plan of the premises showing the boundaries of all public or private schools, daycare centers, or any facility in which children commonly congregate within 500 feet of the proposed use;
- iv. trade name, logo and building signage which complies with applicable provisions of this By-Law and the Act;
- v. evidence of the Applicant's control of the site of the Marijuana Establishment or Business Dealing in Marijuana Accessories , such as a deed or lease;
- vi. a list of any vehicles associated with the business and anticipated to be used for business purposes and/or parked on the premises during non-business hours;
- vii. a summary of the proposed security measures for the premises; provided that the Board of Appeals and Planning Board (during site plan review under Section I-I) may require that detailed information regarding the security measures be shared with the Hingham Police Department and Hingham Fire Department, and may request input from such public safety departments as to the adequacy of the proposed security measures shown on the site plan;
- viii. proposed hours of operation; and
- ix. an odor control plan.

5. Approval Criteria

In addition to the approval criteria set forth in Section I-F.2 of this Zoning By-Law, the Board of Appeals may approve a special permit for a Marijuana Establishment or Business Dealing in Marijuana Accessories, subject to the general conditions set forth in this Section V-J, if it finds:

- a. the applicant has satisfied all of the requirements of this Section V-J and any other applicable provisions of the Zoning By-Law and that the Marijuana Establishment or Business Dealing in Marijuana Accessories is not otherwise prohibited by any general By-Law or regulation of the Town of Hingham; and
- b. the Marijuana Establishment or Business Dealing in Marijuana Accessories is designed to (i) minimize any adverse visual, audible, vehicular or economic impacts on abutters or the surrounding neighborhood, and (ii) implement best industry standards for the mitigation of odors.

6. General Conditions.

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

- a. Special permits shall remain exclusively with the original applicant to whom it is issued. The special permit shall automatically terminate on the date the applicant transfers or conveys its title or leasehold interest, as applicable, in the land or the building where the Marijuana Establishment or Business Dealing in Marijuana Accessories is located, other than the granting of a mortgage to an institutional lender. A special permit may be transferred only with the approval of the Board of Appeals by major modification to the special permit with all information required in this Section V-J.
- b. The hours of operation shall be as approved by the Board of Appeals.
- c. All sales or other distribution of Marijuana or Marijuana Products or Marijuana Accessories shall occur indoors. No

smoking, burning or consumption of Marijuana or Marijuana Products shall be permitted on the premises of a Marijuana Establishment or Business Dealing in Marijuana Accessories.

- d. Prior to the issuance of a certificate of occupancy or commencement of the use (if no certificate of occupancy is required), the applicant shall provide to the Building Commissioner and the Board of Appeals a copy of all state and local licenses and permits required for operation of the Marijuana Establishment or Business Dealing in Marijuana Accessories.
- e. In the event the type of use, the material operations of the use, or the site plan of the premises is changed by the applicant or as a result of conditions imposed by any other state or local license or permit, the applicant shall be required to apply for a modification of the special permit.
- f. Prior to the issuance of a certificate of occupancy or commencement of the use (if no certificate of occupancy is required), the applicant shall provide to the Building Commissioner and the Board of Appeals evidence that the security measures for the premises have been approved by the Cannabis Control Commission and confirmation that the Hingham Police Department has been provided with the security plans and procedures in accordance with the Act;
- g. Prior to the issuance of a certificate of occupancy or commencement of the use (if no certificate of occupancy is required), the applicant shall provide the Hingham Police and Fire Departments, Building Commissioner and the Board of Appeals with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the Marijuana Establishment or Business Dealing in Marijuana Accessories.
- h. Any special permit issued under this Section V-J shall lapse within one year of the effective date thereof if a substantial use thereof has not sooner commenced.

- i. Simultaneously with the submission of its annual renewal application with the Cannabis Control Commission, or annually on the date of issuance of its then current state license, if annual renewal of its state license is not required, the applicant shall file a report with the Building Commissioner and Board of Appeals, providing a copy of the renewal application and all current applicable local and state licenses and permits for the Marijuana Establishment or Business Dealing in Marijuana Accessories, including a certification of continued compliance with the conditions of the special permit. A copy of the state license renewal (or denial thereof) shall be submitted to the Building Commissioner and Board of Appeals immediately after issuance thereof by the Cannabis Control Commission.
- j. Immediately upon the earlier of the expiration, surrender or revocation of any state issued licenses or registrations, or the ceasing of operations at the Marijuana Establishment or Business Dealing in Marijuana Accessories, all Marijuana, including plants, Marijuana Products and Marijuana Accessories of any kind shall be destroyed or removed from the property.

Item 2: By amending Section VI by inserting after the definition of "Lot Line, Side" the following:

"Marijuana or Marihuana
all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories

equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Cultivator

an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment

a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Micro-Business

a marijuana establishment that is licensed to act as a: licensed marijuana cultivator in an area less than 5,000 square feet; licensed marijuana product manufacturer, and licensed marijuana delivery service in compliance with the operating procedures for each such license.

Marijuana Product Manufacturer

An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products

products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Retailer

an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.”

Marijuana Testing Facility

an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Item 3: By amending Section VI by inserting the following in the first sentence of the definition for Farmers’ Market after the word “beverages”: “, but excluding Marijuana, Marijuana Products and Marijuana Accessories”.

Item 4: By amending the definition of Home Occupation in Section VI by inserting “Marijuana Establishments and Businesses Dealing in Marijuana Accessories shall not be considered Home Occupations.” at the end thereof.

Item 5: By amending the definition of Light Industry in Section VI by inserting the following at the end thereof: “5. Involves Marijuana Establishments or Businesses Dealing in Marijuana Accessories.”

Item 6: By amending Section III-B to insert the following at the end thereof: “10. Excluding Marijuana Establishments and Businesses Dealing in Marijuana Accessories.”

Item 7: By amending Section III-A, 1.8 to insert “, and Special Condition 10 of Section III-B” after “III-J”.

Item 8: By amending Section III-A, 2.1 to replace the words “subject to Special Condition 8” with the words “subject to Special Conditions 1 and 10”.

Item 9: By amending Section III-A.2.2 to replace the words “subject to Special Condition 1” with the words “subject to Special Conditions 1 and 10”.

Item 10: By amending Section III-A.3.7 to insert “, subject to Special Condition 10 of Section III-B.” after “business”.

Item 11: By amending Section III-A.3.11 to insert “, and Special Condition 10 of Section III-B” after “III-J”.

Item 12: By amending Section III-A, 4.1 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 13: By amending Section III-A.4.2 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 14: By amending Section III-A.4.6 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B”.

Item 15: By amending Section III-A.4.9A to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 16: By amending Section III-A.4.9B to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 17: By amending Section III-A.4.12 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 18: By amending Section III-A.4.12A to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 19: By amending Section III-A.4.13 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 20: By amending Section III-A.4.14 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 21: By amending Section III-A.4.19 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 22: By amending Section III-A.4.20 to insert the following at the end thereof: “and Special Condition 10 of Section III-B.”

Item 23: By amending Section III-A.4.21 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 24: By amending Section III-A.4.22 to replace the words “Section III-B, 7” with the words “Special Conditions 7 and 10 of Section III-B”.

Item 25: By amending Section III-A.4.24 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 26: By amending Section III-A.4.25 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 27: By amending Section III-A to insert the following after subsection 4.27: “4.28 Marijuana Retailer, subject to Section V-J”, to be permitted by Special Permit A2 (“A2”) in Business District B, and prohibited (“O”) in all other zoning districts.

Item 28: By amending Section III-A to insert the following after subsection 4.28 inserted above: “4.29 Businesses Dealing in Marijuana Accessories, subject to Section V-J.”, to be permitted by Special Permit A2 (“A2”) in Business District B, and prohibited (“O”) in all other zoning districts.

Item 29: By amending Section III-A.6.1 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 30: By amending Section III-A.6.2 to insert the following at the end thereof: “, subject to Special Condition 10 of Section III-B.”

Item 31: By amending Section III-A to insert the following after subsection 6.2: “6.3, Marijuana Cultivator, Marijuana Micro-Business, Marijuana Product Manufacturing, Marijuana Testing Facility or Wholesale Businesses Dealing in Marijuana Accessories, subject to Section V-J”, to be permitted by Special Permit A2 (“A2”) in the Industrial Park District, and prohibited (“O”) in all other zoning districts.

Item 32: By amending Section IV-G, 8.d.ii and 8.2.iii to replace the words “Uses not listed in paragraph 8 (c), subparagraphs (i)-(iv)” with the words “Uses not listed in paragraph 8 (c), subparagraphs (i)-(iv), or prohibited in paragraph 8 (d), subparagraph (v).”.

Item 33: By amending Section IV-G, 8.d to insert the following after subsection iv.: “v. Marijuana Establishments and Businesses Dealing in Marijuana Accessories are prohibited.”

ARTICLE 30: 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 amending Section VI by inserting after the definition of “Lot Line, Side” the following:

“Marijuana or Marihuana

all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or
- (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories

equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Cultivator

an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment

a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer

an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products

products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Testing Facility

an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana Retailer

an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.”

Item 2: By amending Section VI by inserting the following in the first sentence of the definition for Farmers’ Market after the word “beverages: “, but excluding Marijuana, Marijuana Products and Marijuana Accessories””.

Item 3: By amending the definition of Home Occupation in Section VI by inserting “Marijuana Establishments and Businesses Dealing in Marijuana Accessories shall not be considered Home Occupations.” at the end thereof.

Item 4: By amending the definition of Light Industry in Section VI by inserting the following at the end thereof: “5. Involves Marijuana Establishments or Businesses Dealing in Marijuana Accessories.”

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

COMMENT: This Article would amend the Zoning By-Law to prohibit the sale of marijuana, marijuana products, and marijuana accessories in Hingham’s Farmers’ Market, provide that marijuana establishments do not qualify as home occupations, and exclude marijuana establishments from the definition of light industry. Additionally, the Article would incorporate (into the Zoning By-Law) State statutory and regulatory definitions relating to marijuana and the various types of marijuana establishments.

The Planning Board recommends this Article for affirmative action only if both Article 27 (the zoning ban) and Article 29 (time, place, and manner regulations) fail to be adopted. In the absence of a

ban or comprehensive set of regulations, the Planning Board believes this Article will provide a minimum level of protection by assuring that marijuana establishments cannot occur at the Farmers' Market, as home occupations, or as light industry.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board refined the amendment's language and then voted unanimously in support of this Article. To take into account contingencies associated with other marijuana-related Articles, the Advisory Committee voted unanimously in support of no action on this Article 30 if the Town chooses to adopt either the zoning ban proposed in Article 27 or the time, place, and manner regulations in Article 29. Alternatively, if the Town adopts neither the ban in Article 27 nor the regulations in Article 29, the Advisory Committee unanimously supports favorable action on Article 30.

RECOMMENDED: No action; except that, in the event Town Meeting does not adopt the Recommended Motion for Article 27 and does not adopt the Recommended Motion for Article 29, then it is 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: By amending Section VI by inserting after the definition of "Lot Line, Side" the following:

"Marijuana or Marihuana

all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;**
- (2) Hemp; or**
- (3) The weight of any other ingredient combined with marijuana to prepare**

topical or oral administrations, food, drink or other products.

Marijuana Accessories

equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Cultivator

an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment

a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Micro-Business

a marijuana establishment that is licensed to act as a: licensed marijuana cultivator in an area less than 5,000 square feet; licensed marijuana product manufacturer, and licensed marijuana delivery service in compliance with the operating procedures for each such license.

Marijuana Product Manufacturer

an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products

products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Retailer

an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.”

Marijuana Testing Facility

an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.”

Item 2: By amending Section VI by inserting the following in the first sentence of the definition for Farmers’ Market after the word “beverages.” “, but excluding Marijuana, Marijuana Products and Marijuana Accessories”.

Item 3: By amending the definition of Home Occupation in Section VI by inserting “Marijuana Establishments and Businesses Dealing in Marijuana Accessories shall not be considered Home Occupations.” at the end thereof.

Item 4: By amending the definition of Light Industry in Section VI by inserting the following at the end thereof: “5. Involves Marijuana Establishments or Businesses Dealing in Marijuana Accessories.”

ARTICLE 31: Will the Town accept the provisions of Chapter 64N, Section 3 of the Massachusetts General Laws which provides for the imposition of a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Hingham to anyone other than a marijuana establishment as follows:

The Town of Hingham hereby accepts the provisions of Chapter 64N, Section 3 of the Massachusetts General Laws and hereby imposes a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Hingham to anyone other than a marijuana establishment at a rate of 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products,

or act on anything related thereto?
(Inserted by the Board of Selectmen)

COMMENT: Along with many other choices, the State legislation regarding legalization of marijuana empowers a municipality to choose whether to

impose a local tax on the sale of marijuana and marijuana products (collectively, “marijuana”) at retail. The sale of marijuana at retail is already subject to the general State sales tax of 6.25% and a marijuana-specific State excise tax of 10.75%. A municipality, such as Hingham, has the option to impose a further local sales tax of up to 3.00%. This local sales tax would be independent of, and in addition to, any revenue that the Town realizes through its host community agreement with the marijuana retailer.

The Advisory Committee sees little reason not to impose this local sales tax if retail sales of marijuana are permitted in Hingham. The local sales tax will impose little or no additional administrative burden on the Town, because the tax will be assessed, collected, and distributed by the State Department of Revenue (“DOR”) in a manner similar to the existing local meals tax. Moreover, the additional tax of 3.00% seems minimal in comparison to the 17.00% State taxes and leaves the maximum aggregate rate of Massachusetts’ marijuana tax (20.00%). This is well below comparable rates in Colorado (approximately 29.00%) and Washington (approximately 47.00%), both of which have rolled out a recreational marijuana sector that includes an optional local sales tax.

It is difficult to predict the revenue that the Town might realize from imposition of the 3.00% local sales tax. This is because the revenue realized from the tax will depend directly on the success of the retail marijuana sector in Hingham, and the success of that sector will depend on several factors that cannot be predicted at this time. The two biggest unknowns are:

1. The number and type of marijuana establishments that the Town chooses to permit and that ultimately enter the market in Hingham. The local sales tax applies only to sales of marijuana at retail, so the presence in Hingham of marijuana establishments other than retail outlets—for instance, the presence of cultivators, manufacturers, or research laboratories—will generate no tax collections. And, of course, if all marijuana establishments are banned in Hingham, no retailers will set up shop, and the adoption of the local sales tax will generate no revenue.
2. The saturation of the regional marijuana market. Hingham’s affluence and easy access to regional transportation (e.g., Route 3, Route 53, Route 3A, various modes of public transit) could offer advantages to a marijuana retailer that chooses to locate here. But whether those advantages translate into a

robust retail sector and associated tax receipts will depend greatly on choices made by surrounding municipalities—particularly those that also enjoy a strong commercial presence and good access to transportation.

Drawing on data showing actual per capita per month spending on marijuana in Colorado and Washington during those states' rollout periods, the Massachusetts DOR has estimated taxable marijuana sales in Massachusetts in FY20 to be between \$771 million and \$1.102 billion. The DOR has, however, emphasized the uncertainties associated with this estimate and has urged caution in using this estimate to support budgeting decisions.

Hingham's population, according to the U.S. Census Bureau's 2016 American Community Survey 5-Year Estimate, comprises approximately 0.34% of the population of Massachusetts. Assuming that Hingham permits retail marijuana establishments in a way that allows those retailers to capture Hingham's per capita proportional share of the Massachusetts retail marijuana market, the DOR's estimate would imply taxable marijuana sales in Hingham in FY20 of between \$2,621,400 and \$3,746,800 (i.e., 0.34% of the statewide market) and local tax revenue on marijuana sales of between \$78,642 and \$112,404 (i.e., 3.00% of the foregoing figures).

Of course, the proportion of the market that retail marijuana establishments in Hingham could capture likely will not be a direct function of Hingham's population, for at least two reasons: (1) the level of per capita spending on marijuana in Hingham may be greater or less than the statewide level; and (2) marijuana retailers in Hingham would likely be patronized by customers who do not live in Hingham, especially if surrounding municipalities ban or limit the sale of marijuana at retail. It also bears repeating that all of these estimates are based on uncertainties.

In view of the foregoing, the Advisory Committee believes that, while the revenue realized from a local sales tax on marijuana could only aid the Town's annual operating budget, such revenue is unlikely to make a substantial difference. Accordingly, although the Advisory Committee does not see any downside to adopting the local sales tax, neither does it see the promise of additional tax revenue as a strong reason to encourage the development of a retail marijuana sector in Hingham.

The Board of Selectmen voted unanimously in favor of this Article as originally submitted. To take account of contingencies associated with the other marijuana-

related Articles, the Advisory Committee voted unanimously in support of no action on this Article if the Town chooses to adopt the zoning ban proposed in Article 27. Alternatively, if the Town does not adopt the ban in Article 27, the Advisory Committee unanimously supports favorable action on this Article.

RECOMMENDED: No action; except that, in the event Town Meeting does not adopt the Recommended Motion on Article 27, then it is recommended that the Town accept the provisions of Chapter 64N, Section 3, of the Massachusetts General Laws as follows: The Town of Hingham hereby accepts the provisions of Chapter 64N, Section 3 of the Massachusetts General Laws and hereby imposes a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Hingham to anyone other than a marijuana establishment at a rate of 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

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: By amending Section V-H.1.a) by inserting "state law" after the word "applicable", and deleting the remainder of that sentence;

Item 2: By amending Section V-H.2 by deleting "under 105 CMR 725.100, and inserting "subject to applicable state law" in its place;

Item 3: By amending Section V-H.5.a) by deleting "; provided, however, that an RMD that is solely for the cultivation of marijuana and is protected under Chapter 40A, Section 3 shall not require a special permit but shall be subject to Section III-B,9 of the By-Law";

Item 4: By amending Section V-H to delete the content of V-H.3 "Exclusion of Other Marijuana Establishments. Any establishment that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, or related activities shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable law." and insert "Intentionally left blank";

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

COMMENT: This Article would update Section V-H of the Zoning By-Law, which deals with registered marijuana dispensaries (so-called medical marijuana), to conform to recent changes in State law. Hingham currently regulates medical marijuana facilities by special permit, and this Article would leave that framework in place. However, the language of the By-Law references State statutory citations that have been changed (and regulations that are expected to be changed) as a result of legislation addressing recreational marijuana. Items 1 and 2 of the Article propose to cite the current medical marijuana statute and refer in general terms to “applicable” State law. Item 2 also would add a definition of “medical use of marijuana” to the Zoning By-Law.

In addition, State law now makes clear that the growing, cultivation, distribution, or dispensation of marijuana does not qualify for the agricultural exemption under the State zoning act (Massachusetts General Laws chapter 40A). Item 3 of the Article would incorporate this change into the Town’s Zoning By-Law. Finally, item 4 emphasizes that Section V-H only addresses medical marijuana. Other types of marijuana facilities (i.e., recreational or adult-use marijuana) will be covered by different provisions of the By-Law; these provisions are the subject of additional Articles to be considered by Town Meeting.

Approval of this Article requires a two-thirds vote by Town Meeting.

During its public hearing, the Planning Board clarified language in the Article; as a result, Items 1, 2, and 4 were deleted and replaced with Items 1, 2, and 4 in in the Recommended Motion. The Planning Board then voted unanimously in support of the Article, as revised. The Advisory Committee voted unanimously in support of 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: By replacing Section V-H.1.a) in its entirety with the following: “a) To regulate the siting, security, and operation of Registered Marijuana Dispensaries, subject to the applicable provisions of M.G.L. Chapter 94I and the regulations promulgated at 105 CMR 725 et. seq.,

as the same may be amended or replaced (collectively referred to in this Section V-H as “applicable law”). Terms used in this Section V-H and not otherwise defined in this By-Law shall have the meaning set forth under applicable law.;

Item 2: By replacing Section V-H.2 in its entirety with the following: “Registered Marijuana Dispensary (“RMD”) (also known as Medical Marijuana Treatment Center) means the premises at which a medical use marijuana licensee is permitted under applicable law and this By-Law to possess, cultivate, process, transfer, transport, sell, distribute, dispense, or administer medical use marijuana to registered qualifying patients or their personal caregivers.

Medical Use of Marijuana shall mean the acquisition, cultivation, possession, processing, including development of related products such as food, tinctures, aerosols, oils or ointments, transfer, transportation, sale, distribution, dispensing or administration of marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof.”;

Item 3: By amending Section V-H.5.a) by deleting “; provided, however, that an RMD that is solely for the cultivation of marijuana and is protected under Chapter 40A, Section 3 shall not require a special permit but shall be subject to Section III-B.9 of the By-Law”;

Item 4: By replacing Section V-H.3 in entirety with the following: “3. Exclusion of Other Marijuana Establishments. This Section V-H shall govern Registered Marijuana Dispensaries as defined herein and shall not be interpreted to allow any other establishment, including any marijuana establishment as defined in M.G.L. Chapter 94G, that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, or related activities except as, and to the extent, expressly permitted under this Zoning By-Law and any other By-Laws and regulations of the Town of Hingham.”

ARTICLE 33: Will the Town vote to amend the General By-Laws of the Town, adopted March 13, 1939, as heretofore amended, by amending Article 39, Section 2, by inserting the following new paragraph (18) to authorize the Hingham Affordable Housing Trust to have the additional powers to act as the lottery and monitoring agent for affordable

housing and to accept compensation for those services for deposit into the trust all in accordance with the Town's authority to grant such additional powers pursuant to M.G.L. c. 44, § 55C(c):

Article 39, Section 2(18) to act as the lottery and monitoring agent for affordable housing and to accept compensation for those services for deposit into the trust; or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The Hingham Affordable Housing Trust ("HAHT") was established in 2007 by a Town Meeting vote which accepted Massachusetts General Laws chapter 44, section 55C ("M.G.L. c. 44, s. 55C"). Article 38 of the Hingham General By-Laws governs the HAHT. M.G.L. c. 44, s. 55C(c) authorizes the Town via its By-Law to grant to the HAHT additional powers consistent with the powers enumerated in that statute. This Article grants authority to the HAHT to act as a lottery and monitoring agent for affordable housing and to accept compensation for these services. Other towns have granted such powers to housing trusts as a prudent planning tool. The exercise, if any, of this authority is not mandated by this Article and would be determined in the future by the appropriate Town officials, boards, and the HAHT. The HAHT voted 3 to 2 in support of this Article with one member abstaining.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town vote to amend the General By-Laws of the Town, adopted March 13, 1939, as heretofore amended, by amending Article 39, Section 2, by inserting the following new paragraph (18) to authorize the Hingham Affordable Housing Trust to have the additional powers to act as the lottery and monitoring agent for affordable housing and to accept compensation for those services for deposit into the trust all in accordance with the Town's authority to grant such additional powers pursuant to M.G.L. c. 44, § 55C(c):

Article 39, Section 2(18) to act as the lottery and monitoring agent for affordable housing and to accept compensation for those services for deposit into the trust.

ARTICLE 34: Will the Town accept the laying out, as a Town way, of a way commencing at the westerly terminus of the existing public way named Lewis Court and extending westerly therefrom as shown on

the plan entitled "As-Built Plan, Lewis Court, Hingham, MA", dated September 28, 2017, revised January 3, 2018, which plan is on file in the Planning Board's office and is incorporated herein by reference, where after the Town way named Lewis Court shall be deemed to include said way, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: This Article proposes that Town Meeting authorize the Board of Selectmen to accept, as a Town (i.e., public) way, an extension of the preexisting public way of Lewis Court.

The Lewis Court extension has already been constructed in connection with the subdivision of adjacent property. On November 21 and December 22, 2017, staff of the Town Departments of Public Works, Sewer, and Community Planning, accompanied by a peer review engineer, inspected the constructed Lewis Court extension. That engineer subsequently confirmed that the extension was constructed in substantial compliance with the subdivision and "as-built" plans filed with the Town in connection with the subdivision.

In accordance with State law governing the procedure for acceptance of public ways, the Board of Selectmen voted on January 16, 2018, to express its intention to accept the Lewis Court extension as a public way. The Planning Board thereafter recommended acceptance of the Lewis Court extension. The Board of Selectmen then, on February 27, 2018, voted to lay out the Lewis Court extension—that is, to adopt a "layout" plan showing the precise property to be accepted as a public way. An affirmative vote on this Article by Town Meeting is the next, and penultimate, step of the process to accept the Lewis Court extension as a public way. Such an affirmative vote will permit the Board of Selectmen, within 120 days, to execute and/or accept the necessary taking instruments, deeds, or easements, and to record the same with the Plymouth County Registry of Deeds, thereby completing the acceptance process.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town: (a) accept as a Town way, a way commencing at the westerly terminus of the existing public way named Lewis Court and extending westerly therefrom as shown on the plan entitled "Layout Plan, Lewis Court, Hingham, MA", dated February 13, 2018, prepared by James Engineering, Inc., which plan, together

with the boundaries and measurements of the way, is on file in the Town Clerk's office and is incorporated herein by reference; and (b) authorize, but not require, the Board of Selectmen to acquire by gift, purchase, or eminent domain, an easement in the way to be accepted herein, an easement over the area shown as "slope easement" on said plan, and the fee title to the "drainage lot" shown on said plan, as both the slope easement and drainage lot are appurtenant to the way accepted herein.

ARTICLE 35: Will the Town authorize, but not require, the Board of Selectmen to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board deems in the best interest of the Town, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The Town benefits from many easements over private property throughout Hingham. From time to time, the Town, particularly its Department of Public Works, requires new easements in order to complete roadway and other public works projects. At times, the Town receives requests from private property owners to relocate easements held by the Town on their property. Under Massachusetts law, Town Meeting approval is required for the Board of Selectmen to accept such easements.

This Article would allow the Board of Selectmen to accept such easements during the coming year and thus to avoid potentially expensive delays and inconvenience to projects that benefit the Town. This Article is intended solely to cover easements voluntarily granted to the Town and would not allow the Board of Selectmen to accept easements that require funds to acquire them. Furthermore, the authority conferred by this Article is not unlimited in time; it is limited to the coming year. If continuing authority is required, the next Annual Town Meeting may be asked to approve it.

The Advisory Committee and the Board of Selectmen voted unanimously in support of this Article.

RECOMMENDED: That the Town authorize, but not require, for a period through April 30, 2019, the Board of Selectmen to accept grants of easements for purposes of streets, sidewalks, or pedestrian walkways, or water, drainage, sewage, or utility facilities on terms and conditions that the Board deems in the best interests of the Town.

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 three designated polling places in said Town of Hingham according to their precinct, to wit: Precinct 1, 2, 3 and 4: High School, 17 Union Street; Precincts 5 and 6: Middle School, 1103 Main Street; and Precinct 5a at the Oakleaf Clubhouse at Linden Ponds on SATURDAY, the twenty-eighth day of April at EIGHT O'CLOCK in the forenoon, then and there to give their votes on the official ballot for:

A Moderator to serve one year, a Selectman to serve three years; a Town Clerk for three years; an Assessor to serve three years; and Assessor to serve one year, 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 Housing Authority to serve five years; a member to the Housing Authority for two years; and a member of the Municipal Light Board to serve three years

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the 30th day of March 2018.

Given under our hands at Hingham this 27th day of March 2018.

Mary M. Power, Chair
Paul K. Healey
Karen A. Johnson
BOARD OF SELECTMEN

A true copy
Attest:

Kathleen A. Peloquin
Constable of Hingham

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 and posted by the Town Clerk in the Town Hall of this date.

Kathleen A. Peloquin
Constable of Hingham
March 28, 2018

REPORT OF THE CAPITAL OUTLAY COMMITTEE

I. OVERVIEW

The Capital Outlay Committee (“COC”) is charged with:

- A. Ascertaining the capital outlay requirements of various Town departments, boards, and committees over the next five years. Capital assets considered by COC typically have a useful economic life of more than five years and cost more than \$10,000, or are otherwise classified as fixed assets on the Town's financial statements.
- 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”). COC recommendations are developed as follows:
 1. Departments submit requests for the next five years.
 2. COC reviews requests with the department heads, boards, and committees.
 3. Needs are determined and possible alternatives are discussed.
 4. COC makes its recommendations to Selectmen and Advisory.
 5. Selectmen accept, alter, or reject COC’s recommendations and forward them to Advisory.
 6. Advisory makes the final capital recommendations to Town Meeting.

COC reviewed \$5,714,552 of capital requests from the various Town departments for Fiscal Year (“FY”) 2019 and herein submits its recommendations for FY 2019, as well as general projections of capital needs for the following four fiscal years. The recommended total includes \$1,500,000 from the Fire Department for replacement of the Quint fire engine.

COC’s recommendations for FY 2019 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. The Five-Year Capital Plan includes all proposed capital projects, including buildings and capital equipment that may require funding via borrowing.

At the start of the budget process, each department was requested to produce a realistic five-year capital outlay plan. The plan was compared to the prior year’s five-year capital outlay plan, and departments were asked to explain significant changes.

COC’s recommendations for FY 2019 Funding Sources are summarized below:

RECOMMENDED

| | |
|--------------------------------|---------------------|
| Tax Levy | \$ 2,002,462 |
| Fund Balance (Mooring Permits) | \$ 27,000 |
| Available Reserves | \$ 1,325,000 |
| User Rates/Charges | \$ 460,000 |
| Borrowing | \$ 500,000 |
| Total: | <u>\$ 4,314,462</u> |

II. SPECIFIC RECOMMENDATIONS

COC makes the following recommendations for FY 2019:

Information Technology

\$92,000 for information technology replacement, and \$17,000 for video security cameras phase II at Town Hall.

Town Hall

\$25,000 for renovations and repairs, \$60,000 for a partial roof replacement, and \$6,000 for HVAC maintenance (glycol).

Police Department

\$223,000 to replace seven police vehicles, \$26,000 to replace twenty-eight bullet proof vests, and \$32,000 to replace twenty patrol rifles. Harbormaster capital recommendations are \$7,000 to replace a cold weather survival suit, and \$20,000 to replace a boat engine. Funding for Harbormaster expenditures will come from mooring permit fees.

Fire Department

\$32,000 for replacement of twelve sets of fire-fighting turnout gear, \$36,000 for replacement of fire hydrants, \$32,000 to purchase two Lucas CPR devices, \$5,000 to replace one stair chair, \$15,000 to replace one stretcher, and \$1,500,000 to replace the Quint 1 fire engine. If the related Warrant Article is approved then \$1,000,000 from AvalonBay will be used towards this purchase (refer to Footnote #3 on the Five-Year Capital Plan) and \$500,000 will be funded from borrowing.

Public Works - Highway/Tree & Park

\$156,000 to replace an International heavy-duty dump truck with a sander and plow, \$85,475 to replace the Woodsmen chipper, \$41,025 to replace a ¾-ton Pickup truck with a plow, and \$55,000 towards the replacement of the Trackless MT utility tractor.

Public Works - Transfer Station/Recycling

\$75,000 for an open top trailer, \$25,000 for replacement of tires and undercarriage repair on trash trailers, \$80,000 to replace the facility fence, and \$80,000 to replace the John Deere Mini Loader.

Sewer Commission

\$105,000 for renovations and repairs of pump stations, \$50,000 for service replacements, \$41,000 to replace a full-size Pickup with a plow, and \$100,000 for Inflow & Infiltration Investigation and Remediation. Funding for these expenditures will come from Sewer rates and/or fees.

Library

\$30,000 for replacement of information technology equipment, \$20,000 for replacement of furniture, and \$55,000 to replace the interior security camera system.

Recreation Commission

\$25,000 for replacement of fitness room equipment, \$15,000 for playground rehabilitation, \$20,000 for field rehabilitation, and \$25,000 for building rehabilitation. Funding for these expenditures will come from Recreation cash flow.

South Shore Country Club

\$65,000 for golf course and facility improvements, and \$14,000 for golf course maintenance equipment. Funding for these expenditures will come from South Shore Country Club cash flow. The County Club submitted a request to the Community Preservation Committee for Design and Construction plans for possible replacement of the pool. If the related Warrant Article is approved then \$300,000 will be funded from the Community Preservation General Fund once certain conditions are met. Refer to the Community Preservation Committee Warrant Article for additional information.

School Department

East Elementary School: \$15,000 to replace the industrial tight tank liner.

Foster Elementary School: \$50,000 for building repairs and improvements.

High School: \$20,000 to upgrade the energy management system (phase four of eight), \$8,000 to build a wall in Guidance between learning spaces, \$16,000 to rebuild regular and chill water mechanical pumps, and \$33,000 for sprinkler head replacement (phase one of three). The School Department submitted a Warrant Article to assess and provide designer services for replacement of the glass block windows at the High School gymnasium. If the related Warrant Article is approved then \$60,000 will be funded from Available Reserves.

Middle School: \$15,000 to relocate the electrical services box in the bus loop, \$15,000 to replace the tight tank liner, and \$15,000 for building repairs and improvements.

Plymouth River Elementary School: \$40,000 to replace the Library roof top air handler, and \$8,000 to install a parking lot camera.

South Elementary School: \$28,000 to rebuild two water distribution pumps and install VFD (variable frequency drives), \$77,000 to resurface the playground with ADA (Americans with Disabilities Act) compliant material, and \$16,000 to rebuild the wastewater pumps.

School/System Wide: \$223,400 for school baseline technology replacements, \$229,750 for major infrastructure and Chrome Book replacements, \$25,000 for replacement of two copiers, \$46,615 for instructional equipment, \$13,500 for the area carpet replacement plan, \$25,000 for roof repairs, \$20,000 for cameras and other security items, \$15,500 for interior and exterior maintenance equipment, \$40,102 for replacement of a school transportation van, and \$29,095 towards a new time clock and time reporting management system (allocation one of two).

III. LONG-RANGE CAPITAL PLANNING

Capital funding is required for operating assets, building infrastructure subsystems and new buildings and facilities:

- Operating Assets: The primary funding source for the Five-Year Capital Plan included with this report is the Tax Levy, which comes from the Operating Budget. Since these funds are limited, historically, the Five-Year Capital Plan has focused on operating assets such as information technology, security, vehicles, equipment, public safety and some building infrastructure (major repairs, replacements and upkeep).
- Building Infrastructure Subsystems: The Town has yet to embrace past COC recommendations for a Study of Town-Owned Buildings and Facilities. This study will provide an inventory of all key components in existing Town buildings and facilities, identifying the current age and condition of each subsystem, which will result in a long-term replacement plan of ten to twenty years. This will provide Town management and citizens a more proactive quantitative and qualitative approach to the Town's capital requirements. Some of these subsystem replacements are included in operating asset funding but this is usually when the component is experiencing significant failure and in desperate need of replacement. COC realizes that some of this is due to budget limitations but the Town must identify and plan for these expenditures in advance.

- **New Buildings and Facilities:** Funding for larger building and infrastructure capital projects is typically requested through a Warrant Article since amounts exceed the COC's operating funding capacity, will be funded by sources other than the Tax Levy (Borrowing, Fund Balance, etc.) and require approval at Town Meeting. Over the last few years, as several major projects have been proposed, COC determined that the best practice for reporting and disclosure is as follows:
 - If a project is at the Feasibility Study stage, then only the study amount will be included on the Five-Year Capital Plan with a footnote about the project since including the actual project presumes it will proceed.
 - If a project is at the Design & Bid stage, then an estimated project cost will be included, if reasonably determinable, on the Five-Year Capital Plan. A footnote may be included to provide additional information.
 - If a project is at the Renovation/Construction stage, then the project cost will be included on the Five-Year Capital Plan. A footnote may be included to provide additional information.
 - If a project is being contemplated but it is too premature for estimates, then a footnote will be included describing the project and the amount will be "To Be Determined".
 - Note that all large-scope projects of this nature would likely be accompanied by a Warrant Article and subject to approval at Annual Town Meeting.

If a project is in the pre-feasibility stage or in between the above stages, it may create a reporting gap. In an effort to close this gap and provide a more long-term and complete picture of the Town's capital needs, COC is including the following summary of building and facility needs by department:

| <u>Department</u> | <u>Need</u> | <u>Preliminary Estimate</u> |
|---|---|-----------------------------|
| Library | Major renovation of building and parking lot (net of grant and may be further reduced by possible Capital Fundraising Campaign) | \$17,100,000 |
| Fire Department | New North Fire Station | \$6,000,000 |
| Fire Department | New South Fire Station | \$6,000,000 |
| <u>Town Hall</u> (may be offset by \$2M from State capital improvement plan): | | |
| Recreation Center | Major renovation of existing space or new building | \$2,500,000 |
| Police Department | Expansion and major renovation of existing Town Hall space | \$2,000,000 |
| Senior Center | Expansion and major renovation of existing Town Hall space | \$4,000,000 |
| Information Technology | Data Center Upgrade (on 5 Year Capital Plan) | \$200,000 |
| Harbor Improvements | Repair and restoration of Town-owned Wharves (may be offset by some grant money) | \$10,000,000 |
| South Shore Country Club | New Pool and Maintenance Facility (may be offset by some SSCC revenues and private donations) | \$10,000,000 |
| <u>School Department:</u> | | |
| Foster | Pursuing MSBA funding for new school | To be determined |
| Plymouth River | Window replacement | To be determined |
| High School | Boiler replacement | To be determined |
| High School | Gymnasium glass block window replacement | To be determined |
| High School | Expansion and renovation of Health and Wellness Center | To be determined |

Disclaimer: The amounts noted above are preliminary estimates and are subject to change.

IV. COMMENTS AND RECOMMENDATIONS

Several years ago, COC recommended that additional funds be made available in future years for replacement of capital items, in order to prevent a significant negative impact to the Town's capital base. The Town committed an additional \$100,000 in funding per year beginning in FY 2016 and for the four subsequent years, resulting in a projected capital outlay budget of \$2,500,000 from the tax levy in FY 2020. This additional funding eliminated the backlog created during previous years of capital underfunding and brought the capital plan in compliance with the Town's Financial Policy, which states capital expenditures (excluding those financed by debt or user rates/charges) should be between 2% and 5% of the Town's Operating Budget. From FY 2015 to FY 2019, expenditures are within this range, but, in five of the last ten years, this percentage was below the 2% required minimum.

Adequate capital funding is necessary in order to properly manage replacement and maintenance of Town-owned assets. A lack of sufficient capital funding may result in increased repairs and ultimately higher costs when those capital items are replaced. It is preferable to be proactive instead of risking the failure of one or more systems and spending more funds to remedy an emergency situation.

The Town must continue increasing capital funding in order to keep pace with the operating budget, allow for proper maintenance of the Town's significant capital base and comply with the Town's Financial Policy. There are numerous building and renovation projects planned for the future and COC is concerned that while the Town may have the debt capacity to fund these projects, there will be an increased capital funding requirement to maintain assets, putting additional pressure on capital funding from the operating budget. The Town's long-term capital needs will continue to be discussed but we must balance our long-term needs with our current capital funding limitations.

Further, with an increase in the Town's capital base there will be a greater need to establish a formal system to track and monitor building assets and sub-systems. It is critical for the Town to accurately identify and quantify the ongoing capital needs of all Town-owned assets, including facilities and their related subsystems, so that these expenditures can be anticipated and included in long-range plans. COC continues to be concerned that expenses related to all capital assets of the Town have not been reflected in the Five-Year Capital Plan. This issue was first mentioned in the Report of the Capital Outlay Committee in the 2012 Warrant. Specifically, COC was concerned that major expenditures, such as the repair/refurbishment of all Town-owned real estate, were not in the capital budget. As a result, COC recommended an externally prepared comprehensive multi-phase Study of Town-Owned Buildings and Facilities and subsequently a Town Facilities Manager to oversee these assets. Neither recommendation was followed.

At a minimum, COC encourages the Town to develop a comprehensive survey of all components (e.g., roofs, windows, heating, ventilation, air conditioning, plumbing, etc.) of each facility. This information could be used to create a database containing the repair/replacement schedule for all facilities and the related subsystems. Town department heads and committees could use this data to understand the ongoing capital requirements related to the facilities for each year and to proactively manage the repair/replacement process on a comprehensive basis.

The Capital Outlay Committee thanks the Advisory Committee, Board of Selectmen, Town Administrator, Assistant Town Administrator, and Town department heads for their support. Their contributions are critical to the budget process, and we extend our appreciation for their dedication and hard work.

Brendan Kiernan, Chair
Tim Finnerty
Eric Valentine

Eric Haskell, Advisory Committee
Libby Claypoole, Advisory Committee
Jean Montgomery, Treasurer-Collector *ex-officio member* (non-voting)

FY2019 Five Year Capital Plan

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|-----------|-----------|-----------|-----------|-----------|
| <u>INFORMATION TECHNOLOGY:</u> | | | | | |
| Information Technology Assets (20% replacement) | \$92,000 | | | | |
| Video Security Cameras - Town Hall (PII) | \$17,000 | | | | |
| Information Technology Assets (20% replacement) | | \$94,000 | | | |
| Data Center Upgrade (new) (Footnote #1) | | \$200,000 | | | |
| Fiber Network Redundancy (new) | | | \$150,000 | | |
| Document Management System (replacement) | | | \$80,000 | | |
| Information Technology Assets (20% replacement) | | | \$96,000 | | |
| Information Technology Assets (20% replacement) | | | | \$100,000 | \$103,000 |
| TOTAL INFORMATION TECHNOLOGY | \$109,000 | \$294,000 | \$326,000 | \$100,000 | \$103,000 |
| <u>ASSESSORS:</u> | | | | | |
| No Requests | | | | | |
| TOTAL ASSESSORS | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>SELECTMEN:</u> | | | | | |
| No Requests | | | | | |
| TOTAL SELECTMEN | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>TOWN CLERK:</u> | | | | | |
| No Requests | | | | | |
| TOTAL TOWN CLERK | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>TREASURER/COLLECTOR:</u> | | | | | |
| Postage Machine (replacement) | | | \$6,000 | | |
| TOTAL TREASURER/COLLECTOR | \$0 | \$0 | \$6,000 | \$0 | \$0 |
| <u>TOWN HALL:</u> | | | | | |
| Roof (partial) (replacement) | \$60,000 | | | | |
| Glycol, HVAC System (replacement) | \$6,000 | | | | |
| Town Hall (renovations & repairs) | \$25,000 | | | | |
| Stair Treads, Recreation (replacement) | | \$19,500 | | | |
| Interior Painting & Wallpaper (replacement) | | \$20,000 | | | |
| Bathroom partition/fixtures (replacement) | | \$20,000 | | | |
| Town Hall (renovations & repairs) | | \$25,000 | | | |
| Flooring, Game Room (replacement) | | | \$13,000 | | |
| Carpeting, Town Hall staircase (replacement) | | | \$16,900 | | |
| Make-up Air Units for Gym (replacement) | | | \$10,000 | | |
| Town Hall (renovations & repairs) | | | \$30,000 | | |
| HV Boiler Room (3) (replacement) | | | | \$30,000 | |
| Bathroom partition/fixtures (replacement) | | | | \$40,000 | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|---------------|---------------|---------------|---------------|---------------|
| Town Hall (renovations & repairs) | | | | \$30,000 | |
| Make-up Air Units for Auditorium (replacement) | | | | | \$30,000 |
| Bathroom partition/fixtures (replacement) | | | | | \$20,000 |
| Town Hall (renovations & repairs) | | | | | \$30,000 |
| TOTAL TOWN HALL | \$91,000 | \$84,500 | \$69,900 | \$100,000 | \$80,000 |
| <u>GAR HALL:</u> | | | | | |
| No Requests | | | | | |
| TOTAL GAR HALL | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>VETERANS SERVICES:</u> | | | | | |
| No Requests | | | | | |
| TOTAL VETERANS SERVICES | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>POLICE DEPARTMENT:</u> | | | | | |
| Police Vehicles (7) (replacement) | \$223,000 | | | | |
| Bullet Proof Vests (28) (replacement) | \$26,000 | | | | |
| Police Patrol Rifles (20) (replacement) | \$32,000 | | | | |
| Cold Weather Survival Suit - Harbormaster (replacement) | \$7,000 | | | | |
| Boat Engine - Harbormaster (1) (replacement) | \$20,000 | | | | |
| Police Vehicles (6) (replacement) | | \$171,000 | | | |
| In Crusier Radar Units (11) (replacement) | | \$33,000 | | | |
| Bullet Proof Vests (8) (replacement) | | \$16,000 | | | |
| AFIS Fingerprint Machine (replacement) | | \$40,000 | | | |
| Station Internal Video/Security update (replacement) | | \$30,000 | | | |
| Police Vehicles (7) (replacement) | | | \$234,000 | | |
| Bullet Proof Vests (18) (replacement) | | | \$18,000 | | |
| Body Cameras (54) (new) | | | \$100,000 | | |
| Automated Defiberlators (12) (replacement) | | | \$24,000 | | |
| Boat Engine - Harbormaster (2) (replacement) | | | \$50,000 | | |
| Police Car Dash Cams (10) (replacement) | | | | \$80,000 | |
| Furniture Upgrade (replacement) | | | | \$20,000 | |
| Bullet Proof Vests (15) (replacement) | | | | \$15,000 | |
| Animal Control Incinerator (new) | | | | \$19,000 | |
| Dinghy Dock - Harbormaster | | | | \$18,000 | |
| Police Vehicles (7) (replacement) | | | | | \$255,000 |
| Boat Engine - Harbormaster (2) (replacement) | | | | | \$50,000 |
| Bullet Proof Vests (9) (replacement) | | | | | \$10,000 |
| Police Sidearms (70) (replacement) | | | | | \$33,000 |
| TOTAL POLICE DEPARTMENT | \$308,000 | \$290,000 | \$426,000 | \$152,000 | \$348,000 |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|--|--------------------|------------------|------------------|------------------|------------------|
| <u>FIRE DEPARTMENT:</u> | | | | | |
| Lucas Devices (2) /Automated CPR (new) | \$32,000 | | | | |
| Fire Hydrants (replacement) | \$36,000 | | | | |
| Turnout Gear (12 sets) (replacement) | \$32,000 | | | | |
| Stair Chairs (1) (replacement) | \$5,000 | | | | |
| Stretcher (replacement) | \$15,000 | | | | |
| Quint 1 (1999) (replacement) (Footnote #3) | \$1,500,000 | | | | |
| Station 2 (North/Torrent) Renovation (replacement) (Footnote #2) | | TBD | | | |
| Cardiac Monitors (replacement) | | \$110,000 | | | |
| Fire Hydrants (replacement) | | \$36,000 | | | |
| Turnout Gear (12 sets) (replacement) | | \$32,000 | | | |
| Station 1, 2, 3 Painting (replacement) | | \$60,000 | | | |
| Stair Chair (1) (replacement) | | \$5,000 | | | |
| C-2012 (replacement) | | \$40,000 | | | |
| Medic (2007) (replacement) | | \$350,000 | | | |
| Station 3 (South) Renovation (replacement) (Footnote #2) | | | TBD | | |
| Fire Hydrants (replacement) | | | \$36,000 | | |
| Turnout Gear (12 sets) (replacement) | | | \$32,000 | | |
| Stretcher (replacement) | | | \$15,000 | | |
| Utility 2011 (replacement) | | | \$52,000 | | |
| C-2013A (replacement) | | | \$40,000 | | |
| C-2013B (replacement) | | | \$48,000 | | |
| Fire Hydrants (replacement) | | | | \$36,000 | |
| Turnout Gear (12 sets) (replacement) | | | | \$32,000 | |
| Station 1 Jockey Heater (new) | | | | \$50,000 | |
| Engine 2002 (replacement) | | | | \$575,000 | |
| Fire Hydrants (replacement) | | | | | \$36,000 |
| Turnout Gear (12 sets) (replacement) | | | | | \$32,000 |
| Medic (2013A) (replacement) | | | | | \$348,000 |
| TOTAL FIRE DEPARTMENT | \$1,620,000 | \$633,000 | \$223,000 | \$693,000 | \$416,000 |
| <u>PUBLIC WORKS AND FACILITIES:</u> | | | | | |
| <u>TOWN ENGINEERING:</u> | | | | | |
| No Requests | | | | | |
| TOTAL TOWN ENGINEERING | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>HIGHWAY/TREE & PARK:</u> | | | | | |
| #20T - Woodsman Chipper 770 (2008) (replacement) | \$85,475 | | | | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|--|------------------|-----------|------------------|------------------|------------------|
| #14 - IH 4990 Dump w/Plow & Sander (2003) (replacement) | \$156,000 | | | | |
| #37 - Chevrolet 2500 HD P/U w/Plow (2004) (replacement) | \$41,025 | | | | |
| #25 - Trackless MT (replacement) | \$55,000 | | | | |
| #31 - Groundmaster 4000D (2006) (replacement) | | \$71,500 | | | |
| 17T - Silverado 2500HD Quad Cab w/Plow (2005) (replacement) | | \$41,025 | | | |
| #24 - Bombardier Sidewalk Tractor (1993) (replacement) | | \$157,000 | | | |
| # 7 - IH Dump 7400DP w/S&P (2008) (replacement) | | \$162,000 | | | |
| #42 - Giant Leaf Blower (replacement) | | \$10,000 | | | |
| TP-2 - 48" SCAG Mower Walk Behind (replacement) | | \$7,000 | | | |
| TP-2 - 48" SCAG Mower Walk Behind (replacement) | | \$7,000 | | | |
| #41 - Chevrolet 2500HD w/Plow (2003) (replacement) | | \$39,025 | | | |
| #13 - IH Dump 7400DP w/S&P (2009) (replacement) | | | \$159,500 | | |
| #34 - Chevrolet 3500 HD 1 Ton (2011) (replacement) | | | \$63,000 | | |
| #2 - Chevrolet 2500 HD P/U w/P (2012) (replacement) | | | \$41,000 | | |
| #38 - GMC Sierra 2500 P/U w/P (2010) (replacement) | | | \$41,000 | | |
| #29 - John Deere F1148 Tractor (1996) (replacement) | | | \$33,000 | | |
| #22 - Elgin Sweeper (2008) (replacement) | | | | \$97,000 | |
| #15 - Chevrolet 2500 4WD P/U w/P (2012) (replacement) | | | | \$32,000 | |
| #51 - Gallion Roller 7/8 Ton (1996) (replacement) | | | | \$50,000 | |
| #44 - Sewer Rodder (2001) (replacement) | | | | \$30,000 | |
| #28 - Silverado 3500 1 Ton Dump w/P (2012) (replacement) | | | | \$63,000 | |
| #35 - Compressor (replacement) | | | | | \$18,000 |
| #23 - Elgin Sweeper (Pelican) (2011) (replacement) | | | | | \$124,000 |
| #12 - Catch Basin Cleaner (replacement) | | | | | \$165,000 |
| #26 - Chevrolet 2500 Quad Cb 4WD P/U w/P (2013)(replacement) | | | | | \$34,000 |
| #18 - Silverado 3500 4WD 1 Ton Dump w/P (2013) (replacment) | | | | | \$35,000 |
| TOTAL HIGHWAY/TREE & PARK | \$337,500 | | \$337,500 | \$272,000 | \$376,000 |
| <u>TRANSFER STATION/RECYCLING:</u> | | | | | |
| Facility Fence (replacement) | \$80,000 | | | | |
| #L32 - 2008 244J John Deere Mini Loader (replacement) | \$80,000 | | | | |
| #T2 - Open Top Trailer (2000) (replacement) | \$75,000 | | | | |
| Trailer Tires (36) & Undercarriage Repair (replacement) | \$25,000 | | | | |
| #L31 - 2005 544K John Deere Front End Loader (replacement) | | | | | |
| Trailer Tires (36) & Undercarriage Repair (replacement) | | | | | |
| #T3 - Open Top Trailer (2000) (replacement) | | | | | |
| Baler Maintenance/Reline Hopper (replacement) | | | | | |
| #L37 - 2003 Mitsubishi Diesel Fork Truck (replacement) | | | \$18,000 | | |
| Trailer Tires (36) & Undercarriage Repair (replacement) | | | \$25,000 | | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|---------------|---------------|---------------|---------------|---------------|
| #L21 - 2005 410G John Deere Backhoe (replacement) | | | | \$90,000 | |
| Trailer Tires (36) & Undercarriage Repair (replacement) | | | | \$25,000 | |
| 00-LC1 - Stationary Compacting Unit #1 (replacement) | | | | | \$50,000 |
| Trailer Tires (36) & Undercarriage Repair (replacement) | | | | | \$25,000 |
| TOTAL TRANSFER STATION/RECYCLING: | \$260,000 | | \$43,000 | \$115,000 | \$75,000 |
| SEWER COMMISSION: | | | | | |
| #SW1 - Chevy PU w/P (2006) (replacement) | \$41,000 | | | | |
| Pump Station (renovations & repairs) Greenbush | \$25,000 | | | | |
| Pump Station (renovations & repairs) Town Hall | \$7,000 | | | | |
| Pump Station (renovations & repairs) Broad Cv,WR, Howe, South | \$28,000 | | | | |
| Pump Station (renovations & repairs) Howe Street | \$45,000 | | | | |
| Service Replacements | \$50,000 | | | | |
| Inflow & Infiltration Investigation and Remediation | \$100,000 | | | | |
| Pump Station (renovations & repairs) South Street | | \$5,000 | | | |
| Service Replacements | | \$50,000 | | | |
| Inflow & Infiltration Investigation and Remediation | | \$200,000 | | | |
| Night Soil Plant Building Study | | | \$20,000 | | |
| Service Replacements | | | \$50,000 | | |
| Inflow & Infiltration Investigation and Remediation | | | \$200,000 | | |
| Weir River Inflow & Infiltration Study | | | | \$70,000 | |
| Service Replacements | | | | \$50,000 | |
| Inflow & Infiltration Investigation and Remediation | | | | \$200,000 | |
| Service Replacements | | | | | \$50,000 |
| TOTAL SEWER COMMISSION | \$296,000 | \$255,000 | \$270,000 | \$320,000 | \$50,000 |
| ELDER SERVICES: | | | | | |
| Automobile (2013) (replacement) | | \$27,000 | | | |
| Van (2011) (replacement) | | | \$65,000 | | |
| TOTAL ELDER SERVICES | \$0 | \$27,000 | \$65,000 | \$0 | \$0 |
| LIBRARY: | | | | | |
| Computers (replacement 20%) | \$30,000 | | | | |
| Furniture (replacement) | \$20,000 | | | | |
| Interior security camera (replacement) | \$55,000 | | | | |
| Computers (replacement 20%) | | \$20,000 | | | |
| Furniture (replacement) | | \$20,000 | | | |
| Exterior Storage Shed (replacement) | | \$20,000 | | | |
| 50 space parking lot expansion (new) | | \$345,000 | | | |
| Paint Children's Area (replacement) | | \$15,000 | | | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|-----------|-----------|-----------|-----------|-----------|
| Paint Children's Area (replacement) | | \$15,000 | | | |
| Paint Adult Collection Areas (replacement) | | \$15,000 | | | |
| Single pane windows (replacement) | | \$100,000 | | | |
| Exterior Wooden door (replacement) | | \$20,000 | | | |
| Exterior Security Camera Installation (new) | | \$20,000 | | | |
| Roof Trusses Repair Phase 2 (replacement) | | \$20,000 | | | |
| Computers (replacement 20%) | | | \$20,000 | | |
| Furniture (replacement) | | | \$20,000 | | |
| HVAC component (replacement) | | | \$75,000 | | |
| Carpet (replacement) | | | \$80,000 | | |
| Computers (replacement 20%) | | | | \$20,000 | |
| Furniture (replacement) | | | | \$20,000 | |
| Septic System Design (replacement) | | | | \$15,000 | |
| Lighting Interior (replacement) | | | | \$80,000 | |
| Computers (replacement 20%) | | | | | \$20,000 |
| Furniture (replacement) | | | | | \$20,000 |
| Generator Installation | | | | | \$85,000 |
| Septic System (replacement) | | | | | \$100,000 |
| TOTAL LIBRARY | \$105,000 | \$595,000 | \$195,000 | \$135,000 | \$225,000 |
| RECREATION COMMISSION: | | | | | |
| Fitness equipment (replacement) | \$25,000 | | | | |
| Field rehab (replacement) | \$20,000 | | | | |
| Facility rehab (replacement) | \$25,000 | | | | |
| Playground rehab (replacement) | \$15,000 | | | | |
| East Street Skate House (Footnote #10) | | \$150,000 | | | |
| Fitness equipment (replacement) | | \$25,000 | | | |
| Field rehab (replacement) | | \$20,000 | | | |
| Facility rehab (replacement) | | \$25,000 | | | |
| Playground rehab (replacement) | | \$15,000 | | | |
| Fitness equipment (replacement) | | | \$25,000 | | |
| Field rehab (replacement) | | | \$20,000 | | |
| Facility rehab (replacement) | | | \$25,000 | | |
| Playground rehab (replacement) | | | \$15,000 | | |
| Cronin - Street Hockey Court (replacement) (Footnote #10) | | | | \$150,000 | |
| Fitness equipment (replacement) | | | | \$25,000 | |
| Field rehab (replacement) | | | | \$20,000 | |
| Facility rehab (replacement) | | | | \$25,000 | |
| Playground rehab (replacement) | | | | \$15,000 | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|--|-----------------|------------------|------------------|------------------|------------------|
| Cronin - Basketball Court (replacement) (Footnote #10) | | | | | \$120,000 |
| Fitness equipment (replacement) | | | | | \$25,000 |
| Field rehab (replacement) | | | | | \$20,000 |
| Facility rehab (replacement) | | | | | \$25,000 |
| Playground rehab (replacement) | | | | | \$15,000 |
| TOTAL RECREATION COMMISSION | \$85,000 | \$235,000 | \$85,000 | \$235,000 | \$205,000 |
| <u>SOUTH SHORE COUNTRY CLUB:</u> | | | | | |
| Pool (replacement) - Design and Construction Plans (Footnote #4) | TBD | | | | |
| Golf Course Maintenance Equipment | \$14,000 | | | | |
| Golf Course & Facility Improvements | \$65,000 | | | | |
| Pool Complex - Construction (Footnote #4) | | TBD | | | |
| Golf Course Maintenance Equipment | | \$95,000 | | | |
| Golf Course & Facility Improvements | | \$40,000 | | | |
| Golf Course Maintenance Equipment | | | \$80,000 | | |
| Golf Course & Facility Improvements | | | \$40,000 | | |
| Golf Course & Facility Improvements | | | | \$116,000 | |
| Golf Course & Facility Improvements | | | | \$100,000 | |
| Golf Course Maintenance Equipment | | | | | \$110,000 |
| Golf Course & Facility Improvements | | | | | \$150,000 |
| TOTAL SOUTH SHORE COUNTRY CLUB | \$79,000 | \$135,000 | \$120,000 | \$216,000 | \$260,000 |
| <u>SCHOOL DEPARTMENT:</u> | | | | | |
| EAST ELEMENTARY SCHOOL: | | | | | |
| Industrial Tight Tank Liner | \$15,000 | | | | |
| Inspection Waste Water Pumps | | \$8,000 | | | |
| Flag Pole Lighting | | \$5,000 | | | |
| LED Lighting Upgrade | | \$20,000 | | | |
| Stage Refinished | | \$10,000 | | | |
| Building Repairs and Improvements | | \$50,000 | | | |
| Building Repairs and Improvements | | | \$50,000 | \$50,000 | \$50,000 |
| EAST ELEMENTARY TOTALS | \$15,000 | \$93,000 | \$50,000 | \$50,000 | \$50,000 |
| FOSTER ELEMENTARY SCHOOL: | | | | | |
| Building Repairs and Improvements | \$50,000 | | | | |
| Min: Window/Door Replacement/Max: New Building (Footnote #5) | | TBD | | | |
| Building Repairs and Improvements | | \$50,000 | | | |
| Building Repairs and Improvements | | | \$50,000 | | |
| Playground - ADA Compliance (new) | | | | \$84,000 | |
| Building Repairs and Improvements | | | | \$50,000 | \$50,000 |
| FOSTER ELEMENTARY TOTALS | \$50,000 | \$50,000 | \$50,000 | \$134,000 | \$50,000 |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|--|----------|-----------|-------------|-----------|-----------|
| HIGH SCHOOL: | | | | | |
| Gymnasium Glass Block Windows (Footnote #6) | TBD | | | | |
| Build Wall in Guidance between learning spaces | \$8,000 | | | | |
| Energy Mgmt System - Upgrade parts to ONA (4 of 8) | \$20,000 | | | | |
| Rebuild Mechanical Pumps, Regular and Chill Water | \$16,000 | | | | |
| Sprinkler Head Replacement - Phase 1 of 3 | \$33,000 | | | | |
| HVAC, EMS, and Electrical systems - Preventative Maintenance | | \$45,000 | | | |
| Rooftop Air Handler 2 Replacement | | \$40,000 | | | |
| Boiler Replacement - Heat - Feasibility Study | | \$38,245 | | | |
| Energy Mgmt System - Upgrade parts to ONA (5 of 8) | | \$20,000 | | | |
| Floors - Refinish all boys and girls' locker rooms floors | | \$35,000 | | | |
| Floors - Portable floor overlay for Auditorium | | \$8,500 | | | |
| Interior LED Lighting Upgrade | | \$10,000 | | | |
| Rebuild Mechanical Pumps, Regular and Chill Water | | \$24,000 | | | |
| Resurface Tennis Courts | | \$50,000 | | | |
| Rooftop Air Handler 4 Replacement | | \$60,000 | | | |
| Sprinkler Head Replacement - Phase 2 of 3 | | \$33,000 | | | |
| Speaker Announcement PA and Clock System | | \$15,000 | | | |
| Building Repairs and Improvements | | \$75,000 | | | |
| Boiler Replacement - Heat - Bidding and Construction | | | \$889,152 | | |
| Interior LED Lighting Upgrade | | | \$10,000 | | |
| Energy Mgmt System - Upgrade parts to ONA (6 of 8) | | | \$20,000 | | |
| Sewer Grade Repair - Guidance office | | | \$80,000 | | |
| Roof Concession Building | | | \$15,000 | | |
| Sprinkler Head Replacement - Phase 3 of 3 | | | \$33,000 | | |
| Rooftop Air Handler 4 Replacement | | | \$60,000 | | |
| Building Repairs and Improvements | | | \$75,000 | | |
| Energy Mgmt System - Upgrade parts to ONA (7 of 8) | | | | \$20,000 | |
| Interior LED Lighting Upgrade | | | | \$10,000 | |
| Rooftop Air Handler 4 Replacement | | | | \$60,000 | |
| Building Repairs and Improvements | | | | \$75,000 | |
| Energy Mgmt System - Upgrade parts to ONA (8 of 8) | | | | | \$20,000 |
| Fields and Grounds - Irrigation System | | | | | \$21,000 |
| Interior LED Lighting Upgrade | | | | | \$10,000 |
| Building Repairs and Improvements | | | | | \$75,000 |
| HIGH SCHOOL TOTALS | \$77,000 | \$453,745 | \$1,182,152 | \$165,000 | \$126,000 |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|-----------------|------------------|-----------------|-----------------|-----------------|
| MIDDLE SCHOOL: | | | | | |
| Electrical- Relocate Electrical Service Box in Bus Loop | \$15,000 | | | | |
| Industrial Tight Tank Liner | \$15,000 | | | | |
| Building Repairs and Improvements | \$15,000 | | | | |
| Shades on First Floor for Sun Glare | | \$7,500 | | | |
| Building Repairs and Improvements | | \$15,000 | | | |
| Tractor Replacment | | | \$14,000 | | |
| Building Repairs and Improvements | | | \$15,000 | | |
| Building Repairs and Improvements | | | | \$15,000 | |
| | | | | | \$15,000 |
| MIDDLE SCHOOL TOTALS | \$45,000 | \$22,500 | \$29,000 | \$15,000 | \$15,000 |
| PLYMOUTH RIVER ELEMENTARY SCHOOL: | | | | | |
| HVAC-Library Roof Top Air Handler AC Failed | \$40,000 | | | | |
| Parking Lot Camera | \$8,000 | | | | |
| Feasibility Study - Windows - (new) (Footnote #7) | | TBD | | | |
| Walls (2) - Replace Accordian Walls with Permanent Structures | | \$16,000 | | | |
| Clock System - Synchronize | | \$10,000 | | | |
| Exterior - Cement Pole Repair | | \$14,000 | | | |
| HVAC-Library Roof Top Air Handler End of Life | | \$40,000 | | | |
| Playground -ADA compliance -Install poured-in-place surface (new) | | \$88,000 | | | |
| Access Door from Staff Room to Back Garden | | \$8,000 | | | |
| Building Repairs and Improvements | | \$50,000 | | | |
| Lighting - Update Interior Lighting to LED | | | \$15,000 | | |
| Walls (2) – Replace Accordian Walls with Permanent Structures | | | \$16,000 | | |
| Build Security Vestbule | | | \$20,000 | | |
| Building Repairs and Improvements | | | \$50,000 | | |
| Walls (2) - Replace Accordian Walls with Permanent Structures | | | | \$16,000 | |
| Building Repairs and Improvements | | | | \$50,000 | \$50,000 |
| PLYMOUTH RIVER ELEMENTARY TOTALS | \$48,000 | \$226,000 | | \$66,000 | \$50,000 |
| SOUTH ELEMENTARY SCHOOL: | | | | | |
| Water Distribution Pumps (rebuild) & Install VFD | \$28,000 | | | | |
| Playgrounds - ADA Compliant Playground surfacing (new) | \$77,000 | | | | |
| Wastewater Pumps (rebuild) | \$16,000 | | | | |
| Add loads to existing generator | | \$27,580 | | | |
| Exterior - Paint outside trim doors and railings | | \$30,000 | | | |
| Interior Upkeep - Refinish cabinets and door trim | | \$30,000 | | | |
| Lighting - Update Interior Lighting to LED | | \$20,000 | | | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|--|-----------|-----------|----------|----------|----------|
| Guardrail or Curbing - Front Parking Lot | | \$15,000 | | | |
| Storage - Install full size door and ramp into the dirt floor storage unit | | \$12,000 | | | |
| Ventilation - Ceiling Fans for Gym | | \$8,000 | | | |
| Building Repairs and Improvements | | \$50,000 | | | |
| Interior Upkeep - Refinish cabinets and door trim | | | \$30,000 | | |
| Building Repairs and Improvements | | | \$50,000 | | |
| Build Wall with doors between LMC and office in Main Hall | | | | \$20,000 | |
| Interior Upkeep - Refinish cabinets and Door trim - all | | | | \$20,000 | |
| Roofs - Repair/Replace (Footnote #8) | | | | TBD | |
| Building Repairs and Improvements | | | | \$50,000 | \$50,000 |
| SOUTH ELEMENTARY TOTALS | \$121,000 | \$192,580 | \$80,000 | \$90,000 | \$50,000 |
| SCHOOL SYSTEM WIDE: | | | | | |
| Area Carpet (replacement plan) | \$13,500 | | | | |
| Copiers (2) (replacement) | \$25,000 | | | | |
| Instructional Equipment | \$46,615 | | | | |
| Maintenance Equipment | \$15,500 | | | | |
| Roof Repairs All Buildings | \$25,000 | | | | |
| Security - Additional Surveillance Cameras / Radio Replacements | \$20,000 | | | | |
| Technology - Baseline | \$223,400 | | | | |
| Technology - Major Infrastructure and Chrome Book Replacements | \$229,750 | | | | |
| Time Clock & Time Reporting Management System (1 of 2) | \$29,095 | | | | |
| Transportation - Replace School Transport Vans | \$40,102 | | | | |
| Time Clock & Time Reporting Management System (2 of 2) | | \$63,565 | | | |
| Master Plan Update Ten Year Plan | | \$25,000 | | | |
| Technology - Enhancements & New Initiatives | | \$30,000 | | | |
| Area Carpet (replacement plan) | | \$14,000 | | | |
| Copiers (2) (replacement) | | \$25,000 | | | |
| Digital Radio System | | \$35,000 | | | |
| Instructional Equipment | | \$46,615 | | | |
| Maintenance Equipment | | \$15,500 | | | |
| Bldg 179 - New Pad for Loading Dock | | \$8,000 | | | |
| Website Development | | \$30,000 | | | |
| Roof repairs all buildings | | \$50,000 | | | |
| Security - Additional Surveillance Cameras / Radio Replacements | | \$20,000 | | | |
| Technology - Baseline | | \$233,400 | | | |
| Technology - Enhancements & New Initiatives | | \$100,000 | | | |
| Technology - Major Infrastructure and Chrome Book Replacements | | \$158,900 | | | |
| Transportation - Replace School Transport Van | | \$41,305 | | | |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|--------|-----------|-----------|-----------|-----------|
| Vehicle - Dump Truck - Replacement | | \$60,000 | | | |
| Maintenance Vehicle - Replacement | | \$42,000 | | | |
| Maintenance Vehicle - Replacement | | \$38,000 | | | |
| Bldg 179 Sprinklers | | \$145,200 | | | |
| Bldg 179 Renovations (excludes sprinklers) | | \$110,000 | | | |
| Unanticipated Major Repairs | | \$35,000 | | | |
| Area Carpet (replacement plan) | | | \$14,500 | | |
| Copiers (2) (replacement) | | | \$25,000 | | |
| Instructional Equipment | | | \$46,615 | | |
| Maintenance Equipment | | | \$15,500 | | |
| Roof Repairs All Buildings | | | \$50,000 | | |
| Security - Additional Surveillance Cameras / Radio Replacements | | | \$20,000 | | |
| Technology - Baseline | | | \$243,400 | | |
| Technology - Enhancements & New Initiatives | | | \$100,000 | | |
| Technology - Major Infrastructure and Chrome Book Replacements | | | \$194,550 | | |
| Transportation - Replace School Transport Vans | | | \$42,544 | | |
| Maintenance Vehicle - Replacement | | | \$43,260 | | |
| Unanticipated Major Repairs | | | \$35,000 | | |
| Area Carpet (replacement plan) | | | | \$15,000 | |
| Copiers (2) (replacement) | | | | \$25,000 | |
| Instructional Equipment | | | | \$46,615 | |
| Maintenance Equipment | | | | \$15,500 | |
| Roof Repairs All Buildings | | | | \$50,000 | |
| Security - Additional Surveillance Cameras / Radio Replacements | | | | \$20,000 | |
| Technology - Baseline | | | | \$253,400 | |
| Technology - Enhancements & New Initiatives | | | | \$100,000 | |
| Technology - Major Infrastructure and Chrome Book Replacements | | | | \$181,600 | |
| Transportation - Replace School Transport Van | | | | \$42,544 | |
| Maintenance Vehicle - Replacement | | | | \$43,260 | |
| Unanticipated Major Repairs | | | | \$35,000 | |
| Area Carpet (replacement plan) | | | | | \$15,500 |
| Copiers (2) (replacement) | | | | | \$25,000 |
| Instructional Equipment | | | | | \$46,615 |
| Maintenance Equipment | | | | | \$15,500 |
| Roofs - Repairs All Buildings | | | | | \$50,000 |
| Security - Additional Surveillance Cameras / Radio Replacements | | | | | \$20,000 |
| Technology - Baseline | | | | | \$263,400 |

| Department/Category | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| Technology - Enhancements & New Initiatives | | | | | \$100,000 |
| Maintenance Vehicle - Replacement | | | | | \$43,260 |
| Transportation - Replace School Transport Van | | | | | \$42,544 |
| Unanticipated Major Repairs | | | | | \$35,000 |
| SCHOOL SYSTEM WIDE TOTALS | \$667,962 | \$1,326,485 | \$830,369 | \$827,919 | \$656,819 |
| SCHOOL TOWN WIDE: | | | | | |
| Depot - Replace Bus Garage Doors (2) | | \$11,440 | | | |
| SCHOOL TOWN WIDE TOTALS | \$0 | \$11,440 | \$0 | \$0 | \$0 |
| TOTAL SCHOOL | \$1,023,962 | \$2,375,750 | \$2,322,521 | \$1,347,919 | \$997,819 |
| Total Capital Projects | \$4,314,462 | \$5,703,800 | \$4,488,921 | \$3,685,919 | \$3,135,819 |

| Funding Sources | FY2019 | FY2020 | FY2021 | FY 2022 | FY 2022 |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|
| Tax Levy | \$2,002,462 | \$5,228,800 | \$3,963,921 | \$3,046,919 | \$2,690,819 |
| Excess Overlay | \$0 | \$0 | \$0 | \$0 | \$0 |
| Fund Balance (Mooring Permits) | \$27,000 | \$0 | \$50,000 | \$18,000 | \$50,000 |
| Available Reserves (Footnote 9) | \$1,325,000 | \$0 | \$0 | \$0 | \$0 |
| User Rates/Charges | \$460,000 | \$475,000 | \$475,000 | \$621,000 | \$395,000 |
| Borrowing (Footnote 3) | \$500,000 | \$0 | \$0 | \$0 | \$0 |

| | | | | | |
|----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Total Funding | \$4,314,462 | \$5,703,800 | \$4,488,921 | \$3,685,919 | \$3,135,819 |
|----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|

| | | | | | |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Total Capital Projects | \$4,314,462 | \$5,703,800 | \$4,488,921 | \$3,685,919 | \$3,135,819 |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|

DEFINITIONS:

Fund Balance (Mooring Permits) funds the Police Department/Harbormaster
Available Reserves reduces the tax levy source
User Rates/Charges provide funding for the Sewer Commission, South Shore Country Club and Recreation Commission
Borrowing is subject to approval at Annual Town Meeting
TBD indicates amounts are to be determined

FOOTNOTES:

- 1 Information Technology:**
The Data Center Upgrade has been deferred for several years and will likely be done in conjunction with any future Town Hall renovations.
- 2 Fire Department:**
The Fire Station Building Committee is evaluating alternative sites for Station 2 (North/Torrent) and Station 3 (South). These projects are subject to approval at Annual Town Meeting and would be funded from Borrowing.
- 3 Fire Department:**
Refer to the Fire Department Aerial Apparatus Warrant Article for additional information. AvalonBay agreed to pay \$1,000,000 to the Town towards the purchase of this vehicle. One-third has been paid to date. The remaining two-thirds is payable upon issuance of the first and last Certificates of Occupancy, no later than 6 months apart. This capital request is subject to approval at Annual Town Meeting and would be funded from sources other than the Tax Levy.

- 4 South Shore Country Club:**
Refer to the Community Preservation Committee Warrant Article (Item #9) for additional information, including the criteria that must be met in order for any Community Preservation funds to be expended. Any future project is subject to approval at Annual Town Meeting and would be funded from sources other than the Tax Levy, possibly including some private funding.
- 5 Foster Elementary School:**
The School Department is pursuing Massachusetts School Building Authority (MSBA) funding to replace Foster Elementary School. Any future project is subject to approval at Annual Town Annual Town Meeting and would be funded from Borrowing.
- 6 High School:**
Refer to the School Department Gymnasium Glass Block Windows Warrant Article for additional information. This project is subject to approval at Annual Town Meeting and would be funded from sources other than the Tax Levy.
- 7 Plymouth River Elementary School:**
The School Department is evaluating replacement of windows at Plymouth River Elementary School. Estimates are "To Be Determined". Any future project is subject to approval at Annual Town Meeting and would be funded from sources other than the Tax Levy.
- 8 South Elementary School:**
The School Department is evaluating repair or replacement of the roofs at South Elementary School. Estimates are "To Be Determined". Any future project is subject to approval at Annual Town Meeting and would be funded from sources other than the Tax Levy.
- 9 Available Reserves:**
This amount consists of \$1,000,000 referred to in Footnote 3 and \$325,000 from Available Reserves.
- 10 Recreation Commission:**
The Recreation Commission included three capital projects on their Five Year Capital Plan (in the out years). These projects are subject to approval at Annual Town Meeting with the source(s) of funds to be determined.

REPORT OF THE PERSONNEL BOARD

In anticipation of the 2018 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2017 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2017 Annual Town Meeting, the Board began and has continued Collective Bargaining Agreement negotiations with the Fire Department employees Union whose Agreement expired on June 30, 2017. We are in continuing negotiations with the Public Works employees union whose Agreement expired on June 30, 2016.

Police Superior Officers Unit. On recommendation of the Board, the Town entered into an agreement for a union contract with the Hingham Superior Officers Union, MCOP, Local 405, providing for a three year agreement from July 1, 2016 to June 30, 2019. The Superior Officer salary scale was established to be in effect on July 1, 2016, and has been increased by 2% effective July 1, 2017; and by 2% effective July 1, 2018. Effective July 1, 2016, the Longevity Incentive has been modified as follows: 10 Years - \$900, 15 Years - \$1,250, 20 Years - \$1,500, 25 Years - \$1,900, and 30 Years - \$2,700 (a new category.) A Radio Communications Stipend of \$1,000 per year was established. A new Health and Wellness Program was added. A stipend of \$1,000 per year will be paid to any officer who successfully completes the Health and Wellness Program and his/her physical fitness assessment meets or exceeds the Cooper Physical Standards.

Police Patrol Officers Unit. On recommendation of the Board, the Town entered into an agreement for a union contract with the New England Police Benevolent Association, Inc., Local 70, providing for a one year agreement from July 1, 2016 to June 30, 2017, and a three year agreement from July 1, 2017 to June 30, 2020. The Patrol Officers' salary scale was established to be in effect on July 1, 2016, and has been increased by 2% effective July 1, 2017; 2% effective July 1, 2018; and 2% effective July 1, 2019. A new Health and Wellness Program was added. A stipend of \$1,000 per year will be paid to any officer who successfully completes the Health and Wellness Program and his/her physical fitness assessment meets or exceeds the Cooper Physical Standards. Two new stipends, Field Training Officer and Firearms Licensing Officer were established effective July 1, 2017, both at \$500 per year. Effective July 1, 2017, an officer who is regularly assigned to work the evening shift shall receive a shift differential of six percent (6%) of his weekly salary set forth in Schedule PS 1 or PS 2. An officer who is regularly assigned to work the night shift will receive a shift differential equal to eight percent (8%) of his weekly salary set forth in Schedule PS 1 or PS 2 for the time worked during the hours of his regularly assigned shift.

Library Staff Unit. On recommendation of the Board, the Town entered into an agreement for a union contract with the Library Staff Association – SEIU Local 888, providing for a three year agreement from July 1, 2017 to June 30, 2020. The Library employees' salary scale was established to be in effect on July 1, 2017, and has been increased by 2% effective July 1, 2018; and 2% effective July 1, 2019. Effective July 1, 2017, the Longevity Incentive has been modified as follows: 20 years - \$800, and 25 or more years - \$1,000. The stipend for Page Supervisor was increased by \$350 per year effective July 1, 2017. The following stipends were established: Volunteer Coordinator effective July 1, 2017 at \$500 per year; Training Room Stipend of \$1.00 per hour will be paid to designated staff for each scheduled hour worked in the Technology Training Room; and a Programming Stipend of \$1.00 per hour will be paid to designated staff for each scheduled hour worked creating or presenting public programming. Effective July 1, 2017, for Tuition Reimbursement for Professional Courses, \$6,000 shall be appropriated per fiscal year, and \$3,000 shall be available for distribution for each semester for benefit employees to attend professional courses as approved by the Director. Effective July 1, 2017, the Town will provide a uniform allowance of \$300 annually to each full-time custodian and \$150 to each part-time custodian. Effective

July 1, 2017, the Library Technician and the Page positions shall receive equity adjustments, before the July 1, 2017 increase of two percent is applied. Furthermore, the salary scale shall be changed from two (2) steps to five (5) steps as follows:

Library Technician – L-6:

| | | | | |
|--------|--------|--------|--------|--------|
| Step A | Step B | Step C | Step D | Step E |
| 18.82 | 19.95 | 21.15 | 22.42 | 23.60 |

Page – L-2:

| | | | | |
|--------|--------|--------|--------|--------|
| Step A | Step B | Step C | Step D | Step E |
| 12.00 | 12.36 | 12.73 | 13.11 | 13.50 |

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommended a general wage increase of 2% effective July 1, 2017, for employees who are not covered by collective bargaining agreements. During 2017, the Board approved the new Police Department Office Clerk job description. The Board approved the reclassification of the positions of Fire Department Administrative Assistant to Office Manager at Grade 11, Step 3, and Board of Selectmen Administrative Assistant to Office Manager at Grade 11, Step 4. Also, the Board approved the requests that the newly hired Assistant Library Director be placed at Grade 14, Step 3 on the salary scale, and the newly hired lateral transfer for the Police Department be placed at the PS-1E salary scale. The Board voted to approve granting a Police Officer the Education Incentive pay by accepting his Bachelor's degree in Criminal Justice from an out-of-state accredited university. The Board voted to recommend that the Town retain a Wage and Classification Study for non-union personnel, subject to approval of Town Meeting.

RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2018 Annual Town Meeting, amend the Personnel By-Law, effective July 1, 2018, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting.

To amend the By-Law by deleting for purposes of clarification, in Section 11, the 4th and 5th sentence in the paragraph: "When an employee is promoted to a higher-rated position, he/she shall enter it at the minimum of the job rate range or at the next pay rate above his/her present salary, whichever is higher. He/she may, for good cause shown, also receive a one-step increase at the time upon the recommendation of his/her Department Head and the approval of the Personnel Board."

To amend the By-Law by deleting, in Section 14e: the phrase "for department head level candidates."

THE PERSONNEL BOARD
David Pace, Chairman
Russell Conn
Marie Harris
Jack Manning
Smayra Million

REPORT OF THE PLANNING BOARD

In anticipation of the 2018 Town Meeting the Planning Board proposed ten potential Zoning Articles. During the duly noticed public hearing process changes were made to the original text of the articles submitted, nine of which were then unanimously supported by the Planning Board. The Article on Accessory Dwelling Units was advanced as revised by the Planning Board with a vote of 4-1. The Articles range in substance from what we consider to be fairly straightforward “clean up” articles, to a series of articles precipitated by the legalization of Marijuana Establishments (sometimes referred to as recreational marijuana), and an article intended to provide a permitting mechanism for Accessory Dwelling Units within a principal structure.

A summary of the ten Zoning Articles follows. In addition, background information is included to provide context for the articles related to “recreational marijuana” and Accessory Dwelling Units. If you have any questions about these articles you are invited to call the office of the Planning Board at (781) 741-1419 and speak to the Director of Community Planning during office hours.

BACKGROUND INFORMATION ON THE LEGALIZATION OF MARIJUANA IN THE COMMONWEALTH AND WHAT THAT MEANS FOR THE TOWN OF HINGHAM.

In November, 2016 a Ballot question was approved by a majority of the voters in Massachusetts which legalized the retail sale of marijuana in the Commonwealth. In Hingham, the majority of voters (57%) voted against the Ballot question making Hingham a “no” community. Because recreational marijuana was approved state-wide, if an entity wants to open a recreational marijuana establishment in Hingham it would contact the Town and inquire what regulations we have in place to govern how, where and when they could open in Town. If the Town does not ban recreational marijuana uses in Hingham or adopt regulations to guide the use then the uses could go anywhere other similar uses are permitted in Town, and, there would be no zoning limitations specific to recreational marijuana.

What is the difference between retail marijuana and marijuana establishments?

Retail marijuana is the first thing that most people think of when discussing the legalization of marijuana and the image is of a store where a customer could go in and purchase marijuana. However, what has been legalized are Marijuana Establishments which is an umbrella term that encompasses the many different types of marijuana businesses that are now legal including businesses dealing in marijuana accessories, marijuana cultivators, marijuana product manufacturers, marijuana retailers, marijuana testing facilities, and marijuana micro-businesses.

How will Marijuana Establishments be regulated by the State?

The state formed the Cannabis Control Commission (CCC) to prepare regulations to govern Marijuana Establishments. The draft regulations were issued in December 2017, and the final regulations were filed with the Secretary of State on March 15, 2018 and will become effective March 23, 2018 upon publication in the Massachusetts Register. The State will begin accepting applications for licenses by April 1, 2018 and will begin issuing licenses for Marijuana Establishments by June 1, 2018.

This has been challenging for the Planning Board as we work to draft regulations to protect the health, safety and general welfare of the town. The draft regulations provided some indication of how the state might approach regulating the marijuana industry. However, the draft regulations were also unclear, internally inconsistent, and subject to change during the public comment period leaving the Board to grapple with how best to regulate a use that was not clearly defined even at the state level. In fact, the final regulations just recently filed with the Secretary of State reflected substantial changes from the draft regulations which we had reviewed extensively during the zoning hearing process.

Does Hingham have to allow Marijuana Establishments?

No. Because Hingham is a “no community” until December 2019 Town Meeting can adopt By-Laws which place a ban on Marijuana Establishments. Due to the lack of clarity in the legislation the Attorney General and Hingham’s Town Counsel recommend that if Hingham wishes to adopt a ban on Marijuana Establishments it should adopt both a Zoning By-Law ban and a General By-Law ban. After December 2019 another ballot vote would be required as well as the adoption of By-Laws to ban Marijuana Establishments in town. **Both the Planning Board and Board of Selectmen have advanced articles in the Warrant to ban Marijuana Establishments for consideration by Town Meeting. The Planning Board’s recommended zoning ban is Article 27, and the general By-Law ban inserted by the Board of Selectmen is Article 28.**

If a ban is recommended by the Planning Board, why are we also discussing how to regulate Marijuana Establishments now?

There is a zoning moratorium on Marijuana Establishments in place which expires June 30, 2018. The state is going to start issuing licenses for Marijuana Establishments by June 1, 2018 so it is important to have any ban or regulations for Marijuana Establishments in place before the expiration of the moratorium.

Why does Hingham need to have regulations to govern Marijuana Establishments?

Simply put, if Town Meeting does not approve a ban on Marijuana Establishments we recommend that regulations are needed to guide the development of these uses in Hingham. Without regulations the various types of Marijuana Establishments could be opened wherever like classes of uses are allowed in Town already.

What Regulations are proposed by the Planning Board for Marijuana Establishments?

The Planning Board has prepared three proposed regulations related to Marijuana Establishments which are discussed in greater detail below. The primary zoning amendment that the Planning Board has advanced is **Article 27: Ban on Marijuana Establishments** which would ban all Marijuana Establishments in Hingham.

The Selectmen have advanced a General By-Law article for a ban (Article 28) which mirrors the zoning article. In the event that the Article proposing a Zoning Ban does not receive the required 2/3 majority vote of Town Meeting to pass, the Planning Board has also advanced two articles that would regulate the time, place and manner for the operation of Marijuana Establishments in Hingham.

SUMMARY of ZONING ARTICLES

A summary of the ten Zoning Articles advanced by the Planning Board follows below. The full text of each article can be found in the body of the warrant (see index) and as such they are not all repeated in this report.

ZONING ARTICLE 27: Section III-A Ban on Marijuana Establishments

This proposed Zoning Amendment will, if adopted, ban Marijuana Establishments from Town.

The Planning Board Supports the Ban on Recreational Marijuana for the following reasons:

- 57% of Hingham voters cast ballots against legalization in the statewide ballot vote, making Hingham a “no community” and seeming to indicate a community preference for a Town-wide ban of this use;
- The role of zoning is to protect the health, safety and welfare of the residents;
- This industry is evolving rapidly and the state regulations will not be final until March 23, 2018 which means that the Planning Board was asked to make recommendations to the voters on how

to regulate a use that isn't clearly defined. This is a concern for all the members of the Board, particularly in light of how much the final regulations were changed from the draft regulations after the Planning Board hearings and Advisory Committee meetings were concluded;

- There are many unknowns with regard to how this use will be regulated by the state. There are still many questions yet to be answered by the Cannabis Control Commission. State leaders have expressed concerns about the scope of the proposed regulations and potential impacts or unintended consequences. Additionally, whether there will be federal enforcement of federal laws outlawing marijuana is unclear;
- It is prudent to give the Town the opportunity to understand how the CCC will implement the state regulations, to understand how the industry will operate in our state, and to observe and learn through the experiences of other towns as to what effects (positive or negative) the uses have on other towns and their residents;
- The Town has little to gain from moving quickly, and moving more prudently is good government and makes good sense;
- The Ban can be revisited by a future Town Meeting when the landscape is more clear;
- There are concerns about the impacts of substance abuse and addiction and the impression that the Town is encouraging use of a substance that could exacerbate these risks;
- The Planning Board held 10+ hours of hearings on this over several months and received a great deal of public comment which has been overwhelmingly in support of a ban; and,
- The Hingham School Committee has voted its support for a ban, and the Hingham Police Chief has expressed his support for a ban.

ZONING ARTICLE 29: Regulation of Marijuana Establishments

This regulation is frequently referred to as the time/place/manner regulation as it would regulate the how, where and when Marijuana Establishments could operate in Town. **It is recommended by the Planning Board only if the proposed ban (Article 27) does not pass.**

The Planning Board has prepared this time/place/manner zoning By-Law so that in the event that the ban was to fail we have something ready to properly regulate the use in Town, but the Planning Board has clearly stated that this in no way should be interpreted to mean that the Planning Board is supportive of allowing recreational marijuana uses in Hingham.

There are several substantive sections in the By-Law, as follows:

- Item 1 (new Section V-J) contains the permitting process and requirements for Marijuana Establishments. A Special Permit A2 from the Board of Appeals with Site Plan Review by the Planning Board would be required.
- Within Section V-J.4.iii is a proposed 500 foot buffer zone from schools, daycares and any facility in which children commonly congregate. The final state regulations take a more narrow approach to uses that can be subject to a buffer zone so the Attorney General's office could require that this list be reduced to public and private schools providing education in any of grades K-12.
- Many of the items appear repetitive, but each one is simply adding a Special Condition modifier to most of the uses listed in Section III-A (use table) to exclude Marijuana Establishments from being considered under that use category.
- Items 27 & 28 permit "Marijuana Retailers" and "Businesses Dealing in Marijuana Accessories", respectively, by Special Permit A2 in Business District B, and prohibits them in all other zoning districts.
- Items 3, 4 & 5 amend the definitions of Farmers' Market, Home Occupation and Light Industrial to exclude Marijuana Establishments from these uses.
- Item 31 permits a "Marijuana Cultivator, Marijuana Micro-Business, Marijuana Product Manufacturing, Marijuana Testing Facility or Wholesale Businesses Dealing in Marijuana

Accessories,” by Special Permit A2 in the Industrial Park District and prohibits them in all other zoning districts.

- Items 32 & 33 provide language to exclude Marijuana Establishments from the Hingham Shipyard development.

ZONING ARTICLE 30: Definitions Related to Marijuana Not Medically Prescribed

This zoning amendment would provide modest regulations for Marijuana Establishments if the proposed zoning ban (Article 27) does not pass, and, the proposed time/place/manner regulations (Article 29) does not pass. This zoning amendment modifies the definitions for Farmers’ Market, Home Occupation and Light Industrial to exclude Marijuana Establishments from these uses. It also proposes to add to the Zoning By-Law the statutory definitions for the various types of Marijuana Establishments. If either the Ban (Article 27) or the “time/place/manner” regulations (Article 29) passes then no action on this Article is recommended.

ZONING ARTICLE 25: Common Driveways

The intent of this Article is to propose two changes to the existing common driveway regulations. First, the required width of the cape cod berm (ccb) is proposed to be reduced to 12” from 18” to reduce the extent of impervious surface associated with a common driveway and because as a practical matter the new paving machines don’t have an 18” attachment anymore, they all create a 12” ccb. The machines are changing in response to the industry trend towards narrower cape cod berms and less pavement. A 12” ccb works just as efficiently as an 18” ccb so if the driving surface has sufficient width, the 12” ccb is appropriate. Second, the proposed amendment clarifies that all easements and legal documents associated with the common driveway must be recorded at the Registry of Deeds prior to start of construction of the common driveway or the structures to which it provides access.

ZONING ARTICLE 21: Section VI – Definitions

The intent of this article is to simply add the definition of Lot Width as adopted by the 2017 Town Meeting as part of the Lot Shape regulations (IV-C.2.b) to the Definitions section of the By-Law for easy reference.

ZONING ARTICLE 22: Section IV-D Flexible Residential Development

The intent of this article is to clarify that the minimum setback distance between structures on the same lot in a Flexible Residential Development refers to principal structures (residential buildings) and not accessory structures (swimming pools, sheds, etc.).

The Flexible Residential Development By-Law encourages clustered development and it is reasonable to require a minimum setback distance between detached town homes on the same lot. However, the By-Law allows for smaller lot sizes to enable the preservation of large buffer areas at the perimeter of the lots, so application of such a large setback distance to *all* structures on a single lot unintentionally restricts the ability of homeowners to have otherwise permitted accessory structures on their lots. In addition, the Zoning By-Law does not require a setback between homes and accessory structures in any single-family residential district. This amendment to the Flexible Residential Development By-Law will allow all homes to be treated equally under the By-Law.

ZONING ARTICLE 23: Floodplain Protection Overlay District

The intent of this Article is to amend the text in the By-Law to correctly reference the Flood Insurance Rate Map (FIRM) panels and their effective dates, and to update the Zoning Part B map, which is the map that shows the flood zones. The map changes include revisions to the legend to mirror the changes proposed for the text and to correct a mapping error where portions of a few parcels were incorrectly identified as Zone VE instead of AE.

ZONING ARTICLE 32: Section V-H Registered Marijuana Dispensaries

Registered Marijuana Dispensaries (“RMDs”) are businesses that sell medical marijuana. The Town is required by state law to allow medical marijuana facilities and the 2014 Town Meeting previously adopted Section V-H of the Zoning By-Law to govern RMDs. This Article does not involve and in no way relates to recreational-use marijuana. The intent of this Article is to revise the existing language in Section V-H to be consistent with current state law governing that use. This Article amended the existing language for accuracy but does not change any of the substantive regulations in place regarding Registered Marijuana Dispensaries, or “medical marijuana” in Hingham.

Background

The regulation of marijuana and the laws governing both medical marijuana and the recreational marijuana have been changing rapidly in recent years. Recent changes formally codified the act governing medical marijuana as MGL Chapter 94H and updated certain definitions. In addition, Chapter 351 of the Acts of 2016 included an amendment to the Zoning Act which states that the “growing, cultivation, distribution or dispensation of marijuana” does not qualify for the agricultural exemption under the zoning act. Therefore, the proposed amendment also includes the deletion of provisions related to agricultural uses from Section V-H.

ZONING ARTICLE 24: Use Table and Parking

The intent of this Article is to clarify provisions in the By-Law by making three changes as follows: (1) delete the content in Section 4.18 which dates back to when the Board of Appeals regulated parking with a Special Permit A2. In 2006 the By-Law was changed to regulate parking with a Special Permit A3 instead and this section was not updated at that time; (2) to expressly provide that the Planning Board may grant waivers to the parking Design Standards consistent with current practice; and, (3) to incorporate the intent of Section 4.18 into the parking section as the language is being removed from the use table.

ZONING ARTICLE 26: Accessory Dwelling Units

The intent of this Article is to permit Accessory Dwelling Units (ADUs) within a principal dwelling with a Special Permit A1 from the Board of Appeals.

Consistent with the Master Plan Goals adopted March 20, 2017, the purpose of permitting accessory dwelling units in single-family dwellings is to:

- a. Provide accessory dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of the dwelling and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership with family members (as defined in this Section V-K) while also protecting the stability, property values and residential character of the surrounding neighborhood.
- b. Provide housing units for family members with diverse housing needs including, without limitation, family members with mental and physical disabilities.
- c. Enable the Town to monitor accessory dwelling unit construction for code compliance.

What is an accessory dwelling unit?

An “accessory dwelling unit” is a second self-contained dwelling unit within a single-family dwelling, which second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.

How is family member defined?

For the purposes of this Section V-K, a “family member” shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.

Background Information

Discussions about the need for ADUs and the interest in having regulations that permit ADUs have been taking place in Hingham for at least 20 years, if not longer. The 2001 Master Plan specifically identifies ADUs within the housing section as a creative use or reuse of older homes in town. The 2001 Master Plan also identifies a need for diversity of housing options in town, and a need to provide housing of all types to enable citizens of all ages to stay in Hingham.

In response to the interest in permitting ADUs in Hingham, the Planning Board led a study committee that over the course of 14 meetings in 2014-2015 researched regulations governing accessory dwelling units in other communities and worked on drafting a By-Law to permit them in Hingham. Ultimately the 2015 draft By-Law, which had provisions for ADUs in both the principal structure and in accessory structures, was not advanced to Town Meeting for the following reasons: (1) the scope was very broad and while there was support for ADUs in the principal dwelling there was less support for ADUs in accessory buildings; (2) there were other questions regarding uniformity, single family conversions, and expansion of non-conforming accessory structures which were unrelated to, but sidetracked, the ADU discussion; and (3) the draft was not in a final form ready to be advanced to Town Meeting.

In March 2017 the Planning Board adopted revised Master Plan Goals & Objectives. The following is an excerpt from the Housing section of the 2017 Master Plan Goals and Objectives: **Goal:** Encourage and maintain a mix of housing types in various locations throughout the town by supporting development that provides for households at all income levels. **Objective:** Enact an accessory unit By-Law tailored to Hingham's specific needs that will allow secondary units while respecting neighborhood character.

In August 2017 the Board of Selectmen identified ADUs as one of their priorities. As a result, in September 2017 the Planning Board began discussions on ADUs with the goal of developing a By-Law for 2018 Town Meeting. This work effort began where the previous study committee's efforts had left off and built upon that knowledge base.

The Planning Board then held in over 10 hours of hearings on ADUs between September 2017 and February 2018 at which public comment was received, and the Board worked on revising the proposed zoning article language which was advanced by the Planning Board with a vote of 4 in favor and 1 opposed. The proposed Article is limited in scope and includes many restrictions. It allows ADUs only in the primary dwelling – not in garages, carriage houses, barns or other outbuildings. It limits ADUs to use by family members only. It is a carefully crafted, limited tool that allows our neighbors to make alterations to their homes that meet their changing family needs while including requirements that preserve the residential character of the Town and protect abutters.

Jennifer Gay Smith, Chair
Gary Tondorf-Dick, Clerk
William Ramsey
Sarah Corey
Gordon Carr

REPORT OF THE SCHOOL COMMITTEE

The initial, proposed School Department FY'19 Operating Budget reflected a "level-services" approach, with attention to the reality of changing student demographics and associated necessary services, high school enrollment increases, facilities needs, and resources to meet state DESE requirements and other legislative mandates. The recommended budget will fund contractual obligations, anticipated market increases for goods and services, and projected costs for maintaining existing programs and services included in the base budget.

Among the additional requests in the proposed budget were several counseling roles that reflect the social-emotional needs of students and special education positions to accommodate student service needs at the middle and high school levels. The Advisory Committee's recommended budget will support such needs. The proposed budget will support partial funding of requests for additional high school and middle school core subject instructional positions and elementary math tutors to address achievement gaps. Other administration proposed items are not included in the FY'19 budget as it is recommended. As in the past, the School Committee and School Department have continued to advocate for school funding that allows for continued educational improvements and represents a reasonable balance between achieving the Town's long term financial objectives and maintaining important Town services while understanding the Town's tight revenue picture. We acknowledge the collaboration and leadership of the School Administration, the Board of Selectmen, the Advisory Committee and its Education Liaisons and the Town Administrator.

Town Meeting is asked by the Advisory Committee to approve an appropriation of \$52,006,697 to operate the Hingham schools for next year. That is an increase of 4.51% over the FY'18 appropriation. The recommended Capital Budget for the Hingham Public Schools is \$1,023,962, including funds to maintain buildings and update infrastructure components, to meet technology needs, and to replace aging furnishings and obsolete equipment.

The Hingham Public Schools Operating Budget is net of state and federal grants and other offsets from athletic fees, building and grounds usage fees, and Kids in Action revenues in addition to full day Kindergarten tuitions. Such non-tax budget offsets reduce the gross budget costs by nearly \$4,000,000 in FY'19.

The state's FY'19 Circuit Breaker reimbursement offset at \$1,291,632 is greater than in FY'18 by \$100,000; however, that figure is less by approximately \$200,000 than the state's obligation for Circuit Breaker funding.

Full Day Kindergarten personnel costs will be offset in FY'19 by parent paid tuitions, as has been the case for the past three years. Tuition has been increased by slightly over 2% for the coming year. The state-approved, income based sliding tuition scale supports the incremental costs of expanding the previous 2 hour 35 minute program to the current full school day offering.

More detailed information about the proposed budget for FY'19 is available on the HPS website (hinghamschools.com); click on Administration and then select Business Operations from the pull down menu.

HINGHAM SCHOOL COMMITTEE

Liza O'Reilly, Chair

Aylene Calnan, Vice Chair

Cynthia Galko, Secretary

Edward Schreier, D.D.S.

Carlos Da Silva

Kay Praschma

Michelle Ayer

SUPERINTENDENT OF SCHOOLS

Dorothy Galo, Ph.D.

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.

FUND BALANCE - The unencumbered cash remaining in a fund at the end of a specified time period, usually the end of the fiscal year.

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.

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 _____

Occupation _____

Educational Background _____

Civic, Charitable and Educational Activities

Town Committees or Offices _____

I am interested in the following Committees: _____
