



TOWN OF HINGHAM

Board of Appeals



MEMORANDUM

TO: Tom Mayo, Town Administrator
Michelle Monsegur, Assistant Town Administrator

FROM: Emily Wentworth, Senior Planner/Zoning Administrator

DATE: December 2, 2019

RE: Proposed Zoning Amendments

During its regular meeting on November 19, 2019, the Board of Appeals voted to submit to the Board of Selectmen a proposed zoning amendment related to the abandonment or discontinuance of nonconforming Single-Family and Two-Family Dwellings for consideration at Annual Town Meeting 2020.

Nonconforming conditions can relate to a use (e.g. a store located in a residential district) or a dimension (e.g. a structure located 5' from a property line where 15' is required). In order to be considered nonconforming, the condition must have existed prior to the adoption of the zoning regulation that made it unlawful. These nonconforming uses and structures are commonly referred to as "grandfathered," which generally means that they can be maintained and improved under certain circumstances. Once abandoned or now longer used for a certain period of time, however, nonconforming conditions may lose their protected status absent some local exemption that allows the condition to be reestablished.

Section III-I, D. of the Zoning By-Law regulates the abandonment or discontinuance of nonconformities and establishes parameters for when they might be reestablished. The Board initiated this proposed amendment in an effort to specify the exemptions that relate to abandoned or discontinued nonconforming Single-Family and Two-Family Dwellings. The proposed amendment would more clearly state that a conforming Single-Family or Two-Family Dwelling use could be reestablished in a dimensionally nonconforming building or structure that had been abandoned or discontinued. The amendment would also limit the changes that could then be made to the building or structure to those that either (i) maintain or improve the nonconforming dimensions and (ii) add or expand in a manner that complies with current height and yard requirements.

Full text of the proposed amendment is attached.