

From: [Ray Estes](#)
To: [Silveira, Michael](#); [Wentworth, Emily](#)
Subject: Comments in connection with ADU Study Report
Date: Wednesday, October 12, 2022 5:55:01 PM

Good evening,

I am unable to attend the early part of the PB meeting tonight for the review and discussion of the ADU Study report. Please share my comments with the Board. Thank you.

As you know, following my petition article at the 2021 Town Meeting, I have been very engaged on this topic and have attended nearly all of the ADU Study Committee's meetings. I appreciate the time and comprehensive approach the group took and the manner in which they entertained comments from the public. I found it to be a productive and constructive exercise.

I certainly understand that developing a by law to suit my specific needs is neither practical nor feasible. Spot zoning is neither permitted nor advisable and I understand why. My purpose for raising this issue two years ago was to allow use of an existing situation that I inherited and am trying to adapt for my family's needs. It's that simple.

All that I ask is that in your decisions and recommendations, you don't develop a by law that does not let me use my property. I understand the need for regulation. I support that fully. I've been willing to impose restrictions on myself from the outset. Family use is all I'm interested in. Certainly there is a way to address the concerns that many have raised while permitting existing situations to be utilized, with guidelines, of course. My metered utilities, if disallowed, for example, would be logistically challenging to change and likely prohibitively expensive to do so. I was encouraged to hear discussion relative to a potential waiver or variance scenario that would permit existing, separately metered utilities to remain. It would seem that a different approach for existing structures vs new construction makes good sense.

With respect to family use vs. rental opportunity, I don't really have an opinion other than to reiterate the fact that family use does not trigger the applicability of state and federal fair housing laws. Those only come into play with the rental or sale of housing. Despite the AG's caveats on the subject, no existing case could be cited to support the criticism of our by-law and its family use restriction. I don't think that allowing detached ADUs in Hingham will have a meaningfully positive impact on our overall housing needs but perhaps it could help.

If a by-law providing for rental is adopted, I would suggest that a distinction be made with respect to any relevant regulation between use by family and rental use. As an example, I understand and support the desire to prohibit and/or regulate short term rentals, Air B&B's and the like. Incorporating a minimum dwelling duration makes good sense in pursuing that desire. But if a property is only going to be used for family use, and that family use can be verified, there should be no reason to impose such a minimum duration provision. The word "dwelling" has been misused throughout this process and other terms such as "guest house" have been used. Only the terms that exist in our zoning by law can apply to this endeavor. We have no "guest house" in our by law. Dwelling is characterized as having bathing facilities. There is no provision relative to length of stay and no such provision should restrict use of one's property by members of its own family, whether for days or months or even longer, if otherwise in compliance with existing law.

I think during this process we may have been too quick to incorporate model provisions from other towns that have been newly enacted. Hingham is clearly not other towns. Certainly the state ADU guidelines do not match what we are endeavoring to accomplish and would not apply.

In any event, I applaud and thank the ADU Study Committee for its efforts and appreciate the strides that this group and staff have made in moving this initiative forward. With some additional tweaking and a little courage, I think Hingham of 2022 will embrace it.

Ray Estes
92 Fort Hill Street
781.789.6044

rcestes3@gmail.com