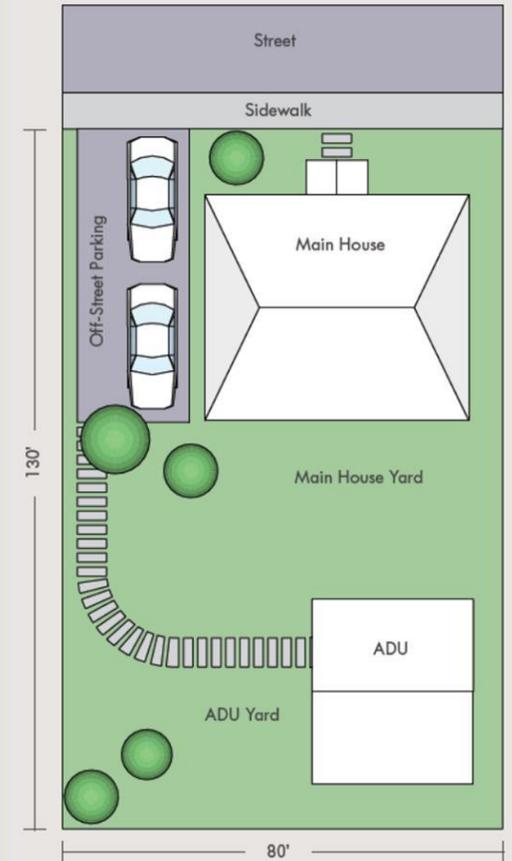


Accessory Dwelling Unit Study Committee

Report and Recommendations to the Planning Board

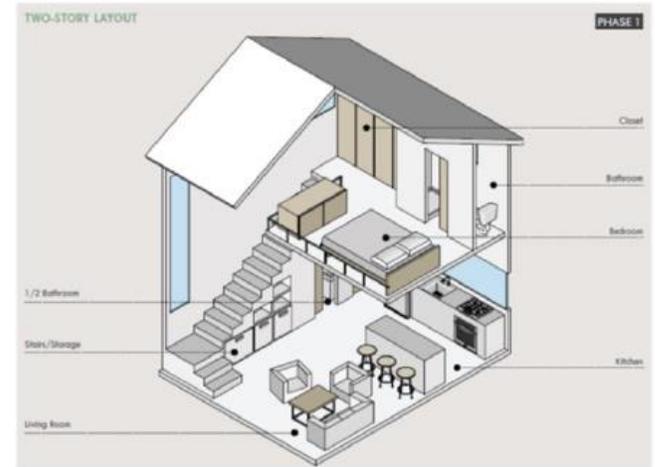
October 12, 2022



Agenda

Discussion Items

- Introductions
- Background
- Study Committee Process
- Recommendations
 - Purpose of the Regulations
 - Permitting Process
 - Occupancy Restriction
 - Dimensional and Design Requirements
- Next Steps
- Questions



Background

ADU Study Committee ATM 2021

- Citizen's Petition Article 27 submitted to allow detached Accessory Dwelling Units
- Town Meeting created this Study Committee to review and make a recommendation to the Planning Board

...for the purpose of reviewing the merits of this Warrant Article and/or the merits of amending the provisions of the Hingham Zoning Bylaw, Section V-K, or other applicable provisions of the Zoning By-law, to allow detached accessory dwelling units and/or to amend any other provisions of the Zoning By-law reasonably related to the creation of accessory dwelling units (either attached or detached), and to submit a written report to the Planning Board setting forth whether the Committee recommends in favor of any such amendment(s) and the reasons for such recommendations. If any amendments are recommended, the Committee shall include in its report its proposed changes.

Study Committee Process

Discussion Overview and Timeline

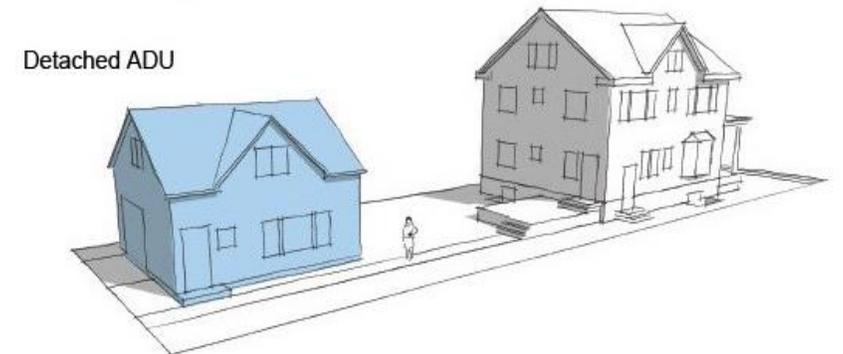
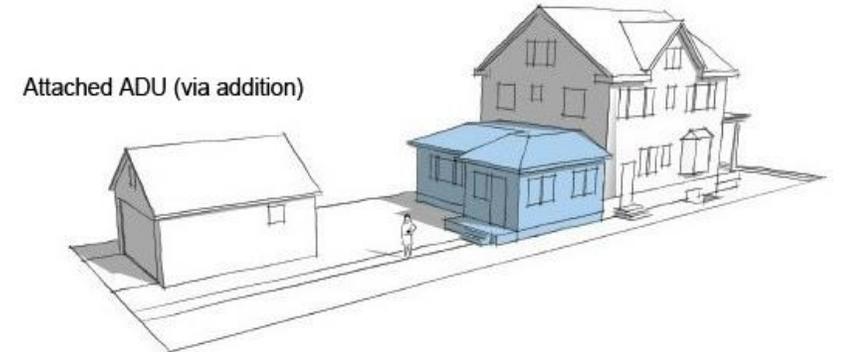
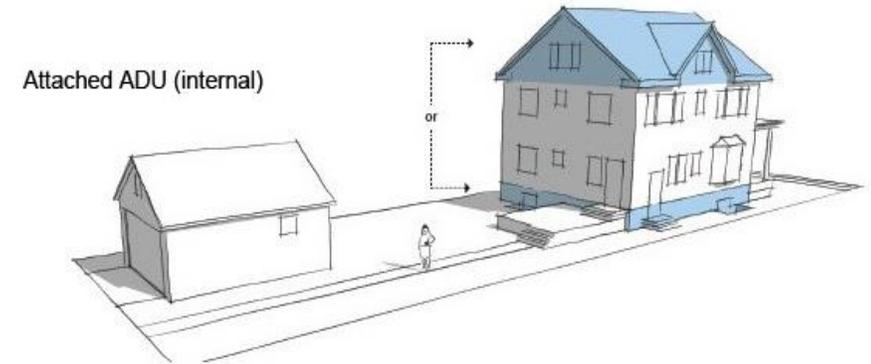
- Summer 2021: Committee Representatives Appointed
- Fall 2021 – Spring 2022: Committee Studies ADUs
 - Participants include:
 - Permitting department staff
 - Public utility staff
 - Interested Boards and Committee
 - Community Groups
 - Interested Residents
 - Resources Reviewed:
 - Past Local and Regional Plans
 - State Resources, including Model By-Law and Housing Choice Legislation
 - Local Regulations for Benchmark Communities and other MA Communities
- Summer 2022 – Fall 2022:
 - Committee Discussion
 - Committee Prepared and Submitted Report and Recommendations to this Board

Existing ADU Regulations

Section V-K

- Adoption in 2018
- Owner Occupancy Required
- Limited to Attached ADUs
- Family Occupancy Restriction
- Special Permit Required
- Cap on Maximum Number
- Size < 750 SF or 30% GFA
- Design and Dimensional Requirements
- Annual Certification

**16 Special Permits Issued to Date
No Enforcement Issues Reported**



Identified Community Goals

ADUs Discussed for 20 Years...

**Hingham Housing
Plan
June 2021**

- Recommended Strategy to Better Promote ADUs
- Options include detached ADUs and elimination of familial restrictions from current By-Law

**Hingham
Master Plan
August 2021**

- Includes a Policy to “Explore the possibility of allowing detached accessory dwelling units in some or all of the areas where accessory dwelling units are now allowed for family members, but not for rental.”

**Updated Master
Plan Goals &
Objectives
March 2017**

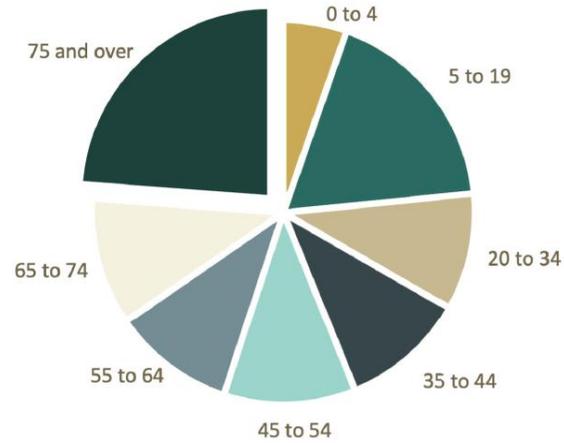
- Included a Goals to “Enact an accessory unit By-Law tailored to Hingham’s specific needs that will allow secondary units while respecting neighborhood character.”

**Hingham Master
Plan
December 2001**

- Identified a need for more diverse housing options in town
- Identified ADUs as a creative use or reuse of older homes in town.

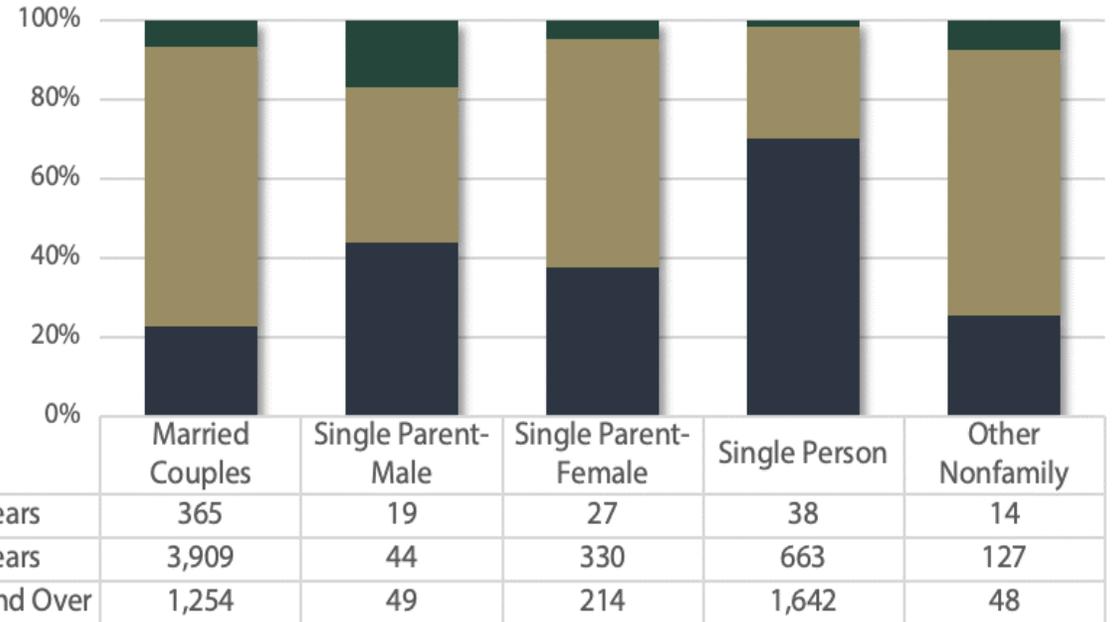
Population Characteristics, Household Age and Size

Fig. 6.2. Projected Population by Age in Hingham, 2035
(Source: UMDI)



- Aging Population
- Projected Decline in Children and Middle Age
- Growth in Smaller Households

Fig. 6.4. Hingham Households: Age of Householder
(Source: ACS 2018)



Population Characteristics, Disability

Comparison Estimates of Population with Disabilities (2018)

| | Hingham | | | Massachusetts | | |
|----------|---------------|------------|--------------------|---------------|------------|--------------------|
| | No Disability | Disability | Percent Disability | No Disability | Disability | Percent Disability |
| Under 5 | 1,371 | 0 | 0.0% | 360,002 | 2,679 | 0.7% |
| 5 To 17 | 4,723 | 68 | 1.4% | 956,270 | 57,869 | 5.7% |
| 18 To 34 | 2,474 | 119 | 4.6% | 1,552,314 | 97,971 | 5.9% |
| 35 To 64 | 9,036 | 481 | 5.1% | 2,395,878 | 291,411 | 10.8% |
| 65 To 74 | 1,968 | 248 | 11.2% | 475,505 | 128,921 | 21.3% |
| 75 Plus | 1,656 | 905 | 35.3% | 230,615 | 206,580 | 47.3% |
| Total | 21,228 | 1,821 | 7.9% | 5,970,584 | 785,431 | 11.6% |

Source: Table 6.1 of the Draft Master Plan
Original Source: ACS 2018, B18101.

Note: "disability" as defined by the Americans with Disabilities Act (ADA) is not the same as "disability" in the Individuals with Disabilities Education Act (IDEA) or Massachusetts Special Education Law, Chapter 71B. As a result, the 1.4 percent of children 5-17 with a disability in Table 4.1 cannot be compared with the 14+ percent students with disabilities in the Hingham Public Schools.

Benchmark Community Review

How Does Hingham Compare?

| Community | Location (Attached or Detached) | Occupancy | Owner Occupied |
|----------------|---------------------------------|--|----------------|
| Concord | Both | Unrestricted | Yes |
| Lexington | Both | Unrestricted | Yes |
| Norwell | Both | Unrestricted | Yes |
| Scituate | Both | Unrestricted | Yes |
| Weston | Both | Unrestricted | Yes |
| Westwood | Both | Unrestricted | Yes |
| Canton | Attached | Unrestricted | Yes |
| Cohasset | Attached | Unrestricted | Yes |
| Dedham | Attached | Unrestricted | Yes |
| Duxbury* | Attached | Unrestricted | Yes |
| Hingham | Attached | Family | Yes |
| Milton | Attached | Family | Yes |
| Needham | Attached | Family and Caregivers | Yes |
| Rockland | Attached | Family or unrelated if sharing household | Yes |

* Duxbury is not a Benchmark Community

Purposes of the ADU By-Law

Occupancy Restrictions – Who or How?

Potential Benefits of Expanded Occupancy

- Moderately priced housing for those that might find it difficult to locate in Hingham
- Appropriately sized housing for growing number of smaller households, including young adults and seniors
- No additional impact on public services based on relationship status
- Supports homeowners and others that do not have families

Potential Negatives of Expanded Occupancy

- Nonfamily members may change the character of the property and neighborhood to more commercial in nature
- Potential Public Reluctance (Too Much, Too Soon?)

Potential Solution

- Restrict the occupancy term to prohibit commercial and transient uses like Airbnb or guesthouses

Other Recommended Changes

Eligibility, Design and Dimensional Requirements

Maintain:

- Special Permit Process to Provide Notice
- ADU Cap on Maximum Number
- Owner-Occupancy Requirement
- Confirmation of Compliance with Health and Sewer Regulations
- Architectural Character of Single-Family Dwelling

Update:

- Purposes and Definitions to Eliminate References to Family Members
- Increase Maximum Area to 875 SF or 35% GFA of Single-Family Dwelling

Add:

- Minimum Lot Area of 10,000 SF for Detached
- Separation Standard between Single-Family and Detached ADU (10')
- Minimum Setback and Location Standards for Detached ADU
- Waiver Provision for certain requirements in Lawfully Existing Structures
 - Already Maintains Separately Metered Utilities (both) and/or
 - Does not Comply with all Building Dimensions (detached only)
- Minimum Occupancy Term and Enforcement Mechanism

Next Steps

Planning Board Considerations and Timeline

- ✓ Hold at least one Public Meeting
- ❑ Finalize Draft Zoning, if opt to advance, including the following open legal issues:
 - Question on Need to Apply Occupancy Term to other Residential Uses
 - Restrictive Covenant and related Enforcement Mechanism for Occupancy Term
 - Warrant Structure and Voting Thresholds based on Housing Choice Legislation
- ❑ Submit Warrant Article to Select Board by December 1, 2022
- ❑ Open Public Hearing within 65 Days
- ❑ Make a Report to Town Meeting