

**2023 ANNUAL TOWN MEETING
SUPPLEMENTAL REPORT OF THE ADVISORY COMMITTEE**

ARTICLE 11

TRANSFER OF FUNDS TO THE RESERVE FUND

RECOMMENDED: That the Town transfer the sum of \$749,194 from available funds to the Town's Reserve Fund for use during Fiscal Year 2023.

ARTICLE 27
PURCHASE OF 30 SUMMER STREET

Will the Town vote to authorize, but not require, the Select Board to acquire by purchase the property located at 30 Summer Street, Hingham, upon terms and conditions as the Select Board deems in the best interest of the Town, and will the Town raise and appropriate, borrow or transfer from available funds a sum of money for said purchase, or act on anything relating thereto?
(Inserted by the Select Board)

COMMENT: This Article asks Town Meeting to authorize, but not require, the Select Board to purchase a 1,246 square foot 1-story office/retail building that sits on approximately 0.204 acres (8,883 square feet) and fronts to Summer Street (Route 3A) just west of the Hingham Rotary (the "Property"), shown on Assessors Map 51 as Lot 5, and to appropriate up to \$1,550,000 for said purchase. As of the current time, there is no proposed specific use of the Property. The current office/retail building is in usable condition as-is. The requested appropriation consists of the purchase price not to exceed \$1,550,000. This Article is solely concerned with the purchase of the Property; any decision regarding the potential uses or future development will be made by the Select Board and/or a future Town Meeting as applicable.

The Town has been presented with the opportunity to purchase 30 Summer Street. As of the date of this Article, the Town has had the property appraised and has engaged in diligence to determine whether there is any potential contamination on the property. Testing has revealed the likely presence of contaminated soil on the property, which formerly housed a gas station. The testing suggests that the contamination is isolated on the portion of the property that formerly housed underground fuel tanks and that the contamination does not extend to abutting properties or to the waterfront. If the Select Board elects to purchase the property, it intends either to require the current owner to remediate the contamination before the property is transferred or to remediate the contamination using funds within the \$1,550,000 budget proposed under this Article.

If the Town purchases the property, it could be used for a variety of purposes including a new harbormaster's office, a harbormaster boat maintenance facility, public bathing facilities for boaters, Recreation Department activities, or private leasing or rental of the property to recoup part of the purchase price. This Article, however, is unrelated to any particular use and rather only authorizes the Select Board to purchase the property if it determines after further diligence that the purchase is prudent.

In addition, ownership of this property could potentially give the Town some control over the future height of the seawall, which could be of benefit to the Town's effort to address rising sea levels.

Some opponents have raised concerns about the timing of this purchase given the Town's budget deficit, recent debt exclusions, and the need for an operational override this year. If this Article passes and if the Select Board ultimately elects to purchase the property, the Town would borrow the funds and pay back the debt service over a period of up to 30 years. This purchase would not involve a debt exclusion and therefore would not directly increase the tax levy as a result.

This Article requires a two-thirds vote by Town Meeting.

The Advisory Committee voted 11-1 and the Select Board voted 2-1 in support of this Article.

RECOMMENDED: That the Town (1) authorize, but not require, the Select Board to acquire by purchase the property located at 30 Summer Street, shown on Assessors Map 51 as Lot 5, Hingham, Massachusetts, substantially in accordance with the terms and conditions of a

Purchase and Sale Agreement between the Town and Button Island 4, LLC on such terms and conditions as the Select Board deems in the best interest of the Town; (2) to authorize, but not require, the Select Board to grant and accept all easements necessary to develop said property; and (3) appropriate an amount not to exceed \$1,550,000 to be used by the Select Board to acquire said property and to take all actions necessary to complete said purchase. To meet said appropriation, the Treasurer, with the approval of the Select Board, 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.

Substitute Motion under Town Meeting Warrant Article 29 (Accessory Dwelling Units)

I, Judy Sneath, the current chair of Hingham's Planning Board and the minority opinion on Town Meeting Warrant Article 29, hereby submit the following substitute motion under Town Meeting Warrant Article 29 for the purpose of removing the family member restriction for accessory dwelling units. The applicable revisions from the main motion of the Advisory Committee as contained in the Town Meeting Warrant Article 29 are shown in bold underlined text and strikethrough for reference.

I hereby move to amend the main motion as contained in the Town Meeting Warrant Article 29 on pages 74-77 by substituting said main motion in its entirety with following substitute motion:

SUBSTITUTE MOTION:

PART A: That the Town amend Section V-K (Accessory Dwelling Units) of the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: By replacing the introductory sentence of Section 1 in its entirety with the following:
"The purpose of permitting dwelling units accessory to single-family dwellings is to:"

Item 2: By amending Section 1.a to replace the clause "without adding" to "without significantly adding" **and to replace the clause "with family members (as defined in this Section V-K)" with the clause "with others".**

Item 3: By replacing Section 1.b in its entirety with the following:

b. Provide housing units for persons with diverse housing needs including, without limitation, persons with mental and physical disabilities.

Item ~~34~~: By ~~amending deleting~~ Section 2.b to replace the (definition of "family member") in its entirety ~~as follows~~ **and relettering existing subsections c and d as subsections b and c.**

~~b. For the purposes of this Section V-K, a "family member" shall be a person who is related to the owner of the principal dwelling by a recognized family relationship and shall also include domestic help and caregivers of the owner of the principal dwelling or the family member occupying the accessory dwelling unit.~~

Item 5: By amending Section 3.b to delete the subsection reference "(i)" while retaining the text thereafter and to delete the clause "and (ii) that the other unit shall be occupied by a family member".

Item ~~46~~: By replacing the title of Section 4 and subsections 4.a through 4.d in their entirety with the following:

4. Dimensional and Design Requirements Applicable to all Accessory Dwelling Units

- a. The architectural character and scale of a single-family dwelling use 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; provided, however, that the Board of Appeals may waive this requirement for an unenclosed stairway on the rear of a structure to access an accessory dwelling unit located on the second floor of an existing building.
- c. The maximum area of an accessory dwelling unit shall be the lesser of 875 square feet or 35% 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. Notwithstanding the provisions of Section III-I,2. of the Zoning By-Law, no accessory dwelling unit shall be created by any extension of a non-conforming building dimension, including the front, side or rear yard setback.

Item **57**: By replacing Section 4.f in its entirety with the following:

- f. Water and sewer utilities serving the accessory dwelling unit shall not be metered separately from the principal dwelling; provided, however, that the Board of Appeals may waive this requirement for an accessory dwelling unit within a lawfully existing structure which already maintains separately metered utilities, if the request is accompanied by the written approval of the appropriate utility, upon a finding that a waiver advances the purposes of this bylaw.

Item **68**: By amending the second sentence of Section 5.a to replace the words “nine months” with the words “six months” **and to delete the last clause which states “provided that the dwelling units may only be occupied by family members of the owner during the owner’s absence”.**

Item **79**: By inserting at the end of Section 5 a new subsection e as follows:

- e. The accessory dwelling unit or the principal dwelling, whichever is not owner-occupied, shall have a minimum occupancy or rental term of 6 months.

PART B: *That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, to amend Section V-K (Accessory Dwelling Units) to modify certain provisions thereof as necessary to allow detached accessory dwelling units by special permit as follows:*

Item 1: By replacing the introductory sentence of Section 1 in its entirety with the following: “The purpose of permitting dwelling units accessory to single-family dwellings is to:”

Item 2: By amending Section 1.a to replace the words “the appearance of the dwelling” with the words “the appearance of the residential property”.

Item 3: By replacing the definition of “accessory dwelling unit” in Section 2.a in its entirety with the following:

- a. An “accessory dwelling unit” is a second self-contained dwelling unit located either within a single-family dwelling or a detached structure accessory thereto, which

second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.

Item 4: By amending Section 3.b. to replace the words “in which the accessory dwelling is proposed” to “where the accessory dwelling unit is proposed”.

Item 5: By replacing Section 3.c in its entirety as follows:

- 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 for an accessory dwelling unit within the principal structure or ten thousand (10,000) square feet for an accessory dwelling unit in a detached accessory structure. In the case of new construction, the area of the lot shall comply with the applicable minimum lot size for the single-family zoning district in which the single-family dwelling is proposed.

Item 6: By deleting in Section 3.e the words “within a single-family dwelling and”.

Item 7: By amending Section 3.f to insert the words “connection with” as follows:

- f. In Residence District D and in Business Districts A and B accessory dwelling units are only permitted in connection with preexisting nonconforming single-family dwellings.

Item 8 By amending the first clause of Section 4.b in its entirety as follows: “All stairways accessing an accessory dwelling unit above the ground floor of a single-family dwelling or detached accessory structure shall be enclosed within the exterior walls of the building”.

Item 9 By amending the first clause of Section 4.e in its entirety as follows:

- 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 or detached accessory structure.

Item 10: By inserting a new Section 5 as follows and renumbering existing Section 5 as Section 6:

- 5. Additional Requirements Applicable to Accessory Dwelling Units in Detached Accessory Structures

The Board of Appeals may only issue a Special Permit A1 for a detached accessory dwelling unit that meets the following dimensional and design requirements:

- a. The detached accessory dwelling unit shall comply with all building dimensions, including the front, side or rear yard setback and height limitations. Notwithstanding the foregoing, the Permit Granting Authority may waive the preceding requirements for an accessory dwelling unit within a lawfully existing nonconforming detached accessory structure to no less than 10' from a side or rear property line upon a finding that there will be no potential negative visual or auditory impacts associated with the accessory dwelling unit that cannot be mitigated.

- b. The detached accessory dwelling unit shall be located a minimum of 10' from the principal dwelling and (i) to the rear of the principal single-family dwelling or (ii) to the side of the single-family dwelling at a minimum position 10' further back from the front plane of the single-family dwelling.

Item 11: By amending former Section 5.b by replacing the reference to "subsection 5.a" with a reference to "subsection 6.a".

Item 12: In the event Town Meeting does not adopt the Recommended Motion for Part A, by amending new Section 5 (Additional Requirements Applicable to Accessory Dwelling Units in Detached Accessory Structures) to add at the end thereof the following additional subsections:

- c. All stairways accessing an accessory dwelling unit above the ground floor shall be enclosed within the exterior walls of the structure; provided, however, that the Board of Appeals may waive this requirement for an unenclosed stairway on the rear of a structure to access an accessory dwelling unit located on the second floor of an existing building.
- d. The maximum area of an accessory dwelling unit shall be the lesser of 875 square feet or 35% 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.
- e. Notwithstanding the provisions of Section III-1,2. of the Zoning By-Law, no accessory dwelling unit shall be created by any extension of a non-conforming building dimension, including the front, side or rear yard setback.
- f. Water and sewer utilities serving the accessory dwelling unit shall not be metered separately from the principal dwelling; provided, however, that the Board of Appeals may waive this requirement for an accessory dwelling unit within a lawfully existing structure which already maintains separately metered utilities, if the request is accompanied by the written approval of the appropriate utility, upon a finding that a waiver advances the purposes of this bylaw.
- g. 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 six 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.~~
- h. The accessory dwelling unit or the principal dwelling, whichever is not owner-occupied, shall have a minimum occupancy or rental term of 6 months.
- i. The provisions of Section 3.b(ii) requiring that either the single-family dwelling or the accessory dwelling unit be occupied by a family member of the owner of the single-family dwelling shall not apply to accessory dwelling units in detached structures.**