

Select Board

April 13, 2023

Present:

- Select Board: Mr. Bill Ramsey, Chair, Ms. Liz Klein, and Mr. Joseph Fisher
- Mr. Tom Mayo, Town Administrator
- Mr. Art Robert, Assistant Town Administrator for Operations

3:30 PM: Call to order

Mr. Ramsey called the meeting to order and read the following statement:

“This meeting is being held in person and/or remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

No one indicated that they were recording.

He announced that Select Board members participating in the meeting were himself, Bill Ramsey, Ms. Liz Klein, and Mr. Joseph Fisher.

Mr. Ramsey read the following statement:

“Earlier today, the Hingham Police Department learned that a person had called in a threat to shoot down the Pride Flag that is flying at Hingham’s Derby Street Shops. Our Police Department responded promptly and succeeded in apprehending the suspect who was taken into police custody. Fortunately, there were no injuries to persons or properties. However, this incident is a reminder that our Town’s civic commitment to being a welcoming and tolerant community is being challenged by those few individuals who would commit acts of violence in the name of hate. Intolerance and hate will not be tolerated in Hingham. Our commitment is strong and unwavering. Here in Hingham, we have several ways to combat hatred. If you see something that concerns you, please report it to our Town’s Civil Rights Officer, Lt. John Marquardt. The HPD has established a direct line to Lt. Marquardt where you can leave a message at 781-804-2230 or email him at civilrights@hpd.org. Further, we have appointed a Human Rights Commission whose mission is to educate and inform the public of programs and available resources to help combat hate. By working together and continuing to respect one another, we will continue to keep Hingham a safe, welcoming place for our residents, our businesses and our visitors.”

Mr. Fisher and Ms. Klein both echoed Mr. Ramsey’s comments and said that they are dedicated to making Hingham an inclusive community where there is no place for hate.

Approval of Minutes

Vote: Mr. Fisher made a motion to approve the minutes dated April 4, 2023. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes
Mr. Fisher: yes
Mr. Ramsey: yes

Vote: Ms. Klein made a motion to approve the minutes dated April 11, 2023. Mr. Fisher seconded.

Roll Call Vote:
Ms. Klein: yes
Mr. Fisher: yes
Mr. Ramsey: yes

Special (One-Day) Wine and Malt Beverage licenses: The Fruit Center

Mr. Mark Mignosa, President of the Fruit Center Marketplace, requested a Special One-Day Wine and Malt Beverages license for a series of 50th anniversary celebrations to take place on May 6, 13, 20 and 27. They plan to have food trucks on-site as well as other activities. He expects to have approximately 150 guests on each of the dates. Mr. Fisher asked about any coordination with the Farmer's Market since the timeframes overlap. Mr. Mignosa said that he has worked with them in the past when past events have coincided with the market and reported that the traffic flow has been manageable. Mr. Mayo noted that Police Chief Jones has reviewed the application and had no concerns.

Vote: Mr. Fisher made a motion to approve the issuance of four Special (One-Day) Wine and Malt Beverages licenses for the 50th Anniversary Celebrations to be held at The Fruit Center, Inc. on Saturday, May 6, 13, 20, and 27, 2023 from 1:00 pm to 4:00 pm. Ms. Klein seconded.

Roll Call Vote:
Ms. Klein: yes
Mr. Fisher: yes
Mr. Ramsey: yes

GPI MA-SBII, Inc. - Request for a Change of DBA

Mr. Fred Shaw, 420 Main Street, Director South Shore BMW and South Shore Mini reported that BMW America has taken an initiative to change their dealers' names. As a result, their dealership's name would change from South Shore BMW to BMW of Rockland. Since BMW is the parent company of Mini USA and is also taking on the name changes, they are requesting a change in d/b/a for South Shore Mini. They requested to change the name from South Shore Mini to Mini of Rockland. The dealership's goal is to have consistency in marketing, advertising and social media. Ms. Klein clarified that the reason the Hingham Select Board requires a vote on this topic is because a portion of the Mini dealership is in Hingham.

Vote: Ms. Klein made a motion to approve the request of GPI MA-SBII, Inc., 1040 Hingham Street, for a Change of DBA from South Shore MINI to MINI of Rockland, in accordance with the Application for a 2023 Auto Dealers License filed with the Town of Hingham on April 3, 2023. Mr. Fisher seconded.

Roll Call Vote:**Ms. Klein: yes****Mr. Fisher: yes****Mr. Ramsey: yes****Discussion of 2023 Annual Town Meeting Warrant Articles**

Ms. Emily Wentworth, Community Planning Director; Mr. Michael Silveira, Senior Planner; Ms. Susan Murphy, Special Real Estate Counsel; Ms. Judy Sneath, Chair of the Planning Board; and Mr. Gary Tondorff-Dick, Planning Committee member, were present. Ms. Sneath explained that the Planning Board has initiated six Zoning Amendments to the Annual Town Warrant and, pursuant to Massachusetts General Law, is required to hold a public hearing to discuss any proposed Zoning amendments. Ms. Wentworth provided a summary of each of the Warrant Articles.

Article 29: Amend Zoning By-Law: Accessory Dwelling Units: Ms. Wentworth explained that the intent of this Article is to allow detached accessory dwelling units (ADUs) and to also adopt new or update existing regulations related to both detached and attached ADUs including:

- Definitions
- Eligibility, dimensional and design standards
- Occupancy requirements

After six public meetings and over 60 written comments from the public, the Planning Board voted 4:1 to approve the use of detached ADUs, provided that the family restriction stay in place. She also highlighted some ways that the recommended Warrant Article differs from the original citizen's petition that was submitted to the Planning Board.

Ms. Susan Murphy explained some of the complexities of the voting process for this article. The proposed changes have been reviewed by Town Counsel, John Coughlin, Ms. Murphy and members of the Attorney General's Office, who oversee Zoning modifications in municipalities. She also summarized potential vote outcomes for this article. Article 29 is comprised of two parts. Part A amends the general requirements for ADUs and requires two-thirds vote for adoption. Part B allows for detached ADUs by special permit and requires a simple majority vote for adoption.

Article 30: Amend Zoning By-Law: Minimum Occupancy Term for Residential Uses: Ms. Wentworth explained that the intent of Article 30 is to adopt a minimum occupancy term for residential dwelling units, other than ADUs, in order to prevent transient uses, such as short-term rentals. It would also codify the Town's current practice of enforcing a minimum 30-day rental term. This article would also recognize that many property owners lease on a month-to-month basis.

Article 31: Amend Zoning By-Law: Storage of Unregistered Vehicles: Ms. Wentworth explained that there is currently a provision in the General By-laws that say that a resident may not store more than one unregistered vehicle in residential districts unless authorized by the Select Board. There is, however, no approval criteria as to how the Select Board would go about authorizing that. The Massachusetts Supreme Judicial Court found that a General By-law authorizing storage of unregistered

vehicles at the discretion of the Select Board would give the Select Board discretion that was too broad. The intent of Article 31 is to remove the storage of unregistered vehicles from the General By-laws and add a similar provision to the Zoning By-laws. Article 31 would add new subsets to the current Schedule of Uses in the Zoning By-law to allow for the following:

- Outdoor storage of one unregistered vehicle by-right
- Outdoor storage of two or more unregistered vehicles, if screened by view with a special permit A1.
- Delete Section 35 of Article 10 of the General By-laws and renumber subsequent sections

Article 32: Amend Zoning By-Law: Downtown Hingham Overlay District: Ms. Wentworth explained that the intent of Article 32 is to delete an obsolete reference and to correctly refer to parking areas in the Zoning By-laws. In 2016 the by-law was changed to reference that the Board that would give special approval for the use of parking changed from the Zoning Board to the Planning Board, however, the use table in the Zoning By-law did not get changed to reflect that. Article 32 would amend the language in the Zoning By-laws to reflect that change. The Planning Board and the Advisory Committee both unanimously recommended adoption of Articles 31 and 32.

Article 33: Amend Zoning By-Law: Hingham Harbor Overlay District: Ms. Wentworth explained that, similar to Article 32, Article 33 would delete an obsolete reference in the Zoning By-laws and would allow coastal defense structures with modified dimensional standards. This would refer to seawalls, embankments, or other coastal defense structures in the Hingham Harbor Overlay District. Additionally, they would also be subject to Conservation Commission requirements.

Article 34: Amend Zoning By-Law: Electric Vehicle Charging Parking Requirements:

Ms. Wentworth presented. The intent of Article 34 would be to create a standard for the installation of EV charging stations/future infrastructure for future charging stations for all moderate or large parking lots. It would also allow parking spaces reserved for EV charging to qualify toward minimum parking requirements (20 or more parking spaces). Ms. Wentworth felt that this article was supportive of the Master Plan's recommendation to provide EV charging stations in Town. It also anticipates for a greater need for EV charging stations going forward.

Mr. Gary Tondorff-Dick, 1029 Main Street, member of the Planning Board, said that the Planning Board took very seriously the recommendations from the ADU Study Committee related to the familial restriction. They received significant comments from the public, which they also took seriously. Some of the comments they received from residents took the opinion that lifting the familial restriction could impact neighborhoods in a negative way. He felt that the lifting of the familial restriction could pose a threat to the character of the kind of single family neighborhoods that people have come to expect in Hingham and could cause damage to people's quality of life.

While Mr. Ramsey did not have any questions about the proposed Articles, he did stress that he would like residents to be as educated as possible on these articles going into Town Meeting. He expressed his thanks for the hard work of the Planning Board and the Planning Department. He also noted that the upcoming Town Meeting would be Judy Sneath's last Town Meeting as a member of the Planning Board.

He thanked her for her tremendous volunteer efforts and years of service to the Town. Mr. Fisher said that she has been a huge asset to the Town.

Ms. Sneath expressed her thoughts on the ADUs. She felt that the lifting of the familial restricting would be in keeping with the recommendations of the Master Plan, which encouraged more diversity in Hingham, including economic diversity. Mr. Fisher shared Ms. Sneath's concerns and made some comments about neighboring towns that have lifted the familial restriction. He noted that the Norwell By-laws state that the purpose of an ADU is to encourage housing options for people of all ages and economic levels and to allow a single family homeowner to generate income, which could to allow the property owner to age in place. He felt this was particularly important for Hingham as the Town contemplates an override. In addition, he noted that one unintentional consequence of keeping the familial restriction would be that it would not allow for greater diversity in Hingham. Mr. Fisher expressed concerns in whether keeping the familial restriction is in line with the recommendations of the Master Plan. Ms. Klein also felt it was important to inform the public on all the Zoning Articles ahead of Town Meeting.

Mr. Andy McElaney, 26 Meyers Farm Road, Advisory Committee, summed up the thoughts of the Advisory Committee with regard to their recent vote on ADUs and gave some of his own thoughts. He and some others on the Advisory Committee had concerns that ADUs would diminish property values. In addition, he reported concerns regarding enforcement. He noted that the Advisory Committee recommended retaining the familial restriction.

Ms. Beth Rouleau, 14 Prospect Street, member of the ADU Study Committee, shared some demographic background that supported Ms. Sneath and Mr. Fisher's comments. She shared data from a 2022 Hingham Needs Assessment, and drew attention to a growing cohort of people, in Hingham and in the US, who are aging alone. She also pointed to a growing trend among neighboring states that have eliminated Zoning requirements that hinge on the definition of family.

Mr. Tom Patch, 9 Ship Street, made some comments about his thoughts on Article 29 (ADUs). Given what he sees as uncertainties, taking an incremental approach would be his recommendation.

Appointments (for a list of Talent Bank Applicants, please visit [Hingham-ma.gov/SB](https://www.hingham-ma.gov/SB))

There were no appointments.

Public Comment

"The Hingham Select Board encourages community engagement and welcomes questions and comments as agenda items are discussed at the meeting. In addition, we have set aside up to fifteen minutes for public comment for items that fall under the purview of the Select Board and are not already on tonight's agenda. If any guests wish to speak, please seek to be recognized. Once recognized, state your name and address and address your comments to the Chair. Comments will be limited to three minutes per speaker and must relate to topics within the scope of the responsibilities of the Select Board. Speakers are encouraged to present their remarks in a respectful manner and not to indulge in personalities. The Public Comment period is not a time for debate by members of the Select

Board. The Select Board is not adopting or endorsing any of the comments made during the Public Comment period.”

There were no comments from the public.

Town Administrator/Select Board Reports

Mr. Art Robert reminded the public that April 14 is the last day to register to vote in order to be eligible to vote at both Town Meeting on April 24 and the Town Election on April 29. The Town Clerk’s Office will accept voter registration in person at Town Hall, via email or electronically. Those interested can apply online at the State’s voter registration system. There are links to that on the Town Clerk’s webpage. Monday, April 24 is the last day to apply to vote by mail at the Town Election.

Mr. Fisher reported that he and Ms. Klein recently attended the annual Volunteer Appreciation Luncheon at the Senior Center. It was very well attended and he noted the amazing commitment that the volunteers put forth for the Town. Ms. Klein said that it was inspiring to celebrate the hard work of all the volunteers.

Ms. Klein also thanked Ms. Susan Sarni, Executive Health Officer, and others who put together the first event in the new Mental Health Speaker Series.

Ms. Klein also announced that she and several other Select Board and School Committee members would be holding “Coffee Chats” at various coffee shops around town on Saturday, April 15 from 8:00-10:00 am. She encouraged residents to stop by and ask questions.

Mr. Ramsey announced that the next meeting of the Select Board would be on April 19.

Vote: Mr. Fisher made a motion to adjourn. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Fisher: yes

Mr. Ramsey: yes

The meeting adjourned at 5:07 PM.

Documents: A complete meeting packet of supporting documentation is on file and available for public review in the Select Board office