

Planning Board Recommended Motion

Proposed Vote: That the Planning Board recommend adoption of Article BBB (Requirements for Accessory Uses) in the form of the following Recommended Motion:

**Article BBB
Requirements for Accessory Uses**

That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: By inserting in the first sentence of Section III-J, 1. after “Accessory uses shall be those uses that are customarily incidental” the clause: “and clearly secondary”.

Item 2: By replacing Section III-J, 2. in its entirety as follows:

2. Additional Requirements for all Accessory Uses: Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:

- (a) Noise
- (b) Light and visual impacts
- (c) Odor
- (d) Sound
- (e) Traffic congestion and pedestrian safety, frequency of deliveries

Inserted by the Zoning Board of Appeals

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Tracked Changes to Existing Section III-J

III-J. Accessory Uses

1. Accessory uses shall be those uses that are customarily incidental and clearly secondary to and located on the same lot with a principal use or on an adjoining lot under the same ownership and which are uses otherwise permitted in the zoning district in which they are proposed, provided, however, that:
 - a. Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.
 - b. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a Special Permit A2, provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.
2. Additional Requirements for all Accessory Uses. Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:

(a) Noise

(b) Light and visual impacts

(c) Odor

(d) Sound

(e) Traffic congestion and pedestrian safety, frequency of deliveries

- ~~a. Accessory uses may be located in any area contained within a non-conforming residential building (whether primary or accessory) existing as of April 26, 2004.~~
- ~~b. Notwithstanding the provisions of Section III A, 1.8.4, 1.8.5 and 1.8.6, regarding resident offices, studios, or customary home occupations, as described in those subsections, no more than three persons, including the resident professional(s), or business owner(s), shall be employed on the premises at any one time.~~
- ~~c. Such uses shall be clearly incidental and secondary to the primary use.~~
- ~~d. Such uses shall not alter the character of the premises on which they are located or impair the neighborhood.~~

Tracked Changes to Warrant Article

Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: By ~~deleting~~ inserting in the first sentence of Section III-J, ~~1.a. and reformatting Section III-J, 1.b as Section III-J.a,~~ after “Accessory uses shall be those uses that are customarily incidental” the clause “and clearly secondary.;

Item 2: By replacing Section III-J, 2. in its entirety as follows:

2. Additional Requirements for all ~~Residential~~ Accessory Uses:

~~a. Applicability. Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.~~

~~b. Maintenance of Residential Character.~~ Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:

- (i) Noise
- (ii) Light and visual impacts
- (iii) Odor
- (iv) Sound
- (v) Traffic congestion and pedestrian safety, frequency of deliveries

or act on anything related thereto?

[Inserted by the Zoning Board of Appeals]