

Town of Hingham



Board of Appeals Meeting Agenda

February 22, 2016

7:00 PM

Attend Planning Board Public Hearings on Proposed Zoning Amendments:

1. Changes to Nonconforming Structures Accessory to Single and Two-Family Dwellings

This amendment would authorize the Board of Appeals to review the reconstruction, extension, alteration, or structural change of nonconforming residential garages, sheds, porches, and other accessory structures through a Special Permit process, which requires notice and allows for public input.

2. Lot Shape Requirements

The current definition of frontage includes a requirement that all lots be laid out in a way that allows a circle, with a diameter equal to eighty-percent of the linear frontage requirement, to be located tangent to the street line and within all other property bounds. This "circle" requirement amounts to a dimensional regulation, so the Board recommends relocating the requirement from the definitions under Section VI to the General Intensity Provisions under Section IV-C of the Bylaw. This section, however, already contains a separate "Lot Shape Factor" requirement for residential lots. The proposed amendment would replace the shape factor in Section IV-C, 10. with a "Lot Shape Requirement" modeled after the "circle" requirement. The amendment is proposed to eliminate confusion between competing shape requirements for residential lots and to standardize the shape requirements across all zoning districts.

3. Uniformity Amendments

This amendment proposes to remove date-based criteria from two specially permitted uses: two-family dwellings and bed & breakfast establishments. Presently, residential structures built prior to March 10, 1941 are eligible for a special permit to convert to a two-family use or a bed & breakfast establishment. The Board believes this criteria may be inconsistent with the Uniformity Clause of the state Zoning Act. MGL c. 40A, s. 4. requires that properties be treated uniformly within a zoning district, while the 1941 prerequisite treats adjacent properties differently based on the year of construction. The proposed amendment would eliminate the potential inconsistency with state law while maintaining all other special permit requirements for these uses.