

**Advisory Committee  
Meeting Minutes  
10/4/2016**

In attendance: Committee Members Anderson, Baltera, Belyea, Coughlin, Curley, Hancock, Haskell, Kelley, Kutsch, LaCroix, MacKay, Sharkansky, Smallwood, Strehle, and Taylor.

Chairman Taylor called the meeting to order at 7:31pm.

*Questions from the public on items not on the agenda:* None

*Approval of Minutes*

Members approved the September 13, 2016 minutes with revisions on a 12-0 vote. Members Kelley and LaCroix abstained, as they were not in attendance at that meeting.

*Special Town Meeting preparation process*

On September 21, the Town issued an RFP for 100 affordable rental units for 2 Beal Street (Selectmen's Parcel). Taylor outlined the compressed review schedule for RFP responses. If the Selectmen react favorably to an RFP response in late October, the Town would call a Special Town Meeting for mid-November seeking approval to change the Beal Street property's use. Previous Town Meetings had authorized 20-40 low- and moderate-income owner-occupied units (2005) or an 80-100 unit assisted living facility with at least 25% affordable units (2016).

If a Special Town Meeting is called, the Advisory Committee will conduct a hearing on the warrant article November 1 and vote on the article the following week.

*Chapter 40B law and potential uses of 2 Beal Street property*

Town Administrator Alexiades provided background information on Chapter 40B (Comprehensive Permit Law), the status of Hingham affordable housing units, the history with this property, and the Selectmen's decision-making in issuing the RFP.

Chapter 40B mandates that 10% of every Massachusetts community's housing stock be affordable. Municipalities are required to waive many local zoning requirements for a proposed affordable housing project until 10% of its housing stock is deemed affordable.

The Department of Housing and Community Development (DHCD) and the Town disagree on the number of existing Hingham affordable housing units. DHCD, counting only 25% of Linden Pond units, finds 752 units (8.5% of the Town's housing stock). Hingham, asserting that all Linden Pond units qualify, sees 1,494 units or 16.9%. The Town is currently litigating its position in two active court cases.

With recent approval of 190 affordable units for the Building 19 site, the Town is in a safe harbor until May 17, 2017. During the safe harbor, the Zoning Board of Appeals (ZBA) may deny a permit or impose conditions on 40B projects, as consistent with local needs. If Hingham could permit 132 additional affordable units by May 2017, it could reach the uncontested number of required units equaling 10% of its housing stock. Permitting 100 affordable rental units at 2 Beal Street, along with some ongoing small projects, could accomplish that goal. This would enable the ZBA to handle future proposed 40B projects in accordance with Town land use regulations for several years. DHCD will later recalculate the number of required affordable units based on the 2020 Census.

If the May 2017 deadline passes without Hingham reaching the uncontested number, Hingham could again have to waive many zoning and other local land use requirements for an affordable housing proposal such as the 300-unit development proposed for the Hingham Mutual site on Beal Street. Alexiades reported that several owners of large land tracts have approached the Town about additional

40B projects.

Advisory Committee members asked about the cost and likelihood of success with Hingham's current 40B litigation. They discussed the potential for the Town to create a housing production plan as an alternative approach to maintaining a safe harbor while Hingham plans and builds affordable units in a more comprehensive manner. Alexiades cautioned that DHCD approval of a housing production plan is uncertain and there is likely insufficient time to create the plan by the May 17, 2017 deadline.

Several audience members speaking against the revised Selectmen's Parcel project noted little advance notification to neighbors, significant traffic issues, environmental concerns, impacts on schools, and the perceived clustering of a number of challenging developments in this part of Town. An audience member speaking in the project's favor cited a one-time positive opportunity with Town-wide implications allowing Hingham to handle proposed 40B projects in accordance with Town regulations for several years.

AdCom's Hingham Affordable Housing Trust Subcommittee is researching this project's impacts on Town services. Members should direct any additional questions to subcommittee members (Kutsch, Anderson, and Strehle). Haskell urged that AdCom hear from the Town's real estate counsel and ZBA on the project's issues. Coughlin noted that the project's focus has changed. For last year's Town Meeting, the focus was on meeting an acute need for affordable assisted living beds. Now, the focus is addressing challenges with 40B. Several members expressed interest in learning more about a housing production plan as an alternative approach.

#### *Liaison updates*

AdCom Liaisons provided the following updates:

- Planning (Baltera) – Planning Board to meet October 24 on potential warrant article addressing hotels, bed and breakfasts, and vacation rentals.
- Schools (Taylor) – At the School Committee's request, the Administration will present a level services budget for FY 2018, in contrast with previous needs-based budgets. Similar to the approach for municipal departments, they will also prepare a memo outlining the impacts on services should it become necessary for the Town to move to level-funded budgets.
- Water Company Acquisition (Taylor)– Aquarion has requested direct Supreme Judicial Court review of the water company acquisition litigation, as did Hingham.
- South Shore Country Club (Curley) – The Club is seeking CPC funding for a swimming pool feasibility study. It has offset a \$100,000 decline in revenues by reducing expenses \$200,000.
- Audit (LaCroix) – The FY 2016 audit is nearing completion with a finding of no deficiencies.

*Matters not anticipated within 48 hours:* None

#### *Adjournment*

The Committee voted unanimously to adjourn at 10:18pm.

Respectfully submitted,

Donna M. Smallwood  
Secretary

#### List of Documents Distributed at this Meeting:

Agenda for AdCom Meeting of 10/4/2016  
Draft Minutes from 9/13/2016 AdCom Meeting  
2016 Annual Town Meeting, Article 27 (2 Beal Street)  
2005 Annual Town Meeting, Article 42 (2 Beal Street)

Town-wide Comprehensive Permit/40B Discussion, October 4, 2016 (slides)  
MA Assoc. of Town Finance Committees Annual Meeting – Agenda and Registration form