

Bed & Breakfast Establishment

1. Purpose (a) Under the authority conferred by Massachusetts General Law Chapter 40A, as amended, and every other power and authority thereto pertaining, the Town of Hingham adopts this By-Law for the regulation of Bed & Breakfast establishments in districts zoned as residential and business to achieve the following purposes:

(i) to encourage the utilization of homes in residential and business zoned districts which because of their size are costly and/or difficult to maintain as private residences; to provide an economic incentive to maintain and to rehabilitate older, larger residences.

(ii) to regulate Bed & Breakfast establishments to insure sensitivity and compatibility with the surrounding neighborhoods in residentially zoned districts through minimizing adverse impacts on neighboring residential uses.

2. Description

A Bed & Breakfast is a single-family dwelling having a mixed use as a home for the residential owner and as an accessory use for guest lodging. The home is to be the primary and legal residence of the owner.

3. Submittal and Review Requirements

A Special Permit A2 shall be required to operate a Bed & Breakfast establishment. As a part of any application for said Special Permit, applicants shall submit, at a minimum, the information required for Site Plan approval.

4. Minimum Requirements

(a) The Bed & Breakfast establishment and operation shall be located within an existing owner-occupied single family dwelling containing a minimum of four (4) bedrooms as of March 10, 1941.

(b) Up to three (3) rooms, but not more than one-half (1/2) of the bedrooms as of March 10, 1941, may be dedicated to the Bed & Breakfast establishment. Additionally, not more than forty-five (45%) percent of the entire habitable living space shall be allocated for Bed & Breakfast establishment purposes, and there shall be no more than six (6) guests lodging at the establishment at any one time.

(c) The Special Permit authorizing a Bed & Breakfast establishment shall be issued to the owner of the property only and is not transferable to a subsequent property owner.

(d) The owner of the property shall be responsible for the operation of the property and shall be a resident of the property when the Bed & Breakfast establishment is in operation. The owner shall file an affidavit with the Building Commissioner and Town Clerk on an annual basis in the month of January, stating that the property is the principal residence of the owner and that the owner is in residence at all times that the Bed &

Breakfast is being operated. If the affidavit is not filed, the operation shall cease forthwith, and any Special Permit issued hereunder shall be considered null and void.

(e) The single-family residence in which the Bed & Breakfast operation is located shall be maintained so that the appearance of the building and grounds remain that of a single-family residence.

(f) No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available to guests and no meals, except continental breakfast, shall be served to guests. Alcohol shall also be prohibited from being served on the premises to any Bed & Breakfast guest. Additionally, there shall be at least one (1) bathroom solely dedicated to the guests of the Bed & Breakfast establishment.

(g) If the property is not to be served by public water, the applicant shall provide evidence to the Zoning Board of Appeals that the proposed use will not have any detrimental impact on any water supply on-site or off-site.

(h) Any septic system shall have the design capacity to support the proposed number of rooms available for rent, as said design capacity is defined by the Hingham Board of Health. Any Certificate of Occupancy shall be signed by the Hingham Board of Health. New Bed & Breakfast establishments served by an existing septic system shall not be granted approval for operation until the Health Department confirms compliance with inspection and/or design requirements as set forth in 310 CMR 15.301; 302; 303; 352; 414 State Environmental Code Title V Minimum Requirements for the Subsurface Disposal of Sanitary Sewage and any applicable local Board of Health rules and regulations.

(i) Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 P.M.

(j) No parking shall be located in any required building yard set back. Parking areas shall be screened from adjoining residential properties by a fence or dense plantings, not less than five (5) feet in height. Furthermore, parking shall be prohibited in the front yard(s) as defined in the Hingham Zoning By-Law, Section VI. All parking for a Bed & Breakfast facility shall be located on the premises. There shall be provided two (2) parking spaces for the home owner and one (1) parking space for each room which the Bed & Breakfast establishment has available for rent to guests.

Applicants for Special Permits under the provisions of this By-Law shall provide sketches, drawings or plans necessary to illustrate compliance with the requirements of this By-Law. The Planning Board or Board of Appeals may, at its discretion, require plans to be prepared by registered land surveyors, architects or engineers to illustrate the Special Permit application for the benefit of the Board and other Town officers such as the Building Commissioner and the Health Officer. Illustration required may include but not be limited to parking and driveway plan, room layout, sanitary facilities, and kitchen

facilities.

(k) Any sign relating to a Bed & Breakfast operation shall comply with the applicable sign By-Law as set forth in Section V-B. However, all signs for a Bed & Breakfast operation shall be not greater than 1 1/2 x 1 1/2 feet in size.

(l) Prior to the renting of any rooms to guests the applicant shall obtain a Certificate of Occupancy from the Hingham Building Commissioner. The Certificate of Occupancy shall be renewable every year according to the applicable fee schedule established by the Board of Selectmen.