

Minutes  
Regular Meeting

January 6, 2016

**HINGHAM PLANNING BOARD**  
January 6, 2016 @ 7:00 PM – Central North

**Present:** Planning Board Members, **Sarah Corey, Chairman, Judith Sneath, Clerk and William Ramsey.** Also present were, Community Planning Director Mary Savage-Dunham and Dolores DeLisle, Administrative Assistant

**Planning Board Agenda**

- 7:00 PM      LEWIS COURT DEFINITIVE SUBDIVISION - Minor Modification**  
Request for a Modification of the Subdivision Plans approved May 4, 2015 to allow a waiver to Section 5H. (a) which limits paving after November 15 in the calendar year.  
Request to Release Lots 3 & 4 from Form E Covenant.  
Request for waiver of application fee.
- 7:30 PM      PUBLIC HEARINGS: Proposed Amendments to the Hingham Zoning By-Law**
- **Media Broadcasting or Production Studios** - This proposed amendment would delete use III-A, 3.6A (Local Cable Access Broadcasting Studio) and insert a new use into By-law Section III-A as "4.27 Media broadcasting or production studio", designate the zoning districts the use would be permitted in, and insert the following definition Media broadcasting or production studio: An establishment which engages in production or broadcast of content for television, cable, internet, or other media."  
*\*\*Open and Hold Public Hearing\*\**
  - **Bed and Breakfast Establishments** - The purpose of this proposed amendment is to add Bed & Breakfast Establishments into Section III-A (the Use Table), and, to clearly specify the districts in which the use is permitted.  
*\*\*Open and Hold Public Hearing\*\**
  - **Section II & III** - The purpose of this proposed zoning amendment is to remove date references from the map titles, correct naming conventions for consistency within the By-Law, and remove the overlay district language from Section "II-C Zoning Maps".  
*\*\*Open and Hold Public Hearing\*\**
  - **Floodplain Protection Overlay District** - This proposed zoning amendment would amend certain provisions of Section III-C which is the "Flood Plain and Watershed Protection District". The name of this district is proposed to be replaced with "Floodplain Protection Overlay District" everywhere it appears in the By-law. The FEMA Map panel numbers are proposed to be updated to reflect the panels that were revised to August 14, 2015. The new Zoning Map Part B which depicts the updated Flood zones is proposed to replace the previous version of the map, and new language explaining the purposes of the section has been proposed.  
*\*\*Open Hearing and continue to a Future Meeting\*\**
  - **Common Driveways** - This proposed zoning amendment would create new regulations and a Special Permit process for Common Driveways specifically regarding design standards, location, and number of lots served by a common drive. The proposal is for the adoption of a special permit process where the permit granting authority (most likely the Planning Board due to the similarity to roads) would explicitly allow common drives that meet some minimum design standards as set in the regulations. The purpose is to provide guidelines for the permitting of Common Driveways in order to reduce the number of access points

on public or private streets; to protect wetlands and sensitive natural areas from disturbance; and to preserve historic streetscapes in the Town, when these driveways meet reasonable construction and design standards.

*\*\*Open Hearing and continue to a Future Meeting\*\**

- **Commercial Parking Requirements and Table of Parking Dimensions** - The purpose of this proposed amendment is to propose revised parking requirements for Commercial Uses, and to amend the Table of Parking Dimensions in Section V-A, 3. by inserting "Minimum" before Aisle Width; and changing the minimum aisle width requirement for a 45 degree parking angle to 12', for a 60 degree parking angle to 14', and for a 75 degree parking angle to 17' .  
*\*\*Open Hearing and continue to a Future Meeting\*\**
- **Lot Shape Requirements** - This proposed amendment is intended to eliminate confusion between the competing shape requirements for residential lots and to standardize the shape requirements across all zoning districts by removing the "circle" or dimensional requirement from the definition of "Frontage" in Section VI and replace Section IV-C, 10. in its entirety as follows: "10. Lot Shape - In addition to the minimum lot area and frontage requirements, lots shall be laid out in such a manner so that a circle, with a diameter equal to eighty (80) percent of the minimum frontage requirement for the zoning district in which it is located, can be placed tangent to the front and within all other lot lines with no portion of the circle extending beyond the boundaries of the lot".  
*\*\*Open Hearing and continue to a Future Meeting\*\**
- **Changes to Nonconforming Structures Accessory to Single Family and Two-Family Dwellings** - This proposed amendment, if adopted, would provide an alternative to more intensive expansions of nonconforming single and two family dwelling permitted by right under the so-called Hatfield Amendment under Section III-01, 2 by creating a more appropriate permitting mechanism to review changes to preexisting nonconforming structures accessory to single or two-family dwellings. The proposed article also includes explicit standards for acceptable levels of change. As Proposed, the article authorizes 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 still requires notice and allows for public input.  
*\*\*Open Hearing and continue to a Future Meeting\*\**
- **Uniformity Amendments** - This amendment proposes to remove date-based criteria from two specially permitted uses: two-family dwellings and bed & breakfast establishments. The Zoning Board believes that date based 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. The proposed amendment would eliminate the potential inconsistency with state law while maintaining all other special permit requirements for these uses.  
*\*\*Open Hearing and continue to a Future Meeting\*\**

**Old/New Business:**

1. Review and Adoption of Minutes from 11/30/15 and 12/14/15
2. Administrative / Committee Reports

<b>Hearing(s)</b>
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7:08 PM

**LEWIS COURT DEFINITIVE SUBDIVISION - Minor Modification**

Request for a Modification of the Subdivision Plans approved May 4, 2015 to allow a waiver to Section 5H. (a) which limits paving after November 15 in the calendar year.

Request to Release Lots 3 & 4 from Form E Covenant.

Request for waiver of application fee.

Applicant, John Woodin, presented an overview of the Modification Request to the Board. John Chessia of Chessia Consulting Services then briefed the Board

with his findings, stating that all required specifications had been met, with the exception of the paving date. The Cost to Complete chart was reviewed and reflected the following: Cost to Complete is \$111,000; the covenant would not be released until the bond is submitted; a \$108,000 bond is set aside with the DPW for the reconstruction of the existing public way; the DPW has acknowledged and agreed with Mr. Chessia's findings. It was confirmed that there are two buyers pending.

The Board Moved, Seconded and so VOTED to **APPROVE** the Request for Modification to allow the waiver to Section 5H. (a);

The Board Moved, Seconded and so VOTED to **DENY** the Request to Waive the application fee;

The Board Moved, Seconded and so VOTED to **APPROVE** the Release of Lots 3 & 4 with the condition that the Bond is submitted, and, noting that all other conditions remain in full force and effect.

**7:30 PM PUBLIC HEARINGS:** Proposed Amendments to the Hingham Zoning By-Law

- **Media Broadcasting or Production Studios** - The public hearing was opened and the Town Planner presented an overview of the intent of the proposed zoning article. This proposed amendment would delete use III-A, 3.6A (Local Cable Access Broadcasting Studio) and insert a new use into By-law Section III-A as "4.27 Media broadcasting or production studio", designate the zoning districts the use would be permitted in, and insert the following definition Media broadcasting or production studio: An establishment which engages in production or broadcast of content for television, cable, internet, or other media."

Ms. Sneath requested that the proposed language be reviewed line by line, which it was. The Chair asked for public comment. The Board then Moved, Seconded and so VOTED to **APPROVE** the proposed language with two edits, as follows:

- Item 1: to be reworded as follows: 'By amending Section III-A by deleting the current use'
- Item 2/Line 4: a grammatical correction, changing 'a' to 'an'

- **Bed and Breakfast Establishments** - The public hearing was opened and the Town Planner presented an overview of the intent of the proposed zoning article. The purpose of this proposed amendment is to add Bed & Breakfast Establishments into Section III-A (the Use Table), and, to clearly specify the districts in which the use is permitted.

The Board discussed and made minor changes to the text, and then Moved, Seconded and so VOTED to **APPROVE** the proposed language as discussed and revised.

- **Section II & III** - The public hearing was opened and the Town Planner explained that the purpose of this proposed zoning amendment is to remove date references from the map titles, correct naming conventions for consistency within the By-Law, and remove the overlay district language from Section "II-C Zoning Maps". The Board reviewed the language line by line and requested that the Planner ensure that the description of the location of the overlay districts be included in each specific section of the by law if it is to be deleted from Section II-C. The Planner said she would modify the proposed text as requested. After additional discussion the Board took public comment, and, continued the public hearing to February 1, 2016 at 7:45 PM.

- **Floodplain Protection Overlay District** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to February 8, 2016 at 7:00 PM.
- **Common Driveways** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to February 8, 2016 at 8:45 PM.
- **Commercial Parking Requirements and Table of Parking Dimensions** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to February 8, 2016 at 7:45 PM.
- **Lot Shape Requirements** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to February 1, 2016 at 8:45 PM.
- **Changes to Nonconforming Structures Accessory to Single Family and Two-Family Dwellings** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to January 20, 2016 at 7:00 PM.
- **Uniformity Amendments** - The Chair opened the public hearing and the Board Moved, Seconded and so VOTED to **CONTINUE** the Public Hearing to February 1, 2016 at 8:00 PM.

**Old/New Business:**

1. Review and Adoption of Minutes from 11/30/15 and 12/14/15 - The Board Moved, Seconded and so VOTED to **APPROVE** the December 14, 2015 Minutes.

As there was no other business, the meeting adjourned at 8:20 PM.

Respectfully submitted,

Dolores A. DeLisle  
Administrative Assistant