

**HINGHAM PLANNING BOARD**  
May 2, 2016 @ 7:00 PM – Central North

**Present:** Planning Board Members, **Sarah Corey, Chairman, Gary Tondorf-Dick, Jenn Gay Smith and Judith Sneath, Clerk.** Also present: Community Planning Director Mary Savage-Dunham and Dolores DeLisle, Administrative Assistant. Present for the Zoning Board were members Joseph Fisher, Joseph Freeman and Robyn McGuire and Emily Wentworth, Zoning Administrator.

**Planning Board Agenda**

**7:00 PM      Joint Hearing with the Zoning Board of Appeals – Request to Continue RSL REALTY, LLC – 51-55 South Street & 28 South Street**

**7:05 PM      Request to re-endorse Form A Mylar – 235 Main Street**  
The Planning Board endorsed this Form A plan in March, but, Land Court required that additional descriptive information to be added to the plan prior to recording. The bounds of the parcels and lot lines have not changed. The Applicant has a revised mylar and is asking that the Board endorse it for processing at Land Court. The Applicant has also requested that the Board waive the fee in accordance with your authority under Section 2.F.3.d of the Rules and Regulations Adopted Under the Subdivision Control Law.

**7:10 PM      Form A – 86 Pleasant Street/92 Pleasant Street**

**8:00 PM      Hingham Congregational Church – 366 & 378 Main Street**  
Site Plan Review under § I-I and § III-B, 8. ii for the Hingham Congregational Church, located at 366 and 378 Main Street, for a proposed addition to the existing church and to the existing church office building, reconfiguration of parking, and landscaping and hardscape improvements. Request for partial waiver of submittal requirements.

**8:30 PM      Joint Hearing with the Zoning Board of Appeals  
W/S/M HINGHAM PROPERTIES, LLC – 90 Derby Street**  
Site Plan Review under § I-G and § I-I, and Special Permit A3 parking determinations under § V-A of the Zoning By-Law and such other relief as necessary to: 1) Convert two retail tenant spaces to a financial use, consisting of a Capital One Cafe; 2) Operate a seasonal "Open Market" on Fridays within the parking area near the Kohl's building at **90 DERBY STREET** in the Industrial Park and South Hingham Development Overlay District.

Old/New Business:

- 1. Review and Adoption of Minutes – April 10, 11, 20 & 25, 2016
- 2. Administrative Reports/Other Business

**Hearing(s)**

**7:05 PM      Joint Hearing with the Zoning Board of Appeals – Request to Continue RSL REALTY, LLC – 51-55 South Street & 28 South Street**

The Chair called the meeting to order and presented a Request to Continue from the applicant. A motion was made, seconded and so **VOTED** to continue the hearing to June 6, 2016.

**7:07 PM      Request to Re-endorse Form A Mylar – 235 Main Street**

The Chair acknowledged Attorney Kevin Burke, who explained that his request to re-endorse the plans the Board had previously approved on March 7, 2016 was the result of a requirement from the Registry of Deeds. He referenced correspondence the Board had received from Susan Murphy, Special Counsel, and noted that her response was based on her review of the original plan and not the newly submitted plan. He also read aloud from prior legal cases, which he felt substantiated his request for re-endorsement. He requested a Waiver of the application fee.

Jennifer Gay Smith expressed her agreement and had no objection. The Chair felt that clarification was needed regarding Susan Murphy's comments. The floor was opened to the public. Tom Patch had questions regarding the boundaries, which was clarified by the Chair. The motion was made, seconded and VOTED to continue the matter to the May 9, 2016 agenda to allow counsel time to comment on the proposal.

**7:10 PM Form A – 86 Pleasant Street/92 Pleasant Street**

Mr. Shane Brenner, Merrill Corporation, presented the plan, with an overview of the current configuration and the requested changes. He noted that this was a non-buildable parcel. There would be no land change up front; all changes are in the back at the river. Gary Tondorf-Dick questioned about wetlands and Mr. Brenner pointed out that the uphill slope of the land eliminates wetlands encroachment. Jennifer Gay Smith asked for changes to the line weight to help make the plan more understandable. There was also a question regarding the frontage of Lot 94. The Board asked that the plan be revised and resubmitted for with the new line weight for clarity, and with the addition of a note to the plan. Mr. Brenner will email a PDF with the changes requested. The Board then voted to endorse the plan, subject to the addition of the note and the revised line weight.

**8:10 PM Hingham Congregational Church – 366 & 378 Main Street**

The Chair acknowledged John Cavanaro, Cavanaro Consulting, Gene Raymond, Raymond Design Associates and Mike Siden, Hingham Congregational Church. The Chair stated for the record that she is a neighbor of Mr. Raymond but does not feel that will affect her ability to be impartial in the review of the project. Mr. Cavanaro presented an overview of the plan, which includes the addition of accessible entry points to the property, a patio, an elevator, and the addition of striping on three handicap parking spaces to meet handicap requirements, with six spaces overall that will be fully compliant, all of which will decrease the vehicular footprint and reduce the pollutant load. There will also be hardscape, landscape and storm water management improvements.

Gary Tondorf-Dick questioned the accessibility for drop-off and pick-up of a handicap visitor in a wheelchair. Mr. Cavanaro responded that the new elevator near the parking lot will be handicap accessible for access to the building. The floor was opened to the public, and questions regarding possible lighting spillover, the reason for a new septic system and use of a sitting wall around the play area were addressed satisfactorily by the applicant.

A waiver of site lighting and traffic analysis requirements was requested. A motion was made, seconded and so VOTED to Waive site lighting and traffic analysis requirements because there was no change in use proposed. The Chair then read the findings aloud. A motion was made, seconded and so VOTED to Approve to approve the Site Plan Review with conditions.

**8:56 PM Joint Hearing with the Zoning Board of Appeals  
W/S/M HINGHAM PROPERTIES, LLC – 90 Derby Street**

Mary Savage-Dunham, Town Planner, presented an overview of what the Planning Board has acted on so far, which includes Site Plan Review modification and modification of the Special Permit A3 for removal of parking spaces by Burton's Grill, and, Waiver of Site Plan Review for the proposal for the Capital One Café.

The Zoning Board continued its discussion regarding Capital One. Mr. Fisher stated that the preference was to keep the 'original mix' at the Derby Street Shoppes, noting that Schwab was approved two years ago, but that it was 'out of character' at that time. He is concerned about the evolution of financial uses. Sarah Corey stated that it was a 'bank'. Judy Sneath added that the Zoning By-law was revised to limit financial uses on the first floor in the Downtown area.

Parking spaces were discussed. Office use is based on Schwab and the Café has 48 seats in front. The applicant explained that the net change of parking associated with the transition from retail use to office/restaurant use was three parking spaces, leaving one surplus space according to the parking table. The Planning Board reviewed and made the findings related to the Special Permit A3 and then voted to approve the A3 with conditions.

As there was no other business the meeting adjourned at 11:05 pm.

Respectfully submitted,  
Dolores DeLisle, Administrative Secretary