

TOWN OF HINGHAM

Board of Appeals



DRAFT MEETING MINUTES

DATE: 1/28/19

PLACE: Central North Hearing Room, Town Hall

MEMBERS PRESENT: Fisher, Maguire, Romania

The Chair called the duly noticed meeting to order at 6:31 pm. Regular Members Joseph Fisher, Chair, and Robyn Maguire, Clerk, and Associate Member Mario Romania, Jr. were in attendance. The Zoning Clerk, Terry McDonald, was also in attendance. The Chair noted for the record that the proceedings were being recorded by the Board.

6:32 pm Cont. of Hearing: 190 High Street

For the Applicant: Michael J. & Nancy H. MacDonald

The Chair reopened a hearing on an application from Michael J. & Nancy H. MacDonald for a Variance from § IV-A of the Zoning By-Law and such other relief as necessary to construct a screen porch resulting in a 15.2' side yard setback where 20' is required in at 190 High Street in Residence District B. The Chair noted that the Board had received revised plans.

The Applicant requested a 10 minute continuation so that the project architect, Alan Kearney, could present revised plans to the Board. Upon a motion made by R. Maguire and seconded by M. Romania, the Board voted unanimously to grant the requested continuance.

6:35 pm Cont. of Hearing: 249 North Street

The Chair reopened a hearing on an application from Claudia B. Olsen to modify a Use Variance Decision, dated November 15, 2007, which granted relief from § III-A, 1.8.7 of the Zoning By-Law and allowed an accessory studio apartment, by removing conditions related to continued ownership of the property at 249 North Street in Residence District A.

The Chair noted that Attorney Tocchio submitted a written request on behalf of the applicant to continue to March 19, 2019 and extend the decision deadline to April 19, 2019. R. Maguire

made a motion, seconded by M. Romania, to continue the hearing to March 19, 2019 at 7:00 pm and accept the extension. The motion passed unanimously.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

6:38 pm Cont. of Hearing: 11 Bank Ave and 103-105 North Street

The Chair reopened a hearing on an application from REB, LLC for a Special Permit A2 under §§ I-F, III-A, 4.22, and III-G of the Zoning By-Law and such other relief as necessary to construct a Commercial/Residential Building, including 2,000 SF retail and (20) 1-bedroom dwelling units at 11 Bank Ave, 103 & 105 North Street in Business District A and the Downtown Hingham Overlay District. He noted that revised plans depict (5) 2-bedroom dwelling units and (5) 1-bedroom dwelling units. He then opened an initial hearing on a related application, also from REB, LLC, for a Finding under MGL c. 40A § 6 and such other relief as necessary to alter lot lines between 11 Bank Avenue and 103 and 105 North Street, resulting in a reduction in the lot area available for a preexisting nonconforming use, consisting of an apartment building, located at 103 and 105 North Street in Business District A and the Downtown Hingham Overlay District.

The Chair announced that Attorney Sullivan's office submitted a written request to continue the hearings to February 12, 2019 and extend the decision deadline. Upon a motion made by R. Maguire and seconded by M. Romania, the request to continue to February 12, 2019 at 7:00 pm and extend the decision deadline was granted unanimously by the Board.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

6:40 pm Hearing: 73 Abington Street

The Chair reopened a hearing on an application from MDC Properties LLC for a Special Permit A2 under § III-E, 7. of the Zoning By-Law and such other relief as necessary to construct three commercial/industrial buildings resulting in a floor area ratio of 0.45 at 73 Abington Street in the Industrial Park and South Hingham Development Overlay Districts. He then noted that Attorney Sullivan's office submitted a written request to continue the hearing to February 12, 2019 and extend the decision deadline. Upon a motion made by R. Maguire and seconded by M. Romania, the request to continue to February 12, 2019 at 7:00 pm and extend the decision deadline was granted unanimously by the Board.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

6:42 pm Cont. of Hearing: 190 High Street

**For the Applicant: Michael J. & Nancy H. MacDonald
 Alan Kearney**

The Chair reopened a hearing on an application from Michael J. & Nancy H. MacDonald for a Variance from § IV-A of the Zoning By-Law and such other relief as necessary to construct a screen porch resulting in a 15.2' side yard setback where 20' is required in at 190 High Street in Residence District B.

Al Kearney addressed the Board. He then described the revised plans, which reduce 1.) the width of the proposed porch from 10' to 8.5' and 2.) the incursion into the side yard setback from 91 SF to 55 SF. The Board discussed the design of the proposed porch with Mr. Kearney regarding open screened porches. Mr. Kearney confirmed that the structure would be screened only and unenclosed. The Chair mentioned the exemption that allows up to 30 SF of structures such as porches to project into a setback by right. Members agreed that the proposed incursion beyond 30 SF, as revised, was relatively modest in size. The Applicant confirmed that they had approached the abutters to show them revised plans.

A member then reviewed the variance approval criteria.

The Chair opened the hearing for public comment. No one appeared.

R. Maguire then made a motion, seconded by M. Romania, to grant the requested relief as modified, subject to the following conditions:

1. The Applicant shall construct the Project in a manner consistent with the approved plans and the representations made at the hearings before the Board such that the resulting side yard setback associated with the porch shall be no less than 16.8'.
2. The porch shall remain screened. Conversion to a fully enclosed structure, whether heated or unheated, shall require application to the Board to modify the relief granted herein. Said request shall be heard during a public hearing.

The motion passed unanimously.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as

filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

Joint Hearing with Planning Board:

Regular Members Joe Fisher, Chair, and Robyn Maguire, Clerk and Associate Member Michael Mercurio

7:06 pm Cont. of Hearing: 6 Station Street

For the Applicant: Attorney Richard Henderson; Matt Falconeiri; Project Architect, Vcevy Strekalovsky; Project Engineer, John Cavanaro; Landscape Architect, Sean Papich; and Traffic Engineer, Jack Gillon

For the Boards: Jeffrey Dirk

The Chair reopened a hearing on an application from Falconeiri Construction a Special Permit A2 under §§ I-F, III-A (4.22), and III-G of the Zoning By-Law and such other relief as necessary to construct a Commercial/Residential Building at 6 Station Street in Business District A and the Downtown Hingham Overlay District. The Planning Board Chair then opened a joint hearing on related applications, including Site Plan Review under §§ I-G and I-I and a Special Permit A3 Parking Determination and/or Waivers under §§ III-G and V-A.

The Boards' traffic engineer, Mr. Dirk, presented his review comments. He stated that the project is not expected to produce much traffic. His focus has been access to the site, internal circulation, and on-site parking. He stated that the applicant responded and satisfactorily addressed all comments.

The Board asked about the possibility of removing the parking spot on North Street in front of 1 Station Street. John Cavanaro noted on the plans that the work in the town right of way is mainly sidewalk and landscape improvements.

The Chairs opened the joint hearing for public comment. Bill Ramsey, 55 North Street, commented on traffic in the neighborhood. He expressed support for the project.

Tom Patch, 9 Ship Street, said he is familiar with the neighborhood and the property. He indicated that travel speeds on North Street are too fast. He then reviewed the history of the property. He thinks the Town has a long standing goal of development. He expressed support for the developer and the project.

No one else appeared.

Discussion followed about proposed lighting on the building and/or lot. Richard Henderson and Vcevy Strekalovsky mentioned that conditions from the Historic Districts Commission will require the submittal of a lighting plan. The Planning Board agreed to require the applicant to submit a lighting plan to the Planning Department prior to being issued a building permit.

The Planning Board then voted to approve with conditions the applications within its jurisdiction. Members of the Zoning Board agreed to reconvene at a later date to be able to vote when Zoning Administrator, Emily Wentworth, is present. Upon a motion made by R. Maguire and seconded by M. Mercurio, the Board then voted unanimously to continue the hearing to 2/6/19 at 6pm.

Planning Board Public Hearings on Zoning Articles - Joint Meeting with the Zoning Board

Also present were members of the Advisory Board.

Planning Board Chairman Gordon Carr stated that public comment on the proposed articles is welcome, and then the intention is to continue the hearings to February 13, 2019.

Timeframe to Commence Permitted Use or Construction that becomes Nonconforming

The Chair, Mr. Fisher, noted that the goal of the proposed change is to bring the Zoning By-Law into compliance with the state statute, which was updated in 2016. Section I-C, 1. of the By-Law presently refers to the previously effective six (6) month window of time to commence nonconforming uses or construction, as opposed to the twelve (12) months now specified by the Zoning Act, as amended.

Timeframe to Commence Use or Construction under a Special Permit

The Chair, Mr. Fisher, noted that this proposed amendment is also related to a change in state law, which increased the maximum lapse period associated with a special permit. The Zoning Board initiated this proposed amendment so that it would have the option to provide applicants with a longer period of time to exercise special permits issued under its jurisdiction. Additional time could be appropriate for more complex projects requiring multiple permits, some of which are also effective for 3-years, from other regulatory bodies. He mentioned that the Conservation Commission issues Order of Conditions, which are effective for three years.

Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings

The Chair, Mr. Fisher, stated that staff is working on some language changes for this item. Residents spoke regarding the language, stating that clarification is needed, and examples would be helpful. Susan Murphy noted that clearer track changes would be helpful. Joe Fisher stated that at the next hearing, scheduled for February 13, 2019, there will be a presentation on the Hatfield Amendment.

Section III-G Downtown Hingham Overlay District

The Planning Board Chair, Mr. Carr, stated that proposed changes are the result of issues that have come about through recent projects. The Boards discussed changes in submittal requirements and reorganizing the language for the amendment. They discussed the proposed idea of having Historic District Commission input on certain projects in an advisory capacity. The Boards also discussed the need to make language changes with regard to roof decks and mechanical equipment.

The Planning Board then recessed so that the Zoning Board could adjourn.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

The meeting adjourned at 9:30 pm

Respectfully submitted,

Terry McDonald
Emily Wentworth