

Minutes  
Regular Meeting

February 13, 2019

**HINGHAM PLANNING BOARD**

February 13, 2019 @ 7:00 PM – Central North Hearing Room

**Present:** Planning Board Members **Gordon M. Carr, Judith S. Sneath, William Ramsey, Jennifer Gay Smith, Special Counsel Susan Murphy**, Community Planning Director, Mary Savage-Dunham, and Administrative Assistant Sherry Robertson. **Absent: Gary Tondorf-Dick**

**Planning Board Agenda**

- 7:00 PM Old/New Business:**
1. Administrative Reports
  2. Review and Adoption of Minutes from previous meetings

**7:10 PM Continued Public Hearings on Proposed Changes to the Zoning By-law**

- Article DDD - Section III-G Downtown Hingham Overlay District
- Article FFF - Timeframe to Commence Permitted Use or Construction that becomes Nonconforming
- Article GGG - Timeframe to Commence Use or Construction under a Special Permit
- Article HHH - Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings
- Article CCC - Rezone Conservation Land as Official and Open Space
- Article AAA - Section I-C Enforcement
- Article BBB - Section III-A Retail Sale of Alcoholic Beverages
- Article EEE- Sections I and IV

**Review and Report to Board of Selectmen on Street Layout Petition: A portion of Martins Lane**

**Hearing(s)**

The meeting was called into session at 7:07 P.M.  
Also present were Emily Wentworth and Joe Fisher for the Zoning Board of Appeals, and from the Advisory Board were Victor Baltera, Andy McElaney, and Eryn Kelley.

**Article DDD - Section III-G Downtown Hingham Overlay District:**  
The Board received draft changes since the January 14, 2019 meeting. Special Counsel Susan Murphy discussed some of the changes with the Board noting that roof decks are not considered a story or use and are guided by the building code. The Board discussed roof projections in the Downtown Hingham Overlay District and the idea to have the Historic Districts Commission participate in an advisory capacity to do a design review to protect abutters in the district. Historical administrator, Andrea Young was present to discuss how it could work if the Historic Districts Commission was part of the review process and she offered some input she received from the City of Boston regarding roof decks. The Board and Susan Murphy discussed submittal requirements and the time frame for the projects to be reviewed by the Historic Districts Commission. Chairman Gordon Carr made a motion to continue the hearing on this item to the meeting on February 25, 2019. The motion was seconded by William Ramsey and all members voted in favor to continue the hearing.

**Article FFF - Timeframe to Commence Permitted Use or Construction that becomes Nonconforming:** Emily Wentworth explained that the goal of this change is to have the By-Law be consistent with the current Zoning Act.  
Gordon Carr made a motion which was seconded by William Ramsey to approve the language as proposed for the article and all members voted in favor.

**Article GGG - Timeframe to Commence Use or Construction under a Special Permit:** Emily Wentworth explained that this changes the maximum lapse period and will help with more complex projects by extending the timeframe to three years instead of two. Gordon Carr made a motion to recommend the language as proposed. William Ramsey seconded the motion and all members voted in favor.

**Article HHH**-Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings- This proposed article was withdrawn by the Zoning Board of Appeals. Gordon Carr made a motion to recommend no action on Article HHH since the Zoning Board of Appeals voted to withdraw the article. The motion was seconded by William Ramsey and all members voted in favor.

**Article CCC** - Rezone Conservation Land as Official and Open Space: The Board reviewed an amendment to the proposed article having received a request by the owner of two parcels (The Trustees of the Reservation) to be excluded from the re-zoning. Emily Wentworth explained that she had been in touch with the office of the Trustees to explain the article, but notified her that they do not want their two parcels to be included. Gordon Carr made a motion to recommend the language as revised to exclude those two parcels. The motion was seconded by William Ramsey and all members voted in favor.

**Article AAA** - Section I-C Enforcement: William Ramsey made a motion to approve the revised language regarding tiered enforcement. The motion was seconded by Jennifer Gay Smith and all members voted in favor.

**Article BBB** - Section III-A Retail Sale of Alcoholic Beverages: Susan Murphy discussed with the Board whether it is considered a new use if a business changes from selling just beer and wine to full alcohol sales. Susan Murphy made suggestions of language changes for this article and recommended that the board continue to work on the language as well. Emily Wentworth discussed changes of use and when it may trigger Special Permits. Public Comment was heard from Victoria Maguire of Derby Street Shoppes who asked questions regarding how this language affects shopping centers in the event that a tenant is interested in these sales at that location. Susan Murphy guided the Board to work on language to focus on their reasoning for this article which is to address parking and traffic concerns when a retail business adds alcohol sales, and triggering a Special Permit A3 would give the Board the ability to review under the permitting process. William Ramsey made a motion to continue the discussion of this article to February 25, 2019. The motion was seconded by Jennifer Gay Smith and all members voted in favor of continuing the discussion.

**Article EEE**- Sections I and IV- Mary Savage-Dunham presented the article and discussed the MS4 requirements regarding stormwater management. She explained that the proposed language changes are being recommended to regulate smaller projects that in the past have not been subjected to site plan review, but sometimes have unintended results of negatively impacting drainage. She explained that changing these requirements that trigger site plan review can help projects design drainage properly from the beginning to avoid the town being burdened with the expense these projects can create after the fact, and these changes will help the town comply with the MS4 regulations. Gordon Carr made a motion to continue this item to the next meeting on February 25, 2019. The motion was seconded by William Ramsey and all members voted in favor.

The Board reviewed the minutes of the January 14, 2019 meeting and voted to approve them as written.

Jennifer Gay Smith left the meeting at this time.

**Review and Report to Board of Selectmen on Street Layout Petition: A portion of Martins Lane:** Susan Murphy explained to the Board that the town needs to repair 12 feet of the seawall on Martin's Lane. The town needs to take back a 40 square foot piece that was given up in 1947 in order to be able to make the needed repairs. William Ramsey made a motion that the Planning Board recommends the layout and accepts the town's petition. Gordon Carr seconded the motion and all members voted in favor.

As there was no other business, the meeting was adjourned at 10:15 P.M.  
Respectfully submitted,

Sherry Robertson,

Administrative Assistant, Community Planning Department