

Minutes
Regular Meeting

February 25, 2019

HINGHAM PLANNING BOARD

February 25, 2019 @ 7:00 PM – Central North Hearing Room

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

Planning Board Agenda

7:00 PM Request for Waiver of Site Plan Review in Association with Building Permit
175 Derby Street Unit 42; no exterior work proposed.
80 Research Road; no exterior work proposed.
94 Derby Street, Suite 267; no exterior work proposed.

Request for Waiver of Site Plan Review and the Requirement for a Public Hearing in Association with a Special Permit A2 - 100 Derby Street; Derby Street Shops
To allow a new Bank use in Suite 123 of the Pavilion Building; no exterior work proposed.

7:15 PM 3A Jordan Way – Canterbury LLC.
Request for Site Plan Review in accordance with Section IV-B.6.b

8:00 PM Continued Hearings on Zoning Articles

- Article BBB - Section III-A Retail Sale of Alcoholic Beverages
- Article DDD - Section III-G Downtown Hingham Overlay District
- Article EEE - Special Permit and Site Plan Review Requirements

Old/New Business:

1. Administrative Reports
2. Review and Adoption of Minutes from previous meetings

Hearing(s)

7:00 Chairman Gordon Carr called the meeting to order at 7:04 PM.

Request for Waiver of Site Plan Review in Association with Building Permit:

175 Derby Street Unit 42: Stephen Ustach from Steve Ustach Painting applied for a waiver from Site Plan Review requirements for an interior renovation with no exterior work. The Board voted to grant the waiver.

80 Research Road: Aaron Pinske applied for a waiver from Site Plan Review requirements for interior renovations of an office space with no exterior work. The Board voted to grant the waiver.

94 Derby Street, Suite 267: Contractor Mario Silva applied for a waiver from Site Plan Review for an interior renovation of a site within the Derby Street Shoppes, with no exterior work. The Board voted to grant the waiver.

Request for Waiver of Site Plan Review and the Requirement for a Public Hearing in Association with a Special Permit A2 - 100 Derby Street; Derby Street Shops:To allow a new Bank use in Suite 123 of the Pavilion Building; no exterior work proposed. Present were Victoria Maguire and Sherry Schular from Derby Street Shoppes along with attorney Robert Devin. The applicant stated that the use of the intended bank space has been a retail space in the past. The Board was given plans along with a new parking table

which indicated the appropriate amount of parking is already in place with this change. The applicant also has a hearing scheduled with the Zoning Board of Appeals. They are asking for a waiver from Site Plan Review requirements, as there is no exterior work planned. Gordon Carr made a motion to grant the waiver. The motion was seconded by Gary Tondorf-Dick and all members voted in favor.

3A Jordan Way – Canterbury LLC.

Request for Site Plan Review in accordance with Section IV-B.6.b

Builder John Woodin was present to review the proposal. This was the first hearing for this lot. John Woodin went over the details of the plan indicating the position of the proposed home on the lot and the location of incoming utilities. The lot has a tree preservation area which is indicated on the plans. There is a proposed retaining wall similar to the one on lot 2A, which has already been presented to the Board at a previous meeting. John Woodin and the Board discussed comments written by peer review engineer John Chessia, who was not present at this meeting. Of the comments discussed, the Board and Mary Savage-Dunham noted that the plans referring to the underground drainage system differ from what had been previously approved with the subdivision approval. Mr. Woodin stated that Engineer Gary James has some plan updates to complete. The Board voted to continue the hearing to March 11, 2019 and extend the decision deadline to April 11, 2019.

Review of Minutes

The Board reviewed the minutes of previous meetings. Judith Sneath made a motion to approve the minutes of February 11, 2019 as written. The motion was seconded by Gordon Carr, and all members voted in favor. William Ramsey made a motion to approve the minutes of February 13, 2019 as written. The motion was seconded by Judith Sneath, and all members voted in favor.

The Board took a brief recess at 7:40 P.M., and reconvened at 8:00 P.M.

Continued Hearings on Zoning Articles

Article EEE - Special Permit and Site Plan Review Requirements: Mary Savage-Dunham discussed the reasons behind the MS4 requirements and the Board stated they are in favor of the changes in this article that would bring the By-law into compliance with those regulations. Mary Savage-Dunham noted some feedback she received from other towns when she asked about criteria to trigger Site Plan Review. The Board discussed having a Limited Site Plan Review Process and made some suggestions as to ways the Board can work with staff. Mary Savage-Dunham cited examples to the Board of some of the ongoing problems that have occurred with smaller projects that did not require Site Plan Review, but have had negative effects upon drainage. William Ramsey voiced concern regarding lowering the threshold to of Site Plan Review requirements, stating that he feels it could be burdensome for homeowners. He stated he feels that enforcement is the way to get problem properties to be in compliance. Susan Murphy stated that the General By-Laws don't necessarily give the town the ability to enforce fines in some of these instances. Advisory committee member Andy McElaney asked if the proposed changes would fix issues similar to some of these problems that were mentioned. Susan Murphy stated that even on small sites, if they are sloped, it will affect drainage and can result in an expense to the town. Resident Tom Patch stated that he feels these changes would get builders to consider drainage in the beginning to avoid problems in the future. The Board discussed changes to the proposed amendment that would eliminate the change of the threshold for Site Plan Review, but keep the proposed changes that relate to the MS4 Regulations. Susan Murphy distributed to the Board a draft that indicated these changes. William Ramsey made a motion to act favorably on the proposed article EEE as amended and discussed. The motion was seconded by Judith Sneath and all members voted in favor.

Article BBB - Section III-A Retail Sale of Alcoholic Beverages: The Board discussed language changes and changes to the Schedule of Uses table. Advisory Committee member Eric Haskell asked if the article would affect the Shipyard. Susan Murphy stated that the language of the mixed-use industrial By-law already has a liquor store listed as an option and so the Zoning Board of Appeals has the ability to approve a liquor store in the Shipyard if that came about. Chairman Gordon Carr made a motion to approve the language as written and revised at this meeting. The motion was seconded by Gary Tondorf-Dick and Jennifer Gay Smith. All members voted in favor.

Article DDD - Section III-G Downtown Hingham Overlay District

The Board reviewed the new draft of the article that contained revisions since the last meeting. In reference to roof decks, Gordon Carr spoke about limiting use to the top floor to set limits with setbacks so properties do not create visual disturbances. Gary Tondorf-Dick stated that he feels public roof decks don't work in the Downtown due to the proximity of neighbors. Judith Sneath stated that she feels roof decks would be more of a problem with commercial or mixed-use properties than with single family homes. The Board and Susan Murphy worked through the language changes. Advisory Committee member Andy McElaney asked about how roof decks will be seen from properties across the street from them and the Board discussed roof deck set back and visual requirements. Chairman Gordon Carr made a motion to approve the language of the article as revised. The motion was seconded by Gary-Tondorf Dick and all members voted in favor.

As there was no other business, the meeting was adjourned at 10:40 P.M.
Respectfully submitted,

Sherry Robertson,

Administrative Assistant, Community Planning Department