



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3

RECEIVED

IN THE MATTER OF:

Applicant/Owner: WS Development
c/o Victoria Maguire, Director of Development
33 Boylston Street
Chestnut Hill, MA 02467

Property: 100 Derby Street, Hingham, MA 02043

Deed References: Plymouth County Registry of Deeds, Book 20043, Page 290 and Book 24538, Page 298

JAN 16 2024

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of WS Development (the "Applicant") for review of a Parking Monitoring Report and renewal of the Shared Parking Model approved August 13, 2020 under § V-A (the "By-Law") of the Zoning By-Law for the Derby Street Shops at 100 Derby Street in the Industrial Park and South Hingham Development Overlay Districts.

The Board opened a duly noticed public hearing on the application, without the receipt of testimony, at a meeting held remotely on December 11, 2023, with a subsequent substantive session held on January 8, 2024. The Board concurrently opened a request on a related application for a waiver of Site Plan Review. All hearings were held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Victoria Maguire and Caroline Hessber, WS Development and Andrew Hill, DESMAN Design, presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant a Special Permit A3 under § V-A of the By-Law with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

BACKGROUND & DISCUSSION

The Board issued a Special Permit A3 in 2018 in conjunction with the Building 5 Site Plan Approval – at which time a Shared Parking Model and Initial Parking Monitoring Program were completed as part of the permit conditions. The same permit conditions were restated in a 2020 Special Permit A3 which updated the Derby Street Shops Special Permit with new use categories under Section III-A.4.17 of the By-Law. The Initial Parking Monitoring Program set a baseline analysis for the Building 5 project which anticipated additional square footage at the Derby Street Shops. Ultimately, WS Properties (the “Applicant”) decided not to proceed with the larger Building 5 Expansion and opted instead to build a small addition and repurpose the existing building – the former Rite Aid.

In the 2020 permit, the Board required the Applicant to complete an updated analysis of parking conditions at the Derby Street Shops fulfilling the requirement to complete a Supplemental Parking Monitoring Program and update the Shared Parking Model accordingly following substantial completion of the Building 5 Expansion Project. The two new tenants opened in November 2022 prompting the requirement to complete the Supplemental Monitoring Program, which was conducted over the 2022 holiday season and 2023 spring season.

The changes in parking demand observed between the Initial Parking Monitoring Program and the recently completed Supplemental Parking Monitoring Program show a marked reduction in parking demand. Of the 2,003 parking spaces onsite, the data collected demonstrates that Derby Street Shops saw a 19% reduction in parking demand during the peak holiday shopping period and a 9% reduction in parking demand during the spring season. The Shared Parking Model, as updated to reflect current conditions, shows that on the busiest hour (1:00 PM) of the busiest weekday of the year (December), Derby Streets Shops needs a total of 1,277 spaces, leaving 726 spaces available. On the busiest hour (2:00 PM) of the busiest weekend day of the year (December), Derby Streets Shops needs a total of 1,573 spaces, leaving 430 spaces available. This demonstrates a significant availability of parking throughout different times of the day and throughout different seasons.

The purpose of the Board’s review with this application is to renew the Special Permit A3 and formalize the Shared Parking Model based upon the review conducted by the Applicant of the available parking onsite during peak days/times.

During the course of the hearing, the Board raised questions and comments related to parking and shopping patterns, wayfinding and circulation, uses at Derby Street Shops and the related parking. There was no public comment.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meetings, the Board made the following findings in accordance with § V-A.6 of the By-Law:

a. The parking is sufficient in quantity to meet the needs of the proposed project;

As identified in the Shared Parking Model and Supplemental Parking Monitoring Report, both dated October 2, 2023, the 2,003 parking spaces onsite are adequate for the uses at Derby Street Shops. During the busiest hour (1:00 PM) of the busiest weekday of the year (December), Derby Streets Shops needs a total of 1,277 spaces, leaving 726 spaces available. On the busiest hour (2:00 PM) of the busiest weekend day of the year (December), Derby Streets Shops needs a total of 1,573 spaces, leaving 430 spaces available.

b. Safe pedestrian access and circulation has been provided for;

Pedestrian access and circulation is unchanged.

c. New driveways have been designed to maximize sightline distances to the greatest extent possible;

No changes to entrances or sight distances are proposed.

e. The existing parking areas meet applicable Design Standards; and

f. The granting of this Special Permit is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

MOTION

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted to GRANT the application of WS Development for a review of a Parking Monitoring Report and renewal of the Special Permit A3 and Shared Parking Model approved August 13, 2020 under § V-A of the Zoning By-Law for the Derby Street Shops at 100 Derby Street in the Industrial Park and South Hingham Development Overlay Districts, subject to the following conditions:

1. Proof of Recording. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. Parking Table. The Applicant shall continue to monitor parking onsite and provide an updated parking table to the Community Planning Department as tenants change over time.
3. All ongoing conditions of the Special Permit A3, issued August 13, 2020, shall remain in full force and effect unless otherwise modified by this Permit.

For the Planning Board,



Kevin Ellis
January 16, 2024

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

Opposed: None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.