



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3 (PARKING DETERMINATION) WITH SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: W/S/M Hingham Properties LLC
c/o Victoria Maguire, Director of Development
W/S Development
33 Boylston Street
Chestnut Hill, MA 02467

Owner/s: W/S/M Hingham Properties LLC
33 Boylston Street
Chestnut Hill, MA 02467

Property: 100 Derby Street (Bldg#5), Hingham, MA 02043;

Deed References: Plymouth County Registry of Deeds, Book 30816 Page 261
Book 20043 Page 290

Site Plan: *"Derby Street Shoppes Expansion, 100 Derby Street, Hingham, Massachusetts February 16, 2021 Revised April 27, 2021"no stamps – issued for permitting and not construction (12 Sheets)*

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of W/S/M Hingham Properties LLC (the "Applicant") for Site Plan Review under Section §§ I-G and I-I of the Zoning By-Law (the "By-Law") and an amendment of a Special Permit A3 Parking Determination and/or waivers under § V-A of the By-Law, at 100 Derby Street (BLDG #5) for the construction of a 2,400 SF addition on the north side of the building, a 890 SF patio on the southeast side of the building for outdoor seating, universal accessibility, and reconfiguration of existing parking on the northeast side of the building. The property is zoned Industrial Park within the South Hingham Overlay District Zoning District.

The Board opened the initial, duly noticed public hearing on the application during a meeting held on April 12, 2021 via Zoom as an alternate means of public access pursuant to an Order issued by

SPA3/SPR Modification – 100 Derby Street (Bldg. #5)
W/S/M Hingham Properties LLC

the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law. Subsequent hearings were held on April 26, 2021, and May 3, 2021 by remote participation. The Board panel consisted of regular members Kevin Ellis, Chair, Judith Sneath, Rita DaSilva, Gordon Carr, and Gary Tondorf-Dick.

The Applicant was represented during the hearings by Victoria Maguire, Director of Development WS Development. The Board was assisted in its review by Susan Murphy, Special Town Counsel, Patrick G. Brennan, RPE of Amory Engineers and Jeffrey S. Dirk, PE, PTOE, FITE of Vanasse & Associates. At the conclusion of the hearing, the Board voted unanimously to grant Site Plan Review approval and the requested A-3 Special Permit modification, with findings and conditions set forth below.

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

BACKGROUND AND DISCUSSION

The subject property is located within is the development commonly known as “The Derby Street Shops”, a retail campus consisting of five parcels. The current applications for Site Plan Review and a Special Permit A3 is for the portion of the development known as Building 4 and was formerly a Rite Aid Pharmacy. This building was also subject to a Site Plan Review and Special Permit approval in 2018 and 2020, when it was proposed to construct a 13,000 SF addition to the existing building and related site improvements. The current applications have replaced the proposal for the 13,000 SF addition and instead is proposing a more moderate addition of 2,400 SF as well as an outdoor patio of approximately 890 SF in the area in the front of the building with universal accessibility to this patio and walkways around the entire building. The former Rite Aid building will receive a new exterior façade and interior tenant fit-up for two new tenants: a restaurant and a retail space.

In addition to improvement to the building façade and the tenant fit-up, the application proposes a reconfiguration of the existing adjacent parking area to provide handicap parking that is closer to an accessible route to the building, landscaped islands, an enclosed dumpster area and modifications to the existing loading dock area. Amory Engineers reviewed the project for compliance under zoning and proper engineering practices as to the site improvements. Vanasse Associates reviewed the traffic volumes, circulation, parking ratio and delivery vehicle patterns as they related other site features and interaction with the overall complex. Based on the Board’s review of the applications, as supported by the peer review reports, the Board determined that the project was consistent with the requirements of the bylaw and the findings and conditions of prior decisions governing The Derby Street Shops and that no additional conditions were necessary beyond ongoing conditions set forth in the prior approval.

FINDINGS:

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Site Plan Approval Criteria under § I-I, 6 of the By-Law:

a) Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;

The proposed improvements are part of a larger retail complex that requires extensive review to assure abutting properties are not impacted and assurance to the property owner that the retail complex is successful as a destination retail area. The Planning Board found the applicant's proposal maintained the character and appearance typical of the other tenants in the complex and provided sufficient safeguards to visitors and customers as to convenient parking and updating of existing facades along with operational safeguard to the impacts of lighting, noise through landscaped buffers.

b) Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;

The diversity of retail, restaurant and other personal service establishments in the complex promotes a pedestrian friendly area. The property owner provided updated pedestrian crossing with improved visibility to motorists and pedestrians crossing at one of the main routes into the complex. The Peer Review Consultants recommended revisions to the loading dock area at the northwest side of the building that improved what could have been potential conflicts between motorists and delivery vehicles as to circulation and line of sight. The Planning Board felt after all the discussions and recommendations that emergency access, motor vehicle as well as delivery vehicles and pedestrian access were sufficiently addressed and improved with the proposal.

c) Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;

The Planning Board found that improvement to the parking field with accessibility for handicap motorists being able to park closer to their protected path of access with curb ramps, along with the landscape islands to channel motor vehicle circulation in the parking field and adjustment to the rear entrance in the proximity

of the loading dock, collectively addressed many of the typical safety and emergency access concerns of a busy retail area while maintaining the overall complex's traffic circulation in an orderly manner.

d) Adequacy of open space and setbacks, including adequacy of landscaping of such areas;

There was no substantial change; additional landscaped islands are being added to the parking lot.

e) Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;

As part of this proposal a dumpster pad enclosed with fencing was included in the proximity of Building #5. Sufficient access and maneuverability for waste disposal services was provide for regular maintenance and operation of the dumpster.

f) Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;

The Planning Board found that sufficient water supply is provided for both domestic and public safety.

g) Assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm water Management Policy and Standards including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;

The Planning Board found after Peer Review by Amory Engineering that the proposed drainage modifications were sufficient with the existing storm water system.

h) Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction

site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;

The Planning Board found that modifications were designed with best management practices.

- i) Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;**

The area was fully developed and required no additional land disturbance.

- j) Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;**

A new façade to the existing building and outdoor amenities such as outdoor seating and wider walkways provided enhancements to this area of the retail complex and will be complementary additions.

VOTE:

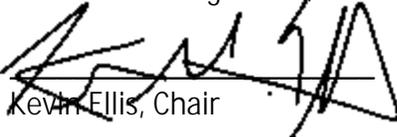
On a motion by Kevin Ellis, seconded by Gary Tondorf-Dick, the Board voted unanimously to approve the W/S/M Hingham Building 5 proposal subject to the following condition:

1. The proposed modification is approved in accordance with previously issued decisions and subject to all on-going monitoring of the prior decisions.

In Favor: Ellis, Carr, Tondorf-Dick, Da Silva, Sneath

Opposed: None

For the Planning Board,


Kevin Ellis, Chair

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.