

2022 PROPOSED ZONING AMENDMENTS

SPECIAL PERMITS AND SITE PLAN REVIEW

Hingham Planning Board Meeting – November 29, 2021



REASONS FOR RECOMMENDATIONS

1. Standardize Site Plan Review process in terms of review timeframe and lapse provisions
2. Improve Performance Standards by clarifying submission requirements for Site Plan Review
3. Streamline Site Plan Review (SPR) process and burden for the Planning Board and Applicants by:
 - Focusing SPR on changes or level of disturbance to the site (rather than \$ thresholds often limited to interior renovations or modest changes)
 - Revising “minor” SPR to cover applications that do not trigger the need for full site plan review submissions. For example, a single family home that triggers SPR due to land disturbance and stormwater concerns does not require a traffic study. A minor site plan review would still be subject to review by the Planning Board.
 - Maintaining “major” SPR, which requires full submissions and is subject to all criteria, would not change.
4. Make SPR a free-standing permit in all cases (separate from SPs) to streamline review process for the PB and the ZBA and simplify administrative tasks for staff (e.g. related to scheduling of meetings, preparation of decisions, and enforcement of conditions).

REASONS FOR RECOMMENDATIONS

(continued)

5. Hingham is also unique in requiring that the conditions voted by one board (PB) be binding upon and be included in the decision of another board (ZBA). This also evolved out of Hingham's history related to SPR changing from advisory to binding. The PB proposed in 2006 that SPR be a free-standing permit, but that approach was not supported by other town officials at the time. However, it does not make sense to have one board dictate permit conditions to another board (no board would appreciate that structure). Therefore, it is recommended that Hingham amend the bylaw to allow each board to act independently, which is the norm for all other boards in Hingham and in all other communities.
6. Joint meetings are also unique to Hingham but is something that both the PB and ZBA have found helpful in the past. Joint meetings are currently at the discretion of the Boards and that can continue.
7. Hingham is unique in Massachusetts in having "types" of Special Permits. It's unclear why this arose but it may have grown out of Hingham's prior site plan review process which made the PB's site plan review process only apply to certain types of uses and made the PB's conditions only "advisory" to the ZBA. In other communities which share special permit granting authority among different boards (including the ZBA, PB and sometimes the Select Board or City Council), the zoning bylaw simply designates the applicable granting authority. Hingham's bylaw already has such designations in specific sections, so having 3 classes of special permits just complicates the bylaw and can be confusing to applicants.

SPECIAL PERMITS

EXISTING

3 Types of Special Permits:

- A1 – Issued by ZBA without SPR
- A2 – Issued by ZBA; SPR required by PB
- A3 – Issued by PB
 - FRDs
 - Common Driveways
 - Parking Determinations

PROPOSED

- Replace references to the 3 different types of Special Permits with just a reference to Special Permits. (e.g. in Section III-A table, all references to A1, A2 or A3 will be changed to SP)
- The authority of the ZBA and Planning Board for issuance of Special Permits for various uses will stay exactly the same.

Example of Change to Section III-A Use Table

Residence					Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
A	B	C	D	E	A**	B								
4. COMMERCIAL														
4.1 Retail store (other than those specified elsewhere on this Schedule) distributing merchandise to the general public.														
O	O	O	O	O	P	P	O	A2SP	O	O	O	O	O	O
4.2 Craft, consumer, or commercial service establishments dealing directly with the general public														
O	O	O	O	O	P	P	O	A2SP	O	O	O	O	O	O
4.3 Undertaking establishment or funeral home.														
O	O	O	O	O	A2SP	A2SP	O	O	O	O	O	O	O	O
4.4 Animal or veterinary hospital, subject to Special Condition 1 of Section III-B, except in the Industrial Park District.														
A2SP	A2SP	A2SP	A2SP	O	A2SP	A2SP	A2SP	O	O	A2SP	A2SP	A2SP	O	O
4.5 Commercial breeding, sale, or boarding of dogs, cats, or fur-bearing animals (unless governed by subsection 2.1), subject to special condition 1 of Section III-B, except in the Industrial Park District.														
A1SP	A1SP	A1SP	A1SP	O	A1SP	A1SP	O	O	O	A2SP	A2SP	A2SP	O	O
4.6 Commercial breeding, sale, or boarding of dogs, cats, or fur-bearing animals (unless governed by subsection 2.1), subject to special condition 1 of Section III-B, except in the Industrial Park District.														

Examples of Sections Requiring SPA3

(The existing provisions already designate the Planning Board)

For Downtown Overlay District:

- ▲ (iv) Notwithstanding the foregoing, for dwelling units proposed in existing stories of existing buildings which, as of December 1, 2003, (A) are at least two stories in height and (B) which lack required on-site, off-street parking to meet the requirements of this Section, the Planning Board may grant a Special Permit A3 to permit the following:

For FRD:

In the first step, the applicant shall file a Preliminary FRD Plan, as described below, which describes the overall development proposal for the site. The Planning Board shall grant or deny a Special Permit A3 based on the information contained in the Preliminary FRD Plan application.

For Common Driveways:

2. Applicability and Scope
Common driveways may be allowed by Special Permit A3 issued by the Planning Board. A Common Driveway provides common vehicular and pedestrian access, extending from a street, to more than one but not more than three lots. All lots served by the Common

For Parking Requirements:

3. Parking Dimension Requirements
The following standard parking dimensions shall govern the design of parking areas. All uses other than Single-Family Dwelling shall comply with these dimensional regulations, unless relief is granted by the Planning Board by Special Permit A3.

SPECIAL PERMITS / SITE PLAN REVIEW

EXISTING

Special Permits A2 and A3 currently require Site Plan Review based solely on the type of use and not based on proposed changes to the lot or land disturbance and are sometimes duplicative.

For example, findings and criteria for Use Special Permits (A2s) and Parking Special Permits (A3s) often overlap with Site Plan Review findings and criteria, resulting in redundant reviews unrelated to changes to the site.

PROPOSED

Tie the requirement for SPR to site changes/disturbance. This would capture all of the same applications that are currently subject to Site Plan Review but disentangle that process from the special permit (“use”) review process.

The following would all still be subject to Site Plan Review by the Planning Board:

- Projects that propose a whole new site layout
- Changes to existing sites that trigger thresholds under IV-B.6 related to land disturbances, stormwater management and changes in grade.

SITE PLAN REVIEW

EXISTING

1. Different timeframes for “types” of Site Plan Review
2. Generic Submittal Requirements
3. Criteria have limited performance standards
4. Triggers for site plan are based on \$ amount of project, type of use permit, and land disturbance
5. “Minor” site plans refer to internal renovations that don’t affect site plan. There is no minor or limited site plan review for small projects.

PROPOSED

1. Standardize the timeframes
2. Provide more detail to guide submissions
3. Add performance standards to help inform whether criteria are met by proposed site plan
4. Clarify triggers for site plan to focus on site design and land disturbance
5. Internal renovations that don’t affect use or the site plan are not “site plan” review; minor site plan review process provided for small projects; full blow site plan remains the same.

Why Propose These Amendments Now?

With a relatively “light” zoning amendment year, and major amendments coming up in 2023 (such as ADUs and possible South Hingham petition articles), this year provides the opportunity to address these “structural” aspects of the Bylaw while the Planning Board and staff have the bandwidth to tackle it.

In addition, if implemented, staff and counsel will have the time to put into place better application forms and standardize documentation while the workload of the staff and the permitting boards is a little lighter than in the past or will be in the future.