

2022 PROPOSED ZONING AMENDMENTS

SPECIAL PERMITS AND SITE PLAN REVIEW – PART 6

Hingham Planning Board Meeting – February 14, 2022

For prior presentations see:

Part 1: [Site Plan Review/Special Permit Overview - November 29, 2021](#)

Part 2: [Presentation RE SPR Triggers/Waivers - January 3, 2022](#)

Part 3: [Presentation RE SPR Submittal/Performance Standards/Approval Criteria and Conditions \(Focus on Tree Preservation\) – January 24, 2022](#)

Part 4: [Presentation RE SPR Submittal/Performance Standards/Approval Criteria – January 31, 2022](#)

Part 5: [Presentation RE Site Plan Review Triggers - February 7, 2022](#)



DISCUSSIONS TO DATE

1. Discussion of reasons for recommendations and history of special permit and site plan review processes in Hingham
2. Review and discussions are ongoing regarding:
 - Creating a uniform “special permit” process regardless of permit granting authority (ZBA or PB), in place of A1, A2 and A3. Authority for issuance of special permits would remain the same.
 - Making Site Plan Review a free-standing permit that is always independently enforceable and not “binding” on the ZBA
 - Modifying Site Plan Review triggers/thresholds
3. Preliminary consensus of Board members for:
 - Standardizing review timelines and lapse provisions for all site plan review applications
 - Clarifying submission requirements for consistency of applications
 - Revising criteria/performance standards to eliminate redundancy and set clear, objective standards
 - SPR Conditions, and SP/SPR Procedures
4. Agenda for February 14, 2022:
 - Site Plan Review Triggers

SITE PLAN REVIEW TRIGGERS

EXISTING PROVISIONS

I-G Special Permits with Site Plan Review

Summary: Site Plan Review is required for every application for a Special A2 or Special Permit A3.

I-H Building Permits with Site Plan Review

All applications for work subject to IV-B,6

IV-B Special Requirements to Schedule of Dimensional Requirements

6. Site Plan Review, as defined in Section I-I, shall be conducted by the Planning Board or its designee and may be subject to professional consultant review consistent with Section I-F, 3, for all projects which meet the following criteria:
- all non-residential projects which are estimated to cost \$20,000 or more;
 - all projects that would (i) create a land disturbance or an alteration of drainage patterns over an area greater than 5,000 square feet; or (ii) create a land disturbance of more than 2500 square feet in areas with slopes greater than 10%
 - all projects that are part of a larger common plan of development or sale that would disturb more than one acre in the aggregate;

subject to exemptions for certain work such as:

- normal maintenance of agricultural land
- Routine landscaping
- Construction of fences
- Installation of utilities (other than drainage)
- Projects wholly within the jurisdiction of Conservation Commission
- Road widening projects that do not disturb more than one acre and in accordance with Hingham's MS4 Permit

PROPOSED CHANGES

2. → Applicability¶
Site Plan Review shall be conducted by the Planning Board and may be subject to professional consultant review consistent with Section I-G, for all site modifications which meet the following criteria.¶
- Major Site Plan¶
 - All non-residential, multi-family and mixed-use developments which result in:¶
 - land disturbance of greater than 20,000 SF overall or greater than 5,000 SF in areas with slopes exceeding 10%, or¶
 - the construction, alteration, or expansion of a parking lot or parking structure, resulting in more than 10 new or additional parking spaces.¶
 - All projects that are part of a larger common plan of development that would disturb more than one acre in the aggregate.¶
 - Minor Site Plan¶
 - All projects which result in:¶
 - land disturbance or an alteration of drainage patterns over an area greater than 5,000 square feet.¶
 - create a land disturbance of more than 2500 square feet in areas with slopes greater than 10%.¶
 - Construction, alteration, or expansion of a parking lot or parking structure, resulting in more than 5 new or additional parking spaces.¶
 - Construction, reconstruction, or addition of, or exterior alteration to, any structure in the Downtown Hingham Overlay District or the Hingham Harbor Overlay District.¶

Subject to the same exemptions except for Conservation Commission Jurisdiction.

Additional trigger added based on review of SP2 applications for the past 5 years

SITE PLAN REVIEW TRIGGERS

TRACKED CHANGES AGAINST EXISTING BY-LAW

<p>2. → <u>Applicability</u>¶ Site Plan Review shall be conducted by the Planning Board or its designee and may be subject to professional consultant review consistent with Section I-F, 3I-G, for all <u>projects site modifications</u> which meet the following criteria:¶</p>	<p>Susan Murphy Site Plan Review triggers moved from IV-B.6 and revised per the tracked changes shown here.¶</p>
<p>a. → <u>Major Site Plan</u>¶</p> <p>(i) → a <u>All non-residential, multi-family and mixed-use</u> developments which result in:¶</p> <p>are estimated to cost \$20,000 or more; <u>(A) land disturbance of greater than 20,000 SF overall or greater than 5,000 SF in areas with slopes exceeding 10%, or</u>¶</p> <p><u>(B) the construction, alteration, or expansion of a parking lot or parking structure, resulting in more than 105 new or additional parking spaces.</u>¶</p> <p>(ii) <u>(ii)</u> → <u>All projects that are part of a larger common plan of development or sale that would disturb more than one acre in the aggregate.</u>¶</p>	<p>Susan Murphy Revisions to IV-B.6(a).¶ Eliminates trigger that would require interior-only waivers.¶</p> <p>Susan Murphy Moved from IV-B.6(c) – this provision is required by state MS4 stormwater requirements.¶</p>
<p>b. → <u>Minor Site Plan</u>¶</p> <p>(i) → a <u>All projects which result in:</u>¶</p> <p>(A) that would (B) create a land disturbance or an alteration of drainage patterns over an area greater than 5,000 square feet:¶</p> <p>(A)(B) → <u>or (ii)(C) create a</u> land disturbance of more than 2500 square feet in areas with slopes greater than 10%.¶</p> <p>(ii) → <u>Construction, alteration, or expansion of a parking lot or parking structure, resulting in more than 5 new or additional parking spaces.</u>¶</p> <p>(iii) → <u>Construction, reconstruction, or addition of, or exterior alteration to, any structure in the Downtown Hingham Overlay District or the Hingham Harbor Overlay District.</u>¶</p>	
<p>a → <u>all projects that are part of a larger common plan of development or sale that would disturb more than one acre in the aggregate.</u>¶</p>	<p>Susan Murphy Since IV-B.6(d) contains exemptions from IV-B.6(b), these two provisions have been consolidated.¶</p>

SITE PLAN REVIEW TRIGGERS

TRACKED CHANGES AGAINST EXISTING BY-LAW (cont.)

2.3. → Exemptions.¶

- ~~¶Notwithstanding the foregoing, the following types of projects shall be exempt from site plan review Site Plan Review under this subsection b:¶~~
- a. → normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, Massachusetts General Laws Chapter 131, Regulation 310 CMR 10.04;¶
 - b. → routine maintenance of existing landscaping, gardens or lawn areas;¶
 - c. → the construction of fencing that will not alter existing terrain or drainage patterns;¶
 - d. → installation of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain, ground cover, or drainage patterns; or¶
 - ~~(i) → projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions under the Wetlands Protects Act, Massachusetts General Laws Chapter 131, Section 40, the Town of Hingham Wetlands Protection By-Law, and/or the Rivers Protection Act; or¶~~
 - e. → road widening or improvement projects; provided that road projects that (i) increase the amount of impervious area by greater than or equal to a single lane width, (ii) disturb more than one acre, and (iii) discharge to the Town's municipal stormwater system, shall meet the applicable requirements of the Town of Hingham MS4 Permit.¶

Change to Section IV-B,6:

- 6. → Site Plan Review to the extent required pursuant to, ~~as defined in~~ Section I-I.¶

SITE PLAN REVIEW TRIGGERS

Analysis of Prior Projects (2017-2021)

Property	Permit/Project	Special Permit A3 Parking Determination	Would SPR Be Required Under New Triggers	Notes
2021				
193 Whiting Street	SPA2 & SPA3 for a drive-up ATM/retail store	Yes	Yes	> 5,000 sf
84 North Street (withdrawn)	SPA2 & SPA3 for change in use to a bakery	Yes	No	No land disturbance
94 Derby Street, Suite 217	SPA2 Mod. for Nomai	No	No	Tenant fit-out of patio; PB waived SPR
208 Downer Ave	SPA2 Mod. for new boat barn at HYC	No	Yes	> 5,000 sf and > 2,500 sf w/slope
0 Station Street	SPA2 & SPA3 for Hingham Farmer's Market	Yes	No	No land disturbance
2020				
400 Lincoln Street	SPA2 & SPA3 for tenant fit out of Jersey Mike's	Yes	No	PB waived SPR; Interior changes only; no land disturbance or parking impact
181 North Street	SPA2 & SPA3 for renovations to Benjamin Lincoln House	Yes	No	> 5,000 sf of disturbance; all changes covered by parking special permit

Note: Certain applications were not included for the same applicant (e.g. multiple applications for HMF or multiple amendments to Derby Street special permit)

SITE PLAN REVIEW TRIGGERS

Analysis of Prior Projects (2017-2021) - continued

Property	Permit/Project	Special Permit A3 Parking Determination	Would SPR Be Required Under New Triggers	Notes
2019				
1142 Main Street (withdrawn)	SPA2 for a Bed & Breakfast	No	No	Less than 5,000 sf
1 Old Derby Street (withdrawn)	SPA2 & SPA3 for Ocean Honda	Yes	Yes	> 5,000 sf
100 Research Road	SPA2 & SPA3 for expansion of collision center at Best Chevy	Yes	No	Interior renovations
100 Derby Street	SPA2 Mod. & SPA3 Mod. for Rite Aid addition & parking changes	Yes	Yes	> 5,000 sf
24 Shipyard Drive	SPA2 for pier repairs and 191 SF swap of are btwn 2 fisherman structures	No	No	No site changes; no impact on roads or parking
99 Derby Street	SPA2 & SPA3 for Fusion Education operation	Yes	No	Less than 5,000 sf
45 Industrial Park Road	SPA2 & SPA3 for ballet studio fit out	Yes	No	Interior renovations
25-33 Central Street (withdrawn)	SPA2 & SPA3 for a commercial/residential building	Yes	Yes	> 5,000 sf
11 Bank Ave & 103-105 North Street	SPA2 & SPA3 for a commercial/residential building	Yes	Yes	> 5,000 sf
158-160 Hersey Street	SPA2 to establish use of abandoned single-family dwelling	No	No	PB waived Site Plan Review
315 Lincoln Street	SPA2 & SPA3 for a Dunkin Donuts	Yes	Yes	> 5,000 sf

SITE PLAN REVIEW TRIGGERS

Analysis of Prior Projects (2017-2021) - continued

Property	Permit/Project	Special Permit A3 Parking Determination	Would SPR Be Required Under New Triggers	Notes
2018				
6 Station Street	SPA2 & SPA3 for a commercial/residential building	Yes	Yes	> 5,000 sf
150 Research Park Drive, Suite 1	SPA2 & SPA3 for operation of Physex health club	Yes	No	Interior changes only
95 Otis Street (w/drawn)	SPA2 & SPA3 for Farmer's Market	Yes	No	No
2017				
335 Lincoln Street	SPA2 & SPA3 for operation of Russo Marine boat sales	Yes	Yes	No
16B North Street	SPA2 & SPA3 for second floor renovations for insurance office	Yes	No	Interior changes only
428 Lincoln Street	SPA2 & SPA3 for expansion of 99 Restaurant	Yes	Yes	> 5,000 sf
31 Otis Street	SPA2 & SPA3 for Bath House construction with snack shack	Yes	Yes	> 5,000 sf
578 Main Street	SPA2 for personal wireless service inside	No	No	Interior cell antenna
87-89 Hersey Street	SPA2 to establish use of abandoned dwelling	No	No	No changes to site

SPECIAL PERMIT – PARKING DETERMINATIONS

EXISTING DESIGN STANDARDS

5. Design Standards
 - a. All parking areas designated for a use other than Single-Family Dwelling shall be designed to provide safe and convenient vehicular and pedestrian access, circulation and maneuverability and pedestrian activity, in accordance with this Section.
 - b. All driveways shall be located and designed so as to minimize conflict with traffic on public and private ways and to provide good visibility and sight distance for observation of approaching vehicular or pedestrian traffic.
 - c. Loading spaces shall be provided for all commercial activities. Their location, number and length will be reviewed and approved during the ~~site-plan-review~~[Site Plan Review](#) process.
 - d. Ample space shall be designated for access to loading and service doors separate from all parking areas and without obstruction or hindrance to travel on streets, driveways and aisles.
 - e. Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall parking or loading spaces be located as to require the backing or maneuvering of a vehicle onto a sidewalk, or public or private way in order to leave the space. Driveways should be located and designed so that queues do not obstruct effective use of aisles and parking spaces.
 - f. Parking space overhangs are not permissible beyond a property line, over a sidewalk, into a fire lane, or adjacent to a structure where a minimum clear distance of four feet cannot be provided.
 - g. A substantial bumper of masonry, steel or heavy timber, or concrete or granite curb, or berm curb which is backed shall be placed at the edge of the surfaced areas except driveways to protect abutting structures, properties, sidewalks and screening materials.
 - h. Any illumination of parking areas or loading or service areas shall be directed so as not to shine upwards or on abutting properties or public or private ways.
 - i. Parking spaces shall be delineated by white pavement markings.

*Amend to reference new SPR
Performance Standard for lighting*

SPECIAL PERMIT – PARKING DETERMINATIONS

EXISTING DESIGN STANDARDS

- i. Parking spaces shall be delineated by white pavement markings.
- j. Handicap spaces shall be provided in accordance with the Architectural Access Board regulations (521 CMR) for all parking areas exceeding 15 spaces.
- ▲ k. The layout of the parking area shall provide sufficient space for the storage of plowed snow unless removal by other means is assured.
- l. The maximum parking lot grade shall be 4 percent and the minimum 1 percent. Parking areas shall be surfaced with asphalt, concrete, or similar non-erosive surface, and drained in a manner deemed to be best management practice (BMP) to prevent erosion or excessive water flow across public and private ways or abutting properties as well as graded and drained such that stormwater runoff does not accumulate on the ground surface. In addition to the foregoing, pervious paving materials may be permitted at the discretion of the Planning Board, subject to compliance with design and construction standards referenced in this subsection. The drainage system shall be designed to control the 10 year storm event, and stormwater management shall conform to the Stormwater Performance Standards and Guidelines of the Massachusetts Department of Environmental Protection. The submittal should include information on the specific design proposed for pervious or porous pavement, and details of the required maintenance should be noted on the plans and incorporated as part of the submittal.
- m. Parking lots containing 10 or more parking spaces shall have at least one live tree and additional understory plantings per 10 spaces, such trees to be located within landscaped sections and islands in or around the parking area so as to soften the visual impact of large are aesthetically as to take a public way, the landscaping shall provide a year round screening effect to prevent headlight glare from shining into the way and soften the visual impact of the parking field. Trees shall be at least a three inch (3") caliper, with a clear trunk at least five feet (5') from the ground, and planted in raised plots providing a minimum of fifty square feet of seeded or landscaped permeable area per tree, whether planted singly or in groves. Preference should be given to species of growth and cultivation habit appropriate to the site.
- n. Shared Parking/Reduction in Parking Requirements
- o. Landbanked Off-Street Parking Areas

[partial provisions of (m)]

Amend to reference new SPR Performance Standard for stormwater

Amend to reference new SPR Performance Standard for tree preservation

SPECIAL PERMIT – PARKING DETERMINATIONS

APPROVAL CRITERIA

6. An applicant is not entitled to a Special Permit. The Planning Board may approve such an application for a ~~Special Permit A3~~ Special Permit Parking Determination if it finds that, in its judgment:
 - ▲ a. The parking is sufficient in quantity to meet the needs of the proposed project;
 - b. Pedestrian access and circulation has been provided for;
 - c. New driveways have been designed to maximize sightline distances to the greatest extent possible;
 - d. It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings; and
 - e. The parking meets all applicable Design Standards, or it is impractical to meet one or more of such Standards and the granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

REVIEW OF INTENT and NEXT STEPS

The proposed amendment is intended to streamline and standardize Special Permit and Site Plan Review procedures and processes by focusing Site Plan Review on land disturbance that is separate from Special Permits in order to make the review process more efficient and meaningful for the Boards, staff, and applicants.



The proposed amendment would support Policy 5.2 of the Town of Hingham Master Plan, which recommends that the Planning Board consider the following:

Where appropriate, reduce special permit requirements and replace them with clear, predictable site plan approval standards.

Next Steps – On February 28, 2022:

- Recap of overall proposed changes
- Discussion of open issues
- Review changes discussed at prior hearings