

MEMORANDUM

TO: Susan Murphy, Emily Wentworth, Michael Silveira

RE: GTD Comments and Recommended edits to the Zoning Bylaw Draft

Date: March 6, 2022

Hi Susan, Emily and Michael,

Further to our hearing and discussions with you, Emily and Michael this week, I have reviewed the Zoning Bylaw Drafts for the 2022 ATM received on Thursday and Friday and have put my remaining comments and proposed edits (highlighted in red) into this short form for your review. Please forward to the Planning Board members.

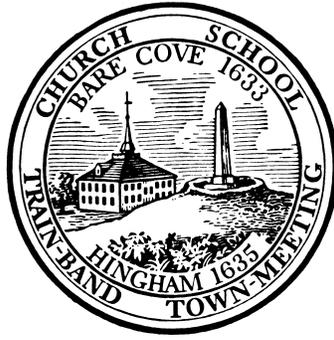
Thanks,

Gary

ZONING BY-LAW

HINGHAM MASSACHUSETTS

REVISED THROUGH _____, 2022



I-A. Site Plan Review

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.

a. Major Site Plan

- (i) All Special Permits A2 and Special Permits A3 or any modification Special Permit A2 or Special Permit A3.
- (ii) All non-residential, (**GTD Comment: Section IV-B.6(a): Can we include A Letter of Non-Applicability to be submitted in the Application and reviewed by the Planning Board in tenant and occupant changes? Construction changes involving partitions, etc. would not need review by the Planning Board**) by the multi-family and mixed-use developments which result in:

4. Procedures

An application for a building permit to perform work as set forth in Special Requirement 6 of Section IV-B shall be accompanied by an approved Site Plan and evidence of recording of the Site Plan Review decision unless the Planning Board's review (including any extensions thereto) has expired without any action by the Planning Board.

GTD Comment: Former Section I-I, 2a: Why delete this section: The conditions imposed by the Planning Board shall be incorporated in and Special Permit A2 issued by the Board of Appeals. The Board of Appeals may add additional conditions to the issuance of a special permit, but may not remove any conditions imposed by the Planning Board or modify any condition as follows: The Board of Appeals may propose to the Planning Board the modification or removal of a site plan condition imposed by the Planning Board. Failure of the Planning Board to issue a revision to

the site plan conditions within 21 days shall be deemed a denial of that proposal. This was the basis of the change to the Zoning Bylaw articulated by PB Members Murphy and McGrath at the 2005 Town Meeting.

GTD Comment: Former Section I-I, 2.b: Why should the SPR become a free standing permit?

5. Submittal Requirements

All applications for Site Plan Review shall include the following information prepared by qualified registered professionals, either shown on wet-stamped and signed plans or other supporting documentation:

- a. Existing conditions and Locus plan; diagram and statement of the ownership, area, dimensions, boundaries and principal elevations of the subject property; location of structures, other site improvement conditions and wetland resources and wetland resources within 100 feet of property line;
- b. Site layout plan showing the scaled and dimensioned location and footprint of existing and proposed buildings and structures, access and egress drives, parking, fences, walls, walks, outdoor lighting, loading facilities, refuse facilities, and areas for snow storage, and applicable zoning setback lines;
- c. Architectural plans, if applicable, including building elevations and floor layouts;
- d. Detail sheets if applicable, plan showing proposed circulation of traffic within the development and in all adjacent public ways; dimensioned plan of loading and parking areas, aisles and driveways; plan with detail sheets including profile and representative cross sections of proposed driveways and parking areas;
 - (i) plans required under this subsection 5.g shall also show the Tree Yard.
- e. Grading and drainage plan, which shall include existing and proposed topography at 1-foot intervals, spot grades where applicable, drainage analysis, stormwater improvements, calculated area of disturbance, cut and fill analysis, and erosion controls;

Analysis of the capacity of Town soils, water supply, ways and services to absorb the impact of the proposed development,
- f. Such other materials necessary to enable the Planning Board to make a positive determination on the proposed project including without limitation, any information required under subsection j below if necessary; and
- g. Major Site Plans shall require the following additional submissions:

Analysis of compliance of the construction activities and the proposed project, including the extent the project incorporates sustainable design and environmentally friendly infrastructure solutions, with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards,

6. **GTD Comment: the Review Standards and Approval Section should remain.**

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the objectives of this subsection 6. In reviewing each such application the Planning Board shall study the site plan with reference to the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally, including its amenities. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.

The Planning Board shall limit the proposed development so that its impact on each of the municipal services, ways, utilities and other resources does not exceed its existing design capacity. This limitation shall be imposed upon the proposed development regardless of the intensity of development otherwise permitted by this Zoning By-Law.

In conducting a site plan review, the Planning Board shall consider the following:

- 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;
- 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;
- 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;
- d. adequacy of open space and setbacks, including adequacy of landscaping of such areas;
- 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 stormwater system shall be expressly prohibited;
- 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;
- g. assurance of positive stormwater 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 stormwater 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 Stormwater Management Policy and Standards including the Massachusetts Stormwater 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 stormwater 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 stormwater controls at consistent intervals;
- 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; and
- j. minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.

7. Review Standards and Approval

GTD Comment: Recommend deletion of this statement :” To the extent practicable. The Bylaw is declarative and not optional in regards to compliance. The proposed project shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the Town. In conducting a Site Plan Review, the Planning Board shall review the Site Plan for consistency with the following design and performance standards.

8. Waivers; Minor Modifications; Administrative Review;

- a. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of this Section I-I, including the requirement for a public hearing, where the Planning Board determines that the project constitutes a minor modification to an approved Site Plan.
- b. In order to constitute a minor modification, the proposed work must be limited to modifications to an approved Site Plan which, in the Planning Board’s determination, do not materially or adversely affect conditions governed by the Site Plan Review design and performance standards set forth in this Section I-I.
- c. The Planning Board may, by a majority vote of the Board, establish an administrative process for Site Plan Review of certain Minor Site Plans. Pursuant to administrative review, the Planning Board may delegate to the town planner and/or to a designated Board member the authority to determine whether a project constitutes a Minor Site Plan. The Planning Board designee may refer any Minor Site Plan application to the Planning Board for its review in lieu of administrative review if, in such designee’s discretion, the scope of the project merits review by the Board. **(GTD Comment: Section IV-B.6(a): Can we include A Letter of Non-Applicability to be submitted in the Application and reviewed by the Planning Board in tenant and occupant changes? Construction changes involving partitions, etc. would not need review by the Planning Board)** In addition, any applicant may request Site Plan Review by the Planning Board in lieu of administrative review at the time of application, or any applicant aggrieved by a Minor Site Plan Review decision of the designee may reapply for Site Plan Review by the Planning Board and such review shall

be considered a new application for Site Plan Review, except that a separate fee shall not be required.