



**W/S/M Hingham Properties LLC
WS Development Associates LLC
33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467**

October 7, 2019

**Subject: Updated Special Permit Application
Derby Street Shops, Hingham, MA**

**To: Town of Hingham Planning Board – Mary Savage-Dunham, Community Planning
Director
Town of Hingham Zoning Board of Appeals – Emily Wentworth, Senior Planner**

Dear Ms. Savage-Dunham and Ms. Wentworth;

Through the attached special permit application, W/S/M Hingham Properties (“WS”) seeks approval from the Town of Hingham Planning Board and Zoning Board of Appeals to update the Derby Street Shops Special Permit to consolidate all previous special permits and special permit modifications and to align the property’s special permit with the Town of Hingham’s current zoning bylaws under a 4.17 Shopping Center designation. WS also seeks to update the Derby Street Special Permit to include several other uses to allow greater flexibility and variability to the property.

We have outlined the elements included in the application to update the special permit for the Derby Street Shops in greater detail below. We look forward to the opportunity to discuss this application with the Planning Board and Zoning Board of Appeals.

SPECIAL PERMIT UPDATE

The purpose of the special permit update is to consolidate seventeen years of ongoing special permit modifications (from the original 2002 special permit through 2019) into a single special permit to provide clarity and ease of enforcement of special permit conditions. Through the attached special permit application, we respectfully request:

1. Special permit approval under 4.17 – Shopping Center

W/S/M Hingham Properties seeks to update its special permit for the Derby Street Shops to a 4.17 Shopping Center designation. The Derby Street Shops’ special permit from 2002 appears to pre-date the 4.17 Shopping Center category’s inclusion in the zoning bylaws. The addition of this use category within the bylaws subsequent to the original Derby Street Shops permitting provides an appropriate designation for the property which fits well within this use category. The property is currently operated as a shopping center and we plan to operate it as such in the future.

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Until the permitted Building 5 expansion project moves forward, W/S/M Hingham Properties seeks to maintain the property at its currently approved 424,500 sf. Once the previously permitted Building 5 expansion is constructed, the property will total 437,330 sf. The designation as a shopping center would eliminate the need for the property to continue its variance for lot coverage which was required under the previous retail group designation.

The retail environment has changed significantly since the property was originally permitted in 2002 and we expect retail to continue to evolve. A result of this ever-evolving market is the need to be able to adapt quickly and offer a variety of goods and services to meet the needs of customers. To that end, W/S/M Hingham Properties respectfully requests that the Derby Street Shops Special permit include not only 4.17 but the following uses that do not fall under the Shopping Center category:

- 3.3 – Schools / Private – We believe the growing trend of people seeking learning experiences is a use that compliments traditional retail well. The incorporation of this use would allow WS to lease space to businesses that provide education such as language, painting or calligraphy classes.
- 3.4 - Nursery school or other use for the day care of children – We believe the incorporation of a day care or nursery school on the property would be a beneficial and complimentary use that would have a different peak parking demand than traditional retail.
- 3.8A - Clinic – With the emergence of innovative new ways to offer medical services such as urgent care clinics and office space offering medical services closer to people’s homes and jobs, WS requests the ability to incorporate this potential use on the property. This use also has peak parking demand that differs from traditional retail.
- 4.13 - Commercial outdoor amusement or recreation place not including an outdoor movie theater – We believe allowing this use on the property would open the possibility to future outdoor uses on the property such as a skating rink or other community activities.
- V-E Personal Wireless Service Facility – We are requesting approval to add cell phone antennae to the top of the parking lot light poles on the property. The ability to add antennae would allow us to provide better cellular services to customers visiting the property.

2. Approval to use common areas on property for community and special events

W/S/M Hingham Properties is extremely proud of the close ties it has forged with many community groups during its years of owning and operating the Derby Street Shops. We continuously strive to bring new and exciting events to the property at little to no cost to our visitors. From children’s sing-a-longs, special visits by the South Shore Conservatory, the New England Aquarium, the Easter Bunny in the Spring and Santa and Mrs. Claus in the winter, to free fitness classes and a speaker series on health related topics in partnership with South Shore Health, we strive to offer something for everyone throughout the year. We work closely with the Hingham Police Department to make sure they are aware when large events will be held and hire police details for additional assistance during event times as needed.



The property was previously approved to use some portions of the site for these types of events and through this special permit application we are seeking clarification within the special permit to allow community and special events to be held in all common areas of the property provided that we maintain a clear and accessible 6' walking path that allows visitors to safely move around the property (and around the events) at all times. The areas for possible use for events would include but not be limited to Hidden Pond, the Derby Street Green between REI and Kohl's, the plaza in front of Suites 203 through 221 (from LuLuLemon through the former Running Club space) and the future Center Green.

Through this special permit request, we are also seeking approval to include art installations of various mediums and sizes on the property. Any art installations on the property will be installed to ensure that pedestrian accessibility is maintained throughout the property. Artwork will be designed in a manner keeping with the quality and appearance of the property.

Lastly, with the special permit, we seek approval to formalize the ability for tenants to display merchandise outdoors provided the merchandise doesn't interfere with pedestrian access. This request reflects a similar approval written into the February 6, 2003 permit which specified no sale of goods in the parking lot and "no outdoor display of merchandise to the extent the same interferes with pedestrian access on or about the Premises". In order to continue the same sentiment as the 2003 permit conveys, we request being permitted to allow outdoor display of merchandise, conditional upon such merchandise not interfering with pedestrian access and providing notification of such displays to the Zoning Board of Appeals Senior Planner for administrative review and approval. At this time, we seek approval to allow Whole Foods Market to continue its sales of plants and other goods along the exterior of their storefront and to allow REI to periodically bring out their outdoor equipment such as kayaks for display.

3. Derby Street Shops parking requirements

W/S/M Hingham Properties has recently completed both a peak holiday season and spring season parking analysis to determine the adequacy of the Derby Street Shops parking at different times during the year. While the holiday season parking study showed more visitors to the property than during the rest of the year, it also showed that with proper management (as defined by the property's Traffic, Parking and Construction Management Plan) the property could handle the increased level of activity on the property during the holiday season. We have also received feedback from the Police Chief noting that the 2018 holiday season was the best he has seen in terms of safe and efficient access to the property and parking and we intend to continue working closely with the Chief to ensure that future years achieve the same success.

W/S/M Hingham Properties is committed to ensuring that parking and circulation on the property work efficiently during peak periods but also that the property is not "over-parked" and an unappealing sea of asphalt. We seek to work with the Town to establish a parking table for the property that recognizes a shared parking scenario for a variety of uses that have varying peak demand periods and therefore can coexist on the property given the ample parking available. An detailed shared parking analysis for the



property that accounts for all proposed uses in this special permit application is currently being prepared and will be submitted for peer review shortly.

At this time, W/S/M Hingham Properties proposes to keep the property's existing parking ratio requirements as part of the special permit update and seeks to add parking ratios for the new uses that fall within the shopping center designation and other uses included in the special permit update. Below is the proposed parking table for all of the uses sought under the special permit application. This table may be adjusted at the conclusion of the shared parking analysis and in discussion with the Boards.

Retail	4.5 spaces / 1,000 sf
Retail – Liquor	4.0 spaces / 1,000 sf
Craft, Consumer or Commercial Service	4.0 spaces / 1,000 sf
Restaurant	1 space / 3 seats + 15% Reduction
Health Club	1 space / 3 occ. at max capacity
Business or Professional Office	3.5 spaces / 1,000 sf
Bank	3.5 spaces / 1,000 sf
Indoor Amusement or Recreation	1 space/4 persons at capacity use
Private Schools	1 space/employee
Nursery School / Daycare	1 space/employee + 1 space/10 students
Clinic	1 space / 350 sf

W/S/M Hingham Properties also respectfully requests that the Town continue to allow the use of grass areas of the property (as highlighted in the Traffic Parking and Construction Management Plan document) for overflow parking only during the holiday peak periods and that employee parking, shuttles and other parking mitigation measures will continue to be implemented in conjunction with the use of the overflow parking areas.

Lastly, W/S/M Hingham Properties seeks permission to explore opportunities to install electric vehicle charging stations on the property. We understand that there were previous discussions regarding this use on the property and we are happy to continue to work with the Boards if there is interest.

4. Signage criteria update

The original Derby Street Shops signage criteria was approved in 2003 and amended in 2004 and 2016. W/S/M Hingham Properties seeks to include the attached signage criteria to the new special permit for ease of reference. Other than reformatting, no material changes have been made to the previously approved signage criteria.



5. Previous Permit Conditions

As part of developing the attached application, W/S/M Hingham Properties evaluated all of the previous special permits and modifications to determine if certain previous conditions set forth by either the Planning Board or Zoning Board of Appeals should continue. We found several conditions that we believe the Boards may want to continue and include them below for further discussion:

- Signage Criteria (see item 4 above)
- ZBA cap on financial uses (see attached site plan)
- Planning Board Fitness location restrictions (keep location restrictions but application seeks to lift cap on occupants – see attached site plan)
- No left turn island on Service Road
- Parking, Traffic and Construction Management plan

Thank you for your time and attention to these matters which are critically important to the health and vibrancy of the Derby Street Shops. We look forward to continuing to work with you to ensure the Derby Street Shops continue to be an exciting destination for Hingham residents.

Sincerely,

Victoria Maguire
Development Manager
Derby Street Shops