

Minutes
Regular Meeting

April 11, 2016

HINGHAM PLANNING BOARD
April 11, 2016 @ 7:00 PM – Central North

Present: Planning Board Members, **Sarah Corey, Chairman, Gary Tondorf-Dick, Jennifer Gay Smith, William Ramsey**, and Judith Sneath**, Clerk.** Also present: Associate Member Richard Cook, and, Community Planning Director Mary Savage-Dunham

Planning Board Agenda

Joint Hearings with the Zoning Board of Appeals

7:00 PM **HINGHAM CEMETERY CORPORATION** for a Modification of the existing Special Permit A1 under §III-A 3.6, and existing Special Permit A3 parking determination under §V-A along with a modification request for the Site Plan Review under §I-H and §I-I of the Zoning By-Law and such other relief as necessary to authorize minor changes to the approved parking plan and associated site improvements which allowed for renovation and reuse of the existing historic Ames Chapel, **40 WATER STREET**, located in the Official and Open Space District.

7:30 PM **W/S/M HINGHAM PROPERTIES, LLC** for Modification of the existing Derby Street Shoppes Special Permit A2 under § III-A, 4.17 and Special Permit A1 under § V-B, along with Site Plan Review under § I-G and § I-I, and Special Permit A3 parking determinations under § V-A of the Zoning By-Law and such other relief as necessary to: 1) Convert two retail tenant spaces to a financial use, consisting of a Capital One Cafe; 2) Operate a seasonal "Open Market" on Fridays within the parking area near the Kohl's building; 3) Modify eligibility criteria for "Highway-Frontage Signs" from 10,000 SF tenant to 7,000 SF tenant to allow Legal C Bar to install additional sign; and 4) Remove 3 parking spaces and widen sidewalk adjacent to Burton's Grill at **90 DERBY STREET** in the Industrial Park and South Hingham Development Overlay District.

9:00 PM **48 Bare Cove Park Drive – Town of Hingham**
Site Plan in Association with Building Permit – Request for Waiver

Old/New Business:

1. Review and Adoption of Minutes: February 22 & 29, March 7 & 30, 2016.
2. Discuss proposed schedule for Finalizing Master Plan Goals and Objectives
3. Discuss Drafting Planning Board Comments on Viking Lane Comprehensive Permit
4. Other Business

Hearing(s)

Joint Hearings with the Zoning Board of Appeals

The Chair of the Planning Board called the meeting to order and opened by making a statement regarding the unexpected passing of John Riley, who was a 21 year Planning Board member, and also served on the Board of Selectmen for 6 years. Chairman Corey noted that Mr. Riley loved Hingham, and that his involvement on the Boards made such a huge contribution to the community, as well as those lucky enough to serve with him. He will be dearly missed.

7:05 PM **HINGHAM CEMETERY CORPORATION - 40 Water Street**
Special Permit A3 and Site Plan Review modifications and such other relief as necessary to authorize minor changes to the approved parking plan and associated site improvements which allowed for renovation and reuse of the existing historic Ames Chapel, located in the Official and Open Space District.

Chairman Corey then opened the hearing. The Planning Board panel consisted of Sarah Corey, Gary Tondorf-Dick, Jennifer Gay Smith, with Associate Member Richard Cook sitting on the Special Permit A3.

John Cavanaro, of Cavanaro Consulting was present for the Applicant. Anne Kimball and John Davenport were also present. Mr. Cavanaro introduced himself and explained to the Board that this project, renovation of the historic Ames Chapel, had received two previous Site Plan/Special Permit approvals prior to construction in an effort to fine tune the proposal. He noted that decisions were made during construction in the interests of maintaining the historic authenticity that resulted in minor deviations from the approved plan. The purpose of this application set is to have the approved plans match the final construction. He recognized that this isn't the ideal way to proceed with a project and apologized to the Board, but explained that the changes are minor in nature and result in slight changes for the betterment of the overall project. He then explained that the original application was to add parking, and lighting associated with the increased use of the facility. The changes include the addition of curbing in place of the curb stops, addition of one light pole, request to not stripe the parking, and that one of the reserve spaces was constructed. There is no change to the overall amount of parking required, or constructed vs left in reserve. The Board discussed the potential drainage implications of the curbing and noted that there is good soil in addition to an infiltration trench at the low point near the curb. He said that the grading was changed by the vault which diverts a great deal of the historic flow to the other side of the chapel, and that also is an improvement. Mr. Cavanaro said that hydro seeding still needs to be done. These changes were made to help maintain the historic integrity of the site, and, minimize the intrusion onto the landscape by the parking. The Board then voted to approve the site plan as modified and presented, and then approved the Special Permit A3 as modified and presented.

** Planning Board Members Judy Sneath, Clerk, and William Ramsey arrived at 7:30 and were seated. At that time Associate Member Richard Cook left the panel.

7:30 PM **W/S/M HINGHAM PROPERTIES, LLC** for Modification of the existing Derby Street Shoppes Special Permit A2 under § III-A, 4.17 and Special Permit A1 under § V-B, along with Site Plan Review under § I-G and § I-I, and Special Permit A3 parking determinations under § V-A of the Zoning By-Law and such other relief as necessary to: 1) Convert two retail tenant spaces to a financial use, consisting of a Capital One Cafe; 2) Operate a seasonal "Open Market" on Fridays within the parking area near the Kohl's building; 3) Modify eligibility criteria for "Highway-Frontage Signs" from 10,000 SF tenant to 7,000 SF tenant to allow Legal C Bar to install additional sign; and 4) Remove 3 parking spaces and widen sidewalk adjacent to Burton's Grill at **90 DERBY STREET** in the Industrial Park and South Hingham Development Overlay District.

The Chair opened the hearing. The Applicant team included Robert Devin, Attorney, Andrew Manning, W/S/M, and Bill Hamilton, General Manager of Derby Street Shoppes. Mr. Devin stated that the application has several parts, and suggested that the Boards consider them one at a time, starting with the proposed removal of 3 parking spaces adjacent to Burton's Grill in order to expand the sidewalk in that area. Mr. Hamilton said the sidewalk is heavily travelled and that a wider sidewalk is best for pedestrian access & flow. He also noted that Apple is an anchor, and is doubling in size and relocating the main entry door. This could result in congestion on the narrower sidewalk by the new doorway. The Chair asked if the intent was to increase the sidewalk to add seats to Burton's, and the applicant said that was not the intent. The goal is to provide a wider sidewalk for pedestrians and avoid creating a new choke point for pedestrian traffic with the relocation of the entrance door to the expanded Apple store. The Board discussed the shifting of amenities, and the Mr. Hamilton confirmed that the existing treatment would be continued. The Board asked if the radius of the extended curb could be softened, and the applicant said yes. After additional discussion a 5' radius on the corner was determined to be acceptable to all parties. The Board then reviewed the location of the new entrance and discussed if removal of two spaces would accomplish the intended goal of increasing pedestrian safety and circulation adjacent to the entrance. The Board noted that while they understood the intent, those spaces identified for removal were the closest spaces to the stores and thus highly desirable for some customers. Chief Olsson spoke to the need for more parking at the shopping center, and, read his comment letter into the record. He noted that it would be helpful to find ways to create more parking, not eliminate spaces. He also noted that remote parking spaces might be used in the overall parking tabulation, but, realistically they aren't the spaces in demand or use by the general public. After discussion, it was determined that removal of two spaces instead of three would still accomplish the intent of the request, and yet minimize the loss of parking spaces. The Boards discussed concerns about pedestrians walking out into the parking

field and not using the designated crosswalks. The installation of a mounded landscape treatment along the corners was discussed as a way to guide pedestrians to more appropriate crossing locations. The Boards asked if there would be pedestrian impediments in the area of the expanded sidewalk, and the applicant indicated that only a continuation of the existing treatment was intended to possibly include benches or light poles, etc. The Boards asked if a revised plan would be submitted, and the applicant indicated it would. The Planning Board then voted to approve Site Plan Review as presented to permit the removal of two parking spaces with conditions. The Board then voted to approve the Special Permit A3 as the spaces being removed would simply reduce the amount of surplus parking on the parking table.

The applicant then explained the request for the Capital One Café to locate where the temporary American Eagle store and Company C are now. The floorplan was reviewed and the business model is a more casual banking environment. Roughly half of the area is devoted to the “Café” and the provider may be Peet’s Coffee. The applicant requested that the Planning Board waive Site Plan Review because no exterior improvements or changes are proposed as part of this application. The Planning Board discussed the request and then waived Site Plan Review because there are no exterior improvements. The applicant explained the parking table submitted with the 4-4-16 material that calls out the net parking change for Capital One Café as 3 spaces, which effectively would leave 1 “surplus space” indicated on the parking table if this request is approved. The Boards discussed the parking calculation as provided. The Zoning Board briefly discussed the financial use, and if this is another de minimus change or not.

The applicant then presented the proposal for the Open Market. 94 tents are proposed and the market will operate 11-4 on successive Friday’s. The goal of Open market is to create an awesome experience. It will include arts & crafts, packaged products and 25% farm goods. The applicant noted that this is a good stop off spot for folks on the way to the cape for the weekend. It would occupy 93 spaces. The Boards reviewed the proposed pedestrian area and discussed safety. Chief Olsson expressed concerns about the hours of operation and the extent of the season. He noted that set up and break down windows would extend the time that the spaces were out of service for the shopping center. He also noted that there could be conflicts with seasonal periods of high activity like back to school shopping. He noted that if it were approved he would want to monitor it and have a one year look back. He also does not support sale of alcoholic beverages as some markets do. Ms. Sneath noted concerns about safety and thought that it was an ill advised proposal given the existing parking demands. Mr. Tondorf-Dick said he was concerned about transitions and cross circulation in the parking lot. He raised concerns about egress/entry, circulation, loading zone, size, dimension and the proposed hours. Other Board members also expressed concerns about safety, and questioned if there sufficient parking to support the proposal. The Boards briefly discussed the use, and that the Zoning Board must determine if a use variance is required as Farmers Markets are not allowed in this district. Mr. Fisher noted that the use seemed close to a Farmers Market and that it seems to meet the spirit of the definition. The Planning Board said that after the concern regarding the use was resolved, they had concerns about the placement of this proposed retail use in the parking field. The Board asked for data on the restaurants to aid in consideration of parking impacts. The applicant then requested to continue the hearings, and extend the decision date on the site plan reviews and the hearings were so continued.

The Zoning Board then adjourned and left the meeting as they had no further joint hearings with the Planning Board on the agenda.

9:00 PM 48 Bare Cove Park Drive – Town of Hingham
Site Plan in Association with Building Permit – Request for Waiver

The Planning Board considered and discussed the Request for Waiver of the requirement to perform Site Plan Review in Association with Building Permit in accordance with Section I-H and I-I of the By-law as relates to the CPC funded roof replacement project at 48 Bare Cove Park Drive, property zoned Official and Open Space. Because the project consists of roof replacement only, with no physical changes to the site, the Board voted unanimously to Waive Site Plan Review in Association with the Building Permit for roof replacement at 48 Bare Cove Park Drive.

Old/New Business:

1. Review and Adoption of Minutes: February 22 & 29, March 7 & 30, 2016 - All minutes were adopted as written.
2. Discuss proposed schedule for Finalizing Master Plan Goals and Objectives – Master Plan discussion was postponed until the meeting of May 23rd.
3. Discuss Drafting Planning Board Comments on Viking Lane Comprehensive Permit – The Board heard comments from Gary Tondorf Dick on the proposal, and received a copy of his draft. They also noted that they had received the comments previously submitted by the Town Planner in December. The Board asked the Planner to compile a comprehensive document, and, work with Jennifer Gay Smith regarding an analysis of the waiver requests. The compilation draft will be distributed prior to the April 20th meeting for review and discussion at that meeting. The final letter can be signed the night of Town Meeting and be submitted on April 26th, which is prior to the start of the hearing.

As there was no other business, the meeting adjourned at 10:00 PM.

Respectfully submitted,

Mary F. Savage Dunham
Town Planner