

**HINGHAM PLANNING BOARD**

January 6, 2020 @ 7:00 PM – Central North Hearing Room

**Present:** Planning Board Members: **William Ramsey, Gordon Carr, Kevin Ellis, Gary Tondorf-Dick**

**Absent:** Planning Board Member **Judith Sneath**

Also present: Community Planning Director, Mary Savage-Dunham and Administrative Assistant Sherry Robertson

**Planning Board Agenda**

**7:00 PM Public Hearings on Proposed Changes to the Zoning By-law**

- **Abandonment or Discontinuance of Nonconforming Single-Family and Two Family Dwellings** - The intent of this article is to specify exemptions that relate to abandoned or discontinued nonconforming Single-Family and Two-Family Dwellings. The proposed amendment would more clearly state that a conforming Single-Family or Two-Family Dwelling use could be reestablished in a dimensionally nonconforming building or structure that had been abandoned or discontinued. The amendment would also limit the changes that could then be made to the building or structure to those that either (i) maintain or improve the nonconforming dimensions and (ii) add or expand in a manner that complies with current height and yard requirements, or act on anything related thereto.
- **Section IV-A and IV-B Lot Coverage Restrictions** - The intent of this article is to set lot coverage restrictions for both buildings and hardscape in Residential Zoning Districts A, B, C, D and E, or act on anything related thereto.
- **Site Plan Review** - The intent of this article is to make minor corrections and add clarifying language in Section I-I, and to amend Section IV-B.6.b. to delete the existing text and insert “all projects that 1) create a land disturbance or an alteration of drainage patterns over an area greater than 5,000 square feet; or 2) create a land disturbance of more than 1,000 square feet in areas with slopes greater than 10%” which lowers the threshold of disturbance that triggers Site Plan Review, or act on anything related thereto.
- **Section III-G Downtown Hingham Overlay District** - The intent of this article is to modify the provisions of Section III-G to make minor corrections, to clarify the requirements for the first floor commercial use regarding location and the extent of the building footprint that must be dedicated to the commercial use, and clarify the location of dwelling units within a commercial/residential building with multiple ground floors, or act on anything related thereto.

**126 Cushing Street – Site Plan Review in Association with a Building Permit**

Project entails demolition of existing structure and construction of new single family residence

**Old/New Business:**

1. Administrative Reports
2. Review and Adoption of Minutes from previous meetings

## Hearing(s)

The meeting was called to order at 7:03 PM.

**Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings:** Zoning Board of Appeals Administrator, Emily Wentworth explained that the proposed amendment will help to clarify language in the by-law. She explained nonconformity and how properties become nonconforming. She explained state and local by-laws as they apply to abandonment and discontinuance, as well as how this language relates to the Hatfield Amendment. The Board asked questions about discontinuance of use, as well as how this applies to accessory structures. Resident and Advisory Committee member, Andy McElaney indicated language in the by-law that may seem inconsistent, and suggested some language changes. Attorney Bruce Issadore asked how properties that have had a fire are affected, when reconstruction is necessary. Resident Tom Patch spoke noting some instances where this amendment may apply, and made comparisons to the Hatfield Amendment. The Board agreed to continue the discussion to the next by-law hearing.

**Section IV-A and IV-B Lot Coverage Restrictions:** Gary Tondorf-Dick spoke of his reasons for proposing this change and noted the current by-law dimensions and that there is no restriction given with regard to lot coverage. He stated that the goal would be to add percentage requirements for new buildings' massing and scale in residential districts to be compatible or consistent with the scale of districts. William Ramsey asked about the amount of homes that would be affected and if they would then be nonconforming. Mary Savage-Dunham stated that a study of that has not been done. Resident Tom Patch asked where the specific suggested percentages for lot coverage came from, and gave some examples of other towns in the state and how they limit lot coverage for new construction. Resident Jerry Seelen stated that he thinks it may disproportionately affect a particular district and that this idea should be analyzed to be able to tell townspeople how many homes will be affected. He stated he is concerned about hardscape limitations and enforceability. The Board agreed to continue the discussion to the next by-law hearing.

**Site Plan Review:** Mary Savage-Dunham clarified the suggested changes regarding site disturbances and the MS4 stormwater management provisions. She distributed maps indicating parcels in town that would be affected. She noted the many after-the-fact issues that have come in front of the Board such as projects causing runoff of water into the public way, dirt runoff into catch basins, and flooding of neighbors after construction. Resident and Advisory Committee member, David Anderson spoke in support of this amendment and suggested some language changes. Police Chief Olsson stated he supports these changes, as he has seen runoff from projects result in icing in the roadway and flooding that causes neighborhood issues. The Board agreed to continue the discussion to the next by-law hearing.

**Section III-G Downtown Hingham Overlay District:** Mary Savage-Dunham reviewed the proposed language changes and discussed the definition of an accepted street. The Board discussed recent applications and the size of the commercial area in a mixed-use building, as well as parking for residents in this type of development. The Board agreed to continue the discussion to the next by-law hearing.

**126 Cushing Street – Site Plan Review in Association with a Building Permit:**

Engineer Jeff Hassett from Morse Engineering was present along with the applicant, Pat Blair. Mr. Hassett explained that since the last meeting they have submitted the requested landscape

plan indicating existing trees, proposed trees, and noting which will remain or be removed. The Board agreed that the applicant has done what was asked of him. Police Chief Olsson noted his letter regarding the traffic pattern on Cushing Street. He stated that location was also a school bus stop and the Board discussed having a representative from the school department present at the preconstruction meeting. The Board reviewed the criteria for site plan review noting findings, and adding conditions. William Ramsey made a motion to approve Site Plan Review for the raze and rebuild of 126 Cushing Street based on plans dated December 16, 2019 and landscape plan dated December 31, 2019, subject to findings and conditions. The motion was seconded by Kevin Ellis and all members voted in favor.

**Administrative Reports:**

Mary Savage-Dunham discussed the application before the Zoning Board of Appeals for Habitat for Humanity.

Mary Savage-Dunham discussed with the Board the possibility of needing another proposed By-law amendment regarding the floodplain map, after hearing from the state that this may be needed. She stated that she is waiting to receive more data.

Mary Savage-Dunham distributed information from to the Board from Susan Sarni in reference to new Board of Health requirements.

Gary Tondorf-Dick mentioned the upcoming meeting in Norwell that will be discussing the possible rezoning for certain sites in Norwell that could affect Hingham with regards to traffic congestions. He stated that he plans to attend that meeting.

The Board reviewed the minutes from the meeting of December 16, 2019. William Ramsey made a motion to approve the minutes as written. The motion was seconded by Gary Tondorf-Dick and all members voted to approve the minutes.

As there was no other business, the meeting was adjourned at 9:57 PM.

Respectfully Submitted,

Sherry Robertson  
Administrative Assistant