

Minutes
Regular Meeting

January 14, 2019

HINGHAM PLANNING BOARD

January 14, 2019 @ 7:00 PM – Central North Hearing Room

Present: Planning Board Members **Gordon M. Carr, Jennifer M. Gay Smith, and William Ramsey,** Community Planning Director, Mary Savage-Dunham, and Administrative Assistant Sherry Robertson.

Also present: **Town Counsel Susan Murphy**

Absent: Gary Tondorf-Dick, Judith Sneath, and associate member Ted Matthews

Planning Board Agenda

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

- **Rezone Conservation Land as Official and Open Space** - The intent of this article is to rezone existing conservation lands to the Official and Open Space district by revising the “Hingham, Massachusetts Zoning Parts A and C” map by removing from the Residence A District and including in the Official and Open Space District the land shown on Assessors Map 37 as Lot 37; by removing the following parcels from the Residence B District and including them in the Official and Open Space District: the land shown on (a) Assessors Map 64 as Lot 43; (b) Assessors Map 190 as Lot 24 and Lot 75; (c) Assessors Map 167 as Lots 48 and 49; (d) Assessors Map 197 as Lots 3, 4 and 5; by removing the following parcels from the Residence C District and including them in the Official and Open Space District: the land shown on (a) Assessors Map 42 as Lot 65; (b) Assessors Map 64 as Lot 41; (c) Assessors Map 65 as Lot 30; (d) Assessors Map 75 as Lots 3 and 3B; (e) Assessors Map 91 as Lot 79; (f) Assessors Map 137 as Lot 1, Lot 18 and Lot 50; and (g) Assessors Map 147 as Lot 6; and by removing the portions of Assessors Map 65, Lots 26, 27, 28 and 29 that are currently zoned Residence C District from that zone and including them in the Official and Open Space District; or act on anything related thereto.
- **Section I-C Enforcement** - The intent of this article is to strengthen the enforcement provisions by amending Section I-C.3. by deleting “100.00” in the second sentence and deleting “100” in the fourth sentence and inserting “300” in both locations, or act on anything related thereto.
- **Section III-A Retail Sale of Alcoholic Beverages** - The intent of this modification is to have the retail sale of alcoholic beverages as a separate use category and require a Special Permit A2 and Site Plan Review permit for new establishments by amending Section III-A.4.18 to delete “Intentionally left blank” and insert “Retail Sale of Alcoholic Beverages.”, to be permitted by Special Permit A2 (“A2”) in Business District A, Business District B, and Waterfront Business and (“O”) in all other zoning districts, 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 regarding the objectives, submittal requirements, design review process, and additional requirements including roof decks, mechanicals and landscape plantings within the Downtown Hingham Overlay District, or act on anything related thereto.
- **Sections I and IV** - The intent of this article is to insert language in Section I that is required as part of the Town’s MS4 permit, modify the application submittal language in keeping with current practices, and modify Section IV-B.6.b to change the thresholds for site disturbance that trigger site plan review by changing “20,000” to “5,000” and changing “2500” to “1000”, or act on anything related thereto.
- **Timeframe to Commence Permitted Use or Construction that becomes Nonconforming** - The intent of this article is to modify Section I-C,1. Of the Zoning By-law to refer to the 12 month window of time to commence nonconforming uses or construction now required by the Zoning Act by replacing the reference to “six (6) months” where it appears in the last sentence in Section I-C,1. with “twelve (12) months”, or act on anything related thereto.
- **Timeframe to Commence Use or Construction under a Special Permit** - The intent of this article is to replace the reference to “two (2) year period” where it appears in the last sentence in Section I-D,2.b. with “three (3) year period”, or act on anything related thereto.
- **Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings** - The intent of this article is to clarify exemptions that relate to abandoned or discontinued nonconforming Single-Family and Two-Family Dwellings. In terms of nonconforming uses, the amendment would apply to nonconforming Two-Family Dwellings the same discontinuance standards that presently apply to nonconforming Single-Family Dwellings. In terms of nonconforming dimensions, the proposed amendment would clearly state that the rights under Section III-I,2., the so-called “Hatfield Amendment,” would not apply if an abandoned or discontinued structure is reoccupied for a conforming Single-Family or Two-Family use.

Old/New Business:

1. Administrative Reports

2. Review and Adoption of Minutes from previous meetings

Hearing(s)

Chairman Gordon Carr called the meeting to order at 7:05 PM

Rezone Conservation Land as Official and Open Space: Senior Planner Conservation Officer, Loni Fournier was present to explain the reason for this proposed article. She explained that it is a map correction, a color change on the zoning map for consistency. She explained that the ownership and use remains the same, that the parcels are protected. She stated that if the town does not vote in favor of this article, the land is still protected and use or ownership does not change. Victor Baltera of the Advisory Board asked if any of the parcels are considered park space. Susan Murphy stated that the land is conservation and already in the town's possession, and no new uses are proposed. She stated that the land is subject to the law that use cannot be changed without special legislation, that it is and will stay Open Space. Bryan Keyes of 27 Nokomis Road was present as a direct abutter to the conservation parcel at 44 Crow Point Lane. He stated that trash and debris is a problem on this parcel and that it is unkempt, not properly maintained, and that he and his neighbor have cleaned it in the past. Mr. Keyes also asked about the water line that has an easement on this property. Susan Murphy explained that on all land that was acquired for conservation, easements stay in order no matter who owns the parcel and the water company has rights to go onto the land to do repairs. Susan Murphy advised Mr. Keyes to send an email to the Town Administrator with his specific question, and then she will send him an answer in writing. Loni Fournier thanked Mr. Keyes for his efforts to clean up this parcel and asked him to reach out to her for help with cleanup and suggested that DPW could assist with picking up trash that was collected from this property. The Board agreed to continue this discussion to the meeting on February 13, 2019.

Section I-C Enforcement: Susan Murphy noted her comments to Building Commissioner Michael Clancy's recommendation to make the fines increase incrementally. Board member Bill Ramsey noted that other towns pose fines in increments. Susan Murphy stated that if this is the way the Board would like to proceed, then the language for the proposed amendment needs to be redrafted. The Board agreed that they would like to follow the recommendation of the Building Commissioner, so they would like to redraft the language. The Board agreed to continue the discussion on this item to February 13, 2019.

Section III-A Retail Sale of Alcoholic Beverages: Bill Ramsey asked if this change would affect retail establishments that presently sell beer and wine, but wish to obtain a full liquor license. Susan Murphy stated that it may only affect businesses that want to change the size of the place where they sell alcohol and special permit applies to places that don't sell it but want to begin selling it, and that each individual case could be different. Victor Baltera from the Advisory committee stated that he isn't as sure that a business could go from beer and wine to all alcohol sales without a permit. The Board agreed to continue to revise this item and continue the discussion on February 13, 2019.

Section III-G Downtown Hingham Overlay District; Timeframe to Commence Permitted Use or Construction that becomes Nonconforming; Timeframe to Commence Use or Construction under a Special Permit; Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings: The Board agreed to continue the above four proposed zoning articles to discuss at the joint hearing with the Zoning Board of Appeals on January 28, 2019.

Sections I and IV: Mary Savage-Dunham stated that she will be talking more with Randy Sylvester from DPW regarding subdivision regulations and MS4 requirements. Susan Murphy stated that more work needs to be done and she may wish to talk with Mary and Randy and the town's consultant before this item continues. The Board voted to continue the discussion of this item on February 13, 2019.

Old/New Business:

The Board reviewed and voted to approve the minutes from the meeting of December 18, 2018 with the edits as printed.

Chairman Gordon Carr adjourned the meeting at 8:10 PM.

Respectfully submitted,

Sherry Robertson, Administrative Assistant, Community Planning Department