



TOWN OF HINGHAM
PLANNING BOARD

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NOTICE OF DECISION
Site Plan Review in Association with the Special Permit A2

IN THE MATTER OF:

Applicant: W/S/M Hingham Properties LLC.

Premises: The Derby Street Shoppes
100 Derby Street
Hingham, MA 02043

Date: July 14, 2020

Plan References:

- a. "Civil Disposal Field Layout, Derby Street Shoppes, Hingham, MA, Replacement Disposal Field, W/S/M Hingham Properties LLC", Sheet 02-C-01, Leaching Field Plan for 54,000 gpd capacity, prepared by Tata & Howard, and, "Derby Street Shops, 100 Derby Street in Hingham Massachusetts, Erosion & Sediment Control Plan" dated November 26, 2018, 6 sheets, revised to 12/13/18.
 - Stormwater Report dated 3/9/18 prepared for the Derby Street Shops prepared by the BSC Group.
- b. Derby Street Shoppes Expansion 100 Derby Street Hingham, Massachusetts", dated March 9, 2018 and revised to July 13, 2018, prepared by the BSC Group, 803 Summer Street, Boston, Massachusetts, 02127, prepared for W/S/M Hingham Properties LLC, 11 sheets.
- c. Traffic Management and Parking Plan, Derby Street Shops, Hingham, Massachusetts, Dated September 13, 2018, revised to November 29, 2018.
 - Restricted Use Plan with respect to Fitness Use, Outdoor Event, and Existing Financial Use Areas, dated March 9, 2020.
 - Technical Memorandum, dated October 29, 2019, prepared by Desman Design Management.
 - Shared Parking Model submitted by Derby Street Shops on October 29, 2019 revised to March 8, 2020.

- Derby Street Shops Future Conditions Spreadsheet, dated January 9, 2020.
- d. Such other plans, submissions and materials as are still in force and effect which will be recited in the decision.

Summary of Proceedings:

This matter came before the Planning Board on the application of W/S/M HINGHAM PROPERTIES LLC for Site Plan Review under § I-G and § I-I and a Special Permit A3 Parking Determination and/or Waivers under § V-A, and such other relief as necessary to: 1) update the Special Permit for the Derby Street Shops with several new use categories including the primary designation of 4.17 Shopping Center as well as 3.3 Private School, 3.4 Nursery School, 3.8A Clinic, 4.13 Commercial Outdoor Amusement and V-E Personal Wireless Service Facility; 2) to establish a parking determination for each of the above uses sought through the special permit update to the property; and 3) a Waiver of the Site Plan Review in Association with the Special Permit A2 Application because there are no physical changes being proposed to the Derby Street Shops property at this time, in association with a modification to the Special Permit A2, at the DERBY STREET SHOPPES, 100 DERBY STREET (Assessor's Map 194 Lot 31, and Map 195 Lots 33 & 34) in the Industrial Park and South Hingham Development Overlay Districts.

The Planning Board opened the site plan review at its meeting of November 12, 2019, and the application continued to December 2, 2019; January 13, 2020; January 27, 2020; and March 9, 2020. Pursuant to (1) the Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law and applicable provisions of the Open Meeting Law found at 940 CMR 29 et seq., the public meetings of the Planning Board were conducted by remote participation and (2) pursuant to Section 17 of Chapter 53 of the Acts of 2020 the review of the Application was continued by the Board, all as follows: March 16, 2020; March 23, 2020 (meeting suspended by the Chair due to technical difficulties pursuant to 940 CMR 29.10(6)(d) and the application continued to March 26, 2020); March 26, 2020; and April 13, 2020 (meeting suspended by the Chair due to technical difficulties (weather related power outages) pursuant to 940 CMR 29.10(6)(d) and the application continued to May 11, 2020); June 1, 2020; and June 15, 2020. The Planning Board panel consisted of William Ramsey, Gary Tondorf-Dick, Kevin Ellis, Judith Sneath and Gordon Carr. William Ramsey missed the meeting of November 12, 2019 and completed a Mullins Affidavit. Gary Tondorf-Dick missed the meeting of January 27, 2020 and completed a Mullins Affidavit. The Peer Review Engineer for the Board was Jeffrey Dirk, PE, Vanasse & Associates for the review of the parking and traffic. The Applicant was represented by Victoria Maguire and Sherri Schuler, WS Development, and Attorney Robert Devin.

The Applicant explained that the applications before the board seek to update the Special Permit A2 for the Derby Street Shops with several new use categories including the primary designation of 4.17 Shopping Center, and to establish a parking standard for those uses. The Applicant further explained that W/S/M Hingham Properties LLC requests a waiver from the requirement for site plan review in association with the Special Permit A2 application because there are no physical changes being proposed to the site at this time.

Deliberation and Vote:

After discussion the Planning Board then made the following findings:

1. That a waiver of the submittal requirements in Section I-I.6 in connection with modification of the Special Permit A2 to add additional permitted use classifications to the site is consistent with the intent of the Zoning Bylaw as no site modifications are proposed in connection with such use modifications.
2. That the amendment and restatement of the prior Site Plan approvals granted in connection with the existing Special Permit A2 to reflect all conditions currently in force and effect as of the date hereof is in the interest of the project and the Town of Hingham insomuch as it will allow for the efficient review of project compliance with such conditions.

Gary Tondorf-Dick then made a motion that the Board waive the submittal requirements set forth in Section I-I.6 in connection with modification of the Special Permit A2 to add additional permitted use classifications to the site, William Ramsey seconded the motion and all members voted in favor with the motion passing 5-0.

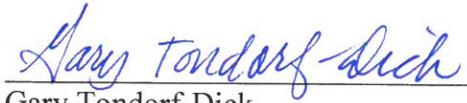
Gary Tondorf-Dick then made a motion that the Board approve the amending and restating of prior Site Plan Approvals previously granted in connection with the existing Special Permit A2 to include the following conditions:

- A. General Conditions from the Site Plan Review under Section IV-B.6.b, decision dated November 6, 2018 and recorded November 13, 2018 in Book 50600 Page 196, in connection with the replacement of the soil absorption system for the site:
 1. Landscaping shall be installed after installation of the SAS installation as weather permits.
 2. Applicant is responsible for securing all other state and local permits required for this installation prior to the start of work.
 3. The reserve area shall be fenced off, left undisturbed, and shall not be utilized for storage until and unless the clearing or other storage of materials is authorized by the Board of Health or their agent.

4. Prior to construction the erosion controls must be inspected by the Town Planner or Conservation Agent and such approved erosion control measures shall be maintained throughout construction.
 5. No hay or straw to be used for erosion control devices.
 6. Applicant must maintain records of inspections and ongoing maintenance on site.
 7. Post construction all annual inspection reports shall be provided to the Planning Department by November 30th annually.
- B. General Conditions from the Site Plan Review in Association with a Special Permit A2 and A3, 124 Old Derby Street and 100 Derby Street, filed December 4, 2018, in connection with the proposed expansion of a portion of the project:
1. Upon completion of the Derby Street expansion project, delivery trucks shall be required to exit by way of Old Derby Street and use the newly created signalized intersection of Derby Street at Old Derby Street.
 2. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas and at all intersections within the Project site are designed, installed and maintained so as not to impede lines of sight. Such features shall not exceed 2.5-feet in height as measured from the surface elevation of the intersecting roadways.
 3. The Applicant shall promptly remove snow windrows located within the sight triangle areas that exceed 2.5-feet in height or that would otherwise inhibit sight lines.
 4. Fitness uses shall be located compliant with the March 9, 2020 Restricted Use Plan;
 5. The Applicant shall include a clause in all construction contracts that prohibits the use of Cushing Street and Gardner Street by truck traffic, excepting trucks that may also be making local deliveries along these roadways.
 6. Applicant must maintain the inspection reports on-site for the construction inspections. Post construction inspection logs must be submitted to the planning department annually not later than November 30th.
- C. The Derby Street Shops site and operations thereat, including, without limitation, the projects governed by the conditions in Paragraphs A and B above, shall be subject to conditions governing parking as set forth in Special Permit A3 parking determinations issued by the Planning Board and any modifications thereto.

D. The Applicant shall comply with the Approved Plans and Submissions and the representations made to the Planning Board, including without limitations the Restricted Use Plan dated March 9, 2020.

The motion was seconded by William Ramsey and all member voted in favor with the motion passing 5-0.



Gary Tondorf-Dick
Clerk, Hingham Planning Board

Cc: Town Clerk; Building Department; Assessor; ZBA; BOH; J. Dirk, VAI.