

From: [Maguire, Victoria](#)
To: [Wentworth, Emily](#)
Cc: [Sherri Schuler](#); [Savage-Dunham, Mary](#)
Subject: ZBA Hearing - Derby Street Shops summary
Date: Friday, June 19, 2020 9:24:03 AM
Attachments: [2020-03-09 HinghamMA SitePlan SpecialPermit FINAL.pdf](#)

Emily,

I'm not sure if this is helpful or not but I thought I'd try to summarize some of the changes that have been made since our original application to the ZBA and PB since October. These changes have come about as a result of our ongoing discussions with the two boards to ensure we have a permit that both boards are happy with. I'm sure you'll also be getting the PB conditions from Mary if she hasn't sent them already.

Below is a list of the uses we originally applied for with notes on where we believe they currently stand based on our past discussions and the vote we received from the Planning Board on Monday night:

- 4.17 – Shopping Center Use – We continue to seek an updated special permit which recognizes Derby Street Shops under the zoning bylaw 4.17 Shopping Center uses.
- 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. We continue to seek approval to include clinic uses on the property however, we acknowledge the concerns raised around drug treatment clinics and are ok with the permit including and exclusion of drug treatment clinics.
- V-E Personal Wireless Service Facility –We continue to seek permission for this use should the property be identified in the future as a location for the addition of 5G antenna to better serve our customers and the surrounding community.
- 3.3 – Schools / Private –This request has been withdrawn.
- 3.4 - Nursery school or other use for the day care of children – This request has been withdrawn.
- 4.13 - Commercial outdoor amusement or recreation place not including an outdoor movie theater – This request has been withdrawn.

Other items we have discussed:

- Financial, Fitness, and Outdoor activities - The attached map highlights areas that we wanted to clarify specific requirements on the property:
 - Outdoor activities – We tried to clarify our ability to use certain locations on the property for community and special events. This has been vetted with the Planning Board and we seek similar approval by the Zoning Board if required.
 - Fitness use restriction –This is a requirement from the Planning Board.
 - Financial use cap – This is a requirement from the ZBA. The map identifies the location of financial uses on the property and includes language explaining the cap that has been placed on financial uses based on the last permit we received for Chase Bank.

- Display on sidewalks – We currently have the ability for our tenants to display goods on the sidewalk though we do so sparingly. We would like to maintain that right so that Whole Foods can be in compliance and so that occasional sales by REI etc. are allowed. This approval in our current permit comes with the requirement that adequate pedestrian access of 6' is maintained at all times.

If there is anything else I can do to be helpful leading up to Tuesday's hearing, please let me know. I believe Paul Healey wanted to know more about the shared parking plan we developed for the A3 permit from the Planning Board. If he needs any additional information on that plan or Jeff Dirk's review and approval of it, please let me know.

Thanks and I hope you're holding up ok.

Victoria

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