



January 3, 2020

To: Town of Hingham, Zoning Board of Appeals – Emily Wentworth, Senior Planner

From: W/S/M Hingham Properties LLC / WS Development Associates LLC

Subject: Special Permit Application Uses
Derby Street Shops, Hingham, MA

Dear Ms. Wentworth,

Thank you for inviting me to present to the Zoning Board of Appeals (ZBA) on December 17, 2019 on behalf of W/S/M Hingham Properties LLC regarding the comprehensive update to the Derby Street Shops (Derby Street) Special Permit A2, originally issued December 13, 2002. As noted during the presentation and the special permit application, Derby Street seeks to consolidate 17 years of ongoing special permit modifications into a single special permit to provide clarity and ease of enforcement of special permit conditions such as use.

Background

We are requesting approval for Derby Street to be designated under the Town Zoning Bylaw 4.17 Shopping Center¹, which aligns with the current and future use of the property. The property was previously permitted as a Retail Group, which no longer exists under the Town's Zoning Bylaw and has led to uncertainty about permissible uses at the property.

In addition to the Shopping Center use designation, the Special Permit Application also considers the unprecedented pace of change in the retail experience. In order to be able to respond quickly to patron needs and marketplace demands, Derby Street requests additional uses not included in the Shopping Center designation, but that are growing increasingly relevant in today's premier lifestyle centers. These uses include Schools (3.3), Nursery School (3.4), Clinic (3.8A), Commercial Outdoor Amusement (4.13), and V-E Personal Wireless Service Facility.

Additional Clarification

The goal for the comprehensive, new special permit is to broaden the uses that are permitted on the property so that Derby Street can respond to new tenants quickly and predictably. However, some businesses fall into one or more use categories e.g., wellness spa (Consumer Services vs. Clinic). At the request of the Board, this memo provides a proposed framework for grouping these businesses into designated categories.

¹ 4.17 in the Bylaw includes Retail (4.1), Consumer Services Establishment (4.2), Restaurant (4.9), Office (4.10), Bank (4.11), Indoor Amusement (4.12), Health and Health Club (4.12A), Hotel (4.16), Sale of Alcohol (4.18), and Gas Station (5.1).



Below is a table which outlines the types of businesses that *may* be considered at the Derby Street Shops (but does not imply that these businesses are actual signed or pending tenants). It should also be mentioned that one of the challenges of codifying the proposed table is that new forms of retail continue to emerge. This list was created to be as comprehensive as possible, but it is not feasible to ensure that it is complete and as requested below, we ask that any future uses that may fall in to these categories be given the opportunity for ZBA staff review and approval if they align closely with the other types of businesses listed below.

Consumer Service	Clinic
Nail Salon	Medspa
Hair Salon	Physical Wellbeing Spa
Eyelash Services	Minute Clinic / Urgent Care
Eyebrow Services	Dentist
Blow Dry Bar	Orthodontist
Face mask bar	Nutritionist
Day Spa	Physical Therapy
Tailor / Seamstress	Laser Hair Removal
Tanning Salon	Cryotherapy
Meditation Studio	Laser Therapy
Shared Workspace	Reiki Therapy
Craft making studios (woodwork, painting, pottery, calligraphy)	Dermatologist
Language Classes	Optometrist
Test Preparation Classes	Audiologist
Karate	Chiropractor
Dance Classes	
Music Lessons	
Education services (coding classes, math tutoring)	
Gaming studios	

Request for ZBA

Based on prior discussions with ZBA staff and the December 17 meeting with ZBA members, we have developed this memo to try to provide further clarification on the types of businesses that may not easily be identified as belonging in a specific use category. We hope that this memo will allow the ZBA to permit Derby Street to include Shopping Center and Clinic uses in the special permit and create a process for approving future tenants.



In summary, we seek the ZBA's review and approval of the following:

1. Approval of the table included in this memo and the types of businesses included in each category;
2. Approval to seek future administrative review by ZBA staff for approval of a use not identified in the list above unless the services differ significantly enough to warrant a new special permit request before the ZBA; and
3. Voluntary withdrawal by applicant of the Commercial Outdoor Amusement use from the Special Permit Request. However, we would ask that this language in the revised Special Permit clarifying that outdoor activities are allowed on the property once reviewed administratively by ZBA staff and the Hingham Police Department.

We also understand that there may be some sub-uses e.g., specific type of medical clinic, that the ZBA would prefer to exclude from the special permit. Derby Street has agreed to a restriction on drug treatment facilities under the clinic designation.

Thank you for your time and attention to these matters, which are critically important to the health and vibrancy of the Derby Street Shops. We look forward to continuing to work with you to ensure the Derby Street Shops continue to be an exciting destination for Hingham residents.

Sincerely,

A handwritten signature in blue ink that reads "Victoria Maguire". The signature is fluid and cursive.

Victoria Maguire
Director of Development
Derby Street Shops