

HINGHAM PLANNING BOARD MINUTES

January 3, 2022 @ 7:00 PM

REMOTE MEETING

Planning Board Members Present Remotely: Gary Tondorf-Dick, Judith Sneath, Gordon Carr, Rita DaSilva

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner; Susan Murphy, Esq., Special Real Estate Counsel

Members Absent: Kevin Ellis

At 7:01 p.m. Acting Chair Tondorf-Dick called the Planning Board meeting to order and stated the following:

“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

Acting Chair Tondorf-Dick stated he would be acting as the Chair in Kevin Ellis’ absence.

Hearing(s)

Acting Chair Tondorf-Dick stated the first matter was Bristol Bros. Development Corp.’s application for waiver requests under section § I-I.5 and a Special Permit A3 under § IV-D of the Zoning By-Law for a Flexible Residential Development at **213 & 215 Cushing Street** consisting of eight single-family dwellings on 7.48+ acres of land in the Residence C District.

Acting Chair Tondorf-Dick stated the applicant had submitted a written continuance request dated December 21, 2021 to January 24, 2022 along with an extension to the decision deadline to February 24, 2022.

There was a brief discussion regarding the extensions and outstanding issues to date.

Acting Chair Tondorf-Dick moved to continue the hearings on applications from Bristol Bros. Development Corp. for a Site Plan Review Waiver under Section I-I,5 and a Special Permit A3 under Section IV-D of the Zoning By-Law for a Flexible Residential Development consisting of eight single-family dwellings on 7.48+ acres of land in the Residence C District to January 24, 2022 at 7pm and extend the decision deadlines to February 24, 2022.

Second: Gordon Carr

In Favor: Gordon Carr, Rita Da Silva, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Acting Chair Tondorf-Dick stated that next matter would be Timothy and Beth Ann Sullivan's application for Site Plan Review and/or Waivers under §§ I-I and IV-B.6 for land disturbance exceeding 5,000 SF overall to raze and reconstruct an existing single-family dwelling at **53 Kimball Beach Road** in Residence A District. Acting Chair Tondorf-Dick stated the Planning Board commenced its review of the application on December 13, 2021 and provided an overview of the application.

Ms. Wentworth stated Mr. Patrick Brennan, P.E. of Amory Engineers, Town's peer review engineer, was not in attendance as he stated during the last meeting that his concerns had been addressed or were captured as recommended conditions for approval.

Mr. Joshua Green from Merrill Engineers appeared on the applicant's behalf.

There was discussion regarding potential test pit results, design and roof drains for stormwater management and tree protection.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting Acting Chair Tondorf-Dick the following proposed findings:

a. Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.

The project provides for improved site drainage, including installation of an underground infiltration systems and associated drainage infrastructure. Typical lighting for residential properties will continue to be utilized.

b. Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles.

The relocated and extended driveway off of Kimball Beach Road provides sufficient access to the proposed single-family dwelling. The driveway meets or exceeds standard widths appropriate for single-family uses.

c. Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law.

The new, 2-car attached garage and extended driveway provide sufficient off street parking for vehicular traffic typical in a residential setting.

- d. Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**
The proposed construction either maintains and extends (north side yard setback) or improves (south side yard setback) nonconforming dimensions associated with the existing dwelling as permitted under Section III-I, 2 of the By-Law. While there will be minimal lawn area post-construction, a significant 36"-caliper tree will be retained in the rear of the property.
- e. Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**
The existing driveway will be used as a stabilized construction entrance to minimize tracking of materials into the surrounding public roads. A silt sock will be installed along portions of the north (left) and east (rear) and entire south (right) property lines to control erosion during construction.
- f. Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources.**
The proposed dwelling will be connected to the same utilities serving the existing dwelling, including public water, sewer, and electric services.
- g. Assurances of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system.**
As a single-family house, the project is exempt from the MassDEP stormwater standards; however, the residential project provides enhanced stormwater upgrades to the site that include underground infiltration systems and associated drainage infrastructure. Sediment and erosion control measures are incorporated into the plan set and will be implemented at the outset of construction commencement.
- h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.**

Based upon Amory Engineering's review, implementation of best management practices with the stormwater design are sufficient as conditioned by this Approval.

i. Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations.

A 16" tree is proposed to be removed from the front of the lot; however, a more significant 36" tree will be retained at the rear of the property. As a condition of approval, a tree will be planted at the front of the property to mitigate the proposed removal.

j. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.

The proposed dwelling increases the number of bedrooms and overall size of the existing dwelling, but is similar in character and scale to other newly reconstructed residential structures in the neighborhood.

and moved to find to grant the application of Timothy and Beth Ann Sullivan for Site Plan Approval under §§ I-I and IV-B.6 of the Zoning By-Law, including waivers of certain submittal requirements, in order to raze and reconstruct a single-family dwelling at 53 Kimball Beach Road in Residence A District, subject to the following conditions:

1. The Applicant shall excavate test pits/soil evaluations, witnessed by the Board's peer review engineer, to verify separation between seasonal high ground water and the bottom of the subsurface infiltration systems. Test pits shall be performed following demolition of the existing dwelling and prior to issuance of a building permit for the proposed dwelling.
2. All roof downspouts shall be connected to the piping leading to the subsurface infiltration systems.
3. Pre-Construction Meeting. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing.
4. Revised Plans. Prior to application for a building permit, the Applicant shall submit a revised site plan depicting the location of a tree with a minimum caliper of 3" on the front of the property.
5. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.

6. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.

Member Carr asked Ms. Wentworth to provide an update once the building is down and test pits are complete with satisfactory results.

Second: Gordon Carr

In Favor: Judith Sneath, Rita Da Silva, Gordon Carr, Gary Tondorf-Dick

Opposed: None

Acting Chair Tondorf-Dick stated the next matter would be the proposed Public Safety Building project at **335 Lincoln Street.**

Mr. Paul Kalous stated Mr. Sean Schmigle, Project Manager and Keith Mercy, Project Architect for Kaestle Boos Associates and Gabe Crocker and Ms. Maggie Laracy from Crocker Design Group were present on the applicant's behalf.

Mr. Schmigle gave a brief overview on the proposed project and stated a feasibility study had been done.

Ms. Maggie Laracy presented plans for buildings and gave history of the site. Ms. Laracy discussed entrances, access, topography, parking, a potential waiver request for dimensional spaces within the garage for a two foot overhang and zoning.

There was discussion regarding site grades.

Mr. Schmigle discussed elevations, interior layout, materials and shared renderings of the exterior. Mr. Schmigle discussed budget and goals prior to Town Meeting.

Attorney Murphy gave a legal overview of easements, MBTA owned land, utilities, access, traffic and circulation.

Acting Chair Tondorf-Dick ask the Member comments.

There was discussion about potential timing of an application, signaling on Route 3A, massing, size and appearance of buildings, zoning requirements, parking design, street views, functional spaces within the Police Department and Fire Department buildings, existing space versus new space being created by new buildings, solar and green energy and a working group.

Member Sneath and Acting Chair Tondorf-Dick expressed interest in participating in the working group.

Member Carr moved to have Gary Tondorf-Dick and Judith Sneath represent the Planning Board on the Public Safety Facility Design Working Group.

Second: Rita Da Silva

In Favor: Judith Sneath, Rita Da Silva, Gordon Carr, Gary Tondorf-Dick

Opposed: None

Acting Chair Tondorf-Dick stated the next matter would be **Zoning Articles**. The first discussion would be regarding **Gender Neutral and Other Term Revisions**.

Acting Chair Tondorf-Dick gave background on the intent of the article.

Attorney Murphy gave a brief overview of changes that had been made to the Town's General By-Laws and the legal process being followed regarding the Planning Board articles.

Acting Chair Tondorf-Dick asked for Member comments.

Board Members indicated they were in agreement with changes. There was brief discussion regarding singular versus plural pronouns.

Acting Chair Tondorf-Dick asked for public comments. There were none.

Member Judith Sneath moved to recommend adoption of the "Gender Neutral and Other Term Revisions" article in the form presented during the public hearing.

Second: Gordon Carr

In Favor: Judith Sneath, Rita Da Silva, Gordon Carr, Gary Tondorf-Dick

Opposed: None

Acting Chair Tondorf-Dick stated they would discuss the **Special Permits and Site Plan Review Procedures** article.

Ms. Wentworth gave an overview of the proposed article and background. Ms. Wentworth stated during prior meetings the Board previously gained consensus regarding application timeframes and lapse provisions.

There was discussion regarding potential changes to triggers for site plan review and the proposed administrative review and reporting process.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding the application analysis done, timelines and lapse provisions of the by-law, site plan review criteria, administrative review, minor site plan review, changes of use, insight into policy considerations through the site plan review process, potential for preliminary submissions and land disturbances.

Acting Chair Tondorf-Dick asked for public comments. There were none.

There was discussion regarding scheduling.

Acting Chair Tondorf-Dick moved to continue the hearing on the Special Permits and Site Plan Review Procedures zoning article to January 24, 2022 at 7pm.

Second: Gordon Carr

In Favor: Rita DaSilva, Judith Sneath, Gordon Carr, Gary Tondorf-Dick

Opposed: None

Chair Tondorf-Dick stated the next item on the agenda was the Zoning Board of Appeals proposed **Residential Accessory Uses** article.

Ms. Wentworth stated the hearing was advertised and should be opened but the Zoning Board would present the article to the Planning Board on January 24th.

There was a brief overview of the proposed by-law.

Chair Tondorf-Dick moved to continue the hearing on the Residential Accessory Uses zoning article to January 24, 2022 at 7pm.

Second: Rita Da Silva

In Favor: Rita Da Silva, Judith Sneath, Gordon Carr, Gary Tondorf-Dick

Opposed: None

Acting Chair Tondorf-Dick stated the next item would be review of recommendations made by the **Climate Action Planning Committee** (CAPC) to request the Select Board include a budget item for a Sustainability Director at Town Meeting.

There was discussion regarding the CAPC's findings and recommendation, proposed narrative regarding Planning Board's support, professional resourcing to obtain Green Communities and other potential funding sources, Planning Board Member Tondorf-Dick and Carr discussions regarding Planning Board interest in CAPC recommendations, Master Plan, draft memo from Planning Board to Select Board, considerations of adding a full time employee for Select Board and Personnel Board and potential benefits of resource to Planning Board.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding peer communities and potential for Planning Board offering support but not being directive regarding hiring and budget for proposed role.

Acting Chair Tondorf-Dick asked for public comment. There were none.

Chair Tondorf-Dick moved to continue the discussion regarding the Sustainability Director to January 24, 2022.

Second: Judith Sneath

In Favor: Rita Da Silva, Judith Sneath, Gordon Carr, Gary Tondorf-Dick.

Opposed: None

Ms. Wentworth provided a preview of items that would be coming up to the Planning Board and there was brief discussion.

Acting Chair Tondorf-Dick moved to adjourn the meeting at 9:56 p.m.

Second: Gordon Carr

In Favor: Gordon Carr, Rita DaSilva, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning

Application Materials:

53 Kimball Beach Road:

- 1. Site Plan, dated September 16, 2021*
- 2. Existing Conditions Plan, dated November 8, 2021*
- 3. Stormwater Report and Narrative, dated November 9, 2021*
- 4. Application for Site Plan Approval, dated November 23, 2021*
- 5. P. Brennan Peer Review Letter to Planning Board, dated November 29, 2021*
- 6. J. Green Letter to Planning Board Regarding Peer Review, dated December 10, 2021*
- 7. Site Plan, dated December 10, 2021*
- 8. First Floor Plan, dated December 10, 2021*
- 9. Second Floor Plan, dated December 10, 2021*
- 10. Attic Storage Plan, dated December 10, 2021*
- 11. Exterior Elevations Sheet 1, dated December 10, 2021*
- 12. Exterior Elevations Sheet 2, dated December 10, 2021*
- 13. Exterior Elevations Sheet 3, dated December 10, 2021*
- 14. Foundation and Framing Plans, dated December 10, 2021*
- 15. Framing Plans, dated December 10, 2021*
- 16. Roof Framing and Building Sections, dated December 10, 2021*
- 17. P. Brennan Letter to Planning Board Regarding Response to Updated Materials, dated December 13, 2021*

335 Lincoln Street

- 1. M. Mahoney Letter to K. Ellis and E. Wentworth, dated December 20, 2021*
- 2. Plans and Elevations, dated January 3, 2022*

Zoning Articles

- 1. Gender Neutral and Other Term Revisions Article*
- 2. Special Permits and Site Plan Review Procedures Article*
- 3. Site Plan Review/Special Permits Presentation*
- 4. Residential Accessory Uses Article*
- 5. Hearings Presentation*

Climate Action Committee

- 1. Draft Sustainability Director Memorandum*