

## HINGHAM PLANNING BOARD MINUTES

January 24, 2022 @ 7:00 PM

REMOTE MEETING

**Planning Board Members Present Remotely:** Kevin Ellis, 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; Jennifer Oram, Zoning Administrator

**Members Absent:** None

At 7:00 p.m. Chair Ellis 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.”*

### **Hearing(s)**

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Chair Ellis stated the first matter was the Traffic Review Committee’s proposed warrant article.

Mr. JR Frey, Town Engineer, presented on behalf of the Traffic Review Committee. Mr. Frey discussed statutory speed limits for thickly settled areas of 30 miles per hour. Mr. Frey read the proposed article to establish a 25 mile per hour speed limit on certain roads and gave background and described the purpose for the proposed reduction. Mr. Frey showed a map indicating which roads would be impacted by the speed reduction.

Member DaSilva, also a member of the Traffic Review Committee, discussed the desire to lower the speed limit in the Downtown area. There was a brief discussion regarding the process to make a speed limit change enforceable, other communities with similar road and use layout to the Downtown area, speed limit enforcement parameters, choice of roads covered under the proposal and the Shared Streets grant program.

Chair Ellis thanked Mr. Frey.

Chair Ellis stated the next item on the Agenda was the **184 Lincoln Street** application of Frank Collura on behalf of S. John Hajarr for a waiver of site plan review.

Mr. Collura gave background and presented on behalf the applicant. Mr. Collura described the nature of the interior renovations.

Chair Ellis asked for Board comments. There was discussion regarding client counts and potential interior traffic increases resulting from the project.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting Chair Ellis made the following finding: To find that the interior renovations at 184 Lincoln Street in Business District B constitutes a minor site plan under Section I-I, 5.b(i) of the By-Law; and Chair Ellis moved to grant the request of S. John Hajjar to waive Site Plan Review under Section I-I, 5 of the By-Law to allow Hingham Physical Therapy to expand its use at 184 Lincoln Street.

**Second:** Gary Tondorf-Dick

**In Favor:** Rita DaSilva, Judith Sneath, Gary Tondorf-Dick, Kevin Ellis

**Opposed:** None

Chair Ellis stated that next matter would be Bristol Bros. Development Corp.'s applications 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 at **213-215 Cushing Street**.

Jeffery Tocchio, Esq., Mr. Jim Bristol, Mr. Gabe Crocker, Mr. Taylor Corsano and Scott Golding, Esq. were present on behalf of the applicant.

Attorney Tocchio gave background on the application. He discussed changes to plans based on peer reviewer comments.

Mr. Crocker provided detail regarding changes made to plans. He discussed conventional yield and FRD plan details including: proposed limit of work, right of way, septic, roof drain systems, grading, elevations, drainage, basins, tree preservation area, cul-de-sac design, buffer area, open space, sight distance analysis, tree warden approval to remove certain trees, fire and garbage truck access, pedestrian crossings in future definitive plan, walking paths and privacy.

Chair Ellis asked for clarification regarding waivers. Attorney Tocchio stated the applicant was seeking a waiver of the 100' buffer down to 72' in some areas and described the rationale for the request.

Mr. Patrick Brennan, Engineer from Amory Engineering, stated his concerns had been addressed other than the 100' buffer issue, that he had witnessed test pits, and that he was comfortable that conventional plan requirements were met.

Ms. Wentworth read Zoning By-Law language regarding conventional yield subdivisions.

Jeffrey Dirk, Engineer with Vanasse & Associates, stated his comments had been addressed regarding roadway width, access to open space, a pedestrian walkway and sightlines.

There was discussion with Board Members regarding conservation preservation of the natural landscape and wooded perimeter open space, grading, topography, turnaround, roadway width, drainage,

homeowner's association responsibility, septic, wells, composition of units (with 5 new builds, the existing house, 2 bonus units with 1 being low-moderate income and 1 being unrestricted), suggested potential accommodation of a "mixed middle" income unit, size of affordable unit, move of septic to better soil, roof drain systems, tree marking prior to removal, property management post construction and the reduced buffer.

Mr. and Ms. Gomez, abutters, stated they had no problem with the plan, but were concerned with traffic, retention of hill and potential blasting. Ms. Gomez stated they had been reassured by applicant's representatives that issues would be addressed. Mr. Bristol stated they could introduce additional mounding and buffer improvement from conventional yield and would consider the feasibility of shifting two homes in the proposal to improve the buffer.

Chair Ellis 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 February 28, 2022 at 7pm and extend the decision deadlines to March 28, 2022.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

Chair Kevin Ellis stated the next matter would be **0 Rockwood Road and 36 East Street.**

Mr. Jeff Hassett, Engineer from Morse Engineering, Mr. Steve Dedesian, Mr. Jake Lilley, Kathleen Heffernan, Esq. and Walter Sullivan, Esq. appeared on the applicant's behalf.

Mr. Hassett gave background on the site plan review in association with a building permit application. He provided background on changes made to plans as requested by the Board at prior hearings.

Chair Ellis stated for the record that he had filed a Mullins Affidavit and therefore could participate in all hearings on the matter moving forward.

Mr. Brennan stated the applicant had addressed his comments.

Chair Ellis asked for Board Member comments.

There was discussion regarding access, site visit, frontage, lot conformity, Hatfield amendment, stone walls, and plateau area.

Attorney Murphy gave her legal assessment of what was within the purview of the Planning Board for purposes of the site plan review application before it. There was discussion regarding how the Board could provide its site plan review feedback or concerns to the Building Commissioner.

There was discussion regarding the visibility of the proposed building and site including night time building and site lighting from Home Meadows and the Main Street Historic District. Mr. Hassett showed a plan showing the limit of work and area of trees. Board members again raised their concerns about the potential impacts of the site lighting on surrounding areas and views, and again asked for Mr. Hassett to prepare story poles and attempt to model or simulate the lighting that will be emitted from the proposed project. There was discussion on parking related to home office use, right of way and easement.

Chair Ellis moved to continue the hearing on the application for 0 R Rockwood Road and 36 East Street to the February 14, 2022 meeting of the Planning Board starting at 7p.m.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

Chair Ellis stated the next matter would be **Proposed Zoning Articles**.

Ms. Robyn McGuire, Chair, Zoning Board of Appeals, joined and presented the proposed **Residential Accessory Uses** article on behalf of the Zoning Board of Appeal's.

Ms. McGuire gave an overview of the proposed zoning article which was intended to clarify the language in the By-Law.

Ms. Wentworth provided background on additional changes since the article was initially filed.

There was discussion regarding enforcement, permissibility of uses and historical context.

Acting Chair Tondorf-Dick gave additional 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.

Chair Ellis stated **Special Permits and Site Plan Review Procedures and Citizen's petition Tree Protection and Preservation** articles would be the next matters.

Ms. Wentworth gave background on the proposed articles and proposed the approach for discussion.

Attorney Murphy shared a presentation regarding Special Permits and Site Plan Review Procedures and language that had been incorporated into the draft article regarding tree protection and preservation.

Ms. Priya Howell, proponent of the Tree Protection and Preservation article stated she was pleased with the incorporation of language and discussed the lack of a tree fund. There was discussion regarding unauthorized tree removal, proposed tree fund, enforcement, ongoing maintenance of trees, Board discretion regarding requirement to plant trees versus applicant paying into the a fund, tracking progress of consequences and discussing the article further at the next Planning Board meeting.

Chair Ellis moved to continue the hearings on the proposed Zoning Articles for the 2022 Town Meeting Warrant: “Residential Accessory Uses”; “Special Permits and Site Plan Review Procedures”; and “Tree Protection and Preservation” to the Planning Board meeting of January 31, 2022 starting at 7p.m.

**Second:** Judith Sneath

**In Favor:** Judith Sneath, Gordon Carr, Kevin Ellis

**Opposed:** None

Chair Ellis moved to approve the meeting minutes of December 13, 2021 and January 3, 2022.

**Second:** Judith

**In Favor:** Gordon Carr, Judith Sneath, Kevin Ellis

**Opposed:** None

There was discussion about putting the MBTA draft guidelines on a future agenda.

Chair Ellis moved to adjourn the meeting at 10:06 p.m.

**Second:** Judith Sneath

**In Favor:** Gordon, Judith, Kevin Ellis

**Opposed:** None

Respectfully submitted,

Tracy L. Altrich  
Administrative Assistant, Community Planning

Application Materials:

*Traffic Committee Proposed Article*

1. *Memo from J R Frey to Traffic Committee, dated January 14, 2022*
2. *Options for Establishment of Statutory or Regulatory Speed Zone, dated January 20, 2022*
3. *Public Safety Zoning Map*

*184 Lincoln Street*

1. *Application for Site Plan Approval Waiver, dated December 28, 2021*
2. *Site Plans, received December 28, 2021*
3. *Updated Development Summary, received January 18, 2022*

*213 & 215 Cushing Street*

1. *Flexible Residential Development Summary from 2001 Town Meeting*
2. *Letter from J. Tocchio to C. Falvey and K. Ellis, dated August 19, 2021*
3. *Application for Zoning Hearing, Form 2, dated August 19, 2021*
4. *Application for Special Permit A-3, dated August 19, 2021*

5. *Application for Site Plan Approval in Association with Application for Building Permit, dated August 19, 2021*
6. *Supplement to Applications, dated August 19, 2021*
7. *Plans, dated August 19, 2021*
8. *Memo from E. Sullivan to Planning Board, dated September 8, 2021*
9. *Letter from S. Sarni to Planning Board, dated September 15, 2021*
10. *Letter from C. DiNapoli to Planning Board, dated September 16, 2021*
11. *Letter from A. and R. Gomez to Planning Board, dated September 21, 2021*
12. *Letter from P. Brennan to Planning Board, dated September 21, 2021*
13. *G. Crocker letter to Planning Board in Response to Peer Review, dated September 23, 2021*
14. *Updated Conceptual Subdivision Plan, dated September 23, 2021*
15. *Letter from L. Schneiderhan to Planning Board, dated September 27, 2021*
16. *Continuation and Extension Request, dated September 29, 2021*
17. *Letter from J. Dirk to E. Wentworth Regarding Traffic Analysis, dated November 1, 2021*
18. *Continuation and Extension Request, dated November 4, 2021*
19. *Fully Executed and Filed Continuation and Extension Request, dated November 10, 2021*
20. *Continuation and Extension Request, dated December 10, 2021*
21. *Fully Executed Continuation and Extension Request, dated December 15, 2021*
22. *Continuation and Extension Request, dated December 21, 2021*
23. *Town Clerk Stamped Fully Executed Continuance and Extension Request, dated January 10, 2022*
24. *J. Tocchio Letter to C. Falvey and K. Ellis Regarding Revised Materials, dated January 12, 2022*
25. *Preliminary Plans, Revised through January 7, 2022*
26. *G. Crocker Letter to Planning Board Regarding Response to Amory Engineers Peer Review, dated January 12, 2022*
27. *G. Crocker Letter to Planning Board Regarding Response to Vanasse & Associates Peer Review, dated January 12, 2022*
28. *J. Dirk Letter to E. Wentworth Regarding Response to Traffic Peer Review, dated January 14, 2022*
29. *G. Crocker Letter to Planning Board Regarding Response to Vanasse & Associates Peer Review, dated January 19, 2022*
30. *Preliminary FRD Sight Distance Exhibit, dated January 18, 2022*
31. *P. Brennan Letter to Planning Board, dated January 20, 2022*

*O R Rockwood Road and 36 East Street*

1. *Application for Site Plan Approval, dated October 12, 2021*
2. *Letter from J. Hassett to Planning Board with Enclosures, dated October 12, 2021*
3. *Site and Septic Design Plan Sheet 1, dated October 12, 2021*
4. *Site and Septic Design Plan Sheet 2, dated October 12, 2021*
5. *Revised Application for Site Plan Approval, dated November 4, 2021*
6. *Site and Septic Design Plan, dated November 4, 2021*
7. *Landscape Plan, dated November 8, 2021*
8. *P. Brennan Peer Review Letter to Planning Board, dated November 8, 2021*
9. *Letter from Lt. DiNapoli to Planning Board, dated November 8, 2021*
10. *Letter from Lt. DiNapoli to Planning Board, dated November 10, 2021*
11. *Continuation and Extension Request, dated November 18, 2021*
12. *DaSilva Certification, dated November 29, 2021*
13. *J. Hassett Letter to Planning Board Regarding Revisions, dated December 6, 2021*
14. *Site and Septic Plan, Revised through December 6, 2021*

15. *3D Renderings, dated December 6, 2021*
16. *Landscape Plan Rendering, dated December 6, 2021*
17. *Planting Plan, dated December 3, 2021*
18. *Site Section, dated December 3, 2021*
19. *J. Hassett Letter to Planning Board Regarding Response to Peer Review, dated December 8, 2021*
20. *J. Hassett Letter to Planning Board with Updated Drainage Analysis, dated December 8, 2021*
21. *Updated Site and Septic Plan, dated December 8, 2021*
22. *Letter from Lt. DiNapoli to Planning Board, dated December 10, 2021*
23. *W. Sullivan Letter to Planning Board, dated December 13, 2021*
24. *J. Hassett Letter to Planning Board Regarding Driveway, dated December 13, 2021*
25. *Fully Executed Continuation and Extension Request, dated December 20, 2021*
26. *K. Heffernan Letter to Planning Board, dated January 7, 2022*
27. *Site and Septic Design, Revised through January 13, 2022*
28. *Planting Plan, dated January 18, 2022*

*Zoning Articles*

1. *Special Permits and Site Plan Review Procedures Article*
2. *Site Plan Review/Special Permit Presentation, dated November 29, 2021*
3. *Section I Excerpt from Draft Zoning Article - Clean Version, dated January 21, 2022*
4. *Tree Protection Article Annotated with Tree Preservation Measure incorporated into Site Plan Review*
5. *Citizens Petition Article Submission*
6. *Redline of July 2021 vs. December 2021 Tree Preservation Bylaw*