

**HINGHAM PLANNING BOARD**

February 24, 2020 @ 7:00 PM – Central North Hearing Room

**Present:** Planning Board Members: **William Ramsey, Gordon Carr, Judith Sneath, Gary Tondorf-Dick, Kevin Ellis**

**Absent:** none

Also present: Community Planning Director, Mary Savage-Dunham and Administrative Assistant Sherry Robertson

**Planning Board Agenda**

**7:00 PM**

**Call to Order**

**Public hearing on Article EEE: Update Floodplain Map References**

**Continued Public Hearing on Article DDD: Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings**

**Continued Public Hearing on Article CCC: Commercial/Residential Buildings in the Downtown Hingham Overlay District**

**Discussion of Article GG: Discontinuance of Portion of Old Derby Street**

**7:45 PM**

**Queen Anne's Wine & Spirits - 28 Whiting Street**

Request for Site Plan Review with request for a finding that it is a Minor Site Plan and full Waiver under §I-G, §I-H and §I-I in conjunction with a Special Permit A3 Parking Determination under §V-A of the Zoning By-Law and such other relief as necessary to allow the interior fit out and operation of retail sale of alcoholic beverages pursuant to Section III-A (4.18), in the Business B District.

**James E. Bristol, III & David B Bristol, Trustees, Old Derby Nominee Trust: 306 & 392 Whiting Street**  
Request to continue the hearing to April 13, 2020 and extend the decision deadline to May 13, 2020.

**Request for Waiver of Site Plan Review in Association with Building Permit**

94 Derby St.: Derby Street Shoppes: Nic & Zoe  
96 Derby St. Suite 330: Derby Street Shoppes: Talbots  
25 Technology Place: BC/BS

**CAPPO REAL ESTATE HOLDINGS, LLC - 1 OLD DERBY STREET**

Request for a Site Plan Review under § I-G and I-I, a Special Permit A3 Parking Determination and/or Waivers under § V-A, and a Special Permit A3 for a Common Driveway under § V-I, in association with a Special Permit A1 and A2, and such other relief as necessary to install signage and to construct and operate of an automotive sales and service dealership at **1 OLD DERBY STREET** in the Office Park and South Hingham Development Overlay Districts.

**51 Free Street – Antonio Misdea**

Request for Site Plan Review under Section IV-B.6.b with partial waivers for the raze and rebuild of a single family residence and the associated site disturbance. REQUEST TO CONTINUE HEARING TO 3/9/20 AND EXTEND DECISION DEADLINE TO 4/9/20.

**29 Cushing Ave**

Request for Site Plan Review under Section IV-B.6.b with partial waivers for the raze and rebuild of a single family residence and the associated site disturbance

**Patterson Pond Estates Definitive Subdivision** – Request for extension of time for completion of work to April 8, 2022.

**Review and Adoption of Minutes from previous meetings**

<b>Hearing(s)</b>
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The meeting was called to order at 7:04 PM.

Town Counsel, Susan Murphy was present with the Planning Board to discuss the proposed Zoning By-Law changes.

**Public hearing on Article EEE: Update Floodplain Map References**

Loni Fournier, Senior Planner from the Conservation Department was present to explain the reasoning for the proposed amendment. She explained that FEMA initiated the change as part of a reevaluation and that Hingham is expected to adopt the map changes in order to remain in the National Flood Insurance Program. The Board asked questions regarding whether these changes could result in someone having to pay flood insurance when they hadn't before. Ms. Fournier explained that it does not appear to affect any of the parcels in that way. William Ramsey made a motion to advance the article. The motion was seconded by Gordon Carr and all members voted in favor.

**Continued Public Hearing on Article DDD: Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings**

Emily Wentworth was present to continue to discuss the proposed changes to the Zoning By-Law. She explained that this language change will make it clearer. Susan Murphy explained that the change is related to nonconforming structures that are single-family or two-family, and she explained what the scope of this proposed language change means. Kevin Ellis noted a technical change that may help avoid interpretation problems. Gary Tondorf-Dick asked questions to clarify discontinuance, and the threshold duration of what constitutes abandonment. Emily Wentworth stated that the Zoning Board of Appeals voted to approve these changes. Public Comment was heard on this topic. Bruce Issadore stated that he supports the change, but noted some language suggestions. Tom Patch asked for clarification as to how this change will work. William Ramsey made a motion to act favorably on the changes and to advance the article as modified. The motion was seconded by Gordon Carr, and all members voted in favor.

**Continued Public Hearing on Article CCC: Commercial/Residential Buildings in the Downtown Hingham Overlay District**

Mary Savage-Dunham reviewed with the Board the scope of the article changes and distributed track changes with comments from the last hearing. They discussed commercial use and the size and location of commercial use within a structure. The Board discussed recent projects and looked at the percentages of the overall square footage of these proposed commercial spaces. Susan Murphy explained the suggested changes as they relate to the unique topography of Station

Street. The Board agreed that the language in reference to the parking makes sense. Mary Savage-Dunham noted when it may require an applicant to seek relief with a waiver. There was no public comment. Susan Murphy recommended some language changes. William Ramsey made a motion to act favorably on the article, as modified and amended. The motion was seconded by Gary Tondorf-Dick and all members voted in favor.

**Discussion of Article GG: Discontinuance of Portion of Old Derby Street**

The Board discussed the article with Susan Murphy. William Ramsey made a motion recommending the Board take favorable action to advance the article. The motion was seconded by Gary Tondorf-Dick and all members voted in favor.

**Queen Anne's Wine & Spirits - 28 Whiting Street**

Attorney Jeff Tocchio presented the plan on behalf of Queen Anne's Liquors. The owners of the business, Frank and Regina Marchione were in attendance. Mr. Tocchio explained that Queen Anne's Liquors is currently located down the street, and that they want to relocate to this space, unit 32, located at 28 Whiting Street. He described the proposed interior renovations, and how the parking will work in conjunction with the other uses at the site. Mr. Tocchio noted Police Chief Olsson's recommendation to add concrete curb stops at parking spots along the road, which have been added to the plan.

William Ramsey made a finding that the applicant has requested a waiver of site plan review as this constitutes a minor site plan, and then made a motion to waive site plan review since the project is an interior renovation. The motion was seconded by Gordon Carr and all members voted in favor.

The Board then discussed the Special Permit A3. William Ramsey made a motion to approve the Special Permit A3 based on the findings and conditions discussed. The motion was seconded by Kevin Ellis and all members voted in favor.

**James E. Bristol, III & David B Bristol, Trustees, Old Derby Nominee Trust:  
306 & 392 Whiting Street**

Request to continue the hearing to April 13, 2020 and extend the decision deadline to May 13, 2020.

William Ramsey made a motion to approve the applicant's request to continue. The motion was seconded by Judith Sneath and all members voted in favor.

**Request for Waiver of Site Plan Review in Association with Building Permit**

94 Derby St.: Derby Street Shoppes: Nic & Zoe

The applicant was present to explain that there is no exterior work being done, other than signage. William Ramsey made a motion to grant the applicant's request to waive site plan review. The motion was seconded by Kevin Ellis and all members voted in favor.

**CAPPO REAL ESTATE HOLDINGS, LLC - 1 OLD DERBY STREET**

On February 24, 2020 The applicant submitted a Request to Withdraw Without Prejudice.

William Ramsey made a motion to accept the applicant's request to withdraw. The motion was seconded by Judith Sneath and all members voted in favor.

**51 Free Street – Antonio Misdea**

Request for Site Plan Review under Section IV-B.6.b with partial waivers for the raze and rebuild of a single family residence and the associated site disturbance. REQUEST TO CONTINUE HEARING TO 3/9/20 AND EXTEND DECISION DEADLINE TO 4/9/20. Judith Sneath made a motion to approve the applicant's request to continue. The motion was seconded by Kevin Ellis and all members voted in favor.

**29 Cushing Ave:** Request for Site Plan Review under Section IV-B.6.b with partial waivers for the raze and rebuild of a single family residence and the associated site disturbance

This was the first hearing on this application. Representing the applicant were Engineer John Cavanaro, Designer Sally Weston, and Landscape Architect Sean Papich.

William Ramsey stated for the record that he serves on a Board with the homeowner, but is certain he can remain unbiased on this application. John Cavanaro explained the plans to raze the existing structure and build a new home in its place. He explained the footprint of the proposed home including the proposed garage and pool. Gary Tondorf-Dick asked questions about the excavation of the project within the existing site. Sean Papich explained the landscape plan including the retaining walls that are to be placed near the pool area and along the driveway side. Sally Weston explained that the footprint of the new home is about twenty percent larger than the existing house. Mary Savage-Dunham read comments from Randy Sylvester of the DPW, regarding the concern of run-off into the public way and catch basins.

Abutter Deborah Avila of 25 Cushing Avenue stated that she was upset that the applicant did not contact them, and that she feels the size of the home is excessive, and she has concerns about the impact on the neighbors. Judith Sneath

explained that the Board works with the By-Laws to ensure fairness to both property owners and neighbors. She explained that the peer review engineers who work on behalf of the town will work to make sure drainage concerns are addressed. Peter Ross from 2 Cushing Avenue asked about the historic nature of the existing house. Eric Ferrara of 27 Cushing Avenue stated that he has concerns with the lack of communication with the neighbors, referencing markers that he stated were on his property. He also stated he has concerns about the fencing in the proposed backyard. Art Avila of 25 Cushing Avenue stated concerns about the magnitude of digging and removal of material at the site.

William Ramsey made a motion to continue the hearing to the meeting of March 23, 2020 and to extend the decision deadline to April 23, 2020.

**Patterson Pond Estates Definitive Subdivision** – Request for extension of time for completion of work to April 8, 2022. The Board voted unanimously to approve the applicant's request for the Extension of Time to Complete.

**Review and Adoption of Minutes from previous meetings**

Judith Sneath made a motion to approve the minutes from the January 27, 2020 meeting, as written. The motion was seconded by William Ramsey and all members voted in favor.

As there was no other business, the meeting was adjourned at 10:40 PM.