

**HINGHAM PLANNING BOARD**

March 26, 2020 @ 7:00 PM

REMOTE MEETING

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

**Absent: none**

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

**Planning Board Agenda**

**Planning Board**

**Meeting Agenda**

March 26, 2020

7:00 PM

**Remote meeting via telephone conference call:**

Dial-in number: 1 929 205 6099 US (New York)

Meeting ID: 733 873 708

**Meeting Suspended from March 23, 2020 – see statement at end of the agenda:**

Please Note: Plans and application materials for the items on this agenda can be viewed on the Planning Board webpage under Applications Pending at <https://www.hingham-ma.gov/767/Applications-Pending>

**7:00 PM Call to Order**

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

25 Technology Place

**48 Pioneer Rd (126 Cushing St)**

Request for minor modification of Site Plan Review to shift house location

**Form A Plan-** Deborah L. Zildjian, 6-10 Martins Lane, Hingham, MA Lots 8 & 9

**W/S/M Hingham Properties LLC. - Derby Street Shoppes, 100 Derby Street** - Request for Site Plan Review under § I-G and § I-I and a Special Permit A3 Parking Determination and/or Waivers under § V-A

**Request to continue the hearing and extend the decision deadline**

**Hingham Farmers Market - 95 OTIS STREET**

Request for a Special Permit A3 parking determination under §V-A and §I-J along with a Site Plan Review in Association with a Special Permit A2 under §I-G and §I-I of the Zoning By-Law and such other relief as necessary to allow for a modification to the existing permits including but not limited to a change in the location of the Farmers Market and vendor parking, and approval for 47 vendor spaces at the HINGHAM BATHING BEACH, 95 OTIS STREET, located in the Official and Open Space and Hingham Harbor Overlay Districts

**Request to continue the hearing and extend the decision deadline**

**99 South Street aka 93 South Street  
Site Plan Review and Special Permit A3 for Cupcake Cafe  
Request to Withdraw Without Prejudice**

**6 Jordan Way – Site Plan Review under Section IV-B.6.b**  
Request for site plan review for construction of a single family house  
**Request to continue the hearing and extend the decision deadline**

**38 Jones Street – Preliminary Subdivision**  
**Request to continue the hearing and extend the decision deadline**

**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.  
**Request to continue the hearing and extend the decision deadline**

**Designate liaisons for zoning articles**

**This meeting is being held remotely by telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. You are hereby advised that this meeting and all telephone communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law.**

**Statement of Planning Board Chairman, William C. Ramsey:**

Pursuant to Executive Order dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law, a meeting of the Hingham Planning Board by remote participation by conference call was duly posted and scheduled for 7:00 pm on March 23, 2020. Such meeting experienced technical difficulty such that no members of the Board nor the public were able to participate. Therefore, the meeting was not opened and no business was conducted. Pursuant to 940 CMR 29.10(6)(d), the chair may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location (in this case, on the meeting call). Therefore, recognizing the unprecedented conditions which have resulted in the need for remote participation by all participants, and that technical difficulties make such participation in tonight's meeting impossible, I hereby suspend all matters set forth in the meeting agenda of the Planning Board for March 23, 2020, and continue all such matters to 7:00 p.m. on Thursday, March 26, 2020. This continued meeting, which will take place by remote participation by conference call, shall be duly posted on the Town of Hingham website in accordance with the Open Meeting Law and instructions for remote participation will be included in such posting. On behalf of the Planning Board, I extend my apologies for the inconvenience to those who wished to participate in tonight's meeting and ask for your understanding as the Town navigates these uncharted waters. Thank you.

<b>Hearing(s)</b>
-------------------

**7:00 PM      Call to Order**

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

25 Technology Place

Sarah Neff and Dave Roulier from Columbia Construction was present on the remote conference call. The applicant explained that they are seeking a waiver from site plan review for a commercial property at the Blue Cross Blue Shield building, stating that this area was a former day care space and they are looking to remove an outdoor play area which is about half grass and hardscape presently. They plan to remove about five feet of side walk and extend out about ten feet with pavers and some outdoor seating. The Board asked if it would be used at night and they explained it was just for during business hours for employee use.

Motion: William Ramsey made a motion to act favorably on the request to waive site plan review.

Second: Gary Tondorf-Dick

In Favor: William Ramsey, Judith Sneath, Gary Tondorf-Dick, Gordon Carr, and Kevin Ellis

Opposed: none

### **48 Pioneer Rd (126 Cushing St)**

Jeff Hassett from Morse Engineering and the applicant, Pat Blair of Harborview Development were present remotely for the hearing.

Jeff Hassett explained the desire to move the house ten feet from the approved location is due to the discovery of ledge in that area and to cut down on the amount of hammering needed. William Ramsey noted that the Board had received public comment from a direct abutter to the property, and said that he plans to hear the presentation and comments, but then thinks it will be best to continue the discussion.

Gary Tondorf-Dick asked if the applicant had done borings on the property to determine if there was ledge. Mr. Hassett said that borings were done, but not in the area where the ledge was found. Gordon Carr, Gary Tondorf-Dick, and Kevin Ellis stated that they agreed with William Ramsey that they need more time to discuss the applicant's request to modify the approved site plan. Pat Blair stated that if it was going to take more time, he could just go back to the original plan and would have to do more hammering to take care of the ledge. Maureen Devine, a direct abutter of 46 Pioneer Road was present remotely. Mrs. Devine stated that they object to the relocation of the house and that the noise is excessive. She stated that she feels the applicant is not in compliance with the decision. William Ramsey informed her that if she believes it is out of compliance, she should file a complaint with the Building Commissioner and file a noise complaint with the Police Department. Gary Tondorf-Dick noted that when this application was approved, he doesn't recall any discussion of ledge or hammering. Town Counsel Susan Murphy explained that the applicant has the right to withdraw the request to modify and to proceed under the original plan that has been approved.

Pat Blair stated he would like to withdraw the request and proceed under the original plan.

Motion: William Ramsey made a motion to accept the applicant's request to withdraw.

Second: Judith Sneath

In Favor: William Ramsey, Judith Sneath, Gordon Carr, Kevin Ellis

Opposed: Gary Tondorf-Dick

### **Form A Plan- Deborah L. Zildjian, 6-10 Martins Lane, Hingham, MA Lots 8 & 9**

Attorney Jeffery Tocchio was present remotely on behalf of the applicant. He explained that the property is made up of several lots that have been in the same family for a long time. The applicant's home is on Lot 1 and Lot 2 has a boat house and garage. Mr. Tocchio stated that the ANR plan is a land swap between the lots, resulting in a reduction of Lot 1 and an increase of frontage for Lot 2. The Board asked for clarification of the recalculation of the land area and making sure the numbers work keeping in mind the wetlands protection act. Jeff Tocchio explained that the numbers work and William Ramsey noted that Susan Murphy had reviewed the plan.

Motion: William Ramsey made a motion to act favorably to endorse the Form A plan.

Second: Kevin Ellis

In Favor: William Ramsey, Kevin Ellis, Gary Tondorf-Dick, Gordon Carr, Judith Sneath

Opposed: none

**William Ramsey stated for the record that the following matters will not have public comment, and will be continued to a later date when the meetings can be held in person.**

**W/S/M Hingham Properties LLC. - Derby Street Shoppes, 100 Derby Street - Request for Site Plan Review under § I-G and § I-I and a Special Permit A3 Parking Determination and/or Waivers under § V-A**

**Request to continue the hearing and extend the decision deadline**

Motion: William Ramsey made a motion to continue the hearing to April 13, 2020 and to extend the decision deadline to May 13, 2020.

Second: Gordon Carr

In Favor: William Ramsey, Gordon Carr, Judith Sneath, Gary Tondorf-Dick, and Kevin Ellis

Opposed: none

**Hingham Farmers Market - 95 OTIS STREET**

Request for a Special Permit A3 parking determination under §V-A and §I-J along with a Site Plan Review in Association with a Special Permit A2 under §I-G and §I-I of the Zoning By-Law and such other relief as necessary to allow for a modification to the existing permits including but not limited to a change in the location of the Farmers Market and vendor parking, and approval for 47 vendor spaces at the HINGHAM BATHING BEACH, 95 OTIS STREET, located in the Official and Open Space and Hingham Harbor Overlay Districts

**Request to continue the hearing and extend the decision deadline**

Motion: William Ramsey made a motion to continue the hearing to April 13, 2020 and to extend the decision deadline to June 13, 2020.

Second: Gary Tondorf-Dick

In Favor: William Ramsey, Gary Tondorf-Dick, Gordon Carr, Judith Sneath, and Kevin Ellis

Opposed: none

**99 South Street aka 93 South Street**

**Site Plan Review and Special Permit A3 for Cupcake Cafe**

**Request to Withdraw Without Prejudice**

Motion: William Ramsey made a motion to act favorably on the applicant's request to Withdraw Without Prejudice

Second: Judith Sneath

In Favor: William Ramsey, Judith Sneath, Gary Tondorf-Dick, Gordon Carr, and Kevin Ellis

Opposed: none

**6 Jordan Way – Site Plan Review under Section IV-B.6.b**

Request for site plan review for construction of a single family house

**Request to continue the hearing and extend the decision deadline**

Motion: William Ramsey made a motion to continue the hearing to April 13, 2020 and to extend the decision deadline to May 13, 2020.

Second: Gary Tondorf-Dick

In Favor: William Ramsey, Gary Tondorf-Dick, Judith Sneath, Kevin Ellis, and Gordon Carr

Opposed: none

**38 Jones Street – Preliminary Subdivision**

**Request to continue the hearing and extend the decision deadline**

Motion: William Ramsey made a motion to continue the hearing to April 13, 2020 and to extend the decision deadline to May 13, 2020.

Second: Kevin Ellis

In Favor: William Ramsey, Kevin Ellis, Gordon Carr, Judith Sneath, and Gary Tondorf-Dick

Opposed: none

### **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.

#### **Request to continue the hearing and extend the decision deadline**

Motion: William Ramsey made a motion to continue the hearing to April 13, 2020 and to extend the decision deadline to May 13, 2020.

Second: Gary Tondorf-Dick

In Favor: William Ramsey, Gary Tondorf-Dick, Judith Sneath, Gordon Carr, and Kevin Ellis

Opposed: none

### **Designate liaisons for zoning articles**

The Board discussed the proposed zoning articles for Town Meeting and designated liaisons as follows:

- Article BBB- Site Plan Review: William Ramsey, and alternate Gary Tondorf-Dick
- Article CCC- Downtown Hingham Overlay District: lead Judith Sneath, and alternate Kevin Ellis
- Article DDD- Abandonment and Discontinuance: The Board agreed to ask for a member of the Zoning Board of Appeals to be the lead and Gary Tondorf-Dick agreed to be the alternate
- Article EEE-Updating the floodplain map: lead Gordon Carr, and alternate Gary Tondorf-Dick

Susan Murphy updated the Board regarding information from the state during the Covid-19 Health emergency.

Gary Tondorf-Dick stated that he would like to make it a regular occurrence to hold site walks for most of these projects that come before the Board. William Ramsey agreed that site walks will be a good idea to schedule for the projects, once things return to regular business.

The next meeting is on April 6, 2020 and will also be held remotely.

As there was no other business, the meeting was adjourned at 7:55 PM.

Respectfully Submitted,

Sherry Robertson  
Administrative Assistant