

Board of Selectmen

May 19, 2020

Remote meeting via telephone conference call

Present:

- Board of Selectmen: Ms. Karen Johnson, Ms. Mary Power and Mr. Joseph Fisher
- Mr. Tom Mayo, Town Administrator
- Ms. Michelle Monsegur, Assistant Town Administrator

Call to order: 7:00pm

Ms. Johnson read the following statement:

“This meeting is being held remotely 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 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.”

Approval of the Minutes

Vote: Mr. Fisher made a motion to approve the minutes of the May 7, 2020 meeting. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Vote: Ms. Power made a motion to approve the minutes of the May 11, 2020 meeting. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Approval of the Minutes

Vote: Mr. Fisher made a motion to approve the minutes of the May 12, 2020 meeting. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

7:15 PM: Public hearing on the Transfer of the Restaurant Common Victualler All Alcoholic Beverages License and Pledge of License from Coggeshall Group, LLC d/b/a Crow's Landing to Locales Taco, LLC d/b/a Locales Tacos y Tequila

Jeff Tocchio stated that he was representing Locales Tacos, LLC, which will operate as Locales Tacos y Tequila at 6 Crow Point Place. He said that they are looking to transfer both the Section 12 license and the Common Victualler All Alcoholic Beverage License. The new owners plan to use the same number of chairs (54) as the restaurant who previously held the license. He said that Brian McLoughlin, of Seabird Coffee in Cohasset, will be new manager of the license. He gave a brief history of Mr. McLoughlin's work experience. Mr. Tocchio said that Locales Tacos intends to be a family-oriented, moderately-price restaurant with a Mexican theme and he noted that the Board had received a sample menu. The proposed hours on Friday and Saturday are 10am-12am and 11am-11pm Sunday-Thursday. He said that partners Brian McLoughlin and Douglas MacGregor plan to undertake some cosmetic changes to the interior, including a substantial upgrade to the bathrooms and kitchen totaling approximately \$130,000. He noted that Mr. McLoughlin is TIPS trained and has SafeServe and Allergy training certificates. Mr. Tocchio added that Mr. McLoughlin's business in Cohasset, Seabird Coffee, has been a great contribution to the downtown area in Cohasset and said that the owners are looking to make a similar contribution in Hingham. He also said that since 1999 there had been a restriction on the license, which did not allow use of the restaurant for lunch service on non-holiday weekdays. His clients are asking for that restriction not to be included in the new license and are requesting a Special Permit A3 from the Planning Board. He explained that past differences with regard to property lines and parking concerns would no longer be an issue because the restaurant and the building currently housing Richdale Foods were not under common ownership as they are now. He further explained that they are in the process of making their filing with the Planning Board and would like to proceed with the transfer of the license, stating that they will adhere to the restrictions of the Planning Board.

Ms. Johnson asked Mr. Tocchio if it was premature to ask for the transfer of the license since the Planning Board had not lifted that restriction yet and Mr. Tocchio felt that it was not. He added that the owners are in the process of making some grading and drainage improvements to the parking area, as well as some changes to the parking lot that would improve the design of travel lanes resulting in a greater number of parking spaces. Ms. Johnson had some concern with regard to transferring the license prior to the decision of the Planning Board.

Police Chief Olsson was in favor of the transfer of the license and was happy to hear of the parking improvements.

Mr. Fisher asked Mr. Tocchio to explain the impact of the prior ownership of the two properties versus the current joint ownership. Mr. Tocchio stated that the prior owners had a parking agreement that was not sufficient for the restaurant's non-holiday weekend lunch period. Because the two properties are now owned by the same family, the parking area can be reconfigured. Mr. Tocchio anticipated that the Planning Board would lift the restriction. Mr. Fisher asked if the new plan, including the lunchtime hours, was dependent on common ownership of the properties and, if so, the transfer of the license could be contingent upon that fact. Mr. Tocchio stated that he would not like to tie up the license like that.

Ms. Power commented that it is nice to see the location opening as another restaurant. She had similar concerns as the other Board members. Mr. Fisher said that he was inclined to carry over the prior restrictions, as was Ms. Power. Ms. Johnson said that she would like to hear the decision of the Planning Board prior to the Board of Selectmen's decision. Mr. Tocchio clarified that he would like to have the transfer of the license complete and would go through the process of amending the hours with the Planning Board. Ms. Sharon Perfetti of the Selectmen's Office updated the Board on the hours of the previous restaurant. There was consensus amongst the Board to obtain confirmation on the hours of operation and to vote at the May 26th meeting.

Mr. Ryan Fortin, current owner of Coggeshall Group, formerly d/b/a Crowe's Landing, stated that he is awaiting their certificate of compliance from the ABCC. He anticipated that he would receive this document before the meeting on May 26, 2020.

Town Warrant Planning Articles

Article BBB: Site Plan Review

Mr. Ramsey explained that this article proposes a reduction in land area from construction from 20,000 square feet to 5,000 square feet. Site plans would now be reviewed if they are 5,000 square feet or larger. He explained that the DPW, the Chief of Polies, and neighbors and abutters in different neighborhoods have brought to the attention of the Planning Board problems with smaller or medium size construction projects where land alteration is increasing erosion of sediments and increasing storm water runoff during construction. He explained that the storm water is not properly draining and is causing icing and blocked drains. This article proposes that it will now be the responsibility of the applicant to make sure that drains are not blocked. He said that the Planning Board felt that these erosion control methods are very important.

Police Chief Olsson added that the Police Department is concerned that larger homes on small lots can create difficulties with neighbors, traffic problems, erosion onto the street, problems with storm water runoff and ultimately add to expenses for the Police Department and the DPW.

Mr. Fisher asked about the application fees related to site plan review. Ms. Mary Savage-Dunham commented that the current charge for site plan review is \$500 and there is no cost for waivers. She noted that they are continuing to refine the site plan review process to include a limited site plan review. She explained that they are hoping to discover potential problems while still in the planning stages where applicant may ask for waivers prior to the start of construction. Mr. Ramsey added that they are also proposing a smaller administrative site plan review that would allow projects to proceed without a large-scale hearing.

Ms. Johnson expressed her concern regarding erosion control and storm water runoff during construction projects and asked how the Planning Board settled on the threshold of 5,000 square feet. Additionally, she was concerned that the administrative site plan review process was not a part of Article BBB. Mr. Ramsey explained that the figure of 5,000 square feet was decided upon after consideration of maps and data presented to the Board by Ms. Savage-Dunham. He also advised that they had talked about including the details of the administrative review in the Article and felt it may be

included in the future. Ms. Johnson expressed concern regarding assessing the full site plan review fee to smaller projects.

Ms. Diedre Anderson, Executive Director of the Historical Society, voiced her support of the Article and added that additional reviews are costly, not only to the homeowner but also to the Town.

Ms. Savage-Dunham added that the Planning Board has two thresholds that trigger site plan review including the following:

1. Alteration of drainage patterns over a steep slope, 2,500 square feet.
2. Alteration of a drainage pattern over steep slope, 20,000 square feet, which typically did not trigger site plan review in residential projects

She also explained that the Planning Board typically has more oversight on larger projects but that they sometimes get more complaints on smaller residential projects, prompting the Board to reduce the threshold. She further added that, at the 5,000 square foot threshold, 97% of the parcels in Town would be required, at the very least, to have a conversation with the Planning Board regarding erosion control. Ms. Johnson stated that she did not want this process to be overly burdensome to smaller projects. There was some additional discussion regarding the Zoning by laws and the administrative review of site plans and the delegation of such reviews to the Director of the Planning Department. Mr. Ramsey felt that the Planning Board would approve the delegation of such reviews. There was additional talk about the fairness of the project as well as the cost to residents in addition to the extra work it would cause for the Town.

Article CCC: Downtown Overlay District

Mr. Ramsey said that the intent of Article CCC is to clarify the requirements for mixed-use commercial/residential buildings in the Downtown Overlay District and provide a clear direction to applicants regarding the percentage requirements for first floor commercial within the Downtown Overlay district. He stated the following reasons for this article: a trend in the marginalization of the commercial requirements and a heavier emphasis on the residential for various reasons. He said that the Planning Board decided that not less than 65% of the linear width of the building facing the street should be used for commercial space and not less than 55% of this area should be on the ground floor. He also stated that, included in this Article is a stipulation that the ZBA could assert some discretion to reduce the percentage to 40% if the Planning Board determines that parking limitations forces an applicant to have less linear width or ground area or if the ZBA finds that the construction of the building is in conformity of the Overlay District. He added that they specifically included Station Street in this Article because it is not an accepted way and because they wanted the owners of Station Street buildings to have an opportunity to utilize both the front and back ground floors of their buildings.

Mr. Fisher asked to what extent the Planning Board took into account the need for some residential space on the first floor of buildings due to the limited mobility of the occupants. Ms. Savage-Dunham said that the Planning Board did discuss the need for access for these individuals in the form of a staircase or elevator and, in some cases, parking. Mr. Fisher commented that many of the buildings in the Downtown Overlay District would not accommodate an elevator because of their size or age.

Ms. Power asked if, during the course of the hearing on this article, if there was much participation from building owners. Mr. Ramsey said that there was considerable participation, which was mostly supportive. Ms. Savage-Dunham spoke to the collaborative nature of the discussion between the Planning Board and business owners.

Ms. Johnson added that she liked the flexibility included in the Article.

ARTICLE DDD: Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings

Mr. Ramsey stated that the Article more clearly states that a conforming Single-Family or Two-Family dwelling use might be reestablished in a dimensionally nonconforming structure that had been abandoned or discontinued (not used or occupied) for two years. He added that the purpose of the Article is to correct non-conformities. The amendment also restricts changes that could be made to the building or structure to those that maintain or improve the nonconforming dimensions and add or expand in compliance with the current height and yard requirements.

Mr. Fisher clarified that this Article applies only to residential structures and he commented that “abandonment” does not apply to demolitions. He was pleased with the language and felt the Zoning and Planning Boards did a good job on this Article.

ARTICLE EEE: Update Floodplain Map References

Mr. Ramsey explained that the intent of this Article is to update the Floodplain Map References to refer to the most current mapping from FEMA (the Federal Emergency Management Agency) as required as part of the town’s membership in the National Flood Insurance Program (NFIP). This article also serves to update the current map “Zoning Part B: Floodplain Protection Overlay District” with an updated map with the same title that shows the updated floodplain information. These are not discretionary updates, the updates proposed by this Article are necessary for the Town to remain in compliance with the NFIP and thus to make federal flood insurance available to residents.

Ms. Johnson asked if the by-law automatically update as the FEMA map is updated. Mr. Ramsey advised that this Article would allow the by-law to be updated and there was consensus that it would not. Ms. Johnson added that there is currently some pending legislation that would allow the Board of Selectmen to perform this update so it would not have to be done by Town Meeting. Mr. Mayo agreed and said that he had spoken to Joan Meschino and Pat O’Connor who are both advocating for this outcome at a hearing on Thursdays, May 21, 2020. Ms. Savage-Dunham clarified that, if the legislation passes, it would allow Hingham to be in compliance but the by-law change would still need to be approved by Town Meeting.

Hingham Harborwalk Historical Signage

Mr. Bruce MacAloney stated that he was before the Board of Selectmen about a year ago to discuss the first phase of Harborwalk signage and he is back to discuss three more signs. He that they have already received approval from the Trustees of the Bathing Beach, the Harbor Development Committee, the Hingham Historical Society, the Conservation Commission and the Historic Districts Commission. He explained that the signs discuss the following:

- Sign 2A will talk about the evolution of the waterfront. This sign will be placed near the bandstand looking out onto the inner harbor.
- Sign 2B will be placed near the Victory statue and will talk about Hingham's history of shipbuilding.
- Sign 2C will be located at the foot of North Street looking back up North Street and will talk about how Downtown Hingham has changed over time.

Mr. Fisher appreciated his work and noted that there will no illumination of these signs and Mr. MacAloney agreed. He added that the signs have a matte finish that is not highly reflective. Mr. Fisher also asked if the signage had been spell-checked. Mr. MacAloney explained that, in conjunction with Hingham High School, the signs have been checked for spelling and grammar.

Ms. Power appreciated the Harbor Development Committee for implementing this additional signage and felt that the signs would enhance the harbor area. She also liked the collaboration involved with the approval process as well as the collaboration with Hingham High School.

Ms. Johnson echoed Ms. Power's remarks and asked whether any of the signs will be placed on the property owned by the bathing beach. Mr. MacAloney advised that he has discussed this with Loni Fournier of the Conservation Commission and that the Trustees of the Bathing Beach have approved to location of the signs.

Mr. Bill Reardon expressed his gratitude to Mr. MacAloney for his work on this project during the last two years and added that the public could expect to see more signage in the future.

Vote: Mr. Fisher made a motion to to authorize the Harbor Development Committee to install three Harborwalk Historical signs on parcels under the care and control of the Board of Selectmen in Hingham Harbor consistent with the application to the Historic District Commission for a Certificate of Appropriateness dated April 16, 2020 provided there shall be no external lighting or internal illumination of these signs. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

It was noted that Town Administrator has the authority to waive the permitting fees related to the installation of the signage.

Public Comment: Dr. Dot Galo expressed her disappointment that there has not yet been any guidance from the Governor regarding events like Town Meetings. She asked the Board if they anticipated getting any guidance on Town Meeting and asked what other towns are doing regarding their town meetings. She also asked if people affected by the change to the Town's floodplain map have been alerted to the changes. Mr. Mayo said that there has been an outreach process. Ms. Johnson said that they are still working through a process to implement practices that would make residents feel safe attending Town

Meeting. She also commented that the Governor does not have any authority to regulate other legislative bodies, like Hingham's Town Meeting, and contemplated whether that was a reason he did not offer any guidance. She hoped that a process would be in place by the end of the week, which could position the Board to vote on the Warrant.

COVID-19 Update

Mr. Mayo gave the following update regarding the COVID-19 crisis:

"Reopening Plan

Yesterday, the Baker-Polito Administration published the [Reopening Massachusetts](#) plan developed by the Reopening Advisory Board. The goal of the four-phase reopening plan is to methodically allow businesses, services, and activities to resume while avoiding a resurgence of COVID-19 in the Commonwealth. I would encourage everyone to read the 29-page report if they haven't already. It's available on the state's website [mass.gov](#) and we have also posted a link to it on the Town's COVID-19 Update Center. The reopening plan is driven by public health data, which means that key public health metrics will determine if and when the state decides to proceed through the reopening phases. The state is tracing these six key public health indicators:

- COVID-19 positive test rate
- Number of individuals who have died from COVID-19
- Number of patients with COVID-19 in hospitals
- Healthcare system readiness
- Testing capacity
- Contact tracing capabilities

As of yesterday, Massachusetts is in Phase 1. The state is allowing organizations in the following sectors to reopen this week or next under new guidelines: construction, manufacturing, places of worship, car washes, hair salons and barbershops, laboratories, office spaces, pet grooming, and retail remote fulfillment and curbside pickup. There is also guidance on some outdoor recreation activities and resumption of health and human services. Detailed sector-specific guidance is available on the state's website.

In addition to implementing sector-specific protocols, all businesses must comply with the state's Mandatory Workplace Safety Standards before reopening in the appropriate phase of the plan. The Mandatory Workplace Safety Standards are designed to reduce the risk of COVID-19 transmission to employees and customers and are applicable to all sectors and industries. They cover social distancing, hygiene protocols, staffing and operations, and cleaning and disinfecting.

Businesses and organizations must self-certify that they have met the Mandatory Workplace Safety Standards, developed a COVID-19 Control Plan, and complied with applicable sector-specific protocols before they can reopen. Businesses currently providing Essential Services and businesses eligible to reopen in Phase 1 have until May 25, 2020 to comply with these new requirements.

We have included an online [COVID-19 Complaint Form](#) on our COVID-19 Update Center website where members of the public can report non-compliance issues observed at Hingham businesses and organizations with respect to the state's new Phase 1 requirements.

We know this is a lot to digest. Our local reopening team is reviewing the state's guidance and reaching out to different sectors of Hingham's economy to educate organizations about the new requirements and advise on compliance. We are meeting with representatives of Hingham's houses of worship tomorrow afternoon to talk through their specific concerns and procedures.

We also continue to work on our own plans to reopen Town facilities safely. During a call with municipal leaders this afternoon, Lt. Governor Polito noted that her team is working on guidance for how the state will manage its buildings, workforce, and public-facing services like the RMV, and that cities and towns may find this guidance useful in developing our own plans and procedures.

Our local reopening team is working on consolidating all state guidance as well as our internal procedures for Town facilities and organizing that information into one Hingham-specific reopening plan that our residents, businesses, and employees can reference. We will have more details to report on that next week.

We also continue to plan for Town Meeting. As of now, we are still planning for Town Meeting on June 22nd at 7pm. That plan is being evaluated against this new guidance from the state, plans in other communities, new and proposed state legislation, and other considerations. We have a meeting planned for tomorrow with Selectman Johnson, Town Moderator Michael Puzo, Town Clerk Eileen McCracken, and Town Counsel John Coughlin.

Governor Baker has indicated that each of the four phases of the reopening plan will last for a minimum of three weeks. If the data indicates significant increases in COVID-19 transmission, we may have to return to a prior phase or close sectors of the economy.

With restrictions and capacity limitations, the state expects:

- Phase 2 to include retail, restaurants, lodging, additional personal care services (nail salons and day spas), campgrounds, playgrounds and spray decks, public and community pools, all athletic fields and courts, and limited youth sports;
- Phase 3 to include bars, arts and entertainment (casinos, gyms, museums), all other businesses except for nightclubs and large venues, additional recreation and outdoor activities, and youth sports with games and tournaments with limited crowd sizes; and
- Phase 4 to include a full resumption of activity in a "new normal."

The state plans to publish guidance for sectors opening in later phases on its website in advance of those phases.

Lt. Governor Polito mentioned today that she expects guidance on summer camps will be posted next week, which will help our Recreation Department plan its programs.

Safer At Home Advisory

As for residents, we are currently operating under a “Safer At Home” Advisory, which means that everyone should leave home only for healthcare, permitted work, shopping, and outdoor activities. People over age 65 and people who have underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands. Frequent handwashing and social distancing remain critical, and face coverings are still required when a social distance of six feet cannot be maintained in public. Lt. Governor Polito stressed the idea of personal responsibility and asked everyone to do their part to make the reopening process successful.

COVID-19 Cases

In terms of the latest data, as of last Wednesday, DPH was reporting 223 laboratory-confirmed cases in Hingham. As of today, DPH is reporting 87,925 cases in Massachusetts, of which 7,198 are in Plymouth County. Please keep in mind that the numbers reported by the state are lower than the actual number of cases, because they only include those who have tested positive. A total of 476,940 people in Massachusetts have been tested to date. About 2.8% of reported Massachusetts cases are currently hospitalized. The number of hospitalized COVID-19 patients has been slowly decreasing since April 21, according to DPH data. Lt. Governor Polito’s team reported today that Massachusetts has been the third hardest hit state in the country in terms of COVID-19. We continue to stress the importance of taking precautions to prevent the spread of COVID-19 so we don’t erase the progress we’ve made thus far. As the number of new cases reported each day slows down and our Health Department receives assistance from the state’s Community Tracing Collaborative, our local COVID-19 response is shifting from contact tracing to focus more on working with businesses, employees, and members of the public to implement the state’s new reopening procedures.”

Update on Town Services

Ms. Michelle Monsegur gave the following update:

“Veterans Services

Last Friday morning, our Veterans Services Officer Keith Jermyn presented Police Chief Glenn Olsson with a memorial wreath in front of Town Hall in honor of Peace Officers’ Memorial Day to show our continued support for our officers and to honor those who lost their lives or were injured in the line of duty. This year’s ceremony had to be small due to the COVID-19 crisis, but our Veterans Services Department continues to find creative ways to mark these important occasions despite the circumstances.

Another example of that resourcefulness and spirit is the virtual Memorial Day celebration VSO Jermyn and Lisa Potts have organized in collaboration with Harbor Media. Residents can tune in to channels 9, 22, and 97 with Comcast or channels 29, 30, or 2131 with Verizon to watch the ceremony on TV on Monday at 11am. It will also be posted to Harbor Media’s YouTube page. The ceremony will feature remarks from local resident Jack Chapin, who graduated from Hingham High, served for over 30 years in the US Navy on both active duty and in the reserves, and now works for the Massachusetts Environmental Police.

This Sunday evening, the night before Memorial Day, you may notice that GAR Hall and the Veterans Memorial at Town Hall will be lit in gold light. Thanks to VSO Jermyn, HMLP's Paul Heanue, and the Town Hall team led by Jeff Pizzi, Hingham will participate in a statewide initiative to light up buildings and other structures in gold in recognition of Memorial Day and the Gold Star Families in our community.

Elder Services

Elder Services staff continue to conduct outreach calls to seniors in Hingham and make referrals for services. Staff are reporting an increase in medical transportation requests as medical appointments rescheduled from March are coming up. They are transporting seniors to critical appointments only at this time and are cleaning and disinfecting the vehicle between each trip. Staff are auditing existing Zoom classes and assisting in the development of new ones. They expect to have a "Ladies Coffee" meeting starting next Friday. There has been an increase in requests for social opportunities from seniors feeling the longer-term effects of isolation.

Library

The Hingham Public Library continues to offer online and remote services and resources. Staff can help you get a library card; find and access digital resources such as eBooks, audiobooks, music, and movies; learn how to use online programs like Zoom; or troubleshoot technology issues.

The Library is also offering online storytimes, coffee breaks to connect and chat with others, yoga, craft programs, technology classes, and more. Sign up for a virtual class, request an appointment for one-on-one help, get a library eCard, and learn about upcoming programs and digital resources at hinghamlibrary.org/online or by leaving a message at 781-741-1405."

Mr. Fisher thanked Mr. Mayo and Ms. Monsegur for their great reporting. He also asked if the Governor's guidance are minimum standards and that municipalities can implement more stringent guidance. Mr. Mayo agreed.

Selectmen/Town Administrator Reports

Ms. Monsegur: Nothing to report

Mr. Mayo: Nothing to report

Mr. Fisher: Nothing to report

Ms. Power reported that the MA Taxpayers Foundation upgraded their revenue projections for the State which to reflect the economic impact of the COVID-19 crisis and made known that the Town Forecast and the Financial Management Plan reflect their same numbers.

Ms. Power also reported that she had participated in a "Strong Towns" Zoom event called "Local Leaders Tool Kit: A Response to the Pandemic" and tomorrow she plans to participate in a MA Selectmen Association Leadership Conference and also Fitch conference called "The Coronavirus Impact on State and Local Governments."

Ms. Johnson stated that it is National EMS Week and acknowledged the work of Fire Chief Murphy and his paramedic team. She added that the advanced life-saving ambulance provides both an essential service to the Town as well as a form of revenue. She commented that it was particularly poignant this year to recognize their service to the Town during this challenging time.

She also recognized the Memorial Day Service and VSO Jermyn's efforts in producing a tremendous virtual program this year.

Ms. Johnson also echoed Ms. Power's sentiments regarding the Financial Management Plan and said that she was so proud of the level of detailed analysis included.

Vote: Ms. Power made a motion to adjourn. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Meeting adjourned at 9:04 pm

Documents: A complete meeting packet of supporting documentation is on file and available for public review in the Board of Selectmen's office.