

HINGHAM PLANNING BOARD

June 1, 2020 @ 7:00 PM

REMOTE MEETING

Present Remotely: Planning Board Members: **William Ramsey, Gordon Carr, Gary Tondorf-Dick, and Kevin Ellis**, Community Planning Director, Mary Savage-Dunham, Administrative Assistant Sherry Robertson

Absent: Judith Sneath

Planning Board Agenda

Revised Agenda

Remote Meeting information

Join Zoom Meeting <https://zoom.us/join>

Call in Number: 1-929-205-6099

Meeting ID: 825 4516 9946

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>. 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.

7:00 PM Call to Order

Form A Plan – 156 East Street/220 Summer Street

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 and such other relief as necessary to: 1) update the Special Permit for the Derby Street Shops with several new use categories including the primary designation of 4.17 Shopping Center; 2) to establish a parking determination for each of the above uses sought through the special permit update to the property; and 3) a Waiver of the Site Plan Review in Association with the Special Permit A2 Application because there are no physical changes being proposed to the Derby Street Shops property at this time, in association with a modification to the Special Permit A2.

Definitive Subdivision Plan- Southwood Pointe

Request for Rescission of the referenced subdivision and release of associated covenants as the subdivision was never constructed or commenced, and has expired as a matter of law. Moreover, portions of certain lots subject to the lapsed subdivision approval have subsequently been granted ANR approval; namely, those portions of the lots contains as part of the plan entitled “Approval Not Required Plan 141 Derby Street Hingham, MA Plymouth County”, dated August 27, 2013 and recorded with the Plymouth County Registry of Deeds as Plan No. 569 of 2013, Plan Book 58, Page 442.

Hingham Farmers Market - 95 OTIS STREET (formerly known as 31 Otis St)

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.

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

Request for waiver of Site Plan Review under § I-G and § I-I and a Special Permit A3 Parking Determination and/or Waivers under § V-A, and such other relief as necessary as part of an application to convert existing storage space for use as a function room, in the Office Park and South Hingham Development Overlay Districts.

James E. Bristol, III & David B Bristol, Trustees, Old Derby Nominee Trust: 306 & 392 Whiting 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, and such other relief as necessary as part of an application to update the existing facilities and construct new facilities, in association with a Special Permit A2 under Sections III-A, 4.9A and 4.12A of the Zoning By-Law, in the Office Park and South Hingham Development Overlay Districts.

REQUEST TO WITHDRAW WITHOUT PREJUDICE

Adoption of Minutes from Previous Meetings

Discussion of enforcement of approvals and conditions

Administrative Reports

Adjourn

Hearing(s)

Form A Plan – 156 East Street/220 Summer Street

Chairman William Ramsey stated that he and Town Counsel Susan Murphy discussed the Form A plan and she told him that the applicant made changes to the plan to address her concerns. Attorney Walter Sullivan spoke on behalf of the applicant and explained the changes that were made since the last hearing. Engineer Gary James highlighted areas on the plan to clarify the lot areas and to show the frontage more clearly. Gary Tondorf-Dick asked about access to one lot via the 4.5 foot path along the lot line, and Gary James explained that easements will exist. William Ramsey noted that the concern of the Board is if the plan fits the Form A requirements. Mary Savage-Dunham stated that the applicant will be returning at a later date for the Site Plan Review process which will be a good opportunity for them to explain the easements. William Ramsey stated that since the plan has Town Counsel Susan Murphy’s blessing, the Board should act on it.

Motion: William Ramsey made a motion to endorse the Form A plan for 156 East Street/220 Summer Street prepared by James Engineering.

Second: Gary Tondorf-Dick

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

Opposed: none

W/S/M Hingham Properties LLC. - Derby Street Shoppes, 100 Derby Street

Present remotely on behalf of WSM were Victoria Maguire and Sherri Schular. William Ramsey stated that having discussed the permit application with staff, they Board does not feel like they are ready to act on this application. The Board collectively agreed that it is important to get the language right and that continuing the hearing is a good idea. Victoria Maguire stated that she understood and agrees to continue the matter, requesting to continue to the next meeting.

Motion: William Ramsey made a motion to continue the Hearing to June 15, 2020.

Second: Gordon Carr

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

Opposed: none

Definitive Subdivision Plan- Southwood Pointe

Attorney Scott Golding was present to explain the request for rescission of subdivision for Southwood Pointe. He explained that it was an approved subdivision from 1991 that was never built. Town Counsel Susan Murphy shared her opinion that the approval has expired as a matter of law.

Motion: William Ramsey made a motion to act favorably on the request to rescind the subdivision for Southwood Pointe.

Second: Gary Tondorf-Dick

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

Opposed: none

Hingham Farmers Market - 95 OTIS STREET (formerly known as 31 Otis St)

Alan Perrault representing the Hingham Bathing Beach and Mark Cullings of Hingham Farmers Market were present remotely. Mary Savage-Dunham reviewed that at the last hearing the Board had asked the applicant to confer with the Trustees of the Bathing Beach and to look at the second entryway, handicap parking, and the parking table. Mark Cullings discussed Police Chief Olsson's concerns at the previous hearing and explained that they have eliminated the second entrance to avoid people walking on the swale. He noted the location of the handicap spaces. Allen Perrault commented that this works better to avoid people walking on the swale, and the efficiency of the layout is much better than it was before. The Board discussed the number of spaces indicated on the parking table for vendors and customers. William Ramsey thanked the applicants for their efforts, and asked if there were any public comments. Rita DaSilva asked for clarification of the number of parking spaces.

Motion: William Ramsey made a motion to waive Site Plan Review.

Second: Gary Tondorf-Dick

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

Opposed: none

Motion: William Ramsey made a motion to approve the Special Permit A3, subject to the findings and conditions discussed.

Second: Gordon Carr

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

Opposed: none

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

Attorney Jeff Tocchio was present remotely. He reviewed that the project involves converting a storage space to a function room for small functions. Mr. Tocchio explained that the amount of seats being used within the function area will then be removed from the restaurant area to keep the overall number of the seats the same. The Board agreed that as long as the seat swapping is being done, this seems like it will work.

Motion: William Ramsey made a motion to act favorably on the applicant's request to waive Site Plan Review.

Second: Gary Tondorf-Dick

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

Opposed: none

The Board then discussed the criteria for granting a Special Permit A3 parking determination. They discussed enforcement to make sure that the number of seats is not exceeded.

Motion: William Ramsey made a motion to approve the Special Permit A3, subject to findings and conditions.

Second: Gordon Carr

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

Opposed: none

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

The Board received a written request from the applicant to withdraw the application without prejudice.

Motion: William Ramsey made a motion to act favorably on the applicant's request to withdraw without prejudice.

Second: Gary Tondorf-Dick

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

Opposed: none

Adoption of Minutes from Previous Meetings

The Board reviewed the minutes of April 6, 2020 and May 4, 2020. Both sets of minutes were unanimously approved as written. Gary Tondorf-Dick abstained from voting on the minutes from May 4, 2020 as he was absent from that meeting.

Discussion of enforcement of approvals and conditions

Mary Savage-Dunham noted that enforcement happens when the office receives complaints regarding a project, and that the Building Commissioner goes out to inspect. She also stated that she often goes to inspect, and that the peer review engineer may go if needed. She stated that if there is a deviation from the approved plan, the applicant can apply to modify the plan and will have to come back before the Board, and that a certificate of occupancy will not be issued if a project does not comply with approvals. She also stated that at times there are minor field changes that are not significant.

Administrative Reports

The Board discussed the upcoming Town Meeting and agreed to meet remotely on June 18, 2020 to discuss the Planning Board's articles on the town warrant.

The Board also discussed some of the changes being implemented to Town Meeting in light of the current State of Emergency due to the Covid-19 crisis.

As there was no other business, the meeting was adjourned at 8:37 PM

Respectfully Submitted,

Sherry Robertson

Administrative Assistant