

HINGHAM PLANNING BOARD MINUTES

June 5, 2023 @ 7:00 PM

REMOTE MEETING

Planning Board Members Present Remotely: Kevin Ellis, Gordon Carr, Tracy Shriver, and Gary Tondorf-Dick

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner

Members Absent: Rita DaSilva

At 7:02 PM 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 2 of the Acts of 2023 and all other laws, 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) & Discussion

Climate Action Planning Committee Report

Chair Ellis noted that the first item on the agenda was a presentation of a draft report from the Climate Action Planning Committee.

Mr. Brad Moyer, chair of the Climate Action Planning Committee, provided a presentation and reviewed certain aspects of the draft report with the Board including action items suggested for the Board.

Member Gary Tondorf-Dick, also member of the Climate Action Planning Committee, added insight related to the Committee’s review process related to residential impacts.

Chair Ellis opened up for Board comments.

Mr. Moyer noted he would send the draft of the report to Town Hall staff to distribute to the Board.

Ms. Wentworth noted that the Planning office provided feedback related to the draft plan related to the Master Plan, which were incorporated into the plan.

Member Carr asked about the Committee’s analysis process related to embodied carbon. He also noted the importance of reconstruction and redevelopment rather than new construction.

Mr. Moyer explained the way in which embodied carbon is touched upon in the draft report.

Member Shriver noted construction trends in the context of the information presented.

457 Main Street Site Plan Review Waiver

Chair Ellis noted that the first item was an application of JJF Investments for a waiver of Site Plan Review under § I-I of the Zoning By-Law, to modify plans originally approved March 24, 2023 to remove a 29.5” caliper inch failing invasive tree at 457 Main Street in Residence District A.

The Applicant was not present at this time, and this item was moved to a later portion of the agenda.

213 & 215 Cushing Street Definitive Flexible Residential Development (FRD) & Site Plan Review

Chair Ellis noted that the next item on the agenda was an application of Bristol Bros. Development Corp. for Modification of a Definitive Subdivision, originally approved May 25, 1965, under the Subdivision Control Law and the Rules and Regulations of the Hingham Planning Board to construct a minor street, along with a Definitive Flexible Residential Development Review under § IV-D and Site Plan Review under § I-I of the Zoning By-Law for a Flexible Residential Development consisting of eight single-family dwellings

on 7.48± acres of land in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District.

Chair Ellis noted that this item needed to be continued due to a quorum issue of the Board.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to CONTINUE the applications of Bristol Bros. Development Corp. for Modification of a Definitive Subdivision, originally approved May 25, 1965, under the Subdivision Control Law and the Rules and Regulations of the Hingham Planning Board to construct a minor street, along with a Definitive Flexible Residential Development Review under § IV-D and Site Plan Review under § I-I of the Zoning By-Law for a Flexible Residential Development consisting of eight single-family dwellings on 7.48± acres of land at 213 & 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District to June 26, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

29 Jones Street Approval Not Required

Chair Ellis noted that the next item on the agenda was an application of Christine Collins and William Frazier for Endorsement of an Approval Not Required (ANR) plan under the Subdivision Control Law at 29 Jones Street in Residence District C.

Chair Ellis further noted that this application was related to the next item on the agenda which was an application for Site Plan Review at 5 Woodbine Lane, as the two properties abut one another.

Mr. Brendan Sullivan, engineer for the Applicant of Merrill Engineers & Land Surveyors, presented the application to the Board.

Member Tondorf-Dick asked clarifying questions about frontage as well as whether or not the proposed Parcel A was a buildable lot.

Mr. Silveira and Ms. Wentworth provided clarifying information in accordance with MGL Chapter 41 Section 81P. Ms. Wentworth noted that the plan was missing information identifying the proposed Parcel A as “not a buildable lot.”

The Board determined that information to the effect Ms. Wentworth’s comment was needed in order to act on the application.

The Applicant requested to withdraw the application without prejudice in order to resubmit a proper plan identifying the proposed Parcel A as “not a buildable lot.”

Kevin Ellis made a motion, seconded by Gordon Carr, to APPROVE the Applicant’s request for withdrawal of the Approval Not Required Form A submission for 29 Jones Street without prejudice.

The motion passed unanimously by roll call vote.

5 Woodbine Lane Site Plan Review

Chair Ellis noted that the next item on the agenda was an application of Harborview Development for Site Plan Review under § I-I of the Zoning By-Law to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 5 Woodbine Lane in Residence District C.

Mr. Brendan Sullivan, engineer for the Applicant of Merrill Engineers & Land Surveyors, presented the application to the Board.

Mr. Patrick Brennan, the Board’s peer review engineer of PGB Engineering, reviewed his comments on the application and noted satisfaction with all plan revisions.

Chair Ellis invited Board comments/questions.

Member Tondorf-Dick asked a clarifying question about the nonconforming frontage of the parcel.

Mr. Sullivan noted that the lot is a preexisting nonconforming lot with respect to frontage along Woodbine Lane.

Mr. Silveira further clarified that there was no change with respect to frontage and that no nonconformity was being further reduced and no new nonconformity was being created as a result of the reconstruction project.

Member Tondorf-Dick asked for examples of previously approved Site Plan Review projects before the next meeting where the property was preexisting nonconforming with respect to frontage.

Member Carr asked Mr. Brennan for clarifying information about the septic system, to which Mr. Brennan explained that reason why the septic system is proposed where it is, is because of the soil conditions.

Chair Ellis asked questions related to tree protection and the Critical Root Zones of Protected Trees, to which Mr. Brennan clarified that work would be outside of the Critical Root Zones.

Chair Ellis invited public comment.

Nancy Bettinger, 43 Jones Street, asked questions related to drainage. Mr. Sullivan reviewed the stormwater system design in response.

Elizabeth and Nicholas Roegner, 39 Jones Street, asked questions related to construction sequencing and privacy. Mr. Sullivan reviewed the construction schedule and mitigation of privacy during construction.

Chair Ellis requested a Landscape Plan to address privacy along the property line ahead of the next hearing.

Heidi Visser, 7 Woodbine Lane, provided commentary and questions related to construction traffic and stormwater. Mr. Brennan reviewed the stormwater requirements during the Site Plan Review process.

Chair Ellis asked for the traffic flow to be looked at and maybe adding language related to this as a condition of approval.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to CONTINUE the application of Harborview Development for Site Plan Review under § I-I of the Zoning By-Law to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 5 Woodbine Lane in Residence District C to June 26, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

457 Main Street Site Plan Review Waiver

Chair Ellis returned to an application of JJF Investments for a waiver of Site Plan Review under § I-I of the Zoning By-Law, to modify plans originally approved March 24, 2023 to remove a 29.5" caliper inch failing invasive tree at 457 Main Street in Residence District A.

Ms. Alexandra Flood, Applicant, reviewed the waiver request.

Chair Ellis asked if the tree was in the Tree Yard, to which Ms. Flood responded that it was not.

Member Tondorf-Dick asked if there was a plan to replace the tree to be removed, to which Ms. Flood noted it would not be replaced.

Based on the information submitted and presented during the hearing Chair Ellis made the following proposed finding:

That the proposed modification does not materially or adversely affect conditions governed by the Site Plan Review Design and Performance Standards set forth in § I-I of the Zoning By-Law; as such, the project constitutes a minor modification of the Site Plan Approval, issued March 24, 2023.

Kevin Ellis made a motion, seconded by Gordon Carr, to WAIVE Site Plan Review under § I-I, 9 of the By-Law in connection with the 29.5" Norway maple tree removal at 457 Main Street in Residence District A.

The motion passed unanimously by roll call vote.

Other Business

Chair Ellis commented that site visits of current or future applications should take place after revised plans are submitted to the Board rather than going to a site where a different version are proposed.

The Board reviewed a number of meeting minutes and minor edits from member Tondorf-Dick.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to approve the meeting minutes of the Planning Board for the May 1, 2023, April 25, 2023, April 4, 2023 as amended by Gary Tondorf-Dick in his submission to staff, March 24, 2023, March 13, 2023, November 14, 2022 as amended by Gary Tondorf-Dick in his submission to staff, August 29, 2022, October 24, 2022, November 7, 2022, August 22, 2022, October 17, 2022, October 12, 2022, August 8, 2022, July 11, 2022, September 12, 2022, June 28, 2022, April 30, 2022, and April 26 2022, as reviewed and commented by the Board.

The motion passed unanimously by roll call vote.

Chair Ellis made a motion to adjourn at 8:47 PM, seconded by Tracy Shriver.

The motion passed unanimously by roll call vote.

Meeting Materials:

Agenda Summary, dated June 2, 2023

457 Main Street

Waiver Request, received May 30, 2023

Tree Risk Assessment

Image 1

Image 2

Image 3

Site Plan

29 Jones Street

Form A Application, received June 1, 2023

Form A Plan, dated May 31, 2023

5 Woodbine Lane

Site Plan Review Application, received April 18, 2023

Site Plan, dated April 13, 2023

Architectural Plans, dated February 27, 2023

Stormwater Report, dated April 14, 2023

Site Plan, revised May 1, 2023

Response to Comments, dated May 15, 2023

Site Plan, revised May 15, 2023

Stormwater Report, revised May 15, 2023

Architectural Plans, revised May 16, 2023

Ledge and Landscape Information, received June 2, 2023

P. Brennan Peer Review Report, dated May 10, 2023

P. Brennan Peer Review Report, dated May 15, 2023

P. Brennan Peer Review Note, dated May 16, 2023