

HINGHAM PLANNING BOARD MINUTES

June 6, 2022 @ 7:00 PM
REMOTE MEETING

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

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner; Susan Murphy, Special Real Estate Counsel

Members Absent: Rita DaSilva

At 7:03 p.m. 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 20 of the Acts of 2021 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)

Chair Ellis stated the first matter was **Joseph Mahoney’s application for Endorsement of an Approval Not Required Plan for 170 & 174 Chief Justice Cushing Highway.**

Mr. Paul Gunn, Morse Engineering, represented the applicant. Mr. Gunn gave background on the two lots on the proposed land, the land conveyance of Parcel A to Lot 2, and Parcel B to Lot 1. Mr. Gunn stated there was no change to frontage.

Chair Ellis asked for Member comments.

There was discussion regarding certain lot measurements.

Based on the information submitted and presented during the hearing Chair Ellis MOVED to endorse, pursuant to MGL c. 41 § 81P, the plan entitled “Plan of Land,” for the property located at 170 & 174 Chief Justice Cushing Highway, prepared by Morse Engineering Co., Inc., 10 New Driftway, P.O. Box 92, Scituate, MA, dated May 27, 2022.

Second: Gordon Carr

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

Opposed: None

Chair Ellis stated that the next matter was **Daria and Jessie Johnson’s Site Plan Approval application for 66 Burditt Avenue** to demolish and reconstruct a pool house, pool, terrace, planter walls, sport court, parking area, stone veneer wall, fencing and other improvements at the property located in the Residence A District.

Ms. Rebecca Verner, Gregory Lombardi Design, presented on the applicant’s behalf.

Ms. Verner presented the photometric plan and outlined updates to the plan since the first hearing, which included moving the sports court, change in light fixtures and vegetation.

Chair Ellis asked for Member comments.

There was discussion regarding the tree canopy, plantings, acoustic mitigation, fencing, lighting, caliper of trees in the conservation area and abutters notices.

Chair Ellis asked for abutter comments. There were none.

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

- a. The proposed development will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development, as conditioned by this Approval, meets all applicable Design and Performance Standards.

And MOVED to GRANT the application of Daria and Jessie Johnson for Site Plan Approval with waivers under § I-I of the Zoning By-Law to demolish and reconstruct a pool house, pool, terrace, planter walls, sport court, parking area, stone veneer wall, fencing and other improvements at 66 Burditt Avenue in Residence District A, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a Building Permit.
3. Limits of Work; Tree Protection Areas. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved.
4. Outdoor Lighting. Lights on the sports court poles shall be shielded to mitigate light encroachment onto the adjacent property to the west.
5. Setbacks. No structures, including light posts, basketball hoops, or fencing greater than 6' in height, shall be located within required setbacks.
6. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and tree protection areas during construction and the approved drainage and stormwater system installed for the project, as well as the condition of the tree protection areas. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
7. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
8. Maintenance of Protected and Replacement Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Ellis stated that the next matter was **Brian Roberts on behalf of 10 Howe Street LLC's application for a waiver of Site Plan Review for 10 Howe Street** under § I-I of the Zoning By-Law and such other relief as necessary to modify plans approved November 5, 2021 to raze and reconstruct a single-family dwelling at 10 Howe Street in Residence District A. Chair Ellis stated the matter was continued from May 23, 2022.

Mr. Gunn represented the applicant. Mr. Gunn gave background on the approved Site Plan and stated the applicant was requesting waivers. Mr. Gunn outlined changes to the Site Plan which included changes to trees, fencing, utility connection locations and pervious walkways.

Chair Ellis asked for Member comments.

There was discussion regarding the 14" caliper tree that had been removed, trees that are shown on existing condition survey plans generally and cedar versus vinyl fencing.

Based on the information submitted and presented during the hearing Chair Ellis proposed the following finding: That the proposed modifications do 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 November 5, 2021.

And Chair Ellis MOVED to WAIVE Site Plan Review under § I-I, 9 of the By-Law in connection with the landscaping and utility modifications at 10 Howe Street in Residence District A.

Second: Judith Sneath

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

Opposed: None

Chair Ellis stated the next matter was **Board Reorganization and Committee Assignments**.

Board Members thanked Chair Ellis for his service as Chair.

There was discussion regarding transitioning the Chair and Clerk roles. Member Carr volunteered to serve as Clerk. Member Sneath volunteered to serve as Chair. Member Tondorf-Dick stated he wanted to remain on the Climate Action Committee. There was discussion regarding: Members providing updates on various committees at a future meeting; the Traffic Committee; Community Preservation Committee; the Route 3A Task Force; and voting on roles and assignments at the next meeting when Member DaSilva would be present.

Chair Ellis stated the next matter was a **joint meeting with the Conservation Commission regarding the Foster School project** at 8:00pm.

There was a brief recess.

Chair Ellis re-opened the meeting and Members Carr, Tondorf-Dick, Sneath and Ellis were present.

Crystal Kelly, Chair of the Conservation Commission opened the Conservation Commission meeting and Commissioners Kelly, Villanova, Neilson and Mosier were present. Conservation Officer Emily Sullivan was also present.

Planning Board Chair Ellis stated the next matter would be **55 Downer Avenue, the Foster Elementary project**. Chair Ellis stated the pre-application meeting had been requested by the applicant.

Linda Hill, Chair of the School Building Committee, gave a brief overview of the project and process to date.

Chair Ellis introduced Susan Murphy, Special Real Estate Counsel. Attorney Murphy provided background regarding what the Planning Board and Conservation Commission roles and authority through the application processes would be.

Mr. Gene Raymond, RDA, introduced members of the project team and discussed: net zero ready plans for building; site enabling; timeline; floodplain; site attributes; constraints and opportunities; development program to meet current and future needs; alternative site options; on-site development options; existing conditions and resource areas.

Mr. Andy Street of Vertex, Civil Engineers, discussed: site survey; geotechnical work; wetlands flagging; traffic studies; existing conditions; resource areas; buffer zone impacts and mitigation; and utilities.

Ms. Lynne Giesecke discussed the exterior program; site accessibility; hard and soft-scape; shared community space; driving loops for cars, buses and vans; and indoor/outdoor connections.

Mr. Raymond discussed: car queuing; gates; three phases of project; cut and fill analysis; traffic impacts; zoning analysis; massing; and elevations.

Conservation Commission Chair Kelly thanked the applicants for their presentation. Chair Kelly requested plans showing the outline of the 2070 floodplain with elevations and extent of proposed grading, and requested details regarding the Kleinfelder Report.

Mr. Ray Estes gave background on the Kleinfelder Report and discussed future potential flooding impacts.

There was discussion with the Conservation Commissioners regarding floodplain delineation; mechanical equipment location on second floor as no basement; location of the stormwater system; raingardens; saturation and stability of fill soil; increased frequency of severe storms; pests; and rationale for not selecting one of the optional site locations referenced in the presentation.

Chair Ellis asked for Planning Board Member comments.

There was discussion regarding site circulation; construction impacts; stormwater management; timelines; current and future student enrollment considerations; traffic circulation; use of fields off hours; MSBA guidelines; police and fire input; vulnerabilities due to the rise of sea level and storm surge and the resulting expansion of the floodplain; hydrological studies and storm surge considerations; security of building as planned relative to shootings and vulnerability of the perimeter given the number of entrances and drive configuration; tree removal and mitigation; proposed wall details; traffic flow and impact to play areas during phases of project and sidewalks.

Chair Ellis stated public comments could be submitted in writing or taken during application process.

Chair Ellis thanked the applicants.

Conservation Committee Chair Kelly MOVED to adjourn the Conservation Committee meeting.

The Conservation Commission meeting adjourned at 9:32 pm.

In Favor: Crystal Kelly, Carolyn Nielson, Nina Villanova, Robert Mosher
Opposed: None

Chair Ellis stated that the Planning Board next matter was adoption of the **May 23, 2022 Meeting Minutes**.

Chair Ellis asked for Member comments. There were none.

Chair Ellis MOVED to adopt the May 23, 2022 Meeting Minutes of the Planning Board as presented.

Second: Gordon Carr

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

Opposed: None

There was discussion regarding obtaining a basic peer review of the Foster School project in advance of the application; the finalization of the Master Plan and upcoming meetings.

Chair Ellis MOVED to adjourn the Planning Board meeting at 9:39 pm.

Second: Gary Tondorf-Dick

In Favor: Gordon Carr, Judith Sneath, Kevin Ellis

Opposed: None

Respectfully submitted,
Tracy L. Altrich
Community Planning Assistant

Meeting Materials:

170 & 174 Chief Justice Cushing Highway

1. *Form A Application, dated May 17, 2022*
2. *Plan, dated May 27, 2022*

66 Burditt Avenue:

1. *R. Verner Letter Regarding Application, dated April 14, 2022*
2. *Application for Site Plan Review, dated April 14, 2022*
3. *Existing Conditions Plan, dated August 8, 2020*
4. *Land Management Plan, updated February 22, 2022*
5. *Site Plans, dated April 12, 2022*
6. *Updated Application for Site Plan Review, received May 10, 2022*
7. *P. Brennan Review Letter to Planning Board, dated May 13, 2022*
8. *R. Verner Response to Peer Review Letter, dated May 18, 2022*
9. *Design and Performance Standards Narrative, dated May 18, 2022*
10. *P. Brennan Updated Peer Review Letter to Planning Board, dated May 19, 2022*
11. *Updated Site Plans, dated May 18, 2022*
12. *Conservation Grading Plan*
13. *Conservation Tree Removal Plan*
14. *Order of Conditions, dated October 15, 2020*
15. *Stormwater Operation and Maintenance*
16. *Waiver Request Letter from R. Verner to Planning Board, dated May 23, 2022*
17. *Updated Site Plan Review Application, dated May 23, 2022*
18. *Fire Marshal Comments, dated May 23, 2022*
19. *Filed Continuation Request, dated May 25, 2022*
20. *Supplemental Plans, dated June 1, 2022*
21. *P. Brennan Updated Review Letter to Planning Board, dated June 2, 2022*

10 Howe Street:

1. *Cover Letter and Application, dated May 24, 2022*
2. *Site Plan, dated May 24, 2022*
3. *Notice of Decision, dated November 5, 2021*
4. *Approved Site Plan, dated October 20, 2021*

55 Downer Avenue, Foster Elementary School Pre-Application:

1. *RDA Permitting Overview, dated May 31, 2021*