

HINGHAM PLANNING BOARD MINUTES

June 26, 2023 @ 7:00 PM

REMOTE MEETING

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

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

Members Absent: None

At 7:01 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

155 Otis Street Site Plan Review

Chair Ellis noted that the first item on the agenda was an application of Dania and Peter Matheos 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 155 Otis Street in Residence District A.

Chair Ellis stated that the Applicant requested a continuance of the application to July 10, 2023 to allow for additional time for revisions to plans.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to CONTINUE the application of Dania and Peter Matheos 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 155 Otis Street in Residence District A to July 10, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

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 to allow for additional time for legal review of the condo documents.

Kevin Ellis made a motion, seconded by Rita DaSilva, 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 July 10, 2023 at 7 PM and extend the decision deadlines to July 31, 2023.

The motion passed unanimously by roll call vote.

**16 & 0 Bishops Lane
Definitive Subdivision**

Chair Ellis noted that the next item on the agenda was an application of The Young Family Trust for Definitive Subdivision Plan Approval under the Subdivision Control Law and the Rules and Regulations of the Planning Board to create four residential lots to be served by a Minor Street at 16 and 0 Bishops Lane in Residence District A.

Chair Ellis noted for the record that Gary Tondorf-Dick and Rita DaSilva were not present at the initial hearing on this application, but viewed the recording and filed Mullins Affidavits in order to participate in the subsequent hearings. He also noted that the Applicant requested a continuance to the July 10, 2023 hearing to allow for additional time for revisions. Chair Ellis felt that July 31, 2023 would be a more appropriate date to continue to in order to allow for staff, peer review engineers, and the Board to review revisions as well as to conduct a site visit.

Board members agreed with Chair Ellis.

Kevin Ellis made a motion, seconded by Gordon Carr, to CONTINUE the application of The Young Family Trust for Definitive Subdivision Plan Approval under the Subdivision Control Law and the Rules and Regulations of the Planning Board to create four residential lots to be served by a Minor Street at 16 and 0 Bishops Lane in Residence District A, to July 31, 2023 at 7PM.

The motion passed unanimously by roll call vote.

**10 Martins Cove Lane
Site Plan Review Waiver**

Chair Ellis noted that the next item on the agenda was an application of Deborah Zildjian for a waiver of Site Plan Review under § I-I of the Zoning By-Law, to modify plans originally approved May 17, 2021 to construct a 180 SF addition to an existing boathouse, remove invasive plants and hazardous trees, reconfigure the raingarden, and make minor changes to the parking and landscape areas at 10 Martins Cove Lane in Residence District C.

Don Rose, engineer for the Applicant, presented the application to the Board.

Chair Ellis invited Board comments/questions.

Member Tondorf-Dick asked about the boathouse addition with relation to the 50' buffer under the Conservation Commission. Mr. Rose clarified that another representative from the project team was currently at the Conservation Commission meeting to review their application.

Member DaSilva asked about the seasonal use of the boathouse, to which Mr. Rose confirmed that it would be a seasonal use.

Chair Ellis invited public comment. There was none.

Based on the information submitted and presented during the hearing Chair Ellis made the following proposed 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 May 17, 2021.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to WAIVE Site Plan Review under § I-I, 9 of the By-Law in connection with the boathouse addition and sanitary service, removal of invasive plants and hazardous trees, raingarden reconfiguration, and parking and landscaping modifications at 10 Martins Cove Lane in Residence District C.

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 and noted the changes on the plan that differ from the withdrawn version from the previous meeting. These changes consisted of a note on the plan deeming Parcel A not a buildable lot on its own as well as a note stating the purpose of the plan.

Chair Ellis invited Board comments/questions.

Member Tondorf-Dick asked clarifying questions about frontage and the 1950s lot creation.

Chair Ellis invited public comment. There was none.

Kevin Ellis made a motion, seconded by Gary Tondorf-Dick, to endorse, pursuant to MGL c. 41 § 81P, the plan entitled "Plan of Land, 29 Jones Street, Hingham, 02043 Massachusetts," for the property located at 29 Jones Street, prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated June 14, 2023.

The motion passed unanimously by roll call vote.

5 Woodbine Lane Site Plan Review

Chair Ellis the next item on the agenda concurrently with the 29 Jones Street ANR application. The 5 Woodbine Lane item 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, noted the discussions with the neighbors following the first public meeting on this application and pointed out the agreements made and clarification discussed with the neighbors.

Chair Ellis invited Board comments/questions.

Member Tondorf-Dick asked about the proposed ledge removal, to which Mr. Sullivan noted that it would either be chipped or blasted depending on what is discovered on site once work begins.

Chair Ellis invited public comment. There was none.

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

- a. The proposed development, as conditioned by the Approval, 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 meets all applicable Design and Performance Standards.

Kevin Ellis made a motion, seconded by Tracy Shriver, to GRANT the application of Harborview Development for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.g and I related to a Landscape Plan, Site Lighting Plan, and Transportation Impact Analysis, to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 5 Woodbine Lane in Residence District C, subject to the following conditions:

1. Proof of Recording. The Applicant shall file a certified copy of this decision, the Approval Not Required (ANR) Plan to be endorsed, entitled "Plan of Land, 29 Jones Street, Hingham, 02043 Massachusetts," and the deed granting Parcel A shown on the ANR Plan to the owner of 5

Woodbine Lane, in the Registry of Deeds and provide evidence of such recordings 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. Inspection of the protective barriers shall be required before issuance of a Building Permit.
4. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. Construction vehicles shall turn right when exiting the premises and travel counterclockwise around the cul-de-sac.
5. 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 the approved drainage and stormwater system installed for the project. 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.
6. Plan Revisions. Prior to a certificate of occupancy, the Applicant shall submit a Landscape Plan to the Community Planning Department to demonstrate native and adequate plantings proposed for the site.
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 Trees. Each Protected Tree retained 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.

The motion passed unanimously by roll call vote.

Master Plan Implementation Committee Update and Appointments.

Chair Ellis invited Member Carr to take the lead on the next item as the Chair of the Master Plan Implementation Committee.

Member Carr provided an update to the Board regarding recent discussions with the Select Board about the Master Plan Implementation Committee (MPIC) and who he felt would be a good fit to serve on the Committee. He noted that the Select Board nominated Select Board Chair Liz Klein to serve on the Committee. He also mentioned four former members of the Master Plan Committee who expressed interest in joining the MPIC including Nancy Kerber, Jerry Seelan, Deirdre Anderson, and Liza O'Reilly. He also noted that Nancy MacDonald from the Advisory Committee has also expressed interest, leaving two vacancies to be filled.

Board members were pleased with the selections mentioned.

Emily Wentworth reviewed the terms of each appointment as being one year, with the exception of the Chair and the Select Board member which are a two year term.

Gordon Carr made a motion, seconded by Kevin Ellis, to appoint Liz Klein, Nancy Kerber, Jerry Seelan, Deirdre Anderson, Liza O'Reilly, and Nancy MacDonald to serve on the Master Plan Implementation Committee.

The motion passed unanimously by roll call vote.

Reappointment of Mary Anne Donaldson to Historic Districts Commission

Chair Ellis moved to the next item on the agenda which was to reappoint Mary Anne Donaldson to the Historic Districts Commission (HDC).

Michael Silveira reviewed the Planning Board's role which is to nominate a regular member and an alternate member to the HDC. The Board reappointed Justin Aborn last year to serve as the regular designee from the Planning Board as the voting member for another 3 year term. Mary Anne Donaldson is presently the alternate designee from the Planning Board and is up for reappointment as an alternate member for another 3 year term.

Board members were in favor of this nomination.

Kevin Ellis made a motion, seconded by Rita DaSilva, to nominate Mary Anne Donaldson for reappointment by the Select Board for a 3-year term in accordance with the Town of Hingham General By-Laws Article 28, adopted pursuant to MGL c. 40C, Section 4.

Minutes

Board members decided to table minutes to the next meeting.

Other Business

Emily Wentworth reviewed scheduling over the next month.

Chair Ellis made a motion to adjourn at 7:49 PM, seconded by Gary Tondorf-Dick.

The motion passed unanimously by roll call vote.

Meeting Materials:

Agenda Summary, dated June 23, 2023

155 Otis Street

Request to Continue, dated June 21, 2023

213 & 215 Cushing Street

Continuance and Extension Request, dated June 22, 2023

16 & 0 Bishops Lane

Continuance Request, dated June 22, 2023

10 Martins Cove Lane

Waiver Request, received June 20, 2023

Proposed Modifications Plan, dated June 7, 2023

Landscape Plans, dated May 25, 2023

Supporting Photos

Approved Plans, dated May 5, 2022

29 Jones Street

Form A Application, dated June 15, 2023

ANR Plan, dated June 14, 2023

Referenced Plans

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
Applicant Response to Abutters at 39 Jones Street, dated June 22, 2023
Applicant Response to Abutters at 7 Woodbine Lane, dated June 22, 2023
Applicant Response to Abutters at 43 Jones Street, dated June 22, 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