

HINGHAM PLANNING BOARD MINUTES

August 14, 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 7:00 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

102 Downer Avenue

Site Plan Review Waiver

Chair noted that the first item on the agenda was a request from Matthew and Stacey Corson for a waiver of Site Plan Review under § I-I of the Zoning By-Law to modify plans originally approved February 23, 2023 to increase the size of the proposed pool and make retaining wall modifications at 102 Downer Avenue in Residence District A.

Mr. Paul Seaberg, engineer for the Applicant, presented the request to the Board.

Mr. Pat Brennan, the Board’s civil peer review engineer, noted his review of the project and his satisfaction with the modification.

Member Tondorf-Dick asked about stormwater runoff from the roof and into the pool and the purpose for the additional retaining wall proposed. Mr. Brennan reviewed the stormwater changes again and Mr. Seaberg noted the addition of the wall was for aesthetic landscaping purposes.

Member Carr echoed Member Tondorf-Dick’s question about runoff into the pool.

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 February 23, 2023.

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 increase in size of the proposed pool and retaining wall modifications at 102 Downer Avenue in Residence District A.

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 a continued 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 Member DaSilva and Member Tondorf-Dick were absent at the initial substantive hearing on the application, but that they each filed a Mullins Affidavit prior to the hearing, making them eligible to participate on the application panel.

Chair Ellis noted that no vote would be taken at this hearing, but that rather the Board would hear about the revised plans and outstanding materials as well as updates from the peer review engineers.

Ms. Keller Deb Keller, engineer for the Applicant, presented the revisions and waiver requests to the Board.

There was back and forth discussion between Ms. Wentworth and the Applicant as to whether or not a waiver of the right-of-way width of the existing portion of Bishops Lane would be required. It was decided that a waiver would be necessary.

Mr. Jeffery Dirk, traffic peer review engineer for the Board, and Mr. Pat Brennan, civil peer review engineer for the Board, presented their updated reports.

Member Carr asked Mr. Dirk for clarification regarding the effect of a waiver to allow the 10% grade would have if requested, the drainage system depth, and if a condition of approval could be imposed to the effect of a note in the HOA about the depth for future homebuyers. The peer review engineers responded to Member Carr's questions and Mr. Brennan thought the condition made sense.

Member DaSilva asked if a sidewalk could be placed on the side of 2 Bishops Lane because much of their driveway would be removed, privacy for abutters, landscaping, and lighting.

Ms. Keller noted that a tree inventory was still being prepared and reviewed the street lighting as shown on the plans.

Mr. Young noted that the sections of driveways that would be removed are within the right of way and not owned by the individual property owners.

Member Shriver agreed with Rita's comments.

Member Tondorf-Dick talked about the Climate Action Plan and looked forward to seeing the tree inventory plan. He noted that the Climate Action plan recommended that the existing tree canopy be preserved to mitigate heat island impacts that exacerbate global warming. He noted concern about the vernal pool observation and report performed in May and that observation and documentation should be performed in the wet season before March.

Member Tondorf-Dick expressed concerns regarding the significant cut and excavation on proposed access road for deep storm water drainage and vibration. He noted the Town Engineer Mr. Frey's correspondence regarding concerns regarding the placement of roadway and maintenance of such a deep storm drainage infrastructure.

Member Tondorf-Dick expressed concerns about the impacts of this project on the scale and character and structures of the historic homes in this Lincoln Historic District Extension.

Priya Howell, 26 Del Prete Drive, commented about drainage and concurred with the Town Engineer's comments related to drainage. She commented on the sidewalk waiver and vernal pool concerns.

Ms. Keller noted that no additional trees were removed in a recent test pit excavation. She also noted that they received a review of the vernal pool which notes that the site did not qualify as a vernal pool.

Craig Shames, 6 Bishops Lane, noted concern with child safety and property values.

Dick and Pam Amster, 237 & 239 South Street, asked when the tree inventory was going to be ready and was concerned about the drainage, sidewalk, and safety during construction.

Mr. Young showed historical photos identifying the tree cover.

Mr. Silveira reviewed the street tree inventory requirement under the Subdivision Rules and Regulations.

Kaja and Dan Fickes, 2 Bishops Lane, echoed comments noted by Board members and abutters.

Nicole and Matti Makela, 248 South Street, echoed comments noted by the Board members and abutters, and stressed the impact with respect to historic preservation.

Ginger Winslow, 166 Central Street, noted her concern with the project and historic preservation.

Priya Howell, 26 Del Prete Drive, asked for clarification regarding access to the proposed drainage lot.

Ms. Keller reviewed the design of the drainage lot.

Chair Ellis requested that the Applicant provide responses before the next meeting to staff and abutter comments as well as a proposed construction schedule.

Mr. Young noted the current conditions of his existing driveway and emergency access.

Chair Ellis asked Mr. Brennan if there was any information that could be provided to note the impact of blasting.

Mr. Brennan said he would look to see if there were any such studies that existed.

Member Tondorf-Dick requested a geotechnical report.

Chair Ellis asked the Applicant to discuss this with Planning staff.

Member Carr asked for a rationale for the 10% waiver if requested. He also asked the Applicant to review the areas of the existing driveways on Bishops Lane that would be taken as a result of the widened roadway.

Mr. Young reviewed the plan.

Nicole Makela, 248 South Street, noted that the plans do not show the landscaping on abutting properties.

Member Tondorf-Dick was concerned about what the cost of drainage infrastructure would be in 50 years. He also asked about adverse possession for the abutters.

Chair Ellis noted that adverse possession is not within the purview of the Planning Board.

Member Shriver echoed previous Board comments.

Member Carr asked if the construction schedule was for the roadway or the entire development.

Mr. Young stated it was just for the roadway.

Nancy Perry, 226 South Street, echoed the concerns of the neighbors and asked if a new gas line was proposed. She further noted that she felt it should be a requirement of the approval.

Mr. Young noted that there is an existing line.

Chair Ellis noted that such a requirement is outside of the Board's purview.

Matti Makela, 248 South Street, echoed concerns about vibrations of blasting with respect to the house foundation.

Kevin Ellis made a motion, seconded by Rita DaSilva, 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 September 11, 2023 at 7PM and extend the decision deadline to October 10, 2023.

The motion passed unanimously by roll call vote.

65 Bradley Hill Road Site Plan Review

Chair Ellis noted that the next item on the agenda was an application of Goose Holdings LLC 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 65 Bradley Hill Road in Residence District A.

Mr. Paul Seaberg, engineer for the Applicant, presented the application to the Board.

The Board's peer review engineer, Pat Brennan, explained his review of the project, noting satisfaction.

Member Tondorf-Dick asked if stormwater would be contained on the lot and asked an abutter to comment on the Linden tree on their property.

Mr. Brennan reviewed the stormwater design again.

Mr. James Wechesler, 60 Bradley Hill Road, provided additional information about the Linden tree.

The Board agreed to impose a condition requiring protective tree fencing for the Linden tree.

Member Carr asked for the history of the project and why it is in front of the Board.

Mr. Seaberg responded that during the construction process, the developer exceeded the Site Plan Review threshold. Mr. Silveira confirmed that this was the case.

Member DaSilva confirmed the plan for landscaping.

Brendan Murphy, 119 Thaxter Street, noted his previously submitted written comments related to stormwater overflow and asked for clarification regarding tree removal.

The Board agreed to impose a condition requiring confirmation that all trees are accurately shown.

Melissa Smith, 111 Thaxter Street, provided comments related to the building permit process.

Member Tondorf-Dick asked for clarification again about the project history.

Mr. Matt Murmes, the Applicant, explained the history of the project.

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 Rita DaSilva, to GRANT the application of Goose Holdings LLC for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.I. related to a Site Lighting Plan and Transportation Impact Analysis, to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 65 Bradley Hill Road in Residence District A, subject to the following conditions:

1. Proof of Recording. 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. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit a revised plan to the Community Planning Department to confirm all trees 6" in caliper or greater on the property and to show protective fencing 20' from the Linden tree along the southerly property line.
4. 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.

5. 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.
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 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.
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.

Lot 2 Vineyard Lane Site Plan Review

Chair Ellis noted that the next item on the agenda was an application of Goose Holdings LLC for Site Plan Review under § I-I of the Zoning By-Law and in accordance with a Certificate of Action dated January 19, 2023, as amended, to construct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at Lot 2 Vineyard Lane in Residence District B.

Mr. Paul Seaberg, engineer for the Applicant, presented the application to the Board.

The Board's peer review engineer, Pat Brennan, explained his review of the project.

Member Tondorf-Dick asked about stormwater runoff and drainage easements.

Mr. Seaberg reviewed the stormwater design again.

Mr. Brennan noted that the drainage easements are offsite for the drainage lot overflow drain reviewed during the subdivision process.

Chair Ellis invited public comment. There was none.

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

- a. **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.**

The project provides for adequate site drainage via the proposed stormwater infiltration system infrastructure. An existing fence at the adjacent property at 265 Gardner Street provides

screening from the new dwelling, in addition to an existing tree line along the northerly and easterly property lines. The newly proposed trees will also provide additional screening of the new dwelling. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans approved January 19, 2023.

- b. Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles.**

The project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans approved January 19, 2023.

- c. Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law.**

The project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

- d. Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District B. Furthermore, the proposed landscape plan identifies installation of five new trees and other shrubs and plantings.

- e. Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**

A silt sock is proposed as a perimeter erosion control barrier around the downgradient limits of work and a construction entrance is shown at the location of the proposed driveway entrance.

- f. Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources.**

A new septic system will serve the dwelling in addition to water, gas, and underground electric and communication utilities.

- g. Assurances of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system.**

Runoff from the driveway will direct to a sand filter for treatment and then discharge to a subsurface infiltration system consisting of concrete chambers surrounded by crushed stone. Runoff from the roof of the dwelling will also discharge into the subsurface infiltration system.

- h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.**

Based upon PGB Engineering's review, implementation of best management practices with the stormwater design are sufficient and are in accordance with section g. above.

- i. **Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations.**

While there is no tree removal proposed, the landscape plan shows five new trees to enhance the natural features of the site.

- j. **Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.**

The proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

Chair Ellis made a motion, seconded by Gary Tondorf-Dick, to GRANT the application of Goose Holdings LLC for Site Plan Approval under § I-I of the Zoning By-Law and in accordance with a Certificate of Action dated January 19, 2023, as amended, with a waiver of a submittal requirement under § I-I, 4.i. related to a Site Lighting Plan, to construct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at Lot 2 Vineyard Lane in Residence District B, 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. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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 during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
5. 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.

The motion passed unanimously by roll call vote.

Minutes

The Board tabled minutes to a future meeting.

Other Business

Ms. Wentworth provided updates related to staffing vacancies in Town Hall and on potential zoning amendments.

Member Tondorf-Dick asked if the Kleinfelder was considered with respect to the floodplain updates and if there was an appetite for a lot coverage by-law.

Ms. Wentworth noted that the floodplain updates are set by FEMA. She also noted that with the MBTA communities potential zoning amendment and the other zoning amendments that there is no staff capacity this year to take on such a significant amendment.

Kevin Ellis made a motion to adjourn at 10:27 PM, seconded by Gordon Carr.

The motion passed unanimously by roll call vote.

Meeting Materials:

Agenda Summary, dated August 11, 2023

102 Downer Avenue

Application Cover Sheet, received August 9, 2023
Explanation of Modifications, dated August 7, 2023
Site Plan Modification, dated July 27, 2023
Stormwater Report, revised July 27, 2023
Stormwater Report, revised August 8, 2023
P. Brennan Peer Review Note, dated August 7, 2023
P. Brennan Peer Review Note, dated August 8, 2023

16 & 0 Bishops Lane

Form C Application, dated March 28, 2023
Plan Set, dated March 24, 2023
Waiver Requests, dated March 28, 2023
Stormwater Report, dated March 24, 2023
Board of Health Comments, dated March 29, 2023
Conservation Officer Comments, dated May 1, 2023
Town Engineer Comments, dated May 12, 2023
Continuance Request, dated June 22, 2023
Fire Department Improvements Memo to Fire Marshal, received July 11, 2023
Updated Waiver Requests, dated July 14, 2023
Response to Comments, dated July 14, 2023
Site Plans, revised July 14, 2023
Stormwater Report, revised July 14, 2023
Fire Prevention Officer Comments, dated July 17, 2023
Continuance and Extension Request, dated July 25, 2023
Bishops Lane History
Soil Evaluation Form, dated July 28, 2023
Emergency Vehicle Turning Sketch, dated July 28, 2023
Memo from Historical Administrator, dated July 20, 2023
Public Comment from N. Makela, dated April 30, 2023
Public Comment from K. and D. Fickes, dated May 8, 2023
Public Comment from K. and C. Shames, dated May 8, 2023
Public Comment from W. Collins, dated May 10, 2023
Public Comment from J. McGuire, dated May 10, 2023
Public Comment from P. Howell, dated May 12, 2023
Supplemental Photo from P. Howell
Supplemental Map from P. Howell
Public Comment from K. and D. Flaherty, dated May 13, 2023
Public Comment from N. Perry, dated May 14, 2023
Public Comment from S. Galvin, dated May 15, 2023
Public Comment from K. and P. Gallacher, dated May 15, 2023
Public Comment from S. Clark and C. Whitlock, received May 16, 2023
Public Comment from J. and C. Gilfoy, received May 16, 2023
Public Comment from E. Cornetta, received May 16, 2023
Public Comment from A. and M. Bucciari, dated May 24, 2023
Public Comment from B. and H. Invernizzi, dated June 14, 2023
Public Comment from P. Howell, dated July 26, 2023
Public Comment from N. Makela, dated July 31, 2023
Public Comment from P. and D. Amster, received August 14, 2023
Video from P. and D. Amster, received August 14, 2023
Public Comment from V. and K. Winslow, received August 14, 2023
Additional Public Comment from V. and K. Winslow, received August 14, 2023
J. Dirk Peer Review Report, dated May 1, 2023
P. Brennan Peer Review Report, dated May 10, 2023
J. Dirk Peer Review Report, dated July 24, 2023
P. Brennan Peer Review Report, dated August 8, 2023

65 Bradley Hill Road

Site Plan Review Application, received June 15, 2023
Site Plans, dated June 20, 2023
Landscape Plan, dated July 6, 2023

Architectural Plans, dated September 6, 2022
Stormwater Report, dated July 5, 2023
Continuance Request, dated July 28, 2023
Design and Performance Standard Narrative, received July 31, 2023
Response to Comments, dated July 28, 2023
Stormwater Report, revised July 27, 2023
Site Plans, revised July 28, 2023
Public Comment from J. Wechsler, received August 1, 2023
Public Comment from B. Murphy, received August 11, 2023
Stormwater Report, revised August 11, 2023
Site Plans, revised August 11, 2023
P. Brennan Peer Review Report, dated July 20, 2023
P. Brennan Peer Review Report, dated July 31, 2023

Lot 2 Vineyard Lane

Site Plan Review Application, received July 6, 2023
Site Plans, dated June 28, 2023
Architectural Plans, dated May 23, 2023
Stormwater Report, dated July 6, 2023
Landscape Plan, dated July 6, 2023
Response to Peer Review Comments, received July 31, 2023
Stormwater Report, revised July 27, 2023
Site Plan, revised July 27, 2023
P. Brennan Peer Review Report, dated July 20, 2023
P. Brennan Peer Review Report, dated July 31, 2023