


TOWN OF HINGHAM
PLANNING BOARD

Certified Mail # 7018 1830 0002 1508 3483

NOTICE OF DECISION
Site Plan Review in Association with a Special Permit A2

Applicant: REB, LLC
P.O. Box 948
Hanover, MA 02339

Project Site: 11 Bank Ave, 103 & 105 North Street
Hingham, MA 02043

Deed Reference: Book 49863 Page 104; Book 4906 Page 258

Plan References:

“Site Plan Set 103 & 105 North Street and 11 Bank Avenue, Assessor Map 61 Lots 46 and 48, Hingham, MA 02043”, prepared by Cavanaro Consulting, prepared for JS Barry Development, LLC, PO Box 948 Hanover, MA 02339, dated 4/15/19, revised to 5/23/19, 6 sheets.

Landscape Plan, 103-105 North Street, Hingham, MA, prepared by Sean Papich, 1 sheet, and dated April 26, 2019, revised to May 22, 2019.

Bank Ave Photometric Plan dated 3/19/19. Revised to 3/20/19, Rev. 6, prepared by illuminate, 1 sheet.

“Ground Floor Plan” dated April 1, 2019 prepared by Strekalovsky Architecture Inc., prepared for 11 Bank Ave- Hingham, MA, 1 sheet.

PROCEEDINGS

On April 25, 2019, REB, LLC (“Applicant”) filed an application (“Application”) for a Special Permit A2 under §§ I-F and III-G.6 of the Zoning By-Law, along with Site Plan Review under §§ I-G and I-I and a Special Permit A3 Parking Determination and/or Waivers under §§ III-G and V-A, and such other relief as necessary to construct a Commercial/Residential Building at property known as 11 Bank Ave, 103 & 105 North Street, in Business District A and the Downtown Hingham Overlay District.

A public hearing of the Planning Board was duly noticed and opened on May 21, 2019, then continued to June 18, 2019 and July 15, 2019 when it was closed and the application was acted upon. The Applicant was represented by John Cavanaro, Cavanaro Consulting; Sean Papich, Papich landscape architecture; Attorney Walter Sullivan; Vcevy Strekalovsky, Architect;



McMahon Associates, Traffic Engineering; and John Barry, Applicant. The Planning Board hearings were conducted by William Ramsey, Gordon Carr, Kevin Ellis and Gary Tondorf-Dick. Associate Member Ted Matthews was seated on the Special Permit A3. Regular member Judy Sneath was recused from this matter. Gary Tondorf-Dick completed a Mullins Affidavit for the May 21, 2019 hearing and Kevin Ellis completed a Mullins Affidavit for the June 18, 2019 hearing. The Planning Board consulted with John Chessia, Chessia Consulting (civil engineering) and Jeffrey Dirk, Vanasse and Associates, (traffic engineer) who acted as a consultants to the Planning Board pursuant to Section I-I (2) of the Zoning By-Law.

BACKGROUND AND DISCUSSION

These properties located at 11 Bank Ave, 103 & 105 North Street originally had a combined area of 1.41 acres and are in the Business District A and the Downtown Overlay District. A 21,843 square foot portion of the parcel known as "Parcel B" was split off of the development parcel and will be transferred to an abutter in a separate transaction. The balance of the site is ~39,582 square feet and that is the area proposed for this development activity. The site was previously developed with two smaller buildings (currently the leather shop and one residential unit with garage below) and a 9 unit residential building. The proposal includes the demolition of the two smaller buildings and the construction of a mixed use commercial/residential structure containing ~1,750 square feet of commercial space and 8 one bedroom residential units with structured parking for the residential units. The Historic Districts Commission reviewed this project extensively and issued a Certificates of Appropriateness for the project on January 10 and May 16, 2019. The Board stated that they give great deference to the Historic Districts Commission and their decisions with regard to the building size. The Planning Board had the project reviewed for civil engineering as well as parking and traffic considerations. This site is considered a partial redevelopment with regard to the design of the storm water system. The project as designed will reduce the volume of water flowing towards North Street and provide the required treatment. The Board heard and was mindful of public comment during the process, both in writing and at the hearings. The Board heard testimony on an existing deed restriction on the property but ultimately found that the restriction did not preclude the Board from acting on the applications before it. The Board discussed the site design and potential impacts on the abutters at length. The landscape plan was reviewed in depth and plantings will be installed to provide screening for all parties. The lighting plan shows no light spill off site. The Board was concerned about the eastern property line and in particular how the construction would proceed without impacting the existing stone wall or large locust trees. Ultimately the Board determined that a detailed and engineered construction plan relative to the demolition of the eastern structure and a portion of the retaining wall and refortification of that portion of the site would be needed prior to the start of work because most of the retaining wall is not on this property and it is said to be very old. The Boards discussed the internal site circulation and traffic patterns entering and exiting the site in depth. The site circulation will be one way with the eastern driveway serving as the exit from the site as it was determined to be the safer of the two driveways for vehicles to use to exit the site. Both driveways on site will be widened to 14'. The parking for the new residential units will be provided internal to the new building. The parking for the commercial use and the existing residential building will be provided on site with the 25% reduction allowed in the Business District A. The Applicant had requested a waiver from the requirement to provide a loading space. The Board, in discussing the site circulation and proposed uses, indicated a preference for loading and deliveries to occur internal to the site as possible. The Applicant noted that the commercial use would be able to schedule deliveries for off peak hours. The dumpsters will be internal to the building and a smaller vehicle would access the site to empty them. The Board then discussed the loading space requirement in the By-law Section V-

A. c & e and determined that a partial waiver of this requirement is needed because the loading space is internal to the site but could possibly temporarily obstruct vehicles maneuvering on site either accessing parking spaces or traveling through the site. The on-site loading area is to be striped and provided adjacent to the bollards and will be used by small box trucks only. The Board felt the loading space would be infrequently used and consideration of the final design as proposed and modified during the hearings was appropriate. The Board expressed a concern that the construction process not have a negative impact on the adjacent merchants with regard to traffic flow and maintaining parking for the retail customers and discussed options to ensure this over the construction period.

FINDINGS - SITE PLAN REVIEW

Based on the information submitted and presented during the hearing, and subject to satisfaction of the conditions set forth below, the Board made the following findings under Section I-I, 6 of the By-Law:

- 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 Board found that the photometric plan was reviewed and shows no light spill, and that new plantings are proposed to help screen abutters and provide privacy.

- 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 Board found that traffic and circulation was reviewed by the Town's peer review engineer, Jeffrey Dirk, with final comments dated May 13, 2019. Mr. Dirk states that the project can be accommodated within the confines of the existing transportation infrastructure with appropriate conditions. The Board noted that the Applicant has acknowledged during the hearings that there is no right to use Bank Ave to access 11 Bank Ave. In a letter dated June 3, 2019 the Applicant stated the intent to gain access during construction and thereafter to 11 Bank Ave exclusively through the way constructed over and upon 103 & 105 North Street.

- 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 Board found that a Special Permit A3 is required for a partial waiver of Section V-A.5.c & e (loading space). The Board also found that in accordance with the By-law, 8 spaces are provided for the new residential use; 7 spaces are provided on site for the commercial use, and 14 spaces are provided for the 9 existing 1 bedroom units.

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

The Board found that a landscape plan prepared by Sean Papich dated April 26, 2019 was reviewed during the hearing process and provides substantial new plantings as part of the project.

e. adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

The Board found that the dumpsters are proposed to be located internal to the building.

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;

The Board found that the Fire Department letter of May 8, 2019 indicates the current plan has demonstrated adequate turning radius for the fire apparatus.

g. assurance of positive storm water 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 storm water 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 Storm Water Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.

The Board found that the project has been reviewed by Chessia Consulting and the applicant has resolved all substantive comments. The project includes retaining walls which have not been fully designed yet. Additional data on the Erosion Control Plan is needed prior to construction and/or demolition for Standard 8. The O & M plan should include data in plan form regarding BMPs and snow storage areas. The proprietary system proposed in the parking lot to meet Storm water Standard 4 for TSS removal has not had any independent testing and has not been approved by other agencies listed by DEP. For this reason the Board finds that the drainage design shall be modified to meet the standards utilizing another system.

h. 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;

The Board found that there are two large Locust trees upon abutter premises which should be protected from damage during construction. One of these is a street tree. There is a stone retaining wall along the eastern property line that enters onto the property to be developed adjacent to the building proposed for removal (carriage house). Prior to demolition a detailed construction plan must be engineered to show how the demolition will take place without impacting the wall of the abutters, and, what the finished construction will be to ensure that the retention functionality is not compromised and all required Building Permit and staff reviews of the wall are applied for.

i. minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.

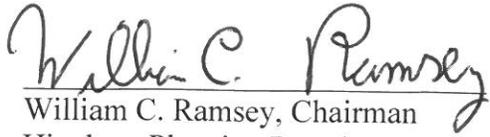
The Board found that The Historic Districts Commission reviewed this project extensively and issued Certificates of Appropriateness for the project on January 10 and May 16, 2019. The Board also found that this project started out as a larger and more massive structure not in keeping with the area. Through the process the proposal has been scaled back.

VOTE AND CONDITIONS

Upon a motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board voted to Approve Site Plan Review in association with an application for a Special Permit A2 for the redevelopment of 11 Bank Ave and 103 & 105 North Street as presented at the hearings and as shown on the plans titled "Site Plan Set 103 & 105 North Street and 11 Bank Avenue, Assessor Map 61 Lots 46 and 48, Hingham, MA 02043", prepared by Cavanaro Consulting, prepared for JS Barry Development, LLC, PO Box 948 Hanover, MA 02339, dated 4/15/19, revised to 5/23/19, 6 sheets; the "Landscape Plan, 103-105 North Street, Hingham, MA", prepared by Sean Papich, 1 sheet, dated April 26, 2019, as revised; and the "Bank Ave Photometric Plan" dated 3/20/19, Rev. 6, prepared by illuminate, 1 sheet, based on the findings and subject to the following conditions:

1. The stop sign at the exit from the site shall have "do not enter" on the back side of it.
2. The Applicant shall extend in a flush manner cobblestones or pavers to visually differentiate between the two travel ways entering the site.
3. The applicant acknowledges that there is no right to use Bank Ave to access 11 Bank Ave. The Applicant shall therefore gain access during construction and thereafter to 11 Bank Ave exclusively through the way constructed over and upon 103 & 105 North Street.
4. The Location and quantity of bicycle parking must be shown on the plans prior to construction.
5. The Applicant is responsible for working directly with the Police Chief or his designee to discuss and coordinate police details during the demolition and construction process.
6. To the extent that there is a need to accommodate an occasional delivery by a large truck, whether for tenant moves or for the commercial spaces, the property manager will coordinate with the Police Department to obtain the necessary permits and approvals to allow temporary use of on-street parking
7. During construction all materials, staging areas, deliveries, equipment off-loading and dumpsters shall be located on site.
8. The Applicant must coordinate construction traffic with existing residents to minimize disruption to the merchants and residents.
9. Construction worker vehicles shall be parked on site. Any offsite parking of construction worker vehicles shall require approval of the Board of Selectmen.
10. The Applicant will incorporate infrastructure for at least one electric vehicle charging station into the Project.
11. The construction plan shall incorporate a landscape sequencing schedule for installation of plantings.
12. The existing sewer service must be cut and capped by a licensed drain layer prior to demolition and a video inspection of the existing service must be performed prior to the connection to ensure the integrity of the service is sound, per May 14, 2019 email from Steve Dempsey.
13. Test pits witnessed by a representative of the town are required prior to construction of the proposed subsurface systems.

14. Prior to start of construction the drainage system design shall be revised to meet the Storm water Standards and provided for final review of the peer review engineer.
15. Gutter downspouts and pipes capacity shall be reviewed and sized for the 100 year storm.
16. Retaining walls must be designed by a structural engineer and submitted as part of the building permit application.
17. At least two weeks prior to the start of work the Applicant shall coordinate with the Planning office to schedule a preconstruction meeting with staff including members from DPW, Planning, Zoning, Historic, Police, Fire, Building, and BOH. Regular job meetings shall continue for the project duration and the schedule for these meetings will be discussed and agreed upon at the preconstruction meeting. The abutters shall be included in the job meeting correspondence & scheduling. The construction site must be fenced in as well.
18. Prior to construction an Erosion Control Plan with the data detailed in the Chessia Consulting letter of June 12, 2019 be provided for review and approval. This plan must include erosion protection at all roof downspout outlets. Applicant shall also submit a final set of plans showing all pertinent details, as requested.
19. The O&M plan shall be revised to include data on BMPs and snow storage areas in plan form. Further, prior to the issuance of the first Certificate of Occupancy an O&M Plan for ongoing maintenance shall be provided to the Town and the Building Department.
20. Prior to the issuance of the first Certificate of Occupancy the Homeowner's Association documents and/or O & M plan shall be recorded at the registry of deeds.
21. The Applicant shall perform the illicit discharge assessment prior to the application for a building permit.
22. Prior to the start of demolition and/or construction the Applicant shall install construction fencing along the length of the eastern property line to prevent parking, vehicular trespass, and disturbance of the land and stone wall of the abutter. This installation will be inspected by staff prior to the start of work.
23. Prior to the start of demolition and/or construction a detailed construction survey & plan must be engineered and submitted to the building, planning and zoning departments to show the existing condition of the wall, how the demolition will take place without impacting the wall of the abutters, and, what the finished construction will be to ensure that the retention functionality is not compromised. The town shall have the construction plan/structural survey of the existing wall peer reviewed at the Applicant's expense. In addition all required Building Permits related to the wall must be in place.
24. The Applicant team or representative must coordinate with the adjacent abutters in the development and review of this detailed construction plan.
25. Prior to the start of demolition work the applicant shall install construction fencing in front of the Locust trees on the eastern property line and use extreme caution during construction to prevent damage to the trees and the existing retaining wall.
26. The eastern driveway upon 103-105 North Street shall be widened to the west to protect the trees prior to the start of demolition activity.
27. During construction use of the eastern driveway shall be minimized to the greatest extent possible to mitigate impacts on the abutters and the trees.



William C. Ramsey, Chairman
Hingham Planning Board
EXECUTED this 22nd day of July, 2019

Votes:

In favor: Ramsey, Carr, Ellis, Tondorf-Dick

Opposed: none

Cc: Clerk; ZBA; Fire; Police; Sewer Department; Assessor; DPW; Building; BOH; J. Chessia; J. Cavanaro; J. Dirk; V. Strekalovsky; S. Papich; W. Sullivan; S. Girardi, HMLP.