

Minutes
Regular Meeting

June 27, 2016

HINGHAM PLANNING BOARD
June 27, 2016 @ 7:00 PM – Central North

Present: Planning Board Members, **Judith Sneath, Chairman, Sarah Corey, Jennifer Gay Smith and Gary Tondorf-Dick.** Also present: Community Planning Director, Mary Savage-Dunham and Dolores DeLisle, Administrative Assistant

Planning Board Agenda

- 7:00 PM **John Paul Comella: 207 Lincoln Street**
Site Plan Review in association with a proposed modification to a Special Permit A2 under Section I-G and I-I of the Zoning By-Law, with a request for partial waiver of submittal requirements, and a Special Permit A3 (parking determination) under V-A (2) to re-approve an outdoor seating patio for 50 additional restaurant seats, where 50 were previously approved, property zoned Business B.
- 7:30 PM **Definitive Subdivision: 901 Main Street**
Application of Gerry Rankin for a residential subdivision at property known as 895-901 Main Street to create 4 residential lots, and 2 smaller non-residential lots, property zoned Residence B
- 8:00 PM **Lewis Court Definitive Subdivision:** Request for Release of Lot #2
- 8:05 PM Discussion of Planning Board Nominees for Historic Districts Commission Vacancy

Old/New Business:

1. Review and Adoption of Minutes
2. Administrative Reports

Hearing(s)

- 7:05 PM **John Paul Comella: 207 Lincoln Street**
Site Plan Review in association with a proposed modification to a Special Permit A2 under Section I-G and I-I of the Zoning By-Law, with a request for partial waiver of submittal requirements, and a Special Permit A3 (parking determination) under V-A (2) to re-approve an outdoor seating patio for 50 additional restaurant seats, where 50 were previously approved, property zoned Business B.

Ms. Sneath, Chair, called the meeting to order, and outlined the application before the Board. Applicant, John P. Comella presented the project which is the proposed completion of the outdoor patio on the east side of the building. The intent is to have 50 outdoor restaurant seats, consistent with the previous 2007 approval. The patio will be accessed by patrons from inside the restaurant, and there will be no live entertainment or waitress station outside. The patio hours would mirror the restaurant hours. Lighting will be provided by strings of lights as needed, which are not expected to shine off site. There is ample lighting provided by an adjacent street light. The patio is pitched to the east, and a infiltration trench parallel with the eastern property line will extend the length of the patio and is designed to capture runoff. Adjacent to the infiltration trench there will be a mulch planting bed, and then the 6' PVC fencing. The Board reviewed Sheet SP001 with regard to the fencing, infiltration trench, and landscaping. The Board discussed the 13' access at the northeast corner that the Fire Department would like kept open for emergency access. Mr. Comella indicated there was a 4' access gate in the patio fence on that side of the patio for access as well. The Board reviewed the 2007 decision and associated conditions and discussed safety concerns around vehicular traffic and pedestrians in the area. The Board noted that there is now a new telephone pole installed between Lincoln Street and the patio, with some landscaping. The Board reviewed recent photographs of the site

showing current conditions. There will also be a fence enclosing the entire patio, and the fencing along the eastern property line extends to the right of way. Otherwise the site is constructed. The Board reviewed the Parking Improvement Plan, which provides an overview of the entire plaza and has the Development Summary on the back of the sheet. The restaurant has been open for 6 weeks now, and they are looking forward to having outside seating.

The Board reviewed the Site Plan Review Criteria and discussed possible conditions and the request for partial waiver of Site Plan Review submittal requirements. The Applicant is asking for the Board to waive the requirement for submittal of additional information beyond what has been provided (in particular, supplemental material under Section I-I.4.a, d, e, f, c, I, and j). The Board then Moved, Seconded and **So Voted** to **Waive** the requirement for submittal of additional information beyond what has been provided in conjunction with Site Plan Review.

The Board then Moved, Seconded and **So Voted** to **Approve** Site Plan Review for the creation of an outdoor seating area on the patio to accommodate 50 additional seats, as described at the hearing, with the following conditions:

1. An as-built certifying the infiltration trench was built per plan must be provided prior to CO.
2. There will be no live entertainment on the patio and amplified sound will be consistent with the Town's noise by-law.
3. The 13' access must be kept open and clear at all times for emergency response.
4. Before the patio is opened for use, any paperwork or other requirements of the DPW and the Board of Health must be met, in addition to Fire, Building, etc.

7:45 PM Definitive Subdivision: 901 Main Street

Application of Gerry Rankin for a residential subdivision at property known as 895-901 Main Street to create 4 residential lots, and 2 smaller non-residential lots, property zoned Residence B

Ms. Sneath acknowledged the Applicant, Gerry Rankin, and Gary James of James Engineering. Also present was John Chessia, Chessia Consulting Services, peer review engineer for the Board. Mr. James presented an overview of the project and outlined changes made since the prior hearing on June 13, 2016. This is a four lot subdivision, with homes to be approximately 5,500 square feet with three car garages. The road is intended to remain private and will be maintained through a Homeowners Association. The length of the roadway is under 400' long. The drainage is on a separate lot with underground storage. The 100 year overflow will discharge over Lot 4, ultimately flowing to the wetlands. A great deal of material will be exported from the site. The Police Chief will require police details on Main Street for safety as needed during the project. The Board of Health and the Conservation Commission have both issued approvals for this project. Aquarion issued a will serve letter, and the project was approved conditionally at a Shade Tree Hearing. They are no longer requesting the proposed hammerhead turnaround. The roadway plan has been adjusted, showing all perk tested trees, resulting in approximately 200 trees identified for removal. The tree planting plan will consist of 12-16' trees replacing 30% of the trees removed.

Gary Tondorf-Dick questioned whether a hammerhead instead of a cul-de-sac would re-arrange grading to save some trees. Mr. James responded that the Fire Department and the DPW were okay with the either the hammerhead or the cul-de-sac. Mr. Chessia stated that it was possible that a few trees could be saved. Mr. Rankin stated that they would not be leveling the property and that neighbors would be provided a buffer. Mr. James said that the placement of the houses is fine, grades will be maintained and retaining walls will be included. Mr. Tondorf-Dick again questioned the possibility of the hammerhead re-arranging grading. Ms. Sneath stated that a 3-point turnaround for exiting should be avoided. Mr. Rankin stated that he has the time to get grading approved and that a hammerhead would be okay, which would also save him money.

The Board asked extensive questions regarding the drainage, grading and side slope details, width of the right-of-way, roadway length, sightline, streetlights and identifying which trees will be removed and which will be preserved. The Board discussed at length the location of the private way, the existing topography and proposed changes to the grades, the interest in preserving as many trees as possible on the property, the sight line constraints, the need to

remove shade trees within the existing right of way, and the storm water management system. To Mr. Tondorf-Dick's questions, the Board discussed the different amount of grading and tree removal associated with the installation of a hammerhead versus a cul-de-sac. The Board felt that a 4 lot subdivision called for a cul-de-sac, but were concerned with the scope of the additional excavation and tree removal that would result. The Board received testimony from the public, who expressed an interest in the preservation of trees as much as possible. The Board heard testimony from John Chessia regarding the design, as related to the Rules and Regulations. Mr. Chessia also explained that the individual lots might have additional export of material which would trigger a Special Permit A2 for excavation.

The Board then discussed the waivers and made findings, as follows:

1. **Section 4. B. (3) (a). Table 1** - Request to waive the requirement for a maximum curb radius of 30' to allow a 35' radius.

The Board found that a wider turning radius will facilitate turning movements from/to Main Street, which is a heavily traveled road. They found that there is a public benefit of making it easier for vehicles to get off and onto Main Street easily, as it is a safety improvement, thus granting the waiver is in the public interest. They found that this waiver is not inconsistent with the Subdivision Control Law.

2. **Section 4. C. (3) (d)** - Request to waive the requirement that all storm drains be a minimum of 12" in diameter.

The Board found that the narrower diameter pipe allows better control of the water flow leaving the chamber, and slows it down. The public benefit of the proposed design is that it meets Storm Water Management Standards thus granting the waiver is in the public interest, and that this waiver is not inconsistent with the Subdivision Control Law.

3. **Section 4. E.** - Request to waive the requirement to construct open storm water management structures, and, the requirement for storm water management structures to be on a separate lot.

The Board found that the proposed design increases infiltration of water, allows the infiltration of gutter flow into drywells, and allows the subsurface storm water chamber system, as opposed to an open detention basin. The Board also found that the storm water system is intended to remain private and be privately maintained with the road way. They found that this waiver is in the public interest and not inconsistent with the Subdivision Control Law.

4. **Section 5 M. (1)** - Request to waive the requirement to use reinforced concrete pipes.

The Board found that this waiver is in the public interest and not inconsistent with the Subdivision Control Law. The Board also found that the Town uses HDPE pipes in similar applications.

5. **Section 5. N.** - Request to waive the requirement to use granite bounds and substitute concrete bounds.

The Board found that they would support the substitution of concrete bounds on interior lot bounds only and not on the subdivision way or on Main Street. They Board found that the granting of the waiver would not be inconsistent with Subdivision Control Law and would be in the public interest, as it would make the buried bounds easier to find over the long term.

6. **Section 4.B.4(b)** - To allow construction of a hammerhead in lieu of a cul-de-sac

The Board found that the hammerhead design is appropriate given the unique configuration to the four lots accessing the roadway and because there was a public benefit to minimizing changes to the topography and preserving as many trees as possible. The Board found that the hammerhead design would decrease the cut and minimize grading. The Board found that this waiver is not inconsistent with the Subdivision Control Law.

A Motion was Made, Seconded and SO VOTED to **APPROVE** the Definitive Subdivision Plan, with the Waivers to the Subdivision Rules and Regulations **GRANTED** subject to and on the following conditions which, if not complied with, shall, at the option of the Planning Board, operate as a rescission of this approval:

A. Prior to endorsement of the Subdivision Plan:

1. The Applicant shall submit to the Board a new set of plans revised as follows:
 - a. Plans shall be stamped by a certified land surveyor;
 - b. Plans shall include notes to install and maintain the subsurface infiltration system in accordance with the O & M plan;
 - c. Plan set must include an easement plan sheet. This must show all existing easements and Rights of Way, as well as easements required to facilitate the construction of the roadway, drainage and/or associated utilities, including the street tree easement. Easements shall be shown and labeled on the easement plan and filed with or before the Mylar;
 - d. The proposed curb radii at the intersection with Main Street shall be clearly specified on the plans;
 - e. The manhole detail should specify the standard heavy 26 inch cover as required;
 - f. The Cover Sheet shall include a note stating that "All work must be constructed in compliance with Section 5 of the Planning Board Rules and Regulations as amended through August 18, 2014, except as waived herein";
 - g. A 20' "no cut zone" along the Highfield property line shall be clearly shown on the plans;
 - h. A "no cut zone" equal in size to the preserved tree area depicted on the hammerhead plan sheet 4 of 7, dated March 7, 2016, from the submittal of June 13, shall be shown in addition to the previously required 20' "no cut zone". There shall be no other alterations to impervious surface associated with the trees;
2. A complete stamped set of drainage calculations, including the revised Rational Stormwater spreadsheet must be submitted for the file;
3. Plans must be revised to satisfy comments from the Fire Department, including but not limited to the hammerhead waiver.
4. The signed Certification on illicit discharge must be provided to the Planning Board and Conservation Office;
5. A covenant, to be executed and made a part hereof, and recorded with the Plan in the Plymouth Registry of Deeds, or other performance guarantee, in an amount sufficient to the Board to secure performance of the construction of ways and the installation of municipal services required for the lots shown on the Plan, shall be provided pursuant to the Massachusetts General Laws Chapter 41, Section 81U.

B. Prior to Commencement of Construction

1. The Applicant will bear the responsibility to see that any inconsistencies with the Plan and decisions of other state or local agencies or boards are resolved.
2. A street opening permit shall be obtained by the Applicant and presented to the Planning Board prior to construction.
3. A SWPPP must be submitted for review and approval at least one month prior to the scheduled start of construction.
4. The HMLP requires a 10' wide easement around the electric distribution system for 901 Main St subdivision. The developer must pick up the HMLP easement form and have it registered in the registry of deeds. Proof of recording shall be provided to the Town Planner at or before the preconstruction meeting.
5. Prior to the start of construction or site clearing there shall be a preconstruction meeting attended by the applicant team, the Conservation Administrator, the Town Planner, the engineer for the Planning Board, and the Police Chief or his proxy to review the installation of the erosion control measures and answer any questions on the SWPPP, and discuss the project timeline, and the schedule for police details. The O&M Plan must include data for all proprietary systems, and, a separate section for the Cultec systems and the Leaching Pits. O&M Plan shall be revised to indicate that inspection of the on-lot infiltration structures shall be after 2 or more inches of rain in a 24 hour period, and there shall be guidance on gutter and downspout maintenance in the O&M for the lots.
6. Applicant shall coordinate with the Building Commissioner to determine if additional permits are required for any and all retaining walls.

C. Conditions During Construction

1. Inspection by the Board's engineer is required during the installation of the subsurface drainage system to ensure compliance with the manufacturer's specifications, and it must be shown on the as-built.
2. Police details shall be required at the discretion of the Chief of Police to assist in managing construction traffic entering or exiting site, and when material is being exported from the site during construction of roads or individual lots.
3. Construction vehicle traffic shall be coordinated with the Chief of Police around the South School schedule.

D. General Conditions

1. All work shall be performed in accordance with the Plan, this Certificate, and, except as specifically waived herein, in conformity with the Rules and Regulations of the Hingham Planning Board in effect as of the date of the application. Any waivers from said Rules and Regulations approved herein by the Planning Board shall be noted on the Plan.
2. The Applicant shall complete all work shown on the Plan, including all ways, drainage facilities, and utilities, within two years of the date of endorsement of the Plan or this approval of the Plan shall be null and void, unless, at the request of the Applicant, the Planning Board extends the time for performance of such work.
3. Because the driveways and on-site dry-wells are part of the overall drainage design, installation of these features on individual lots shall be witnessed by the Board's engineer, and shown on the as-built for each house. Additional test pits are required at the time of house construction for the dry wells.
4. Drainage design for individual lots shall be provided for review and approval prior to the issuance of building permits. If the drainage design changes such that the drainage assumptions as approved are no longer valid a request for a subdivision modification may be required.
5. The export of material from each house lot shall be quantified prior to the issuance of building permits to determine if earth excavation permits are triggered by individual lot development activities.
6. As part of the design for Lot 4 data on the catch basin insert must be provided to verify the required pretreatment is achieved. The system used for the catch basin in the driveway for Lot 4 must be included in the O&M plan for the drainage system. If a proprietary product is used the manufacturer's maintenance requirements should be included in the O&M.
7. Approval by the Planning Board of this Plan shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for the construction and use on any lot of an individual septic system. No building or structure shall be placed on any lot without septic system approval by the Board of Health.

8. The roadway, drainage facilities and other utilities within the extended subdivision road shall remain private and the maintenance, repair and improvement thereof shall be the responsibility of the Applicant and/or the owners of the lots within the Subdivision. Such obligation shall be set forth in a Declaration of Easements, Restrictions and Covenants Running with the Land (the "Declaration"), a final version of which shall be approved by the Planning Board prior to endorsement of the Plan and to be recorded with the Plan. This Declaration shall also allow the flow of storm water from the storm water system, under the private driveway approved herein. This Declaration shall be provided for review prior to the endorsement of the plans and shall be filed at the Registry of Deeds with the plans. Proof of recording shall be provided to the Town Planner.
9. The Applicant shall provide a clear description of the "no cut zone" in the Declaration of Easements, Restrictions, and Covenants Running with the Land.
10. Each deed for any lot or lots within the Subdivision shall specifically set forth that the conveyance of such lot or lots is subject to the Certificate of Action and the Declaration.
11. Street tree requirement shall be specified in deed, and trees must be planted prior to issuance of CO.
12. The applicant must construct the driveway/roadway apron such that the existing sidewalk is continuous and the American Disability Act (ADA) requirements are strictly adhered to where sidewalks cross driveways/aprons.
13. The curb cut on Main Street for property known as 901 Main Street shall be abandoned and the Right of Way restored to the satisfaction of the DPW at such time as the new driveway access to the private way is constructed and available for use. This must be done prior to issuance of a CO for this lot.

WAIVERS

The Board voted unanimously to **GRANT** the following requests for waivers from the Planning Board Rules and Regulations, unless otherwise noted:

1. **Section 4. B. (3) (a). Table 1** - Request to waive the requirement for a maximum curb radius of 30' to allow a 35' radius.
2. **Section 4. C. (3) (d)** - Request to waive the requirement that all storm drains be a minimum of 12" in diameter.
3. **Section 4. E.** - Request to waive the requirement to construct open storm water management structures, and, the requirement for storm water management structures to be on a separate lot
4. **Section 5 M. (1)** - Request to waive the requirement to use reinforced concrete pipes.
5. **Section 5. N.** - Request to waive the requirement to use granite bounds and substitute concrete bounds.

The Board found that they would waive the requirement to use granite bounds and support the substitution of concrete bounds on interior lot bounds only and not on the subdivision way or on Main Street.

6. **Section 4.B.4 (b)** - To allow construction of a hammerhead in lieu of a cul de sac.

10:22 PM **Lewis Court Definitive Subdivision:** Request for Release of Lot #2

The Chair read the request for lot release. The Town Planner reported that adequate surety was in place, and, the project is progressing well. Staff supports the release. A motion was Made, Seconded and SO VOTED to **APPROVE** the Release of Lot 2.

As there was no other business the meeting adjourned at 10:26 pm.

Respectfully submitted,

Dolores A. DeLisle
Administrative Assistant