

Minutes
Regular Meeting

January 28, 2019

HINGHAM PLANNING BOARD

January 28, 2019 @ 7:00 PM – Central North Hearing Room

Present: Planning Board Members **Gordon M. Carr, Judith S. Sneath, Gary Tondorf-Dick, William Ramsey**, associate member **Ted Matthews**, and Community Planning Director, Mary Savage-Dunham, Administrative Assistant Sherry Robertson. **Absent: Jennifer Gay Smith**

Planning Board Agenda

7:00 PM 6 STATION STREET - FALCONEIRI CONSTRUCTION

Joint Hearing with the Zoning Board of Appeals

Request for a Special Permit A2 under §§ I-F, III-A (4.22), and III-G 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 in Business District A and the Downtown Hingham Overlay District.

8:00 PM Public Hearings on Zoning Articles - Joint Hearing with the ZBA

- **Timeframe to Commence Permitted Use or Construction that becomes Nonconforming** The intent of this article is to modify Section I-C,1. Of the Zoning By-law to refer to the 12 month window of time to commence nonconforming uses or construction now required by the Zoning Act by replacing the reference to “six (6) months” where it appears in the last sentence in Section I-C,1. with “twelve (12) months”, or act on anything related thereto.
- **Timeframe to Commence Use or Construction under a Special Permit -** The intent of this article is to replace the reference to “two (2) year period” where it appears in the last sentence in Section I-D,2.b. with “three (3) year period”, or act on anything related thereto.
- **Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings -** The intent of this article is to clarify exemptions that relate to abandoned or discontinued nonconforming Single-Family and Two-Family Dwellings. In terms of nonconforming uses, the amendment would apply to nonconforming Two-Family Dwellings the same discontinuance standards that presently apply to nonconforming Single-Family Dwellings. In terms of nonconforming dimensions, the proposed amendment would clearly state that the rights under Section III-I,2,. the so-called “Hatfield Amendment,” would not apply if an abandoned or discontinued structure is reoccupied for a conforming Single-Family or Two-Family use.
- **Section III-G Downtown Hingham Overlay District -** The intent of this article is to modify the provisions of Section III-G regarding the objectives, submittal requirements, design review process, and additional requirements including roof decks, mechanicals and landscape plantings within the Downtown Hingham Overlay District, or act on anything related thereto.

73 Abington Street - MDC Properties - Abington St., LLC.

Request to Continue Hearings to February 11, 2019 and extend Decision Deadlines to March 1, 2019

90 Ward Street and 0 Ward Street - Black Rock Development

Special Permit A3 for a Flexible Residential Development in accordance with Sections I-J and IV-D of the Hingham Zoning By-Law for the construction of 3 single family homes on approximately 6.2 acres of land, zoned Residence B, at 90 Ward Street and 0 Ward Street, assessor’s parcel Map 124 Lots 25 & 27.

Canterbury Street, LLC

Request to Extend the time of Completion for Special Permit A3 and Site Plan Review for 39 Canterbury Street (Lot 4) and 47 Canterbury Street (Lot 5) to April 14, 2021.

Old/New Business:

1. Administrative Reports
2. Review and Adoption of Minutes from previous meetings
3. Discuss & Schedule Site Visit for Hull St. Playground

Hearing(s)

7:00 PM

6 STATION STREET - FALCONEIRI CONSTRUCTION

Joint Hearing with the Zoning Board of Appeals

Planning Board member William Ramsey is recused from this item as he is an abutter. Ted Matthews is seated on the A3.

Present for the ZBA were Joe Fisher, Robyn Maguire, and Michael Mercurio. Zoning Administrator Emily Wentworth was absent.

Present were the applicant Matt Falconeiri, Architect Vcevy Strekalovsky, Attorney Richard Henderson, and Engineer John Cavanaro, and Landscape Architect Sean Papich. Also present was review consultant Jeff Dirk of Vanasse and Associates to answer questions regarding the traffic review. Mr. Dirk stated that the project is not expected to produce much traffic. His focus has been access to the site, internal circulation, and on-site parking. He stated that the applicant responded and addressed all comments.

The Board asked about the possibility of removing the parking spot on North Street in front of 1 Station Street. John Cavanaro noted on the plans that the work in the town right of way is mainly sidewalk and landscape improvements. Neighbors spoke positively of the project, but asked that safety remain a priority regarding the traffic on North Street. Richard Henderson and Vcevy Strekalovsky mentioned that conditions from the Historic Districts Commission will require the submittal of a lighting plan. The Board agreed to require the applicant to submit a lighting plan to the Planning Department prior to being issued a building permit.

Upon a motion made by Gordon Carr 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 6 Station Street, subject to conditions. Gordon Carr made a motion to approve the Special Permit A3 Parking Determination with waivers and the associated Site Plan approval for 6 Station Street and Gary Tondorf-Dick seconded the motion. All members voted in favor, subject to conditions. ZBA Chairman and ZBA members agreed to reconvene at a later date to be able to vote when administrator Emily Wentworth is present.

Public Hearings on Zoning Articles - Joint Hearing with the ZBA

Also present were members of the Advisory Board.

Planning Board Chairman Gordon Carr stated that public comment on the proposed articles is welcome, and then the intention is to continue the hearings to February 13, 2019.

- **Timeframe to Commence Permitted Use or Construction that becomes Nonconforming**

ZBA Chairman Joe Fisher noted that the goal of the proposed change is to bring the town by-law into compliance with the state. Gordon Carr made a motion to continue the hearing to February 13, 2019. The motion was seconded by Judith Sneath and all voted in favor to continue.

- **Timeframe to Commence Use or Construction under a Special Permit**

ZBA Chairman Joe Fisher mentioned that some boards such as Conservation Commission have three year conditions and that is why the change is proposed to change two years to three. Gordon Carr made a motion to continue the hearing to February 13, 2019. The motion was seconded by Judith Sneath and all voted in favor to continue.

- **Abandonment or Discontinuance of Nonconforming Single-Family and Two-Family Dwellings**

ZBA Chairman Joe Fisher stated that staff is working on some language changes for this item. Residents spoke regarding the language, stating that clarification is needed, and examples would be helpful. Susan Murphy noted that clearer track changes would be helpful. Joe Fisher stated that at the next hearing there will be a presentation on the Hatfield Amendment. Gordon Carr made a motion to

continue the hearing to February 13, 2019. The motion was seconded by William Ramsey and all voted in favor to continue.

- **Section III-G Downtown Hingham Overlay District**

Gordon Carr stated that proposed changes are the results of issues that have come about through recent projects. The Boards discussed changes in submittal requirements and reorganizing the language for the amendment. They discussed the proposed idea of having HDC input on certain projects in an advisory capacity. The Boards also discussed the need to make language changes with regard to roof decks and mechanical equipment. Gordon Carr made a motion to continue the hearing to February 13, 2019. The motion was seconded by Judith Sneath and all voted in favor to continue.

There was a brief recess at the time as the Zoning Board of Appeals adjourned for the evening.

Chairman Gordon Carr reconvened the meeting at 9:36 PM.

90 Ward Street and 0 Ward Street - Black Rock Development

Chairman Gordon Carr reconvened the Planning Board Meeting and noted that Ted Matthews is seated to vote on this item.

Present were the applicant, George McGoldrick and Engineer John Cavanaro. Mr. Cavanaro presented the updates to the plan since the last meeting on January 7, 2019 in response to the review by John Chessia of Chessia Consulting Services. The Board asked how this project will affect the areas that neighbors have mentioned have drainage issues. John Cavanaro stated that this project won't make matters worse and that it is located downstream from Autumn Circle. He stated that they will be going before the Board of Health for septic plan approval. Residents of Autumn Circle asked about the drainage and mentioned a culvert on the property that tends to get clogged. Mary Savage-Dunham stated that once the project gets to the Definitive Process, plans regarding drainage will be clearer. Chairman Gordon Carr read the list of public comments received on this project. Residents from Autumn Circle and Ward Street were present and mentioned support for the project, as well as concerns about drainage in the area. Special Counsel Susan Murphy explained that according to the By-Law, the FRD does not have a subdivision road and so it will be an ANR plan for the 3 lots, but because of the amount of land, in the end it will have to go through the site plan review process.

Chairman Gordon Carr made a motion which was seconded by Judith Sneath and all members voted in favor to grant a Special Permit A3 with Site Plan Review approval for the Preliminary Flexible Residential Development plan at 90 Ward Street and 0 Ward Street with conditions.

73 Abington Street - MDC Properties - Abington St., LLC.

The Board voted to approve the applicant's request to continue the hearing to February 11, 2019 and extend the decision deadlines to March 1, 2019.

Canterbury Street, LLC

The Board voted to approve the applicant's request to extend the time of completion for Special Permit A3 and Site Plan Review for 39 Canterbury Street (Lot 4) and 47 Canterbury Street (Lot 5) to April 14, 2021.

Old/New Business:

Review and Adoption of Minutes from previous meetings: The Board voted to adopt the meeting minutes from January 7, 2019 as written and agreed to hold the minutes of January 14, 2019 to be voted on at the next meeting.

As there was no other business, the meeting was adjourned at 10:50 PM
Respectfully submitted,

Sherry Robertson,

Administrative Assistant, Community Planning Department