

HINGHAM PLANNING BOARD MINUTES

January 30, 2023 @ 7:00 PM

REMOTE MEETING

Planning Board Members Present Remotely: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

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

Members Absent: Rita DaSilva

At 7:00 PM Chair Sneath 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 107 of the Acts of 2022 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.”

Hearings/Discussion

213 & 215 Cushing Street

Definitive Flexible Residential Development (FRD) & Site Plan Review

Chair Sneath stated that the first item on the agenda was the applications of Bristol Bros. Development Corp. to modify 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.

Chair Sneath noted that the Applicant requested a continuance of the applications prior to the hearing and invited Board comments/questions. There were none.

Chair Sneath invited public comment. There was none.

Gary Tondorf-Dick to CONTINUE the applications of Bristol Bros. Development Corp. to modify 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 and 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District to February 13, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

Second: Gordon Carr

In Favor: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Opposed: None

222 South Pleasant Street

Site Plan Review

Chair Sneath stated that the next matter was a continued application from CPC Pleasant Street LLC for Site Plan Review with Waiver Requests under § I-I of the Zoning By-Law and such other relief as necessary to reconstruct a single-family dwelling, including an attached two car garage, and construct a detached accessory building with single garage bay and office, pool, pool house, sports court, auto court, hardscaping, landscaping and other improvements at 222 South Pleasant Street in Residence District C.

Attorney Walter Sullivan, Esq., attorney for the Applicant, introduced the project team and reviewed the latest application materials consisting of the requested aerial rendition (Sheet L4) and also revised plans to reduce the size of the proposed dwelling and detached garage (Sheet A0.4). The proposed dwelling

was reduced in size by 1,506 SF and the proposed detached garage was reduced in size by 1,304 SF. To provide additional context, the proposed dwelling was reduced by about 10% from 15,802 SF to 14,296 SF (including the basement) and the proposed detached garage was reduced by about 40% from 3,342 SF to 2,035 SF.

Mr. Sean Papich, landscape architect for the Applicant, and Mr. Glen Travis, architect for the Applicant, further presented the latest materials and revisions.

Chair Sneath invited Board questions/comments.

Member Carr appreciated the revisions and materials submitted, but felt further reductions in massing/impervious surface could be provided.

Member Ellis and member Tondorf-Dick shared similar concerns to member Carr.

There was further discussion regarding similarly sized homes and properties in the vicinity.

Chair Sneath noted her concerns about the setbacks noted on the plans as well as the type of landscaping proposed in the front of the property.

Ms. Wentworth provided clarification regarding the proposed setbacks, noting a discrepancy on the plan that would need to be updated.

Mr. Papich noted that evergreens could be added at the front of the property to provide additional screening from the street.

Attorney Sullivan requested additional clarity of the Board with respect to how much further the development should be reduced.

Member Carr reiterated the comparison to other properties in the vicinity with respect to the amount of development and the subjective nature of some of the standards.

Mr. Randy Otto, at 234 South Pleasant Street, noted appreciation with the recent changes, but voiced concern with the departure from other homes in the vicinity.

Mr. Ryan Sillery, Applicant, requested additional guidance with how to reduce the development further and offered to continue the application to a future meeting.

Ms. Joan Ostheimer, at 192 South Pleasant Street, voiced her concern with the proposed tree removal.

Member Carr requested a little more reduction in the massing of the proposed dwelling.

Member Ellis requested additional screening in the front of the property and reduction in the massing to minimize the view of the property from the street.

Member Tondorf-Dick suggested maybe changing some proposed grades could help reduce the massing of the proposed development. In order to assist in the Board's understanding of the scale of the project, he requested architectural building elevation perspectives drawings along the South Pleasant Street view and the view from the entrance to Wompatuck State Park.

Mr. Sillery reviewed the Board's requests and acknowledged understanding.

Gordon Carr moved CONTINUE the application of CPC Pleasant Street LLC for Site Plan Review with Waiver Requests under § I-I of the Zoning By-Law and such other relief as necessary to reconstruct a single-family dwelling, including an attached two car garage, and construct a detached accessory building with single garage bay and office, pool, pool house, sports court, auto court, hardscaping, landscaping and other improvements at 222 South Pleasant Street in Residence District C to February 6, 2023 at 7 PM.

Second: Gary Tondorf-Dick

In Favor: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Zoning Articles

Chair Sneath stated that the next matter was Zoning Articles.

Downtown Hingham Overlay District

Chair Sneath stated that the first article to review was the Downtown Hingham Overlay District article.

Ms. Wentworth presented and reviewed the proposed article.

Board members asked questions of understanding, to which Ms. Wentworth provided additional context and clarity. She further clarified that nothing was changing about the By-Law expect removing an obsolete reference do a different section of the By-Law.

Chair Sneath invited public comment. There was none.

Gary Tondorf-Dick moved to recommend adoption of the “Downtown Hingham Overlay District” article in the form presented during the public hearing.

Second: Gordon Carr

In Favor: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Hingham Harbor Overlay District

Chair Sneath stated that the next article to review was the Hingham Harbor Overlay District article.

Ms. Wentworth presented and reviewed the proposed article.

Member Tondorf-Dick asked if stormwater structures would be covered under the changes proposed in this article, to which Ms. Wentworth responded affirmatively.

Chair Sneath invited public comment. There was none.

Gary Tondorf-Dick moved to recommend adoption of the “Downtown Hingham Overlay District” article in the form presented during the public hearing.

Second: Kevin Ellis

In Favor: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Accessory Dwelling Units and Minimum Occupancy Term for Residential Uses Articles

Member Ellis stated that the next article to review was the Accessory Dwelling Units article and also opened the Minimum Occupancy Term for Residential Uses article at the same time.

Member Ellis noted that his plan for the evening was to allow the Board to continue to discuss various issues, voice questions, and welcome public comment. He also noted for the record that the Board had received a great deal of public comment in writing prior to the hearing.

Ms. Wentworth spoke to Minimum Occupancy Term requirement is to explicitly restrict short term rentals and that similar provisions are proposed the ADU article. She presented data on benchmark communities with respect to ADU regulations in the respective communities. Ms. Wentworth further noted that there had been previous discussion from some Board members and the public that lifting family restriction that impacts from that may be limited because of existing restrictions already in by-law and in the newly proposed warrant article. She presented information clarifying the existing ADU regulations and those that are proposed regulations for attached and detached units.

Member Carr spoke asked questions on benchmark communities and their experiences. He further asked about best mechanisms to keep seniors in their homes and noted that it was important that whatever is adopted will do what Town wants it to do.

Gary Tondorf-Dick spoke about the needs of the senior citizens in town. He further noted that discussions thus far have been about providing affordability for families, but that economics could be an

issue. Additionally, he noted that there have been discussions about providing a revenue stream for occupants/owners to afford to live in Town, but he sees revenue stream as more commercial use than residential. He also wondered how zoning and abutter concerns would be dealt with.

Chair Sneath noted an article in the New York Times discussing how housing is expensive and in short supply in greater Boston area and she see this as one of many approaches to solving Hingham's affordability issues. She noted appreciation of the owner occupancy restrictions, but wondered what the right amount of time is for a rental term. She noted that most do not want Airbnbs in Town as they are more of a transient use and that having the owner occupancy requirement has a different feel. She further mentioned that she does not care about the "bloodline" of the ADU occupant. She asked about enforcement regarding the ADU occupant.

Ms. Jennifer Gay-Smith, at 6 Westview Circle and Chair of the ADU Study Committee voiced that not everyone has family that can move into ADU and that restricting them to family takes away other opportunities that were discussed. She further noted that the Study Committee did not want a 30 day minimum occupancy period, but rather a 60 day period. She spoke about how the Study Committee felt that the impact on abutters/neighbors would be the same whether the unit were to be rented to family or non-family members, and that keeping the family requirement in the by-law would be tricky in 2023 with respect to the definition of family.

Ms. Beth Rouleau, at 14 Prospect Street and a member of the ADU Study Committee and past Chair of the Council on Aging noted her work and volunteerism in the field of gerontology. She reviewed numerous statistics and studies on the subject of elderly housing trends.

Ms. Pam Bates, at 9 Heron Way and member of the Hingham Affordable Housing Trust and a local realtor, noted statistics and numbers related to recent Hingham rental listing as an indicator of likely rental rates of ADU's in town less than 875 SF.

Mr. Mark Cullings, at 44 Spring Street, spoke about previous comments by Building Commissioner noting no enforcement issues to date with the current by-law. Mr. Cullings further noted that there are units that exist in Town today, but that public safety does not know of their existence and in case of emergency could be issue. He feels very strongly that this issue should go before Town Meeting and be heard.

Mr. Joe Andrews, at 367 Main Street, commended committee for taking this up and encouraged adoption of an ADU proposal. He noted his intent to use an ADU for his moderately disabled daughter so he does not care about a family restriction but would support getting rid of it. He felt that the size restriction is a little on the low side.

Member Ellis spoke about how to frame issue to move forward and that the Board needed to come to resolution on the familial issue which would help inform some of the other general zoning restrictions.

Gordon Carr stated that the Board heard compelling information tonight, but that the Town needs to look at more effective solutions. He noted that enforcement remains a question, but that it may not be an issue. He reiterated housing market concerns.

Member Ellis wondered what the right rental period requirement might be and that the owner occupancy requirement and lengthy rental period could give more comfort of having non-family members.

Member Tondorf-Dick voiced concerns with accountability. He noted information he gathered about other towns and spoke about dimensional requirements and concerns of detached units.

Chair Sneath reminded folks that the Town has had an ADU by-law in place for 4 years with no problems. She further noted that Special Permits are required and they deal with the issue of privacy. Additionally she mentioned that if the cost/expense is too much for someone to build a new structure they won't do it. She reviewed the Town's lengthy history with trying to adopt ADUs.

Board members went back and forth regarding allowing detached ADUs and the issue of the housing market.

Member Ellis noted that Member DaSilva was not present but would like to give her the chance to weigh in. He reviewed the Board's views, noting that members Carr and Tondorf-Dick were comfortable with a detached structure, but that the Board needed to decide on the family restriction issue.

Ms. Reena Patel, at 22 Andrew Isle, noted concern with the spirit of law and that not lifting the family restriction could create animosity between neighbors, racial profiling, etc.

Kevin Ellis made motion to continue electric vehicle charging parking requirements, accessory dwelling units and minimum occupancy term for residential uses zoning by-law discussions to February 6, 2023 starting at 7:00pm.

Second: Gordon Carr

In Favor: Judith Sneath, Gary Tondorf-Dick, Gordon Carr, Kevin Ellis

Opposed: None

MBTA Communities

Ms. Wentworth noted that the Action Plan was presented to the Select Board, who authorized submission of the form, allowing the Town to remain in interim compliance through December 31, 2024.

Board members asked procedural and scheduling questions for purposes of clarity. Members asked other questions about the requirements of the subject statute.

Ms. Susan Murphy, Special Real Estate Counsel for the Town, provided additional clarity in response to Board questions.

Chair Sneath MOVED to adjourn at 10:30 PM

Second: Gordon Carr

In Favor: Gordon Carr, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Opposed: None

Meeting Materials:

Agenda Summary, dated January 27, 2023

213 & 215 Cushing Street

Application for a Definitive FRD, dated November 28, 2022

Definitive FRD Plan Set, dated November 21, 2022

Stormwater Report, dated November 21, 2022

Board of Health Comments, dated January 4, 2023

Continuance Request of FRD and SPR Application, dated January 11, 2023

Continuance Request of Subdivision Application, dated January 11, 2023

Continuance and Extension, dated January 24, 2023

Peer Review Report from J. Dirk, dated December 19, 2022

Peer Review Report from P. Brennan, dated December 22, 2022

Preliminary FRD - Special Permit A3 Decision, dated March 28, 2022

222 South Pleasant Street:

Site Plan Approval Application Package, dated October 10, 2022

Existing Conditions Plan, dated September 20, 2022

Proposed Conditions Plan, dated September 19, 2022

Site Plan Set, submitted October 10, 2022

Stormwater Management Report, dated October 6, 2022

Stormwater Management Analysis, dated September 20, 2022

Grading Drainage and Utilities Plan, revised through October 20, 2022

Site Plan, page 4, revised through October 20, 2022

Stormwater Management Report, submitted October 20, 2022

Updated Landscape Plan, submitted October 26, 2022

Landscape Plan, revised October 28, 2022

Landscape Plan in Color, revised October 28, 2022

Response to L. Fournier Comments, dated October 31, 2022

Stormwater Management Report, revised October 31, 2022

Site Plan Sheet 1A, revised October 31, 2022

Landscape Plan, revised November 2, 2022

Responses to Staff Comments, dated November 21, 2022

Plan Set, revised November 21, 2022

Arborist Letter, dated November 29, 2022
Existing Conditions Plan, revised November 30, 2022
Layout and Materials Plan, revised November 30, 2022
Utility Plan, revised November 30, 2022
Photometric Plan, received December 1, 2022
Response to Peer Review Comments, received December 2, 2022
Stormwater Management Report, received December 2, 2022
Water Quality Calculations, received December 2, 2022
Recharge Volume Calculations, received December 2, 2022
Landscape Plan, revised December 12, 2022
Retaining Wall Images
Plan Set, revised December 14, 2022
Pre-Development Stormwater Plan, received December 15, 2022
Post-Development Runoff Calculations, received December 15, 2022
Post-Development Stormwater Plan, received December 15, 2022
Stormwater Management Analysis, received December 15, 2022
Retention Systems Analysis, received December 15, 2022
Site Soils Data, received December 15, 2022
Recharge Volume Data, received December 15, 2022
Water Quality Volume Data, received December 15, 2022
Response to Peer Review Comments, dated December 15, 2022
Street View Renderings
Rendering Vantage Points, dated December 19, 2022
Continuance and Extension, dated December 20, 2022
Landscape Plan Revisions Memo, dated December 29, 2022
Supplementary Photos
Site Plans, revised December 29, 2022
Response to Neighbor Concerns, dated December 29, 2022
Site Plans, revised January 24, 2023
Explanation of Revisions, dated January 26, 2023
P. Brennan Peer Review Report, dated November 22, 2022
P. Brennan Peer Review Report, dated December 15, 2022
Public Comment from R. and K. Otto, dated December 15, 2022
Public Comment from J. Ostheimer, dated December 19, 2022

Accessory Dwelling Units

Report of the Accessory Dwelling Units Study Committee
Full Text of Proposed Amendment
Public Comment from D. DeNapoli, received January 25, 2023
Public Comments from C. Bowman, received January 26, 2023
Public Comment from S. Mason, dated January 26, 2023
Public Comment from L. Burns, dated January 26, 2023
Public Comment from D. Steele, dated January 26, 2023
Public Comment from U. Vakil, received January 27, 2023
Public Comment from E. Moulds, dated January 27, 2023
Public Comment from J. Heileman, dated January 27, 2023
Public Comment from K. Sutton, dated January 27, 2023
Public Comment from S. Gertz, dated January 29, 2023
Public Comment from L. Wittman, dated January 30, 2023
Public Comment from B. Rouleau, dated January 30, 2023
PowerPoint Slide from B. Rouleau, dated January 30, 2023
Memo from J. Gay-Smith, dated January 30, 2023
Public Comment from C. Orwig, dated January 30, 2023
Public Comment from L. Freeman, dated January 30, 2023
Memo from S. Murphy

Minimum Occupancy Term for Residential Uses

Full Text of Proposed Amendment

Downtown Hingham Overlay District

Full Text of Proposed Amendment

Hingham Harbor Overlay District

Full Text of Proposed Amendment

Electric Vehicle Charging Parking Requirements
Full Text of Proposed Amendment