

## HINGHAM PLANNING BOARD MINUTES

February 6, 2023 @ 6:30 PM

REMOTE MEETING

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

**Members Absent:** Michael Mercurio, Associate Member

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

At 6:53 p.m. 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.”*

### Hearing(s)

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#### **181 North Street – Benjamin Lincoln House Special Permit A3 & Site Plan Review Modifications**

Chair Sneath stated the first matter was second hearing for **Hingham Historical Society** and both Gordon Carr and Gary Tondorf-Dick are recused from the matter. Alternate member Michael Mercurio will be hearing the matter. **181 North Street Hingham Historical Society** filed an application to modify a Site Plan Approval and Special Permit A3 Parking Determination, both originally issued December 4, 2020 under §§ I-I and V-A of the Zoning By-Law, and such other relief as necessary to relocate an accessible parking space and walkway, eliminate one parking space, and make other related improvements in Residence District A. As mentioned this is a modification of Site Plan Approval and Special Permit A3 and Alternate Member Mike Mercurio is needed for Special Permit A3 he is not present so discussion to be had before continuing is whether the Board can modify the SPA tonight and not interfere with discussion on SPA3

Ms. Wentworth cautioned proceeding without Mr. Mercurio as he may not have the benefit of any discussion and may require him filling out a Mullin Certificate before he can act if he joins the meeting late. If just talking administratively about schedule that can be done with just three members. Both Ms. Wentworth and Mr. Silveira cautioned the Board that the two applications are inter related.

Ms. Sneath suggested Board had 2 options: 1) continue right now to mutually acceptable date and time or 2) open another hearing and come back to this later tonight.

Ms. DaSilva suggested waiting until later in evening so that they can get going on their work.

Ms. Sneath asked Ms. Anderson from the Historical Society if she would be willing to have board move to the next hearing and come back to this application after that. Ms. Anderson agreed with doing that.

#### **392 Main Street Site Plan Review Waiver**

Ms. Sneath stated next matter was **392 Main Street for Spiros Giannaros** who filed an application requesting for a waiver of Site Plan Review under § I-I, 9 of the Zoning By-Law, and such other relief as necessary to modify plans originally approved December 1, 2021 to construct a sports court and make stormwater system improvements in Residence District A.

Ms. Sneath stated application materials received dated December 22 and January 26 and peer review comments from Patrick Brennan. Comments received from peer review engineer reflect the changes made and it will not affect the stormwater system as system has been revised and will adequately account for addition of the proposed sports court.

Brendan Sullivan and landscape architect Sean Papich represented the applicant. Mr. Sullivan spoke about original Site Plan approval. Reconstruction of the house is almost complete, 32' x 54' sports court

to be constructed in rear yard. Mr. Sullivan re-ran calculations with additional impervious area. Previously, approximately half roof area was being infiltrated now being entirely infiltrated to make pre and post match and are less than previous. Plan has been reviewed by Mr. Brennan.

Chair Sneath asked for Member comments.

Board members had questions regarding location of court over septic leaching field, court in relation to property line with abutters, grading and screening in the area and between abutters, location of basketball hoop on court, having no lights on court.

Mr. Sullivan spoke to sports court being 2' over top of septic system which is an infiltrator chamber system imbedded in sand and is allowed and will need to be vented. Sports court located 2'-3' from nearest abutter.

Mr. Papich spoke to positioning of sports court to be aligned with house, walls and pool area approximately 4' from property line; noted a stone drainage trench located nearby; potential of installing 6' fence; existing planting and additional plantings to be installed.

No public comments were heard.

Chair Sneath stated 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 December 1, 2021.

Chair Sneath entertained a motion to waive Site Plan Review under section § I-I 9 of the Zoning By-Law in connection with the sports court and stormwater improvements at 392 Main Street in Residence District A. Mr. Ellis so moved the motion

**Second:** Rita DaSilva

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

**Opposed:** None

### **181 North Street – Benjamin Lincoln House Special Permit A3 & Site Plan Review Modifications**

Chair Sneath stated that Mr. Mercurio was still not in attendance to discuss the **181 North Street Hingham Historical Society's** application. After discussion with Mr. Silveira regarding decision deadline with Site Plan Review determination and the Special Permit A3 can continue hearing to Monday, February 13, 2023 as Site Plan Review determination deadline is February 15, 2023 and having Mr. Mercurio fill out Mullin Certificate. Chair Sneath asked Ms. Anderson if she's willing to continue to February 13, 2023. Ms. Anderson stated she was okay with that but would like to move forward with Site Plan Review determination even if Mr. Mercurio is not present so they can move that along. Chair Sneath stated they will review and that they need to find out if Mr. Mercurio will be available on February 13.

Chair Sneath entertained a motion to continue Hingham Historical Society's application to modify a Site Plan Approval and Special Permit A3 Parking Determination, both originally issued December 4, 2020 under §§ I-I and V-A of the Zoning By-Law, and such other relief as necessary to relocate an accessible parking space and walkway, eliminate one parking space, and make other related improvements in Residence District A to Monday, February 13 at 7:00pm. Mr. Ellis so moved the motion.

**Second:** Rita DaSilva

**In Favor:** Kevin Ellis, Rita DaSilva, Judith Sneath

**Opposed:** None

### **222 South Pleasant Street Site Plan Review**

Chair Sneath stated the next matter was **222 South Pleasant Street CPC Pleasant Street LLC** who submitted an application 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 in Residence District C.

Chair Sneath stated that there are extensive documents on the web site that anyone can follow along with. Board has met four times on this and this meeting is for an update from the applicant.

Ms. Wentworth stated that the applicant has provided updated information and the Board may not be voting on the application tonight but may be worth hearing from the applicant.

Atty. Walter Sullivan in attendance representing the applicant. Also present Glen Travis, GMT Home Designs and Sean Papich, Landscape Architect.

Mr. Travis presented plan and spoke about changes made which included the massing of the structure. The detached garage and office have been eliminated, reducing the linear aspect of the design from Pleasant Street. Dwelling has been reduced by an additional 997 SF for a total of a 2,503 SF reduction from the originally proposed dwelling. The total massing reduction of the development since the initial hearing to 5,845 SF. To provide additional context the proposed dwelling was reduced by about 16% from 15,802 SF to 13,299 SF (including the basement).

Sean Papich, Landscape Architect spoke to changes made which including grading, lowered driveway area 2' to help with view from street side. Removal of outbuilding increases green space. Added evergreens and large shrub area, approximately adding 85 trees to property, wildflower meadow area close to dwelling. Have to be aware of location of septic system, left of driveway. Also reserve field needed and must remain clear. Reducing size of dwelling and moving taking further off of east property line now at 43' from property line at closest point. Approximately 60' from rear property line, and approximately 66' off property line on west side.

Atty Sullivan spoke about previous meetings, applicant being sensitive to comments received from the Planning Board and neighbors and made changes. Hopeful that board will close hearing.

Chair Sneath spoke to continuing hearing since the updated plans were just received and would like to get comments from Board members.

Board members comments included progress made as to modifying plans and reducing size by taking out garage, increasing landscaping improving view from street. Board would like to see additional renderings with view from street and would include elevations to give sense of scale from street.

Randy Otto, 234 South Pleasant Street, expressed concerns with plantings being done right on the property line. Would appreciate they be set back further away from his property. Mr. Papich stated he felt this could be done on site when installed.

Mrs. Ostheimer, 192 South Pleasant Street, stated she felt it looked good from street but was concerned with sports court location. Since garage removed possibly move court location closer to house rather than current location? Appreciative of removal of lights.

Mr. Papich spoke to existing tree line as well as dense evergreens along the court. Court itself only a handful of pines to be removed and will be adding evergreens (western arborvitae) 11 which will be substantial amount of screening. Closest point of court to property line will be approximately 32' and back corner at 40' off property line. Pulled in and cut down size of court.

Tony Stella, civil engineer on project, spoke about location of sports court and distance to property line, further than allowable zoning setbacks, and screening along east corner.

Ms. Sneath spoke to Board wanting to see elevation from street. Mr. Papich spoke to modifying perspective drawings, give more realistic picture of evergreens and take out carriage house. Mr. Tondorf-Dick asked about site section that will show screening? Possible have at next meeting may be helpful.

Pete Gamache, 223 South Pleasant Street stated his concerns with extra excavation dropping 2', and dead-end nature of street, previous meeting there was talk about trucks with over 100 loads of fill coming and going, safety of children getting school bus, possibly addressing traffic flow during construction of project.

Ms. Sneath spoke of standard construction protocol.

Ryan Sillery, applicant, spoke to no loam coming and going, very minimal. Tony Stella spoke to approximately 10-12 truckloads. Mr. Sillery spoke to mitigating trucks, entering and exiting during school bus times.

Ms. Sneath stated Board is in position to continue the application of CPC Pleasant Street LLC for Site Plan Approval 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 13, 2023 at 7 PM and extend the decision deadline to March 9, 2023.

Member Tondorf-Dick moved motion to continue,

**Second:** Kevin Ellis

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

**Opposed:** None

### **Accessory Dwelling Units and Minimum Occupancy Term for Residential Uses Zoning Articles**

Chair Sneath then turned to zoning articles. Start with ADU's and asked Member Ellis to speak to the article:

Mr. Ellis opened hearing on ADU's and minimum occupancy term for residential uses, two proposed by-law changes. This is third meeting and would like to get into details of by-law, and move forward on by-law potentially with familial restriction being lifted as has been proposed.

Ms. DaSilva spoke on familial restriction, would like to get sense where board members stand. She still supports familial restriction. Mr. Ellis more comfortable with lifting the familial restriction with robust lease restriction of 6 month-1 year with the homeowner on site. Mr. Tondorf-Dick looking more at terms of the outbuildings on lot zoning, (privacy, setbacks) increased intensity use on the lot. Appreciates the duration of time limits. Looked at existing buildings vs. new construction.

Board reviewed existing by-law with potential changes made (track changes in blue). Mr. Tondorf-Dick commented he would like to look at protecting character of the Town. Reviewed definitions. Possibly have a second class of ADU defined (i.e. new construction vs. existing).

Board started review of existing Accessory Dwelling Units by-law with changes shown in blue. Board may have to look at definition of "family member" if restriction is not lifted. Board and staff had discussion on definition of two-family dwelling (Section V-I) vs. single family dwelling that has ADU associated with it. Board also discussed how Assessors value dwellings differently than zoning, info from Town Clerk's office regarding home occupations, ADU cap and what potentially remains to be built, lot size with renovation of existing structure vs. new construction and/or addition being built, pre-existing non-conforming structures and lot size, architectural character and scale of ADU (including interior/exterior staircases), street view of structure, size/maximum area of ADU and what peer Towns have (Hingham appears to be on lower end of size of unit), modifying buffer/landscaping/screening between abutting properties i.e. parking spaces, outside storage areas, etc. to mitigate impact on abutting properties, parking requirements and fair housing laws.

Kevin Ellis suggested some updated language as discussed be presented at next meeting on February 13 and Board should be wrapping up discussion on proposed changes to the by-law. The Board did receive 20 new public comments since previous meeting. Mr. Ellis opened up for public comment.

Jack Falvey, 18 Martins Cove Road, Chair of Affordable Housing Trust, they have additional peer information to provide but would prefer to defer submitting to a future meeting as Randy Winters was on the meeting but had to drop off and he was going to present. Mr. Ellis recommended they submit the information to staff so Board can review prior to meeting.

Mr. Ellis made motion to continue the discussion for the Accessory Dwelling Units and Minimum Occupancy Term for residential uses Zoning By-Laws to February 13, 2023 at 7pm.

**Second:** Gordon Carr

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

**Opposed:** None

### **Citizens Petition to Amend Dimensional Requirements for Residence District A Zoning Article**

Chair Sneath stated two additional zoning amendments to discuss. First is a citizen's petition to amend dimensional requirements in Residence District A.

Proponent Priya Howell made a slide presentation on the proposed article.

Chair Sneath questions include changing size of lot in a district legally would it put all the earlier lots into non-conformity? Would they have pre-existing conditions? How would a zoning map differentiate the lots pre and post? How would this effect the value of someone's property that may have bought it thinking it could be subdivided?

Ms. Howell stated it would be based on date of creation. Modelled by-law after changes Pembroke adopted. It would only be for parcels after the date of adoption. As to value regarding subdividing zoning laws can and do change over time, some because the Town decides what is in the best interest of the Town.

Mr. Tondorf-Dick stated he sees this as trying to preserve a certain level of density when a lot other initiates the town has have been designed to increase density to meet revenue objectives. Would a lot coverage by-law help town to meet revenue objectives, balance density and preserve equity people have in their property? If being done in Residence A why not in Residence District B?

Ms. Howell spoke to lot coverage ratio that may get similar result, but may not completely address density issue. Residence District B lot size is  $\frac{3}{4}$  acre, not a full acre but not as small as  $\frac{1}{2}$  acre, happy medium. Not much vacant land left in Residence District A.

Mr. Ellis stated he thought it would be good to get a sense on how many lots this would actually affect. Could have potential to accomplish some density issues the Town has had.

Ms. Howell stated it may be difficult to determine number of lots it would impact as it depends on size of house on lot, price of house. To get frontage for a lot a road can be created. There are multiple ways subdivisions can be created. She can look at how many properties in Residence District A this would affect, those exceeding 40,000sq.ft. Trying not to impact or take away property owners rights. Looking at a coverage ratio would be more impactful.

Mr. Carr appreciates creativity of amendment. Feels knowing scale of issue would be helpful.

Ms. DaSilva like the idea. Subdivisions going in now and feels the Town is becoming very dense.

Ms. Sneath feels it wouldn't be a bad idea to effect all properties in Town, not just one area.

Gordon Carr moved to continue the hearing on Dimensional Requirements for Residence District A to February 27 at 7 PM.

**Second:** Kevin Ellis

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

**Opposed:** None

### **Electric Vehicle Charging Parking Requirements Zoning Article**

Chair Sneath moved to the next time on the agenda, Electric Vehicle Parking Requirements Zoning Article.

Ms. Wentworth presented the article to the Board.

Member Carr made a comment related to the proposed requirements and length of charging allowed at a charger.

Ms. Wentworth noted the practices of HMLP with respect to this issue.

Member Tondorf-Dick asked a clarifying question related to handicapped spaces.

Member Ellis commented on who could or could not use charging spaces in a private lot.

Ms. Wentworth noted the enforcement mechanism for the charging requirements in private lots as the Building Commissioner.

Kevin Ellis moved to continue the discussion of the Electric Vehicle Parking Requirements Zoning Article to February 27 at 7PM.

**Second:** Gordon Carr

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

**Opposed:** None

Chair Sneath MOVED to adjourn at 10:45 p.m.

**Second:** Gordon Carr

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

**Opposed:** None

Respectfully submitted,  
Sue Letizia-Eddy  
Community Planning Assistant

Meeting Materials:

*Agenda Summary, dated February 3, 2023*

181 North Street:

*Site Plan Review Modification Request  
Special Permit A3 Modification Request  
Site Plan, revised December 14, 2022  
Modifications Plan, revised December 16, 2022  
Certified Arborist Letter, dated January 5, 2023  
Traffic Management Plan, dated January 6, 2023  
Site Plan, revised January 6, 2023  
Public Comment from F. and N. Mellen, dated January 6, 2023  
Public Comment from D. Fitzgerald, dated January 9, 2023  
Continuance Request, dated January 19, 2023  
Traffic Management Plan, revised February 1, 2023  
Special Permit A3 Modified Request, dated February 1, 2023  
Explanation of Revisions to Traffic Management Plan, dated February 1, 2023  
Previous Site Plan Approval Decision, dated December 4, 2020  
Previous Special Permit A3 Decision, dated December 4, 2020  
Approved Site Plan, revised through October 27, 2020*

392 Main Street:

*Site Plan Review Waiver Request, dated December 22, 2022  
Site Plan, revised December 22, 2022  
Site Plan Review Waiver Request and Stormwater Calculations, dated January 26, 2023  
Peer Review Comments from P. Brennan, dated January 27, 2023*

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*  
*Sheet A0.5, revised February 2, 2023*  
*Explanation of Revisions, dated February 3, 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*

#### Zoning Articles:

*January 9, 2023 Initial Hearing on all Zoning Articles*  
*January 23, 2023 Hearing on Residential Occupancy Terms and Accessory Dwelling Units Articles*  
*January 30, 2023 Zoning Articles Presentation*

#### Accessory Dwelling Units

*Report of the Accessory Dwelling Units Study Committee*  
*Full Text of Proposed Amendment*  
*Planning Board Questions and Comments for Consideration, dated January 23, 2023*  
*Benchmark Communities Comparison, updated January 23, 2023*  
*Memo from S. Murphy, dated January 27, 2023*  
*NY Times Article, "Senior Housing that Seniors Actually Like," dated January 29, 2023*  
*Memo from J. Gay-Smith, dated January 30, 2023*  
*Response to Questions from Assessor, dated January 30, 2023*  
*Housing Assistance on Cape Cod ADU Article*  
*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*  
*HAHT Presentation, dated January 30, 2023*  
*Public Comment from A. Molloy Hussey, dated January 31, 2023*  
*Public Comment from K. Blackwell, dated January 31, 2023*  
*Public Comment from L. Parsons, dated January 31, 2023*  
*Public Comment from R. Patel, dated January 31, 2023*  
*Public Comment from M. Ayer, dated January 31, 2023*  
*Public Comment from A. Turner, dated January 31, 2023*  
*Public Comment from C. Daley, dated February 2, 2023*  
*Public Comment from O. Lanna, dated February 2, 2023*  
*Public Comment from E. Kitchin, dated February 2, 2023*  
*Public Comment from B. Rouleau, dated February 3, 2023*  
*Public Comment from M. Cullings, dated February 3, 2023*

*Minimum Occupancy Term for Residential Uses*

*Full Text of Proposed Amendment*

*Citizens Petition to Amend Dimensional Requirements for Residence District A*

*Full Text of Proposed Amendment*

*Electric Vehicle Charging Parking Requirements*

*Full Text of Proposed Amendment*