

HINGHAM PLANNING BOARD MINUTES

February 7, 2022 @ 7:00 PM

REMOTE MEETING

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

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner; Susan Murphy, Esq., Special Real Estate Counsel; Jennifer Oram, Zoning Administrator

Members Absent: None

At 7:06 p.m. Chair Ellis 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 20 of the Acts of 2021 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)

Chair Ellis stated that Member Carr would be joining late.

Chair Ellis stated the first matter was a site plan review waiver request for **18 Shipyard Drive, Suite 1K**.

Mr. David O’Connor from Cafco Construction Management appeared on behalf of the applicant. Mr. O’Connor stated the project included interior renovations to the former Hingham Beerworks location. Mr. O’Connor gave an overview of the project and described changes to the interior and said there would be no change of use.

There was discussion regarding seating, shared parking, outdoor seating and proposed new business.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting Chair Ellis moved to find that the interior renovations for a new restaurant at 18 Shipyard Drive, Suite 1K located in the Industrial District constitutes a minor site plan under Section I-I, 5.b (i) of the By-Law; and to GRANT the request of Cafco Construction Management to waive Site Plan Review under Section I-I, 5 of the By-Law.

Second: Judith Sneath

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

Opposed: None

Chair Ellis stated the next matter would be the **Scenic Road Permit for Martins Lane**.

Mr. JR Frey, Hingham Town Engineer, gave an overview of the project to repair and reconstruct a portion of the seawall on Martins Way.

Mr. Daniel Gagne, Engineer from Beals & Thomas, presented materials and gave details about the project. He discussed excavation, the increase to the height of the wall, new timber railings, extension of the wall, plans, grading and tide gate.

Chair Ellis asked for Member comments.

There was discussion regarding the schedule for bidding and construction, the closure of Martins Lane, the projected rise in sea level, site plan review trigger and requested waivers.

Chair Ellis asked for public comments.

Ms. Janice McPhillips, resident of 17 Surry Road stated she wanted to make sure access to the beach area would not be limited. Mr. Gagne confirmed.

Ms. Laurie Fiore, resident of 16 Surrey Road asked how traffic would be handled.

There was discussion regarding police details, traffic, duration of the project, estimated project start, potential congestion on roadway, maintaining access for impacted residents, notice to abutters, construction management, construction schedule, World's End traffic considerations and mechanisms to collect feedback from residents during construction.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting Chair Ellis made the following findings regarding the Scenic Road Permit: Under the Rules and Regulations of the Planning Board Adopted under the Scenic Road Act, the "Board's decision on any application for proposed action effecting scenic roads shall be based on consideration of the following":

1. Preservation of natural resources;

Impacts to natural resources are temporary in association with the roadway and wall reconstruction and will be returned to existing conditions upon completion of construction. Temporary and permanent impacts to natural resources have been reviewed and approved by the Hingham Conservation Commission. Accordingly, natural resources are preserved.

2. Environmental values;

Adverse impacts on wetland resources will be avoided or minimized by limiting construction to low tide periods.

3. Historical values;

Historical values will be preserved by using materials consistent with those of the existing seawall to the maximum extent practicable.

4. Scenic and aesthetic characteristics;

The proposed increase in wall height, additional 30-foot section of wall, and post-and-rail fence have been designed to be consistent with existing materials. The proposed 18-inch increase to the wall height will not materially impact the scenic or aesthetic characteristics of the area.

5. Public safety;

Vehicular and pedestrian hazards will be reduced and sinkholes noted in the DCR Coastal Protection Infrastructure Inventory and Assessment will be addressed. Furthermore, the improvements to the seawall will offer increased protection to the adjacent roadway and abutting residences in the event of a coastal storm.

6. Compensatory actions proposed, such as replacement of trees or walls;

Temporary disturbances to coastal resource areas will be restored upon completion of construction. In particular, existing salt marsh soils and plants will be stockpiled to later restore the area to existing conditions.

7. Other sound planning considerations.

The Project will minimize impacts to wetland resource areas to the extent practicable, while meeting the projects goals of improving coastal protection and public safety along the roadway.

and moved to GRANT the application of Beals & Thomas, Inc., on behalf of the Town of Hingham, for a Scenic Road Permit pursuant to M.G.L. Chapter 40, Section 15C of the Scenic Road Act and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act, to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18” above the pavement within the Martins Lane right-of-way in Residence District C.

Second: Gary Tondorf-Dick

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

Opposed: None

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting Chair Ellis made the following findings regarding the Site Plan Approval application:

- 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 Project consists of improvements within an existing, deteriorating right-of-way and will support continuation of existing uses in the area. The proposed improvements to Martins Lane and the adjacent seawall will result in better protection measures against coastal storm flooding, while preserving views.

- 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 proposed project will reduce potential vehicular and pedestrian hazards, by reducing potential for flooding and fixing sinkholes and other roadway deficiencies in Martins Lane.

- 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.**

There will be no change to the traffic patterns or parking prohibitions along this segment of Martins Lane.

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

The proposed roadway maintenance and seawall repair will be performed largely within an existing, deteriorating right-of-way. There will be no increase in impervious roadway or a change in land use at the project site.

- e) Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**

The proposed work will generate no wastewater or refuse. Adequate methods of disposal will be utilized for any discarded construction materials.

- 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 Project will not result in an increased demand for utilities, and no further municipal or private support facilities are required.

- g) Assurances of positive stormwater 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 stormwater 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 Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system.

The Town proposes to utilize the low tide construction approach for repair of the existing seawall to avoid the need for dewatering. Appropriate erosion and siltation control measures will be implemented during construction. The proposed work is generally located within existing disturbed areas of Martins Lane and the seawall, and no additional impervious roadway will be added to the site. The Project is not anticipated to impact the stormwater conditions on the site.

- h) Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.**

Implementation of best management practices with the stormwater design are sufficient as conditioned by this Approval.

- i) 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 Town has received an Amended Order of Conditions from the Hingham Conservation Commission. Furthermore, the Project has received a Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, which found that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. The Project proposes to reconstruct and extend the seawall using materials consistent with historic conditions to the maximum extent practicable.

- j) Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.**

The Project consists of improvements within an existing, deteriorating right-of-way. The proposed 18-inch increase in wall height, additional 30-linear foot section of wall, and post-and-rail fence have been designed to be consistent with existing materials and will not materially impact the scenic or aesthetic characteristics of the area.

and moved to GRANT the application of Beals & Thomas, Inc., on behalf of the Town of Hingham, for Site Plan Approval pursuant to §§ I-I and IV-B of the Zoning By-Law, to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18” above the pavement within the Martins Lane right-of-way in Residence District C, subject to the following conditions:

1. Pre-Construction Meeting. For all projects requiring erosion control installation or any clearing a preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required as a condition of approval for all projects. Projects that disturb one or more acres individually, or cumulatively if phased development is proposed, shall be required as a condition of any approval to provide a Stormwater Pollution Prevention Plan for review by the Planning Board or their designee not less than three weeks prior to the start of any work.
2. A construction schedule and management plan shall be submitted to the Community Planning Department prior to commencement of work. The plan shall include the following:
 - a. No work shall be permitted on weekends between April and October
 - b. Work shall be limited to 7am to 5pm on weekdays
 - c. Police detail shall be required to redirect traffic through the neighborhood if Martins Lane is closed on weekdays from June to September
 - d. Martins Lane shall remain open to the maximum extent practicable to minimize traffic impacts on the neighborhood
3. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant’s expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
4. As-Built Plan Requirement Upon project completion an as-built plan must be submitted to the Building Commissioner & Community Planning Department after the completion of construction. The as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Ellis stated the next item was Site Plan Review for **0 Otis Street, Town Pier**. Chair Ellis stated the applicant requested a continuance.

Chair Ellis moved to continue the application of Beals & Thomas, Inc., on behalf of the Town of Hingham, for Site Plan Review under §§ I-H and I-I of the Zoning By-Law and such other relief as necessary to reconstruct approximately 500 linear feet of existing bulkhead, replace 50 linear

feet of bulkhead with stone revetment, construct approximately 75 linear feet of new stone revetment, and restore approximately 250 square feet of coastal beach on Town Pier/Iron Horse Park located at 0 Otis Street (Map 50, Lot 50) in the Official and Open Space and Hingham Harbor Overlay Districts to March 14, 2022 and extend the decision deadline to April 14, 2022.

Second: Rita DaSilva

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

Opposed: None

Chair Ellis stated the next item on the agenda was a Site Plan Approval application and Special Permit A3 modification for **185-193 Lincoln Street and 6 Crow Point Lane**. Chair Ellis stated the applicant requested a continuance.

Chair Ellis moved to continue the applications of 185-193 Lincoln Street, LLC and 6 Crow Point Realty, LLC for Site Plan Review and Modification of a Special Permit A3 Parking Determination, dated August 13, 2020, to allow an existing restaurant tenant (Localés Taco) to flex existing interior restaurant seats to a designated outdoor table service area, consisting of eight parking spaces adjacent to the restaurant located at 6 Crow Point Lane in Business District B to February 14, 2022 and extend the decision deadline to March 14, 2022.

Second: Rita DaSilva

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

Opposed: None

Chair Ellis stated the next matter would be the proposed amendments to the Zoning By-Law.

Ms. Wentworth stated the Accessory Use by-law was still being refined and recommended a continuance to February 14, 2022.

Chair Ellis stated they would discuss the **Special Permits and Site Plan Review** procedures.

Chair Ellis stated Member Carr joined the meeting.

Ms. Wentworth presented and discussed the most recent proposed edits to the Special Permits and Site Plan Review Procedures portions of the Zoning By-Law. Ms. Wentworth provided an overview of discussions to date that included reasons for proposed amendments, history of site plan review and special permits, creation of a uniform special permit process, creation of freestanding site plan review permits binding upon applicants, modifications to site plan review triggers and thresholds, revisions to timelines for review and lapse provisions, modifications to submission requirements, and revisions to design and performance standards for site plan review.

Ms. Wentworth stated the current discussion would focus on site plan review conditions and special permit and site plan review procedures. Ms. Wentworth stated existing mandatory decisions would be retained and supplemented in the draft amendment to include: a preamble,

additional requirements related to tree preservations submittal requirements; and performance standards. She stated proposed changes included those related to appeal and notice requirements.

There was discussion regarding notice for continued hearings, updated filing and recording requirements, updated review and lapse timeframes, retained site plan approval provisions, consolidation of Planning Board powers, updated special permit procedures provision and next steps for the February 14, 2022 Planning Board meeting.

Attorney Murphy presented and discussed the edits to the Zoning By-Law document.

There was discussion regarding the Board's preliminary feedback to proposed changes, implications and process regarding conditions imposed on the applicants by other boards, application submittal requirements and the flexibility to change administrative requirements through the Planning Board's Rules and Regulations, public notice requirements, edits to procedures and the proposed requirement that all Planning Board decisions be recorded with the Registry of Deeds.

Chair Ellis asked for public comment on the Site Plan Review procedures.

Ms. Priya Howell asked if an aggrieved abutter can appeal a decision. There was brief discussion regarding how the appeals process works today and how it would work under the proposed revised Zoning By-Law.

Chair Ellis moved to continue the Site Plan Review and Special Permits Procedures proposed amendments discussion to the February 14, 2022 meeting of the Planning Board.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Ellis moved to continue the Accessory Uses proposed amendments discussion to the February 14, 2022 meeting of the Planning Board.

Second: Judith Sneath

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

Opposed: None

Chair Ellis stated the next matter would be the proposed **Tree Preservation and Protection By-Law** article.

Ms. Howell was present to discuss the Tree Protection and Preservation article.

Ms. Howell discussed other community's handling of tree fund accounts and whether a vote could be taken at Town Meeting specific to the tree fund that was included in the original Tree Preservation and Protection Citizen's Petition.

Attorney Murphy stated she would consult with John Coughlin, Esq., Hingham's Town Counsel.

Ms. Howell stated she spoke with William Ramsey, Select Board Member, regarding procedures to withdraw a proposed article although that had not yet been done.

Chair Ellis moved to continue the **Tree Preservation and Protection By-Law** proposed article discussion to the February 14, 2022 meeting of the Planning Board.

Second: Judith Sneath

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

Opposed: None

Chair Ellis stated the Board had received the meeting minutes of January 24, 2022 for review.

Member Carr requested updates to the minutes regarding the 0 R Rockwood Road application related to lighting considerations. Member Carr stated he would circulate his proposed updates.

Member Tondorf-Dick stated he had made comments and requested they be distributed. Member Sneath requested removal of the sentence that referenced Member Tondorf-Dick as the Acting Chair.

Chair Ellis moved to adjourn the meeting at 9:25 p.m.

Second: Judith Sneath

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

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning

Meeting Materials:

18 Shipyard Drive, Suite 1K

1. Application for Site Plan Approval Waiver, dated January 26, 2022
2. Site Plan, dated December 12, 2021

Martins Lane

1. Application for Scenic Roads Permits, dated January 10, 2022
2. Application for Site Plan Approval Waiver with Maps and Plans, dated January 10, 2022

Zoning Articles

1. *Residential Accessory Uses Article*
2. *Section III-J Mark-Up, dated January 21, 2022*
3. *Accessory Uses Presentation, dated January 24, 2022*
4. *Special Permits and Site Plan Review Procedures Article*
5. *Site Plan Review/Special Permit Presentation, dated November 29, 2021*
6. *Section I Excerpt from Draft Zoning Article - Clean Version, dated January 21, 2022*
7. *Tree Protection Article Annotated with Tree Preservation Measure incorporated into Site Plan Review*
8. *Special Permits and Site Plan Review Presentation, dated January 24, 2022*
9. *2022 Draft Zoning By-Law Mark-Up, updated February 2, 2022*