

HINGHAM PLANNING BOARD MINUTES

February 13, 2023 @ 7:00 PM
REMOTE MEETING

Planning Board Members Present Remotely: Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, Gary Tondorf-Dick, and Associate Member Michael Mercurio

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

Members Absent: None

Chair Sneath called the Planning Board meeting to order by roll call vote at 7pm 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 will 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)

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

The Chair reopened the hearing on an application from the Hingham Historical Society 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. She noted that Gordon Carr and Gary Tondorf-Dick recused themselves from the matter, so Associate Member Michael Mercurio would be acting on the Special Permit. The Chair then asked the applicant to summarize the information submitted since the prior hearing on January 9, 2023.

The Executive Director of the Historical Society, Deirdre Anderson, addressed the Board. She introduced Ben Wilcox, Contractor; Karen Johnson, Cynthia Galco, and Dorothy Gallo, Board Members; and Frank and Nancy Mellen, abutters. Ms. Anderson summarized the applications. She described the changes to the Traffic Management Plan related to field trips or larger events and drop off.

Rita DaSilva asked about the drop off location. Ms. Anderson said it would be in front of the property in the North Street right of way. Kevin Ellis asked about the parking reduction, noting that there was one space reserved for staff, another for vehicles with a handicapped plate, and one available for any visitor. He expressed concern that there would effectively be no parking to support the use and there was no safe way to get visitors to the museum from offsite properties. Ms. Anderson said that many historic sites maintain little to no parking and they are still well utilized. She said the Society was willing to restrict regular tours to 12 and engage police details for larger events to mitigate and negative impacts. The Chair asked about the dimensions of the staff space west of the garage. Ms. Anderson confirmed that it did not meet standards in the By-Law, but a car could fit in it. The Chair suggested that the space be unrestricted and available to visitors. The Board then discussed a conceptual plan to improve pedestrian circulation in safety in the area.

The Chair opened the hearing for public comment. Frank Mellen, 180 North Street, expressed support for the application.

The Board reviewed the requested Special Permit Waiver from § V-A.3 to allow the proposed parking space for staff to the west side of the garage to be 18' in length with no overhang, where a 2' overhang is required or a 20' parking space with no overhang. The Chair then read the following Findings under § V-A.6:

That the proposed modifications do not materially or adversely affect conditions governed by the Special Permit A3 Findings issued December 4, 2020 and set forth in § V-A of the Zoning By-Law, with the exception of the following:

a. The parking is sufficient in quantity to meet the needs of the proposed project;

The modified plans propose 3 parking spaces, 1 of which would be ADA accessible, which is sufficient to serve regular museum operations as presented at this time. The modified parking determination is based upon the auditorium ratio of one car per three seats (persons) under § V-A and maintains the previously approved 25% reduction, provided that the number of persons threshold to be considered a large event is limited to 12 people aside from events such as school field trips in which all participants arrive to and depart from the property in a single vehicle. The proposed parking is insufficient to support special events outside of regular museum operations or invitation only fundraising events for more than 12 people. The Traffic Management Plan provides strategies to manage traffic and parking in these instances, including utilization of the 17 available parking spaces at the Old Ordinary and Heritage Museum.

b. Pedestrian access and circulation has been provided for;

Pedestrian access and circulation on site is adequate for regular museum operations. As conditioned by this approval, occupancy limits and police details shall be required for larger events, except field trips and others in which all participants arrive to and depart from the property in a single vehicle. Once future offsite improvements are completed, occupancy limits and police details for events larger than 12 people will be reconsidered for events up to 40 people with nonconcurrent events at the Old Ordinary or Heritage Museum.

d. It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings;

The newly proposed parking space to the west of the existing garage meets all off-street parking dimensional requirements, with the exception of the parking length requirement under § V-A.3 which requires an 18' space in length with a 2' overhang or a 20' space in length with no overhang. A waiver of this requirement to allow this space to be 18' in length with no overhang is consistent with the Board's granting of a waiver of this requirement for other spaces onsite in the 2020 Special Permit A3.

e. Except as specifically provided under subsection d above, the proposed parking areas meet applicable Design Standards; and

f. The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

No adverse impacts on the parking and on-site traffic circulation will result from limited relief of the parking space dimensional requirement under Section V-A, 3. Waivers are consistent with the intent of the By-Law.

Rita DaSilva made a motion, seconded by Kevin Ellis, to GRANT the application of the Hingham Historical Society to modify a Special Permit A3 Parking Determination, originally issued December 4, 2020 under § V-A of the Zoning By-Law, with a waiver related to parking space length issued from § V-A, 3., to relocate an accessible parking space and walkway, eliminate one parking space, and make other related improvements at 181 North Street in Residence District A, subject to the following conditions:

1. Museum Operations. Museum operations shall consist of regularly scheduled tours for no more than 12 people, with the exception of field trips or other tours in which busing is utilized to drop off and pick up at the property. A police detail shall be required for all larger events of more than 12 people for the duration of the events. Following completion of future offsite improvements that propose pedestrian connections to the Downtown and additional off-street parking in the vicinity, occupancy limits and police details for events larger than 12 people will be reconsidered for operations or events of up to 40 people with nonconcurrent parking demands at the Old Ordinary or Heritage Museum.
2. Traffic Management Plan. Prior to issuance of a Certificate of Occupancy, the Traffic Management Plan shall be revised and submitted to the Community Planning Department to reflect the content of condition number 1 of this Approval.
3. Plans will be updated to make the parking space to the west of the garage unrestricted.

The Chair called a roll call vote and motion passed unanimously.

Second: Kevin Ellis
In Favor: Rita DaSilva, Kevin Ellis, Michael Mercurio, Judy Sneath
Opposed: None

The Chair then reviewed the noted that the applicant requested a waiver from Site Plan Review, but suggested that the Board not waive the process. She read the following Site Plan Review Findings under § I-I.7 of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

Kevin Ellis then made a motion, seconded by Rita DaSilva, to GRANT the application of the Hingham Historical Society to modify a Site Plan Approval, originally issued December 4, 2020 under § I-I of the Zoning By-Law, to relocate an accessible parking space and walkway, eliminate one parking space, and make other related improvements at 181 North Street in Residence District A, subject to the following conditions:

1. Prior to issuance of a Certificate of Occupancy, a revised Site Plan shall be submitted to the Community Planning Department showing the location of the proposed tree mitigation plantings. Said trees shall be of native species and each tree shall be at least 3" in caliper.
2. All ongoing conditions of the Site Plan Approval decision shall remain in full force and effect, unless otherwise modified by this Approval.

The motion passed unanimously by roll call vote.

Second: Rita DaSilva
In Favor: Kevin Ellis, Rita DaSilva, Judith Sneath
Opposed: None

The Chair thanked Michael Mercurio for participating on the Special Permit applicant and welcomed Gordon Carr and Gary Tondorf-Dick back to the panel.

**222 South Pleasant Street
 Site Plan Review**

The Chair reopened the hearing on an application from CPC Pleasant Street LLC for Site Plan Review with Waiver Requests under § I-1 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. She noted that this was the fifth hearing on the application.

Attorney Walter Sullivan addressed the Board. Architect, Glenn Travis, and Landscape Architect, Sean Papich, then presented the updated site sections and landscape plans. Members asked for the timeframe for trees to mature to the size represented on the renderings. Mr. Papich responded by providing the caliper size of trees at the time of planting and said it would take about 3-5 years to get to the size represented in the submission.

The Chair opened the hearing for public comment. Randy Otto, 234 South Pleasant Street, expressed concern about proposed trees along the shared property line because of the proximity to his patio. He asked if the trees could be shifted further away. The applicant, Ryan Sillery, said he would be happy to work with Mr. Otto. The Chair thanked the applicant and abutters for participating in the process.

The Board reviewed the Design and Performance Standards, particularly the Character and Scale of Buildings and Site Design Standards, and discussed potential conditions. The Chair noted that the application requested waiver of a submittal requirement under § I-1, 5.1(iii), Transportation Impact Analysis, and found that it was appropriate given the nature of the single-family home project.

The Board made the following Findings in accordance with § I-1,7:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards, including minimal compliance with Criteria (c) Character and Scale of Buildings.

Rita DaSilva then made a motion, seconded by Gary Tondorf-Dick, to GRANT the application of CPC Pleasant Street LLC for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a submittal requirement under § I-1, 5.1(iii) related to a Transportation Impact Analysis, to reconstruct a single-family dwelling, including an attached two car garage, and construct a pool, pool house, sports court, auto court, hardscaping, landscaping and other improvements at 222 South Pleasant Street in Residence District C, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. Sight Lighting. Proposed outdoor lighting shall be consistent with that of a single-family home and shall not project onto abutting properties greater than the 0.25 foot-candle limit. No lighting shall be installed for the sports court.
3. Construction Schedule. Prior to issuance of a building permit, the Applicant shall provide a construction schedule to the Community Planning Department. Said construction schedule shall specify truck travel outside of school bus pick-up/drop-off hours. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.

4. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit revised plans to the Community Planning Department to show accurate grading, elevations, and cut and fill numbers.
5. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a Building Permit.
6. Stormwater Pollution Prevention Plan (SWPPP). Since the project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of the SWPPP review.
7. Limits of Work; Tree Protection Areas. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.
8. 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, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
9. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
10. Maintenance of Protected and Replacement Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.
11. Additional Structures or Impervious Surface. Any future proposed expansion of building footprint of a principal or accessory building and/or any increase in impervious surfaces shall require modification of this Site Plan Approval, so that the Board can review any potential impacts on Design and Performance Standards under Section I-I of the By-Law.

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

170 Chief Justice Cushing Highway Site Plan Review

The Chair opened a hearing on the application of Joseph Mahoney for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to construct a single-family dwelling and make other improvements including a paved driveway, walkway, grading, and landscaping in Residence District C.

James Garfield, P.E., presented the application and proposed plan to the Board. Members discussed tree mitigation selection, driveway, and garages. Mr. Garfield conformed that the existing smaller garage and related driveway will be removed and converted to lawn. He then provided the size of the two-story garage (30'x30'). No public comment was received prior to or during the public hearing.

The Chair noted that the applicant requested a waiver of submittal requirements under § I-I, 5.1(ii) and (iii), a Site Lighting Plan and Transportation Impact Analysis, as the submittal requirements do not apply to the nature of this single-family home project.

The Board made the following findings in accordance with the Approval Criteria under § I-I, 7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

Gary Tondorf-Dick then made a motion, seconded by Gordon Carr, to GRANT the application of Joseph Mahoney for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.1(ii) and (iii) related to a Site Lighting Plan and a Transportation Impact Analysis, to construct a single-family dwelling and make other improvements including a paved driveway, walkway, grading, and landscaping at 170 Chief Justice Cushing Highway in Residence District C, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. Sight Lighting. Proposed outdoor lighting shall be consistent with that of a single-family home and shall not project onto abutting properties greater than the 0.25 foot-candle limit.
3. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a Building Permit.
4. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit revised plans to the Community Planning Department to show three additional trees of native species, all at least 3" in caliper.
5. Limits of Work; Tree Protection Areas. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to

be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.

6. Parking During Construction. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
7. 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, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
8. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
9. Maintenance of Protected and Replacement Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.
10. The Applicant shall resubmit a planting plan that shows an additional 3 trees selected in the spirit of Hingham's tree protection by-law prior to issuance of a building permit.

The motion passed unanimously by roll call vote.

Second: Gordon Carr
In Favor: Rita DaSilva, Kevin Ellis, Gary Tondorf-Dick, Gordon Carr, Judith Sneath
Opposed: None

457 Main Street Site Plan Review

The Chair opened the hearing on an application from JJF Investments, LLC for Site Plan Review under § I-I of the Zoning By-Law and such other relief as necessary to construct a single-family dwelling and make other improvements including a paved driveway, grading, and landscaping at 457 Main Street in Residence District A. She then noted that the applicant submitted written continuance request.

Gordon Carr then made a motion, seconded by Gary Tondorf-Dick, to CONTINUE the application of JJF Investments, LLC for Site Plan Review under § I-I of the Zoning By-Law and such other relief as necessary to construct a single-family dwelling and make other improvements including a paved driveway, grading, and landscaping at 457 Main Street in Residence District A to February 27, 2023 at 7 PM. The motion passed unanimously by role call vote.

Second: Gary Tondorf-Dick

In Favor: Gordon Carr, Gary Tondorf-Dick, Rita DaSilva, Kevin Ellis, Judith Sneath
Opposed: None

0 Station Street Special Permit A3 and Site Plan Review Modifications

The Chair opened the hearing on an application from Hingham Farmers Market, Inc. to modify a Special Permit A3 and Site Plan Approval, both originally issued April 21, 2021, under §§ V-A and I-I of the Zoning By-Law, and such other relief as necessary to increase the footprint and number of vendors for the seasonal Farmers Market in the Official and Open Space District.

Mark Cullings, Hingham Farmers Market, presented the request to the Board. He described the revised footprint of the Market. He added the application proposes an increase in the permitted number of vendors from 34 to 50 maximum. Michael Silveira presented the parking count (267) for Station Street, which are based on the improvement plan as opposed to the on the ground count by the applicant. Mr. Carr noted that there is adequate parking in the area. Members expressed general support for the operation of the Market and the proposed modification.

Related to the Special Permit modification, the Board made the following findings under § V-A, 6. of the By-Law:

- a. The parking is sufficient in quantity to meet the needs of the proposed project;**
The Station Street parking area (inclusive of the southerly lot, northerly lot, and Town-owned parking along Station Street) has a total of 267 parking spaces based upon the plan from the Station Street redevelopment project. The proposed modification provides approximately 57 spaces to be utilized for the market, exit lane, and vendor vehicle perimeter and approximately 42 spaces available in the southerly-most parking row for the remainder of the vendors and staff. This allows for a remainder of approximately 168 parking spaces available for the public to access the public parking area. Because the Farmer's Market will operate for limited hours one day a week and will only overlap with downtown business hours for a few hours each market day, sufficient parking area will remain for market customers and visitors to the nearby downtown area. The number of vendors shall not exceed fifty (50) at any given time.
- b. Safe pedestrian access and circulation has been provided for;**
The proposed layout plans depict the pedestrian movements within the Farmer's Market. The location of the Farmers Market in the rear of the Station Street parking lot is situated away from traffic within the parking lot in order to provide for safe access and operations for the vendors and attendees. The large vendor vehicles surrounding the perimeter of the market will adequately protect both vendors and attendees.
- c. New driveways have been designed to maximize sightline distances to the greatest extent possible;**
No new driveways are proposed in connection with the temporary seasonal use.
- e. The existing parking area meets applicable Design Standards, and**
- f. The granting of this Special Permit is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**

Gary Tondorf-Dick then made a motion, seconded by Gordon Carr, to GRANT the application of Hingham Farmers Market, Inc. for modification of a Special Permit A3, issued April 21, 2021, under § V-A of the Zoning By-Law to increase the footprint and number of vendors for the seasonal Farmers Market at 0 Station Street, Map 61 Lot 91, in the Official and Open Space District, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording prior to commencement of 2023 operations.
2. Amended License Agreement. The Applicant shall provide to the Community Planning Department a copy of the fully executed amended license agreement with the Town prior commencement of 2023 operations.
3. Ongoing Conditions. All ongoing conditions of the April 21, 2021 Site Plan Approval and Special Permit A3 decision shall remain in full force and effect, unless otherwise modified by this Approval.

The motion passed unanimously by roll call vote.

Second: Gordon Carr
In Favor: Gary Tondorf-Dick, Gordon Carr, Rita DaSilva, Kevin Ellis, Judith Sneath
Opposed: None

Related to the Site Plan Review application, the Board made the following findings in accordance with the Approval Criteria under § I-I, 7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

Kevin Ellis then made a motion, seconded by Rita DaSilva, to GRANT the application of Hingham Farmers Market, Inc. for modification of a Site Plan Approval, issued April 21, 2021, under § I-I of the Zoning By-Law to increase the footprint and number of vendors for the seasonal Farmers Market at 0 Station Street, Map 61 Lot 91, in the Official and Open Space District, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording prior to commencement of 2023 operations.
2. Amended License Agreement. The Applicant shall provide to the Community Planning Department a copy of the fully executed amended license agreement with the Town prior commencement of 2023 operations.
3. Ongoing Conditions. All ongoing conditions of the April 21, 2021 Site Plan Approval and Special Permit A3 decision shall remain in full force and effect, unless otherwise modified by this Approval.

The motion passed unanimously by roll call vote.

Second: Rita DaSilva
In Favor: Gordon Carr, Gary Tondorf-Dick, Rita DaSilva, Kevin Ellis, Judith Sneath
Opposed: None

**213 & 215 Cushing Street
 Definitive Flexible Residential Development (FRD) & Site Plan Review**

The Chair opened a hearing on the application of Bristol Bros. Development Corp. for Modification of 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 in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District.

Attorney Jeff Tocchio represented the applicant. He described changes made to the plan since the Board issued its Preliminary FRD Special Permit in March 2022 and since the current application. He noted in particular that the individual lots were eliminated. Taylor Corsono from Crocker Design Group then reviewed the plans. Rita DaSilva asked about availability of guest parking. Kevin Ellis asked about the impact of the driveway to the abutting house on Cushing Street affected the type of roadway.

Member Gary Tondorf-Dick asked the applicant to present an explanation of all of the waivers requested. The applicant said that this explanation would be included in the next hearing.

No one appeared to make public comment.

Gary Tondorf-Dick then made a motion, seconded by Gordon Carr, to CONTINUE the applications of Bristol Bros. Development Corp. for Modification of 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 in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District to March 13, 2023 at 7 PM and extend the decision to April 13, 2023.

The motion passed unanimously by roll call vote.

Second:	Gordon Carr
In Favor:	Gary Tondorf-Dick, Gordon Carr, Rita DaSilva, Kevin Ellis, Judith Sneath
Opposed:	None

The Chair then turned the meeting over to Kevin Ellis, Acting Chair on the Accessory Dwelling Unit Zoning Article (AAA) and Residential Occupancy Term Zoning Article (BBB).

Zoning Articles

Article AAA: Accessory Dwelling Units (ADUs) and Article BBB: Residential Occupancy Terms

The Acting Chair reopened the hearings and outlined the process he envisioned for the remaining review. He asked that the Board begin with Section 5 of the proposed By-Law, which creates additional design and dimensional standards for detached ADUs.

Gary Tondorf-Dick mentioned that he had submitted written comments on the article that he would like to discuss. He summarized his review of ADU regulations in other communities. He suggested that many have an administrative site plan review process in addition to a use permit. Emily Wentworth read the special permit approval criteria in Section I-H,2. of the By-Law. The Acting Chair asked if any others had a desire to require site plan review. None spoke.

Gary Tondorf-Dick asked about nonconforming detached structures and suggested they could be treated differently from new construction. He expressed concern about the proposed 10' separation between a single-family and detached ADU. Other members agreed that some flexibility was appropriate for preexisting nonconforming detached structures. The Board then played out potential scenarios on the location of a detached ADU and mitigation that could be required. Kevin Ellis suggested that more relief more than 10' could work based on the particular circumstances of the property. Gordon Carr suggested that more discretion by the ZBA may not be appropriate. Otherwise members supported the proposed changes in Section 5.

The Board then reviewed Section 6 of the proposed By-Law. Members agreed that a longer occupancy term would be a stronger safeguard against short-term rentals. The Board discussed a modification of the article to include a 6 month occupancy term. Jenn Gay-Smith described the thought process of the Study Committee with respect to the occupancy restriction. She said that the Committee discussed 6 months, but recommended 60 days so that a college student could still live in an ADU for a semester. Gordon Carr said that an occupancy term may not be required if the family restriction remains in place. Judy Sneath asked if it could then be considered more of a weekend use or guest house. Gordon agreed that that would no longer function as an ADU. After discussion, members agreed that a 6 month term would be appropriate.

The Acting Chair opened the hearing for public comment. Andy McElaney, 26 Meyers Farm Road, asked whether a mobile home could serve as an ADU. The Planning Director noted that mobile homes are a separate use under Section III-A of the By-Law. Mr. McElaney then quoted an article about tiny homes and affordability. He asked if that was one of the purposes of the amendment. Ms. Wentworth explained that the article would impose a maximum size, not a minimum size other than building code requirements. Jenn Gay-Smith added that the Study Committee contemplated a number of scenarios, including the ability to generate income from one of two units.

The Acting Chair asked the Board to weigh in on the article. He, Kevin Ellis, indicated that he would like to see it go forward in its current form, noting that there were substantial controls to protect abutters and the community. He thinks this next step is incremental. Gordon Carr said he remained unconvinced that rental ADUs would advance the expressed goals. He said he approached amendments in a conservative way and the proposed amendment was too much. Rita DaSilva said she completed a lot of research on other communities and most started with a family restriction. She was comfortable keeping the restriction in place. Judy Sneath said that she would oppose the amendment if it maintains the restriction because that would result in guest houses, not housing. She added that the Town has already approached ADUs incrementally and this is the next step. She concluded that the definition of family is not expansive. Gary Tondorf-Dick said he has done significant research and he supports detached with a family restriction.

The Acting Chair then made a motion, seconded by Judy Sneath, to continue Articles AAA and BBB to February 27, 2023 at 7pm.

Second: Judy Sneath
In Favor: Kevin Ellis, Judy Sneath, Rita DaSilva, Gary Tondorf-Dick, Gordon Carr
Opposed: None

Judy Sneath resumed the Chair. She asked for volunteer representatives to present other zoning articles to the Advisory Committee and Select Board. Kevin Ellis agreed to represent the Overlay District amendments (DDD and EEE). Gary Tondorf-Dick volunteered to represent the Unregistered Vehicles article (CCC) and the rental term Limits article.

Chair Sneath MOVED to adjourn the Planning Board at 10:27 pm.

Second: Gary Tondorf-Dick
In Favor: Rita DaSilva, Kevin Ellis, Gary Tondorf-Dick, Gordon Carr, Judith Sneath
Opposed: None

Application Materials:

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
Conceptual Offsite Vehicular and Pedestrian Circulation and Parking Improvement Plans (2 Alternatives)
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

222 South Pleasant

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
Landscape Plan, revised February 3, 2023
Continuance and Extension, dated February 7, 2023
Plan Set, revised February 10, 2023
Hardscape Plan, revised February 10, 2023
Landscape Plan, revised February 10, 2023
Section Rendering, dated February 10, 2023
Perspective 1
Perspective 2
Perspective 3
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

170 Chief Justice Cushing

Site Plan Review Application and Stormwater Report, dated December 13, 2022
Site Plan, dated December 13, 2022
Cut and Fill Plan, dated December 13, 2022
Architectural Plan
Elevation Plan
Site Plan, revised January 6, 2023
Response to Comments, received January 30, 2023
Site Plan, revised January 12, 2023
Site Plan, revised February 7, 2023
P. Brennan Peer Review Report, dated January 11, 2023
P. Brennan Peer Review Report, dated January 30, 2023

0 Station Street

Application Package, dated December 20, 2022
Previous Decision, dated April 21, 2021
Station Street Parking Area

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
Fire Marshal Comments, dated December 28, 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
Resubmission Cover Letter, dated February 10, 2023
Response to Peer Review Comments, dated February 10, 2023
Stormwater Report, revised February 9, 2023
Plan Set, revised February 9, 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
Preliminary FRD Plan, revised through February 24, 2022

Article AAA

Redlined ADU By-Law
GTD Memo to the Planning Board dated February 12, 2023