

HINGHAM PLANNING BOARD MINUTES

February 14, 2022 @ 7:00 PM

REMOTE MEETING

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

Also Present: Michael Silveira, Senior Planner; Susan Murphy, Esq., Special Real Estate Counsel

Members Absent: None

At 7:02 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 the first matter was a site plan review waiver request for **1217 Main Street (Scarlet Oak Tavern)**.

Mr. Ralph Bustin, General Contractor, appeared on behalf of the applicant. Mr. Bustin stated the project was for interior renovations to repair water damage. Mr. Bustin stated the work was limited to the interior.

There was discussion regarding the nature of the water damage and confirmation that there were no structural changes.

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 at 1217 Main Street located in Residence District B and Business District B constitute a minor site plan under Section I-I, 5.b (i) of the By-Law; and to GRANT the request of Ralph Bustin on behalf of AW Perry to waive Site Plan Review under Section I-I, 5 of the By-Law.

Second: Rita DaSilva

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

Opposed: None

Chair Ellis stated the next matter would be the **0 R Rockwood Road and 36 East Street** site plan review. Chair Ellis stated the applicant had requested additional time to respond to the Planning Board's requests and comments.

Chair Ellis moved to CONTINUE the application of Christine and Gregory Fletcher Site Plan Approval under § I-I and IV-B.6, including waivers of certain submittal requirements, to construct a single-family dwelling at 0 Rockwood Road and 36 East Street in Residence A District to March 14, 2022 and extend the decision deadline to April 14, 2022.

Second: Judith Sneath

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

Opposed: None

Chair Ellis stated the next matter was the **185-193 Lincoln Street and 6 Crow Point Lane**, Site Plan Review and Special Permit A3 modification.

Member Carr asked if the hearing had been opened on February 7, 2022. Mr. Silveira stated it had not.

Mr. Silveira and Attorney Murphy gave background on two applications for outdoor table seating.

Mr. Jeffery Tocchio, Esq. appeared on behalf of the applicant and stated that Mr. Doug McGregor, Mr. Brian McLaughlin and Mr. Scott Golding, Esq. were also in attendance. Attorney Tocchio stated the application was for Locales Taco, a restaurant in the Crow Point Village and he gave background on the application, seating and parking. Attorney Tocchio stated they were looking for the requested flex seating April 1st to November 30th. Attorney Tocchio gave an overview of requested waivers.

There was discussion regarding maximum seating under the COVID-19 program and how flex seating would work under this application, hours of operation for flex seating, previous reduction in parking requirements over time pre-COVID-19 program, potential for delivering a look-back on operational considerations, COVID-19 considerations, reduction of intensity in businesses surrounding the restaurant, reduction of parking by 4 to eight spaces, off-street parking requirements and decision criteria provisions of the Zoning By-Law. There was a suggestion made that the request for use of eight spaces be reduced to four.

Chair Ellis moved to continue the hearing of 185-193 Lincoln Street, LLC and 6 Crow Point Realty, LLC for a Modification of a Special Permit A3 Parking Determination, dated August 13, 2020 to the March 7, 2022 meeting of the Planning Board beginning at 7:00pm with a decision deadline extended to April 7, 2022.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Ellis stated the next item was the **150 North Street (Square Café)**, Site Plan Review and Special Permit A3.

Ms. Carol Draheim presented the application. Ms. Draheim stated the Outdoor Table Service (OTS) team had originally worked to get outdoor seating in the front of the restaurant, and the applicant was now looking to extend that seating permanently. Ms. Draheim stated they would also seek changes to their liquor license through the Select Board's office. Ms. Draheim shared a seating plan and described the addition of plants and lighting.

There was discussion regarding the request to add outdoor seating and the maximum number of seats, the public sidewalk license requirement from the Select Board, sidewalk layout, need to limit to one row of tables to allow for access to sidewalk, parking spaces, parameters for a look-back, permanent barrier options, area crosswalks, updated plans and OTS license timing and mechanics.

Chair Ellis moved to continue the application of Luke and Carol Draheim on behalf of Cayton 140-150 North Street, LLC to the March 7, 2022 meeting of the Planning Board with a Decision deadline extension to April 7, 2022.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Ellis stated the next items on the agenda were **Articles for the 2022 Town Meeting Warrant**.

Mr. Michael Saitow, resident of 34 Rockwood Road, arrived late to the meeting and requested information regarding 32 Rockwood Road. Attorney Murphy provided guidance on who the resident could reach out to as that property was not on the Planning Board's agenda.

Chair Ellis resumed discussion regarding the **Accessory Uses Article**.

Attorney Murphy provided an update and requested a continuance until February 28, 2022.

Chair Ellis moved to continue the Accessory Uses Article discussion to the February 28, 2022 meeting of the Planning Board beginning at 7:00pm.

Second: Gordon Carr

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

Opposed: None

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

Attorney Murphy made a presentation regarding the Special Permits and Site Plan Review Article. Attorney Murphy provided background analysis of applications over the last five years.

Attorney Murphy discussed existing and proposed site plan review triggers including those for major and minor site plan review and presented proposed Zoning By-Law edits.

There was discussion regarding parking triggers, presentation of analysis regarding site plan review triggers, parking determinations, performance standards, historical impacts to permitting authority in Hingham, change of use considerations and a request for electronic color version of documents.

Chair Ellis discussed goals for the February 28th meeting. There was discussion regarding proposed changes and if they were freestanding or had implications on other proposed edits.

Chair Ellis stated the hearing on the **Tree Preservation and Protection By-Law** would commence.

Ms. Priya Howell asked if there was a difference between how minor and major site plan review would handle the proposed tree provisions. Attorney Murphy stated they would be handled the same under both types of review.

Chair Ellis moved to continue the Site Plan Review and Special Permits Procedures Article and the Tree Preservation and Protection By-Law Article until the February 28, 2022 meeting of the Planning Board beginning at 7:00pm.

Second: Judith Sneath

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

Opposed: None

Chair Ellis moved to approve the Planning Board meeting minutes of January 31, 2022.

Second: Judith Sneath

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

Opposed: None

Chair Ellis moved to adjourn the meeting at 9:53pm.

Second: Judith Sneath

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

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning

Meeting Materials:

1217 Main Street (Scarlet Oak Tavern)

1. *Application for Site Plan Approval Waiver, dated February 7, 2022*

0 R Rockwood Road & 36 East Street

- 1. Application for Site Plan Approval, dated October 12, 2021*
- 2. Letter from J. Hassett to Planning Board with Enclosures, dated October 12, 2021*
- 3. Site and Septic Design Plan Sheet 1, dated October 12, 2021*
- 4. Site and Septic Design Plan Sheet 2, dated October 12, 2021*
- 5. Revised Application for Site Plan Approval, dated November 4, 2021*
- 6. Site and Septic Design Plan, dated November 4, 2021*
- 7. Landscape Plan, dated November 8, 2021*
- 8. P. Brennan Peer Review Letter to Planning Board, dated November 8, 2021*
- 9. Letter from Lt. DiNapoli to Planning Board, dated November 8, 2021*
- 10. Letter from Lt. DiNapoli to Planning Board, dated November 10, 2021*
- 11. Continuation and Extension Request, dated November 18, 2021*
- 12. DaSilva Certification, dated November 29, 2021*
- 13. J. Hassett Letter to Planning Board Regarding Revisions, dated December 6, 2021*
- 14. Site and Septic Plan, Revised through December 6, 2021*
- 15. 3D Renderings, dated December 6, 2021*
- 16. Landscape Plan Rendering, dated December 6, 2021*
- 17. Planting Plan, dated December 3, 2021*
- 18. Site Section, dated December 3, 2021*
- 19. J. Hassett Letter to Planning Board Regarding Response to Peer Review, dated December 8, 2021*
- 20. J. Hassett Letter to Planning Board with Updated Drainage Analysis, dated December 8, 2021*
- 21. Updated Site and Septic Plan, dated December 8, 2021*
- 22. Letter from Lt. DiNapoli to Planning Board, dated December 10, 2021*
- 23. W. Sullivan Letter to Planning Board, dated December 13, 2021*
- 24. J. Hassett Letter to Planning Board Regarding Driveway, dated December 13, 2021*
- 25. Fully Executed Continuation and Extension Request, dated December 20, 2021*
- 26. K. Heffernan Letter to Planning Board, dated January 7, 2022*
- 27. Site and Septic Design, Revised through January 13, 2022*
- 28. Planting Plan, dated January 18, 2022*

185-193 Lincoln Street & 6 Crow Point Lane

- 1. J. Tocchio Letter to C. Falvey and K. Ellis, dated January 12, 2022*
- 2. Application for Modification of Special Permit A3, dated January 12, 2022*
- 3. Application for Site Plan Approval with Waivers, dated January 12, 2022*
- 4. Form 2 - Application for a Zoning Hearing, dated January 12, 2022*
- 5. Supplement to Applications, dated January 12, 2022*
- 6. Seasonal Seating Plan, dated January 12, 2022*
- 7. Seasonal Seating Plan, revised through February 3, 2022*
- 8. Letters of Support from Abutting Businesses, dated February 3, 2022*
- 9. Seasonal Seating Plan 2021*
- 10. Exterior Seating Photos 2021*
- 11. Continuation Request, dated February 7, 2022*
- 12. Updated Seating Plan, received February 11, 2022*
- 13. Continuation Request, dated February 11, 2022*
- 14. Public Support for Outdoor Table Service*

Previous Decisions

1. *Special Permit A3 Decision, dated August 13, 2020*
2. *Site Plan Review Decision, dated August 13, 2020*
3. *Outdoor Table Service Select Board Approval, dated June 8, 2021*

150 North Street

1. *Application for Site Plan Approval in Association with a Special Permit A2, dated January 21, 2022*
2. *Plan, revised through June 7, 2020*
3. *Application for a Special Permit A-3, dated January 21, 2022*
4. *Extension and Amendment of Outdoor Table Service Approval, dated October 20, 2020*
5. *Previous Decisions*
6. *Public Support for Square Cafe Outdoor Table Service*

Zoning Articles

1. *Section III-J Mark-Up, revised February 14, 2022*
2. *Part 6 - Special Permits and Site Plan Review Presentation, dated February 14, 2022*