

# HINGHAM PLANNING BOARD MINUTES

February 22, 2021 @ 6:45 PM

REMOTE MEETING

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

**Also Present:** Susan Murphy, Special Real Estate Counsel

Meeting Agenda:

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**1. Alice H. Brewer 2000 Revocable Trust**

0 and 3 Home Meadows Lane, Approval Not Required (Form A) Plan

**2. Gill Research Drive, LLC**

60 Research Rd, 73 Abington St, 0 Commerce Rd (Cont. from 2/8/21)

Site Plan Review under §§ I-G, I-H and I-I and a Special Permit A3 parking determination, with waivers if necessary, under § V-A to construct a new 30,500 +/- SF warehouse storage facility, with associated site improvements in the Industrial Park District and the South Hingham Development Overlay District

**3. JEB Group LLC**

100 Industrial Park Road (Continued from 1/25/21)

Request for Site Plan Review under § I-G and § I-I and a Special Permit A3 Parking Determination and/or Waivers under § V-A, and such other relief as necessary as part of an application to redevelop the property for use as a Warehousing and Shipping operation

**4. Hingham Municipal Lighting Plant and Omni Navitas Holdings LLC**

0 Hobart Street (Continued from 1/11/21)

Site Plan Review under §§ IV-B.6.a & III-B.8 for a proposed 396,000-watt solar array to be installed on approximately 2 acres on top of the landfill, at property known as Map 106, Lots 3, 4 & 7, aka the Hobart Street Landfill, in the Official and Open Space District

**5. Proposed Amendments to the Zoning By-Law (Continued from 1/4/21 and 2/8/21)**

- Accessory Dwelling Units (ADUs) in Detached Structures

This is a Citizen Petition. The intent is to modify Section V-K of the By-Law to allow accessory dwelling units in a separate detached structure on the same lot as a principal dwelling.

- Update Floodplain Map References

The intent of this article is to edit Section III-C.1 of the By-Law to revise the floodplain map references and the associated floodplain map to incorporate the recent FEMA revision to the Cape Cod Watershed Maps.

- Update to Floodplain Protection Overlay District Bylaw

The intent of this article is to incorporate language from the Massachusetts 2020 Model Floodplain Bylaws into Section III-C of the By-Law to assure that Hingham's local regulations contain the necessary and proper language for compliance with the National Flood Insurance Program (NFIP).

**6. Other Business:**

1. Master Plan Update
2. Adoption of Minutes
3. Administrative Reports

This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending 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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**Alice H. Brewer 2000 Revocable Trust, 0 and 3 Home Meadows Lane**

Scott Golding, from Drohan Tocchio & Morgan and Gabe Crocker, representing the Alice H. Brewer 2000 Revocable Trust, presented the plans to complete a redivision of the existing land into two lots. They explained that Lot 1 is 1.5 acres with 171 linear feet of frontage and Lot 2 will be 1.15 acres with 135 linear feet of frontage, complying with the minimum 50,000 SF needed for the existing 4-bedroom house currently existing on Lot 2. Both lots have the requisite land area frontage and are conforming lot shapes.

**Motion:** Kevin Ellis made a motion to endorse the Form A plan submitted by the Alice H. Brewer 200 Revocable Trust for the property at 0 and 3 Home Meadows Lane.

**Second:** Gordon Carr

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

**Opposed:** None

**Gill Research Drive, LLC, 60 Research Rd, 73 Abington St, 0 Commerce Rd (Cont. from 2/8/21)**

Scott Golding, from Drohan Tocchio & Morgan and Gabe Crocker, representing Gill Research Drive, LLC, explained that since the last hearing on 2/8, they have drafted a site plan review condition commitment letter that encapsulates any remaining outstanding issues that can be addressed as conditions. In conversation with the conservation agent, they discussed adding an additional underground detention on site to further reduce the rate of run off. This change will require submission of a revised site plan and review prior to a building permit and that condition has been proposed for the Board's review.

**Proposed SPR Findings:**

- 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 proposed project complies with all dimensional setback requirements under Section IV of the Zoning By-Law. The building and related improvements additionally comply with stormwater and landscaping standards, subject to conditions set forth below. The perimeter of the site that abuts other industrial uses will be screened with sight-obscuring evergreen plantings. There will be no negative visual or auditory impacts related to the proposed construction.

- 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 not alter access to the site for motorists or emergency vehicles through the existing curb cut opening on Research Road. Drive aisles conform to the standards set forth in the By-

Law. All proposed parking spaces comply with applicable dimensional requirements, and drive aisles within the site have been designed to accommodate semi-trailer truck circulation throughout the site.

**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;**

The proposed project provides for 157 standard parking space where 160 would otherwise be required. Based on the findings of the Board in connection with the Special Permit A3 to be issued by the Board, adequate parking is provided with the 157 standard parking spaces and additional trailer parking spaces. Drive aisles comply or exceed with the standards set forth in Section V-A of the By-Law.

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

The proposed warehouse building complies with all yard setback requirements. Due to the additional land that is being appended to the property by separate endorsed Approval Not Required Plan, (i) the building coverage will decrease from 17.4% to 15.3% (maximum of 40% allowed), and (ii) the floor area ratio will decrease from 0.19 to 0.16 (maximum of 0.35 allowed by right; 0.45 allowed by Special Permit). In addition, the open space will increase from 37% of the existing lot to 45% of the new (combined) property. The proposed plan calls for sufficient screening of parking and refuse areas, subject to conditions set forth below. All other standards for open space are met.

**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 storm water system shall be expressly prohibited;**

The property is connected to the Town of Weymouth sewer system via a sewer force main. The daily design flow of the existing uses and proposed warehouse facility fall within the maximum daily design flow permitted under the existing Sewer Connection Extension Permit for the Property.

**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 proposed project will not have an adverse impact on the Town's resources. Sanitary waste will be directed to the existing sewer connection to the Weymouth sewer system. The site will be served by private trash service. Additionally, there is a contemplated easement to allow for a looped water service.

**g. Assurance of positive storm water 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 storm water 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 Storm water Management Policy and Standards including the Massachusetts Storm water 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 storm water;**

The proposed development has been designed to convey stormwater runoff to subsurface infiltration and detention structures via roof drains and catch basins, and meets all relevant stormwater standards, provided, however, that a minor modification to the stormwater system in response to Conservation Commission comments will be made to reduce the rate of flow to the southerly wetland and review of the

revised plan will be a condition of approval, along with conditions requiring some minor technical revisions recommended by the Board's peer review engineer, John Chessia, PE, in his 2/3/2021 letter. Sediment and erosion control measures will be implemented prior to demolition and construction including proposed compost filters, subject to review and approval of a SWPPP.

- 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 storm water controls at consistent intervals;**

An operations and maintenance plan has been provided and reviewed by John Chessia. Minor technical revisions are identified as conditions of approval however there is a comprehensive construction plan prepared. Construction traffic will additionally be prohibited from using Pine Street in Weymouth.

- 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 perimeter of the site that abuts other industrial uses and includes parking areas will be screened with sight-obscuring evergreen plantings. There are resource areas on site and the Conservation Commission is regulating those portions of the site.

- 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 property is located within the South Shore Industrial Park and presently operates as a sheet metal contracting facility. The properties in the Industrial Park and immediate vicinity of the project operated with similar industrial uses. Based on the foregoing, this project is consistent with the character and scale of the buildings in the vicinity. The project improves the conditions based the analysis and engineering response to the existing site conditions.

**Motion:** Kevin Ellis made a motion to grant Site Plan Approval under Section I-G and Section I-H of the Zoning-Bylaw for the construction of a new 30,500 +/- SF warehouse storage facility, with associated site improvements, at the properties located at 60 Research Road, 0 Commerce Road and 73 Abington Street, located in the Industrial Park District and the South Hingham Development Overlay District, subject to the following conditions:

**1. Prior to issuance of building permit:**

- (a) The site plans shall be modified as follows:
- (i) Consistent with any requirements set forth by the Conservation Commission, a revised site plan and related calculations shall be submitted which demonstrates a reduction in the peak rate of discharge to the southern wetland further to be below the existing runoff rate through expansion of the underground detention system. Upon approval by the Conservation Commission, such revised site plan shall be submitted to the Planning Board and its peer review engineer for review (if not previously peer reviewed).
- (ii) Revise the detail on sheet C-8.1 to specify UG 1 for the separator row, not UG 2.
- (iii) Replace the proprietary units proposed at the eastern side of the site with units that are NJCAT Certified.

- (iv) Relocate the shutoff valves to the downgradient manhole outlet so that flow can bypass the oil/grit separators.
- (v) The Landscape Plan shall be revised to indicate which trees are proposed as “parking lot trees” All proposed parking lot trees shall comply with the provisions of Section V-A.m. of the Zoning By-law, including size and location.
- (b) The Applicant shall deliver to the Planning Board a copy of the recorded temporary grading easement for the work within 80 Research Road.
- (c) The Applicant shall deliver to the Planning Board copy of the site investigation relative to illicit discharges confirming no such discharges.

## **2. Conditions Related to Construction**

- (a) Pre-Construction Meeting. A pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required. The Applicant shall deliver a Stormwater Pollution Prevention Plan for review by the Planning Board or its designee not less than three weeks prior to the start of any work.
- (b) Construction vehicles shall be prohibited from using Pine Street in Weymouth to access the site for construction of the project.
- (c) 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 and the approved drainage and stormwater system installed for the project. The Applicant shall fund the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
- (d) 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.

**Second:** Judy Sneath

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

**Opposed:** None

## **Special Permit A3**

### **Proposed SPA3 Findings [Section V-A.6]:**

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

The Applicant has proposed to provide 157 standard parking spaces where 161 are otherwise required, thereby requiring a waiver of 4 standard parking spaces. The project also includes 25 permanent tractor-trailer parking spaces and two “flex” outdoor storage/trailer parking areas that will facilitate loading and unloading of larger fabricated HVAC duct work or provide additional trailer parking when needed. The inclusion of additional trailer spaces and “flex” trailer spaces will reduce the need and frequency of trailer visits to the site. The site also provides a sufficient number of loading spaces for the proposed uses on the site. The

adequacy of 157 standard parking spaces is supported by the Board's peer review traffic engineer, Jeffrey Dirk, based on review of ITE data of comparable uses.

**b. Pedestrian access and circulation has been provided for.**

The proposed project will not alter the safety of pedestrian movements within the existing easterly portion of the site that will remain unchanged and will be safely accommodated in the areas of the new building.

**c. New driveways have been designed to maximize sightline distances to the greatest extent possible.**

Access to the site will continue to be through the existing curb opening along Research Road and there will be no new driveways.

**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 applicant has requested two waivers. First, the waiver of four standard parking spaces is discussed above. Second, the Applicant has requested a waiver from the requirement to install curbing along the existing eastern edge of this site. This is an existing condition and facilitates the drainage improvements proposed along the eastern edge to allow for runoff to sheet flow into the proposed stone filter strips. These waivers will not adversely affect the operations on the site or abutting properties.

**• 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.**

As set forth in the above findings, the granting of relief pursuant to the application is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

**Motion:** Kevin Ellis made a motion to grant a Special Permit A3 for the construction of a new 30,500 +/- SF warehouse storage facility, with associated site improvements, at the properties located at 60 Research Road, 0 Commerce Road and 73 Abington Street, located in the Industrial Park District and the South Hingham Development Overlay District, together with the following waivers and subject to the following conditions:

Waivers:

1. Section V-A.2 – Off-Street Parking Space Requirements (157 standard parking spaces where 161 are required)
2. Section V-A.5.g – Curbing will not be installed along existing eastern edge of the surfaced area.

Conditions:

1. The project shall be subject to the conditions set forth in the Site Plan Approval, of even date, granted by the Board in connection with this project, attached to this decision and incorporated herein by reference.
2. Applicant shall implement the following Transportation Demand Management (TDM) strategies, some of which may already be in-place:
  - (a) Assign a transportation coordinator to coordinate the TDM program;

- (b) Post information regarding commuting options in a central location and/or otherwise make available to employees of the project;
- (c) Implement a rideshare matching program for employees facilitated by the transportation coordinator to encourage carpooling;
- (d) Provide a “welcome packet” to employees detailing available commuter options, the contact information for the transportation coordinator and information for employees to enroll in the rideshare program;
- (e) Provide specific amenities to discourage off-site trips, including a break-room equipped with a microwave and refrigerator; offering direct deposit of paychecks; coordinating with a dry-cleaning service for on-site pick-up and delivery; allowing telecommuting or flexible work schedules; and other such measures to reduce overall traffic volumes and travel during peak traffic volume periods;
- (f) Incorporate pedestrian accommodations within the Project site; and
- (g) Provide secure bicycle parking at an appropriate location within the Project site.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

### **JEB Group, LLC, 100 Industrial Park Road**

(Continued from 1/25/21)

Kevin Hixon and Mike Dion from BL Companies representing the Applicant, JEB Group, LLC and Amazon, spoke about the circulation issues on Industrial Park Road and Commerce Drive, peak traffic hours with the rest of the Industrial Park development, and supplemental traffic information. He explained that since the last hearing, they have provided site design plans to widen either side of Industrial Park Road and Commerce Drive to allow for tractor trailer movements without crossing the center line. They updated the Board on the Traffic Operations analysis, noting that MassDOT did not comment on their Holiday Traffic Impact study. The supplemental information packet submitted to the Board includes information on total daily trip distributions, mid-day peak hour of generator distributions, and PM peak hour of generator distributions.

Jeffrey Dirk from Vanasse & Associates, the Town’s peer review consultant, explained that the 3 conditions that have been suggested for the board’s consideration, which the Applicant has agreed to, are the retiming of the traffic signals along the Derby Street corridor within 90 of issuance of a certificate of occupancy of the project, implementation of a traffic monitoring program, and implementation of a transportation demand management program. He added that it will be Amazon’s responsibility to maintain the parking area by replacing gravel after snow removal to ensure its usability.

Members of the Board commented on the traffic analysis reports. Member Tondorf-Dick noted that he would like to see more data and analysis on the traffic to establish a baseline in order to reduce negative impacts. Jessica Schumer, on behalf of Amazon, noted that the Applicant does not anticipate opening another site with a 45-minute radius of this proposed site and that these sites take into account capacity growth through 2023. Michael S. Giaimo from Robinson & Cole, representing Amazon, added that MEPA determined that the number of parking spaces needed to be reduced by

about 7 and that those spaces were previously removed from the site plan in connection with the internal drive lane that was added to keep circulation of vans on-site.

Board Chair Ellis noted that any other open matters related to the application would be reviewed at the Board's next hearing on this application.

**Public Comment:**

John Borger, 53 Lafayette Avenue, stated that in a couple of months, the Town will be voting on warrant articles proposing a very ambitious climate action plan with a set goal of net zero by 2040 and expressed a concern that Amazon commit to making the project more environmentally friendly such as electronic vehicles or solar canopies.

Lauri Bateman, President of Hingham Wind Supply, located at 125 Industrial Park Road, near the site of the proposed project. She explained that she, along with a number of other business, are concerned about the traffic increase inside the Industrial Park, stating that the increase of traffic and wait time could cause them to lose clients. She urged the Applicants to get more data from inside the park so everyone can understand the effects that this development will have the business that already exist there.

Brian Stack, 645 Main Street, commented on the impacts that this projects traffic will have on the Town, especially during holiday seasons, due to its close proximity to the Derby Street Shoppes. He also spoke about how this traffic might change the nature of nearby Gardener, Cushing, and Main Streets, adding that the growth needs of this development may only continue to expand over time.

**Motion:** Kevin Ellis made a motion to continue this hearing to March 22, 2021 and the extend the decisions deadline to April 22, 2021.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

**Hingham Municipal Lighting Plant and Omni Navitas Holdings LLC, 0 Hobart Street**  
(Continued from 2/8/21)

John McDonough gave an overview of what has changed since the last hearing and how they responded to the public comments that were presented. In response to questions about noise, he explained that this project is designed to withstand 121 miles-per-hour winds by RBI Solar and stamped by an engineer. They conducted a study which found that the transformers and inverters generate 56 decibels of noise, about the level of a refrigerator. Additionally, they found that from 600 ft. away, the decibel level is essentially 0; The nearest house is about 700 ft. away. He added that any whistling noise they detected was negligible. In response to questions about radio interference he explained that it was found in a study by the Department of Energy for the FAA that solar arrays do not interfere with radio frequencies given the low frequencies that are emitted by the inverter. He added that in response to concerns about visual appearance, they placed 8ft posts on the landfill to approximate the height of the solar array and photographed its visibility from each home. The view is mostly obstructed from all of the homes. He noted that there is a potential for mild glare are some of the residences during certain times of the year in the very early morning or right before sunset for about 10-20 minutes.



**Public Comment:**

Alan Coombes, 12 Ridgewood Crossing, and Anne Fanton, both mentioned some remaining level of concern and asked that in the final decision if there could be someone language that would require future mitigation by the contractor if any negative impacts are identified, adding that it needs to be made clear who these impacts would be reported to and who would be responsible for forcing these mitigation requirements.

Other members of the public offered personal experience with solar panels and arrays assuring that they have not experienced whistling or other noises emitted from the panels and that there should not be any radio or electronic interference created by a non-faulty unit.

**Motion:** Kevin Ellis made a motion to continue this hearing to the next meeting, March 1, 2021.

**Second:** Gordon Carr

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

**Opposed:** None

**Proposed Amendments to the Zoning By-Law**

(Continued from 2/8/21)

**1. Update Floodplain Map References**

**Update to Floodplain Protection Overlay District Bylaw**

Special Real Estate Counsel discussed with the Board the federal and state mandates that require that the Town adopt certain regulations governing activities in floodplain areas. She also noted that since both proposed amendments affect the same section of the Bylaw, Section III-C, she recommends that the two warrant articles be consolidated into one recommended motion. The Board discussed the regulations governing the floodplain required by federal and state regulations to be adopted into local regulations and ways to adopt these provisions into the Town's By-Law, and agreed that consolidation of the article made sense.

**Motion:** Kevin Ellis made a motion to recommend that Zoning Articles AAA and CCC be consolidated, and approved in the form of the draft recommendation dated February 22, 2021, as discussed at tonight's hearing.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

**2. Accessory Dwelling Units (ADUs) in Detached Structures**

The Board review the proposed petition article to allow accessory dwelling units in detached structures. The discussion included whether ADUs should be allowed in detached structures at all, whether they should be allowed in any portion of a detached structure, how to address nonconforming structures vs. new construction, and design elements applicable to ADUs in detached structures.

Resident Ray Estes, speaking for the petitioners, provided additional context for the matters discussed and spoke about ADU bylaws in other communities and a recent Pioneer Institute study about ADUs.

The Board requested additional information regarding how other communities regulate detached ADUs for their consideration at the next hearing.

**Motion:** Kevin Ellis made a motion to continue this hearing to the March 1, 2021 meeting of the Planning Board at 7pm.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

### **Other Business:**

#### **Master Plan Update**

Member Carr stated that the Master Plan Committee Meeting on February 24 would possibly be the last meeting and that the Committee is finalizing the draft plan and chapters along with verifying recommendations. The planned opening hearing on the draft master plan is March 8, 2021.

#### **Adoption of Minutes**

There were no changes made to the minutes from February 8, 2021.

**Motion:** Judy Sneath made a motion to approve the minutes of February 8, 2021 as written.

**Second:** Gordon Carr

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

**Opposed:** None

#### **Administrative Reports**

Kevin Ellis and Susan Murphy described the current plans for staffing the Planning Board office.

As there was no other business, the meeting was adjourned at 10:35 P.M.