

HINGHAM PLANNING BOARD MINUTES

March 1, 2021 @ 7:00 PM

REMOTE MEETING

Board Members Present Remotely: Kevin Ellis, Judith Sneath, Gordon Carr, Rita Da Silva,
Gary Tondorf-Dick (Joined at 7:10)

Also Present: Town Legal Counsel, Susan Murphy

Meeting Agenda:

1. Coastal Construction
18 Shipyard Drive
Request for a Waiver of Site Plan Review under § I-I, 5. for interior work for a new tenant in existing space
2. Hingham Municipal Lighting Plant and Omni Navitas Holdings LLC
0 Hobart Street (Continued from 2/22/21)
Site Plan Review under §§ IV-B.6.a and 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
3. Proposed Amendments to the Zoning By-Law (Continued from 1/4/21, 2/8/21 and 2/22/21)
 - Accessory Dwelling Units (ADUs) in Detached StructuresThis 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.
4. Other Business:
 - a. Master Plan Update
 - b. Adoption of Minutes
 - c. Administrative Reports
 - d. Adjourn

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)

Coastal Construction, 18 Shipyard Drive

Mike Fitzpatrick from Samuels & Associates spoke on behalf of the Applicant. He noted that this application is for the relocation of an existing tenant in the development, currently located at 6 Shipyard Drive, to 18 Shipyard Drive. He explained to Members of the Board that all work to be done is interior with the exception of replacing the exterior signage to that of the incoming tenant, complying with the Town signage criterion.

Motion: Kevin Ellis made a motion to waive site plan review under Section I-I,5 in connection with interior renovations for a spa at 18 Shipyard Drive in accordance with the application of Coastal Construction, dated February 23, 2021.

Second: Rita Da Silva

In Favor: Gordon Carr, Judy Sneath, Rita Da Silva, Kevin Ellis

Opposed: None

Member Gary Tondorf-Dick was not present at the time of the vote.

Hingham Municipal Lighting Plant and Omni Navitas Holdings LLC, 0 Hobart Street (Continued from 2/22/21)

In response to public comment received on this project, The Chair noted that some of the concerns raised by the public will be addressed though the proposed motions and conditions for this project, including a lookback period for potential negative impacts and coordination with the transfer station before the commencement of any construction.

Site Plan Review Proposed 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 is located at the top of the capped landfill at the Town of Hingham transfer station and will be surrounded by a black chain link fence. The applicant has provided visual representations of the expected view of the project from the residential dwellings located at Ridgewood Crossing to demonstrate that there will be minimal visual impact from the solar panel installation on abutting residences. The applicant also submitted documentation related to potential glare, noise, and technical impacts of the project and, based on the submitted evidence, the impacts, if any, from these sources appear to be de minimis. As there will be no permanently illuminated lighting at the site, the waiver of submission of a site lighting plan is justified. In addition, the applicant has submitted an Operation and Management Plan governing ongoing maintenance of the project. A look-back meeting with the Applicant will be required to confirm that the project is operating as anticipated without adverse impacts.

- 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 use the existing entrances to the transfer station and, post-construction, will generate minimal traffic to the site. Due to the limited traffic impacts of the project, the waiver requested by the Applicant from the site plan review requirement that a traffic impact study be submitted is justified.

- 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;**

No permanent parking spaces are required in connection with the project. Traffic patterns will be managed as provided above.

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

The project complies with all setbacks. In addition, the project site will be fenced from view from abutters due to its location at the top of the capped landfill and need to follow state regulations governing landfill caps, no landscaping is proposed.

- 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;**

During project construction the applicant shall be required to secure all building materials and debris and to coordinate with the superintendent of public works to ensure no adverse impacts from construction activities.

- 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 and is intended to benefit Town resources as power generated from the facility will be sold to Hingham Municipal Lighting Plant through a long-term contract, helping HMLP achieve its clean power objectives.

- 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 project is subject to a Post-Closing Use Permit (PCUP) to be issued by the Massachusetts Department of Environmental Protection (MassDEP). The project is located on the landfill which is subject to a Stormwater Management Plan approved by MassDEP during the initial closing and capping of the landfill. The review by MassDEP of the project will include a review of the Stormwater Management and the impact of the project on the existing Stormwater Management Plan.

- 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;**

As noted above, impact of the project on the existing Stormwater Management Plan will be reviewed by MassDEP. Submittal to the Town of a copy of the Stormwater Pollution Prevention Plan (SWPPP) will be required.

- 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 project site is at the top of the capped landfill and therefore these criteria are not applicable to the project.

- 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 solar project does not include any buildings. The solar panel structures to be installed will be screened from residential neighborhoods in the vicinity by a fence to minimize its visual impact.

Motion: Kevin Ellis made a motion to grant Site Plan Approval under Section I-H and Section IV.B.6.a of the Zoning-Bylaw for the construction of a 396,000-watt solar array to be installed on approximately 2 acres on top of the landfill, at the property known as Map 106, Lots 3, 4 & 7, aka the Hobart Street Landfill, zoned Official and Open Space, with the following waivers and subject to the following conditions:

Waivers:

1. Section I-I.4.f (submission of a traffic analysis)
2. Section I-I.4.i (submission of a site lighting plan)

Conditions:

1. Pre-Construction Conditions:

- (a) Prior to commencement of any work on the site (including staging), the Applicant shall undertake the following:
 - i. Submit a construction schedule and a proposed truck route and delivery schedule to the Planning Board, Building Commissioner, Department of Public Works and the Hingham Police Department for review. The proposed truck route and delivery schedule shall be subject to approval of the Hingham Police Department. Applicant shall use reasonable efforts to schedule deliveries during days or times that the transfer station is closed to the public or during off-peak times of public use.
 - ii. Meet with the Superintendent of the Department of Public Works or his designees to coordinate applicant's construction schedule with transfer station operations to avoid conflicts between the two operations.
- (b) SWPPP: 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.
- (c) Pre-Construction Meeting. A pre-construction review meeting with Town staff for inspection of the erosion control installation and marked limits of work shall be required.

2. Construction Conditions:

- (a) A copy of this decision shall be kept on the work site at all times during construction. The Applicant is responsible for providing a copy to all contractors and subcontractors, for informing them of its requirements, and for ensuring compliance with the conditions.
- (b) Construction operations shall be undertaken in a manner consistent with Applicant's coordination efforts with the operations of the Transfer Station, the construction schedule and the truck route and delivery schedule.
- (c) All deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier than 7:00 am and not later than 5:00 pm. Except for emergency conditions, construction operations shall be limited to the hours of 7:00 am to 5:00 pm Monday through Friday. The Building Department and Police Department shall be notified promptly of any such emergency conditions. Hours of operation may be enforced by the Police Department. Throughout construction, the Applicant shall comply with all local, state, and federal laws regarding noise, vibration, dust and blocking of roadways.
- (d) Any proposed construction trailer on the project site must be permitted by the Building Commissioner.
- (e) All construction materials and debris shall be kept in a secured manner at all times to prevent debris from falling or being carried by wind outside of the limits of work as depicted on the site plan.

3. Inspections. Inspections shall be required during construction of all elements of the project related to or affecting erosion control during construction.

4. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner, 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.
5. **Twelve-Month Lookback.** The Applicant shall meet with the Planning Board on or around the date that is twelve months from the completion of construction of the project, or earlier if requested by the Building Commissioner, to review the operations of the project with respect to testimony by the Applicant to the Board regarding visual and noise impacts, and, if any significant adverse impacts have occurred, to determine what mitigation can be reasonably implemented.
6. **Maintenance.** The Applicant shall maintain the project in good condition, and in accordance with the Operation and Management Plan submitted with the application for the project.
7. **Decommissioning of the Project.** Once the project has reached the end of its useful life or has been abandoned shall it be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner by certified mail no less than 60 days prior to the proposed date of discontinued operations and plans for removal. Decommissioning shall be undertaken in accordance with the Hobart Street Landfill Solar Facility Decommissioning Plan, dated January 2021, and such other state permits and regulations, including the MassDEP Post-Closure Use Permit, for the site.
8. **Abandonment.** Absent notice of a proposed date of decommissioning, the project shall be considered abandoned when the facility fails to operate for more than one year without written consent of the Planning Board.
9. **Binding Conditions.** The conditions set forth herein shall be binding on the Applicant, its successors and assigns, including, upon the expiration or earlier termination of the any lease or sublicense agreement between the Hingham Municipal Light Plant (HMLP) and the Applicant for the use of the site for this project, the HMLP.

Second: Judy Sneath

In Favor: Rita Da Silva, Gordon Carr, Gary Tondorf-Dick, Judy Sneath, Kevin Ellis

Opposed: None

Proposed Amendments to the Zoning By-Law (Continued from 1/4/21, 2/8/21, and 2/22/21) Accessory Dwelling Units (ADUs) in Detached Structures

The Board continued to review the proposed petition article to allow accessory dwelling units in detached structures. The discussion included the demand for and maximum capacity of ADUs throughout the Town, concerns about neighborhood character, accessory uses within accessory buildings, existing non-conforming ADUs, protection of abutters to properties with ADUs, effective enforcement mechanisms, the number of ADUs allowed on a lot and restrictions on the percentage of the accessory structure that can be used for a dwelling unit and location within the structure, lot size and conformance, and comparison to other benchmark towns on this specific issue.

Bob Higgins, 11 Bulow Road, Chairman of the Sewer Commission, noted that in the sewer regulations, there is no provision for a second sewer service on the same house lot as the original structure. (?)

Brain Stack, 654 Main Street commented that if ADUs are only made possible for larger lots, arguably in the most affluent parts of town, then this amendment is not in the interest of affordable housing.

Resident Ray Estes, 92 Fort Hill Street, speaking for the petitioners, clarified that this article was not indented to benefit affordable housing as it was proposed with the intent of providing housing family members. He commented on the Board discussion of this item and provided additional comparison to 20 benchmark towns.

Motion: Kevin Ellis made a motion to continue discussion to the March 8 meeting of the Planning Board

Second: Judy Sneath

In Favor: Gary Tondorf-Dick, Gordon Carr, Rita Da Silva, Judy Sneath, Kevin Ellis

Opposed: None

Other Business

Master Plan Update

Gordon Carr informed the other Board Members that he will be presenting the draft Master Plan to the Board on Monday, March 8, 2021.

Administrative Reports

The Chair noted that best email to use for contacting the board is planning@hingham-ma.gov.

As there was no other business, the meeting was adjourned at 9:40 P.M.