

HINGHAM PLANNING BOARD MINUTES

March 13, 2023 @ 6:30 PM

REMOTE MEETING

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

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner; Town Counsel John Coughlin, Esq.; Special Real Estate Counsel Susan Murphy, Esq.

Members Absent: None

At 6:30 PM Chair Sneath 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 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 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) & Discussion

Article AAA: Accessory Dwelling Units

Chair Sneath noted that the first item on the agenda was discussion on Article AAA: Accessory Dwelling Units, and turned the meeting over to Kevin Ellis who chaired the discussion on this article.

Member Ellis noted that the purpose of the discussion was for informational purposes related to the quantum of vote for this article.

Town Counsel Coughlin, explained the quantum of vote required for this article and the reasoning in accordance with M.G.L., Ch.40A. He noted the article would be split into part A and part B to remain compliant with the law.

Member Ellis invited Board questions/comments.

Member Tondorf-Dick asked if the Town Moderator would be involved in the process, to which Town Counsel Coughlin answered that he would be involved.

Chair Sneath asked if there was flexibility with the way in which the votes would be crafted.

Special Real Estate Counsel Murphy responded that she and Town Counsel Coughlin reviewed the votes with the Attorney General's office and that the proposed part A and part B were a result of the conversation with the Attorney General's office.

There was no further discussion.

Member Ellis turned the meeting back over to Chair Sneath.

Administrative Reports

Chair Sneath invited Mr. Silveira to review the quarterly report of building projects over \$20,000.

Member DaSilva provided an update on the Community Preservation Committee projects.

Member Tondorf-Dick provided an update on the Climate Action Planning Committee.

Chair Sneath noted that the Board should consider discussing the Master Plan Implementation Committee for a future meeting.

Ms. Wentworth noted that member Carr and her will coordinate outside of the meeting to discuss before presenting to the Board.

Member Tondorf-Dick provided an update on the Hingham Development & Industrial Committee.

There was a 6 minute intermission until the meeting reconvened at 7 PM.

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

Chair Sneath moved to the next item on the agenda which was continued 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 at 213 & 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District.

Chair Sneath noted that the Applicant requested a continuance of the hearing prior to the meeting.

Gary Tondorf-Dick moved 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 at 213 & 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District to April 10, 2023 at 7 PM and extend the decision deadlines to May 10, 2023.

The motion passed unanimously by roll call vote.

Second: Rita DaSilva

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

Opposed: None

**154 Otis Street
Site Plan Review**

Chair Sneath stated that the next item on the agenda was an application from Errol Fagone for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 154 Otis Street in Residence District A.

Chair Sneath invited the Applicant to present the application.

Mr. Dana Altobello, engineer for the Applicant from Merrill Engineers and Land Surveyors, presented the application to the Board. He noted that the front door was moved to the front of the dwelling just before the meeting in response to comments from the Fire Marshal.

Chair Sneath invited questions/comments from the Board.

Member Tondorf-Dick appreciated the relocated front door and asked about drainage and cut and fill, to which Mr. Altobello responded by reviewing the drainage design and cut and fill as outlined in the plans.

Chair Sneath invited public comment. There was none.

Based on the information submitted and presented during the hearing Chair Sneath made the following proposed findings:

- 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.

Gordon Carr moved to GRANT the application of Errol Fagone 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 raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 154 Otis Street in Residence District A, 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. The Applicant shall resubmit the project plans showing the addition of the street-facing front door.
3. 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.
4. 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.
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.

The motion passed unanimously by roll call vote.

Second: Kevin Ellis

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

Opposed: None

**136 Nokomis Road and 15 Conditto Road
Site Plan Review**

Chair Sneath noted that the next item on the agenda was a continued application from Shadi Alallam for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to construct an addition onto the existing single-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 136 Nokomis Road in Residence District A and restore 8,400 SF of disturbed vegetated land at 15 Conditio Road in Residence District A and the Industrial District.

Chair Sneath invited the Applicant's team to provide updates since the last hearing on this application on February 27, 2023.

Attorney Kathleen Heffernan, Esq., attorney for the Applicant and Mr. Paul Seaberg, engineer for the Applicant, presented the updates to the Board which included revisions to the stormwater system based upon test pit results.

Chair Sneath invited Board comments/questions.

Member Ellis asked if the abutter at 15 Conditio Road was satisfied with the landscape plan, to which Attorney Heffernan replied that the Applicant's team reviewed the plan with the abutter, who expressed satisfaction.

Chair Sneath noted that the trees proposed in the mitigation area at 15 Conditio Road were smaller based upon the request from the owner at 15 Conditio Road, which would require a waiver.

Member Tondorf-Dick asked what types of trees were proposed at 15 Conditio Road.

Mr. Bart Lupensky reviewed the landscape plan in response.

Chair Sneath invited public comment. There was none.

Based on the information submitted and presented during the hearing Chair Sneath made the following proposed findings:

- 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, with the exception of a Standard under § I-I, 6.d(ii) requiring mitigation trees to be at least 3" in caliper. A waiver of this Standard to allow mitigation trees at 15 Conditio Road to be 1-2" in caliper will not adversely impact the interests set forth in subsection a. above.

Gary Tondorf-Dick moved to GRANT the application of Shadi Alallam 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 an addition onto the existing single-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 136 Nokomis Road and restore 8,400 SF of disturbed vegetated land at 15 Conditio Road in Residence District A, 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. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.

The motion passed unanimously by roll call vote.

Second: Rita DaSilva

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

Opposed: None

9 Wompatuck Road Site Plan Review

Chair Sneath noted that the next item on the agenda was an application from 182 Newbridge, LLC for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading and landscaping at 9 Wompatuck Road in Residence District A.

Chair Sneath invited the Applicant to present the application.

Mr. Bob Rego, engineer for the Applicant from River Hawk Environmental, presented the application to the Board.

Chair Sneath invited Board comments/questions.

Member DaSilva asked about tree removal and mitigation.

Chair Sneath asked if the proposed plantings would provide privacy for the neighbor.

Mr. Rego reviewed the landscaping in response to landscaping questions.

Member Carr asked for additional detail with respect to the retaining wall design.

Mr. Leo Yazykov, owner of the subject property, noted that he had previous discussions with the neighbors at 2 Park Circle to get their feedback on what they'd like to see for the wall design.

Member Tondorf-Dick asked about retaining wall details, and fencing.

Mr. Yazykov reviewed the plans again with respect to the wall, fencing, and tree plantings.

Member Ellis asked about the location of the retaining wall in relation to the abutting property and if it could be pulled into the subject property more.

Mr. Yazykov noted that the proposed location of the wall was designed as such to maximize the size of the backyard as well as to account for a proper drainage design.

Chair Sneath invited public comment.

Ms. Christine Smith, at 2 Park Circle, provided commentary related to her pool fence owned by the Applicant, grading and drainage, tree plantings, and the proposed retaining wall.

The Board's civil peer review engineer Mr. Patrick Brennan, P.E., of PGB Engineering, explained the drainage design for the project and noted that runoff needed to be matched or decreased with existing conditions. He further noted that there would be no noticeable difference with respect to runoff from existing conditions once the project is completed.

Chair Sneath asked that Mr. Yazykov add additional trees and move back the retaining wall for privacy for the abutter.

There was further discussion about what would happen if the Applicant decided not to build the wall and the fence height regulations.

The Board clarified that at this point there were still some issues the Applicant needed to work out with the abutter with respect to the retaining wall and plantings.

Gordon Carr moved to CONTINUE the application of 182 Newbridge, LLC for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading and landscaping at 9 Wompatuck Road in Residence District A, to March 27, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

13 Wompatuck Road Site Plan Review

Chair Sneath stated that the next item on the agenda was an application from 182 Newbridge, LLC for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading and landscaping at 13 Wompatuck Road in Residence District A.

Chair Sneath invited the Applicant to present the application.

Mr. Bob Rego, engineer for the Applicant from River Hawk Environmental, presented the application to the Board.

Chair Sneath invited Board comments/questions.

Member Ellis asked about the driveway configuration, garage location, and Tree Yard, to which the Applicant responded that it was designed as proposed due to the existing ledge and gas line in relation to the ledge. The Applicant additionally noted that the proposed garage was situated as such to reduce the massing and would locate the mitigation tree in the Tree Yard.

Member DaSilva asked about the height of the existing wall to which Mr. Yazykov called out the height.

Member Tondorf-Dick asked about the history of the project and the proposed elevations, to which Mr. Yazykov explained and reviewed per the plans. He further requested that a magnolia tree could be planted if the existing magnolia tree cannot be saved.

Chair Sneath discussed the proposed driveway surface. The Applicant agreed to provide a pervious surface instead of an asphalt surface.

Mr. Brennan reviewed the drainage design of the project and noted satisfaction.

Chair Sneath invited public comment.

Ms. Lisa Beal, at 6 Park Circle, provided comments of concern related to the structural integrity of her fence, drainage, and existing trees.

Chair Sneath reviewed her concerns again, to which Mr. Yazykov noted he would restore the fence due to any damage. He further noted that he has no plan to touch the existing trees in the rear and also reviewed the grading again.

Based on the information submitted and presented during the hearing Chair Sneath made the following proposed findings:

- 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, with the exception of a Standard under § I-I, 6.h requiring an underground electrical/communication connection. A waiver of this Standard to allow an overhead connection will not adversely impact the interests set forth in subsection a. above.

Rita DaSilva moved to GRANT the application of 182 Newbridge, LLC for Site Plan Approval under § I-I of the Zoning By-Law, to raze and rebuild a single-family dwelling and make other improvements including grading and landscaping at 13 Wompatuck Road in Residence District A, 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. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit a revised plan to the Community Planning Department showing all mitigation trees in the Tree Yard and a pervious surface driveway to replace the proposed asphalt driveway.
3. 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.
4. 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.
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. The Applicant shall make all attempts to transplant the Magnolia tree in the front yard rather than remove it. In the event the Magnolia tree cannot be transplanted, it shall be replaced with two suitable sized Magnolia trees.
10. Prior to issuance of a certificate of occupancy, the abutting neighbor's fence will be restored to the condition it was in before construction started.

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

166 Downer Avenue Site Plan Review

Chair Sneath stated that the next item on the agenda was an application from Robert and Lisa Delmonico for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 166 Downer Avenue in Residence District A.

Chair Sneath noted that the Applicant requested a continuance of the application prior to the hearing.

Chair Sneath moved to CONTINUE the application from Robert and Lisa Delmonico for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 166 Downer Avenue in Residence District A, to March 27, 2023 at 7 PM.

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

457 Main Street Site Plan Review

Chair Sneath stated that the next item on the agenda was a continued application from JJF Investments 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.

Chair Sneath invited the Applicant to present the application.

Attorney Kathleen Heffernan, Esq., attorney for the Applicant, Austin Chartier, engineer for the Applicant with McKenzie Engineering Group, and Heidi Condon, architect for the Applicant, presented the application to the Board.

Mr. Brennan reviewed the drainage design of the project and noted satisfaction.

Chair Sneath invited Board comments/questions.

Member Ellis asked a question of clarification of Mr. Brennan related to drainage.

Member Tondorf-Dick asked a question of clarity related to setbacks and the history of the project. Ms. Condon, Attorney Heffernan, and Ms. Alexandra Flood, owner of the subject property, clarified member Tondorf-Dick's questions.

Member DaSilva asked about tree removal and plantings to which Mr. Bryce White, landscape architect for the Applicant, reviewed the plan.

Chair Sneath invited public comment.

Attorney James Creed, Esq., attorney for the abutters at 461 Main Street, noted that the abutters are satisfied with the proposed plans following discussions with the Applicant prior to the public hearing.

Based on the information submitted and presented during the hearing Chair Sneath made the following proposed findings:

- 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 moved to GRANT the application of JJF Investments, LLC for Site Plan Approval under § I-I of the Zoning By-Law 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, 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. 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.
5. 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.
6. 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.
7. 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.

8. 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.

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

Chair Sneath MOVED to adjourn at 9:45 PM

The motion passed unanimously by roll call vote.

Second: Gary Tondorf-Dick

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

Opposed: None

Meeting Materials:

Agenda Summary, dated March 10, 2023

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

Continuation and Extension Request, dated February 28, 2023

Peer Review Report from J. Dirk, dated December 19, 2022

Peer Review Report from P. Brennan, dated December 22, 2022

Peer Review Report from P. Brennan, dated February 14, 2023

Peer Review Report from J. Dirk, dated February 14, 2023

Preliminary FRD - Special Permit A3 Decision, dated March 28, 2022

Preliminary FRD Plan, revised through February 24, 2022

154 Otis Street

Site Plan Review Application, received January 23, 2023

Site Plan, dated January 17, 2023

Architectural Plans, dated January 12, 2023

Stormwater Report, dated January 17, 2023

Continuance Request, dated February 24, 2023

Response to Staff and Peer Review Comments, dated March 2, 2023

Site Plan, revised February 28, 2023

Stormwater Report, revised February 28, 2023

Fire Marshal Letter, dated March 13, 2023

P. Brennan Peer Review Report, dated February 9, 2023

P. Brennan Peer Review Report, dated March 2, 2023

136 Nokomis Road & 15 Conditto Road

Site Plan Review Application, received January 13, 2023

Site Plans, dated January 10, 2023

Architectural Plans, dated November 30, 2021
Framing Plans, dated April 14, 2021
Stormwater Report, dated January 10, 2023
Landscape Plan, revised January 25, 2023
Application Cover Sheet, revised February 1, 2023
Response to Staff and Peer Review Comments, received February 22, 2023
Revised Site Plans, received February 22, 2023
Waiver Request, dated February 23, 2023
Explanation of Revisions, dated March 8, 2023
Stormwater Report, revised March 3, 2023
Plan Set, revised March 6, 2023
P. Brennan Peer Review Report, dated February 10, 2023
P. Brennan Peer Review Report, dated March 9, 2023

9 Wompatuck Road

Site Plan Review Application, received January 23, 2023
Impact Report, dated January 20, 2023
Architectural Plans, dated February 14, 2022
Site Plans, dated January 20, 2023
Stormwater Report, dated January 18, 2023
Response to Staff Comments, dated February 28, 2023
Response to Peer Review Comments, dated February 28, 2023
Impact Report, dated February 28, 2023
Stormwater Report, revised February 28, 2023
Site Plan, revised February 28, 2023
Site Plan, revised March 2, 2023
Abutter Comments, dated March 8, 2023
Response to Abutter Comments, dated March 9, 2023
Cut and Fill Analysis
P. Brennan Peer Review Report, dated February 15, 2023
P. Brennan Peer Review Report, dated March 4, 2023

13 Wompatuck Road

Site Plan Review Application, received January 23, 2023
Site Plans, dated January 20, 2023
Stormwater Report, dated January 18, 2023
Response to Staff Comments, dated February 28, 2023
Response to Peer Review Comments, dated February 28, 2023
Impact Report, dated February 28, 2023
Stormwater Report, revised February 28, 2023
Site Plan, revised February 28, 2023
Architectural Plans, dated July 14, 2022
Site Plan, revised March 3, 2023
Abutter Comments, dated March 8, 2023
Response to Abutter Comments, dated March 9, 2023
Site Plan, revised March 9, 2023
Cut and Fill Analysis
P. Brennan Peer Review Report, dated February 15, 2023
P. Brennan Peer Review Report, dated March 4, 2023

166 Downer Avenue

Site Plan Review Application, received January 20, 2023
Site Plans, dated January 12, 2023
Architectural Plans, dated January 18, 2023
Stormwater Report, dated January 13, 2023
Arborist Report, dated October 17, 2022
Public Comment from M. & M. Mullaley, dated March 7, 2023
Continuance Request, dated March 10, 2023

457 Main Street

Application Package, dated December 22, 2022
Zoning Analysis Letter
Stormwater Report, revised October 28, 2022
Landscape Plan, revised December 5, 2022

Plan Set, revised December 22, 2022
Architectural Plans, dated December 22, 2022
Landscape Plan, revised January 16, 2023
Response to Peer Review Comments, dated February 3, 2023
Plan Set, revised February 3, 2023
Soil Suitability Form, dated February 2, 2023
HydroCAD Report, dated February 2, 2023
P. Brennan Peer Review Report, dated January 24, 2023
P. Brennan Peer Review Report, dated February 3, 2023