

HINGHAM PLANNING BOARD MINUTES

March 22, 2021 @ 6:45 PM

REMOTE MEETING

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

Also Present: Susan Murphy, Special Real Estate Counsel

Meeting Agenda:

1. Farmer's Market, 0 Station Street (Continued from 3/15/21)

Request for Site Plan Review in Association with a Special Permit A2 under §§ I-G and I-I, along with a Special Permit A3/Parking Determination under §§ V-A and I-J in an Official and Open Space District.

2. 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

3. Other Business:

- Adoption of Minutes
- 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)

Hingham Farmer's Market, 0 Station Street (Continued from 3/15/21)

Mark Cullings, President of the board of the Hingham Farmer's Market, presented the updated plans to the Board, showing the changes made to the site plans at the request of the Board at the prior meeting. It was noted that the Town will require the Farmer's Market to have a porta-john on site, in a location that is not visible from the sidewalk or businesses.

Members of the Board discussed the application, clarifying that the second "post-Covid-19" site plan would be triggered in response to the governor lifting Covid-19 restrictions.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Site Plan Approval Criteria under § I-I, 6 of the By-Law:

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;**

Due to the seasonal nature and short duration weekly of the Farmer's Market, there is no permanent construction or installation of buildings or structures that would result in detrimental impacts to the abutting properties. The portable bathroom facility that will be required by the health department shall be located away from Water Street so as not to create an adverse visual impact on the public way and adjoining properties. The use of the existing parking lot during daylight hours once a week seasonally will not result in any negative permanent impact to the abutting properties.

- 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 layout of the Farmer's Market will not alter access to the site for motorists or emergency vehicles through the existing curb cuts off Station Street. So long as covid-19 restrictions remain in effect, the applicant has provided a designated waiting area for pedestrians. Safe pedestrian circulation, away from traffic within the parking lot, is provided within the Farmer's Market.

- 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 layout of the Farmer's Market at the easterly end of the parking lot does not negatively affect traffic patterns in the lot and there is sufficient parking for all uses exists. In addition, assigned parking has been designated for vendors. The remaining parking spaces will provide sufficient parking on site for the customers attending the Farmer's Market and surrounding businesses for the limited hours the Farmer's Market is in operation each Saturday.

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

The Farmer's Market is located in an existing municipal parking lot with no permanent structures. The existing landscaping and open space within the parking lot is not modified by the proposed use, however some of the perimeter grassed areas will be utilized by vendors during the Farmer's Market hours. In addition, the portable bathroom facility will be temporarily located on the grassed area during the term of the Farmer's Market, but will adjacent to the railroad right of way and not affect abutting properties.

- 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;**

No trash and other waste may be left on site by vendors. Each vendor is responsible for bringing all their goods and displays in their own vehicles and at the end of the Farmer's Market they are responsible for cleaning up their areas.

- 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 Farmer's Market will be responsible for providing a portable restroom for vendors, making no demand on the Town's wastewater facilities. Vendors provide their own electricity. Arrangements for a police detail will be as directed by the Hingham Police Chief.

- 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;**

No discharges into the public drainage system from the Farmer's Market operations are proposed and none shall be permitted.

- 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;**

No constructions nor storm water controls are proposed or required for the site for the proposed use.

- 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 operation and temporary occupation of the site will not affect any of the natural and historic features of the general area.

- j. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;**

No new buildings are contemplated for the site.

Site Plan Review Proposed Findings:

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Special Permit Approval Criteria under § V-A, 6 of the By-Law:

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

The Farmer's Market will occupy approximately 34 parking spaces for the market area and vendor and personnel parking. Because the Farmer's Market will operate for limited hours one day a week and will only overlap with downtown business hours for a few hours each market day, sufficient parking area will remain for market customers and visitors to the nearby downtown area.

b. Pedestrian access and circulation has been provided for.

The proposed layout plans depict the pedestrian movements within the Farmer's Market for both covid layout and post-covid layout. The seasonal one day operation of the Farmer's Market will not alter the overall general safety of pedestrian movements within and around the existing parking lot. So long as covid-19 restrictions remain in effect, the applicant has provided a designated waiting area for pedestrians. Safe pedestrian circulation, away from traffic within the parking lot, is provided within the Farmer's Market.

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 openings from Station Street and no new driveways openings are proposed.

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.

No waivers are proposed.

e. 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: Gordon Carr made a motion to grant Site Plan Approval under Section §§ I-G, I-H and I-I of the Zoning By-Law and a Special Permit A3 Parking Determination under § V-A of the By-Law, to operate a local seasonal Farmer's Market at the property located at 0 Station Street, in the Official and Open Space zoning district, with the following waivers and subject to the following conditions:

Waivers:

1. The submission of a site plan prepared by a registered engineer and other materials required pursuant to Section I-I,4 are hereby waived and the two aerial plans depicting the so-called "covid" market layout and proposed full market layout are accepted as the "site plans" in lieu thereof, subject to the conditions set forth below.

Conditions:

1. Prior to commencing operations of the Farmer's Market, the site plans shall be revised as follows and submitted to the Building Commission and town planner for approval:
 - (a) The Station Street CV-19 Market Footprint Plan shall be revised as follows:
 - i. The legend shall be revised to be fully legible
 - ii. Vendor booth #3 shall be relocated from the grassed area along the railroad right of way west of the tree near Water Street and the portable restroom facility shall be shown in that location
 - (b) The Station Street Post-COVID Market Footprint Plan shall be revised as follows:

- i. Vendor booth #4 shall be relocated from the grassed area along the railroad right of way west of the tree near Water Street and the portable restroom facility shall be relocated to that location.
2. Prior to starting operation of the Farmer's Market, the applicant shall have obtained a license from the Town for use of the site. Operation of the Farmer's Market may only continue for so long as such license remains in full force and effect.
3. The layout of the Farmer's Market shall be in the area depicted on the Site Plans, and the total number of vendor booths shall not exceed 34 vendor booths and two administrative booths as shown on the Post-COVID Market Footprint Plan.
4. The perimeter of the Farmer's Market shall be secured by vendor vehicles, tents, cones and cording for market safety and to direct all visitors to the designated entrance.
5. Parking of vendors and HFM personnel shall be in designated areas as depicted on site plans.
6. A police detail shall be on-site during the Farmer's Market operating hours to the extent required by the license with the Town and/or the Hingham Police Chief.
7. Applicant shall inform all Vendors and Personnel in writing that that shall be no discharges into the public storm water system.

Second: Rita Da Silva

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

Opposed: None

JEB Group LLC, 100 Industrial Park Road (Continued from 1/25/21)

The Chair opened the hearing on the continued application from JEB Group. He noted that as this application has been before the Board for over a year and that there has already been extensive discussion from both the Board members and the public, that this hearing will be focused on discussion and deliberation among the Board members, the Applicant, and Town peer reviewers. He added that since the last hearing, the Board determined that Member Rita Da Silva was ineligible to vote on this matter as she was not a member of the Board when the hearing for this application was first opened. Consequently, the voting Members for this application include Kevin Ellis, Gary Tondorf-Dick, Judy Sneath, and Gordon Carr. Jeffrey Dirk, PE and John Chessia, PE were present as the Board's peer review consultants.

The Applicant was represented by Kevin Hixson and Michael Dion of BL Companies. Amazon was represented by Brad Griggs, Jessica Schumer and Attorney Michael Giamo.

Kevin Hixson, BL Companies, gave a brief overview to the Board of the submissions that had been made since the last meeting and additionally reviewed a letter that was submitted on behalf of the Applicant outlining the benefits of the project to the Industrial Park. Town Peer Review Traffic Consultant, Jeffrey Dirk provided his input with respect to the recent submissions. Members of the Board asked questions and discussed the presentation with Mr. Dirk and the representatives of the Applicant and Amazon. There was an extended discussion regarding the "accordion" nature of the number of vehicle trips per day based on information provided by the Applicant in the July 2020 Traffic Study as amended throughout the hearing process. Based on the Traffic Study, the maximum number of vehicle trips per day was estimated to be 1,204. However, Brad Griggs, for Amazon, explained that the numbers fluctuate based on demand and that it was not anticipated that the facility would hit that number on a regular basis but would often be less than that amount.

The Chair invited comments from the Board. Member Gary Tondorf-Dick raised questions about the soil management plan and monitoring effects on the ground water. It was noted by Counsel that the Conservation Commission is addressing soil management in its review. Member Gary Tondorf-Dick added that he has a number of other concerns including the number vehicles and trips, the traffic pattern within the industrial park and the surrounding areas, the safety of pedestrians and motorists both in the industrial park and surrounding areas, traffic growth over time, the impact of increased traffic on the collector roads, and environmental sustainability. Member Judy Sneath noted that this use is permitted under the Zoning By-Law and that it is the job of the Board to enforce the By-Law, however, she still has concerns regarding the amount of traffic, number and intensity of vehicles on site, and adverse effects on the Town. Member Gordon Carr referenced the large amount of public comment that has been received about this application and the consistency of the public's concerns. He noted that how this application will be conditioned is essential to addressing the concerns of the Board and the public. The Chair, Kevin Ellis, added that he believes the Board can create a set of conditions that will address the concerns that have been raised during the hearings on this project.

The Chair began a review of the draft Site Plan Criteria Findings, Special Permit Finding and Conditions for purposes of discussion. The Board did not engage in discussion of every finding and condition. Discussion by the Board of the following proposed findings and conditions is summarized here:

Site Plan Review and Findings

- Criteria (b), regarding traffic and the maximum traffic counts, number of delivery vans, and the hours of operations.
 - Member Gary Tondorf-Dick noted that he thinks there needs to be more done on this criterion as it relates to safety issues on this site and Industrial Park Road. Member Gordon Carr proposed the addition of language noting that this type of Amazon Facility is relatively new and that there are not many studies or data on the use of this type of facility.
- Criteria (d), regarding the landscaping on the site.
 - Member Gary Tondorf-Dick asked about the adequacy of the screening along Commerce Road, discussing the location and type of trees that are proposed in the landscaping plans. Kevin Hixson for the Applicant and John Chessia for the Board referenced the landscape plans to discuss existing and additional landscaping. It was also noted that a condition is proposed to require additional tree planting to compensate for the prior removal of trees from the site. The Board discussed with the Applicant the proposed location of additional trees to screen the property from Route 3A. It was also noted that the conditions will require additional plantings along Commerce Road to screen the proposed retaining wall.

Special Parking A3 Findings

- Criteria (b), regarding sidewalks.
 - Member Gary Tondorf-Dick raised a question about the finding that sidewalks were adequate. It was noted that this criteria related to on-site pedestrian safety and that site plan review criteria (b) was intended to address off-site pedestrian safety. The Board then discussed whether there should be a finding under site plan review criteria to address pedestrian safety on surrounding roads. Member Gary Tondorf-Dick raised concerns surrounding pedestrian safety in the Industrial Park given the intensity of use proposed at the site and the current lack of adequate sidewalks. He stated that the number of vehicles proposed by the Applicant changes the dynamics on the roads in the Park and that the addition of new sidewalks along Industrial Park Road are important to address pedestrian

safety issues. Member Gordon Carr commented that the Board should try to maintain consistency in the treatment of projects and since they have not made other applicants responsible for accommodating pedestrians off of their site then they shouldn't require that of this application. Members Judy Sneath and Kevin Ellis agreed that the Board has not imposed sidewalk obligations on other recent applicants in the Industrial Park. With respect to Special Permit criteria (b), Member Judy Sneath suggested that the finding be amended to state that the proposed project provides for adequate pedestrian safety within the site.

Proposed Conditions

- Proposed condition B.1 (b), regarding landscaping.
 - Members Judy Sneath and Gordon Carr discussed the types and sizes of trees that will be planted, with the Applicant clarifying that 13 additional trees will be planted, 6 evergreen trees and 7 deciduous trees. Counsel noted that the Applicant will also be required to clarify the delineation between grass areas and walkways on the landscape plans.
- Proposed condition C.7 (c), regarding Commerce Road.
 - Members Gary Tondorf-Dick and Judy Sneath discussed with Counsel the condition requiring the Applicant to determine a resolution of truck turning issue raised by the existing condition of cars regularly parking on the side of Commerce Road, impacting the ability of trucks to operate safely while driving by this location. It was noted that this is an ongoing issue which must be resolved by the Applicant with the neighboring business as Commerce Road is a private way and is not within the Town's jurisdiction.
- Proposed condition E.1, regarding traffic signal timing.
 - Member Gary Tondorf-Dick suggested that the Whiting, Derby, and Gardener Street intersection should be included in the implementation of optimal traffic signal timing.
- Exhibit A – Traffic Monitoring Program
 - There was substantial discussion among the Board members, representatives of the Applicant, and Town consultants regarding the aspects of the monitoring program, including the standard 10% deviation. The Applicant and Amazon representative raised an issue about the need to accommodate additional vehicle and truck trips beyond the 1,204 during their holiday peak period from mid-November to mid-January. All of the Board members questioned the need for a greater number of trips given that accordion nature of the operations as previously discussed by the Applicant and the information submitted in the Traffic Study that indicated a maximum peak at 1204. Given that there were a number of open questions about the data related to the vehicle trips around the holiday peak season, the Board and the Applicant agreed to continue the hearing.

The Applicant agreed to a continuation of the hearing until March 29, 2021, and the Board then voted unanimously to continue the hearing.

Adjourn

As there was no other business, the meeting was adjourned at 11:27 P.M.