

## HINGHAM PLANNING BOARD MINUTES

April 5, 2021 @ 7:00 PM  
REMOTE MEETING

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

**Also Present:** Town Legal Counsel, Susan Murphy, Interim Planner, Christine Stickney

### Meeting Agenda

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1. Verizon Wireless  
92 Derby Street – Suite #103  
Request for a waiver of Site Plan Review under §I-I for interior work of existing tenant in existing space.
2. JEB Group LLC  
100 Industrial Park Road (Continued from 3/29/21)  
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:
  - a. Approval of Minutes
  - b. 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)

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#### **Verizon Wireless, 92 Derby Street – Suite #103**

Interim Planner, Christine Stickney presented the request to the Board. She explained that the applicants are seeking a Site Plan Review waiver for interior renovation to be completed at the Verizon Wireless store located at 92 Derby Street. She noted that the financial threshold is what triggered Site Plan Review for this project but that the renovation includes no exterior work.

There were no questions or comments from the Board.

**Motion:** Kevin Ellis made a motion to waive Site Plan Review under §I-I in connection with interior work of existing store at 92 Derby Street, Verizon Wireless, in accordance of the with the application fated March 15, 2021.

**Second:** Rita Da Silva

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

**Opposed:** None

**JEB Group LLC, 100 Industrial Park Road (Continued from 3/29/21)**

The Chair re-opened the hearing on the application from JEB Group LLC, 100 Industrial Park Road. He noted that Board Member Rita Da Silva is unable to vote on this matter as she was not a member of the Board when the hearings on this matter first began. He explained that this hearing would include continued discussion of the proposed traffic monitoring program and discussion about the remaining findings and conditions with the goal of reaching a decision on the matter.

Real Estate Counsel, Susan Murphy, noted that since the last hearing on March 22, 2021, items were submitted to the Planning Board including a memo from Mr. Tondorf-Dick.

Real Estate Counsel added that the Town Administrator, Tom Mayo, also received a letter from the property owner at 100 Industrial Park Road offering an infrastructure gift to the Town if the project moves forward. Town Engineer, JR Frey, stated that these funds would be sufficient to improve pedestrian infrastructure in appropriate locations within the industrial park.

The Board continued its review from the March 22, 2021 hearing of the proposed conditions commencing with the traffic monitoring condition, and then reviewed the special permit renewal condition and revisited the prior reviewed findings and conditions to the extent they were revised by staff since the prior hearing. During the deliberation there was extensive discussion among Board Members, Town Peer Review Consultant Jeffrey Dirk, and Real Estate Counsel about the proposed traffic monitoring program. Board Member Gordon Carr raised concerns around the number of vehicle trip and the 10% variation in daily trip number, the frequency of monitoring reports and effectiveness of corrective measure that may need to be taken, and suggested that there be more frequent monitoring of the program in the beginning before moving to a twice annually monitoring schedule. Member Judy Sneath raised similar concerns about the frequency, effectiveness, and enforceability of the traffic monitoring program and that a 10% daily trip variation increase becoming the daily average. Member Gary Tondorf-Dick commented on the baseline traffic of 1204 peak trips per day (not the “accordion” expansion to 1604, which would require a modification of the special permit), and the function of the 10% trip variation, stating concerns about who will be responsible for reviewing the program, the frequency of monitoring, how operations would be modified if the number of daily trips exceeds the proposed parameters, and how future company growth may affect daily trip volumes. He added that issue of pedestrian safety in the industrial park is still an area of concern as well. Modifications were proposed to the draft conditions to address Board members concerns. Mr. Tondorf-Dick noted that he was comfortable with the review within the site but still had concerns about the impacts on the surrounding roadways. The other Board members noted that they were ready to proceed to a vote based on the proposed conditions as reviewed by the Board.

Upon completion of the Board’s discussion, the Chair then proceeded to make the following motions:

**Motion:** Kevin Ellis made a motion to adopt the Site Plan Review findings reviewed at the public hearing of the Board on March 22, 2021 (which are incorporated herein by reference), as modified during tonight’s hearing, and to grant Site Plan Approval under Section I-G, Section I-H and Section I-I of the Zoning-Bylaw in connection with the renovation of the large warehouse facility and demolition of a smaller building as part of the redevelopment of the property known as 100 Industrial Park Road in the Industrial Park District and South Hingham Development Overlay District for the operation of an Amazon “Last Mile Delivery Station”, subject to conditions A through E (including Exhibit A) as reviewed at the public hearing of the Board on March 22, 2021 (which are incorporated herein by reference), as modified during tonight’s hearing.

**Second:** Gordon Carr

**In Favor:** Gordon Carr, Judy Sneath, Kevin Ellis

**Opposed:** Gary Tondorf-Dick

3 Members of the Board having voted in the affirmative, the motion passed.

**Motion:** Kevin Ellis made a motion to adopt the Special Permit A3 findings reviewed at the public hearing of the Board on March 22, 2021 (which are incorporated herein by reference), as modified during tonight's hearing, and to grant a Special Permit A3 Parking Determination under Section V-A of the Zoning Bylaw, in connection with the renovation of the large warehouse facility and demolition of a smaller building as part of the redevelopment of the property known as 100 Industrial Park Road in the Industrial Park District and South Hingham Development Overlay District for the operation of an Amazon "Last Mile Delivery Station", subject to the proposed conditions A through F (including Exhibit A) as reviewed at the public hearing of the Board on March 22, 2021 (which are incorporated herein by reference), as modified during tonight's hearing.

**Second:** Judy Sneath

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

**Opposed:** None

The motion passed unanimously.

The findings and conditions adopted by the Board by the above votes are set forth in their entirety below:

**SPR Findings in accordance with Section I-I**

- 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 project site is surrounded by state highway Route 3 to the north/northeast, undeveloped land zoned industrial park to the south/southeast, private way Commerce Road to the south/southwest, and one developed industrial property to the north/northwest. As further discussed below, the project will comply with Massachusetts storm water standards and will be required to provide adequate landscaping and buffers.

- a. 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 convenience and safety of vehicular and pedestrian movements within the site and on adjacent roadways, location of driveways, sight distances, and sufficiency of access for vehicles, including emergency vehicles, was reviewed in detail by the Planning Board's peer review traffic engineer Jeffrey Dirk of Vanasse & Associates, Inc. The sufficiency for emergency vehicles was also reviewed by Hingham Fire Marshal Lieutenant DiNapoli.

The existing site consists of three driveways, one on Industrial Park Road and two on Commerce Road and improvements are proposed to all three, and adequate sight distances are provided, or will be, at each driveway.

With respect to traffic volumes from the site, the Applicant has represented that the maximum number of vehicle trips per day (trucks, DSP vans and passenger vehicles, including Flex Drivers) shall not

exceed 1,204 vehicle trips (two-way traffic over the operational day of the facility) as presented in the Traffic Study, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the “Traffic Study”).

The South Shore Industrial Park, where the property is located, has been in operation for a number of decades. The majority of the internal roadways to the Industrial Park (some public and some private) were not designed with pedestrian sidewalks. While sidewalks are encouraged, and in some instances required, for modern developments, other applicants for recently approved development projects in the Industrial Park have not been required to construct or contribute to the constructions off-site sidewalks or pedestrian accommodations. The peer review reports received by the Planning Board did not indicate that construction of off-site sidewalks is necessary to mitigate the direct impacts of this project and therefore the Planning Board does not include any condition related to sidewalks in its site plan review or Special Permit A3 decisions.

In assessing the impact of the traffic volumes on adjacent roadways, the Applicant presented in its Traffic Study its peak traffic volumes as an “accordion” as shown on the below chart (prepared by Vanasse & Associates) summarizing estimated vehicles trips:

**PROPOSED PACKAGE DELIVERY STATION  
100 INDUSTRIAL PARK ROAD – HINGHAM  
EMPLOYEE, VEHICLE AND PARKING NUMBER VARIATION**

	Original Application	June 2020 Traffic Study	July 2020 Traffic Study	10/20/20 Site Update Memo	Request for Advisory Opinion	12/8/20 Response to Comments	3/8/21 Response to Comments
<b>Employees/Vehicle Type:</b>							
Associates/Managers	118	139	139	139	139	139	139
Delivery Service Partner (DSP)	336	287 <sup>b</sup>	191	107	191	107/191 <sup>d</sup>	107/191 <sup>d</sup>
Flex Drivers	38	67	67	32 <sup>b</sup>	67	32/67 <sup>d</sup>	32/67 <sup>d</sup>
Tractor-Trailers	10	14 <sup>c</sup>	14	11	14	14	14
<b>Parking:</b>	<b>458</b>	--	<b>461</b>	<b>453</b>	<b>453</b>	<b>453</b>	<b>447</b>
Auto	130	--	131	130	130	130	126
Van	328	--	330	323	323	323	321
<b>Loading Docks:</b>	<b>7</b>	--	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>

<sup>a</sup>DSP employee start time was changed to 9:45 AM with vehicles returning after 7:00 PM.

<sup>b</sup>Flex driver arrival time changed to 4:30 PM.

<sup>c</sup>Arrival and departure window changed to 10 PM to 8 AM.

<sup>d</sup>Response letter indicates 107 DSP's and 32 Flex drivers; however, traffic volumes are based on 191 DSP's and 67 Flex drivers for consistency with July 2020 Traffic Study.

The Applicant represented that the daily traffic volumes may fluctuate during the peak shipping season (mid-November through mid-January); however, subsequent discussions with the Applicant and their consultant team and as evidenced by the absence of additional supporting information that was requested by the Planning Board and Mr. Dirk or objection from the Applicant or their counsel, the Applicant will limit the maximum number of vehicle trips per day to 1,204 on a daily basis under both peak and non-peak operating conditions.

The project will be subject to a traffic monitoring program as set forth in the conditions that will monitor for compliance with traffic related conditions including the maximum vehicle trips per day (1,204) and peak hour vehicle trips as presented in the Traffic Study. The monitoring program allows for a standard deviation in the maximum number of vehicle trips per day of 10%. To the extent that the annual monitoring program demonstrates that the project is operating within the prescribed limits and is not creating undue congestion or safety concerns as evidenced by the Hingham Police Department, the Applicant, at their discretion, may request that the Planning Board consider an increase in the maximum vehicle trips per day. This request would be considered a modification to the Special Permit granted to the Applicant and subject to new filing(s) and public hearing.

The Applicant originally proposed a retail-type customer pick-up area at the site which has since been removed from the site plan. Traffic volumes for such use are not included in the Traffic Study and such use is not permitted without further approval of the Planning Board with respect to both parking and traffic impacts.

The Traffic Study also presented the projected percentage of trips assigned to various roadways based on the maximum number of vehicle trips per day and during peak hours. The traffic monitoring program will likewise require monitoring of the utilization by the delivery vehicles at these intersections for compliance with the projected percentage of trips set forth in the Traffic Study.

Mr. Dirk also recommended a number of necessary measures be required of the Applicant in order to address existing unsafe conditions on adjacent streets and to mitigate the potential safety and traffic impacts due to the proposed volume of vehicle trips (truck, delivery vehicles and passenger vehicles) to and from the site. These measures include improvements to the existing horizontal curve along Industrial Park Road, installation of centerline pavement markings, improvements to the corner of Industrial Park Road and Commerce, resolution of the on-street parking issue on Commerce Road, traffic signal timing adjustments and on-going traffic monitoring requirements.

With respect to on-street parking on Commerce Road, Mr. Dirk noted that the regular presence of on-street parking along the southwesterly side of Commerce Road will require that large delivery trucks cross the centerline of Commerce Road to access the truck entrance for the project. The applicant has not proposed a satisfactory resolution of the on-street parking condition and trucks cannot safely approach the project site unless such issue is satisfactorily resolved.

The conditions to this permit, including a renewal provision tied to compliance with traffic monitoring requirements, provide for adequate measures to address the matters raised by Mr. Dirk, and will be conditions to commencement of the project work, occupancy and/or ongoing operations, as applicable. Compliance with the traffic related conditions of this permit, including identification of delivery vehicles, the traffic demand management program, the volume of traffic trips and utilization of roadways for such vehicle trips, and the traffic monitoring program, is all fully within the sole control of the Applicant. Such control by the Applicant, together with the launch by the Applicant of this new type of delivery facility, are supported by the facts presented by the Applicant and reviewed by the Planning Board's peer review traffic engineer, and provide reasonable and sufficient basis for the imposition of the conditions set forth in this decision.

The proposed "Last Mile Delivery Station" is a relatively new model for Amazon and continues to evolve, with operations tailored to each specific site and market. Therefore there is limited data available from studies of other similar facilities. In addition, Amazon has conceded that they cannot provide any projections on their company's growth and delivery demand beyond the next 2-3 years. These factors support the determination by the Planning Board that the permit should be reviewed and revisited in that timeframe, when experience and future circumstances can be fully evaluated. Based on data submitted by the Applicant and reviewed by the Planning Board and its peer review traffic engineer, it is appropriate to allow the project to proceed subject to regular verification of compliance of its operations with its projections through monitoring and permit renewal. Such verifications and periodic reviews will allow for the mitigation that may be necessary to address negative or outsized impacts of the project, if any.

***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 126 car parking spaces and 321 delivery van parking spaces, in significant excess of the 191 spaces required for office and warehouse use under the Zoning By-Law, thereby requiring the issuance of a Special Permit A3 parking determination pursuant to Section V-A of the Zoning By-Law. The project site also contains seven loading dock spaces. The adequacy and compliance with the off-street parking requirements are addressed in the findings to be made by the Planning Board in connection with the application for a Special Permit A3 .

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

The existing, larger building on the site is remaining and there are no dimensional changes proposed to the building. In addition, the overall project complies with all dimensional setback, lot coverage and floor area ratio requirements under Section IV of the Zoning By-Law, as well as applicable design requirements of the South Hingham Overlay District under Section III-E of the Zoning By-Law. Section III-E, 9 of the Zoning By-Law requires screening, including 75% evergreen shrubs or trees, to screen parking areas visible from a public way. Except for a 20' wide strip where clear utility easement access must be maintained, an existing dense tree screening exists at an approximate minimum depth of 20' and up to a depth of 50' or more along the public way of Industrial Park Road. The requisite number and size of parking lot trees is proposed.

As shown on site plan Sheet LL-04, a significant number of mature trees (6" caliper or larger) were removed from the site and a large portion of the site was cleared prior to filing of the current applications without site plan approval, in possible violation of Section IV.B.6 of the Zoning By-Law. As shown on the proposed landscape plans, new landscaping, including trees, are proposed in other portions of the site, including a significant number of plantings in wetland buffer areas under review by the Conservation Commission. To mitigate the loss of the mature trees and site clearing, supplemental evergreen tree plantings will be required to the rear of the building in the grassed open space area as a screen from Route 3 and plantings will be required along the retaining wall proposed parallel to Commerce Road to provide screening of the wall.

***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 served by a private wastewater disposal system which will be replaced by a Title 5 septic system, locally approved as a "Plant" under the Town of Hingham Supplemental Rules and Regulations for the Disposal of Sanitary Sewage. Such system shall be subject to review and approval by the Hingham Board of Health. Conditions to this approval will govern handling of construction materials and storm water management will be manage on-site in accordance with state storm water standards.

***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 project will improve water service within the industrial park by constructing a looped water service by agreement with the Weir River Water System. The project will be served by a new private on-site septic system. The project is located in part on Industrial Park Road, a town public way. The Applicant proposes to mitigate an existing adverse condition within the industrial park by

constructing improvements at the existing horizontal curve approaching the project site. The project is also located in part on Commerce Road, a private way which is not maintained by the Town.

- 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 storm water management system for the project was reviewed in depth by the Planning Board's peer review civil engineer John Chessia, P.E. of Chessia Consulting Services, LLC for compliance with the Massachusetts DEP Storm Water Management Standards. As there are wetland resource areas within the site from the southeast part of the lot, along the south of the parcel and extending up into the southwesterly side of the lot, as well as a buffer zone associated with wetlands to the west side of Commerce Road,, the storm water plan is also under review by the Hingham Conservation Commission and the project will be subject to an Order of Conditions. The project would be considered a partial redevelopment as there is an increase in impervious areas proposed for the site. Full compliance is typically required for the increased impervious area, and improvement to the maximum extent practicable is required for existing impervious areas. Treatment of storm water from the site will be significantly improved over existing conditions of the site. With respect to infiltration, however, MassDEP requires infiltration only to the maximum extent practicable on sites, such as this, that have an Activity and Use Limitation (AUL) that precludes inducing runoff to the groundwater. The Applicant has investigated all areas of the site where infiltration may be practicable, given the existence of the AUL and the proposed location of the private wastewater system. No adverse impacts on abutting properties have been identified due to proposed storm water runoff from the site. Based on the storm water submissions by the Applicant and peer reviewed on behalf of the Planning Board, and subject to compliance with certain conditions imposed under this decision with respect to a basin liner and illicit discharge investigation, the project meets state storm water standards.

- 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. Project construction will be subject to a Stormwater Pollution Prevention Plan (SWPPP) to assure appropriate Best Management practices are incorporated during construction, and inspections in accordance with the site plan review requirements of the Zoning By-Law and the conditions of this decision.

- 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;***

As the site is surrounded by other industrial park parcels and a state highway and is located on a dead-end street, it has no scenic views. As noted above, there was significant clearing on the site, including

removal of trees of 6" caliper or greater. New plantings are proposed and additional plantings will be required by the conditions to this permit. 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 is improved with a pre-existing industrial building. The properties in the Industrial Park and immediate vicinity of the project operate with similar industrial uses. Based on the foregoing, this project is consistent with the character and scale of the buildings in the vicinity.

### **SPA3 Findings in accordance with Section V-A.6**

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

The proposed project provides for 126 car parking spaces and 321 delivery van parking spaces, for a total of 447 parking spaces, in significant excess of the 191 spaces required for office and warehouse use under Section V-A the Zoning By-Law. The project site contains seven loading dock spaces which are separate from parking areas in a location on the site that will not obstruct travel on street, driveways, or aisles. The need for the parking spaces is supported by the programmed use of the property as represented by the Applicant and to provide for sufficient off-street parking to accommodate the use which is permitted as of right in the zoning districts. The applicant originally proposed a retail-type customer pick-up area at the site which has since been removed from the site plan. Parking for such use is not included on the site plan and such use is not permitted without further approval of the Planning Board with respect to both parking and traffic impacts. The parking areas meet the dimensional criteria of the Zoning By-Law and the requisite number and size of parking lot trees are provided for on the Site Plans.

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

The proposed project provides for adequate pedestrian safety within the site. Truck delivery traffic, including ingress and egress for delivery trucks, has been segregated on a site to limit interactions with pedestrians.

- 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 three existing driveways, consisting of one exiting to Industrial Park Road and two entrance/exits along Commerce Road. Improvements to the three driveways are proposed to improve safe entrance and exit from the site and to improve sight lines for each of the 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.*

No waivers to the parking standards of the Zoning By-Law have been requested.

- 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 discussed above, improvements to the access driveways will increase safe ingress and egress to the site. Mr. Dirk and the Hingham Fire Marshal have reviewed the parking lot layout and opined that the layout of the parking area allows for adequate fire safety equipment access. At the direction of the Planning Board, the site plan was modified to require circulation of delivery vehicles within the site from the westerly side of the building to the easterly side without routing delivery vehicles onto Commerce Road to circulate the building. Delivery vehicles will enter the building from the westerly side for loading of packages, exit the building from the east side, and proceed to Industrial Park Road by a one-way driveway thereby limiting the number of delivery vehicles using Commerce Road. The tractor-trailer truck loading docks have been placed on the site in a location that allows trucks to enter and exit the site through a single entrance in close proximity to the loading docks. Based on the site design for parking and on-site circulation, the likelihood of accidents or impairments to on-site access and circulation is diminished.

## **CONDITIONS:**

### **A. General Conditions**

1. The Applicant is the fee owner of the project and has leased the property to an entity owned and operated by Amazon. The design of the site improvements depicted on the applications for site plan approval and for a Special Permit A3 parking determination are specifically tailored to operation by Amazon of a so-called “Last-Mile Delivery Station”. The conditions of this decision shall be binding upon the Applicant, Amazon (or any affiliate of Amazon operating at the site), any other tenants or occupants of the site, and their respective successors and assigns in interest (collectively, the “Applicant Parties”). All references to the Applicant herein shall include all Applicant Parties.
2. This decision grants site plan approval and a parking determination only for the operation of an Amazon “Last-Mile Delivery Station” as expressly represented to the Planning Board in the Applicant’s applications, related submissions, and at the public hearings. Any change, extension, or modification of the operations on the site, shall require an application for modification of this site plan approval and, if applicable, this special permit or, in the event of a change in tenant or operator, new approvals. As no parking or traffic data was provided by the Applicant with respect to any “retail” use of the site for customer pick-up or other retail services, such use is not permitted.
3. The Applicant has represented that Amazon will employ drivers who will be either employees of Amazon (sometimes referred to as Delivery Service Providers (“DSP”)) or independent contractor drivers (sometimes referred to as Amazon Flex Delivery Partners) and who are collectively referred to herein as “delivery drivers”. The vehicles driven by the delivery drivers are herein collectively referred to as “delivery vehicles”. A copy of this decisions shall be kept on the site at all times. The Applicant shall be responsible for communicating to all employees, contract drivers, vendors, visitors, and invitees, the conditions of this decision and ensuring compliance herewith.
4. The Applicant shall immediately replenish the existing peer review account to pay in full any outstanding peer review fees. In addition, 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 peer review and inspections required under this decision.

## **B. Site Plan**

1. Prior to issuance of commencement of any work on the site the Site Plans shall be modified as follows:
  - (a) Modify Landscape Plans LL-0 through LL-1 to correct the depiction of the open space area between the building and state highway Route 3 to distinguish between the area to be landscaped and the existing and proposed hardscape (stairs, sidewalks, etc.).
  - (b) Modify Landscape Plans LL-0 and LL-1 to provide for the planting of a minimum of an additional thirteen (13) trees (six (6) evergreen and seven (7) deciduous) of at least 3” caliper in the open space area behind the building and along the boundary north of easterly parking area to provide additional screening from the state highway Route 3.
  - (c) Modify Landscape Plans LL-0 and LL-1 to provide for the plantings of shrubs of sufficient density to screen the retaining wall to be installed parallel to Commerce Road.
  - (d) A detail plan shall be submitted which includes complete dimensions and details for proposed stormwater management outlet structures.
2. Plan Changes. To the extent that any of the improvements to be constructed as depicted on the Site Plans are modified by the Applicant, or in connection with any other federal, state or local permits, the Applicant shall submit such modifications for further review and approval.

## **C. Conditions Related to Construction; Prior to Occupancy**

1. 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 and approval by the Planning Board or its designee not less than three weeks prior to the start of any work.
2. Prior to issuance of a building permit:
  - (a) During or after demolition the Applicant shall undertake an investigation to identify and remove, if applicable, any illicit stormwater connections. Prior to issuance of a building permit, the Applicant shall deliver to the town planner a copy of the site investigation relative to illicit discharges confirming no illicit connections or confirming removal of such connections.
  - (b) The Applicant shall deliver to the town planner written evidence of approval by the Weir River Water System of the design of the water service and water system improvements.
  - (c) Retaining walls shall be designed by a structural engineer.
3. 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.
4. No construction vehicles or construction worker vehicles shall be permitted to idle their vehicles for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.

5. 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 Plans.
6. Stormwater Management.
  - (a) Detention Liner. The Applicant shall engage a professional engineer, registered in the Commonwealth of Massachusetts, to oversee the installation and testing of the proposed liner for Detention System 2A as shown on the Site Plans. The engineer shall provide a Certification with the engineer's stamp that the system has been installed in accordance with the manufacturer's instructions and has been installed to prevent the intrusion of groundwater into the system.
  - (b) Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy (including a temporary certificate of occupancy) ("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.
7. Roadway Improvements. In order to mitigate adverse impacts on adjacent streets to the project, prior to an issuance of a Certificate of Occupancy or the commencement of any business operations on the site, Applicant shall complete the roadway improvements and address the on-street parking obstruction, as follows:
  - (a) Industrial Park Road Improvements – Applicant shall design and construct improvements along Industrial Park Road at the horizontal curve approaching the project site driveway as detailed on the February 5, 2021 Offsite Roadway Improvement Plans that were submitted by BL Companies on behalf of the Applicant. Such improvements are located within a public right of way and shall be subject to review and approval by the Superintendent of the Hingham Department of Public Works or his designee.
  - (b) Commerce Road Improvements - Applicant shall design and construct the following improvements along Commerce Road, such design to be subject to review by the Planning Board or its peer review traffic engineer, at Applicant's expense:
    - (i) repaving Commerce Road to include corner radii improvements at the Industrial Park Road/Commerce Road intersection;
    - (ii) the installation of centerline pavement markings between Industrial Park Road and the south driveway to the Project site; and
    - (iii) the installation of a STOP-line and accompanying STOP-line on the Commerce Road approach to Industrial Park Road.
  - (c) Commerce Road On-Street Parking – As currently laid out, on-street parking cannot be accommodated on Commerce Road, a private way, without causing trucks entering onto Commerce Road to access the project site to cross over the center line of the paved roadway into the oncoming travel lane and creating a traffic condition that will not allow for the safe operation of the site. A resolution to the unsafe condition created by recurring on-street parking on Commerce Road shall be determined and presented to the Planning Board (or its designee) for review and approval. Such resolution may include further improvements to Commerce Road, a written instrument binding applicable parties to cease such parking,

or such other engineering design or legal resolution (or combination thereof) to the on-street parking condition that will, in the reasonable determination of the Planning Board, or its designee, address the existing unsafe condition on a permanent basis.

8. As-Built Plan Requirement. Upon project completion and prior to the issuance of a Certificate of Occupancy, but in no event later than two years after the completion of construction, an as-built plan must be submitted to the Building Commissioner. 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.

#### **D. Parking and On-Site Circulation**

1. There shall be no more than 437 parking spaces on the site. Parking of all vehicles shall be on-site and shall only be permitted in marked parking spaces as designated on the Site Plans. No parking shall be permitted on any public or private way.
2. Tractor-trailer trucks shall be scheduled so that no trucks are present at the site at any time in excess of the number of available loading docks. No trucks shall be permitted to queue on any public or private way including, without limitation, Industrial Park Road, Commerce Road or any other street or way within the Industrial Park.
3. All circulation of vehicles from one side of the building to the other must occur on-site and Commerce Road shall not be used for such purpose. Without limiting the foregoing, delivery vehicles queuing to enter the building must use the on-site roadway parallel to Commercial Road to access the building entrance and may not utilize Commerce Road for that purpose.
4. No vehicles shall be permitted to idle for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11
5. Fire apparatus access to both sides of the building shall be kept clear at all times and there shall be no obstructions (such as light poles or trees) along the fire lane that could interfere with the swing radius of ladder or bucket trucks.
6. Storage of plowed snow shall be only in the areas designated on the Site Plans and snow accumulation in excess of designated on-site snow storage areas shall be promptly trucked from the site. Snow shall not be plowed or dumped on any other private property (without authorization), on any public property or on any public or private way of the Town.

#### **E. Traffic and Off-Site Circulation**

1. Traffic Operations. Within 90-days after receipt of a Certificate of Occupancy for the Project and subject to receipt of all necessary rights permits and approvals, design and implement an optimal traffic signal timing and phasing plan for the Derby Street coordinated traffic signal system to include the following intersections:
  - (a) Industrial Park Road
  - (b) Route 3 southbound ramps
  - (c) Route 3 northbound ramps
  - (d) Old Derby Street

- (e) Derby Street Shoppes
  - (f) Cushing Street
  - (g) Whiting Street (Route 53)/Derby Street/Gardner Street
2. Transportation Demand Management – Upon issuance of a Certificate of Occupancy and on a continuing basis thereafter, the Applicant shall:
- (a) Implement a comprehensive Transportation Demand Management (TDM) plan consisting of the following elements:
  - (b) Assign a transportation coordinator to coordinate the TDM program;
  - (c) Post information regarding commuting options in a central location and/or otherwise make available to employees of the project;
  - (d) Implement a rideshare matching program for employees facilitated by the transportation coordinator to encourage carpooling;
  - (e) 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;
  - (f) 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;
  - (g) Incorporate pedestrian accommodations within the Project site; and
  - (h) Provide secure bicycle parking at an appropriate location within the Project site.
3. Vehicle Identification Signs. All delivery drivers of all delivery vehicles must continually utilize Amazon-provided vehicle identification signs, which shall be made of a material also visible after dark, identifying the vehicle as an Amazon delivery vehicle. Said vehicle identification signs shall be located at least on the left and right sides of all delivery vehicles so that they are clearly visible by other vehicles traveling the roadways and pedestrians on the street.
4. Compliance with Traffic Routes. All delivery routes shall be scheduled during the periods of time represented, and using the turning movements depicted, in the Traffic Study, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the “Traffic Study”), including the Supplemental Traffic Information submitted February 2021. Without limiting the foregoing, except for local delivery routes within Hingham which require delivery vehicles to enter onto residential collector roads to access delivery locations on or directly off of such roads, delivery vehicles shall be prohibited from using residential roadways, such as Gardner Street and Cushing Street as “cut-throughs”. A vehicle is using a street as a “cut-through” if the vehicle does not have an origin or destination along such street.
5. Traffic Monitoring and Reporting Program. The Applicant shall comply with the traffic monitoring and reporting requirements set forth in Exhibit A attached hereto and incorporated into this decision by reference.

## F. Permit Subject to Renewal

1. This Permit shall be in effect for a period commencing on the date of issuance of a Certificate of Occupancy for the project (the “Commencement Date”) and expiring on the day prior to the third-year anniversary of the Commencement Date (the “Expiration Date”) and shall thereafter be subject to renewal by the Planning Board upon application by the Applicant not earlier than six (6) months prior to the Expiration Date. The renewal application shall include:
  - (a) A narrative setting forth the status of Applicant’s compliance with the Traffic and Off-Site Circulation conditions set forth in Condition E of this decision (the “Traffic Conditions”);
  - (b) The most recent Monitoring Report which shall have been completed not more than sixty (60) days prior to the application for renewal;
  - (c) A summary of the Corrective Measures implemented through the date of renewal application in accordance with the Traffic Monitoring Program;
  - (d) such additional information that the Planning Board may reasonably require related to compliance with the Traffic Conditions including, without limitation, GPS data evidencing compliance by delivery vehicles with travel routes.
2. This Permit shall be renewed by the Planning Board for additional three (3) year periods (or such longer period as the Planning Board, in its sole discretion may approve) upon a finding that the Applicant is in substantial compliance the Traffic Conditions. Such renewal shall be on the same terms and conditions as this Permit, provided, however, that if other relief is requested in the same application as the requested renewal, appropriate conditions may be imposed with respect to such other relief.
3. In the event that the Planning Board finds that the Applicant is not in substantial compliance with one or more of the Traffic Conditions, the Planning Board may, in its reasonable discretion, deny renewal of this Permit or may approve a shorter renewal term. The Applicant may be found to be “not in substantial compliance” if the Planning Board receives evidence of one or more of the following violations:
  - (a) failure of the Applicant to provide documented evidence of active maintenance of the TDM in accordance with Condition E.2; and/or
  - (b) failure of the Applicant to comply with the Traffic Conditions set forth in Condition E.3 and E.4, as evidenced by (i) the issuance of written zoning violation notices or enforcement actions by the Building Commissioner which are not timely cured, or which are recurring and/or (ii) information gathered in connection with Monitoring Reports; and/or
  - (c) failure of the Applicant:
    - (i) to timely comply with the traffic monitoring requirements of Condition E.5; or
    - (ii) to validate traffic volumes and affirm travel routes, as evidenced by one more Monitoring Reports during the initial term or then renewal period; or

(iii) to implement Corrective Measures when required;

and any of such failures are not timely cured or are recurring.

4. If the Applicant fails to timely seek renewal of this Permit prior to the then applicable Expiration Date or the Planning Board votes not to renew the permit in accordance with the terms hereof, this Permit shall expire as of the last day of the then renewal period and the Applicant shall have no further right to operate the site for the purposes permitted hereunder.
5. Notwithstanding any provision of this Condition F to the contrary, if the Applicant seeks a major modification to the site plan approved in connection with this Permit, or there is a change in use or occupancy which affects the parking determination made hereunder, the Applicant shall seek a modification of this Permit and the site plan approval. Such approvals, if granted, may be subject to modification of conditions in connection with the Traffic Conditions. A major modification to the site plan shall include, but not be limited to, an increase or change in building configuration, uses on the site, parking lot layout and/or traffic volumes and routes.

#### **EXHIBIT A**

##### **Traffic Monitoring and Reporting Program**

The Applicant shall retain the services of an independent Traffic Engineer duly licensed in the Commonwealth of Massachusetts to conduct post-development traffic monitoring in order to: (i) validate the traffic volume projections; (ii) affirm the travel routes of DSP vans and Flex drivers; and (iii) evaluate traffic operations and safety impacts after occupancy. The data collection portion of the monitoring program will include the following elements:

- I. Performing a 7-day, week-long automatic traffic recorder counts at the following locations to include vehicle classification:
  1. Industrial Park Road north of the exit driveway for the warehouse;
  2. Commerce Road; and
  3. All driveways serving the warehouse.
- II. Performing manual turning movement counts and vehicle classification counts using a video recording device for a continuous 12-hour period on a weekday (7:00 AM to 7:00 PM) at the following intersections (the “Monitored Intersections”):
  1. Industrial Park Road/Commerce Road
  2. Derby Street/Pond Park Road
  3. Derby Street/Route 3 Southbound Ramps
  4. Derby Street/Route 3 Northbound Ramps
  5. Derby Street/Old Derby Street
  6. Derby Street/Derby Street Shoppes
  7. Derby Street/Cushing Street
  8. Whiting Street (Route 53)/Derby Street/Gardner Street
- III. Obtaining motor vehicle crash data for the most recent one-year period from the Hingham Police Department for Monitored Intersections.

The data collection effort will be undertaken twice per year: once under normal or typical warehouse operations and once under peak season operations (defined as the period between mid-November and mid-

January). Baseline (prior to operation) data collection shall occur prior to the commencement of major construction activities associated with the warehouse construction or shall be conducted in a manner so as to exclude construction traffic from the baseline data. Subsequent data collection shall commence within 90 days of the issuance of a Certificate of Occupancy for the warehouse and be repeated twice annually as defined above for a period of six (6) years thereafter unless the duration is extended or otherwise modified by the Planning Board. Prior to undertaking the data collection, the Applicant shall submit the proposed dates and scope of work to the town planner for review and approval which shall not be unreasonably conditioned, delayed or denied.

The results of the traffic monitoring program shall be summarized in a report or technical memorandum (the "Monitoring Report") provided to the Planning Board, the town planner, and the Building Commissioner within one-month of the completion of the data collection effort and shall include the following information and analyses:

- Comparison of the measured traffic volumes (trucks, DSP vans and passenger vehicles (including Flex Driver passenger vehicles)) to the traffic volume projections for the Project as presented in the *Traffic Study*, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the "Traffic Study");
- Traffic operations (motorist delays, vehicle queueing and level-of-service) at the Monitored Intersections;
- Evaluation of motor vehicle crash rates at the Monitored Intersections; and
- The number of DSP vans traveling through the Monitored Intersections by time of day and direction of travel.

To the extent that any of the following conditions are documented in the Monitoring Report (each an "Unmitigated Impact"), corrective measures to reduce the Unmitigated Impact(s) ("Corrective Measures") shall be proposed by the Applicant in the Monitoring Report:

- i. The traffic volumes for the warehouse (daily or peak-hour) as measured at all driveways serving the warehouse over the seven day monitoring period exceed the projected traffic volumes by more than 10 percent (i.e., 110 percent of the projected traffic volumes) under typical or peak season operations (the "Traffic Volume Threshold");
- ii. The volume of DSP vans using Gardner Street, Cushing Street or Whiting Street exceed by 10% or more the estimates presented in the Traffic Study; and/or
- iii. The calculated motor vehicle crash rate at a Monitored Intersection exceeds the MassDOT average crash rate for similar intersections and there is an exceedance of the Traffic Volume Threshold or evidence from the Hingham Police Department of an increase in crashes at the Monitored Intersections related to DSP vans or Flex vehicles.

The description of the proposed Corrective Measures, if any, shall include the appropriate parties responsible for implementation, required approvals, and the timeline for implementation. These Corrective Measures may include, without limitation:

- Sign and pavement marking installation.
- Traffic signal timing modifications at the Monitored Intersections.



- Enforcement of travel route restrictions for DSP vans and Flex vehicles to limit or preclude the use of Gardner Street and Cushing Street except for deliveries to addresses along these roadways.
- On-site operations and management strategies to include: expansion of the elements of the TDM program to include financial incentives for employees to car/vanpool; scheduling employee and truck operations to minimize impacts during peak-traffic-volume periods along Derby Street; evaluating implementation of an employee shuttle program; and other such measures that are designed to reduce the overall volume of traffic generated by the Project including, without limitation, modification of operations to comply with the maximum daily trips set forth in the Traffic Study.

The Town may, pursuant to MGL Ch. 44, Section 53G, retain the services of a peer review traffic engineer, at the expense of the Applicant, to review the methodology, results, and findings of the Monitoring Report. Upon written request of the Planning Board (or the town planner on its behalf), the Applicant shall appear at a duly noticed public hearing of the Planning Board to present the results of the Monitoring Report and to review any proposed Corrective Measures. If Corrective Measures are necessary based on the findings of the Monitoring Report after review by the Town's peer review traffic engineer, they shall be implemented at the sole expense of the Applicant in accordance with the identified timeline as determined by the Planning Board. The status of implementation and effectiveness of the Corrective Measures shall be documented by the Applicant in a subsequent Monitoring Report within a timeframe determined by the Planning Board.

## **Other Business**

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### **Approval of Minutes**

The Chair opened discussion on the meeting minutes from the March 22, 2021 and March 29, 2021 meetings of the Planning Board. There were no comments from the Board.

**Motion:** Kevin Ellis made a motion to approve the meeting minutes from the March 22, 2021 and March 29, 2021 meetings of the Planning Board as presented and reviewed at this meeting.

**Second:** Gordon Carr

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

**Opposed:** None

As there was no other business, the meeting was adjourned at 9:54 P.M.