

HINGHAM PLANNING BOARD MINUTES

May 3, 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

1. 11 Bank Ave & 103-105 North Street (Continued from 4/26/21)
Request for Extension – Site Plan Review with Special Permit A2 & A3
Request for a one-year extension of the Site Plan Review Decision in Association with Special Permit A2 & A3
2. PETCO
6 Shipyard Road
Request for a waiver of Site Plan Review for improvements to expand and interior tenant fit-up for PETCO under §I-I and §IV-B6.
3. W/S/M Hingham Properties LLC (Continued from 4/26/21)
100 Derby Street – Building 5
Request for modification of plans approved in connection with a Special Permit A3, issued 12/19/2018 under §V-A and Site Plan Review under §I-G and §I-I to redevelop the former Rite-Aid space for two new tenants at the above location.
4. New Boston Golf Club
101 Gardner Street
Definitive Subdivision Approval
Proposed residential subdivision road, approximately 312' linear feet to serve as access for three (3) residential lots and one (1) drainage lot with a combined total of 4.95 ac (+/-) acres for the subdivision, proposed to access between #99 and #111 Gardner Road, original tract of land shown as Assessors' Map 178, Lot 5 (50.92 ac) zoned Residence B.
5. 40 Harborview Drive – Enforcement/Site Plan Review – Land Disturbance
Directed from the Building Inspector, the Applicant performed land disturbance exceeding 5,000 SF and slopes greater than 10% with development of new residential home without Site Plan Approval under §I-I and §IV-B6
6. Other Business:
 - a. Approval of Minutes
 - b. Discussion of Town Meeting (5/8/21)
 - c. Administrative Reports
 - d. Adjourn

This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.

Hearing(s)

11 Bank Ave & 103-105 North Street (Continued from 4/26/21)

Member Judy Sneath was recused from this hearing as she is an abutter to the property.

Walter Sullivan explained that this hearing was before the Board at their previous meeting, but due to a lack of voting members in attendance, there was no action taken on this request for an extension. He reiterated the reasons for the request of an extension, including time constraints in the relocation of tenants and general effects of the COVID-19 pandemic.

Motion: Kevin Ellis made a motion to extend the Site Plan approval and Special Permit A3 for 11 Bank Ave & 103-105 North Street until July 22, 2022 for both decisions.

Second: Gary Tondorf-Dick

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

Opposed: None

PETCO – 6 Shipyard Road

Sharon Siekierski, the Construction Manager for the project, presented the proposed plans to the Board. She explained that the project includes the existing tenant taking over two additional tenant spaces located directly next their existing space. This would change the current square footage of the footprint from around 5,000 to just over 10,000 SF to include a vet hospital, full-service grooming, and additional retail space.

There was discussion among Board members and the Applicants about parking and the effect that this increased usage will have on the demand for parking. As this tenant will be taking over already existing vacant space, the additional parking needed already exists. There was additional discussion about the fixture count in the building and how that may affect the layout of the plans.

Motion: Kevin Ellis made a motion to approve Site Plan Review waiver for §I-I, 6 for Site Plan Review.

Second: Rita Da Silva

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

Opposed: None

W/S/M Hingham Properties LLC – 110 Derby Street – Building 5 (Continued from 4/26/21)

Victoria Maguire, WS Development, explained that since the last hearing, they submitted the letter detailing the breakdown of uses on the property that was requested by Town Peer Review Consultant Jeffrey Dirk.

As there were no questions from the Board, The Chair proceeded with the Proposed Site Plan Review Findings:

Site Plan Review 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 Site Plan Approval Criteria under § I-I, 6 of the By-Law:

- a) **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;**

The proposed improvements are part of a larger retail complex that requires extensive review to assure abutting properties are not impacted and assurance to the property owner that the retail complex is successful as a destination retail area. The Planning Board found the applicant's proposal maintained the character and appearance typical of the other tenants in the complex and provided sufficient safeguards to visitors and customers as to convenient parking and updating of existing facades along with operational safeguard to the impacts of lighting, noise through landscaped buffers

- 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 diversity of retail, restaurant and other personal service establishments in the complex promotes a pedestrian friendly area. The property owner provided updated pedestrian crossing with improved visibility to motorists and pedestrians crossing at one of the main routes into the complex. The Peer Review Consultants recommended revisions to the loading dock area at the northwest side of the building that improved what could have been potential conflicts between motorists and delivery vehicles as to circulation and line of sight. The Planning Board felt after all the discussions and recommendations that emergency access, motor vehicle as well as delivery vehicles and pedestrian access were sufficiently addressed and improved with the proposal.

- 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 Planning Board found that improvement to the parking field with accessibility for handicap motorists being able to park closer to their protected path of access with curb ramps, along with the landscape islands to channel motor vehicle circulation in the parking field and adjustment to the rear entrance in the proximity of the loading dock, collectively addressed many of the typical safety and emergency access concerns of a busy retail area while maintaining the overall complex's traffic circulation in an orderly manner.

- d) Adequacy of open space and setbacks, including adequacy of landscaping of such areas;**
There was no substantial change – additional landscaped islands are being added to the parking lot.

- 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;**

As part of this proposal a dumpster pad enclosed with fencing was included in the proximity of Building #5. Sufficient access and maneuverability for waste disposal services was provide for regular maintenance and operation of the dumpster.

- 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 Planning Board found that sufficient water supply is provided for both domestic and public safety.

- 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 Planning Board found after Peer Review by Amory Engineering that the proposed drainage modifications were sufficient with the existing storm water system.

- 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;**

The Planning Board that modifications were designed with best management practices.

- 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 area was fully developed and required no additional land disturbance the Planning Board found minimal concern with this criteria.

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

A new façades to the existing building and outdoor amenities such as outdoor seating and wider walkways provided enhancements to this area of the retail complex and will be a complimentary additions.

Proposed Conditions:

1. The proposed modification is approved in accordance with previously issued decisions and subject to all on-going monitoring of the prior decisions.

Motion: Kevin Ellis made a motion to approve the W/S/M Hingham Building 5 proposal subject to the conditions as read.

Second: Gary Tondorf-Dick

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

Opposed: None

New Boston Golf Club – 101 Gardner Street

Kevin Grady, from Grady Consulting, presented the proposed plans to the Board. He explained that the Applicants are proposing to construct a 3 dwelling subdivision and definitive subdivision roadway and to create two new building lots and reconfigure an existing building lot on a 4.95-acre lot located on the north side of Gardner Street. He added that they have conducted a professional precision parameter survey, topographic study, and soil study of the property. He noted that the storm water management system consists of catch basins at the intersection of the col de sac and entrance roadway. He also detailed other aspects of the plan including emergency vehicle access, sightlines, utility connections, and landscaping.

Town Peer Review Consultant, Pat Brennan, noted that he only has a few remaining concerns that were not fully addressed by the Applicants response to his first comments, including easements relating to the transformer on the property, the provision for street lighting, and the stormwater drainage design.

Town Peer Review Consultant, Jeffrey Dirk, explained that they have already performed site distance and travel speed measurements and found that the sightlines measured meet the requirements for the 30 MPH speed limit on Gardner Street. He added that it is his recommendation that sidewalks be provided within the subdivision.

Board members made comments on the proposed plans, raising questions about the topography, grading of the property and the impact on existing trees, requesting a tree location plan, and slope of the property, proposed storm water management plans to the detention basin and using existing surface lowland areas on the site, length of the driveway to house no. 2 and firetruck turnarounds, and the lack of sidewalks in the plan. It was also requested that at the next hearing, there is more information about the landscaping plans and vegetation buffers including information about the number and variety of trees being removed versus the trees to be added.

Public Comment

Scott Love, 100 Gardner Street, raised concerns about vehicles existing the subdivision roadway facing directly at their home across the street and shining headlights through the windows. It was noted that the Applicants should maintain contact with the abutters to make sure adverse effects such as this are mitigated.

Deborah Gombrowicz, 99 Gardner Street, raised concerns about landscaping and tree buffers between her property and the proposed subdivision. Kevin Grady noted that he will look into the possibility of supplementing the tree buffer between the two properties.

Margaret Dooley, 121, Gardener Street, raised concerns about water runoff flowing in the direction of her property and about the quality of trees buffering the proposed dwellings from existing properties.

Jennifer Murray, 113 Gardener Street, raised concerns about the location of lot 3 relative to her septic system and water flow and the potential for water in her home's basement.

As there were no further comments from the Board, the Chair noted that this hearing will be continued to a future meeting date to allow for a site walkthrough.

Motion: Kevin Ellis made a motion to continue this hearing to the June 14, 2021 meeting of the Planning Board.

Second: Gary Tondorf-Dick

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

Opposed: None

40 Harborview Drive – Enforcement/Site Plan Review – Land Disturbance

Adam Flurry presented the hearing to the Board. He explained that after being approved for a new construction project, he hired a supervisor to pull a permit for the headwall on the plan and did not believe that the project would violate the By-Laws. He added that since learning of the violation, they have been trying to rectify the situation.

Town Real Estate Counsel, Susan Murphy, noted that the retaining wall and fill were added to the property without Site Plan Review or building permits after the project had already had its final inspections by the Building Commissioner to receive its Certificate of Occupancy. She explained that the Commissioner required that everything that had been done be un-done and the proper permits acquired before the property owner could receive the Certificate of Occupancy. She added that since the project has also affected easement areas, this matter is of concern to other Town departments as well.

John Chessia, the Board's Peer Review Civil Engineer, added that the property is completely stripped of vegetation, there is no erosion or sediment control on the site, and that there is evidence of sediment flowing across Harborview Drive into the catch basins and into the property of the abutter to the north. He explained that the Applicants are proposing to install underground infiltration systems, but he is concerned that the system will not function properly due to the type of soil on site.

Member Gary Tondorf-Dick raised questions about the recent construction impact on below grade conditions, requested as built drawings to verify these below grade conditions, grading and slope of the property, the lack of drainage and collection structures on the property, uncontrolled runoff onto adjacent properties to the east and south, and the stability of the home. Member Judy Sneath noted that at the next hearing, she would like to see a robust plan for how the Applicants plan to address all the necessary changes and suggested that the recent permit for 31 Harborview Drive would be a good example of the extent to which the Planning Board and Town Peer Review Consultants worked to protect neighboring properties from water. The Chair encouraged the Applicant to communicate with the abutters to this property to make sure that all their concerns are addressed.

Public Comment

Melanie Harold, 4 Baker Hill Drive, explained that her lot sits just below 40 Harborview Drive and that much of the work that has been done has greatly affected her property and the privacy of her home. She added that she would like to see a serious soil and landscaping plan in order to mitigate the issues that this construction has caused.

Mary Long, 51 Harborview Drive, said that she has seen an accumulation of soil onto her property. She noted that where it used to be level, there is now about 3ft of dirt that she believes will only continue to grow if changes are not made.

The Chair noted that the hearing will be continued to a future meeting date to allow time for the Applicant to address the comments and concerns raised at this hearing prior to the next meeting.

Motion: Kevin Ellis made a motion to continue this hearing to the June 14, 2021 meeting of the Planning Board, understanding that there will be serious remedial steps taken in the meantime to address abutter concerns.

Second: Gordon Carr

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

Opposed: None

Other Business

Discussion of Town Meeting (5/8/21)

The Board and Staff discussed the recent Town Moderator's meeting, and the details of which Board Members may be speaking at the upcoming Town Meeting.

Administrative Reports

The Board and Staff discussed dates for future meetings.

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