

HINGHAM PLANNING BOARD MINUTES

May 24, 2021 @ 7:00 PM

REMOTE MEETING

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

Also Present: Christine Stickney, Interim Planner

Meeting Agenda:

1. **128 Hersey Street - Steve & Juliet Fulgoni (cont. 5/10/21)**
Site Plan Review with Building Permit/Land Disturbance
Request for Site Plan Review under §I-I and §IV-B.6 for land disturbance exceeding 5,000 SF and slopes greater than 10% with development of new residential home
2. **274 South Street - Hingham Country Club (cont. 5/10/21)**
Site Plan Review with Building Permit
Request for Site Plan Review under §I-I and §IV-B.6 for land disturbance exceeding 5,000 SF and slopes greater than 10% with development of new maintenance building.
3. **220 Summer Street – Ryan Sillery/City Point Capital**
Enforcement/Site Plan Review with Building Permit/Land Disturbance
Request to modify a previous Site Plan Approval (10/27/20) for modification to single family residence and lot grading.
4. **Crane Drive Subdivision/Christopher Shaughnessy**
As- Built Approval & Reduction of Surety
Approved & constructed one lot subdivision seeking release/reduction of surety and As-Built Approval.
5. **Hingham Tree Preservation Committee/ Priya Howell- Chair**
Proposed Bylaw – Tree Preservation
Request to meet with members of the Planning Board to present and discuss a proposed tree preservation zoning bylaw.
6. **Hingham Master Plan (Continued public hearing from 4/26/21)**
The Planning Board will review the draft Master Plan initiated with funding from Town Meeting in 2019 and completed by the Master Plan Committee with the assistance of a planning consultant. Pursuant to MGL. Chap. 81 Section 41D, the Planning Board is required to review and vote approval of said plan that details a minimum of nine (9) elements in the statute as a Comprehensive Plan.
7. **Board Reorganization and Committee Assignments**
Discussion as to reorganization and committee assignments (ADU Study, Climate Action, Master Plan Implementation) for upcoming year

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)

128 Hersey Street - Steve & Juliet Fulgoni (cont. 5/10/21)

Timothy Power, Civil Engineer with PVI Site Design, presented to the Board on behalf of the Applicants. He explained that since the last hearing, they have addressed any outstanding concerns from the Town Peer Review Consultants, revised the project plans and drawings as necessary, and conducted a soil test requested by the Peer Review Engineer.

Member Gary Tondorf-Dick questioned if any of the stormwater runoff may run into any of the adjacent parcels and Mr. Power explained that due to the two infiltration systems and the soil material, they do not anticipate any runoff coming out of the systems.

Member Gary Tondorf-Dick asked if the driveway width at the garage opening was sufficient for vehicles to back out and turn. He asked also if these vehicles exiting the garage and turning would potentially drive on the storm water management structure adjacent to the driveway. He requested that the applicant plant screening at the south perimeter of the driveway to screen the neighbor's property.

As there were no further questions from the Board, the Chair proposed the following 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 project includes the construction of a modest sized residential home and accessory barn on the 37,680 SF lot zoned Residence A. Site development of both structures including the proposed septic, drainage and grading triggered the site plan review. The Planning Board and the Amory Engineer's Peer Review found that the applicants had sufficiently addressed storm water run-off with the proposed system of infiltration for the soil types on this lot. Placement of structures on the lot were given consideration of abutters and located in compliance with building setbacks.

- 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 Planning Board reviewed the proposed driveway providing access to the site and off street parking typical of a residential home, sufficient for more than one vehicle. Existing and proposed grades with the line of sight provides safe movement into and out of the residential site.

- 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 as a residential use; sufficient parking is available on the site.

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

To address the need of storm water impacts with proposed drainage, some existing vegetation will need to be removed. The applicants will be landscaping once all work on the site and with the residence is complete. The lot coverage is 17.4% and open space is 82.6% in compliance with Residence A requirements.

- 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 applicants are able to connect to the MWRA sewer system. Construction of the residence will require temporary measures for dealing with construction debris and will be monitored by the building department through the building permit process. The Planning Board was satisfied with the methods of disposal both during construction and proposed.

- 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 the proposed residential use can be sufficiently address through the Town's water supply. In addition the engineer during the review process commented that the existing well has been abandoned and filled in not to be used by the new property owners.

- 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 proponents provide an infiltration style drainage system with two areas of infiltration for storm water from the driveway and roof of the structures. Amory Engineering requested additional test pits in certain locations to confirm the overall consistency of soils and depth of groundwater on the site for the systems. The Planning Board concurred and that information was provided demonstrating suitable soils for infiltration.

- 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 found best management practices with the storm water design are sufficient.

- 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 Planning Board and the applicant discussed some re-use of the existing stone walls on the property and discussed the preservation of existing trees. The applicant will address this with site development.

- 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 Planning Board comment to the applicants their pleasure with seeing a modest size residence on the lot in this neighborhood and the efforts of the applicant's design to compliment the overall neighborhood.

Proposed Conditions:

The site plan review is approved with the following conditions:

1. Any retaining walls exceeding 4' feet in vertical height shall first obtain a building permit with notice given to the Planning Department of such building application prior to any installation on the site.
2. Should it be determined that blasting will be the preferred option to address ledge on the site, the applicant and/or their site contractor shall obtain the necessary permits from the Hingham Fire Department. Written notice to the Hingham Planning Board shall be provided of the anticipated start date of blasting along with a copy of the blasting permit prior to such activity commencing.
3. Should the import of additional fill become a necessity, the applicant and/or their site contractor shall notify in writing the Hingham Planning Board of the estimate amount projected of fill (CY) to be brought into the site. The Hingham Planning Staff will review the estimate and if substantial may request the applicant to address with the Planning Board as to fill and potential modification of grading and site run-off. This current application proposes a balance site with the cut and fill as presented.
4. The applicant and/or their site contractor shall install the proper soil and erosion controls as shown on the approved plans, with notification to the Planning Department for inspection prior to any site work starting. In addition, at the end of each work day the site contractor shall address with broom sweeping any tracked out soil on to Hersey Street. The applicants and/or site contractor shall have measures available on-site to address dust should it begin to occur during dry periods of construction.

Motion: Kevin Ellis made a motion to approve the 128 Hersey Street proposal subject to the findings and conditions as read.

Second: Rita Da Silva

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

Opposed: None

274 South Street - Hingham Country Club (cont. 5/10/21)

Jim Jackson, the civil engineer representing the Applicant, updated the Board on what has happened since the last hearing. He explained that they have received approval from the Conservation Commission and addressed all of the comments made by the Peer Review Consultant, Pat Brennan.

The Applicants responded to questions from Members of the Board about the stormwater runoff systems explaining that all of the runoff caused by this project will run into the new stormwater basin and the existing catch basin will continue to catch the same runoff it has been receiving. He also noted that any screening landscaping from South Street will be completed in phase one of this project.

As there were no further questions from the Board, the Chair proposed the following 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 project was introduced to the Planning Board as a phased project dependent on capital funding to improve the facility management area. Phase #1 proposes drainage improvements, construction of building (maintenance facility), wash pad and other site related improvements. The Country Club is comprised of 154.2 acres with no immediate abutters to this facility work area which is a small portion of the overall site.

- 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 Planning Board reviewed the proposed access noting this maintenance area is not accessible to the general public and/or golfers at the course. Employees and other limited personnel only access the maintenance area and adequate emergency access is available. The country club main access utilized by the general public has been existing for years and sufficient for vehicle, pedestrian and emergency access.

- 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 in the proposed facility area, the parking layout and circulation is appropriate for how the area is used as a maintenance facility. In addition, the storage of equipment and country club vehicles will occur in and outside the new buildings in designated areas.

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

Although a facility area within the golf course, the Planning Board agreed with the applicants proposed landscaping and screening to address visual concerns and separation of the uses. The overall country club and golf course as an active recreational facility is cognizant of open space and landscaping to minimize impacts to neighbors and enhance the course for the facility users.

- 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 applicants are able to connect to the MWRA sewer system. Demolition of existing structures and construction of new site improvements and structures will be handled through the building permit process. Operationally the maintenance area will be monitored daily and personnel will address any issues that may arise as to refuse, sewer connection and the proposed wash pad as it relates to municipal and MWRA connections.

- 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 the maintenance facility will have little or no impact on the municipal services.

- 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;*

Major improvements to the control volume and water quality of the site drainage were included in the initial phase I of the proposal. Substantial improvements have been designed into the existing drainage system as to water quality and volume with the proposed drainage basin. Appropriate soil erosion measures are proposed during construction and operational maintenance of all drainage structures has been provided in the proposed storm water plan and condition through the Conservation Commission Order of Conditions.

- 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 was satisfied with the proposed best management practices proposed during all phases of development and relied on the Conservation Commission review and their peer review as to adequacy and completeness.

- 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 Planning Board found this criterion to be addressed through the landscaping plan as well as the discussions on screening.

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 Planning Board found the maintenance facility as a division of the pre-existing Country Club and Golf course with the proposed improvement would only enhance the overall site.

Proposed Conditions:

The site plan review is approved with the following conditions:

1. Prior to the start of any site work, notice shall be provided to the Planning Department to inspect the installation of the soil and erosion control measures.

2. Approval at this time is for the installation of the proposed storm water drainage system, installation of the wash pad and construction of the “equipment storage & maintenance” building and related utilities connections as shown on sheet P1.0 and any screening and landscaping associated with this phase. Future phases shall be subject to the site plan review thresholds as funding becomes available for construction.
3. Any deviations either on the site or with the proposed building as described in condition #2 shall be discussed with planning staff for a determination as to minor or major modification of this decision and conditions.

Motion: Kevin Ellis made a motion to approve the 274 South Street/Hingham Country Club proposal phase 1 subject to the findings and conditions as read.

Second: Gary Tondorf-Dick

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

Opposed: None

220 Summer Street – Ryan Sillery/City Point Capital

Gary James presented the Application to the Board. He explained that the requested changes to the previously approved site plan includes modifying the location and orientation of the driveway and garage and rotating the proposed retention basin.

Town Peer Review Consultant, John Chessia, noted that he has some concerns about the amount of water on this lot and the proposed groundwater infiltration system for this project. He explained that the existing systems on the lot do not function properly and if the catch basins on this lot fail, there is a risk of overflow on the lot or even onto the nearby street. Additionally, he explained that the driveway will need to be moved as the proposed location sits directly on the lot lines.

Interim Planner, Christine Stickney, noted that the Board of Health has also raised concerns about the groundwater on this lot, particularly as it relates to the basement elevation.

Members of the Board stated their frustrations with the applicants for moving ahead with modified plans before coming before the Board for approval and asked to see a comparison between the previously approved plans and the proposed plans to understand the net difference between the two.

The Chair explained that Peer Review Consultant, John Chessia, needs the opportunity to go through the new site plan and make the assessments necessary for the Board to move forward on any other details of the project. He suggested that the Applicants work with Mr. Chessia to allow him to properly assess the modified site plans.

Motion: Kevin Ellis made a motion for the Applicants to work with Staff and the Peer Reviewer as instructed and that the application is continued to the July 19, 2021 meeting of the Planning Board

Second: Rita Da Silva

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

Opposed: None

Crane Drive Subdivision/Christopher Shaughnessy

Jeff Hassett, Civil Engineer with Morris Engineering, presented the Application on behalf of the Applicants. He explained that they submitted an as-built plan and a request for the release of the performance bond and that these were reviewed by Peer Review Consultant John Chessia, who noted a few issues that needed to be addressed. He added that the cost estimate for the completion of the project is \$51,500 and so they are requesting to reduce the performance bond to that amount.

Peer Review Consultant, John Chessia, noted that the landowners can resolve the remaining issues he outlined in his letter in various ways, some being more expensive than others, and therefore the bond price has the potential to drop even further based on the ways these issues are resolved.

As there were no questions from the Board, The Chair proposed the following motions:

Motion: Kevin Ellis made a motion to

Second: Gordon Carr

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

Opposed: None

Hingham Tree Preservation Committee/ Priya Howell- Chair

Priya Howell, Chair of the Tree Preservation Committee, presented a proposed Tree Preservation Bylaw to the Board. She explained that Bylaws in other towns, states, and even countries all share certain elements including a construction trigger, defined areas of protection, definitions of protected trees, a formula to calculate required replacement trees, and a required contribution for unmitigated tree removal. She added that there are various ways to incorporate this Bylaw including into zoning triggered by Site Plan Review, a general Bylaw tasking the Tree Preservation Committee to oversee tree removal, and a general Bylaw tasking the Planning Boarding with overseeing tree removal.

There was discussion among the Board about the proposed Bylaw including the best way to incorporate the proposed Bylaw, enforcement, costliness, formulas for replacement trees and contributions to the Tree Preservation Fund, other effects this Bylaw could have in the Town, and any possible negative impacts that this could have on the Town.

The Chair noted that this discussion will come back before the Board in the future after the Tree Preservation Study Committee has had the opportunity to review and revise the proposed Bylaw even further.

Hingham Master Plan (Continued public hearing from 4/26/21)

Chair of the Master Plan Committee, Gordon Carr, updated the Board on the status of the Master Plan. He noted that they have been working on gathering additional context for the historic chapter and doing technical cleanups of the document and that they are still targeting June 7 for a possible vote to accept the Master Plan.

Motion: Gordon Carr made a motion to continue the Master Plan hearing to the evening of June 7.

Second: Judy Sneath

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

Opposed: None

Board Reorganization and Committee Assignments

The Board discussed internal reorganization and committee assignments for the upcoming year including identifying the Chair and Clerk, and assignments for the Accessory Dwelling Unit Study Committee, Climate Action Committee, and the Master Plan Implementation Committee.

The Chair suggested that the Board discusses the positions at this meeting and vote on them during a future meeting date.

Motion: Kevin Ellis made a motion to

Second:

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

Opposed: None

Other Business:

- **Adoption of Minutes**

Motion: Kevin Ellis made a motion to approve the Planning Board meeting minutes from the 5/3/21 meetings of the Planning Board as discussed at this meeting.

Second: Gordon Carr

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

Opposed: None

- **Administrative Reports**

Christine Stickney, Interim Planner, updated the Board that the 20-day appeal period for the Amazon Decision passed with no appeals. She also noted that there will be a new administrative assistant starting as of June 1, 2021.

As there was no other business, the meeting was adjourned at 9:56 P.M.