

## HINGHAM PLANNING BOARD MINUTES

June 7, 2021 @ 7:00 PM

REMOTE MEETING

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

**Also Present:** Susan Murphy, Special Real Estate Counsel & Christine Stickney, Interim Planner; Victoria Maguire of WS Development, Sherry Schuler, General Manager Derby St. Shops, and Amy Suba, representatives for Derby Street Properties; Walter Sullivan, Esq. and Brian Comer, representatives for 73 North Street application; David Gorski, Adam Brodsky, representatives of Congregation Sha'aray Shalon; Georg Berg

### Meeting Agenda:

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1. **94 Derby Street- Suite 237**  
**Site Plan Review with Building Permit**  
Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications to the triggering \$20,000 threshold for review.
2. **92 Derby Street – Suite 111 former Medi-Spa**  
**Site Plan Review with Building Permit**  
Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications to the triggering \$20,000 threshold for review.
3. **98 Derby Street – Suite 411**  
**Site Plan Review with Building Permit**  
Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications to the triggering \$20,000 threshold for review.
4. **100 Derby Street/Kohl's – Interior Sales Area**  
**Site Plan Review with Building Permit**  
Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications to the cosmetic/beauty (Sephora) area work triggering \$20,000 threshold for review.
5. **75 Sgt. William B. Terry Drive – SELA International School**  
**Site Plan Review with Building Permit**  
Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications to the triggering \$20,000 threshold for review.
6. **1112 Main Street - Congregation Sha'aray Shalon**  
**Site Plan Review with Building Permit**

Request for Site Plan Review waiver under §I-I and §IV-B.6 for interior modifications restrooms, front patio and offices to the triggering \$20,000 threshold for review.

**7. 73 North Street**

**Approval Not Required (ANR)**

Request to modify the existing lot lines of Assessors' Map 61 Plot 42

**8. Hingham Master Plan (Continued Public Hearing from 5/24/21)**

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.

**9. Board Reorganization and Committee Assignments**

Discussion as to reorganization and committee assignments (ADU Study, Climate Action, Master Plan Implementation) for upcoming year.

*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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At 7:01 p.m. Chairman Ellis called the meeting to order and stated the following:

*"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."*

**94 Derby Street – Suite 237 (former B. Goods)**

Chairman Ellis opened the discussion regarding applicant's request for a site plan review waiver. Victoria Maguire, representative for applicant, stated that upcoming work will largely be retrofitting the space currently used as a restaurant to create a dry retail denim brand space. Ms. Maguire further stated that there would be façade upgrades and that the total dollar value of work triggered site plan review. Ms. Sneath and Mr. Carr asked questions to clarify which plan was being used and to confirm there would be no impact to the parking table.

Chairman Ellis stated the Board has previously approved interior only work at other locations in Derby Street locations without issue.

**Motion:** Chairman Ellis moved to approve applicant's request to waive requirements of site plan and public hearing.

**Second:** Gordon Carr

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

**Opposed:** None

### **92 Derby Street – Suite 111 (former Medi-Spa)**

Chairman Ellis opened the discussion regarding 92 Derby Street stating it was a site plan review waiver request.

Victoria Maguire stated that this was a change in tenant in the old Hanna Andersson location within the hundred block pavilion building. Ms. Maguire stated the tenant would be Medi-Spa, so it would be a change of use and the cost of retrofitting the space triggered site plan review. Ms. Maguire stated that the work would be an interior fit out with minor façade modifications, such as signage and branding, and that parking spreadsheets were sent to the Board due to the change in use. Ms. Maguire stated that parking demand should actually decrease during peak periods.

Gordon Carr asked for clarification regarding the use. Sherri Schuler stated that the tenant will offer services such as facials, brow waxing and potentially injectables and microdermabrasion. Chairman Ellis and Mr. Carr asked for clarification on the use and for confirmation that it would not constitute a health club or fitness facility. Ms. Schuler confirmed.

Ms. Da Silva asked about the location and the old use, which Ms. Maguire clarified.

Gary Tondorf-Dick joined the meeting.

Ms. Sneath asked to confirm the changes will not need go to the Zoning Board of Appeals for review and Ms. Maguire confirmed.

**Motion:** Chairman Ellis moved to approve the site plan review waiver request including waiving a public hearing, as work will primarily be an interior tenant fit, subject to submission of an updated parking table.

**Second:** Judy Sneath

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

**Opposed:** None

### **98 Derby Street – Suite 411 & 100 Derby Street/Kohl’s**

Chairman Ellis opened the discussion on both 98 Derby Street, Suite 411 and 100 Derby, both requests for site plan review waivers. Ms. Maguire stated that it is the same tenant for both projects.

Ms. Maguire stated that Suite 411 is the existing Sephora location in the block with Crate & Barrel. Ms. Maguire stated there will be a complete refresh of the interior and exterior.

Ms. Maguire stated Kohl’s partnered with Sephora to bring a Sephora branded interior beauty counter to Kohl’s and that the cost of the interior work triggered site plan review. Ms. Schuler stated the model is similar to a department store with a branded counter.

Mr. Tondorf-Dick and Ms. Da Silva asked if there would be new employees for the Sephora counter that would require additional parking. Ms. Schuler and Amy Suba stated the employee count will not change.

**Motion:** Chairman Ellis moved to approve the site plan review waiver of requirements and public hearing for interior modifications/tenant fit only at 100 Derby Street/Kohl’s pending administrative review of the submitted materials.

**Second:** Rita Da Silva

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

**Opposed:** None

**Motion:** Chairman Ellis moved to approve the site plan review waiver of requirements and public hearing for modifications only for 98 Derby Street, Suite 411 pending administrative review of the submitted materials.

**Second:** Rita Da Silva

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

**Opposed:** None

### **75 Sgt. William B. Terry Drive – SELA International School Site Plan Review with Building Permit**

Chairman Ellis opened the discussion. Mr. Gorski’s audio was not available so Chairman Ellis stated he would move on and come back to this matter.

### **1112 Main Street - Congregation Sha’aray Shalom Site Plan Review with Building Permit**

Chairman Ellis opened the discussion. Adam Brodsky stated they would be upgrading bathrooms for handicap accessibility, painting the exterior building and updating the ramp. Chairman Ellis asked about parking and Mr. Brodsky stated parking would remain as is. Chairman Ellis asked

whether there would be ample means of access and egress and Mr. Brodsky confirmed there were additional means of access and egress.

**Motion.** Chairman Ellis moved to approve the waiver of site plan review and public hearing requirements for the minor interior and exterior modifications.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

### **73 North Street, Approval Not Required (ANR)**

Chairman Ellis opened the discussion. Attorney Sullivan and George Berg, Project Architect, joined the discussion. Attorney Sullivan stated the ANR application was for a property in the Business Historic Overlay District to move the lot line between two lots. Attorney Sullivan acknowledged that they will need to go before the Zoning Board of Appeals for a 40A § 6 determination that neither lot will be made non-conforming by altering the lot line. Attorney Sullivan further stated that they have the requisite frontage on Ship Street of 54', that there is no square footage requirement in this district, and that there is adequate access off Ship Street. He requested endorsement of plan.

Christine Stickney stated that the notation on the plan includes language that it is strictly an ANR Plan and no determination as to zoning is made or intended.

Ms. Sneath stated that Lot B is still in Business A District.

Chairman Ellis asked what access to Lot B would be independent of Lot A. Attorney Sullivan responded that there will be a driveway turn in off Ships Street.

Ms. Sneath asked about a plan showing proposed structure. Attorney Sullivan said he would submit it, but that the plan before the Board met the requirements of an ANR.

Mr. Tondorf-Dick asked if the lots met the minimum area requirements for District A. Attorney Sullivan said there are no frontage requirements on Ship Street.

Ms. Sneath stated she would recuse herself from any vote as she is a neighbor of this property, although not a direct abutter.

**Motion:** Chairman Ellis moved to approve the endorsement of the ANR Plan of Land, 73 North Street, dated May 19, 2021 stamped by Douglas L. Aaberg RPLS #35382.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

**Recused:** Judy Sneath

**75 Sgt. William B. Terry Drive – SELA International School  
Site Plan Review with Building Permit**

Chairman Ellis reopened this matter.

Mr. Gorski stated that the applicant was requesting a waiver from site plan review for this property, the existing SELA School has open spaces and now they want to break them up into classrooms, adding one bathroom. Mr. Gorski stated that all work would be contained to the second floor, there would be no impact to parking or the exterior, and no increase in students or staff.

Mr. Tondorf-Dick asked about the location. Mr. Gorski confirmed. Mr. Tondorf-Dick asked about changes to use. Ms. Stickney stated that educational uses are exempt and the Board's assessment is limited to site plan review.

Chairman Ellis stated he approved the minor modifications.

**Motion:** Chairman Ellis moved to approve applicant's request to waive site plan review and public hearing requirements given the minor modification and limited interior tenant fit.

**Second:** Judy Sneath

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

**Opposed:** None

**Hingham Master Plan (Continued Public Hearing from 5/24/21)**

Chairman Ellis opened the discussion and stated the hearing had been continued from April 26, 2021.

Mr. Carr stated he would like to continue the hearing as the edits are taking longer than planned. Mr. Carr stated he wants to take the time to get the plan right and to give the Board time to review prior to their approval. Mr. Carr stated the plan will then go back to consultants for formatting, layout and printing.

Ms. Stickney reviewed the Board's upcoming meeting schedule.

**Motion:** Mr. Carr moved to continue the Master Plan hearing to July 19, 2021.

**Second:** Member Tondorf-Dick

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

**Opposed:** None

## **Board Reorganization and Committee Assignments**

Chairman Ellis opened the discussion and stated he would like to add selecting a Planning Board member to participate in the hiring committee for Town Planner.

Mr. Tondorf-Dick asked whether the scope of the role was that of the former Town Planner's position and what the hiring process would be.

Chairman Ellis stated this will go before the Personnel Board to determine salary scaling and position posting.

Mr. Tondorf-Dick asked to see copy of the position posting to provide feedback. Chairman Ellis stated that would be beneficial.

Ms. Sneath stated she did this before and was with members of the Personnel Board and Human Resources Department. She stated that they selected four finalists who presented a case study to the Board. Ms. Sneath stated that she agreed a Planning Board member should be engaged in the process.

Members had a discussion regarding the length of the hiring process and the other committee assignments.

Ms. Sneath stated she is currently the Chair of the Climate Action Committee.

Chairman Ellis stated he is happy to serve as Chair of the Planning Board again and run the transition to permanent staff.

**Motion.** Ms. Sneath moved to nominated Kevin Ellis for Chair of the Planning Board.

**Second:** Gordon Carr

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

**Opposed:** None

Mr. Tondorf-Dick discussed the responsibilities of the Clerk role.

**Motion.** Chairman Ellis moved to nominated Gary Tondorf-Dick for Clerk of Planning Board.

**Second:** Rita Da Silva

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

**Opposed:** None

Member Carr discussed a potential committee to implement the Master Plan, stating he would bring that up again sometime in July.

Ms. Sneath asked how to persuade such a board to take action. Mr. Carr stated the Planning Board would need to decide what items to pursue as would other committees for items important to them.

Mr. Tondorf-Dick asked if the Planning Board would be the authority regarding the Master Plan. Mr. Carr stated he thought that would be the best structure.

Chairman Ellis stated the Board would table the Master Plan. Mr. Carr stated he welcomed suggestions in the interim.

Chairman Ellis stated that Rita Da Silva has been serving on the Traffic Committee and Gary Tondorf-Dick on the Hingham Development Industrial Committee (HDIC). Chairman Ellis stated he saw no reason to change these assignments unless others felt differently.

Mr. Tondorf-Dick discussed the structure of the HDIC and stated that the Planning Board member was not a voting member but rather a liaison. He suggested putting an update about the HDIC on a future agenda.

**Motion.** Chairman Ellis nominated Rita Da Silva to the Traffic Committee and Gary Tondorf-Dick to the HDIC.

**Second:** Judy Sneath

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

**Opposed:** None

Chairman Ellis stated they would next discuss the Accessory Dwelling Unit (ADU). Ms. Sneath asked if it had to be Planning Board member or if it could be the Planning Board's designee. There was discussion amongst the Board and then Ms. Sneath stated it was a member of the Planning Board 'or its designee'.

Ms. Sneath stated she felt the Board should ask Jenn GaySmith to be on the ADU Study Committee. Ms. Da Silva asked about Jenn's background and the Board discussed. Mr. Tondorf-Dick wants to be involved in content but supports Ms. Gay-Smith as designee.

Chairman Ellis stated Ms. Gay-Smith would be a strong member. Chairman Ellis stated it would also be beneficial as they would get an impartial view. Chairman Ellis stated he will speak with Ms. Gay-Smith about being the Planning Board's point person.

**Motion:** Chairman Ellis moved to nominate Ms. Gay-Smith, pending her acceptance, to the ADU Study Committee.

**Second:** Judy Sneath

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

**Opposed:** None

Chairman Ellis stated the Climate Action Committee assignment was next. Mr. Tondorf-Dick stated he is very interested in this role and could bring expertise, but would like to understand the time commitment. The Board discussed various assignments and time commitments.



**Motion:** Chairman Ellis moved to table nomination to the Climate Action Committee until more information was available.

**Second:** Judy Sneath

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

**Opposed:** None

### **Public Comment**

None.

### **Administrative Reports**

Ms. Stickney stated there were no minutes or administrative reports.

The Board and Ms. Stickney discussed the upcoming meeting schedule, Board member schedules and meeting topics.

There was no other business.

**Motion:** At 8:35 pm Kevin Ellis made a motion adjourn.

**Second:** Rita Da Silva

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

**Opposed:** None