

## **HINGHAM PLANNING BOARD MINUTES**

June 21, 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; Pat Brennan, Amory Engineers; John Chessia, Chessia Consulting

### **Meeting Agenda:**

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#### **Review and/or Hearings:**

##### **0-3 Meadows Lane/Alice H. Brewer 2000 Revocable Trust**

##### **Approval Not Required (ANR) Land Court**

The applicants had obtain Planning Board endorsement at the February 22, 2021 meeting for the site. Due to registered land the ANR must also be recorded with Land Court who typically requires greater detailed plans than the Registry of Deeds. A re-endorsement is needed once again for Land Court.

##### **0 Pope's Lane/Joseph & Kathryn Crespo**

##### **Site Plan Review w/ Building Permit - Land Disturbance**

The request before the Planning Board involves the demolition of an existing dwelling at #0 Popes Lane and a construction of new residential dwelling with septic, access, utilities and grading estimated to exceed the 5,000 SF threshold for land disturbance.

##### **180 Hersey Street/Oak Development LLC c/o Jarrah Lankas**

##### **Site Plan Review w/ Building Permit - Land Disturbance**

The request before the Planning Board involves an addition with a two-car garage to the residence at 180 Hersey Street. Grading is associated with the construction due to the steep slopes triggers the threshold for land disturbance.

##### **Crane Drive Subdivision/Christopher Shaughnessy (Request continuance to 7/19/21)**

##### **As-Built Approval – Definitive 1-lot Subdivision**

Approved & constructed one lot subdivision seeking As-Built Approval continued from 5/24/21 and the applicant has asked for an extension of time to address issues.

##### **Jordan Way/Lot 4 – Canterbury LLC (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.

#### **Other Business:**

**Adoption of Minutes – 6/7/21**

**Discussion of Open Meeting Law – In Person versus Remote Meeting**

**Administrative Reports**

**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.*

At 7:02 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.”*

### **Hearing(s)**

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#### **0-3 Meadows Lane/Alice H. Brewer 2000 Revocable Trust, Approval Not Required (ANR) Land Court**

Chairman Ellis stated that this property originally came before the Planning Board at the February 22, 2021 meeting and that the Board voted to endorse the plan. Chairman Ellis stated that the site contains registered land, so a recordation plan is needed for Land Court and the Planning Board’s re-endorsement of this Land Court plan is needed.

**Motion:** Chairman Ellis moved that the Planning Board re-endorse the ANR plan entitled, “3 Home Meadows Lane, Assessors Map 72 Lots 32 & 33, Hingham, MA”, dated 2/2/21, revised 5/29/21, prepared by Crocker Design Group, which has been modified to reflect Land Court comments.

**Second:** Gary Tondorf-Dick;

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

**Opposed:** None

#### **0 Pope’s Lane/Joseph & Kathryn Crespo, Site Plan Review w/ Building Permit - Land Disturbance**

Mr. Jeff Hassett appeared on behalf of the Alice H. Brewer Trust. Mr. Hassett stated that the proposed project is to raise and reconstruct a single family home. Mr. Hassett stated that the new house will be in approximately the same location on the lot, about thirty feet back meeting setbacks. Mr. Hassett stated the house will be accessed by the existing driveway although a new turnaround will be added. Mr. Hassett discussed placement of utilities, the Title V compliant septic system and the storm water system to be added. Mr. Hassett stated there were changes being made based on his discussion with the Fire Marshall and Board of Health and the Town’s peer reviewer.

Chairman Ellis asked what waivers were being requested. Mr. Hassett provided an overview of the requested waivers.

Mr. Pat Brennan of Amory Engineers discussed his findings and stated that he was comfortable with the drainage design.

Mr. Hassett, Ms. Da Silva and Mr. Tondorf-Dick discussed drainage, wells on the property, the culvert, wetlands, drainage, lighting and tree protection. Mr. Hassett stated that the Conservation Commission is reviewing the design as well. Mr. Tondorf-Dick asked for the landscape plan. Mr. Hassett stated it was premature for the full plan.

Real Estate Counsel Murphy discussed the revisions to site plans and what was missing. Attorney Murphy stated the applicant needs to provide a plan that shows an inset where the development area is in relation to the entire site and made suggestions on how this could be done. Attorney Murphy stated the primary plan should also show the driveway all the way out to Popes Lane. She stated that the Fire Marshall stated they will need a 14 foot wide driveway and identified the culvert as an issue for fire trucks. Attorney Murphy stated that the Planning Board typically requires an indication of mature trees coming down and other clearing post construction to be shown on the plan to reflect the overall amount of land being disturbed.

Chairman Ellis asked the applicant to come back with additional information. Mr. Hassett stated that was fine and he would provide the additional requested information as soon as possible.

**Motion:** Chairman Ellis moved to continue the public hearing review of the site plan for 0 Popes Lane to the July 12, 2021 Planning Board meeting.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

### **180 Hersey Street/Oak Development LLC c/o Jarrah Lankas, Site Plan Review w/ Building Permit - Land Disturbance**

Chairman Ellis opened the hearing. Greg Tansey of Patriot Permitting presented on behalf of the applicant. Mr. Tansey shared site plans and provided an overview of the existing dwelling and the proposed work being an addition to the house, foundation, bathroom, foyer, mudroom and two car garage.

Pat Brennan, Amory Engineers discussed his review and stated he was comfortable with the drainage and Erosion Control Plan.

Ms. Da Silva, Ms. Sneath and Mr. Tondorf-Dick discussed the site and Mr. Tondorf-Dick expressed concerns about the potential disturbance to the abutter's property from the driveway turn-around.

Chairman Ellis confirmed that the applicant is in compliance with zoning requirements with Attorney Murphy. Chairman Ellis encouraged the applicant to put plantings, curbing or something to address the

concern with proximity of the driveway to the neighbor's property. Mr. Brennan stated the driveway was fairly large. Mr. Tansey stated they would consider landscaping at the edge of the driveway as requested by the Board.

Chairman Ellis asked for public comments. There were none.

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

**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:

***1. 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;***

Based on Amory Engineer's Peer Review report, the applicant has sufficiently addressed storm water run-off with the proposed basin to the rear of the site that will accept run-off from the new construction and driveway expansion.

***2. 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 existing driveway curb cut would not be disturbed and the driveway expansion allowed vehicles to now exit the site in a forward motion making for safer access.

***3. 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;***

Off street parking has been accommodated on the site and is typical of a residential home, sufficient for at least two vehicles as required by the Zoning Bylaw.

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

The existing rear yard in its existing condition does not have any significant mature trees and is primarily lawn area consistent with a single-family use.

***5. 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;***

Construction will require temporary measures for dealing with construction debris and will be monitored by the building department through the building permit process. The proposed methods of disposal both during construction and occupancy.

***6. 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 site is currently supplied with potable water through the Weir River Water System and the existing home currently has a septic system.

***7. 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 a shallow lawn basin that receives run-off from the structures and the expanded driveway. At the driveway storm water run-off will go through a sand filter at the basin fore bay, improving the overall water quality run-off and there is an overflow to the rear of the lot. Based on the conclusion of the Amory Peer Review report, water quality and quantity will be being accurately addressed as well erosion and sediment potential impacts.

***8. 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;***

Based on the review by Amory Engineers, best management practices with the storm water design are sufficient.

***9. 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;***

Pre-existing conditions showed minimal mature trees on the lot and tree removal may not be needed. Therefore, there is limited impact on the lot from the development.

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

The proposed additions and two car garage are typical of the other homes in the general vicinity. Hersey Street has seen a number of homes adding on to the existing dwellings. Therefore, the proposal is in keeping of the residential character of the neighborhood.

**Proposed Conditions:**

The site plan review is approved with the following conditions:

1. Should any ledge be encountered with excavation and blasting would be the preferred option to address ledge on the site, the applicant 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.
2. This current application proposes removal of fill. Should the import of additional fill become a necessity, the applicant shall notify in writing the Hingham Planning Board of the estimated 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.
3. The applicant 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 applicant shall address with broom sweeping any tracked out soil on to Hersey Street. The applicant shall have measures available on-site to address dust should it begin to occur during dry periods of construction.
4. The applicant will submit a preliminary landscape plan that addresses the driveway adjacent to the abutter's property before site development.

**Motion:** Chairman Ellis moved that the Planning Board grant Site Plan Approval to Oak Development, LLC for the Site Plan entitled "Site Plan at 180 Hersey Street in Hingham, MA", dated 5/22/21 last revised on 6/17/21, prepared by Gregory Tansey (RPE #37219), based on the foregoing finding and conditions.

**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 (Request continuance to 7/19/21), As-Built Approval – Definitive 1-Lot Subdivision**

Chairman Ellis stated this hearing was continued from May 24, 2021. Chairman Ellis stated there would be no discussion as the applicant requested a continuance to July 19, 2021.

**Motion:** Chairman Ellis moved to approve the applicant's request to continue the hearing on the Crane Drive Subdivision until the July 19, 2021 Planning Board meeting.

**Second:** Rita Da Silva

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

**Opposed:** None

### **Jordan Way/Lot 4 – Canterbury LLC (Cont. 5/10/21), Site Plan Review with Building Permit/Land Disturbance**

Chairman Ellis stated this hearing was continued from the May 10, 2021 Planning Board meeting and was a site plan review with building permit/land disturbance application.

Mr. Gary James of James Engineering presented on behalf of the applicant and stated an additional survey was requested regarding the site to try to determine what happened with the tree preservation area. Mr. James shared the plans and discussed the roof system, grading, addition of trees, landscape plan and mulch log.

Mr. John Chessia of Chessia Consulting discussed his findings.

Mr. Tondorf-Dick, Mr. James, Mr. Chessia, Mr. Woodin, Ms. Sneath and Chairman Ellis discussed changes to the site and what the Board had asked for during the last meeting. Mr. Tondorf-Dick recommended a site visit to view tree preservation area and driveway.

Chairman Ellis stated he was inclined to let staff, Mr. James and Mr. Chessia work out the details and then let the Board see the final proposed information. Mr. James stated he understood and that he still has missing information.

Attorney Murphy stated the issue was that the applicant has not provided the information that has been requested. There was discussion about what needs to be provided to the Board and how the applicant will get that information to the Board.

Chairman Ellis stated they need to continue the hearing. Ms. Stickney stated they could continue the hearing until July 26, 2021 with an extension to the decision deadline to August 2, 2021 with the applicant's consent. Mr. James stated he was agreeable to the continuation and extension.

**Motion:** Chairman Ellis moved to continue the hearing on site plan review for 4 Jordan Way, lot 4 to July 26, 2021 and extend the decision deadline to August 2.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

### **Adoption of Minutes – 6/7/21**

**Motion:** Chairman Ellis moved to approve the meeting minutes of 6/7/21 as presented to the Planning Board

**Second:** Judy Sneath

**In Favor:** Judy Sneath, Gordon Carr, Rita Da Silva, Gary Tondorf-Dick, Kevin Ellis  
**Opposed:** None

### **Administrative Reports**

Ms. Stickney discussed the changes to her schedule starting July 5, 2021. Ms. Stickney gave her thanks to the Board and wished the Board the best of luck. The Board and Attorney Murphy thanked Ms. Stickney for her assistance.

There was discussion regarding the process for hiring for the new Planning Board staff positions, the outline of those positions, and the bandwidth concerns until the roles are filled.

Chairman Ellis asked if there was any other business. There was none.

**Motion:** At 9:12 p.m. Kevin Ellis moved to adjourn the meeting.

**Second:** Gary Tondorf-Dick

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

**Opposed:** None

Respectfully submitted,

Tracy L. Altrich  
Administrative Assistant, Community Planning