

HINGHAM PLANNING BOARD MINUTES

July 19, 2021 @ 7:00 PM

REMOTE MEETING

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

Also Present: Susan Murphy, Special Real Estate Counsel

Meeting Agenda:

Review and/or Hearings:

101 Gardner Street - New Boston Golf Club (Continued)

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. Continued from June 14, 2021.

40 Harborview Drive – Enforcement/Site Plan Review – Land Disturbance (Continued)

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. Continued from May 3, 2021.

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. Continued from May 24, 2021.

Committee Assignment – Climate Action Committee (If Ready for Vote)

Other Business:

Adoption of Minutes

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 7:01 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.”

Hearing(s)

101 Gardner Street - New Boston Golf Club (Continued) Definitive Subdivision Approval

Kevin Grady of Grady Consulting and Attorney Bill Ohrenberger represented the applicant. Mr. Grady provided the status of the application and stated there was a site visit during which landscape, grades and hardscape were discussed. Mr. Grady presented updated plans including a tree inventory plan and landscape plans. Mr. Grady stated the applicant would be retaining existing grades, providing large trees and landscape screening for abutters, maintaining certain no clear zones, installing cedar privacy fencing and maintain existing vegetation. Mr. Grady stated they have proposed an easement, fire truck turnaround, drainage and street-lighting and roadway intersection adjustments.

Chairman Ellis asked the Board for questions and comments.

Mr. Carr, Ms. Sneath, Ms. Da Silva and Mr. Tondorf-Dick asked for clarification regarding the number of trees being put in, location of proposed fencing, net number of trees being removed, tree placement, buffer zones and easements. Mr. Grady stated that the proposed number of trees removed and a tree survey will be provided as a follow-up and discussed the buffer zone and easement requirements.

Real Estate Counsel Murphy provided an overview of the purpose of the subdivision control law, by-laws and how they determine what is within the Board’s purview.

Mr. Scott Love of 100 Gardner Street stated he appreciates the applicant’s consideration of fencing but was wondering if it would be on Town land or his property. Mr. Grady stated fence would be on abutter’s property. Mr. Love stated fence could run into leaching field. Mr. Grady stated they would follow regulations and unlikely that an issue would arise.

Margaret Dooling of 121 Gardner Street expressed her concern with the removal of trees around her property, runoff, buffers and environmental impacts. Ms. Dooling requested additional

plantings and Mr. Grady stated they would be willing to plant additional arborvitaes. Mr. Grady stated the applicant's plans are in compliance with Hingham's subdivision rules and regulations.

Jennifer Murray of 113 Gardner Street expressed her concern with buffers, tree removal and drainage.

Real Estate Counsel Murphy provided clarification regarding what is within the Planning Board's purview such as regarding construction of safe roadways, utilities, drainage and such. She stated that zoning covers setbacks for purposes of providing buffers between structures between lots and that site plan review is only triggered when it is triggered. Mike Clancy as Building Commissioner will determine if site plan review is required. Recommend follow state statute and Zoning By-Law (adopted by Town Meeting).

There was discussion regarding the abutters' concerns.

Chairman Ellis and Real Estate Counsel Murphy stated the plan is fully compliant plan and includes additional concessions beyond any requirements.

Attorney Ohrenberger stated the planting plan is robust and that they would be reticent to redesign roads or something similar and that the applicant has been very considerate.

Rob Rhodes of 111 Gardner Street expressed gratitude to the Board for their service. He asked what would happen if the well on his property was to be used for potable water source. Mr. Grady discussed plans, stated the system meets Title V and federal requirements and should not be an issue.

Chairman Ellis stated that the application before the Board did not request any waivers and the Town's peer review engineer did not identify any un-addressed issues.

Motion: Chairman Ellis moved to grant subdivision approval to New Boston Golf, Inc. for the development of a three lot residential subdivision located off Gardner Street on a portion of the parcel shown as Assessor Map 178, Lot 5, more particularly shown on that certain plan set entitle "Definitive Subdivision Plan #101 Gardner Street in Hingham Massachusetts" dated February 26, 2021 revised 4/22/21, 4/29/21 and last revision 6/28/21, prepared by Grady Consulting LLC (the "Plan"), subject to the following conditions:

A. Prior to endorsement of the Subdivision Plan:

1. The location map on the Plan shall be revised or supplemented to show the relation of the subdivision to the approximately 50.92 acre parcel of which it is a portion.
2. The title reference for the parcel shall be corrected on the Plan.
3. A note shall be added to the Plan to clarify that the number of acres within the subdivision and noting that the subdivision is portion of the land described in the

recorded deed and shown on the assessors' parcel, with appropriate references thereto.

4. A note shall be added to the Plan stating the approved plan is subject to a Certificate of Action issued by the Planning Board and separately recorded.
5. Sheet 9 of the Plan shall be revised to reference the total number of proposed new trees to be installed.
6. Sheet 9 and Sheet 10 will be revised to show the installation of a row of 5'-6' arborvitae trees along the privacy fence on Lot 2, adjacent to 121 Gardner Street.

B. Prior to Commencement of Construction

1. Limits of clearing as depicted on the subdivision plan, including the "no clearing zones", shall be clearly marked in the field with the installation of a staked mulch log, silt fence, or orange construction fence and shall be inspected prior to the start of work.
2. No work on the Subdivision shall commence without an approved Storm Water Pollution Protection Plan (SWPPP) in place. The SWPPP must be submitted to the Planning Board and Board's peer review engineer a minimum of one month prior to the start of construction for review. The SWPPP must be phased consistent with any proposed phasing of the project and shall identify the detailed Erosion & Sedimentation Controls during the different phases of the work.
3. Prior to the start of construction or site clearing there shall be a preconstruction meeting attended by the applicant team, the Town Planner, and the engineer for the Planning Board, to review the installation of the erosion control measures and answer any questions on the SWPPP, and discuss the project timeline.

C. Conditions During Construction

1. All of the subsurface drainage systems must be shown on the as-built.
2. Police details shall be required at the discretion of the Chief of Police to assist in managing construction traffic entering or exiting site, and when material is being exported from the site during construction of roads or individual lots.
3. The Bounds should be set at the start of the project as possible (outer areas of work) and be surveyed to provide a frame of reference as the work proceeds.

D. General Conditions

1. All work shall be performed in accordance with the Plan, this Certificate, and in conformity with the Rules and Regulations of the Hingham Planning Board in effect as of the date of the application.
2. The Applicant shall complete all work shown on the Plan, including all ways, drainage facilities, and utilities, within two years of the date of endorsement of the Plan or this approval of the Plan shall be null and void, unless, at the request of the Applicant, the Planning Board extends the time for performance of such work.

3. At the completion of work and prior to final release of the final lot or all surety, as applicable, the applicant shall submit an As-Built plan showing all field modifications and any major modifications as approved by the Planning Board.
4. Each area shown on the Plan as “no clearing zone”, including existing mature trees and trees planted as shown on the Plan, and privacy fences to be installed as shown on the Plan, shall be maintained.

Second: Judith Sneath

In Favor: Gordon Carr, Rita Da Silva; Kevin Ellis

Opposed: Gary Tondorf-Dick

40 Harborview Drive – Enforcement/Site Plan Review – Land Disturbance (Continued)

Chairman Ellis stated this matter was continued from June 14, 2021.

Brendan Sullivan of Cavanaro Consulting, Adam Fleury, owner and Tricia Van Buskirk, landscape architect appeared to represent the applicant.

Mr. Sullivan provided an update on activities and plans since the last hearing. He stated that they had received sign-off from the abutters. Ms. Van Buskirk presented updated landscape plans and described the agreement that had been reached with abutters.

John Chessia, Town’s peer review engineer, provided his recommendation to have the functioning of the drainage reported back to himself and the Board.

Chairman Ellis asked for any comments from the Board.

Mr. Tondorf-Dick, Ms. Da Silva and Mr. Carr asked for clarification regarding drainage on site and input from abutters regarding plantings. Mr. Sullivan stated that they had worked with abutters in updating the plan and that there would be infiltration checks and reporting for two years.

Chairman Ellis provided findings.

Site Plan Review Findings:

- 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;*

During the construction of the residence, certain unauthorized activities resulted in the clearing and regrading of steep slopes that was impacting the abutting properties. Corrective measures were implemented under the direction of the Building Department and the filing of this site plan review. The applicant has now installed the appropriate soil erosion controls post development to remain in place until the ground cover can take hold over the next two

growing seasons. The applicant has worked with three of abutters impacted from erosion on their property and the applicant provided written documentation from each of the abutters as to their agreement with the proposed mitigation.

- 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 application is related to land disturbance. The development is a residential home and driveway on a residential street. The proposed driveway providing access to the site and off street parking is typical of a residential home, sufficient for more at least two vehicles. The 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;*

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;*

As a land disturbance proposal, stabilization of the steep slopes around the residence will be accomplished with a variety of plantings, grass coverings and terracing. To address the need of storm water impacts proposed drainage was design and is to be added to the site.

- 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;*

Final inspections and issuance of an Occupancy Permit for the residence will require temporary measures for dealing with construction debris to be removed from the site.

- 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 proposed residential use can be sufficiently address through the Town's water supply. The Board of Health had approved the septic system installation.

- 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 application provides for an infiltration style drainage system with two areas of infiltration for storm water at the rear of the residence. The design and calculations were reviewed by the Town's peer review engineer, John Chessia, who found it to be compliant with the appropriate storm water state and local regulations. An operation and maintenance plan will be necessary to be done by the homeowner to assure the system will work as designed.

- 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;***

Based on Mr. Chessia's review, implementation of 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 applicant worked with a registered landscape architect to prepare a landscape plan to address the entire lot. Plant species and estimated growth height were provided. Approval is conditioned on the yard and landscape mitigation on abutting properties must survive two growing seasons and be stabilized to comply with this decision.

- 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 single family home is consistent with buildings in the neighborhood.

Chairman Ellis asked for comments.

The prospective buyer of the property asked if the Long Term Operation and Maintenance Plan transfers to the buyers of the land. Attorney Murphy stated that the site plan review decision conditions run with the land.

Chairman Ellis listed the following proposed conditions:

Proposed Conditions:

The site plan review is approved with the following conditions:

1. The applicant shall install the proper soil and erosion controls as shown on the Site Plans, with notification to the Building Commission and Planning Department for inspection prior to any site work.
2. Prior to issuance of any Certificate of Occupancy, the applicant shall have completed installation of the required drainage structures, stabilized the slopes and completed the landscaping as shown on the Site Plans.
3. No additional fill shall be brought into the site except to the extent required in conjunction with the approved site plans.
4. At the end of each workday, the site contractor shall address with broom sweeping any soil tracked-out onto Harborview Drive. The applicant shall have measures available on-site to address dust should it begin to occur during dry periods of construction.
5. After installation, the Applicant shall water the plantings identified on the Landscape Plan for a minimum of two growing season(s) or longer, if necessary, until established. The Applicant shall replace any expired plantings in kind as needed within such two-year period.
6. The stormwater management system shall be inspected and maintained by the owner of the property in accordance with the Long Term Operation and Maintenance Plan (“O&M Plan”) submitted by Cavanaro Consulting on July 2, 2021. Copies of inspections reports shall be delivered to the Planning Board as set forth in the O&M Plan.

Motion: Kevin Ellis moved that the Planning Board grant site plan approval pursuant to Section I-I and Section IV-B.6 of the Zoning By-Law for the property located at 40 Harborview Drive as shown on the plan set entitled “Site Plan to Accompany Site Plan Review 40 Harbor View Drive”, dated April 6, 2021 as revised through July 6, 2021, prepared by Cavanaro Consulting, and the “Landscape Plan L-1”, dated June 24, 2021, prepared by Patricia Van Buskirk Landscape Architecture, and the materials submitted therewith (collectively, the “Site Plans”), in accordance with the findings and subject to the conditions adopted by the Planning Board and incorporated herein.

Second: Rita Da Silva

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

Opposed: None

Enforcement/Site Plan Review with Building Permit/Land Disturbance

Chairman Ellis stated the applicant has agreed to extend this matter to August 9, 2021.

Motion: Kevin Ellis moved to continue review of the application of Ryan P. Sillery to modify the site plan for 220 Summer Street to August 9, 2021.

Second: Judith Sneath

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

Opposed: None

Adoption of Minutes

Chairman Ellis asked for questions or comments from the Board regarding the meeting minutes of May 10, 2021 and May 13, 2021. There were none.

Motion: Kevin Ellis moved to approve the May 10, 2021 and May 13, 2021 meeting minutes as presented.

Second: Gordon Carr

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

Opposed: None

Committee Assignment – Climate Action Committee (If Ready for Vote)

There was a discussion regarding the process and options to fill the Planning Board's seat on the Committee, understanding of the scope of the appointment. Mr. Tondorf-Dick expressed interest in the Committee and stated he would investigate further.

Administrative Reports

There was a discussion regarding the status of the hiring process for open Planning roles.

There was a discussion regarding the upcoming meeting schedule and the administrative site plan review process.

Motion: At 9:23 pm Kevin Ellis moved to adjourn the meeting.

Second: Judith Sneath

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

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning