

HINGHAM PLANNING BOARD MINUTES

July 26, 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

At 7:00 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)

Jordan Way/Lot 4 – Canterbury LLC (Continued from 6/21/21) Site Plan Review with Building Permit/Land Disturbance

Mr. Carr stated that he had viewed the full recording of the June 21, 2021 meeting and filed a Mullins affidavit so he can participate in this matter moving forward.

Mr. Gary James of James Engineering represented the applicant. Mr. James presented updated plans and reviewed grading plans, the location of the driveway and Tree Preservation Area.

Mr. John Chessia of Chessia Consulting, Town’s peer review engineer, stated that the engineering issues had been addressed. Mr. Chessia stated that the Subdivision Plan required boulders be placed along the Tree Preservation Area to outline it. Mr. Chessia discussed the landscape plan, storm water, erosion control, elicited discharge and drainage.

Chairman Ellis asked the Board for comments.

Mr. Tondorf-Dick asked if the plan was an accurate depiction of what has been marked off on the site and whether there was a deeded tree protection area. Mr. Chessia stated the Planning Board decision included a Tree Preservation Line as a protected area and that some stakes were present but not all were well marked. There was discussion regarding changes to tree placement, protected areas and the driveway.

Chairman Ellis stated he was reluctant to allow a driveway in the Tree Presentation Area. There was discussion about whether there was a modification to the original subdivision plan before the Board.

Attorney Murphy stated that changes to subdivision plans can only occur through a modification to the subdivision plan under Massachusetts Law.

Mr. John Woodin of Canterbury Street LLC also represented the applicant. Mr. Woodin discussed the driveway turnaround and the proposed placement of boulders to protect two trees in the rear of the turnaround as well as to the north of the turnaround. Chairman Ellis and Ms. Sneath asked questions, and there was discussion regarding the footprint of the house, the Tree Preservation Area, the driveway and tree removal.

Chairman Ellis stated the applicant can either modify the plan to be approvable or seek subdivision modification.

Mr. Woodin stated he would move the driveway turnaround out of the Tree Preservation Area.

There was discussion about the original Tree Preservation Area. Ms. Sneath asked for clarification about the boulder markings and the landscape plan.

Mr. Woodin asked to approve the site plan with a condition that the turnaround be redesigned so it does not go into Tree Preservation Area. He stated he would also add a tree.

Attorney Murphy shared Google earth images for illustration purposes to show trees from 2018 to October 2020 at the site. There was discussion about the current state of plans and Mr. Chessia's letter outlining certain conditions. There was a discussion regarding the scale of the trees needed to re-establish the perimeter; the original subdivision plan; and the site plan review process and options for this property.

Chairman Ellis and Attorney Murphy outlined options for moving forward.

Mr. Tondorf-Dick expressed his outstanding concerns.

Chairman Ellis stated the Board was divided and he would like to see more unanimity before voting.

Mr. James stated he would like to appear at the August 9, 2021 meeting and he would prepare updated plans. There was discussion about who should meet with Town staff to move the discussion forward in the interim.

Chairman Ellis stated that the applicant needs to address specific items ahead of the next discussion including: a more detailed plan with overlay; plans that align with civil plans and address the driveway; and plans that address Mr. Chessia's comments.

Mr. James on behalf of the applicant, stated that the applicant agreed to a continuation of the hearing to August 9th with a decision by August 16th, 2021.

Chairman Ellis moved to continue the hearing on 4 Jordan Way until the August 9, 2021 meeting of the Planning Board with a Decision extension to August 16, 2021.

Second: Gary Tondorf-Dick

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

Opposed: None

2 Annick Drive/Gary James, on behalf of Gerry Rankin

Chairman Ellis stated this was the first discussion on this application.

Mr. Gary James of James Engineering appeared on behalf of the applicant and presented the plans. He stated the lot has been used for excess material stockpiling and modifications from original subdivision plan were related to the house and a small area in the southeast corner of the plan.

Mr. Patrick Brennan of Amory Engineers, Town's peer review engineer, stated that he had exchanged comments with Mr. James who had addressed his concerns. Mr. Brennan stated that the recorded subdivision set differs from what was on sheet 3 in the plan set, but what was proposed contains less impervious surface so he was comfortable.

Ms. Sneath asked if trees in the tree preservation area were the same as what was originally proposed. Mr. Brennan confirmed.

Mr. Tondorf-Dick asked about the elevation changes and tree protections.

Mr. Carr asked about the grading of the site.

Chairman Ellis asked for public comments, hearing none, he read the following:

Proposed Waivers from Submittal Requirements under Section I-I, 4. of the Zoning By-Law:

4(f) Drainage analysis – drainage was approved in connection with the subdivision plan the proposed site plan will reduce the amount of impervious surface, and therefore related runoff.

4(i) Site lighting plan – not necessary due to existing tree buffers on the lot.

Chairman Ellis proposed findings as follows:

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 plan will result in approximately 1,500 SF less impervious area than approved in connection with the 901 Main Street Definitive Subdivision Plan, which in turn will reduce runoff from the property. The Tree Preservation Area and No Cut Zone adequately buffer adjoining properties and street trees along the Annick Drive frontage improve views of the lot.

- 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 proposed single-family dwelling is located in within a recently approved subdivision consisting of 4 lots. This particular lot was previously improved with a single-family dwelling and driveway to Main Street. The proposed plan redirects vehicular access from Main Street to Annick Drive. Elimination of the Main Street curb cut will improve traffic safety in the area.

- 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 proposed dwelling includes a two-car garage accessed via a driveway from Annick Drive. There is sufficient parking available on the site for a single-family use.

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

The proposed plan provides adequate open space. Existing mature trees will remain within the Tree Preservation Area along Main Street and 20' No Cut Zone along the southerly side property line. Three new trees were planted within the front yard along Annick Drive.

- 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 addressed through the Town's water supply. The Board of Health had approved the septic system installation during the Definitive Subdivision application. The Executive Health Director will administratively approve of the proposed system.

- 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 results in less impervious area and runoff than as proposed in the approved Definitive Subdivision Plan.

- 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. Brennan'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 Tree Preservation Area and No Cut Zone from the subdivision approval have been maintained.

- 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 footprint of the single-family dwelling is consistent with others in the neighborhood.

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board proposed the following conditions:

1. Pre-Construction Meeting. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing. Prior to such meeting, the applicant shall extend the mulch log along the westerly boundary of the tree preservation area parallel to Main Street.
2. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction and the approved drainage and stormwater system installed for the project. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
3. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
4. Dust and Soil Control. At the end of each workday, the site contractor shall address with broom sweeping any soil tracked-out onto Annick Drive or Main Street. The applicant shall have

measures available on-site to address dust should it begin to occur during dry periods of construction.

Chairman Ellis moved that the Planning Board grant the application of Gerry Rankin for site plan approval pursuant to Section I-I and Section IV-B.6 of the Zoning By-Law for the property located at 2 Annick Drive as shown on the plan set entitled "Site Plan, 2 Annick Drive, Hingham, MA 02043", prepared by James Engineering, Inc., dated June 20, 2021, revised through July 26, 2021, and grant the waivers set forth above, in accordance with the findings and subject to the conditions adopted by the Planning Board and incorporated herein.

Second: Gary Tondorf-Dick

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

Opposed: None

**14 Williams Street/Jeffrey Hassett, on behalf of Kolibri LLC
Modification of the Site Plan Review in Association with Application for Building Permit/Land Disturbance**

Chairman Ellis stated this was a modification of a recently approved site plan.

Mr. Jeff Hassett of Morse Engineering and Joel Philbrook, the applicant, appeared to address the Board. Mr. Hassett presented plans. Mr. Hassett stated the project is under construction and applicant is asking for a modification to move the driveway about thirty feet from previously approved location. Mr. Hassett stated this change would allow them to use the existing curb cut, keep driveway away from the neighbor and improve drainage.

Mr. Brennan stated the change enhanced the site plan.

Mr. Tondorf-Dick asked about the stone wall work and trees.

Chairman Ellis asked for public comment, hearing none, and based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board proposed the following findings:

Based on the review of Patrick Brennan of Amory Engineers, the relocation of the driveway proposed by the modified site plan improves the site by moving the driveway further from the neighbor, allowing the existing stone wall to remain in place rather be reconstructed, and improves direct run-off into the proposed crushed stone trench. In addition, the driveway modification does not materially alter the finding made by the Planning Board under the site plan approval granted December 4, 2020.

Chairman Ellis moved that the Planning Board grant approval of the application of Kolibri LLC for a modification to the site plan approval, previously granted on December 4, 2020, in accordance with the plan entitled "Site and Septic Design Plan", last revised July 12, 2021, in accordance with the findings incorporated herein and subject to the conditions set forth in the original site plan approval.

Second: Rita Da Silva

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

Opposed: None

0 Pope's Lane/Joseph & Kathryn Crespo

Site Plan Review w/ Building Permit - Land Disturbance (Continued from 7/12/21, to be Continued to 8/23/21)

Chairman Ellis stated the applicant requested the matter be continued further.

Chairman Ellis moved to continue review of the application of Joseph and Kathryn Crespo for site plan approval for 0 Popes Lane to August 23, 2021, and the decision deadline to August 30, 2021.

Second: Gordon Carr

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

Opposed: None

Tree Preservation Committee

Chairman Ellis stated this was a continuation from a May meeting.

Ms. Priya Howell appeared on behalf of the Tree Preservation Committee. Ms. Howell shared her presentation materials regarding the proposed Tree Preservation By-law. There was discussion regarding tree plans; applicability of the by-law to subdivisions and site plan reviews; level of administrative burden and or potential streamlining of processes; potential costs associated with retention of a certified arborist to review site plans; review of the Tree Preservation Committee's proposal; outstanding questions for consideration; arborist peer review; enforcement after development is complete; tree borders; addressing Planning Board's role in imposing financial conditions on applicants; whether tree removal becomes a trigger for site plan review; consideration of identifying a mission statement and results that support it; operational considerations; and saving mature trees as the primary purpose of by-law versus imposing financial penalties for removal.

Mr. Andy McElaney of the Advisory Committee provided comments on the by-law proposal and there was discussion regarding exemptions from the by-law for Town departments; retention of certain species of trees; considering lots and owners in a separate category from developers of subdivisions and large projects; dealing with dangerous tree conditions; subdivision tree planting requirements; and limitations on Town staff's ability to proactively manage tree preservation.

Chairman Ellis asked for Attorney Murphy's legal input on the by-law.

Attorney Murphy stated the by-law would need the typical Planning Board and legal line by line walkthrough.

Chairman Ellis, Ms. Howell and Attorney Murphy discussed next steps. Ms. Howell stated she would set up time to speak with Attorney Murphy and then circle back with a more refined draft. Ms. Howell stated she would send her presentation to the Planning Board for the record.

Climate Action Planning Committee Appointment – Gary Tondorf-Dick

Chairman Ellis stated Mr. Tondorf-Dick had expressed his willingness to serve on the Climate Action Planning Committee as the Planning Board’s representative. Mr. Tondorf-Dick stated he was excited about the opportunity.

Chairman Ellis moved to nominate Mr. Tondorf-Dick as the Planning Board’s representative to the Climate Action Committee.

Second: Judy Sneath

In Favor: Gordon Carr, Rita Da Silva, Kevin Ellis, Judith Sneath

Opposed: None

Chairman Ellis stated the Board would consider the Adoption of Minutes and Administrative Reports at the next meeting on August 9, 2021.

At 10:16 pm Chairman Ellis moved to adjourn the July 26, 2021 meeting of the Planning Board.

Second: Gary Tondorf-Dick

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

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning