

TOWN OF HINGHAM

Board of Appeals



MEETING MINUTES

DATE: 4/28/16

PLACE: Central North and South Meeting Rooms, Town Hall

MEMBERS PRESENT:

Fisher, Maguire, Romania

The Chair called the duly noticed meeting to order at 7:03 pm. Regular Members Joseph M. Fisher, Chair, and Robyn S. Maguire, and Associate Member Mario Romania were in attendance. Senior Planner/Zoning Administrator, Emily Wentworth, was also in attendance.

7:03 p.m. Hearing: 319 Lincoln Street

For the Applicant: Michael Roberts, VP Development, Attorney Steve Schwartz,
Lars Unhjem, Senior Director of Development, Rick Latini, P.E.,
Joe SanClemente, P.E., AICP, Edward Bradford, AIA

For the Board: Susan Murphy, Special Town Counsel, Patrick Brennan,
Consulting Engineer

The Chair reopened the hearing on an application from Hingham Shipyard Avalon II, Inc. for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended, to construct a 250-unit rental community, including 63 affordable housing units, to be called "Avalon Hingham Shipyard II," on approximately 3.8 acres of land located in the Industrial District at 319 Lincoln Street (Map 36, Lot 104). He noted that the plans had been revised since application such that the plans now propose 190 units. He then noted that the meeting was being recorded for the purposes of the Open Meeting Law by both the Town and the local cable access channel. He stated that there were a few items the Board hoped to review, including sewer impacts, shadow studies, and lighting plans.

Mr. Roberts addressed the Board and introduced the project team. He said that they planned to provide an updated presentation (submitted in hard copy and made part of the record).

The Board invited its consulting engineer to present his findings about the required sewer improvements. Mr. Brennan noted that the Weston & Sampson report acknowledges that certain components in the system had not been upgraded in approximately 26 years. He added that the Avalon development would exacerbate the issue currently experienced in the system as a result of its condition. He agrees that the Applicant should support those items it identified in its review of the Weston & Sampson Report, including: replacement pumps, level control system, stand-by generator and electrical conduit inside the wet well and a contingency. Mr. Brennan suggested that

the Applicant should also contribute a proportional share of the costs for other flow-related improvements, including: flow meter and meter vault; wet well piping, valves and brackets; and 6-inch force main extension.

Mr. Latini said he had recommended that the Applicant only replace the pumps in connection with its project, though even this equipment is nearing the end of its life expectancy and will require eventual replacement regardless of this application. He believes that the Weston & Sampson report assigns a greater share of costs to Avalon, but his client seems willing to contribute. Mr. Unhjem confirmed that Avalon is willing to make the contribution described by Mr. Brennan.

The Chair thanked Mr. Brennan for his review, noting that he found it to be helpful. He then invited officials interested in the sewer discussion to provide comments. Robert Higgins, 11 Bulow Road, introduced himself as the Chair of the Sewer Commission. He described a number of capital improvements undertaken by the Commission in recent years. He then explained that the Commission could not have anticipated the project and its impacts on system capacity. He said he would like the Applicant to reconsider its contribution to the force main in particular because the generator had already been worked into an upcoming capital budget. He doesn't believe that the rate-payers should support these costs.

Mr. Unhjem said he does not oppose use of their committed funds for other components of the improvements, as long as those necessary for their project are completed prior to occupancy. Avalon doesn't object to use of the funds otherwise committed to the generator for some other sewer-related improvement.

Attorney Murphy recommended that the Board carefully consider the wording of any condition related to this discussion, so that it is clear that the infrastructure required for the project is improved.

Mr. Bradford, project architect, introduced the Shadow Study. He reviewed the months and time periods analyzed, noting that March and September were presented in a single analysis since the difference between these periods are so minimal. He added that the study does not account for effects of trees or other obstructions that may also create shadows. He then presented the Shadow Study, dated April 27, 2016. He concluded the presentation, stating that the majority of the impacts are internal to the development site or the parking lot of the adjoining Avalon development. He believes many of the design changes (lowering building height and setting the building back further from Amesbury Drive) minimized the proposed building's impacts.

The Chair opened the hearing for public comment related to the Shadow Study.

David Reisman, 9 Juniper Road, asked about the accuracy of the shadows from the surrounding neighborhood. Mr. Bradford said that the modeling was done on the assumption that all the surrounding structures were the same height. The peer review engineer noted that the presentation could be misleading since the height of those other structures was not known.

Mr. Reisman asked that the neighbor's interests continue to be considered by the Board.

Ron Kenya, 179 Staynor Drive, asked about the selected time periods in the study. He asked if the applicant should have instead considered shadows at 7pm in the evening during summer months. Mr. Bradford said that the selected hours were industry standards. Mr. Kenya said he would rather know the maximum extent of the shadows, if he lived in Bradley Woods. The Chair said that the duration of a shadow at 7pm may have a limited duration and therefore impact, so it was helpful in his opinion to see the impact at 5pm.

The Board then turned to the photometric plan prepared by the Applicant. Mr. Unhjem said that the lighting was designed to be energy efficient and dark-sky compliant. He then presented the plan, dated April 19, 2016, describing the color coding depicted on the plan. No light greater than 0.5 candles would spill outside the property bounds.

Mr. Brennan presented his findings related to the photometric plan. He noted that the only area of overspill were focused on pedestrian and vehicular access. He indicated that the lighting was sufficient for safe travel, but also protected adjacent private property owners.

The Chair then opened the hearing for general public comment.

Mr. Reisman, 9 Juniper Rd., asked if members had walked the site. Each member confirmed that he/she had recently visited or was otherwise familiar with the Bradley Woods neighborhood and the development site. Mr. Reisman then expressed concern about potential headlight sweep from cars exiting the site. He said he appreciated the changes that the Applicant made, but he doesn't believe these adequately address his concerns about sunlight, privacy, and safety. The Chair said he didn't quite understand the safety concern. Mr. Reisman said that prior to redevelopment of the Shipyard, a vehicle had driven into his backyard. A discussion related to fencing and property bounds took place. Town Counsel provided background on the present fence location and an easement that allowed some Bradley Woods abutters to use Shipyard property adjacent to their backyards. The Chair noted that the fence was now present and Mr. Reisman said he is not sure whether the fence existed at the time of the accident he earlier referred to.

The Chairman then recognized Selectman Paul Gannon. *(Note: Two members of the Board of Selectmen, Paul Gannon and Paul Healey, were in attendance in the audience but were not seated together, did not convene a formal meeting of the Board of Selectmen, and did not directly converse during the hearing. Mr. Gannon departed the Zoning Board hearing at approximately 8:26 p.m.)* Mr. Gannon stated that he was speaking as a resident of the Town. He noted that the Board of Selectmen had voted 2-1 to approve a Memorandum of Agreement with AvalonBay and that he was the dissenting vote. He expressed concern that the MOU references a 190-unit development; however, he had attended a neighborhood meeting earlier in the week where the Applicant had suggested that there is a possibility that the development might exceed 190-units in the future. He said that Avalon is in negotiations to purchase the car detailing property to the front of the site. He said that he believes the Applicant may be able to add 19-units, or 10% to the currently proposed density, in the future. He stated that the Agreement was negotiated by the Town Administrator and that his recommendations for changes to the MOA were not considered by the other members of the Board of Selectmen.

The Chair said he hasn't seen the Agreement and he doesn't know its substance. He confirmed that the MOU would not influence the Zoning Board in any way and that the permit, if issued by the

Board, would limit the development to 190-units. However, the Board could not in any way limit the Applicant's rights under the 40B regulations to pursue future modifications.

Liz D'Alessandro, 130 HMS Whitaker Lane, introduced herself as Chairperson and Trustee of the Hewitt's Landing Condominium Board. She confirmed that the condominium and the Applicant have met to discuss potential impacts on Hewitt's Landing. They are close to working out several issues, but she believes they have more work to do. She said the Shipyard is a dynamic area. The condominium is primarily concerned about protecting its private property. She hopes Avalon will help them implement a signage program to better direct people through the development. She described the Property Owners Agreement. She said that Avalon II is not currently a part of the POA, but they are discussing a renegotiation of the document to help with financial impacts resulting from the project. She is concerned about safety and additional traffic in the interior roadways. She asked about the resolution of the improvements planned on MBTA property. The Chair said that neither the Board nor the Applicant could require the MBTA to agree to the improvements, but said that it was his expectation that the Applicant would pursue the necessary permits to accomplish those improvements for pedestrian safety. She then asked about building signage. Mr. Unhjem described the proposed locations, but she expressed concern that their plan would not prevent drive-around traffic from those unfamiliar with the location of the development. She added that she appreciates Avalon's flexibility and willingness to meet with them.

Jill Drohan, 131 HMS Whitaker Lane, asked about a pedestrian sidewalk onsite. The Applicant pointed to the proposed location at the rear of the property, opposite the garage. She said she was disappointed in the Selectmen's agreement for a fire truck, particularly when the Applicant had expressed reluctance to make improvements at the MBTA lot. There was general discussion about the complications related to the proposed improvements on property owned by the MBTA, which could come with unexpected costs. The Applicant then reviewed the traffic calming measures incorporated into the site plans.

Kirk Holmquest, 7 Juniper Rd., expressed concern about the impact on sight lines because the height of the building would be greater than that existing. The proposed building will block his view of the sunset. He asked that the Board consider that impact.

The Chair then recognized Selectman Paul Healey. He identified himself as the Chairman of the Board of Selectmen. He then thanked the Zoning Board for the work that it has done on this application and other 40Bs. He recognized staff and counsel's work as well. He noted that this was a major project for the Town. He saw the Selectmen's primary role in these developments has been to educate the public on 40B issues in Hingham through public informational meetings. He observed that the Applicant had made considerable improvements to the plan since the initial submission. He emphasized that it is the Zoning Board's job to make the decision on the application and to impose appropriate conditions. With respect to the MOA, Mr. Healey noted that he gave direction to the Town Administrator to negotiate an Agreement related to other public needs that could not be addressed through the permitting. He noted again that it is the Zoning Board's decision with respect to the project, but that there is a substantial contribution of \$1,000,000 to the Town toward a new ladder truck if the project is ultimately approved. He noted that under the MOA, the Board of Selectmen would join the applicant in a Local Initiative Program application, again, only if the project is approved. He stated that it was no secret that the town is under time pressure with respect to other 40B projects but that it was

not intended to put pressure on the Zoning Board. He also noted that the town would benefit from the safe harbor with respect to future 40B projects by approval of this project. He was encouraged to hear that AvalonBay was making a good faith effort to work with the neighbors

The Chair stated that he appreciated the comments from the Board of Selectmen, but noted again that the Zoning Board has not seen the MOA and that local concerns, such as safety, would be addressed by the Zoning Board, and that their decision would not be influenced by the gift of the fire truck.

Janine Suchecki, 15 Park Circle, spoke in support of Mr. Healey's comments. She said that she looks at development impacts in a comprehensive way and believes this project is in an appropriate location. She stated her feeling that AvalonBay has worked with the most of the community for a positive outcome.

Carol Waite, 151 Halsted Drive, she said she appreciates that the Board is not at the point of making decisions. She pleaded with the Board to reconsider the traffic impacts of the project, particularly in the summer when she feels traffic is made more dangerous by beachgoers.

Dave Olsson introduced himself as a future resident of 137 Halsted Drive. He expressed his opinion that an Agreement with the Applicant prior to issuance of a permit was. He said everyone appreciates the Applicant's flexibility, but he believes the project remains too dense. There will be too many people walking through the Shipyard, some with dogs. He asked about the relationship between the building design and shadowing. He speculated that residents would not use courtyards when shadowed. He then mentioned wind tunneling effect. He thinks there are holes in the traffic report since it doesn't address the 800% increase in density. He thinks that there will be impacts on schools. He indicated that the design does not include sufficient green space.

A member said that the Board had spent considerable time on the traffic analysis, so he requested additional detail on the holes identified by the resident. The resident said he simply believes that there will be too many cars for the existing infrastructure to support.

Anita Ryan, 37 Baker Hill Drive, thanked the Board for its hard work and time. She asked the Applicant to display a neighborhood view. She expressed her disappointment that there is not as much green space within the development as exists in nearby neighborhoods.

Kirk Holmquest, 7 Juniper Road, expressed concern that visitors to the site would miss the Avalon entrance and would have to use Bradley Woods to turn around. He said that some people within the Town see the benefits of the development, but he feels those living closest will experience all the burden.

David Drohan, 131 HMS Whitaker Lane, recalled that the Applicant proposed improvements to the MBTA parking lot. He thinks these are critical improvements for safety and should be conditions of approval. He speculated that the multiple crossings required for pedestrians headed to the Shipyard would be unsafe. He encouraged the Board to include conditions covering all other traffic improvements as well, particularly synchronization of the lights on Rt. 3A. He believes the project remains too dense and the access to the site would not support the proposed density.

Sandra Ventresco, 138 HMS Whitaker Lane, asked about irrigation of landscaping. The Applicant said that the irrigation plan had not been developed yet. She said beautification is important and asked what size trees would be installed. The Applicant said that the size would be similar to those in Phase I. She encouraged the Board to consider the size of the trees required.

After completion of public comment, the Chair thanked the audience for the input provided. The Board then discussed the upcoming schedule. R. Maguire made a motion, seconded by M. Romania, to continue the public hearing to Wednesday, May 4, 2016 at 7:00 p.m.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department comments, peer review report(s), and other related documents, all as filed with the zoning department as part of this application and all of which are available in the zoning department, were considered.

Meeting adjourned at 9:25 pm.

Respectfully submitted,

Emily Wentworth