

**HINGHAM PLANNING BOARD MINUTES**  
**JOINT MEETING WITH THE ZONING BOARD OF APPEALS**  
**JUNE 4, 2024 @ 7:00 PM**  
**REMOTE MEETING**

**Planning Board Members Present Remotely:** Gordon Carr, Chair, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

**Planning Board Members Absent:** Kevin Ellis

**Zoning Board of Appeals Members Present Remotely:** Joseph Ruccio, Acting Chair, Michael Mercurio, Mario Romania Jr.

Zoning Board Members Absent: Robyn Maguire, Chair, and Paul Healey

**Also Present:** Emily Wentworth, Community Planning Director, Michael Silveira, Senior Planner, Jennifer Oram, Zoning Administrator/Senior Planner

At 7:00 PM Chair Carr called the Planning Board meeting to order and stated the following:

*“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other laws, temporarily amending 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 7:00 PM Chair Ruccio called the Zoning Board of Appeals meeting to order and stated the following:

*“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other laws, temporarily amending 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) & Discussion**

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#### **0 Old Hobart Street Informal Review**

Chair Carr opened the joint meeting for the Hingham Municipal Lighting Plant (HMLP) for an informal review of a proposed public utility building enclosing an electric substation and related site work to be located on a portion of the property located at 0 Old Hobart Street (Assessors Map 106, Lot 4) in the Official and Open Space District.

Ms. Tracy Adamski reviewed the project.

Member Tondorf-Dick asked what other sites were considered in terms of feasibility including looking at the transformers site on Cushing Street.

Mr. Tom Morahan, HMLP General Manager, reviewed the sites they considered.

Member Tondorf-Dick asked if the future switchgear and transformer locations would affect the grade and if there was a containment plan.

Mr. Tom Morahan stated there would not be any PCBs as the oil and transformers would be contained to collect any oil that could develop around those lines, but that would be in the future when those transformers are actually installed.

Member Tondorf-Dick asked what the lifecycle was for the open joint walls.

Mr. Tim Grace, Tighe & Bond, stated until they conduct their full geotechnical analysis they would not know which product they would go with, which would determine its lifespan.

Member Mercurio noted that double circuit poles had a number of fail points and asked if they had any plans to mitigate.

Mr. Tom Morahan stated the project was to bring a third line underground from Weymouth, the two existing lines would remain as they were with the thought that the new line could carry the entire Town in the case of the pre-existing lines going down.

Member Mercurio clarified he was asking more for the interim before this project was permitted and built, or if they had completed a risk assessment.

Mr. Tom Morahan stated they had this system since 1986 and had not had many failures. He noted that the concern was a derailment of the Greenbush commuter line, as it could damage one of the two existing poles. He noted they had not had reliability issues with the system but they did not have an alternative in the meantime.

Member DaSilva asked for more details on the drainage system.

Mr. Tim Grace reviewed the stormwater management system, which included its current run off from the site down the embankment and into the street. He noted the proposed project added catchment devices such as a trench drain behind the wall and some catch basins to more easily meet the state standards and run the water through a proprietary water treatment unit and then allowed infiltration into the soil. He noted any overflow would infiltrate into the existing system.

Member DaSilva asked what was in the proposed project site area currently.

Mr. Tom Morahan noted this was a container site for throwing out mattresses.

Member DaSilva noted it appeared to be a good site as it was away from waste and homes.

Mr. Justin Aborn (2 Riverview Road) asked about the potential negative impacts to the Town if the current grid connection system was vulnerable to outages.

Mr. Tom Morahan stated that if a failure occurred the Town would have a complete outage.

Mr. Just Aborn (2 Riverview Road) stated he questioned the outage consequences on pump stations and Town emergency responder capabilities, and what would happen in the time before a connection was reestablished.

Mr. Tom Morahan noted the first step would be gathering generators that would bring facilities like the Fire Department, Police Department, and Town Hall back online.

Chair Carr noted it would be worse at different times of the year.

Mr. Tom Morahan agreed and stated if the Town did lose power in the winter and it was not able to come back online for a week people would see frozen pipes and other concerns similar to the winter event in 2009. He recounted the event where one of the lines had to be taken out during freezing temperatures.

Ms. Susan Wetzel (239 High Street) noted the joint meeting in March between Hingham and Weymouth where the team quoted a figure for the cost of the project, she asked for more of a background on what that cost would look like throughout the entire span of the project and who would have paid.

Mr. Tom Morahan stated as it was for the entirety of the Town, they would pay the Hingham rate pay. He stated the project was currently estimated to cost 98 million dollars, including a portion of that which would be paid to EverSource over the next 40 years. He noted the remainder portion will have to be bond, with a rate increase last year and other increases scheduled in the coming year appeared to cover the cost of the project going forward.

There was back and forth discussion about project costs between Ms. Susan Wetzel and Mr. Morahan outside the scope of the informal review.

Chair Carr stated that cost was out of the Planning Board's purview, but appreciated the comments from residents. He also asked if the 98 million dollars was the Hingham share and the EverSource share.

Mr. Tom Morahan confirmed it was Hingham and EverSource's share. He noted the EverSource portion was approximately 33 million dollars, and approximately 70 million dollars would be bonded. He also noted a portion would be paid in cash towards the 70 million dollars.

Ms. Anne Fanton (46 Ridgewood Crossing) asked if there would be any impacts on the Brewer Reservation or the trees along Hobart Street.

Mr. Tom Morahan stated an additional structure of a mobile suite would be put on Hobart Street but there would be no impact to the Hobart streetscape, as they foresaw no additional tree removal.

Ms. Anne Fanton (46 Ridgewood Crossing) asked how big that was relative to the parking area in front of the Brewer Reservation.

Mr. Tom Morahan stated the mobile suite structure would be at the exit out of the substation.

Ms. Anne Fanton (46 Ridgewood Crossing) asked if they would do everything to preserve the trees as it was a nice stretch of nature on Hobart Street.

Mr. Tom Morahan stated they did not anticipate the removal of many trees in that area.

Ms. Anne Fanton (46 Ridgewood Crossing) asked what the paving timeline was for French Street as it was already in rough shape and would only see more construction vehicles alongside being torn up to lay the new line.

Mr. Tom Morahan noted they anticipated a return to the work site to grind and overlay the entire street. He noted they would attempt to coordinate that with the DPW, and reminded the attendees that the proposed project was two years out.

Ms. Anne Fanton (46 Ridgewood Crossing) asked for more details.

Mr. Tom Morahan reviewed the process for laying the pipe and repaving.

There was back and forth discussion between Ms. Susan Wetzel and Mr. Morahan regarding project costs outside the scope of the informal review.

Mr. Robert Shapiro reviewed the mandatory meeting that would take place with the Energy Facilities Siting Board, including HMLP submitting a preferred and alternative route, which they would approve or deny. He also stated there was no requirement for an agreement between Weymouth and Hingham, while HMLP met with Weymouth officials and EverSource and would continue to work with them on issues associated with mitigation.

Ms. Rebecca Wetzel (35 High Street) asked for more details on why Hingham and Weymouth did not require an agreement.

Mr. Robert Shapiro noted they would require an approval from the Energy Facility Siting Board for the line, as well as work with Weymouth in terms of street openings and construction schedule. He continued that while there was not a specific agreement that would be signed, there would be separate permits required at the local and state level.

Chair Carr clarified that the Energy Facility Siting Board would determine the route.

Mr. Robert Shapiro stated that Weymouth, Hingham, or any of the stakeholders would be able to submit written comments to the Siting Board prior to a public meeting and would have the chance to intervene formally if they met certain standards. He also noted if they intervened they would produce their own evidence and question HMLP in a compressive evidentiary review. He noted he hoped they could avoid that as they would work with each Town from the beginning of the project, but reviewed the process if it came to that.

Chair Carr noted it was a multi-year process.

There was back and forth discussion regarding process outside the scope of the informal review.

Chair Carr reviewed the current two-line system and his concerns in regards to possible outages.

Mr. Tom Morahan noted the change in reliability standards since the lines were built in 1986. He also noted the Town has a Climate Action Plan that states the Town will be net-zero by 2040, they would need the additional line for load growth.

Chair Carr noted it was a reliability and capacity project.

Member DaSilva asked if this would be the only project of this type or if there would be another substation down the line.

Mr. Tom Morahan stated the team did not anticipate anything else built down the line but intended to reevaluate as the system grows.

Mr. Peter Healy (19 House Street) asked if the engineering consultants looked at any Federal opportunity or programs associated with the grid and transmission resiliency programs for which the Town may qualify.

Mr. Tom Morahan stated they looked into those programs and had a consultant in Washington DC. He stated current Federal grants that are available are for Towns with reliability issues or meet certain criteria for environmental justice.

Mr. Peter Healy (19 House Street) asked if the Town met criteria for the Transmission Resiliency Program, Grid Facilitation Program, and other energy programs through the Department of Energy. He also asked if EverSource looked into those programs in support of the project in terms of the role they played.

Mr. Tom Morahan stated EverSource would not be building any portion of the project, and they had not looked for additional funding.

Chair Carr reviewed the main concerns of the Boards and public around the cost and route through other towns. Then, he asked as they already got the rate increase for the funding for the project if they had all the approvals necessary to fund the project.

Mr. Tom Morahan stated they would need Town Meeting to approve the volume of the project.

Chair Carr noted the concerns around cost and route are outside of the Planning Board's purview but they had a few recommendations to extend to the Select Board.

Ms. Emily Wentworth reviewed the Applicant's submission as well as how this project would typically be reviewed by the Planning Board and Zoning Board of Appeals. She stated if it were not eligible for the exemption under MGL Chapter 40A § 3, the project would require a Special Permit A1 and asked the Board to review the approval criteria. She also noted similar approval criteria for the Design and Performance Standards under Site Plan Review that would typically be triggered for a project of this size. She also noted the motion could be made jointly and presented together to the Select Board.

Chair Carr asked if the recommendations under 40A § 3 would be consistent if it was Site Plan Review.

Ms. Emily Wentworth affirmed and noted they had different findings as they are under separate sections of the Bylaw.

Based on the information submitted and presented during the hearing, Acting Chair Ruccio made the following proposed findings:

- a. **Use of the site is in harmony with the general purpose and intent of this By-Law.** The proposed public utility building use is an allowed use within the Official and Open Space zoning district through a Special Permit A1. Furthermore, the use is consistent with the adjacent electric substation and transfer station uses.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law.** With one exception, the proposed building complies with all dimensional standards specified in Section IV-A of the By-Law for the Official and Open Space District. The front yard setback is proposed to be 10' where 40' is required; however, this distance is measured from Old Hobart Street, which is only partially constructed and primarily serves as the exit driveway from the Transfer Station. Since the development site is setback approximately 100' from Hobart Street, the proposed use is

consistent with the purposes and standards for the applicable minimum yard dimensions of the By-Law.

- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area.** The site was chosen after an extensive assessment of public and private properties in the vicinity of the existing Hobart substation. The undeveloped area within the boundaries of the Transfer Station site was selected after input from the Town officials, abutters, and the public. The proposed use is compatible with the Transfer Station, landfill, and the existing Hobart substation uses that operate on the same or adjoining properties.
- d. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated.** The proposed use of the site as an electric substation will improve the reliability of Hingham's electric infrastructure. Stormwater management best practices will be incorporated to mitigate runoff from new impervious surfaces.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians.** The project site is within the Transfer Station. During construction, HMLP and the contractors will work to minimize impacts to those operations. After construction, the project will not generate additional traffic. HMLP staff will access the new substation in a similar manner and timing as they currently access the existing substation. No additional vehicular traffic is anticipated.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** The proposed project will improve Hingham's electric system reliability and support the Town's climate goals. Typical of facilities of this kind, the substation will be unmanned and will not require water or wastewater improvements for proper operation. The facility will be equipped with fencing, safety lighting, and remote monitoring capabilities to ensure secure operation.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** The project meets the design standards and criteria for an electric substation use. The stormwater management system has been designed to meet the MassDEP Stormwater Management standards through the use of Best Management Practices including a deep sump, hooded catch basins, a proprietary treatment device, and subsurface infiltration chambers.

Based on the information submitted and presented during the hearing, Chair Carr made the following proposed findings:

**a. Land Disturbance**

Total land disturbance consists of 31,000 SF including clearing, grading, and construction of a retaining wall to allow for a safe and level area for the electrical infrastructure. The project proposes a small footprint that minimizes land disturbance to the extent practicable. The project maintains existing drainage patterns towards the north to the maximum extent practicable.

**b. Site Design**

The proposed work is located in an area of the transfer station where there are no direct residential abutters.

**c. Character and Scale of Buildings**

The proposed structures are consistent with the existing adjacent electric utility and transfer station uses and structures.

**d. Preservation of Existing Vegetation and Protected Trees**

The project minimizes clearing to the extent practicable, through incorporation of a smaller footprint substation and use of a retaining wall. Tree replacement within the vicinity of the substation is not proposed for safety and security reasons. A vegetated buffer will remain along the easterly and southerly edge of the development area abutting conservation land as well as a vegetated area between Old Hobart Street and Hobart Street.

**e. Limit of Clearing**

The project is designed to minimize clearing to the maximum extent practicable given the site's grading constraints.

**f. Finished Grade**

Final grades will be no greater than a 3:1 slope. A retaining wall is proposed to minimize impacts to the slope and tree cover to the extent practicable.

**g. Stormwater Management**

The project stormwater management system has been designed to meet the MassDEP Stormwater Management standards through the use of Best Management Practices including deep sump, hooded catch basins, a proprietary treatment device and a subsurface infiltration system.

**h. Utilities**

The proposed facility is unmanned and will not include drinking water or wastewater facilities. Electric transmission lines, distribution lines, and fiber are proposed to be underground and the facility will have a wireless fire alarm connection.

**i. Pedestrian and Vehicular Access; Traffic Management**

The project will use the existing site access from Hobart Street. Due to the nature of the site, existing access is not intended for pedestrian or bicycle traffic. After construction, no additional traffic generation is anticipated. HMLP staff will access the new substation in a similar manner and timing as they currently access the existing substation.

**j. Lighting**

The proposed project includes only 200-watt LED cooper lights for security lighting to limit light pollution impacts.

Gordon Carr made a joint motion, seconded by Rita DaSilva, to RECOMMEND that the Select Board consider the following conditions of approval in relation to a proposed public utility building enclosing an electric substation and related site work to be located on a portion of the property located at 0 Old Hobart Street (Assessors Map 106, Lot 4) in the Official and Open Space District:

1. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
2. Limits of Work. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area.
3. Stormwater Pollution Prevention Plan (SWPPP). Since the overall project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. The Select Board may require, at the applicant's expense, the establishment of a consultant fee account to fund the cost of the SWPPP review.
4. Construction Schedule. At least three weeks prior to the start of any work, the Applicant shall provide a construction schedule and traffic management plan to the Community Planning Department and Department of Public Works. Said construction schedule and traffic management plan shall incorporate assurance that major deliveries and site work will minimize disruption to the transfer station operations.
5. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
6. 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, limits of work, and the approved drainage and stormwater system installed for the project. The Select Board may require, at the applicant's expense, the establishment of a consultant fee account to fund the cost of such inspections.
7. 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. 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.

Chair Carr called for a vote of the Planning Board. The motion passed by roll call vote.

**In Favor:** Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

**Opposed:** None

Jed Ruccio made motion, seconded by Michael Mercurio, to RECOMMEND that the Select Board consider the following conditions of approval in relation to a proposed public utility building enclosing an electric substation and related site work to be located on a portion of the property located at 0 Old Hobart Street (Assessors Map 106, Lot 4) in the Official and Open Space District:

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3. **Stormwater Pollution Prevention Plan (SWPPP).** Since the overall project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. The Select Board may require, at the applicant's expense, the establishment of a consultant fee account to fund the cost of the SWPPP review.
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6. **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, limits of work, and the approved drainage and stormwater system installed for the project. The Select Board may require, at the applicant's expense, the establishment of a consultant fee account to fund the cost of such inspections.
7. **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. 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.

Acting Chair Ruccio called for a vote of the Zoning Board of Appeals. The motion passed by roll call vote.

**In Favor:** Michael Mercurio, Mario Romania, and Jed Ruccio

**Opposed:** None

Jed Ruccio made a motion, seconded by Michael Mercurio, to adjourn the meeting of the Zoning Board of Appeals at 8:37 PM.

Ms. Emily Wentworth reviewed administrative items pertaining to grant applications she hoped to complete and submit, including work with the Recreation Department to file with the Massachusetts Office of Disability for a \$250,000 grant request to build out accessible walkways around previously supported Board decisions. She continued that this also included Cronin Field Complex consisting of a basketball court, street hockey court, playground, track, tennis/pickleball courts, and recreational classroom spaces. She asked the Board to authorize the Chair to sign-off on a letter of support for that application. She then reviewed another request to the Massachusetts Downton Initiative to fully design a

wayfinding and branding signage program for the downtown, which would build on a number of the recommendations of plans that the Board had been involved with in the past. She noted the funding was for up to \$25,000 of technical assistance but as the effort had already been started in the past they could get a quality product with those services in short order.

Chair Carr noted his support for the grant applications and their connection to the Master Plan.

Gary Tondorf-Dick made a motion, seconded by Rita DaSilva, to authorize Gordon Carr as Chair of the Planning Board to sign-off a letter in support of the Massachusetts Downtown Initiative grant application.

There was broad consensus.

Ms. Emily Wentworth reviewed the ADA self-evaluation and transition plan that focused on public properties and identified a number of barriers to accessibility for people who are differently abled. She noted the award would allow people to physically connect to a number of recreational facilities at the Cronin Field Complex and enable people of all abilities to more fully enjoy public recreational programs. Then, she stated the Recreation Commission worked hard to improve the actual facilities but accessibility between those facilities remained a concern. She stated the project would be aimed at improving connections between fields and playground areas as well as improve the sub surfacing underneath areas such as the bleachers.

Gordon Carr made a motion, seconded by Gary Tondorf-Dick, to adjourn the meeting of the Planning Board at 8:43 PM.

The motion passed by roll call vote.

**In Favor:** Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

**Opposed:** None

*Meeting Materials:*

*Agenda Summary, dated June 4, 2024*

*0 Old Hobart Street – Informal Review*

*Site Plans, dated April 3, 2024*

*Project Narrative and Stormwater Report, dated April 12, 2024*

*Hingham Hobart II Substation Renderings, received May 30, 2024*