

HINGHAM PLANNING BOARD MINUTES

March 24, 2023 @ 8:00 AM

REMOTE MEETING

Planning Board Members Present Remotely: Gordon Carr, Rita DaSilva, Kevin Ellis, Judith Sneath, Gary Tondorf-Dick

Also Present: Michael Silveira, Senior Planner

Members Absent: None

At 8:00 AM Chair Sneath 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 107 of the Acts of 2022 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

4 Kerri Lane Site Plan Review

Chair Sneath stated that the first item on the agenda was an application from Michael Intoccia, on behalf of Cape Club Building, Inc., for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to construct a new single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 4 Kerri Lane in Residence District B.

Chair Sneath invited the Applicant to present the application.

Paul Seaberg, of Grady Consulting and engineer for the Applicant, presented the application to the Board.

Chair Sneath asked if the bedroom count proposed as a five bedroom home was approved by the Board of Health, to which Mr. Seaberg responded that it was reduced to four bedrooms and was approved by the Board of Health.

Member Tondorf-Dick asked if the existing stone walls would be saved as noted on the subdivision plan, to which Mr. Seaberg responded that the plan was to save the walls. Member Tondorf-Dick also asked about the drainage design, to which Mr. Seaberg clarified the design as outlined in the site plans. Member Tondorf-Dick asked if trees would be removed in the “No Clear Zone”, to which Mr. Seaberg responded that no trees would be cleared within that zone.

Member Carr noted that since this application falls under the 2021 By-Law because of when it was filed under the Subdivision Control Law, the Applicant is advised to notify abutters for the remaining lots to be developed even though it is not a requirement under the 2021 By-Law.

Mr. Seaberg noted that he spoke with an abutter, Ms. Peggy Dooling about the plans.

Chair Sneath invited public comment.

Ms. Peggy Dooling, at 121 Gardner Street, asked for clarification about where the lot lines and “No Clear Zone” were. Mr. Seaberg and Mr. Silveira clarified where the lot lines and “No Clear Zone” are located. Ms. Dooling asked about the drainage design. Mr. Seaberg explained the drainage design.

Member Tondorf-Dick asked about the drainage design again, to which Mr. Seaberg reviewed again as outlined in the project plans.

Based on the information submitted and presented during the hearing Chair Sneath made the following proposed 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.**

The project provides for adequate site drainage, including appropriate drainage flow, and associated roadway drainage infrastructure. The project proposes fifty-four deciduous, evergreen, and flowering trees, to provide a sound and site buffer and minimize impacts to abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans approved July 27, 2021.

- 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 project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans approved July 27, 2021.

- 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 project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

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

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District B. Furthermore, fifty-four deciduous, evergreen, and flowering trees, and other trees and plantings are proposed.

- 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 stormwater system shall be expressly prohibited;**

A silt fence is proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is proposed at the proposed driveway entrance off Kerri Lane.

- 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 dwelling will be connected to public water and electric services. Additionally, an onsite septic system will service the dwelling.

- g. **Assurances of positive stormwater 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 stormwater 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 Stormwater Management Policy and Standards including the Massachusetts Stormwater 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 stormwater system.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement.

- 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 stormwater controls at consistent intervals.**

Stormwater currently flows into a low area on the lot and the proposed grading will continue to shed runoff from the majority of the lot into the low area where it will infiltrate into the ground. Runoff from in front of the dwelling will flow toward the new road, which was accounted for in the subdivision roadway design. Based upon PGB Engineering's review, implementation of best management practices with the stormwater 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 project proposes fifty-four deciduous, evergreen, and flowering trees to mitigate the tree removal onsite associated with the subdivision construction.

- 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 proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

Gary Tondorf-Dick moved to GRANT the application of Michael Intoccia, on behalf of Cape Club Building, Inc., for Site Plan Approval under § I-I of the Zoning By-Law to construct a new single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 4 Kerri Lane in Residence District B, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. 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.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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, including during installation of the approved drainage and stormwater system. 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.
5. 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.

The motion passed unanimously by roll call vote.

Second: Kevin Ellis

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

Opposed: None

Mr. Silveira reiterated scheduling for the next couple of meetings. He noted that the March 27, 2023 meeting would be postponed to April 4, 2023 due to a quorum issue, but that Chair Sneath would be in attendance to inform members of the postponed meeting.

Chair Sneath MOVED to adjourn at 8:40 AM

The motion passed unanimously by roll call vote.

Second: Gordon Carr

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

Opposed: None

Meeting Materials:

Agenda Summary, dated March 22, 2023

4 Kerri Lane

Site Plan Review Application, received February 14, 2023

Site Plans, dated February 14, 2023

Architectural Plans, dated December 5, 2022

Stormwater Report, dated February 6, 2023

Response to Peer Review Comments, dated March 15, 2023

Site Plan, revised March 15, 2023

Approved Subdivision Plans, revised through August 12, 2021

P. Brennan Peer Review Report, dated March 10, 2023

P. Brennan Peer Review Comment, dated March 16, 2023