



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: 2 Shute Ave LLC
c/o Dan & Stephanie Hurwitz
2 Shute Avenue
Hingham, MA 02043

Agent: Walter Sullivan, Esq.
Sullivan & Comerford, P.C.
80 Washington Street, Building B, Suite 7
Norwell, MA 02061

Property: 2 Shute Avenue, Hingham, MA 02043

Deed Reference: Certificate of Title No. 132170 issued by the Plymouth County Registry District of the Land Court

Plan References: "Site Plan, 2 Shute Avenue, Hingham, Massachusetts," prepared by Hardy & Man Design Group, PC, 1285 Washington Street, Weymouth, MA, dated September 25, 2023 and revised through October 24, 2023 (2 Sheets)

"Hurwitze Residence Landscape Plan," prepared by Landmass Landscape Design, P.O. Box 2219, Hanover, MA, dated October 20, 2023 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 2 Shute Ave LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 2 Shute Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on September 11, 2023 without the receipt of testimony. A substantive hearing on the

application was held on October 30, 2023. Both hearings were held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Walter Sullivan, Esq., Sullivan & Comerford, P.C., and Shawn Hardy, Hardy & Man Design Group, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, P.C. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under § I-I of the By-Law with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The subject property consists of 12,850± of land, previously improved by a single-family dwelling, paved driveway, hardscaping, lawn areas and several trees. The dwelling was razed and a new dwelling constructed. During construction, more land area was disturbed than expected, triggering Site Plan Review. All proposed work is complete with the exception of drainage improvements and final landscaping. The total land disturbance associated with this project consists of 6,619 SF and a net cut of 146 CY.

The new construction resulted in an increase of 79 SF of impervious area. To mitigate the increase in impervious area, a subsurface infiltration system, consisting of plastic chambers surrounded by crushed stone is proposed to infiltrate runoff from a portion of the roof of the new dwelling. The dwelling is served by public water and sewer as well as natural gas. The dwelling is also served by overhead electric and communication utilities. Additionally, a silt fence is installed around the site perimeter as an erosion control measure and will remain in place until the site is stabilized. Nine trees were removed in connection with the project – four of which were within the Tree Yard totaling 43 caliper inches removed. While the mitigation required consists of 22 caliper inches, the Applicant proposes 36” of new tree plantings, ranging from 3”-4” in caliper.

In addition to staff, the Board’s civil peer review engineer Patrick Brennan, PGB Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Mr. Brennan’s initial report included comments related to stormwater calculations and infiltration system details. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised questions and comments related the land disturbance area, tree removal and landscaping, and remaining work. There was no public comment.

WAIVERS

The Applicant requested a waiver of a Design and Performance Standard under § I-I, 6.h to allow electrical, telephone, and cable wires to remain above ground as the dwelling is already constructed and occupied.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance associated with this project consists of 6,619 SF and a net cut of 146 CY. Additionally, the proposed work is largely located within previously disturbed areas onsite to minimize additional land disturbance.

b. Site Design

The new dwelling is in a similar area as the previous dwelling and enhanced landscaping is proposed to provide screening for abutters and enhance the aesthetic of the site.

c. Character and Scale of Buildings

The character and scale of the proposed work is consistent with similar developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

Nine trees were removed in connection with the project – four of which were within the Tree Yard totaling 43 caliper inches removed. While the mitigation required consists of 22 caliper inches, the Applicant proposes 36” of new tree plantings, ranging from 3”-4” in caliper.

e. Limit of Clearing

Nine trees were removed in connection with the project – four of which were within the Tree Yard totaling 43 caliper inches removed. Additionally, a silt fence is installed around the site perimeter as an erosion control measure and will remain in place until the site is stabilized.

f. Finished Grade

This project proposes minimal grading and is designed to most closely match the existing topography and provide stability for the new structures.

g. Stormwater Management

The new construction resulted in an increase of 79 SF of impervious area. To mitigate the increase in impervious area, a subsurface infiltration system, consisting of plastic chambers surrounded by crushed stone is proposed to infiltrate runoff from a portion of the roof of the new dwelling.

h. Utilities

The dwelling is served by public water and sewer as well as natural gas. The dwelling is also served by overhead electric and communication utilities.

i. Pedestrian and Vehicular Access; Traffic Management

The project proposes a slightly shifted driveway accessed from Shute Avenue. There are no changes proposed with respect to traffic management or pedestrian access.

j. Lighting

Typical residential lighting is proposed with this project.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § I-I,7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards, with the exception of a Standard under § I-I, 6.h requiring an underground electrical/communication connection. A waiver of this Standard to allow an overhead connection will not adversely impact the interests set forth in subsection a. above.

MOTION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of 2 Shute Ave LLC for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 2 Shute Avenue in Residence District A, subject to the following conditions:

- 1. Proof of Recording. 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. 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.
- 3. Limits of Work; Tree Protection Areas. 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. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate

measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.

4. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
5. 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 Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
6. 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.
7. Maintenance of Protected Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Trees, shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.

For the Planning Board,



Kevin Ellis

November 8, 2023

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

Opposed: None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been

dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.