



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Jason Fanuele  
237 Main Street  
Hingham, MA 02043

Agent: Jeffrey Hassett, P.E.  
Morse Engineering Company, Inc.  
10 New Driftway  
Scituate, MA 02066



Property: 237 Main Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 41181 Page 169  
Certificate of Title No. 123523 issued by the Plymouth County Registry  
District of the Land Court

Plan References: "Design Development," prepared by Tiryaki Architectural Design, P.O. Box  
423, Cohasset, MA, dated October 23, 2023 (8 Sheets)

"Landscape Plan," prepared by Sean Papchi Landscape Architecture, 222  
North Street, Hingham, MA, dated October 16, 2023 and revised through  
October 23, 2023 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc., 10 New  
Driftway, Scituate, MA, dated October 17, 2023 and revised through  
November 8, 2023 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Jason Fanuele (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to construct

an addition, pool, spa, and shed with associated landscaping, hardscaping, grading, and drainage at 237 Main Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on November 13, 2023 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. Jeffrey Hassett, Morse Engineering Company, Inc., and Sean Papich, Sean Papich Landscape Architecture, 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 & DISCUSSION**

The subject property consists of 36,738± SF of land improved by a single-family dwelling, paved driveway, hardscaping, lawn and wooded areas. The proposal calls for construction of an addition onto the rear of the existing dwelling, an inground pool, spa, pavilion, shed, decks, hardscaping, and landscaping. The total land disturbance consists of 10,307 SF – 6,545 SF of which is in areas with a slope greater than 10% – and a net cut of 408 CY.

Runoff from the roof of the proposed addition will convey into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, and the patios surrounding the pool, pavilion and shed will be constructed with pervious pavers. No changes are proposed to the existing driveway or utilities serving the dwelling. A mulch sock is proposed along the down-gradient limit of work as a perimeter erosion control and the existing driveway will serve as the construction entrance. Five trees are proposed for removal – none of which are Protected Trees. Tree protection measures are shown on the plans for Protected Trees.

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 models, test pits, a slot drain, inspection ports, MassDEP Stormwater Standards, additional narrative, dimensional information, and the construction entrance. 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 to the construction entrance, shared driveway, and pavers shown in the Tree Yard, ultimately agreeing to impose a condition of approval in relation to removing the pavers from the Tree Yard. One member of the public provided support for the project and asked a question related to construction vehicles in the shared driveway.

## **WAIVERS**

The Applicant requested waivers of submittal requirements under § I-I, 5.I(ii) Site Lighting Plan, and I(iii), Transportation Impact Analysis given the residential nature of the project. The Applicant also 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 this is simply an addition project.

## **DESIGN AND PERFORMANCE STANDARDS**

### **a. Land Disturbance**

The total land disturbance consists of 10,307 SF – 6,545 SF of which is in areas with a slope greater than 10% – and a net cut of 408 CY. Additionally, the proposed work is largely located within previously maintained areas onsite and is designed to maintain existing drainage patterns to the greatest extent practicable.

### **b. Site Design**

The existing dwelling is not visible from the street and the proposed work is within the rear of the dwelling, with proposed fencing along the property line to provide screening for abutters. A landscape plan is also proposed to improve the scenic qualities of the lot.

### **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**

Five trees are proposed for removal – none of which are Protected Trees. Tree protection measures are shown on the plans for Protected Trees.

### **e. Limit of Clearing**

Five trees are proposed for removal – none of which are Protected Trees. Tree protection measures are shown on the plans for Protected Trees. Additionally, a mulch sock is proposed along the down-gradient limit of work as a perimeter erosion control.

### **f. Finished Grade**

This project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new structures.

### **g. Stormwater Management**

Runoff from the roof of the proposed addition will convey into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, and the patios surrounding the pool, pavilion and shed will be constructed with pervious pavers.

### **h. Utilities**

No changes are proposed to the existing utilities serving the dwelling.

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

There are no changes proposed with respect to traffic management or pedestrian and vehicular 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-1,7. 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-1, 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 Gordon Carr, the Board voted unanimously to GRANT the application of Jason Fanuele for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under § I-1, 5.l. related to a Site Lighting Plan and Transportation Impact Analysis, to construct an addition, pool, spa, and shed with associated landscaping, hardscaping, grading, and drainage at 237 Main Street 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. Plan Revisions. The Applicant shall submit a revised plan to the Community Planning Department prior to issuance of a building permit to show the pavers removed from the Tree Yard.

4. 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.
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 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.
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, 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.
8. Maintenance of Protected Trees. Each Protected Tree retained 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.

For the Planning Board,



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Kevin Ellis

November 17, 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.