



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant:** North America Development LLC  
75 Washington Street  
Somerville, MA 02143

**Owner:** 8 Elizabeth Lane LLC  
13 Tech Circle  
Natick, MA 01760

**Agent:** Peter Lewandowski  
LR Designs Inc.  
64 Allston Street, Suite 3  
Cambridge, MA 02139

**Property:** 8 Elizabeth Lane, Hingham, MA 02043

**Deed Reference:** Certificate of Title No. 132486 issued by the Plymouth County Registry  
District of the Land Court

**Plan References:** "8 Elizabeth Lane, Hingham, MA," prepared by LR Designs Inc., 64 Allston  
Street, Suite 3, Cambridge, MA, dated August 27, 2023 and revised through  
November 7, 2023 (7 Sheets)

"Civil Plans," prepared by Spruhan Engineering, 80 Jewett Street, Suite 2,  
Newton, MA dated September 13, 2022 and revised through November 7,  
2023 (3 Sheets)

"Landscape Plan," prepared by Marc Mazzarelli Associates LLC, 284  
Concord Avenue, Cambridge, MA, dated November 8, 2023 (2 Sheets)

RECEIVED

DEC 18 2023

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of North America Development LLC (the “Applicant”) for Site Plan Review under § I-I of the Zoning By-Law (the “By-Law”) to reconstruct a single-family dwelling with associated landscaping, hardscaping, and grading at 8 Elizabeth Lane in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 30, 2023 and a continued session on November 13, 2023, both without the receipt of testimony. A substantive hearing on the application was held on December 11, 2023. All sessions 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. Peter Lewandowski, LR Designs Inc., 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 12,500± SF of land, improved by a single-family dwelling, gravel driveway, lawn areas, and several trees. The proposal calls for razing the existing dwelling and construction of a new dwelling with an attached garage, permeable paver driveway, patios/hardscaping, and landscaping. The total land disturbance consists of 6,253 SF – 3,312 SF of which is located in areas with a slope greater than 10% – and net fill of 84 CY.

Runoff from most of the roof of the dwelling will collect and discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the driveway will either infiltrate through the pavers or be collected in a trench drain and discharge to the subsurface infiltration system. The existing septic leaching field (soil absorption system) will remain, and the existing septic tank will be relocated. Water and gas will continue to serve the new dwelling and electrical wires will connect underground. A compost filter sock is proposed as a perimeter erosion control barrier around the property, in addition to a stabilized construction entrance at the driveway location. One tree outside of the Tree Yard and one clump of three 7-caliper inch trees in the Tree Yard are proposed for removal, requiring 11” of mitigation plantings. The Applicant proposes approximately 37” of new tree plantings throughout the site – exceeding the required 11” by 26”.

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 system design and calculations, electrical utilities, pavement thickness, a

zoning table, the Tree Yard, and mitigation plantings. 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 wetland setbacks, stormwater mitigation, setbacks, and tree removal. There was no public comment.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

The total land disturbance consists of 6,253 SF – 3,312 SF of which is located in areas with a slope greater than 10% – and net fill of 84 CY. Additionally, the proposed work is largely located within previously disturbed areas onsite and the design does not substantially affect the drainage patterns.

**b. Site Design**

The proposed dwelling is located in the same area as the existing dwelling and a landscape plan is also proposed to improve the scenic qualities of the lot along with minimal tree removal.

**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**

One tree outside of the Tree Yard and one clump of three 7-caliper inch trees in the Tree Yard are proposed for removal, requiring 11" of mitigation plantings. The Applicant proposes approximately 37" of new tree plantings throughout the site – exceeding the required 11" by 26" – along with numerous plantings for additional landscaping.

**e. Limit of Clearing**

One tree outside of the Tree Yard and one clump of three 7-caliper inch trees in the Tree Yard are proposed for removal. Additionally, a compost filter sock is proposed as a perimeter erosion control barrier around the property.

**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**

Runoff from most of the roof of the dwelling will collect and discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the driveway will either infiltrate through the pavers or be collected in a trench drain and discharge to the subsurface infiltration system.

**h. Utilities**

The existing septic leaching field (soil absorption system) will remain, and the existing septic tank will be relocated. Water and gas will continue to serve the new dwelling and electrical wires will connect underground.

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

A new driveway is proposed, as no driveway currently exists.

**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.

**MOTION**

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of North America Development LLC for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated landscaping, hardscaping, and grading at 8 Elizabeth Lane in Residence District C, 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 Tree(s), 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,



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Kevin Ellis  
December 18, 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.