



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

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JAN 16 2024

Town Clerk
Hingham, MA

IN THE MATTER OF:

Applicant/Owner: Julie and Alejandro Rodriguez
30 Patriot Parkway, Unit 112
Weymouth, MA 02190

Agent: James Garfield, P.E.
Morse Engineering Company, Inc.
10 New Driftway, Suite 303
Scituate, MA 02066

Property: 26 Lazell Street, Hingham, MA 02043

Deed Reference: Certificate of Title No. 135356 issued by the Plymouth County Registry District of the Land Court

Plan References: "26 Lazell Street," prepared by EMBR Architects, 37 Derby Street, Suite B-1, Hingham, MA 02043, undated (9 Sheets)

"Landscape Plan," prepared by EMBR Architects, 37 Derby Street, Suite B-1, Hingham, MA 02043, dated December 28, 2023 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated October 4, 2023, and revised through January 3, 2024 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Julie and Alejandro Rodriguez (collectively 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, grading, and drainage at 26 Lazell Street in Residence District C.

The Board opened a duly noticed public hearing on the application, without the receipt of testimony, at a meeting held remotely on November 13, 2023, with subsequent substantive sessions held on December 11, 2023 and January 8, 2024. All 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. James Garfield, P.E., and Gregory Morse, P.E., Merrill Engineers and Land Surveyors, 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 58,450± SF of land improved by a single-family dwelling, paved driveway, hardscaping, lawn and wooded areas. The proposal calls for razing the existing dwelling and construction of a new dwelling with an attached garage, paved driveway, in-ground pool, hardscaping, and landscaping. The total land disturbance consists of 22,470 SF – 9,897 SF of which is within areas with a slope greater than 10% – and a net fill of 837 CY.

Runoff from the driveway will infiltrate through a crushed stone trench, while roof runoff is proposed to discharge into Cultec chambers and then route to a grassed depression in the front yard. The existing septic system soil absorption system is proposed to remain for the new dwelling and the septic tank is proposed to be relocated. The dwelling will be served by a new water service connection and an underground electrical/communication connection. The proposed driveway will be slightly reconfigured but is in the same location as exists today. 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. Ten trees are proposed for removal through the site – one of which is a Protected Tree, totaling 14 caliper inches. This requires 7” of mitigation plantings. The Applicant proposes six mitigation trees, totaling 24 caliper inches, to mitigate the removal of the Protected Trees, in addition to one ornamental tree – 17” in excess of the required 7” of mitigation plantings.

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 an overflow drainage connection, test pit information, driveway material, MassDEP stormwater standards, proposed utilities, retaining wall information, and number of bedrooms. 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 drainage, tree removal, house orientation, screening, lighting, and bedrooms. There was no public comment.

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.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance consists of 22,470 SF – 9,897 SF of which is within areas with a slope greater than 10% – and a net fill of 837 CY. Additionally, the proposed work is largely located within previously disturbed areas onsite and is designed to maintain existing drainage patterns to the greatest extent practicable.

b. Site Design

The proposed work is within the same general area as the existing dwelling. The new dwelling is proposed to be angled on the lot so as to minimize massing from the street. 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

One Protected Tree is proposed for removal, totaling 14 caliper inches and requiring 7” of mitigation plantings. The Applicant proposes six mitigation trees, totaling 24 caliper inches, to mitigate the removal of the Protected Trees, in addition to one ornamental tree – 17” in excess of the required 7” of mitigation plantings. Protected Trees to remain are shown to have protective tree fencing around the Critical Root Zones.

e. Limit of Clearing

Ten trees are proposed for removal through the site – one of which is a Protected Tree, totaling 14 caliper inches. 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 driveway will infiltrate through a crushed stone trench, while roof runoff is proposed to discharge into Cultec chambers and then route to a grassed depression in the front yard.

h. Utilities

The existing septic system soil absorption system is proposed to remain for the new dwelling and the septic tank is proposed to be relocated. The dwelling will be served by a new water service connection and an underground electrical/communication connection.

i. Pedestrian and Vehicular Access; Traffic Management

The proposed driveway will be slightly reconfigured but is in the same location as exists today. 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-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 Gary Tondorf-Dick, the Board voted to GRANT the application of Julie and Alejandro Rodriguez for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under § I-1, 5.I. related to a Site Lighting Plan and Transportation Impact Analysis, to reconstruct a single-family dwelling with associated landscaping, hardscaping, grading, and drainage at 26 Lazell Street 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 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

January 16, 2024

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.