



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Edward and Stephanie T. Harris  
7 Butler Road  
Hingham, MA 02043

RECEIVED

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

FEB 06 2024  
Town Clerk  
Hingham, MA

Property: 7 Butler Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 37974 Page 176

Plan References: "Home Renovations, Harris Residence, 7 Butler Road, Hingham, MA," prepared by Walter A. McKinnon Associates, Inc., 278 Washington Street, Weymouth, MA, dated October 23, 2023 and revised through December 21, 2023 (15 Sheets)

"Landscape Plan," prepared by Tish Landscape, 15 Boulder Glen Road, Hingham, MA, dated December 20, 2023 and revised through January 31, 2024 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, dated January 9, 2024 and revised through February 1, 2024 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Edward and Stephanie T. Harris (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 7 Butler Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 5, 2024 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, Tracy Shriver, and Gary Tondorf-Dick. Jeffrey Hassett, P.E., Morse Engineering Company, 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 AND DISCUSSION**

The subject property consists of 43,669± SF of land improved by a single-family dwelling with an attached garage, paved driveway, lawn, and wooded areas. The rear portion of the lot is wetlands. The proposal calls for razing the existing dwelling and construction of a new dwelling with an attached garage, repaving of the driveway, hardscaping, and landscaping. Total land disturbance associated with this project consists of 5,940 SF – none of which is in areas with a slope greater than 10% – and a net cut of 32 CY.

Runoff from the roof of the dwelling will pipe to a grassed depression located behind the dwelling, while runoff from the driveway will collect in a crushed stone trench along the east side of the driveway with overflow into a grassed depression. The existing septic system will serve the proposed dwelling in addition to existing water, gas, and overhead electric/communication connections. With respect to erosion control measures, a mulch sock is proposed along the down-gradient limit of work. Overall, nine trees are proposed for removal – two of which are Protected Trees totaling 48 caliper inches. While only 24 inches of mitigation plantings are required, the Applicant proposes thirteen trees to be planted in the Tree Yard, totaling 36 caliper inches, to mitigate some of the other trees outside of the Tree Yard. The Applicant also proposes several other shrubs and plantings throughout the site.

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 test pits, Crushed Stone Trench detail, Operation and Maintenance Plan, and a construction entrance. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised a question related to tree removal, house location, retaining walls, driveway location, construction truck parking, tree species, septic tank,

and house size. The Board ultimately imposed a condition to swap out certain tree species. One abutter provided written public comment in support of the project.

## **WAIVERS**

The Applicant requested a waiver of a Design and Performance Standard under § I-I.6.h, requiring an underground electrical/communication connection, as the utility pole is on the other side of the street.

## **DESIGN AND PERFORMANCE STANDARDS**

### **a. Land Disturbance**

Total land disturbance associated with this project consists of 5,940 SF – none of which is in areas with a slope greater than 10% – and a net cut of 32 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 largely within the same footprint as the existing dwelling and already developed areas of the lot. 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**

Overall, nine trees are proposed for removal – two of which are Protected Trees totaling 48 caliper inches. While only 24 inches of mitigation plantings are required, the Applicant proposes thirteen trees to be planted in the Tree Yard, totaling 36 caliper inches, to mitigate some of the other trees outside of the Tree Yard. The Applicant also proposes several other shrubs and plantings throughout the site.

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

Overall, nine trees are proposed for removal – two of which are Protected Trees totaling 48 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 roof of the dwelling will pipe to a grassed depression located behind the dwelling, while runoff from the driveway will collect in a crushed stone trench along the east side of the driveway with overflow into a grassed depression.

**h. Utilities**

The existing septic system will serve the proposed dwelling in addition to existing water, gas, and overhead electric/communication connections.

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

The proposed driveway will be shorter and 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.
- a. 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 Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Edward and Stephanie T. Harris for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated landscaping, hardscaping, grading, and drainage at 7 Butler Road 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. **Plan Revisions.** Prior to issuance of a certificate of occupancy, the Applicant shall provide a revised Landscape Plan to the Community Planning Department to replace the proposed 4 Eastern White Pine trees with 4 Norway Spruce trees each at least 7' in height.
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, 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  
February 6, 2024

**In Favor:** Kevin Ellis, Gordon Carr, 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.