



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Hilltop Property Group LLC
c/o Doug Keach
47 G Street
Boston, MA 02127

RECEIVED

FEB 26 2024

Town Clerk
Hingham MA

Property: 95 Wompatuck Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57540 Page 71

Plan References: "95 Wompatuck Rd, Hingham, MA," prepared by LR Designs, Inc., 64 Allston Street, Suite 3, Cambridge, MA, dated May 15, 2023 (9 Sheets)

"Civil Plans," prepared by Spruhan Engineering, P.C., 80 Jewett Street, Suite 2, Newton, MA, dated January 10, 2024 and revised through February 5 (3 Sheets)

"Proposed Landscape Plan," undated (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Doug Keach (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 95 Wompatuck 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, without the receipt of testimony, and a substantive session was held on February 12, 2024. 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. Patrick Easely, ALR Homes, and Guillermo Beltran,

Spruhan Engineering, 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 7,319± SF of land previously improved by a single-family dwelling, paved driveway, shed, lawn, and landscaped areas. The proposal calls for demolition of portions of the dwelling and reconstruction of a new dwelling with an attached garage, paved driveway, hardscaping, and landscaping. The application before the Board is largely complete with the exception interior/exterior finishes and stormwater controls. Upon an inspection of the Building Inspector in November 2023, it was determined that the project exceeded the 5,000 SF land disturbance threshold due to loam and seed not being initially included in the Land Disturbance calculation. Therefore, the project was issued a Stop Work Order so that the Applicant could obtain Site Plan Approval. Total land disturbance consists of 5,347 SF – 2,290 SF of which is located in areas with a slope greater than 10% – and a net cut of 117 CY.

The proposed stormwater controls consist of a subsurface infiltration system of plastic chambers surrounded by crushed stone that will recharge roof runoff from the entire dwelling. Water, gas, and sewer are proposed to service the reconstructed dwelling in addition to overhead electric/communication utilities. Additionally, a mulch sock is proposed as an erosion control barrier along the down-gradient limit of work. Four Protected Trees were removed in connection with the work completed, totaling 35 caliper inches. While only 18” of mitigation plantings are required, the Applicant proposes 20 caliper inches of replacement trees in addition to other shrubs and 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 stormwater system clarification and inspections, test pits, the Tree Yard, and a zoning table. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised questions related to the slope along the property line of 99 Wompatuck Road, stormwater management, setbacks, and electrical connection waiver request, ultimately resulting in conditions of approval related to the slope along the property line along 99 Wompatuck Road and the electrical connection. There was public comment related to the slop along the property line of 99 Wompatuck Road.

WAIVERS

The Applicant requested a waiver of a Design and Performance Standard under § I-I.6.h, requiring an underground electrical/communication connection. Upon a staff conversation with the Engineering Manager at the Hingham Municipal Lighting Plant, it was determined that an underground connection is achievable in this location.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance consists of 5,347 SF – 2,290 SF of which is located in areas with a slope greater than 10% – and a net cut of 117 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. 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

Four Protected Trees were removed in connection with the work completed, totaling 35 caliper inches. While only 18” of mitigation plantings are required, the Applicant proposes 20 caliper inches of replacement trees in addition to other shrubs and plantings.

e. Limit of Clearing

Four Protected Trees were removed in connection with the work completed, totaling 35 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. As conditioned by this Approval, an erosion control blanket will be installed where the slope exceeds 3:1.

g. Stormwater Management

The proposed stormwater controls consist of a subsurface infiltration system of plastic chambers surrounded by crushed stone that will recharge roof runoff from the entire dwelling.

h. Utilities

Water, gas, and sewer are proposed to service the reconstructed dwelling in addition to underground electric/communication utilities, as conditioned by this Approval.

i. Pedestrian and Vehicular Access; Traffic Management

The proposed extended driveway will be in the same general location as exists today and utilize the existing curb cut off of Wompatuck Road. 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, as conditioned by the Approval, 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 DENY the request for a waiver of a Design and Performance Standard under § I-I, 6.i.h to allow for an overhead electrical/communication connection, where an underground connection is required, and to GRANT the application of Doug Keach for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling with associated landscaping, hardscaping, grading, and drainage at 95 Wompatuck 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.
- 2. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required. Erosion control installation shall also extend along the slope abutting 99 Wompatuck Road.
- 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.

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 including all drain piping. 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. Electrical/Communication Connection. Prior to issuance of a certificate of occupancy, the Applicant shall place electrical/communication wires underground, as required under § I-1.6.h, and submit revised plans to the Community Planning Department to reflect this connection.
7. Landscaping. Prior to issuance of a certificate of occupancy, the Applicant shall provide a revised Landscape Plan to the Community Planning Department to show proper planting of the slope along the property line of 99 Wompatuck Road, as approved by the neighbor at 99 Wompatuck Road and the Community Planning Department. The Applicant shall also provide an erosion control blanket in areas where the slope exceeds 3:1.
8. 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.
9. 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,

A handwritten signature in black ink, appearing to be 'K. Smith', written over a horizontal line.

Kevin Ellis
February 26, 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.