



TOWN OF HINGHAM

Planning Board

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Hingham, MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Black Rock Development Inc
19 Clubhouse Drive
Hingham, MA 02043

Agent: Brendan Sullivan, P.E., P.L.S.
Merrill Engineers & Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: 199-201 Ward Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 42494 Page 115
Plymouth County Registry of Deeds, Book 43527 Page 336

Plan References: "199 & 201 Ward Street, Flexible Residential Design, Subdivision Plan, Assessors Map 144 Lots 5 and 6, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated December 8, 2023 and revised through April 30, 2024 (9 Sheets)

"McGoldrick-Doonan Residence," prepared by Designs by Marshall, LLC, 17 Nelson Road, Scituate, MA, dated April 24, 2024 (8 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Black Rock Development (the "Applicant") for modification of a Site Plan Approval, originally issued September 18, 2023, under § I-I of the Zoning By-Law (the "By-Law"), for a Definitive Plan Review of a Flexible Residential Development consisting of 3 single-family dwellings and a Common Driveway on 4.8 acres of land at 199-201 Ward Street in Residence C District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on January 8, 2024, with additional substantive sessions held on February 5, 2024, February 26, 2024, and May 6, 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 concurrently opened hearings on a related application for modification of a Special Permit A3 and a Special Permit A3 for a Common Driveway in connection with the Definitive Flexible Residential Development Plan Review. The Board panel consisted of regular members Gordon Carr, Clerk, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Brendan Sullivan, 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 project site consists of two parcels with a total land area of 4.8± acres located off the west side of Ward Street. The parcel at 199 Ward Street is improved by an existing single-family dwelling and a paved driveway. The parcel at 201 Ward Street is undeveloped woodland and wetlands. The wetlands encompass 1.6± acres, or about 33% of the total project site.

The Planning Board granted Site Plan Approval and a Special Permit A3 in September 2023 for a Preliminary Flexible Residential Development (FRD) consisting of three residential lots and one Open Space lot. With the exception of revisions related to the conditions of approval in the Special Permit A3, greater detail related to the Common Driveway and utilities/septic system, and draft easement/legal documentation, the plans are the same as the Preliminary stage. This Definitive FRD is similar to a 2019 approved FRD at 90 Ward Street in that the Applicant intends to file an ANR plan to divide the property rather than a definitive subdivision given the adequate frontage along Ward Street.

The proposal calls for dividing the two parcels into four lots – three residential lots and one Open Space lot. The Conventional Yield Plan (Sheet 3) shows three conforming residential lots with 150' or greater of frontage on Ward Street. The proposed Flexible Residential Development plan shows a 3.3 acre Open Space lot and three residential lots that range in size from 0.5 acre to 0.6 acre. The number of units is based on a Conventional Yield of 3 lots. No density bonus is proposed with this concept, therefore none of the proposed dwellings are required to be Low or Moderate Income Housing nor Moderately-Sized. Additionally, the Applicant proposes a Common Driveway for the three lots. The proposed Common Driveway is approximately 135' in length and 20' in width and conforms to all aspects of the Construction and Design Standards under § V-I.4.

With respect to utilities, the Applicant proposes individual septic tanks for each dwelling and a shared septic leaching field on the Open Space lot, as well as underground

electrical/communication, gas, and water connections. Easements are proposed for both the shared septic system and utilities along the Common Driveway. Runoff from the site is proposed to direct into multiple subsurface stormwater systems that outlet toward the wetland area near the southeastern portion of the lot and at the end of the driveway. These outlets mirror the site's previous drainage patterns. Additionally, a silt sock is proposed along the down-gradient limits of work as well as an erosion control blanket where the slope exceeds 3:1. Finally, a landscape plan is provided on Sheet 9 of the Site Plans to show the proposed trees and plantings for the site including five 3" trees to mitigate the removal of one 28" Protected Tree (requiring 14" of mitigation plantings).

Regarding the Open Space buffer, the plans comply with all requirements as waived by the Board to allow a minimum buffer of 20' along the northerly and westerly property lines. The property to the west is Black Rock Country Club and the property to the north is a residential property. It is important to note that the closest dwellings are approximately 580' to the northerly property line and 220' from the westerly property line.

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 Common Driveway width, Driveway Profile, utility easements, runoff collection, drain manhole location, riprap and outlet structure, inspection ports, water main specification, and the open space buffer. 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 lot shape/size, driveway length, pedestrian access, grading, a bus stop area, blasting, cut/fill, slope, septic system, ledge removal, house size and style, snow removal, open space buffer, and guest parking. There was no public comment.

WAIVERS

The Applicant requires a waiver of submittal requirements under § I-I, 5.1(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis given the residential nature of the project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes a total land disturbance in excess of one acre and is part of a common plan of development. The development proposes preservation of approximately 68% of the total land area as Open Space. This is an excess of 28% over the minimum of 40% required. The Common Driveway and other site improvements are proposed to maintain natural drainage patterns to the greatest extent practicable.

b. Site Design

The placement of the Common Driveway and new dwellings are designed to match the existing topography to greatest extent practicable. The Open Space buffer and landscaping proposed will allow for screening from abutting properties.

c. Character and Scale of Buildings

The character and scale of the development is similar to other dwellings in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

The Applicant proposes the removal of one tree, which is a Protected Tree, requiring 14" of mitigation plantings. The Applicant proposes 15" of mitigation trees in addition to four other trees and numerous shrubs and plantings.

e. Limit of Clearing

One Protected Tree is proposed for removal. A silt sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work as well as an erosion control blanket where the slope exceeds 3:1. Additionally, a stabilized construction entrance is proposed at the existing entrance off Ward Street.

f. Finished Grade

The grades on the lot will be matched to the maximum extent practicable and seek to blend with the natural contours of the site while ensuring proper stabilization for structures. Additionally, erosion control blankets will be installed where the finished grade will be greater than 3:1.

g. Stormwater Management

Runoff from the site is proposed to direct into multiple subsurface stormwater systems that outlet toward the wetland area near the southeastern portion of the lot and at the end of the driveway. These outlets mirror the site's previous drainage patterns.

h. Utilities

The Applicant proposes individual septic tanks for each dwelling and a shared septic leaching field on the Open Space lot, as well as underground electrical/communication, gas, and water connections. Easements are proposed for both the shared septic system and utilities along the Common Driveway.

i. Pedestrian and Vehicular Access; Traffic Management

A new paved Common Driveway is proposed to access the development from Ward Street, as well as a two-car garage attached to each unit. In addition to a 4'-wide pedestrian path along one side of the Common Driveway to access the Open Space, an area for a school bus stop is also provided at the entrance of the Common Driveway for safe pedestrian standing.

j. Lighting

Typical residential lighting is proposed with this development.

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 meets all applicable Design and Performance Standards.

MOTION

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Black Rock Development for modification of the Site Plan Approval, originally issued September 18, 2023, under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.I. related to a Site Lighting Plan and Transportation Impact Analysis, for a Definitive Plan Review of a Flexible Residential Development consisting of 3 single-family dwellings and a Common Driveway on 4.8 acres of land at 199-201 Ward Street in Residence C District, subject to the following conditions:

1. **Proof of Recording.** Prior to submission of the Approval Not Required Plan, the Applicant shall file a certified copy of this decision at the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. **Stormwater Report and Plan Revisions.** Prior to the start of any work, the Applicant shall submit to the Community Planning Department:
 - a. A revised stormwater report to reflect the reconfigured driveway and stormwater system; and
 - b. A revised plan set to remove a reference to the previously proposed septic system location on sheet 6 of 9.
3. **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.
4. **No work shall commence without an approved Storm Water Pollution Protection Plan (SWPPP) in place.** The SWPPP must be submitted to the Community Planning Department a minimum of three weeks prior to the start of construction for review and is subject to third party peer review pursuant to MGL c. 44, s. 53G, to fund the cost of SWPPP inspections and review. The SWPPP must be phased consistent with any proposed

phasing of the project and shall identify the detailed Erosion & Sedimentation Controls during the different phases of the work.

5. 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.
6. Additional Building Lots. The Applicant shall return to the Board for a minor modification of this Approval when architectural plans are completed for Lot 1 and Lot 2 prior to construction on said lots.
7. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
8. 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.
9. 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.
10. 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,



Gordon Carr
May 7, 2024

In Favor: 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.

