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TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/
Owner: James Clarke
79 Tower Road
Hingham, MA 02043

Agent: Kevin Grady, P.E.
Grady Consulting, LLC
71 Evergreen Street
Kingston, MA 02364

Property: 79 Tower Road, Hingham, MA 02043

Deed Reference: Certificate of Title No. 131834 issued by the Plymouth County Registry District of the Land Court

Plan References: "Addition & Renovations, Anne & Jim Clarke, 79 Tower Road, Hingham, MA," prepared by Herzog Architecture, 575 South River Street, Marshfield, MA, dated May 8, 2024 (13 Sheets)

"Plot Plan, #79 Tower Road, Hingham, Massachusetts" prepared by Grady Consulting, LLC, 71 Evergreen Street, Kingston, MA, dated April 15, 2024 and revised through May 29, 2024 (4 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of James Clarke (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to construct an addition onto an existing single-family dwelling with a paved driveway, landscaping, and upgrade an existing septic system at 79 Tower Road in Residence District B.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 20, 2024, with a second substantive hearing held on June 10, 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 Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Gabriel Padilla, Grady Consulting, LLC, 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 63,392± SF of land improved by a single-family dwelling, sheds, an inground pool, a paved driveway, lawn, and wooded areas. The proposal calls for construction of an addition including an attached garage, reconfigured driveway, hardscaping, and landscaping. Total land disturbance consists of 8,875 SF – 4,710 SF of which is in areas with a slope greater than 10% – and a net fill of 285 CY.

Stormwater from the roof of the addition will direct into a subsurface infiltration system consisting of concrete galleys surrounded by crushed stone. A new septic system is proposed to serve the expanded dwelling. Water and overhead electric and communication utilities serving the existing dwelling are proposed to remain unchanged. A silt fence is proposed as a perimeter erosion control barrier and a stabilized construction entrance is proposed at the proposed driveway entrance. Two trees are proposed for removal, none of which are Protected Trees. The Applicant proposes several shrubs and plantings as additional landscaping for 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 report included comments related to an infiltration system detail, the erosion control barrier, the construction schedule, and infiltration rate calculations. 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 Protected Trees, driveway layout and location, and ledge removal. Board comments ultimately resulted in revisions related to the driveway layout and location and tree removal. There was no public comment.

WAIVERS

The Applicant requested a waiver of a Design and Performance Standard under § I-I, 6.h to allow electrical, telephone, and cable wires to remain above ground as this is simply an addition project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance consists of 8,875 SF – 4,710 SF of which is in areas with a slope greater than 10% – and a net fill of 285 CY. Additionally, the proposed work is partially 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 an existing lawn area with a redesigned driveway and relocated curb cut. 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

Two trees are proposed for removal, none of which are Protected Trees. The Applicant proposes several shrubs and plantings as additional landscaping for the site.

e. Limit of Clearing

Two trees are proposed for removal, none of which are Protected Trees. Additionally, a silt fence is proposed along the down-gradient limit of work.

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

Stormwater from the roof of the addition will direct into a subsurface infiltration system consisting of concrete galleys surrounded by crushed stone.

h. Utilities

A new septic system is proposed to serve the expanded dwelling. Water and overhead electric and communication utilities serving the existing dwelling are proposed to remain unchanged.

i. Pedestrian and Vehicular Access; Traffic Management

A redesigned driveway and relocated curb cut are proposed. 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 meets all applicable Design and Performance Standards, with the exception of a Standard under § I-I, 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 Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of James Clarke for Site Plan Approval under § I-I of the Zoning By-Law to construct an addition onto a single-family dwelling with a paved driveway, landscaping, and upgrade an existing septic system at 79 Tower Road in Residence District B, 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 and Community Planning Department 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. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
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,



Gordon Carr
June 25, 2024

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, 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.