



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Derek and Merissa Rice
6 Martins Cove Lane
Hingham, MA 02043

RECEIVED

Agent: Deborah Keller, P.E.
Merrill Engineers and Land Surveyors
427 Columbia Road
Hanover, MA 02061

OCT 08 2024
Town Clerk
Hingham, MA

Property: 6 Martins Cove Lane, Hingham, MA 02043

Deed Reference: Certificate of Title No. 134909 issued by the Plymouth County Registry District of the Land Court

Plan References: "Construction Management Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated February 16, 2024 and revised through September 16, 2024 (1 Sheet)

"Harborstone Residence, Hingham, MA," prepared by Gregory Lombardi Design, Inc., 221 Boston Road, North Billerica, MA, dated March 16, 2024 and revised through September 16, 2024 (5 Sheets)

"Harborstone Residence," prepared by unknown, dated September 16, 2024 (5 Sheets)

"Harborstone Residence, 6 Martins Cove Lane, Assessors Map 30 Lot 8, Hingham, Massachusetts," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated February 16, 2024 and revised through September 16, 2024 (4 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Derek and Merissa Rice (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 a pool and associated grading, landscaping, and hardscaping at 6 Martins Cove Lane in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on April 8, 2024, with additional substantive hearings held on May 6, 2024, June 10, 2024, and September 23, 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 Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Deborah Keller, Merrill Engineers and Land Surveyors, and Thomas McNeill, Hutker Architects, 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 77,000± SF of land improved by a single-family dwelling, detached garage, shed, paved driveway, hardscaping, landscaping, and several trees. The proposal calls for demolition of the existing structures and construction of a new dwelling with an attached garage, paved driveway, paved auto court, gravel driveway, inground pool, hardscaping, and landscaping. Total land disturbance consists of 53,693 SF and a net cut of approximately 1,000 CY.

Runoff from the paved driveway will direct to a rain garden, while runoff from portions of the roof and the auto court will direct into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Runoff from other impervious surfaces will flow overland toward Hingham Harbor. A raingarden in the front of the property will also serve as an overflow spillway. The proposed dwelling will connect to a new septic system, in addition to water, gas, and underground electric/communication connections. A silt sock is proposed as a perimeter erosion control barrier around the downgradient limits of work and a stabilized construction entrance is detailed on the Site Plan. Additionally, a temporary construction trailer is proposed in the front yard for the duration of the project. Nine trees are proposed for removal, however, none are located within the Tree Yard. While no mitigation plantings are required, the Applicant proposes to plant forty-seven trees – most of which will be located along the property lines of abutters.

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 grading, infiltration system specifications and inspection ports, trench drain detail, rain garden detail, construction entrance, and landscaping details. 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 the character and scale of the proposed dwelling, views from the water, street, and from abutting properties, building coverage, lighting, window coverage, climate change, house materials and style, grading, and wetland resource areas. There was public comment during the hearing and in writing related to concerns about the character and scale of the proposed dwelling, window coverage, lighting, and views from the water, street, and from abutting properties. Board and public comments ultimately resulted in the Applicant significantly reducing the size and scale of the dwelling.

WAIVERS

The Applicant requested a waiver of a submittal requirement under § 1-1,5.1 (iii), Transportation Impact Assessment, given the residential nature of the project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 53,693 SF of total land disturbance, with a net cut of approximately 1,000 CY. The project incorporates the use of retaining walls to minimize the amount of fill needed for proper stabilization of the development. Grading onsite is designed to match the existing grades to the greatest extent practicable given the proposed developments, in order to preserve drainage patterns on site.

b. Site Design

The proposed development is situated in the same approximate location as the existing dwelling, with an expanded footprint, and previously landscaped areas to minimize a great deal of new intervention of the site. Forty-seven new trees are proposed along the perimeter, in front of, and throughout the site, in addition to other existing trees on the property line, and will provide screening from abutters. Local wetland regulations protect the existing natural landscape of onsite resource areas and associated buffer areas located to the rear of the property along the harbor.

c. Character and Scale of Buildings

The design of the project is considerably different in terms of massing and scale from the existing 1949 dwelling on the site; the dwellings on immediately abutting properties; and many of the buildings in the broader vicinity. However, the Applicant made efforts throughout the hearing process to reduce the size and scale from the original proposal. The revised design includes architectural features such as lowered roof pitches to reduce

massing. Additionally, the property overall consists of approximately 77,000 SF of land, or close to double the 40,000 SF minimum lot area required under Section IV-A of the By-Law for the district. The project complies with all other dimensional standards, and abutters voiced favorable comments to the revised design and the willingness of the Applicant to hear and be responsive to their concerns about the original proposal.

d. Preservation of Existing Vegetation and Protected Trees

In total, nine trees are proposed for removal, however, none are located within the Tree Yard. While no mitigation plantings are required, the Applicant proposes to plant forty-seven trees – many of which will be located along the property lines of abutters. The new trees consist of deciduous and evergreen trees, totaling 170 caliper inches, in addition to numerous shrubs and plantings. The other existing sixteen Protected Trees in the development area as well as the remaining wooded areas will remain.

e. Limit of Clearing

Nine trees are proposed for removal, however, none are located within the Tree Yard, and a silt sock is proposed as a perimeter erosion control barrier around the downgradient limits of work

f. Finished Grade

As conditioned by this approval, finished grades greater than a 3:1 slope will have erosion control blankets installed and the site will be stabilized by loam and seed following construction. Retaining walls are also incorporated in the design to reduce the amount of fill needed for this project.

g. Stormwater Management

Runoff from the paved driveway will direct to a rain garden, while runoff from portions of the roof and the auto court will direct into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Runoff from other impervious surfaces will flow overland toward Hingham Harbor. A rain garden in the front of the property will also serve as an overflow spillway. Portions of dwelling will have a green roof, which will provide some additional treatment and storage. While not required as a single-family dwelling, the project complies with the MassDEP Stormwater Management Standards.

h. Utilities

The proposed dwelling will connect to a new septic system, in addition to water, gas, and underground electric/communication connections.

i. Pedestrian and Vehicular Access; Traffic Management

The driveway and auto court provide for adequate vehicular and pedestrian access. There are no changes proposed with respect to traffic management.

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, including minimal compliance with Criteria (c) Character and Scale of Buildings.

MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Derek and Merissa Rice for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a submittal requirement under § I-1, 5.1(iii) related to a Transportation Impact Analysis, to reconstruct a single-family dwelling with a pool and associated grading, landscaping, and hardscaping at 6 Martins Cove Lane in Residence District C, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording prior to issuance of any permit.
2. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit revised plans to the Community Planning Department to depict 1.) erosion control blankets where the finished grade exceeds a 3:1 slope and 2.) roof drain layout to confirm that the stormwater system will function as designed.
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. Stormwater Pollution Prevention Plan (SWPPP). Since the project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. 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 the SWPPP review.
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. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
7. **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.
8. **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.
9. **Maintenance of Protected and Replacement Trees.** Each Protected Tree retained 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.
10. **Additional Structures or Impervious Surface.** Any future proposed expansion of building footprint of a principal or accessory building and/or any increase in impervious surfaces shall require modification of this Site Plan Approval, so that the Board can review any potential impacts on the Design and Performance Standards under Section I-I of the By-Law.

For the Planning Board,



Gordon Carr

October 8, 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.

