



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Rebecca P. and Andrew R. Fagnoli
49 Elm Street
Hingham, MA 02043

Agent: Jeffrey Hassett, P.E.
Morse Engineering Company, Inc.
10 New Driftway, Suite 303
P.O. Box 92
Scituate, MA 02066

Property: 49 Elm Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58265 Page 338

Plan References: "Fagnoli Residence," prepared by Alisa Jones Design Studio, 15 Mill Wharf Plaza, Scituate, MA, dated December 4, 2023 and revised through August 31, 2024 (17 Sheets)

"Landscape Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated July 1, 2024 and revised through August 21, 2024 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, dated July 15, 2024 and revised through September 3, 2024 (1 Sheet)

RECEIVED

OCT 08 2024

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Rebecca P. and Andrew R. Fagnoli (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 grading, landscaping, hardscaping, drainage improvements at 49 Elm Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on August 12, 2024, with an additional substantive hearing held on September 23, 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. Jeffrey Hassett, Morse Engineering, 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 & DISCUSSION

The subject property consists of 16,030± SF of land improved by a single-family dwelling, paved driveway, walkway, and landscaping. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, paved driveway, walkway, hardscaping, and landscaping. Total land disturbance associated with the project consists of 12,000 SF – 830 SF of which is in areas with a slope greater than 10% – and a net cut of 240 CY.

Runoff from the driveway will collect in a catch basin which will pipe to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the roof of the proposed dwelling will also pipe into the subsurface infiltration system. Existing sewer, water, and gas services are proposed to reconnect to the proposed dwelling. Proposed electric and communication utilities will connect underground from a utility pole located off the east side of the property. A mulch sock is proposed as a perimeter erosion control barrier and the existing paved driveway will be utilized as the construction entrance. Construction fencing is also proposed along the southerly property line to protect children from entering the site in response to a neighbor’s request. Four trees are proposed for removal throughout the site. Three of the trees are within the Tree Yard – one of which is not a Protected Tree as it is a Norway maple. While only 11 inches of mitigation plantings are required, the Applicant proposes eight mitigation trees, five evergreens, two maples, and one ornamental – totaling 25 caliper inches. The Applicant also proposes numerous other shrubs and plantings throughout the property including a row of hedges for screening along the entire easterly property line abutting Lafayette and Elm Streets. There is also an existing fence proposed to remain along the southerly property line for screening of the neighbor at 51 Elm Street.

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 the HydroCAD model and mulch sock location.

During the course of the hearing, the Board raised questions and comments related to the character and scale of the proposed dwelling. There was public comment during the hearing and in writing related to construction site safety, the character and scale of the proposed dwelling, neighborhood history, and support for the project. Board and public comments ultimately resulted in a reduction in the size and scale of the dwelling and the addition of construction fencing. Abutters that had raised concerns about the original proposal, expressed support for the revision and appreciation to the Applicant for their responsiveness to those concerns and for working to modify the project’s size and design to fit more appropriately into the neighborhood.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance associated with the project consists of 12,000 SF – 830 SF of which is in areas with a slope greater than 10% – and a net cut of 240 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 area as the existing dwelling but with an increased footprint. Additionally, the proposed driveway is in the same location as exists today. A landscape plan is also proposed to improve the scenic qualities of the lot and provide additional screening from abutters.

c. Character and Scale of Buildings

While larger than the previously existing dwelling on the site, the character and scale of the proposed new dwelling is generally consistent with similar developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

Four trees are proposed for removal throughout the site. Three of the trees are within the Tree Yard – one of which is not a Protected Tree as it is a Norway maple. While only 11 inches of mitigation plantings are required, the Applicant proposes eight mitigation trees, five evergreens, two maples, and one ornamental – totaling 25 caliper inches. The Applicant also proposes numerous other shrubs and plantings throughout the property including a row of hedges for screening along the entire easterly property line abutting Lafayette and Elm Streets.

e. Limit of Clearing

Four trees are proposed for removal throughout the site. Three of the trees are within the Tree Yard – one of which is not a Protected Tree as it is a Norway maple. A mulch sock is proposed as a perimeter erosion control barrier and the existing paved driveway will be utilized as the construction entrance. Construction fencing is also proposed along the

southerly property line to protect children from entering the site in response to a neighbor's request.

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 driveway will collect in a catch basin which will pipe to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the roof of the proposed dwelling will also pipe into the subsurface infiltration system.

h. Utilities

Existing sewer, water, and gas services are proposed to reconnect to the proposed dwelling. Proposed electric and communication utilities will connect underground from a utility pole located off the east side of the property.

i. Pedestrian and Vehicular Access; Traffic Management

The project proposes a repaved driveway right next to that which 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.
- 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 Rebecca P. and Andrew R. Fagnoli for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated grading, landscaping, hardscaping, drainage improvements at 49 Elm Street 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. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
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

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.