



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Lev Yazykov  
377 Willard Street  
Quincy, MA 02169

Agent: Bob Rego, P.E.  
River Hawk Environmental  
511 W. Grove Street, Suite 301  
Middleboro, MA 02346

Property: 41 Wompatuck Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58160 Page 176

Plan References: "41 Wompatuck Road, Hingham, MA, Site Plan," prepared by River Hawk Environmental, 511 W. Grove Street, Suite 301, Middleboro, MA, dated April 29, 2024 and revised through October 1, 2024 (3 Sheets)

"New Single Family Residence for Mr. & Mrs. Yazykov and Family at 41 Wompatuck Road, Hingham, MA," prepared by Aprea Design Inc., 41 Ringbolt Road, Hingham, MA, dated September 12, 2024 (3 Sheets)

"Yazykov Residence, 41 Wompatuck Rd, Hingham, MA," prepared by Patricia Van Buskirk Landscape Architecture, 18 Summit Drive, Hingham, MA, dated March 22, 2024 (1 Sheet)

RECEIVED

OCT 15 2024

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Lev Yazykov (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 landscaping, grading, hardscaping, and a paved driveway at 41 Wompatuck Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on June 10, 2024, with additional substantive hearings held on July 8, 2024, July 29, 2024, and October 7, 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, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Bob Rego, P.E., River Hawk Environmental, 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 18,630± of land improved by a single-family dwelling, shed, gravel driveway, lawn areas, and some trees. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, new pervious driveways, inground pool, hardscaping, and landscaping. Total land disturbance associated with the project consists of 16,900 SF and a net fill of 720 CY.

Runoff from the roof will direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the proposed driveway and patio surrounding the pool is proposed to be infiltrated through the pervious surfaces. Runoff from the remainder of the site will flow offsite to the southwest as it does today. The new dwelling will connect to existing sewer, water, and gas services. Additionally, the site plans indicate that the dwelling is proposed to be connected to overhead electric/communication wires. Two dead trees are proposed for removal in the Tree Yard. While no mitigation is required, the Applicant proposes 28 new trees, primarily on the property line, in addition to a significant number of other plantings throughout the site. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work and a construction entrance is shown at the location of the proposed driveway along Planters Lane.

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 existing well, infiltration system elevations, stormwater system calculations, subcatchment areas, driveway material, erosion control material, Tree Yard, and utilities. 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, comparative metrics to other houses in the vicinity, foundation type, impervious coverage, squarefootage calculations, groundwater elevation,

potential stormwater impacts of development in Crow Point, the Kleinfelder report, and tree preservation. There was public comment during the hearing and in writing related to the character and scale of the proposed dwelling, stormwater mitigation, trees, construction schedule, and support for the project. Board and abutter comments ultimately resulted in the developer significantly reducing the size, footprint, and style of the proposed dwelling that brought the project more in line with recent developments in the area and sufficiently addressed the concerns of the abutters and the Board.

### **WAIVERS**

The Applicant requested a waiver of a Design and Performance Standard under § I-I, 6.h, requiring an underground electrical/communication connection, as the utility pole is on the other side of the street. The Board granted this request for the same reason in two other applications on Wompatuck Road in April 2023.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance associated with the project consists of 16,900 SF and a net fill of 720 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 the same area as the existing dwelling but with an increased footprint and a relocated driveway. A landscape plan is also proposed to improve the scenic qualities of the lot and provide 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 dwelling is generally consistent with similar recent developments in the vicinity and the Applicant made efforts throughout the hearing process to reduce the scale of the original proposal.

**d. Preservation of Existing Vegetation and Protected Trees**

Two dead trees are proposed for removal in the Tree Yard. While no mitigation is required, the Applicant proposes 28 new trees, primarily on the property line, in addition to a significant number of other plantings throughout the site.

**e. Limit of Clearing**

Two dead trees are proposed for removal in the Tree Yard. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits 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**

Runoff from the roof will direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the proposed driveway and patio surrounding the pool is proposed to be infiltrated through the pervious surfaces. Runoff from the remainder of the site will flow offsite to the southwest as it does today.

**h. Utilities**

The new dwelling will connect to existing sewer, water, and gas services. Additionally, the site plans indicate that the dwelling is proposed to be connected to overhead electric/communication wires.

**i. Pedestrian and Vehicular Access; Traffic Management**

The project proposes two driveways to the site – a main driveway off of Planters Lane and another small driveway 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 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 Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Lev Yazykov for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling with a pool and associated landscaping, grading, hardscaping, and driveway at 41 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 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 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.

For the Planning Board,



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Gordon Carr

October 15, 2024

**In Favor:** Gordon Carr, 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.