



TOWN OF HINGHAM

Planning Board

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NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Douglas Karo
247 River Street
N. Weymouth, MA 02191

Agent: Jeffrey Couture, P.E.
SITEC Engineering & Environmental Consultants, Inc.
769 Plain Street, Suite A
Marshfield, MA 02050

Property: 20 Broad Cove Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57238 Page 245

Plan References: "20 Broad Cove Renovation," prepared by Rosemont Design, 575 Washington Street, #2C, Canton, MA, dated January 8, 2024 (25 Sheets)

"20 Broad Cove Road Site Lighting Study Lumenblade 15 ft Mounting Height," prepared by Boston Light Source, 64 Commercial Wharf, Boston, MA, dated October 31, 2024 (1 Sheet)

"Details," prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 and revised through November 13, 2024 (1 Sheet)

"Existing Conditions Plan," prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 (1 Sheet)

"Grading Plan," prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 and revised through November 13, 2024 (1 Sheet)

“Proposed Planting Plan (By ECR, LLC),” prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 (1 Sheet)

“Site, Landscaping, & Erosion Control Plan,” prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 and revised through November 25, 2024 (1 Sheet)

“Traffic Management Plan,” prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 (1 Sheet)

“Utility Plan,” prepared by SITEC Engineering & Environmental Consultants, Inc., 769 Plain Street, Suite A, Marshfield, MA, dated October 10, 2024 and revised through November 13, 2024 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Douglas Karo (the “Applicant”) for Site Plan Review under § I-I of the Zoning By-Law (the “By-Law”) to renovate an existing building, under § III-A, 4.12 (commercial indoor amusement) of the By-Law, and make related site improvements at 20 Broad Cove Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on November 18, 2024 with an additional substantive hearing held on December 2, 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. Jeffrey Couture, SITEC Engineering & Environmental Consultants, 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 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 57,950± SF improved by a 5,590 SF pre-existing, non-conforming commercial building, paved parking areas, walkways and lawn area. The building has historically been used as a recreation place and a place of assembly under Section III-A.4.12. Since the property is zoned as Residence District A, in August 2024 the Zoning Board of Appeals issued a

finding under M.G.L. c. 40A, § 6 allowing continuation of the pre-existing non-conforming use of the property as commercial indoor amusement under Section III-A.4.12. The proposal calls for renovation of the existing building and site improvements, including resurfacing the parking lot, providing formalized driveway openings with curbing, fencing, landscaping, and stormwater mitigation improvements. Total land disturbance associated with the project consists of 19,840 SF – 9,500 SF of which is in areas with a slope greater than 10% – and a net fill of 60 CY. In clearing the rear portion of the site following review by the Conservation Commission, it became clear that additional area was disturbed in excess of 5,000 SF and work was stopped in order to obtain Site Plan Review.

The existing parking lot extends from the building, about 325' west along Broad Cove Road, with no curbing or other barriers separating the parking lot pavement and Broad Cove Road. To improve upon this, the project proposes a landscaped island surrounded by curbing to separate the parking lot from Broad Cove Road and there will be two full access driveway openings at either end of the parking lot. The parking lot will also be resurfaced and striped to provide forty-nine formal parking spaces, including two handicap spaces. Since there is no change to the use of the site under the use table in the By-Law, a Special Permit A3 is not required. However, this project was favorably reviewed by Jeffrey Dirk, the Board's traffic peer review engineer, during the application process with the ZBA, and also incorporated revisions to the site plans, in coordination with MassDOT, in accordance with the State Highway Access Permit.

Regarding improved stormwater mitigation, trench drains are proposed across each driveway at the right-of-way line to capture runoff onsite and direct it through proprietary treatment units before discharging into a subsurface infiltration system/trench consisting of a perforated pipe surrounded by crushed stone. Overflow from the subsurface system will discharge through a pipe toward Broad Cove. A new sewer service, with a grease trap, will connect to the sewer main in Broad Cove Road, while new water services for fire protection and domestic use will connect to the existing water main in Broad Cove Road. Additionally, the existing overhead utilities are proposed to remain overhead due to the utility poles being on the opposite side of Broad Cove Road. An erosion control barrier, consisting of a double row of silt sock is proposed along the coastal bank of Broad Cove. The Conservation Commission previously granted permission for tree and invasive species removal along the property's southern border with Broad Cove. This work has been completed and disturbed areas related to this work have been restored with seed mixes compatible with the coastal environment and stabilized with jute mesh.

With respect to tree removal, while used commercially, this property is zoned as a residential lot and is to be treated as such. Therefore, Protected Trees are considered to be those within the 10' Tree Yard that are healthy, native, and 6" in caliper or greater. All the trees listed in the arborist report as having been removed, and approved by the Conservation Commission, were in fact dead or in poor health and do not require mitigation. The five healthy trees proposed for removal in the northwesterly corner of the site are outside of the Tree Yard. Therefore, none of the trees removed were Protected Trees either because of their health or location on 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 test pits, O and M Plan specifications, infiltration trench filter, catch basin erosion protection, site lighting details, and addition of a car stops. The Applicant provided revisions that address all of Mr. Brennan's comments.

The Board's traffic peer review engineer, Jeffrey Dirk, Vanasse & Associates, Inc., reviewed this project during the ZBA Chapter 40A, Section 6 Finding hearing process as it relates to vehicle and pedestrian access and circulation and MassDOT design standards and permitting requirements. Mr. Dirk's initial comments related to traffic volume, parking lot safety improvements, and MassDOT requirements. The Applicant provided revisions that address all of Mr. Dirk's comments and also received approval from MassDOT in late September 2024.

During the course of the hearing, the Board raised questions and comments related to stormwater mitigation, site elevation, parking lot and site access improvements, tree removal, and landscaping. There was no public comment.

WAIVERS

The Applicant requested a waiver of Design and Performance Standards under Section I-I,6.d and h requiring mitigation tree planting for Protected Trees removed and requiring electrical/communication connections to be placed underground. The waiver regarding mitigation plantings is not required, as no Protected Trees are proposed to be removed. Regarding the electrical connection waiver, the Applicant requested this waiver given the location of the pole across the state highway.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance associated with the project consists of 19,840 SF – 9,500 SF of which is in areas with a slope greater than 10% – and a net fill of 60 CY. Additionally, the proposed work is located within previously disturbed/landscaped areas onsite and is designed to maintain existing drainage patterns to the greatest extent practicable.

b. Site Design

The proposed work is in areas to be landscaped and the existing parking lot will be resurfaced and restriped to improve upon the existing conditions. A landscape plan is also proposed in accordance with an Order of Conditions of the Conservation Commission and will improve the scenic qualities of the lot.

c. Character and Scale of Buildings

No changes are proposed to the existing structure onsite.

d. Preservation of Existing Vegetation and Protected Trees

The Conservation Commission previously granted permission for a significant number of dead/failing trees and invasive species to be removed along the property's southern

border with Broad Cove. This work has been completed and disturbed areas related to this work have been restored with seed mixes compatible with the coastal environment and stabilized with jute mesh. Additionally, five healthy trees are proposed for removal in the northwesterly corner of the site, but outside of the Tree Yard and do not require mitigation. The Applicant does not propose any additional tree plantings at this time.

e. Limit of Clearing

The Conservation Commission previously granted permission for a significant number of dead/failing trees and invasive species to be removed along the property's southern border with Broad Cove. This work has been completed and disturbed areas related to this work have been restored with seed mixes compatible with the coastal environment and stabilized with jute mesh. Additionally, five healthy trees are proposed for removal in the northwesterly corner of the site, but outside of the Tree Yard and do not require mitigation. An erosion control barrier, consisting of a double row of silt sock is proposed along the coastal bank of Broad Cove.

f. Finished Grade

This project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the resurfaced parking lot.

g. Stormwater Management

Trench drains are proposed across each driveway at the right-of-way line to capture runoff onsite and direct it through proprietary treatment units before discharging into a subsurface infiltration system/trench consisting of a perforated pipe surrounded by crushed stone. Overflow from the subsurface system will discharge through a pipe toward Broad Cove.

h. Utilities

A new sewer service, with a grease trap, will connect to the sewer main in Broad Cove Road, while new water services for fire protection and domestic use will connect to the existing water main in Broad Cove Road. Additionally, the existing overhead utilities are proposed to remain overhead due to the utility poles being on the opposite side of Broad Cove Road.

i. Pedestrian and Vehicular Access; Traffic Management

There are no changes proposed with respect to pedestrian access. In accordance with requirements of MassDOT, the parking lot entrances and separation from Route 3A will be improved from the existing conditions with clear markings and signage for safer vehicular travel. The existing parking lot will also be resurfaced and restriped to provide for safer travel and parking for vehicles.

j. Lighting

A site lighting plan is provided to exemplify that foot-candles will not exceed 0.25 beyond the property lines.

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, with the exception of a Standard under § I-1, 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 Tracy Shriver, the Board voted to GRANT the application of Douglas Karo for Site Plan Approval under § I-1 of the Zoning By-Law to renovate an existing building, under § III-A, 4.12 (commercial indoor amusement) of the By-Law, and make related site improvements at 20 Broad Cove 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,



Gordon Carr
December 9, 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.