



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Stephen Linskey
322 Rockland Street
Hingham, MA 02043

Agents: Dana Altobello, P.E.
Merrill Engineers & Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: 322 Rockland Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 17766 Page 3

Plan References: "The Linksey Residence," prepared by Kearney Pierce Architects, 222 North Street, Hingham, MA, dated March 27, 2024 (8 Sheets)

"Site Plan, 322 Rockland Street, Assessor's 23-01-03, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated June 13, 2024 and revised through December 17, 2024 (1 Sheet)

RECEIVED

JAN 13 2025

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Stephen Linskey (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to reconstruct a single-family dwelling with related grading and hardscaping at 322 Rockland Street in Business District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on January 6, 2025 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 also

conducted a site visit to the property at a public meeting held on November 6, 2024. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, and Tracy Shriver. Thomas Tremblay, E.I.T., Merrill Engineers & Land Surveyors, presented the application to the Board. 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 39,204± SF along the Weir River – all of which is in the AE10 Flood Zone – and is currently improved by a single-family dwelling, paved driveway, shed, and grassed areas. It is also a non-conforming property in the sense that it is a single-family dwelling in a Business District. The proposal calls for razing and rebuilding the single-family dwelling as a result of flooding issues on the property, with associated grading and hardscaping. Total land disturbance associated with the project consists of 10,500 SF – none of which is in areas with a slope greater than 10% – and a net fill of 472 CY.

The proposed dwelling will be smaller than the existing dwelling and utilize the same footprint. The existing driveway, which is expansive and surrounds the existing dwelling, will be removed and replaced with a new smaller driveway in front of the proposed garage. To the northeasterly side of the proposed garage there are 4 bluestone wheel pads proposed to provide a solid surface for vehicle wheels and will provide one additional guest parking space without a substantial increase in impervious area. In total, the proposed work will decrease the impervious area on site by 1,457 SF (30%).

As a property subject to coastal storm flowage, stormwater mitigation is not required. Under the existing conditions, the majority of the stormwater runoff from the proposed project area discharges to the Weir River to the northwest of the property, and is subject to tidal action. The Massachusetts Stormwater Handbook does not require the control of post-development peak discharge rates to pre-development levels for discharges towards large water courses like the Weir River which are subject to coastal storm flowage and flooding. With the reduction in impervious area by 1,457 SF, stormwater runoff will also be reduced. Given these circumstances, peer review was not required for this project.

In addition, the reconstructed dwelling will connect to water, sewer, and gas in the street and electrical/communication connections will be placed underground. A silt sock is shown as an erosion control barrier along the down-gradient limit of work. One tree greater than 6" in caliper exists on the site and is proposed to remain. No additional landscaping, other than grass is proposed.

During the course of the hearing, the Board noted comfortability with project as presented. There was public during the hearing related to the dwelling and garage elevations, grading, wheel stops,

and potential asbestos removal. The Applicant worked with the Board to resolve a number of the issues raised during the hearing process, most notably the size and location of the dwelling and ledge removal quantity, procedures, and hours.

WAIVERS

The Applicant requested waivers of submittal requirements under Section I-I, 5.g(ii), proposed landscaping, and h, Tree Protection and Mitigation Plan. The Applicant notes that since the site is located within land subject to coastal storm flowage, there is frequent inundation of salt water on the site and it is difficult to keep plants alive. The salt marsh located to the west of the site is proposed to be regrown naturally. Given this circumstance and the fact that there are no Protected Trees onsite or tree removal proposed, a waiver of these requirements would be appropriate.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance associated with the project consists of 10,500 SF – none of which is in areas with a slope greater than 10% – and a net fill of 472 CY. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable. Previously landscape areas will be returned to salt marsh in some areas.

b. Site Design

The proposed work is located in the same footprint as the existing dwelling but smaller. The existing driveway will be reduced in size and the existing shed will be removed.

c. Character and Scale of Buildings

The proposed project is smaller than the existing dwelling onsite and is in character with other developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

No trees are proposed for removal

e. Limit of Clearing

No trees are proposed for removal. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the down-gradient limit of work.

f. Finished Grade

Very minor grades are proposed to provide for stability of the new structure and maintain existing patterns onsite.

g. Stormwater Management

As a property subject to coastal storm flowage, stormwater mitigation is not required. Under the existing conditions, the majority of the stormwater runoff from the proposed project area discharges to the Weir River to the northwest of the property, and is subject

to tidal action. The Massachusetts Stormwater Handbook does not require the control of post-development peak discharge rates to pre-development levels for discharges towards large water courses like the Weir River which are subject to coastal storm flowage and flooding. With the reduction in impervious area by 1,457 SF, stormwater runoff will also be reduced.

h. Utilities

The reconstructed dwelling will connect to water, sewer, and gas in the street and electrical/communication connections will be placed underground.

i. Pedestrian and Vehicular Access; Traffic Management

There are no changes proposed with respect to traffic management or pedestrian access. A new reduced paved driveway is proposed along the front left portion of the property and wheel stops are proposed along the garage for extra parking on a pervious surface.

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.

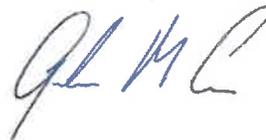
MOTION

Upon a motion made by Gordon Carr and seconded by Tracy Shriver, the Board voted to GRANT the application of Stephen Linskey for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of Submittal Requirements under § I-I, 5.g(ii) and h related to a proposed Landscape Plan and a Tree Protection and Mitigation Plan, to reconstruct a single-family dwelling with related grading and hardscaping at 322 Rockland Street in Business 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 prior to issuance of a building permit.

2. **Plan Revisions.** Prior to issuance of a building permit, the Applicant shall submit a revised site plan to the Community Planning Department noting a stabilized construction entrance to minimize debris on the streets from trucks.
3. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before resuming site work.
4. **Limits of Work.** 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.
5. **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.
6. **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.
7. **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.

For the Planning Board,



Gordon Carr

January 13, 2024

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, and Tracy Shriver

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.