



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: ALR Homes  
85 Tower Road  
Hingham, MA 02043

Agent: Brendan Sullivan, P.E.  
Merrill Engineers & Land Surveyors  
427 Columbia Road  
Hanover, MA 02339

Property: 85 Tower Road, Hingham, MA 02043

Deed Reference: Certificate of Title No. 137082 issued by the Plymouth County Registry District of the Land Court

Plan References: "85 Tower Road," prepared by Eckstrom Home Designs, 115 Main Street, Suite 2B, North Easton, MA, dated February 10, 2025 (9 Sheets)

"85 Tower Road Landscape Plan," prepared by Kamran Alam, dated March 12, 2025 (1 Sheet)

"Construction Period Sequencing and Stormwater Operation and Maintenance Plans," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated February 20, 2025 (4 Sheets)

"Long-Term Pollution Prevention Plan," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated January 22, 2025 (2 Sheets)

"Site Plan, 85 Tower Road, Assessor's Parcel 126-0-31, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427

RECEIVED

APR 03 2025

Town Clerk  
Hingham, MA

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the "Board") on the application of ALR Homes (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 hardscaping, landscaping, grading, and drainage at 85 Tower Road in Residence District B.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 24, 2025 with subsequent hearings on March 10, 2025 and March 24, 2025. 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. Brendan Sullivan, P.E., Merrill Engineers & Land Surveyors, 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 134,444± SF previously improved by a dwelling destroyed by fire approximately 14 years ago. The property also contains extensive woodland with areas of bordering vegetated wetlands. The proposal calls for construction of a new dwelling with an attached garage, decks, paved driveway, and hardscaping. Total land disturbance associated with the project consists of 26,813 SF – 17,852 SF of which is in areas with a slope greater than 10% – and a net fill of 1,200 CY.

Runoff from the paved driveway will be captured in a trench drain and piped to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the roof of the proposed dwelling will discharge into the subsurface infiltration system as well. With respect to utilities, a new water service will connect in Tower Road and electric and communication utilities will connect underground from an existing utility pole along Tower Road. Additionally, the existing septic system will be replaced with a new system. A silt sock is proposed as a perimeter erosion control barrier around the limit of work. The Applicant proposes to remove thirty-five trees in total – two of which are Protected Trees, totaling 30 caliper inches, which requires 15" of mitigation plantings. The Applicant proposes 21 trees (7 mitigation trees), totaling 63" (21" of mitigation trees), in addition to other shrubs and plantings.

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 need for test pits, submission of watershed plans, downspout connections, septic system location, additional specificity in the Construction Period Sequencing and Operation & Maintenance Plans, silt sock detail, addition of the Tree Yard, a retaining wall guardrail, and zoning information. 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 tree removal, Protected Trees, location of mitigation trees, dwelling height calculations, driveway orientation, and grading. During the hearing, the Applicant was responsive to requests and suggestions by the Board related to issues raised by the Board and the approved project reflected such changes. There was public comment related to the dwelling height calculations.

### **WAIVERS**

The Applicant requested waivers of Submittal Requirements under Section I-I, 5.I (ii) Sight Lighting Plan and (iii) Transportation Impact Analysis. Given the residential nature of the project, waivers of these requirements would be appropriate.

The Applicant also requires a waiver from a Submittal Requirement under Section I-I, 5.h.(ii) to allow stockpiling, grading, and driveway and septic construction within the Critical Root Zones (CRZ) of some of the Protected Trees. It is recommended to grant this waiver to allow retention of these trees and eliminate the need for more land disturbance elsewhere on the site. The house is also limited in its location due to the wetland resource areas. The granting of this waiver would be consistent with the Board's previous practice and a standard condition of approval requires replanting of any Protected Tree that dies within 2 years.

### **DESIGN AND PERFORMANCE STANDARDS**

#### **a. Land Disturbance**

The project proposes Total land disturbance associated with the project consists of 26,813 SF – 17,852 SF of which is in areas with a slope greater than 10% – and a net fill of 1,200 CY. Minor ledge removal is proposed, totaling 30 CY, and will be removed by chipping. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable.

#### **b. Site Design**

The proposed work is located in the same general location as the previous dwelling and away from wetland areas. 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**

The proposed project is larger than most houses in the vicinity but is located on a larger lot (3.08 acres) than most in the vicinity.

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

The Applicant proposes to remove thirty-five trees in total – two of which are Protected Trees, totaling 30 caliper inches, which requires 15” of mitigation plantings. The Applicant proposes 21 trees (7 mitigation trees), totaling 63” (21” of mitigation trees), in addition to other shrubs and plantings.

**e. Limit of Clearing**

The Applicant proposes to remove thirty-five trees in total – two of which are Protected Trees, totaling 30 caliper inches, which requires 15” of mitigation plantings. A silt sock is proposed as a perimeter erosion control barrier around the limit of work.

**f. Finished Grade**

With the exception of the areas of ledge removal, this project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new house.

**g. Stormwater Management**

Runoff from the paved driveway will be captured in a trench drain and piped to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the roof of the proposed dwelling will discharge into the subsurface infiltration system as well.

**h. Utilities**

A new water service will connect in Tower Road and electric and communication utilities will connect underground from an existing utility pole along Tower Road. Additionally, the existing septic system will be replaced with a new system.

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

There are no changes proposed with respect to traffic management or pedestrian access. The existing curb cut will be removed and a new driveway will be installed further to the north of the property.

**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 Kevin Ellis, the Board voted to GRANT the application of ALR Homes for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of Submittal Requirements under § I-I, 5.h.(ii), I(ii) & (iii) related to Critical Root Zone Protection, a Site Lighting Plan and Transportation Impact Assessment, to reconstruct a single-family dwelling with related hardscaping, landscaping, grading, and drainage at 85 Tower Road in Residence District B, 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. **Plan Revisions.** Prior to issuance of a building permit, the Applicant shall submit revised site plans to the Community Planning Department to demonstrate the minor grade changes in the rear of the house to accommodate Conservation Commission requirements.
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. **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.
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.
8. Maintenance of Protected Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), 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,



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Gordon Carr  
April 3, 2025

**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.