



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Timothy Pinch
29 Cushing Avenue
Hingham, MA 02043

Owner: 37 Cushing Avenue Realty Trust
37 Cushing Avenue
Hingham, MA 02043

Agent: Daniel Melgar
Hardy Man Design Group, PC
1285 Washington Street
Weymouth, MA 02189

Property: 37 Cushing Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 58461 Page 239

Plan References: "Landscape Plan," prepared by Sean Papich Landscape Architecture, MA,
dated January 7, 2025 and revised through June 26, 2025 (1 Sheet)

"Site Plan, 37 Cushing Avenue, Hingham, Massachusetts," prepared by
Hardy Man Design Group, PC, 1285 Washington Street, Weymouth, MA,
dated June 23, 2025 and revised through July 14, 2025 (1 Sheet)

RECEIVED

JUL 30 2025

**Town Clerk
Hingham, MA**

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 37 Cushing Avenue Realty Trust (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to demolish an existing single-family dwelling and detached garage, and make hardscaping, landscaping, and grading improvements at 37 Cushing Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on July 28, 2025 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Tracy Shriver, Chair, Gordon Carr, Kevin Ellis, Crystal Kelly, and Gary Tondorf-Dick. Sean Hardy, of Hardy Man Design Group, PC, 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 6,625 SF improved by a single-family dwelling and detached garage. The property is held in common ownership with the abutting lot to the southeast at 29 Cushing Avenue, where the Applicant's principal dwelling is located. The owner also has rights in a small private beach area across the street along Parker Driveway, however, the work on that parcel is under the disturbance threshold for Site Plan Review and is therefore not part of this review. The proposal calls for demolition of the existing dwelling and detached garage with subsequent landscaping, hardscaping, and grading improvements. Total land disturbance associated with the project consists of 6,794 SF – 848 SF of which is in areas with a slope greater than 10% – and a net fill of 709 CY. Impervious area on this site will be reduced by 75% from 3,664 SF to 917 SF.

Due to the significant reduction in impervious area and considerable landscaping proposed, no stormwater improvements are proposed. Runoff will continue to flow southeasterly toward the coast, as exists today, and a filter sock erosion control barrier is proposed along the down-gradient limit of work to prevent sediment runoff during construction. The driveway will be reconfigured and allow access to both sites owned by the Applicant. With respect to landscaping, one tree and some shrubs and other landscaping currently exist on the site. The Applicant proposes to remove the tree onsite outside of the Tree Yard and two trees in the town layout. Removal of the town trees are noted on the landscape plan to be coordinated with the DPW. As a result of these considerations, no mitigation is required. While no new trees are proposed, a significant number of other shrubs and plantings are proposed throughout the site.

During the course of the hearing, the Board raised questions and comments related to the retaining wall view from the street, lot ownership, and appreciation of open space. There was no public comment.

WAIVERS

The Applicant requires a waiver of a submittal requirement under Section I-1.5.f (utility plan) since no utilities are proposed for this demolition and landscaping project other than potential electrical connections to the landscape lighting.

DESIGN AND PERFORMANCE STANDARDS

The following Design and Performance Standards under Section I-1.6 are applicable to the demolition and landscaping project:

a. Land Disturbance

Total land disturbance associated with the project consists of 6,794 SF – 848 SF of which is in areas with a slope greater than 10% – and a net fill of 709 CY. Impervious area on this site will be reduced by 75% from 3,664 SF to 917 SF. The proposed work is designed to maintain existing drainage patterns.

b. Site Design

The reconfigured driveway is in the same general area as currently exists and will not detract from the site’s natural features.

d. Preservation of Existing Vegetation and Protected Trees

One tree and some shrubs and other landscaping currently exist on the site. The Applicant proposes to remove the tree onsite outside of the Tree Yard and two trees in the town layout. Removal of the town trees are noted on the landscape plan to be coordinated with the DPW. As a result of these considerations, no mitigation is required. While no new trees are proposed, a significant number of other shrubs and plantings are proposed throughout the site.

e. Limit of Clearing

The Applicant proposes to remove the tree onsite outside of the Tree Yard and two trees in the town layout. Removal of the town trees are noted on the landscape plan to be coordinated with the DPW. As a result of these considerations, no mitigation is required. Additionally, a filter sock erosion control barrier is proposed along the down-gradient limit of work to prevent sediment runoff during construction.

f. Finished Grade

Minor grade changes are proposed in connection with the demolition of the dwelling and garage, but will maintain the same pattern that exists on the site.

g. Stormwater Management

Due to the significant reduction in impervious area and considerable landscaping proposed, no stormwater improvements are proposed. Runoff will continue to flow southeasterly toward the coast, as exists today.

i. Pedestrian and Vehicular Access; Traffic Management

There are no changes proposed with respect to traffic management or pedestrian access. The driveway will be reconfigured and allow access to both sites owned by the Applicant.

j. Lighting

Typical landscape 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 Tracy Shriver and seconded by Crystal Kelly, the Board voted to GRANT the application of 37 Cushing Avenue Realty Trust for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a submittal requirement under § I-1.5.f related to a utility plan, to demolish an existing single-family dwelling and detached garage, and make hardscaping, landscaping, and grading improvements at 37 Cushing Avenue 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. 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.
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.

For the Planning Board,



Tracy Shriver
July 30, 2025

In Favor: Gordon Carr, Kevin Ellis, Crystal Kelly, 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.