



# TOWN OF HINGHAM

## Planning Board

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Town Clerk  
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### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant/Owner:** Bow Street, LLC  
9 Rocky Lane  
Cohasset, MA 02025

**Agent:** James D. Garfield, P.E.  
Morse Engineering Company, Inc.  
10 New Driftway, Suite 303  
Scituate, MA 02066

**Property:** 33 Cliff Road, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds Book 59249 Page 82

**Plan References:** "33 Cliff Road, Hingham, MA 02043," prepared by A Gallagher Companies, 690 Main Street, Norwell, MA, dated August 15, 2025 (1 Sheet)

"Construction Phase Operation & Maintenance Plan Best Practices," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated June 10, 2025 and revised through August 19, 2025 (5 Sheets)

"Cut & Fill Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated June 10, 2025 (1 Sheet)

"New Home at 33 Cliff Road, Hingham, MA," prepared by W.B. Daniels Design, South Yarmouth, MA, dated April 5, 2025 (4 Sheets)

"Post-Construction Phase Operation & Maintenance Plan Best Practices," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated June 10, 2025 and revised through August 19, 2025 (5 Sheets)

“Site Plan,” prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated June 10, 2025 and revised through September 22, 2025 (2 Sheets)

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the “Board”) on the application of Bow Street, LLC (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 33 Cliff Road in Residence District C.

The Board opened a duly noticed public hearing on the application without the receipt of testimony at a meeting held remotely on July 28, 2025. Subsequent sessions were held on August 11, 2025 and September 15, 2025 without the receipt of testimony, and substantively on August 25, 2025 and September 29, 2025. All sessions were held 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, and Gary Tondorf-Dick. James D. Garfield, P.E., of Morse Engineering Company, Inc., 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 19,712± SF improved by a single-family dwelling, shed, lawn areas, and several trees. The proposal calls for demolition of the existing dwelling and construction of a new single-family dwelling with an attached garage, paved driveway, pervious paver patio, and landscaping. Total land disturbance associated with the project consists of 9,309 SF – 4,497 SF of which is in areas with a slope greater than 10% – and a net cut of 653 CY.

Runoff from the roof of the proposed dwelling will discharge into a shallow grass depression for infiltration, with an overflow weir to discharge toward the salt marsh, while runoff from the driveway will collect in a crushed stone trench and infiltrate some of the runoff and have an overflow into the grass depression. Existing electric, gas, water, and sewer utilities serving the existing dwelling will reconnect to the proposed dwelling and the electrical/communication wires will connect underground. A portion of the ledge onsite is proposed for removal for construction of the dwelling and driveway. A mulch sock is proposed as a perimeter erosion control barrier around the down-gradient limit of work and a stabilized construction entrance is proposed in the location of the proposed driveway. There is a conservation mitigation area identified on the Site Plan and detailed on the Landscape plan. Three trees are proposed for removal, however they

are not in the Tree Yard. While no mitigation is required, the Applicant proposes 11 new trees in addition to a number of 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 crushed stone trench, water quality volume calculation, outlet weir, Operation & Maintenance plan, stabilized construction entrance detail, location of some plantings, and Stormwater Standard #6. 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 setbacks, ledge removal, comparison to other homes in the neighborhood, junk yard clean-up, construction vehicle parking, wetlands, the coastal bank line, and ledge geology. There was no public comment.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance associated with the project consists of 9,309 SF – 4,497 SF of which is in areas with a slope greater than 10% – and a net cut of 653 CY. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable and does not create a great deal of additional impervious area beyond what exists on the site. Some ledge removal is required to provide stability for the new structure and driveway.

**b. Site Design**

The proposed dwelling is largely located in the same area that exists but is pulled further away from the property line of the abutter to the south. Additionally, the proposed driveway will also be in the same location as exists today.

**c. Character and Scale of Buildings**

The proposed project is similar in character and scale to other homes in the vicinity.

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

Three trees are proposed for removal, however they are not in the Tree Yard. While no mitigation is required, the Applicant proposes 11 new trees in addition to a number of other shrubs and plantings.

**e. Limit of Clearing**

Three trees are proposed for removal, however they are not in the Tree Yard. Additionally, a mulch sock is proposed as a perimeter erosion control barrier around the down-gradient limit of work.

**f. Finished Grade**

Some grade changes are proposed to provide stability for the structure and improvements and match the existing topography to the greatest extent practicable. Grading in the rear portion of the lot will remain untouched.

**g. Stormwater Management**

Runoff from the roof of the proposed dwelling will discharge into a shallow grass depression for infiltration, with an overflow weir to discharge toward the salt marsh, while runoff from the driveway will collect in a crushed stone trench and infiltrate some of the runoff and have an overflow into the grass depression.

**h. Utilities**

Existing electric, gas, water, and sewer utilities serving the existing dwelling will reconnect to the proposed dwelling and the electrical/communication wires will connect underground.

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

There are no changes proposed with respect to traffic management or pedestrian access. The proposed driveway will be in the same location as exists today.

**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 Tracy Shriver and seconded by Gary Tondorf-Dick, the Board voted to GRANT the application of Bow Street, LLC for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with related hardscaping, landscaping, grading, and drainage at 33 Cliff Road in Residence District C, 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. Prior to issuance of a certificate of occupancy, the Applicant shall provide a revised landscape plan to the Community Planning Department to reflect the latest revisions in accordance with the Conservation Commission's approval.
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 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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Tracy Shriver  
October 1, 2025

**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.