



# TOWN OF HINGHAM

## Planning Board

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Hingham, MA

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant/Owner:** Breakwater Development LLC  
213 Wompatuck Road  
Hingham, MA 02043

**Agent:** James Garfield, P.E.  
Morse Engineering Company, Inc.  
10 New Driftway, P.O. Box 92  
Scituate, MA 02066

**Property:** 20 Whiton Avenue, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds Book 60337 Page 258

**Plan References:** "Construction Phase Operation & Maintenance Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, P.O. Box 92, Scituate, MA, dated September 22, 2025 (5 Sheets)

"Cut & Fill Plan," prepared by prepared by Morse Engineering Company, Inc., 10 New Driftway, P.O. Box 92, Scituate, MA, dated September 22, 2025 (1 Sheet)

"Landscape Plan 20 Whiton Avenue," prepared by Voguish Designs, 30 N. Gould Street #54313, Sheridan, WY, dated November 17, 2025 and revised through December 8, 2025 (1 Sheet)

"New Private Single-Family Residence for Breakwater Development LLC," prepared by Aperia Design, Inc., 5 Ringbolt Road, Hingham, MA, dated September 19, 2025 and revised through November 26, 2025 (4 Sheets)

“Post-Construction Phase Operation & Maintenance Plan,” prepared by Morse Engineering Company, Inc., 10 New Driftway, P.O. Box 92, Scituate, MA, dated September 22, 2025 (5 Sheets)

“Site Plan,” prepared by Morse Engineering Company, Inc., 10 New Driftway, P.O. Box 92, Scituate, MA, dated September 22, 2025 and revised through December 5, 2025 (1 Sheet)

### **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the “Board”) on the application of Breakwater Development 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 20 Whiton Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application without the receipt of testimony at a meeting held on October 27, 2025. Additional substantive sessions were held on November 10, 2025, November 24, 2025, and December 8, 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, Crystal Kelly, and Gary Tondorf-Dick. James 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 12,500± SF improved by a single-family dwelling with a deck, shed, paved driveway, hardscaping, 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 patio and walk, retaining walls, and landscaping. Total land disturbance associated with the project consists of 11,942 SF – 4,145 SF of which is in areas with a slope greater than 10% – and a net cut of 715 CY.

Runoff from most of the roof of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the driveway will collect in a crushed stone trench along the south side of the driveway and easterly property line. Existing utilities serving the existing dwelling are proposed to be cut, temporarily capped, and reconnected to the proposed dwelling and the electrical/communication wires will newly connect underground. A mulch sock is proposed as a perimeter erosion control barrier around the limit of work and the existing gravel driveway will serve as the construction entrance.

Four trees are proposed for removal – two of which are Protected Trees within the Tree Yard, totaling 12” and requiring 6” of mitigation plantings. The two other trees proposed for removal in the Tree Yard are invasive Norway Maple trees and do not require mitigation. The Applicant proposes twelve trees as mitigation, totaling 48”, 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 roof runoff, stormwater system overflow and filter fabric, and retaining walls. 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 the size of the dwelling, gross floor area, floor to area ratio, setbacks, the neighborhood analysis, dwelling height, construction vehicle parking, tree removal, retaining walls, Critical Root Zones, roof pitch, tree species, and landscaping. There were four public comment letters submitted in support of the project.

### **DESIGN AND PERFORMANCE STANDARDS**

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

Total land disturbance associated with the project consists of 11,942 SF – 4,145 SF of which is in areas with a slope greater than 10% – and a net cut of 715 CY. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable. Much of the proposed disturbance and site improvements are in areas where land was already disturbed for the existing improvements.

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

The proposed dwelling is largely located in the same area that exists but is expanded. 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**

Four trees are proposed for removal – two of which are Protected Trees within the Tree Yard, totaling 12” and requiring 6” of mitigation plantings. The two other trees proposed for removal in the Tree Yard are invasive Norway Maple trees and do not require mitigation. The Applicant proposes twelve trees as mitigation, totaling 48”, in addition to other shrubs and plantings.

#### **e. Limit of Clearing**

Four trees are proposed for removal – two of which are Protected Trees within the Tree Yard, totaling 12” and requiring 6” of mitigation plantings. The two other trees proposed for removal in the Tree Yard are invasive Norway Maple trees and do not require

mitigation. Additionally, a mulch sock is proposed as a perimeter erosion control barrier around the limit of work.

**f. Finished Grade**

Some minor grade changes are proposed to provide stability for the structure and improvements and largely match the existing topography. Most of the existing grades in the rear portion of the lot will remain untouched.

**g. Stormwater Management**

Runoff from most of the roof of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the driveway will collect in a crushed stone trench along the south side of the driveway and easterly property line.

**h. Utilities**

Existing utilities serving the existing dwelling are proposed to be cut, temporarily capped, and reconnected to the proposed dwelling and the electrical/communication wires will newly 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**

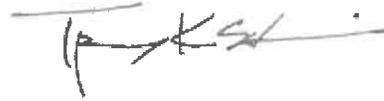
Upon a motion made by Tracy Shriver and seconded by Gary Tondorf-Dick, the Board voted to GRANT the application of Breakwater Development LLC for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with related hardscaping, landscaping,

grading, and drainage at 20 Whiton 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; 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, and all 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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Tracy Shriver  
December 9, 2025

**In Favor:** Gordon Carr, 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.