



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Morgan Residential LLC
c/o Jake Morgan
15 Maryknoll Drive
Hingham, MA 02043

Owner: Kyle and Stuart Murphy
40 Downing Street
Hingham, MA 02043

Agent: DTM Law, P.C.
c/o Jeffrey Tocchio
175 Derby Street, Suite 30
Hingham, MA 02043

Property: 40 Downing Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 49174 Page 278

Plan References: Site plans entitled, "Proposed Residential Reconstruction," prepared by SITEC, dated November 10, 2025 and revised through November 20, 2025 (4 Sheets)

Landscape plan entitled, "Proposed Landscaping," prepared by Seoane Landscape Design, Inc., overlaid on Sheet C-2 of the above-referenced site plans, undated (1 Sheet)

Architectural plans entitled, "40 Downing Street," prepared by OCO Architecture Design, dated September 3, 2025 and revised through December 16, 2025 (13 Sheets)

RECEIVED
DEC 29 2025
Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Morgan Residential 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 40 Downing Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held on December 8, 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. A subsequent hearing was held both in person and remotely on December 22, 2025. The Board panel consisted of regular members Tracy Shriver, Chair, Gordon Carr, Kevin Ellis, Crystal Kelly, and Gary Tondorf-Dick. Jeffrey Couture, P.E., of SITEC and Attorney Jeffrey Tocchio of DTM Law 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 17,343± SF improved by a single-family dwelling, detached garage, shed, paved driveway, hardscaping, and lawn areas. The proposal calls for demolition of the existing dwelling and garage and construction of a new single-family dwelling with an attached garage, reconfigured paved driveway, pervious paver walks, and landscaping. Total land disturbance associated with the project consists of 12,486 SF and a net fill of 4 CY.

Runoff from portions of the roof of the proposed dwelling will discharge into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. The existing septic system will be replaced and a new water line will connect to the existing water service. Additionally, since Downing Street is under moratorium until 2029, the Applicant proposes new overhead services from an existing utility pole located across the street. A silt sock is proposed as a perimeter erosion control barrier around the limit of work and construction entrances are proposed at the driveway access points off Downing Street. The initial application materials and site plan set indicate that three Protected Trees were removed in July/August 2025, totaling 68” and requiring 34” of mitigation plantings. No other trees are proposed for removal. The Applicant proposes 13 new trees in the Tree Yard, totaling 39” of mitigation plantings.

In an effort to address design-related concerns raised by the Board during the initial public hearing, the Applicant submitted revised elevation drawings and comparison plans. The revisions reduced the overall height of the dwelling and the massing between the main structure and the attached garage. The Applicant also conducted a floor to area analysis of other properties on Downing Street to demonstrate that the proposed dwelling at 30% fell below the average of others on the street.

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. His final report confirmed compliance with

applicable standards. The Board also received 4 letters from abutters expressing support for the project.

WAIVERS

The Applicant requested a waiver of a Design and Performance Standard under Section I-I.6.h that requires underground electrical and communication connections. Since Downing Street is under moratorium until 2029, the Applicant proposes new overhead services from the utility pole across the street.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance associated with the project consists of 12,486 SF and a net fill of 4 CY. The existing site is relatively flat and 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 within the same area as the existing. Additionally, the proposed driveway will be reoriented to better accommodate the roadway radius.

c. Character and Scale of Buildings

The proposed dwelling was designed to comply with all dimensional standards for buildings and the project will result in the elimination of nonconformities associated with the existing garage. Homes along the street exhibit a variety of residential styles, with a number of capes, but also some gambrels and garrisons. The floor to area ratio of the proposed project will be lower than most other properties on the street. The building design presents a reasonable departure from the existing home on the site and others in the neighborhood.

d. Preservation of Existing Vegetation and Protected Trees

Three Protected Trees, totaling 68" in caliper, were removed from the site within the 12 months prior to application. These removals require 34" of mitigation plantings. No other trees are proposed for removal. The proposed landscape plan calls for 13 new trees, totaling 39", to be planted in the Tree Yard, which exceeds the mitigation standards under Site Plan Review.

e. Limit of Clearing

A silt sock is proposed as a perimeter erosion control barrier around the limit of work. No work will be conducted within the 100' buffer to a wetland resource area on adjoining property.

f. Finished Grade

Some minor grade changes are proposed to provide stability for the structure and improvements, but these largely blend into the existing topography.

g. Stormwater Management

Runoff from portions of the roof of the proposed dwelling will discharge into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Shallow grass swales will convey surface runoff in a southeasterly direction toward the rear of the lot.

h. Utilities

The existing septic system will be replaced and a new water line will connect the house to the existing service gate. Additionally, since Downing Street is under a street opening moratorium until 2029, the Applicant proposes new overhead electric and communications services from the utility pole across the street.

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 reoriented to better accommodate the roadway radius.

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, with the exception of a Standard under § I-1, 6.h requiring an underground electrical/communication connection. A waiver of this Standard to allow an overhead connection will not adversely impact the interests set forth in subsection a. above.

MOTION

Upon a motion made by Tracy Shriver and seconded by Crystal Kelly, the Board voted to GRANT the application of Morgan Residential LLC for Site Plan Approval under § I-1 of the By-Law to reconstruct a single-family dwelling with related hardscaping, landscaping, grading, and drainage improvements at 40 Downing Street 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,



Tracy Shriver
December 24, 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.