



TOWN OF HINGHAM
Planning Board

**NOTICE OF DECISION
SITE PLAN REVIEW WITH BUILDING PERMIT
LAND DISTURBANCE**

IN THE MATTER OF:

Applicant: Canterbury Street, LLC
16 Lewis Court
Hingham, MA 02043

Owner: Same as Applicant

Property: 4 Jordan Way, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Map 43, Lot 157

Plan Reference: The "Site Plans" as referenced herein shall mean (a) the civil plan set for "4 Jordan Way, Hingham, MA" (5 sheets), prepared by James Engineering, Inc., dated March 7, 2021, last revised August 3, 2021, (b) "Grading & Drainage Plan (Lot 4A)", Sheet C-213, prepared by CHA, issued August 28, 2017, revised through May 25, 2018, and (c) "Landscape Plan 3", Sheet L-1, prepared by Tish Campbell, dated April 27, 2021, revised through August 4, 2021

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Canterbury Street LLC (the "Applicant") for Site Plan Review under §§ I-I and IV-B, 6 for development of a single-family dwelling and related improvements resulting in land disturbance exceeding 5,000 SF overall and 5,000 SF in an area with slopes greater than 10%.

The Board discussed the application during a meeting held on April 26, 2021 and continued to May 10, 2021, June 21, 2021, July 26, 2021 and August 9, 2021, all taking place via Zoom as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Member Kevin Ellis completed a Mullins certification for 4/26/21 meeting. Member Rita DaSilva was not present on August 9, 2021 and, therefore, did not participate in the vote for this application. In addition to the Applicant, Gary James, P.E. appeared to present the

application to the Board. The Board was assisted in its review by peer reviewer John Chessia, P.E., of Chessia Consulting LLC and Town real estate counsel, Susan Murphy. At the conclusion of the hearing, the Board members present at the meeting voted unanimously to grant Site Plan Approval with conditions as set forth below.

BACKGROUND

Jordan Way was previously approved as a Definitive Subdivision. The proposed project for Lot 4 (4 Jordan Way) will develop a new residential house on a previously approved subdivision lot and will result in an overall disturbance of 37,174 SF of land, including 5,000 SF of disturbance in areas with grades of more than 10%. Such disturbance triggered a requirement for Site Plan Review under Section IV-B.6 of the Zoning Bylaw.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Special Permit Approval Criteria under § I-I, 6. of the By-Law:

- a. ***Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;***

Adjoining lots will not be affected by surface water from the lot as the drainage is designed in accordance with the original subdivision design. Due to the tree coverage existing and to be added to the lot, site lighting should not adversely affect abutters.

- b. ***Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;***

The application is triggered by land disturbance. The proposed single-family dwelling is located in within an approved subdivision and therefore the driveway is located on the approved subdivision way. There are issues related to the location of the driveway on the lot which are addressed by this approval, but those issues do not affect the safety of the driveway in relation to the subdivision road.

- c. ***Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;***

The proposed dwelling includes a garage accessed via a driveway from Jordan Way. There is sufficient parking available on the site for a single-family use.

d. Adequacy of open space and setbacks, including adequacy of landscaping of such areas;

While pre-existing trees exist on the lot, the Board's peer review engineer, John Chessia, noted that there has been disturbance of the Tree Preservation Area shown on the approved subdivision plan. Demarcation of the Tree Preservation Area, including additional boulders in addition to those required under the subdivision approval, and new plantings are provided for to address these conditions.

e. Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;

Management of soil tracked from the site and control of dust will be a required condition of this approval.

f. Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;

The proposed residential use can be sufficiently addressed through the Town's water supply. The proposed septic system is subject to approval by the Board of Health.

g. Assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm water Management Policy and Standards including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;

The basic stormwater design was reviewed during the subdivision review process and, based on Mr. Chessia's review, the design for this site is consistent with the subdivision design previously approved.

h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;

Based on Mr. Chessia’s review, the site is predominantly ledge which is unsuitable for infiltration. The applicant proposed a subsurface roof drain system which is intended to achieve the maximum feasible infiltration.

- i. Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;*

The Tree Preservation Area required on the lot pursuant to the subdivision plans and approval has been altered without the Planning Board’s approval of a subdivision modification. The revised site plan and landscape plan show the reestablishment of the boundary of the Tree Preservation Area by the addition of more boulders along the boundary and planting of replacement trees.

- J. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;*

The footprint of the single-family dwelling is consistent with others in the subdivision.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted 4-0 to grant the application of Canterbury, LLC for site plan approval pursuant to Section I-I and Section IV-B.6 of the Zoning By-Law for the property located 4 Jordan Way, as shown on the Site Plans, in accordance with the findings and subject to the following conditions:

1. Prior to commencement of any work on the lot, the applicant shall revise the Site Plans as follows:
 - (a) The Civil Set and the Landscape Plan shall be revised to clearly note that the two pin oaks to be planted to the northwest of the house (on either side of the Norway Spruce plantings) are to be planted inside of the Tree Preservation Area.
2. Prior to commencement of construction on the site, an Illicit Discharge Certification Statement must be provided.
3. Prior to issuance of a building permit, the applicant shall place the boulders shown on the Site Plan along the Tree Preservation Area boundary and such boulders shall be maintained in such locations.
4. Standard Conditions
 - (a) Pre-Construction Meeting. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing. Any existing erosion controls within the existing Tree Preservation Area shall be relocated or replaced with a new sock boundary at the boundary of the Tree Preservation Area.

- (b) 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 during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant’s expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
- (c) As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner 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.
- (d) Dust and Soil Control. At the end of each workday, the site contractor shall address with broom sweeping any soil tracked-out onto Jordan Way. The applicant shall have measures available on-site to address dust should it begin to occur during dry periods of construction.
- (e) SWPPP. Applicant shall comply with the existing Stormwater Pollution Protection Plan (SWPPP) submitted in connection with the Subdivision approval.

In Favor: Kevin Ellis, Gary Tondorf-Dick, Gordon Carr and Judith Sneath

Opposed: None

For the Planning Board,



Kevin Ellis, Chair

August 16, 2021