

**NOTICE OF DECISION
SITE PLAN REVIEW UNDER SECTION IV-B.6.b.2**

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IN THE MATTER OF:

Applicant: Michael Cifrino
143 Summer Street
Hingham, MA 02043

Premises: 143 Summer Street
Hingham, MA 02043

Date: January 13, 2019

Plan Reference: “Planting Plan” 133 Summer St., Hingham, MA, prepared by Sean Papich landscape architecture, 222 North Street, Hingham, MA 02043, dated December 20, 2018, 1 sheet. “Site Plan for Lot 1 133 Summer Street in Hingham, MASS.”, prepared for Michael and Frances Cifrino, 143 Summer Street, Hingham, MA 02043, prepared by Ross Engineering Company Inc., dated April 23, 2018, revised to May 15, 2018, 4 sheets.

Summary of Proceedings:

This matter came before the Planning Board after the Building Commissioner inspected the property of Michael Cifrino, 143 Summer Street, Hingham, MA and determined that a Site Plan Review under Section IV-B.6.b.2 relative to the clearing, grading, site disturbance and alteration of drainage patterns of more than 20,000 square feet was required. This was documented in an inspection report dated June 19, 2017 and a letter dated August 9, 2017.

The application was submitted on April 24, 2018. The Planning Board opened the hearing at the regular meeting of May 21, 2018 and continued the matter to June 18, 2018, September 10, 2018, October 22, 2018 and January 7, 2019. The Board did a site visit on January 5, 2019 attended by Gary Tondorf-Dick, Judith Sneath and Gordon Carr as well as the staff planner. Meetings were held in the Hingham Town Hall at 210 Central Street. Members of the Planning Board seated on this application were Jennifer Gay Smith, William Ramsey, Judith Sneath, Gary Tondorf-Dick, and Gordon Carr. Patrick Brennan, Amory Engineering, served as the peer review engineer for the Board. Mr. Greg Tansey, Ross Engineering, and Sean Papich, Papich Landscape Architecture were agents for the applicant.

The Board reviewed the engineered plan and had questions regarding the changes to the grading and groundcover from the condition of the site before start of work to present day. The Board noted that if the applicant had applied for permits prior to doing the work the Board would have looked at the same criteria including drainage, limits of clearing, options for maintaining sound and site buffers, limiting clearing if possible and proposed grading and landscape material. The Board also noted that when reviewing proposals it is common to seek to mitigate impacts on abutters and also address existing concerns if they exist, particularly relative to drainage. The Board noted the interest indicated by the Hingham Municipal Light Plant in replacing the utility poles in the existing easement as detailed in the January 7, 2019 email communication. The Board discussed the prevalence of ledge on the site and the overall topography sloping towards Summer Street. One concern is the proximity of the settling basin to the roadway and driveway easement and that the overflow would be to the driveway and roadway. The Board discussed that the drainage calculations indicated that the post development flows calculate to be less than the predevelopment (prior to clearing) flows but with the current design some storm water does still discharge from the settling basin across the driveway which is not a desirable condition due to proximity to state layout and icing concerns. The Board discussed options to mitigate this condition and the peer review engineer identified several different strategies that could be designed to do so. The Board was not able to discuss and identify one specific strategy for this project because the Applicant was not in attendance. Ultimately the Board determined that identifying a performance standard regarding the final drainage design was more appropriate than prescribing a particular design solution to mitigate the concern because it still afforded flexibility to the Applicant while ensuring the concern regarding the discharge of water over the driveway easement and into the road is mitigated. The Board reviewed the landscape plan and had specific questions on landscaping which the design engineer, Greg Tansey, was unable to speak to at the January 7, 2019 meeting. The Board specifically considered the proposed landscape plan and the extent to which the sound and sight buffers and overall replanting of landscape material and groundcovers were depicted. The Board felt that overall the caliper and sizes of the plantings proposed were insufficient in size in that numerous years of growth would be required to restore the sound and sight buffer. The Board referred to photographs in the file which show the site prior to the work as being fully wooded with old growth mature trees and stated that there is no opportunity to preserve any of that buffer because this is permitting after the fact. The Board asked Mr. Tansey what the schedule was for implementing the landscape plan and Mr. Tansey stated the applicant's intent is to install the landscape material as soon as possible. The Board heard public comment on the matter after the Board questions were concluded.

Board members then reviewed the project in accordance with the Site Plan Review Criteria contained in Section I-I (6) as follows:

- 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;*

The Board found that there is a swale concurrent with the utility easement which will capture and help infiltrate surface water runoff from the eastern portion of the property. The remainder of the site and disturbed area drains towards the north and Summer Street. Any further increase in impervious surfaces on the site would require further drainage analysis. No outside lighting is proposed. A fence is proposed along the Summer Street frontage

- 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 Board found that no changes to driveway locations or design are proposed with this project.

- 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 Board found that this is not applicable.

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

The Board found that the Landscape plan prepared by Sean Papich was submitted on 12-20-18 and supplemental information on landscaping material submitted 1-7-19. The Board found that the caliper of the trees proposed provides insufficient screening and must be revised. The Board found that this site was cleared prior to application for permit so the number of removed trees greater than 6 inches caliper is not clearly quantified, and that the cleared area was heavily wooded with old growth forest as shown in the photographs in the file. The Board found that the Applicant's agent stated the applicant's intent is to install the landscape material as soon as possible.

- e. adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;*

The Board found that this is not applicable.

- 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 Board found that the Hingham Municipal Light Plant states that it is imperative that the utility poles within the existing utility easement through the property be replaced prior to final grading work on this project.

g. assurance of positive stormwater 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 stormwater 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 Stormwater Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.

The Board found that the grading plans have been reviewed by the Peer Review Engineer. The post development flows calculate to be less than the predevelopment (prior to clearing) flows but with the current design some storm water does still discharge from the settling basin across the driveway which is not a desirable condition due to proximity to state layout and icing concerns.

h. 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 Board found that this site was cleared prior to application for permit so the number of removed trees greater than 6 inches caliper is not clearly quantified. The cleared area was heavily wooded with old growth forest as shown in the photographs in the file.

i. minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.

The Board found that this is not applicable.

DECISION AND VOTE:

Regarding the requested waivers from the requirements of Section I-I with respect to the submittal of a landscape plan, drainage calculations and a site plan public hearing the Board takes no action as Mr. Tansey stated the requests for waivers have been withdrawn as the materials have been submitted and the waivers are no longer needed.

It was Moved, Seconded and SO VOTED to APPROVE the Site Plan Review application for 143 Summer Street as presented and as shown on the plans titled "Planting Plan" 133 Summer St., Hingham, MA, prepared by Sean Papich landscape architecture, 222 North Street, Hingham, MA 02043, dated December 20, 2018, 1 sheet, and "Site Plan for Lot 1 133 Summer Street in Hingham, MASS.", prepared for Michael and Frances Cifrino, 143 Summer Street, Hingham, MA 02043, prepared by Ross Engineering Company Inc., dated April 23, 2018, revised to May 15, 2018, 4 sheets, based on the findings and subject to the following conditions:

1. Applicant is responsible for securing all required State and Local permits.
2. Any changes to the site as designed or any proposed increase in impervious surface on the site requires a modification of site plan with associated drainage review to mitigate any associated increases in runoff.
3. No outside lighting shall be installed as part of this project.

4. A fence which is consistent with the height and privacy of the existing fence of 143 Summer Street shall be installed along the Summer Street frontage up to the point of the driveway easement.
5. The work shall not cause an interruption to the utilities to 31 Old Colony Road.
6. The Site Plan shall be revised to reference that the landscaping is to be planted in accordance with the Landscape Plan prepared by Sean Papich and this decision.
7. Within 90 days the landscape architect shall meet with staff to provide an updated landscape plan to demonstrate a full contiguous screening effect is provided along 31 Old Colony Road and Summer Street up to 7' in height within 5 years and an immediate visual screen deemed adequate by staff is provided at the time of planting. Such screening shall include understory and over story plantings in proportion.
8. The applicant shall record the site plan review decision at the Registry of Deeds prior to the start of work.
9. Prior to start of final grading work the applicant shall coordinate with the HMLP to schedule replacement of the utility poles that fall within the existing easement and access to the easement shall not be obstructed by plantings or any other structure.
10. Site plan shall be revised to add a call out note referencing the existing deeded easements (Book and Page).
11. The landscape material shall be installed by the end of 2019.
12. Applicant is responsible for securing all other required state and local permits prior to the start of work.
13. Discharge from the settling basin shall not be allowed to flow 1) across the driveway serving 31 Old Colony Road, or, 2) into the state highway layout without a Mass DOT permit. Within 90 days of the decision the applicant shall update the drainage plan to demonstrate how the drainage condition will be satisfied. This submittal will be peer reviewed at the expense of the applicant.
14. The large oak tree in the south west corner of the lot shall be preserved (east of the driveway easement).

Gordon M. Carr
Chairman, Hingham Planning Board

Cc: Town Clerk; Building Department; Assessor; DPW; Ross Engineering; Pat Brennan, Amory Engineering; Sean Papich; J. Coughlin, HMLP.