

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

Certified #7018 1830 0000 1812 6288

IN THE MATTER OF:

Applicant: A.B. Kahane and Associates, Inc.
 11 Whiting Street
 Hingham, MA 02043

Premises: 7 Howe Street
 Hingham, MA 02043

Date: April 10, 2019

Plan Reference: “Site Plan Assessors Map 17 Lot 44, #7 Howe Street, Hingham, Massachusetts”, prepared for A.B. Kahane & Associates, INC., prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA 02354, dated February 15, 2019, revised to April 3, 2019, 1 sheet.

Summary of Proceedings:

This matter came before the Planning Board on the application of A.B. Kahane and Associates, Inc., 11 Whiting Street, Hingham, MA, for Site Plan Review under Section IV-B.6.b. for the alteration of more than 2500 sf in areas with >10% slope. The grading changes were associated with the redevelopment of the property, property zoned Residence A.

The Planning Board heard the application at the regular meetings of March 25, 2019 and April 8, 2019 in the Hingham Town Hall at 210 Central Street. Members of the Planning Board present were: Jennifer Gay Smith, Judith Sneath and Gordon Carr. Patrick Brennan, Amory Engineering, served as the peer review engineer for the Board. Mr. Brendan Kling, Grady Consulting was present with Walter Sullivan, Attorney for the Applicant, and together they presented the project to the Board. Mr. Sullivan explained this project triggers site plan review due to the proposed earthwork in the area of the existing steep slopes. The property is developed with a single family home which was recently renovated for resale. During the renovation process the Building Commissioner issued a stop work order and referred the applicant to the Planning Board for Site Plan Review. The Board noted that the construction and related storm water resulted in damage off site for the town and the abutting owners.

The Applicant team explained that a system of dry wells, subsurface chambers and a stone trench will all work to collect and infiltrate storm water on site. After construction less water will drain off site than before the construction project. The Board had their peer review engineer witness the test pits and review the original and revised submittals for compliance with the regulations as well as general construction practices. The Board received written comments from the abutting owner and heard public testimony related to the damages suffered as a result of the storm water runoff. The Board noted that this design is intended to control the drainage moving forward.

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 prior to the applicant filing for site plan review the site was disturbed causing runoff into the street and abutting property. The Board also found that the drainage from the roof is being detained and infiltrated. The driveway will have a stone trench to intercept and infiltrate drainage. The post construction volume and rate of flow is lower than the preconstruction drainage.

- 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 this was not applicable.

- 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 was a single family house.

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

The Board found that the repair and completion of the retaining wall is proposed.

- 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 was 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 previously uncontrolled runoff transported sediment off site into the town's storm water system and onto abutting properties.

- 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, and Massachusetts Erosion and Sediment Control Guidelines.*

The Board found that the plans show a silt fence and erosion controls that must be installed prior to the start of additional work; the plans show drywells, stone trenches and subsurface chambers to collect and infiltrate runoff. They also found that the proposed construction and erosion controls along with the implementation of the Operation and Maintenance Plan will result in a site that complies with the Storm water Standards and mitigate potential erosion issues during construction.

- 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 is not applicable.

- 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:

It was Moved, Seconded and SO VOTED to APPROVE the Site Plan Review for 7 Howe Street as presented at the hearing and shown on the plans titled "Site Plan Assessors Map 17 Lot 44, #7 Howe Street, Hingham, Massachusetts", prepared for A.B. Kahane & Associates, INC., prepared by Grady Consulting, LLC., 71 Evergreen Street, Suite 1, Kingston, MA 02354, dated February 15, 2019, revised to April 3, 2019, 1 sheet, based on the findings and subject to the following conditions:

1. The stone trench shall end at the property line unless the applicant receives approvals from the DPW for work in the way.
2. An as built plan and associated field evidence shall be submitted to demonstrate the drainage is functioning as designed and intended.
3. The Applicant is responsible for securing any supplemental building permits for the retaining walls prior to construction.

4. The walls shall be repaired, completed and inspected prior to issuance of the Certificate of Occupancy.
5. The Applicant shall clean the catch basins proximate to the site in Howe Street and Marsh Street and provide documentation to the planning office and the DPW. Structures must be cleaned to the satisfaction of the DPW prior to the issuance of the Certificate of Occupancy.
6. An as-built shall be submitted to the planning office prior to Certificate of Occupancy demonstrating construction in conformance with the approval.

Gordon M. Carr
Chairman, Hingham Planning Board

Cc: Town Clerk; Building Department; Assessor; DPW; Grady Consulting; Pat Brennan, Amory Engineering; W. Sullivan.