

HINGHAM PLANNING BOARD MINUTES

May 9, 2022 @ 7:00 PM

REMOTE MEETING

Planning Board Members Present Remotely: Judith Sneath, Gordon Carr, Gordon Carr

Also Present: Emily Wentworth, Community Planning Director; Michael Silveira, Senior Planner

Members Absent: Kevin Ellis, Rita DaSilva

At 7:02 p.m. Acting Chair Tondorf-Dick called the Planning Board meeting to order and stated the following:

“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

Hearing(s)

Member Tondorf-Dick stated Chair Ellis and Member Rita DaSilva would not be present, and that Member Tondorf-Dick would be Acting Chair.

Acting Chair Tondorf-Dick stated the first matter would be an **Approval Not Required (ANR) application for Kurt Gondveer, 85 Weir Street.**

Acting Chair Tondorf-Dick provided background on the application filed and the two lots on the proposed plan.

Mr. Kurt and Ms. Dina Gondveer, applicants, were present. Mr. Gondveer described the land that would serve as a buffer between his property and the abutting property.

Acting Chair Tondorf-Dick asked for Member comments. There were none.

Acting Chair Tondorf-Dick asked for public comments. There were none.

Based on the information submitted and presented during the hearing Acting Chair Tondorf-Dick MOVED to endorse, pursuant to MGL c. 41 § 81P, the plan entitled “Plan of Land,” for the property located at 85 Weir Street, prepared by Moran Surveying Incorporated, 14 William Ave, Pembroke, MA, dated April 22, 2022, and revised through May 6, 2022.

Second: Gordon Carr

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

Opposed: None

Acting Chair Tondorf-Dick stated that the next matter was the **Site Plan Review for Canterbury LLC, 5 Jordan Way.** Acting Chair Tondorf-Dick stated that some applications on the agenda would require the application of new site plan review standards, while some, including 5 Jordan Way, would not.

Director Wentworth gave background on the applicability of the new regulations under Massachusetts General Law.

Acting Chair Tondorf-Dick gave background on the application and invited the applicant to speak.

Mr. Gary James was present and presented the plans and gave background on the project. Mr. James stated the lot was at the end of the cul de sac and the last in the subdivision. He stated the lot had been used for stockpiling during construction on other lots. Mr. James stated the house was in the original proposed position and described changes to: the rear of home; retaining walls; erosion control measures; utility service connections; and street trees.

Mr. John Woodin joined on the applicant's behalf. He discussed tree removal, drainage, architectural plans and landscape plans.

Acting Chair Tondorf-Dick provided an overview of Patrick Brennan, the peer review engineer's, comments.

Mr. James stated an infiltration system and catch basin had been added, erosion control measures had been updated, and the review engineer's comments had been addressed.

Acting Chair Tondorf-Dick asked for Member comments. There was discussion regarding the height of the retaining wall and the updated landscape plan, which included: additional tree size details; specific tree types; tree preservation; tree caliper; tree canopy; soil and conditions for tree longevity; grading; an energy dissipater; catch basins; retaining walls; runoff; compaction of fill; and applicability of site plan review triggers given recent Zoning By-Law amendments.

Acting Chair Tondorf-Dick proposed the following findings:

- 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 project provides for adequate site drainage, including drainage lots as part of the Jordan Way subdivision, subsurface infiltration chambers, riprap, and an additional catch basin. Fire hydrant locations are appropriate and in accordance with the approved Definitive Subdivision plans. Additionally, 1 Norway Spruce tree with a minimum height of 8 ft. are to be planted and added to the landscape plan to the west of the dwelling as a condition of approval herein to provide additional screening for the abutting property and remain consistent with other approved site plans within the subdivision.

- 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 driveway has been relocated to the left side of the proposed home; otherwise, the project proposes no changes to vehicular and pedestrian movement, or access for service, utility and emergency vehicles and remain in accordance with the approved Definitive Subdivision plans.

- 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 single-family dwelling includes a 3-car garage for parking of vehicles. The Board reviewed and approved traffic patterns within the overall development in connection with the 2018 subdivision application.

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

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District C. A revised landscape plan will propose two Norway Spruce trees in place of the two proposed Heritage River Birch trees in addition to numerous plantings in the front of the home. One additional tree will be required as a condition of this approval.

- 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 stormwater system shall be expressly prohibited;**

The proposed driveway will be used as a stabilized construction entrance during the construction phase of the project. A mulch sock will control erosion during construction and will be inspected periodically. Stockpiles will be established in designated areas and encompassed by erosion controls to contain sediment laden runoff as necessary and will be temporarily seeded, mulched or covered.

- 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 dwelling will be connected to public water, sewer, gas, and electric services, and poses no adverse impacts on the Town's resources.

- g. Assurances 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 including the Massachusetts Stormwater 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 stormwater system.**

The project complies with the MassDEP Stormwater Standards. Sediment and erosion control measures are incorporated into the plan, some of which have already been installed. Runoff from the roof and driveway will be directed to subsurface infiltration chambers.

- 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 stormwater controls at consistent intervals.**

Based upon Amory Engineering's review, implementation of best management practices with the stormwater design are sufficient.

- 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.**

An existing stone wall in the rear of the property is proposed to remain, and stone boulders from the excavated site are proposed to be reused for a retaining wall. No changes are proposed to the existing tree line.

- 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 proposed project is aligned with the character and scale of similar residential structures in the neighborhood.

And MOVED to GRANT the application of Canterbury Street LLC for Site Plan Approval under § I-I of the Zoning By-Law to construct a 5 bedroom single family dwelling and related improvements at 5 Jordan Way (Lot 6A Canterbury Estates) in Residence District C, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of the decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. Additional Trees. One Norway Spruce tree with a minimum height of 8 ft. shall be added to the landscape plan to the west of the dwelling and two Norway Spruce trees with a minimum height of 8 ft. shall be added to the landscape plan in replacement for the two

Heritage River Birch trees as identified to be planted on the Landscape Plan. Said plan shall be submitted to the Community Planning Department and Building Commissioner with the application for a building permit.

3. 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.
4. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
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 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.
6. 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.

Second: Gordon Carr

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

Opposed: None

Acting Chair Tondorf-Dick stated that the next matter was **Peter and Vi Phan's application for Site Plan Review for 4 Pine Grove Road**, and that the new recently adopted Zoning By-Law standards would apply.

Acting Chair Tondorf-Dick provided background on the application. There was discussion regarding the number of bedrooms and Title V regulations.

Mr. Jeff Hassett of Morse Engineering was present on the applicant's behalf. Mr. Hassett gave an overview of the project site, discussed: removal and replacement of trees; screening; stormwater; drywells for roof runoff; utilities; septic system; peer review comments and revisions to plans to date based on feedback received from other Town departments and boards.

Acting Chair Tondorf-Dick asked for abutter comments. There were none.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding: the existing gravel driveway with added paved section; location of site; wetlands protection considerations; tree maintenance; Fire Department driveway turnaround requirements and associated revisions; tree removal; migration of flow into aquifer protection nearby area; groundwater separation; Board of Health administrative approval needed; and sustainability considerations.

Based on the information submitted and presented during the hearing Acting Chair Tondorf-Dick proposed the following findings:

- a. The proposed development 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.

And MOVED to GRANT the application of Peter T. and Vi Phan for Site Plan Approval under § I-I of the Zoning By-Law to raze and reconstruct a single family dwelling and other improvements at 4 Pine Grove Road in Residence District B, subject to the following conditions:

1. Recording of Decision. 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. Driveway & Access. Prior to issuance of a building permit, the Applicant shall submit a revised plan to the Community Planning Department and Fire Marshal to demonstrate compliance with appropriate driveway and fire hydrant regulations.
3. 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.
4. 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.
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 tree protection areas during construction and the approved drainage and stormwater system installed for the project, as well as the condition of the tree protection areas. 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 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.
7. Maintenance of Protected and Replacement Trees. Each Protected Tree retained, and all new 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.

Second: Judith Sneath

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

Opposed: None

Acting Chair Tondorf-Dick stated that the next matter was **Deborah Zildjan's application for Site Plan Review for 10 Martins Cove Lane**, and that the new recently adopted Zoning By-Law standards would apply.

Acting Chair Tondorf-Dick provided background on the application.

Mr. Hazam Dani, Professional Engineer with CHA Consulting, appeared on behalf of the applicant.

Mr. Dani discussed the scope of the project and the original Site Plan Approval from 2021. Mr. Dani shared plans and discussed the attached garage modification, parking turnaround area, and Conservation Commission and Board of Health approvals.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding the stormwater runoff from the driveway to the boathouse, quality of runoff toward the harbor and natural filtration, net zero design and energy efficiency and the waivers requested with original application.

Acting Chair Tondorf-Dick proposed the following finding: that the proposed modifications do not materially or adversely affect conditions governed by the Site Plan Review design and performance standards set forth in § I-I of the Zoning By-Law; as such, the project constitutes a minor modification of the Site Plan Approval, issued May 17, 2021;

And MOVED to waive Site Plan Review under § I-I, 9 of By-Law in connection with the grading adjustments and site layout modifications at 10 Martins Cove Lane in Residence District C.

Second: Gordon Carr

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

Opposed: None

Acting Chair Tondorf-Dick stated that the next matter was **Daniel and Sarah Bravo's Site Plan Review application for 2 Feeley Lane.**

There was discussion regarding the zoning freeze under MGL 40A § 6.

Acting Chair Tondorf-Dick gave background on the application for the single family home and associated improvements at a lot originally part of the Downer Estates subdivision.

Mr. Hassett presented on behalf of the applicant. Mr. Nick Keller was also present. Mr. Hassett shared revised materials that included site plans showing the limit of work and landscape plans with tree details.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding the updates made responsive to the Board's prior requests, removal of trees in the perimeter zone, increase in trees being planted and ledge blasting.

Acting Chair Tondorf-Dick asked for abutter comments. There were none.

Based on the information submitted and presented during the hearing Acting Chair Tondorf-Dick proposed the following findings:

- 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 project provides for adequate site drainage, including appropriate drainage flow, installation of a wetland mitigation area, and associated roadway drainage infrastructure. Three 8-10' Blue Atlas Cedar and ten 7-8' Green Giant Arborvitae trees along the southerly border, two 3-5" caliper Red Maple trees along the street, four 10-12' River Birch trees, and an existing tree line and other trees and plantings are proposed to provide a sound and site buffer and minimize impacts of the views and any outdoor lighting on abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

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

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District A. Furthermore, three 8-10' Blue Atlas Cedar, ten 7-8' Green Giant Arborvitae trees, two 3-5" caliper Red Maple street trees, four 10-12' River Birch trees, a wetland mitigation area with plantings, and other trees and plantings are proposed in addition to an existing tree line.

- 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 stormwater system shall be expressly prohibited;**

The existing driveway will be used as a stabilized construction entrance during the construction phase of the project. The Operation & Maintenance Plan calls for routine inspection of proposed prevention efforts of illicit discharges into the stormwater system. A silt sock will be installed along the downgradient to control erosion during construction and inspected periodically. Any stockpiled topsoil will be stabilized or protected with sediment trapping measures, and any sediment from construction onto the street shall be removed immediately. Ledge removal will be done through a combination of hammering and blasting, with total removal of the ledge outcrop expanding over 2 & 4 Feeley Lane resulting in an estimated 1,100 C.Y. cut. Tri axle dump trucks will be utilized for cut removal from the site. Each truck carries approximately 16 C.Y., resulting in a total of 70 truckloads of ledge to be removed from the site.

- 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 dwelling will be connected to public water, sewer, and electric services. Additionally, a propane tank and service will supply the home.

- g. Assurances 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 including the Massachusetts Stormwater 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 stormwater system.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement.

- 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 stormwater controls at consistent intervals.**

Based upon Seacoast Engineering's review, implementation of best management practices with the stormwater design are sufficient.

- 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 project proposes any stockpiled topsoil to be stored in a stabilized or protected area onsite until ready for re-use. Furthermore, three 8-10' Blue Atlas Cedar and ten 7-8' Green Giant Arborvitae trees along the southerly border, two 3-5" caliper Red Maple trees along the street, four 10-12' River Birch trees, a wetland mitigation area with plantings, and other trees and plantings are proposed in addition to an existing tree line. Finally, an existing stone wall along the northerly property line is proposed to remain.

- 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 proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

And MOVED to GRANT the application of Daniel and Sarah Bravo for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law to construct a single-family dwelling and other improvements at 2 Feeley Lane located in the Residence A District, subject to the following conditions:

1. Recording of Decision. 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.
1. 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.
2. Blasting. A blasting permit shall be obtained from the Fire Department prior to issuance of a building permit.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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.
5. 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.

Second: Judith Sneath

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

Opposed: None

Acting Chair Tondorf-Dick stated the next matter was an application for **Site Plan Review at 4 Feeley Lane for Brian and Kyra Davis.**

Acting Chair Tondorf-Dick provided background on the application.

Mr. Jeff Hassett appeared on behalf of the applicant. Mr. Hassett described changes to the pool area, grade, new limit of work, plantings, landscape plan, hardscape and proposed trees.

Acting Chair Tondorf-Dick asked for Member comments.

There was discussion regarding the improvement in the updated plans, the patio, the pool fence, ledge removal, drainage, setbacks and proposed accessory dwelling unit.

Asked for abutter comments. There were none.

Member Sneath stated the applicant requested a waiver of certain submittal requirements within c and i pursuant to § I-I, 4, as they are not affected by the proposed project:

- c. Traffic analysis;
- i. Site lighting plan

Based on the information submitted and presented during the hearing Member Sneath proposed the following findings:

- 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 project provides for adequate site drainage, including appropriate drainage flow and associated roadway drainage infrastructure. A total of twenty-six 7-8' Green Giant Arborvitae trees along the northerly and southerly borders, two 3-5" caliper Red Maple trees along the street, and an existing tree line are proposed to provide a sound and site buffer and minimize impacts of the views and any outdoor lighting on abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

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

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District A. Furthermore, twenty-six 7-8' Green Giant Arborvitae trees, two 3-5" caliper Red Maple trees, and various additional trees and plantings are proposed in addition to an existing tree line.

- 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 stormwater system shall be expressly prohibited;**

The existing driveway will be used as a stabilized construction entrance during the construction phase of the project. The Operation & Maintenance Plan calls for routine inspection of proposed prevention efforts of illicit discharges into the stormwater system. A silt sock will be installed along the downgradient to control erosion during construction and inspected periodically. Any stockpiled topsoil will be stabilized or protected with sediment trapping measures, and any sediment from construction onto the street shall be removed immediately. Ledge removal will be done through a combination of hammering and blasting, with total removal of the ledge outcrop on the property resulting in a 803 C.Y. cut.

- 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 dwelling will be connected to public water, sewer, and electric services. Additionally, a propane tank and service will supply the home.

- g. Assurances 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 including the Massachusetts Stormwater 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 stormwater system.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement.

- 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 stormwater controls at consistent intervals.**

Based upon Seacoast Engineering's review of the subdivision plans, implementation of best management practices with the stormwater design are sufficient.

- 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 project proposes any stockpiled topsoil to be stored in a stabilized or protected area onsite until ready for re-use. Furthermore, a total of twenty-six 7-8' Green Giant Arborvitae trees along the northerly and southerly borders, two 3-5" caliper Red Maple trees along the street, and an existing tree line are proposed.

- 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 proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

And proposed a motion to GRANT the application of Brian and Kyra Davis for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law to construct a single-

family dwelling, a swimming pool, and other improvements at the property located at 4 Feeley Lane in the Residence A District, subject to the following conditions:

1. Recording of Decision. 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. 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.
3. Blasting. A blasting permit shall be obtained from the Fire Department prior to issuance of a building permit.
4. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
5. The proposed Accessory Dwelling Unit requires a Special Permit A1 under Section V-K of the By-Law.
6. 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.
7. 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.
8. Landscape Plan. The Applicant shall submit a revised Landscape Plan showing a fence around the pool. Any fence greater than 6 ft. in height shall comply with the 15 ft. side-yard setback required in Residence District A and a building permit shall be obtained. Said plan shall be submitted to the Community Planning Department and Building Commissioner with the application for a building permit.

Acting Chair Tondorf-Dick MOVED to GRANT the Motion as read.

Second: Gordon Carr

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

Opposed: None

Acting Chair Tondorf-Dick stated the next matter would be a **Modification of Site Plan Approval for 6 Feeley Lane for Nicholas Keller and Kerrie Molloy Keller.**

Mr. Hassett described the single family home project and nature of modifications since the prior approval. Mr. Hassett discussed the position of the home, retention of trees, landscape plan and plantings.

There was discussion regarding peer review completed during the subdivision phase, the rotation of the house on the plans, need for an updated landscape plan, cleared area and lack of ledge removal.

Acting Chair Tondorf-Dick asked for abutter comments. There were none.

Based on the information submitted and presented during the hearing Member Carr stated that the applicant requested a waiver of certain submittal requirements within c and i pursuant to § I-I, 4, as they are not affected by the proposed project:

- c. Traffic analysis;
- i. Site lighting plan

Proposed the following findings:

- 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 project provides for adequate site drainage, including appropriate drainage flow, three roof drywell systems, creation of an abutting drainage lot, and associated drainage lot and roadway infrastructure. Eighteen 7-8' Giant Green Arborvitae trees along the northerly border, two 3-5" caliper Red Maple trees along the street, numerous other trees and plantings, and an existing tree line are proposed to provide a sound and site buffer and minimize impacts of the views and any outdoor lighting on abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

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

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District A. Furthermore, eighteen 7-8' Giant Green Arborvitae trees, two 3-5" caliper Red Maple trees, and numerous other trees and plantings line are proposed in addition to an existing tree line.

- 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 stormwater system shall be expressly prohibited;**

The existing driveway will be used as a stabilized construction entrance during the construction phase of the project. The Operation & Maintenance Plan calls for routine inspection of proposed prevention efforts of illicit discharges into the stormwater system. A silt sock will be installed along the downgradient to control erosion during construction and inspected periodically. Any stockpiled topsoil will be stabilized or protected with sediment trapping measures, and any sediment from construction onto the street shall be removed immediately.

- 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 dwelling will be connected to public water, sewer, and electric services. Additionally, a propane tank and service will supply the home.

- g. Assurances 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 including the Massachusetts Stormwater 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 stormwater system.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement. As a mitigation effort for the stormwater runoff, three roof drywell systems and a drainage lot located to the southeast of 6 Feeley Lane are proposed. This drainage lot includes a water quality swale, sediment traps, and drainage wicks, as shown on the Definitive Subdivision plans, approved through September 29, 2020.

- 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 stormwater controls at consistent intervals.**

Based upon Seacoast Engineering's review, implementation of best management practices with the stormwater design are sufficient.

- 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 project proposes any stockpiled topsoil to be stored in a stabilized or protected area onsite until ready for re-use. Furthermore, eighteen 7-8' Giant Green Arborvitae trees along the northerly border, two 3-5" caliper Red Maple trees along the street, numerous other trees and plantings, and an existing tree line are proposed.

- 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 proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

And MOVED to GRANT the application of Nicholas Keller and Kerrie Molloy Keller for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law to construct a single-family dwelling and other improvements at 6 Feeley Lane in the Residence A District, subject to the following conditions:

1. Recording of Decision. 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. 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.

3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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.
5. 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.
6. Landscape Plan. The Applicant shall submit a revised Landscape Plan showing the location of the dwelling in accordance with the Site Design Plan dated February 28, 2022 and revised through May 2, 2022. Said plan shall be submitted to the Community Planning Department and Building Commissioner with the application for a building permit.

Second: Judith Sneath

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

Opposed: None

Acting Chair Tondorf-Dick stated the next matter would be the **Meeting Minutes of April 25, 2022**.

There was brief discussion regarding the latest revisions.

Member Sneath MOVED to approve the Planning Board Meeting Minutes of April 25, 2022 as revised.

Second: Gordon Carr

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

Opposed: None

Director Wentworth provided an update regarding the draft MBTA Guidelines.

There was discussion regarding scheduling.

Acting Chair Tondorf-Dick Ellis MOVED to adjourn the Planning Board meeting at 10:02 pm.

Second: Judith Sneath

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

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Community Planning Assistant

Meeting Materials:

85 Weir Street

1. Form A Application
2. ANR Plan, dated April 15, 2022
3. Glastonbury Abbey Letter to Planning Board, received May 5, 2022
4. Plan, revised May 6, 2022

5 Jordan Way

- 1. Site Plan Approval Application, dated March 28, 2022*
- 2. G. James Letter to E. Wentworth, dated March 18, 2022*
- 3. Plan Set, dated March 7, 2022*
- 4. Landscape Plan, dated March 22, 2022*
- 5. P. Brennan Revised Peer Review Letter to Planning Board, dated April 11, 2022*
- 6. Erosion Control Plan, dated April 20, 2022*
- 7. Plan of Land, Revised through April 20, 2022*
- 8. G. James Response to Peer Review Letter to E. Wentworth, dated April 22, 2022*
- 9. P. Brennan Letter to Planning Board, dated April 25, 2022*
- 10. Building Elevations and Floor Plans, dated May 2, 2022*
- 11. Landscape Plan, dated March 23, 2022*
- 12. Approved Subdivision Plan, dated May 31, 2021*
- 13. Landscape Plan, received May 5, 2022*

4 Pine Grove Road

- 1. Site Plan Approval Application and Drainage Analysis, dated March 28, 2022*
- 2. Site and Septic Design Plan, dated March 28, 2022*
- 3. Peer Review Letter from P. Brennan to Planning Board, dated April 12, 2022*
- 4. Site Plan, revised April 13, 2022*
- 5. Stormwater Report & O&M Plan, revised April 14, 2022*
- 6. Peer Review Letter from P. Brennan to Planning Board, dated April 14, 2022*
- 7. Site and Septic Design Plan, revised through April 27, 2022*
- 8. Landscape Plan*
- 9. Exterior Elevations and Floor Plans, dated March 15, 2022*
- 10. C. DiNapoli, Fire Marshal Letter to Planning Board, dated May 5, 2022*
- 11. Site Plan, revised May 6, 2022*
- 12. Site Plan with Fire Truck Turnaround, dated May 6, 2022*
- 13. Landscape Plan, revised May 6, 2022*
- 14. Driveway Material Certification Letter*

10 Martins Cove Lane

- 1. Cover Letter from H. Dani to E. Wentworth, dated March 3, 2022*
- 2. Application, dated March 23, 2022*
- 3. Architectural Plan Set, dated December 12, 2021*
- 4. Site Plan Set, revised through March 3, 2022*
- 5. Site Plan Comparison, revised through March 3, 2022*
- 6. Notice of Decision and Certificate of No Appeal, dated May 17, 2021*
- 7. Approved Plans from May 17, 2021 Decision*
- 8. Letter from H. Dani to E. Wentworth, dated May 5, 2022*
- 9. Plan Set, revised through May 5, 2022*

2 Feeley Lane

- 1. Letter from J. Hassett to Planning Board, dated March 3, 2022*
- 2. Application for Site Plan Approval, dated March 3, 2022*
- 3. Pre & Post Construction Operation and Maintenance Plan*
- 4. Site Design Plan, dated February 28, 2022*
- 5. Site Design Plan, revised through March 16, 2022*
- 6. House Plans and Elevations, received March 16, 2022*
- 7. J. Hassett Response Letter to Planning Board, dated March 25, 2022*
- 8. Site Design Plan, revised through March 25, 2022*
- 9. Continuation and Extension Request, dated April 1, 2022*
- 10. Continuation and Extension Request, April 21, 2022*
- 11. Town Clerk Stamped Continuation and Extension Request, dated May 2, 2022*
- 12. Revised Submittal Letter from J. Hassett to Planning Board, dated May 2, 2022*
- 13. Site Design Plan, revised through May 2, 2022*
- 14. Landscape Plan, dated April 26, 2022*
- 15. Overall Site Plan 2, 4 and 6 Feeley Lane, dated May 2, 2022*
- 16. Approved Subdivision Plans*
- 17. Landscape Plan, revised May 6, 2022*

4 Feeley Lane

- 1. Letter from J. Hassett to Planning Board, dated March 3, 2022*
- 2. Application for Site Plan Approval, dated March 3, 2022*
- 3. Pre & Post Construction Operation and Maintenance Plan*
- 4. Site Design Plan, dated February 28, 2022*

5. *Site Design Plan, revised through March 16, 2022*
6. *House Plans and Elevations, received March 16, 2022*
7. *J. Hassett Response Letter to Planning Board, dated March 25, 2022*
8. *Site Design Plan, revised through March 25, 2022*
9. *Continuation and Extension Request, dated April 1, 2022*
10. *Continuation and Extension Request, dated April 21, 2022*
11. *Town Clerk Stamped Continuation and Extension Request, dated May 2, 2022*
12. *Revised Submittal Letter from J. Hassett to Planning Board, dated May 2, 2022*
13. *Site Design Plan, revised through May 2, 2022*
14. *Landscape Plan, dated April 26, 2022*
15. *Overall Site Plan 2, 4 and 6 Feeley Lane, dated May 2, 2022*
16. *Approved Subdivision Plans*
17. *Landscape Plan, revised May 6, 2022*

6 Feeley Lane

1. *Letter from J. Hassett to Planning Board, dated March 3, 2022*
2. *Application for Site Plan Approval, dated March 3, 2022*
3. *Pre & Post Construction Operation and Maintenance Plan*
4. *Site Design Plan, dated February 28, 2022*
5. *Site Design Plan, revised through March 16, 2022*
6. *House Plans and Elevations, received March 16, 2022*
7. *J. Hassett Response Letter to Planning Board, dated March 25, 2022*
8. *Site Design Plan, revised through March 25, 2022*
9. *Continuation and Extension Request, dated April 1, 2022*
10. *Continuation and Extension Request, dated April 21, 2022*
11. *Town Clerk Stamped Continuation and Extension Request, dated May 2, 2022*
12. *Revised Submittal Letter from J. Hassett to Planning Board, dated May 2, 2022*
13. *Site Design Plan, revised through May 2, 2022*
14. *Landscape Plan, dated April 26, 2022*
15. *Overall Site Plan 2, 4 and 6 Feeley Lane, dated May 2, 2022*
16. *Approved Subdivision Plan*
17. *Landscape Plan, revised May 6, 2022*