



# TOWN OF HINGHAM

## Planning Board

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

#### IN THE MATTER OF:

Applicant: Ryan P. Sillery, City Point Capital  
300 A Street  
Boston, MA 02210

Owner: CPC 156 East LLC

Property: 220 Summer Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 53815, Page 110

Plan References: "Site Plan, Proposed Dwelling," prepared by James Engineering, Inc., 125 Great Rock Road, Hanover, MA", dated March 15, 2021 and revised through August 23, 2021 (8 Sheets)

"Existing Watershed Plan, Proposed Dwelling, 220 Summer Street, Hingham MA 02043", dated May 29, 2021 (1 Sheet)

"Landscape Master Plan," prepared by Studio 2112 Landscape Architecture, dated September 8, 2021 (1 Drawing)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Ryan P. Sillery, City Point Capital (the "Applicant") to modify plans approved in connection with a Site Plan Approval, issued April 9, 2019 and modified on October 28, 2020, under Section IV-B.6.b for the construction of a single family dwelling to be located at , property zoned Residence C.

The Board discussed the application during meetings held on May 24, 2021, July 19, 2021, August 9, 2021, and September 13, 2021 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 and Chapter 20 of the Act of 2021 . The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and

Gary Tondorf-Dick. The Board was assisted in its review by peer review engineer, John Chessia, P.E., of Chessia Consulting. In addition to the Applicant, Gary James, P.E., appeared to present the application to the Board. At the conclusion of the hearing, the Board voted to grant the requested modification subject to conditions contained herein.

## **BACKGROUND**

Initially in 2019, the applicants, Philp Austin and Katy Dos Santos, appeared before the Planning Board for approval of a single-family residence with land disturbance. The Original 2019 Decision, which included conditions, was modified in 2020 to reflect revised property lines.

Mr. Sillery, the new owner/applicant, submitted a building permit for in April 2021 supported by different site plan. He additionally commenced work prior to compliance with conditions of Site Plan Approvals. The Building Commissioner issued a stop work order on April 29, 2021 following abutter complaints received by both the building and planning departments.

In terms of other required permitting, the Conservation Commission previously determined that the proposed work was not jurisdictional. The Board of Health previously approved a Disposal Works Construction Permit for the onsite wastewater disposal system that may have lapsed. The Applicant may likewise need to request variances from the Board of Health for the proposed separation from groundwater. No building permit will be issued until these remaining approvals are issued and the Applicant demonstrates full compliance with this Decision.

## **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;***

The modified site plan proposal will address this finding with the exception of surface water drainage, which has required conditions for the Planning Board to find protective measures will be implemented. The Planning Board required additional drainage calculations and engineered plans to address the current and proposed conditions of the site. The abutters at #87 Chief Justice Highway/Kilby Streets expressed concerns associated with drainage impacts of the project. The Planning Board found that the existing conditions of the drainage swale that traversed the property originally would be sufficiently addressed and incorporated with the new proposed drainage system. The residential development will have grassed lawn and landscaping once the structure is completed to assist naturally in the absorption of stormwater along with the man-made

drainage system. Safeguards have been included in the conditions to address soil and erosion controls during earthwork and construction.

- 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 related to land disturbance. The development consists of a single-family dwelling and driveway on a residential street. The proposed driveway providing access to the site and off street parking is typical of a residential home. The existing and proposed grades, with the line of sight, provides safe movement into and out of the residential site.

- 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;**

As a residential use, sufficient parking is available on the site. A three-car garage and driveway of approximately 2,500 SF will support the single-family dwelling.

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

As a land disturbance proposal, stabilization of the steep slopes around the residence will be accomplished with a variety of plantings, grass coverings and terracing. The applicant submitted a landscaping plan to address the amount of natural vegetation lost with the earth movement and to compliment the new residence.

- 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;**

Final inspections and issuance of an Occupancy Permit for the residence will require temporary measures for dealing with construction debris 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 the Weir River Water System. The applicant will seek approval from the Board of Health for the Title V system and approval from the Hingham Highway Department to install a catch basin in the Kilby Street right of way.

- 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;***

Based on the review by the Conservation Commission that there was no statutory wetland jurisdiction and the site plan review was for land disturbance; contours proposed and existing, the hydrology of the site, drainage calculations and site observation resulted in extensive review of the proposed stormwater system. The design and calculations were reviewed by the Town's peer review engineer, John Chessia, who verified compliance with the appropriate state and local stormwater regulations. The proposed grades if constructed appropriately should direct the site run-off to the various parts of the drainage system and ultimately to the drainage basin which will control the rate of run-off. The Planning Board determined that the operation and maintenance of the drainage system by the property owner will be critical to assure the system is successful.

- 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, 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;***

As a modification of a previous site plan approved by the Planning Board trees have been removed from the site; however, the applicant has submitted a landscaping plan for proposed plantings. Restoration of the existing stone walls along the south and west areas of the lot are proposed as part of the landscaping plan. There is a net remaining cubic fill quantity of 2,800 CY to be brought in to the site.

- 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 single family dwelling is consistent with others in the neighborhood.

## **DECISION**

Upon a motion made by Gary Tondorf-Dick and seconded by Gordon Carr, the Board voted to modify Site Plan Approvals issued on April 9, 2019 and October 28, 2020 for the construction of a single-family dwelling and related improvements resulting in greater than 5,000 SF of land disturbance at 220 Summer Street in Residence District C, subject to the following conditions:

### **1. Prior to the start of any site work (including the import of any fill):**

- a.) Final Plan Submission – Final plans will be reviewed by the Board’s consulting engineer and shall address the following:
- i. Indicate the location and limits of the existing subdrain pipe and stone that is to remain and specify how any other sections will be disposed of and/or plugged. The existing French drain be completely removed as recommended by engineers;
  - ii. Label all contours, including at the driveway, and clarify how flow in this area will discharge. Update runoff model if flow is directed to the northerly abutter over the driveway;
  - iii. Include details, a plan, and sizing calculations for outlets for scour protection;
  - iv. Submit final watershed plans with a correct revision date;
  - v. Add details of the forebay, including stone check dam, and contours and labels within the basin and forebay;
  - vi. Include a “T” on detail of the 8” outlet of the catch basin in the driveway to keep floatables out of the system;
  - vii. Locate the proposed temporary subdrain intended to address construction phase runoff and remove reference to haybales on Construction Period Operation and Maintenance Plan (O&M Plan);
  - viii. Add contours to the Erosion and Sediment Control Drawings and remove mulch sock from abutting property;
  - ix. Update O&M Plan to indicate access route for basin maintenance with contours; revise system to have a straight outlet pipe; detail the low level maintenance drain and the shut off valve (to be accessible whether the basin is flooded or dry); depict level concrete sill for the emergency spillway to have a level concrete sill. All plans to be professionally stamped.

- b.) Pre-Construction Meetings – A pre-construction meeting with inspection of the erosion control installation and marked limits of clearing shall be required. The mutual property line with the abutting property at 87 Chief Justice Cushing Highway/Kilby Street shall be staked and erosion controls installed for approximately 200 LF from the site driveway along Kilby Street and easterly and within 10' of the shared property line as protection for this corner of the lot.

The applicant and his general site contractor shall additionally meet with the Planning staff and the Planning Board's consulting engineer jointly to review all conditions of this decision. Also to be provided at this meeting, the applicant shall submit a construction schedule, including estimated start date (not less than 48 hours from the meeting) and delivery dates for truckloads of fill, along with and the name, address, and 24/7 contact number of the general site contractor.

- c.) Establish with the Planning Department a consultant fee account pursuant to MGL c. 44, s. 53G to fund the cost of construction inspections and as-built plan review required by this Decision. The initial deposit to the account shall be \$6,000.00 and replenishment of the account shall occur when the account balance falls below \$1,000.00 after notice from the Planning Department.
- d.) The applicant's engineer shall provide a proposed written de-watering plan identifying the intended operation and by what means dewatering will occur. Use of cross country discharge by sump is prohibited unless a temporary silt basin is to be constructed for use. If Frac tanks or dewatering filter bags (such as dirt bags) are to be utilized, written approval from the Hingham Highway Department shall be obtained and provided to the Planning Department prior to discharge of storm water to any municipal drainage system and shall be located only at the southerly side of the lot to protect the adjacent abutter (#87 Chief Justice Cushing Highway/Kilby) from sheet flow run-off.

## 2. Conditions in Effect During Construction:

- a.) Prior to arrival of any deliveries of fill, the general contractor shall obtain a police detail and drivers notice to use extra care at the intersection of Summer and Kilby streets in the morning when students to the adjacent school are typically arriving for classes.
- b.) The applicant is required to inspect and maintain in good working order all soil erosion control measures on the site until all earthwork including final seeding and landscaping is complete.
- c.) Inspections will be required during construction, and prior to issuance of an occupancy permit, of all elements of the project related to or effecting erosion control during construction of the approved drainage and stormwater system for the project.
- d.) All drainage work on the site as shown on the approved plan shall be installed and operational before any construction of the residential foundation is started. This includes

the existing referenced French drain if determined that portions are to be used it will need to be exposed and inspected and if needed reinstalled. All drain lines shall be inspected by the Planning Board consulting engineer and approved **prior to the closing/covering any drain line trenches**. If closed without inspection, the trenches will have to be re-opened and inspected by the consulting engineer.

- e.) Upon completion of all drainage work, all cross country trenches and the proposed drainage basin shall be loomed and seeded immediately. Should weather preclude looming and seeding, the applicant shall use some type of erosion control stabilization fabric or matting approved by the Planning Board consulting engineer, for exposed areas in lieu of seed to stabilize slopes through the winter months. All looming and seeding shall be accomplished in the spring before the summer. The Planning Board may require the applicant to post a monetary performance guarantee for two growing seasons at the time of planting.

3. **Prior to the issuance of a Certificate of Occupancy (temp or permanent):**

- a.) Upon project completion, an as-built plan must be submitted to the Building Commissioner and peer reviewed by the Board's consulting engineer prior to issuance of a certificate of occupancy and in no event later than two years after the completion of construction. The as-built shall demonstrate substantial compliance with the stormwater system design and performance standards of the approved project plans. The as-built shall also include final grades as determined by a survey of all affected areas of the site along with a final total volume of all material brought in the site in conjunction with the proposed land disturbance before the Planning Department will sign off.

The approval of this land disturbance is based on the approved plans and documentation referenced in this approval. Any proposal for additional fill beyond the projected 3,800 CY of material as estimated by the applicant's engineer will require Planning Board approval first and the applicant shall be discussed with the Planning staff before arrival to the site. Staff will determine if a modification of the approval will be necessary based on impacts of the final grades and the drainage design.

For the Planning Board,



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Gary-Tondorf-Dick, Actin Chair

September 27, 2021

**In Favor:** Gordon Carr, Rita Da Silva, Gary Tondorf-Dick, Judith Sneath

**Opposed:** None