



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW WITH BUILDING PERMIT LAND DISTURBANCE

IN THE MATTER OF:

Applicant: 10 Howe Street Hingham LLC
c/o Brian Roberts
6 Howe Street
Hingham, MA 02043

Property: 10 Howe Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55342, Page 239

Plan Reference: "Site Plan," prepared by Morse Engineering Co., Inc., 10 New Driftway, Scituate, MA, dated September 22, 2021 and revised through October 20, 2021 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 10 Howe Street Hingham LLC (the "Applicant") for Site Plan Review under §§ I-I and IV-B, 6 of the Zoning By-Law (the "By-Law") for land disturbance exceeding 5,000 SF overall and 2,500 SF in areas with slopes greater than 10% with development of new residential home in Residence District A.

The Board discussed the application during a public meeting held on October 25, 2021 via Zoom 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. The Board panel consisted of regular members Kevin Ellis, Chair, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Jeff Hassett, P.E., of Morse Engineering Co., appeared to present the application to the Board. The Board was assisted in its review by consulting engineer, Patrick Brennan, P.E., of Amory Engineers. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with conditions set forth below.

BACKGROUND

The subject property consists of 16,092 SF of land located on the west side of Howe Street. It is improved by a single-family dwelling (ca. 1949) along with a deck, shed, and paved driveway. The proposed plan calls for demolition of the existing dwelling and shed and construction of a new dwelling with an attached garage, porch, deck, driveway and retaining walls. Runoff from the proposed driveway will be directed into a crushed stone infiltration trench. Roof runoff will be collected in drains, which discharge to a drywell system. The plan proposes straw wattle erosion barriers along the downslope property lines. The Board discussed alternative erosion controls that would hold up better over time.

In connection with the construction, the property will be re-graded and two retaining walls constructed along the southerly side and rear property lines. The walls (one concrete and one stacked boulder) will require the removal of two mature trees. Seven 6'-8' tall native evergreen trees are proposed to be planted to the rear of the walls along with another eight along the rear and northerly side property line. Two native deciduous trees are proposed at the front of the property. The proposed concrete wall will be approximately 4' in height and located in close proximity to the southerly side property line.

WAIVERS

Pursuant to § I-I, 5, the Applicant requested the following waivers from Submittal Requirements under § I-I, 4:

- Subsection c: plan showing proposed circulation of traffic within the development and in all adjacent public ways;
- Subsection f: estimated net import/export of materials, and traffic analysis; and
- Subsection i: site lighting plan.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meetings, the Board made the following findings in accordance with the Review Standards 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 proposed plan calls for installation of crushed stone trench and drywell to capture runoff from the driveway and house onsite. Proposed plantings, including evergreens and deciduous trees, will buffer adjoining properties from the views of the retaining wall and dwelling.

- 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 reconstruction of an existing single-family dwelling and will not alter impacts to vehicular or pedestrian movements in the neighborhood. The proposed driveway is in the same approximate location as the existing. Safe and convenient access to the development site for both pedestrians and vehicles will be maintained.

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

The proposed dwelling includes an attached garage accessed via the reconconstructed driveway. There is sufficient parking available on the site for the continued single-family use.

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

Trees to be removed in connection with installation of retaining walls are identified on the plan. Fifteen native evergreen trees (6'-8' in height) and two native deciduous trees (2"-3" caliper) will be planted on the property in connection with the project. The plan proposes adequate open space and buffers.

- 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;***

Erosion controls, as conditioned by this approval, will adequately mitigate potential erosion and sedimentation during construction.

- 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;***

This is reconstruction project. The proposed dwelling will continue to be served by the public water and sewer system. There will be no additional impacts on the Town's resources.

- g. ***Assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm water Management Policy and Standards including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional***

requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;

The Board's consulting engineer, Patrick Brennan, P.E., confirmed that the drainage design will adequately mitigate post-development runoff and erosion controls, as modified by this decision, proposed along the south and west of the development area will mitigate potential erosion during construction activities.

- 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;***

The existing paved driveway will serve as a stabilized construction entrance. The application includes a Construction Phase Operation and Maintenance Plan that includes Best Management Practices to minimize potential construction impacts. Retaining walls and plantings will stabilize the site following construction.

- 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;***

Two trees are proposed to be removed from the property; however, seventeen will be planted. Evergreens will buffer views of the retaining walls from adjoining properties.

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

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

DECISION

Upon a motion made by Kevin Ellis and seconded by Judith Sneath, the Board voted unanimously to grant the application of Brian Roberts, on behalf of 10 Howe Street LLC, for Site Plan Approval under §§ I-I and IV-B.6 for land disturbance exceeding 5,000 SF overall and 2,500 SF in areas with slopes greater than 10% with development of new residential home at 10 Howe Street in Residence District A, including waivers of certain submittal requirements, and subject to the following conditions:

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. Prior to the meeting, the Applicant shall modify the plan as follows:

- a. Replace the proposed straw wattle erosion barrier with a 12" staked silt sock; and
 - b. Include a detail on the proposed concrete retaining wall to verify that the footing will not extend onto adjoining property; maintenance plan in the event future repairs are required; and specifications on the type of concrete block proposed.
2. 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.
3. 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.

For the Planning Board,



Kevin Ellis, Chair

November 5, 2021

In Favor: Kevin Ellis, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick

Opposed: None

