



# TOWN OF HINGHAM

## Planning Board

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

#### IN THE MATTER OF:

Applicant: Timothy & Beth Ann Sullivan  
53 Kimball Beach Road  
Hingham, MA 02043

Agent: Joshua Green, P.E.  
427 Columbia Road  
Hanover, MA 02339

Property: 53 Kimball Beach Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 44503, Page 147

Plan References: "Site Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated September 16, 2021 and revised through December 10, 2021 (1 Sheet);

"Existing Conditions Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated November 8, 2021 (1 Sheet); and

"Sullivan Residence," prepared by AP Design Build, 149 Pleasant Street, Bridgewater, MA, dated February 5, 2021 (9 Sheets)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Timothy and Beth Ann Sullivan (collectively the "Applicant") for Site Plan Review under §§ I-I and IV-B.6 and waivers under § I-I, 5 of the Zoning By-Law (the "By-Law") and such other relief as necessary to raze and reconstruct a single-family dwelling and other improvements at 53 Kimball Beach Road in Residence District A.

The Board commenced its review of the application at a posted public meeting held remotely on December 13, 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. A subsequent session was held by remote participation on January 3, 2022. The Board panel consisted of regular members Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Kevin Ellis, Chair, was present for the initial meeting, but absent from the second session. Dana Altobello, P.E., and Joshua Green, E.I.T, of Merrill Engineers and Land Surveyors, 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.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

### **BACKGROUND**

The subject property consists of 8,039 SF of land located on the east side of Kimball Beach Road. The property is improved by a bungalow style, 2-bedroom, single-family dwelling (ca. 1925). The proposed plan calls for demolition of the existing dwelling and construction of a 4-bedroom, single family dwelling with an attached two-car garage.

In connection with the project, subsurface infiltration chambers would be located to the front and rear of the dwelling to manage roof runoff. Driveway runoff would also be directed to the rear system. An existing mature tree (16") would be removed from the front of the lot; however, a 36" tree would be retained at the rear of the lot.

### **WAIVERS**

Pursuant to § I-1, 5, the Board granted the following waivers from Submittal Requirements under § I-1, 4 of the By-Law:

- Landscape plan;
- Site lighting plan;
- Traffic analysis; and
- Import/export of material analysis.

### **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-1, 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 project provides for improved site drainage, including installation of an underground infiltration systems and associated drainage infrastructure. Typical lighting for residential properties will continue to be utilized.
- 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 relocated and extended driveway off of Kimball Beach Road provides sufficient access to the proposed single-family dwelling. The driveway meets or exceeds standard widths appropriate for single-family uses.
- 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 new, 2-car attached garage and extended driveway provide sufficient off street parking for vehicular traffic typical in a residential setting.
- d. **Adequacy of open space and setbacks, including adequacy of landscaping of such areas;** The proposed construction either maintains and extends (north side yard setback) or improves (south side yard setback) nonconforming dimensions associated with the existing dwelling as permitted under Section III-I, 2 of the By-Law. While there will be minimal lawn area post-construction, a significant 36"-caliper tree will be retained in the rear of the property.
- 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 to minimize tracking of materials into the surrounding public roads. A silt sock will be installed along portions of the north (left) and east (rear) and entire south (right) property lines to control erosion 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;** The proposed dwelling will be connected to the same utilities serving the existing dwelling, including public water, sewer, and electric services.
- 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; As a single-family house, the project is exempt from the MassDEP stormwater standards; however, the residential project provides enhanced stormwater upgrades to the site that include underground infiltration systems and associated drainage infrastructure. Sediment and erosion control measures are incorporated into the plan set 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 Amory Engineering's review, implementation of best management practices with the stormwater design are sufficient as conditioned by this Approval.
- 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;**  
A 16" tree is proposed to be removed from the front of the lot; however, a more significant 36" tree will be retained at the rear of the property. As a condition of approval, a tree will be planted at the front of the property to mitigate the proposed removal.
- 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 dwelling increases the number of bedrooms and overall size of the existing dwelling, but is similar in character and scale to other newly reconstructed residential structures in the neighborhood.

## **DECISION**

Upon a motion made by Gary Tondorf-Dick and seconded by Gordon Carr, the Board voted unanimously to grant the application of Timothy and Beth Ann Sullivan for Site Plan Approval under §§ I-I and IV-B.6 and waivers under § I-I, 5 of the By-Law and such other relief as necessary to raze and reconstruct a single-family dwelling and other improvements at the property located in Residence District A, including waivers of certain submittal requirements, and subject to the following conditions:

1. The Applicant shall excavate test pits/soil evaluations, witnessed by the Board's peer review engineer, to verify separation between seasonal high ground water and the bottom of the subsurface infiltration systems. Test pits shall be performed following demolition of the existing dwelling and prior to issuance of a building permit for the proposed dwelling.
2. All roof downspouts shall be connected to the piping leading to the subsurface infiltration systems.
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. Revised Plans. Prior to application for a building permit, the Applicant shall submit a revised site plan depicting the location of a tree with a minimum caliper of 3" on the front of the property.
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.

For the Planning Board,



Kevin Ellis, Chair  
January 6, 2022

**In Favor:** Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick  
**Opposed:** None

