



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Town of Hingham
25 Bare Cove Park Drive
Hingham, MA 02043

Agents: Daniel M. Gagne, PE and JR Frey, Town Engineer
Beals and Thomas, Inc. Town of Hingham
32 Court Street 25 Bare Cove Park Drive
Plymouth, MA 02360 Hingham, MA 02043

Premises/Property: Martins Lane Right-of-Way, Hingham, MA 02043

Title Reference: Plymouth County Registry of Deeds, Book 1961, Page 291

Plan Reference: "Seawall Repair Plan," prepared by Beals and Thomas, Inc., 32 Court Street, Plymouth, MA, dated September 5, 2018 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Town of Hingham (the "Applicant") for Site Plan Review pursuant to §§ I-I and IV-B of the Zoning By-Law, to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18" above the pavement within the Martins Lane right-of-way in Residence District C. The Applicant also submitted, and the Board simultaneously heard, a related application for a Scenic Road Permit pursuant to M.G.L. Chapter 40A, § 15C.

The Board discussed the application during a public meeting held on February 7, 2022 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. JR Frey, Hingham Town Engineer, and Daniel Gagne, of Beals and Thomas, appeared to present the

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application to the Board. The Applicant requested a waiver of Site Plan Review; however, the application did not qualify under Section I-I.5.b as the work does not constitute a minor site plan review. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with conditions set forth below.

BACKGROUND

The existing seawall supports the western edge of Martins Lane and borders Hingham Harbor. The seawall is approximately 5' feet high, and constructed of mortared stone and the top of the wall is lined with a wooden post-and-rail fence. The Department of Conservation of Recreation, through the 2015 Coastal Protection Infrastructure Inventory and Assessment, reviewed this segment of seawall and assigned a condition rating of D (poor).

The proposed repairs to the seawall include the removal of the existing post and rail fence, excavation landward of the existing seawall, and the installation of reinforced concrete behind and below the wall. Additional granite blocks will be used to increase the wall's height to approximately 18 inches above the existing pavement elevation. The top of the proposed seawall will be above the mean high water elevation and a new timber rail will be installed on the top of the repaired seawall.

Additionally, 30 feet of new granite block wall located landward of the high tide line are proposed south of the seawall repairs. This new section of seawall will be of similar size and construction to the adjacent existing seawall. The project is not anticipated to impact stormwater conditions or surface flows within or adjacent to Martins Lane.

Work will be conducted during low tide intervals, such that the work area will be dry and no dewatering is anticipated. The Town will limit the activity to the amount of work that can be completed during one low tide cycle, and sufficiently stabilized for the incoming high tide. The Town successfully used this low tide construction approach for reconstruction of the Downer Avenue seawall on the opposite side of Hingham Harbor. Minimal disturbance of wetland resource areas is anticipated, as the proposed work is generally located within existing roadway, and no additional impervious roadway will be added to the site.

The Zoning Board of Appeals issued a Special Permit A1 related to this project in January of 2019. Additionally, the Conservation Commission issued an Order of Conditions in October of 2018 and an amended Order in December of 2021.

During the course of the hearing, the Board considered concerns raised during public comment regarding construction-related impacts on traffic and access. The Board discussed traffic mitigation to minimize potential impacts on the neighborhood. Ultimately, the Board imposed a condition in a related Site Plan Review Decision to address concerns.

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 Project consists of improvements within an existing, deteriorating right-of-way and will support continuation of existing uses in the area. The proposed improvements to Martins Lane and the adjacent seawall will result in better protection measures against coastal storm flooding, while preserving views.
- 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 proposed project will reduce potential vehicular and pedestrian hazards, by reducing potential for flooding and fixing sinkholes and other roadway deficiencies in Martins Lane.
- 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.**
There will be no change to the traffic patterns or parking prohibitions along this segment of Martins Lane.
- d) **Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**
The proposed roadway maintenance and seawall repair will be performed largely within an existing, deteriorating right-of-way. There will be no increase in impervious roadway or a change in land use at the project site.
- 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 work will generate no wastewater or refuse. Adequate methods of disposal will be utilized for any discarded construction materials.

- 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 Project will not result in an increased demand for utilities, and no further municipal or private support facilities are required.

- 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 Town proposes to utilize the low tide construction approach for repair of the existing seawall to avoid the need for dewatering. Appropriate erosion and siltation control measures will be implemented during construction. The proposed work is generally located within existing disturbed areas of Martins Lane and the seawall, and no additional impervious roadway will be added to the site. The Project is not anticipated to impact the stormwater conditions on the site.

- 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.**

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.**

The Town has received an Amended Order of Conditions from the Hingham Conservation Commission. Furthermore, the Project has received a Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, which found that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. The Project proposes to reconstruct and extend the seawall using materials consistent with historic conditions to the maximum extent practicable.

- 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 Project consists of improvements within an existing, deteriorating right-of-way. The proposed 18-inch increase in wall height, additional 30-linear foot section of wall, and post-and-rail fence have been designed to be consistent with existing materials and will not materially impact the scenic or aesthetic characteristics of the area.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to grant the application of the Town of Hingham for Site Plan Review pursuant to §§ I-I and IV-B of the Zoning By-Law, to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18” above the pavement within the Martins Lane right-of-way in Residence District C, subject to the following conditions:

1. Pre-Construction Meeting. For all projects requiring erosion control installation or any clearing a preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required as a condition of approval for all projects. Projects that disturb one or more acres individually, or cumulatively if phased development is proposed, shall be required as a condition of any approval to provide a Stormwater Pollution Prevention Plan for review by the Planning Board or their designee not less than three weeks prior to the start of any work.
2. A construction schedule and management plan shall be submitted to the Community Planning Department prior to commencement of work. The plan shall include the following:
 - a. No work shall be permitted on weekends between April and October
 - b. Work shall be limited to 7am to 5pm on weekdays
 - c. Police detail shall be required to redirect traffic through the neighborhood if Martins Lane is closed on weekdays from June to September
 - d. Martins Lane shall remain open to the maximum extent practicable to minimize traffic impacts on the neighborhood.
3. 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.
4. As-Built Plan Requirement Upon project completion an as-built plan must be submitted to the Building Commissioner & Community Planning Department after the completion of construction. 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,

A handwritten signature in black ink, appearing to read "Kevin Ellis", written over a horizontal line.

Kevin Ellis, Chair
February 24, 2022

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

Opposed: None