



TOWN OF HINGHAM

Planning Board

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Hingham, MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Christine & Gregory Fletcher
c/o Jeffrey M. Hassett
P.O. Box 92
Scituate, MA 02066

Property: 36 East Street & OR Rockwood Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 53940, Page 99

Plan References: "Landscape Plan," prepared by LeBlanc Jones Landscape Architects, Inc., 535 Albany Street, No. 5A, Boston, MA, dated December 6, 2021 (1 Sheet)

"Planting Plan," prepared by LeBlanc Jones Landscape Architects, Inc., 535 Albany Street, No. 5A, Boston, MA, dated December 3, 2021, and revised through January 18, 2022 (1 Sheet)

"Site Section," prepared by LeBlanc Jones Landscape Architects, Inc., 535 Albany Street, No. 5A, Boston, MA, dated December 3, 2021 (1 Sheet)

"Site & Septic Design Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated October 8, 2021 and revised through February 28, 2022 (2 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Christine and Gregory Fletcher (collectively, the "Applicant") for Site Plan Approval with waivers under §§ I-I and IV-B.6 of the Zoning By-Law (the "By-Law") to construct a single-family home in the Residence A District.

The Board commenced its review of the application at a duly posted meeting held remotely on November 8, 2021 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. Substantive reviews took place during remote meetings held on December 13, 2021, January 24, 2022, and March 14, 2022. 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 Patrick Brennan, P.E., of Amory Engineers, and Susan Murphy, Esq., Special Real Estate Counsel, of Dain, Torpy, Le Ray, Wiest & Garner, P.C. Jeffrey Hassett, P.E., of Morse Engineering Co., Inc., and Kathleen Heffernan, Esq., of Sullivan & Comerford, P.C. presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with waivers under § I-I of the By-Law 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 two landlocked parcels totaling approximately 5 acres of land located between East Street and Rockwood Road. One is improved by a 2-bedroom single-family dwelling (ca. 1740) and barn that is access via a right of way from East Street. The second is unimproved and consists of woodland and wetlands.

The proposed plan calls for combination of the two parcels into one and construction of a new 5-bedroom dwelling, along with an in ground pool and related improvements, on the unimproved portion of the property. The existing dwelling would be converted to an accessory home-office. The existing driveway would be extended in length to provide access to the proposed dwelling. The proposed construction would result in approximately 45,000 SF of land disturbance.

The application included a conceptual landscape plan that depicts much of the existing site remaining in its wooded state and a number of tree plantings around the proposed dwelling. Construction would result in the removal of 125 trees, though 65 new trees would be planted. Shrub and wetland mitigation plantings are also proposed.

At the Board's request, the Applicant submitted a lighting study to simulate light filtration and visibility of the proposed structure from Main Street. The study demonstrated that views of the proposed dwelling would be filtered by the existing tree line on the property and within Home Meadows. Streetlights along Main Street further obscured the mocked up lighting on the property.

During the course of the hearing, the Board raised questions about potential zoning issues. In response, the Applicant's attorney submitted a zoning analysis to the Board. Special Real Estate Counsel, Susan Murphy, advised that any potential zoning issues are outside the purview of the Planning Board under Site Plan Review. Ultimately, the Board focused its review within the confines of Site Plan Review, leaving any future zoning determination to the Building Commissioner.

WAIVERS

The Applicant requested waivers from the following submittal requirements under § I-I, 4 of the By-Law:

- Traffic Analysis
- 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 project provides for improved site drainage, including installation of an underground infiltration systems and associated drainage infrastructure. The building site is located a distance from East Street, minimizing impacts on the streetscape, while still meeting standards for proximity to a fire hydrant. A significant tree line will also be retained to buffer adjoining residential properties from views of the proposed 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 existing gravel driveway will be extended to access the proposed dwelling, but the single-family use will not otherwise affect the existing driveway opening at East Street with the exception of an increased radius on the right side of its intersection on East Street. The application includes a certification from the project engineer that the compacted gravel construction is suitable for emergency vehicles.

- 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 complies with all applicable setback requirements specified under Section IV-A for Residence District A. While 125 trees would be removed from the property in connection with the construction, a significant existing tree line would be

retained along property lines shared with residential owners and 65 additional trees would be planted.

- 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 gravel driveway will be used as a stabilized construction entrance during the construction phase of the project. The Operation & Maintenance Plan calls for weekly inspection of the entrance and immediate removal of mud and sediment tracked onto the roadway. A mulch sock will be installed along the downgradient 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, gas, and electric services. A new septic system would service both the proposed dwelling and existing dwelling to be converted to a home office.

- 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.

- 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 site is balanced in terms of cut and fill. A number of trees will be removed in connection with the proposed construction and grading work; however, a substantial tree line will be preserved. During the course of review, the Applicant adjusted the driveway in order to preserve a portion of an existing stone wall. The existing historic dwelling (ca. 1740) will be retained and converted to a permitted accessory use.

- 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 differs from the existing and others in the area in terms of character and scale; however, the structure is located at a substantial distance from the roadway and adequately screened from nearby residential properties.

DECISION

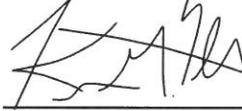
Upon a motion made by Kevin Ellis and seconded by Judith Sneath, the Board voted unanimously to grant the application of Christine and Gregory Fletcher for Site Plan Approval under § I-I and IV-B.6, including waivers of certain submittal requirements, to construct a single-family dwelling at 0 Rockwood Road and 36 East Street in the Residence A District, 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.
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. **Planting Plan.** The Planting Plan, Sheet L1, revised through January 18, 2022, shall be adjusted to reflect that 58 of the 65 trees to be planted shall be 3-inch caliper or larger, excepting the 7 evergreen trees which shall be 8-10 feet in height. Any newly planted trees shall be maintained in good health for a period of no less than twenty-four months. Following the issuance of a certificate of occupancy, any tree that dies or is removed shall be replaced by the Applicant.
4. **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.

5. Construction Vehicles. All construction vehicles shall be parked onsite and no construction vehicles shall enter the premises before 7 AM on any given construction day.

For the Planning Board,



Kevin Ellis, Chair

April 14, 2022

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

Opposed: None