



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Kristen Winikoff  
6 Edgar Walker Court  
Hingham, MA 02043

Agents: Caroline Rees  
Cavanaro Consulting  
687 Main Street  
Norwell, MA 02061

Property: 6 Edgar Walker Court, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 32951, Page 41

Plan References: "Landscape Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated March 23, 2022 (1 Sheet)

"Pool Pavilion Elevations," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated March 24, 2022 (1 Sheet)

"Pool Plan 6 Edgar Walker Court – Hingham," prepared by Cavanaro Consulting, 687 Main Street, Norwell, MA, dated March 14, 2022 (1 Sheet)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Kristen Winikoff (the "Applicant") for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct a pool, patio, cabana and other improvements in Residence District C.

The Board reviewed the application during a duly posted public meeting held remotely on March 28, 2022 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. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick.

Caroline Rees, Engineer for the Applicant, of Cavanaro Consulting, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., of Amory Engineers. 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 40,163 SF and is currently improved by a single-family dwelling, deck, paved driveway, landscaping and grass areas. There are sewer and drain easements that cross the rear portion of the property. The proposal calls for construction of a 504 SF pool cabana and installation of an inground pool surrounded by hardscaping including a patio, walks, steps, retaining walls, and 6' pool fencing. All improvements comply with dimensional standards in the By-Law.

Runoff from the new impervious surfaces as well as the rear portion of the existing house would be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. The Board's peer review engineer confirmed that the proposed infiltration system adequately mitigates the increased runoff from the additional 3,705 SF of impervious surface. The existing sewer line serving the dwelling would be relocated during construction since it is under the proposed pool location. Proposed erosion controls will consist of a silt sock around the down-gradient perimeter of the work area.

In terms of landscaping, one 12"-caliper silver maple tree is to be removed where the pool cabana is proposed and nine 6-8' evergreen trees, 56 shrubs, and numerous perennials and grasses are proposed to be planted on the property. The landscape plan also shows a 6' pool fence along the property lines in the rear of the property. Both the plantings and fence will help to provide screening for abutting properties.

During the course of the hearing, the Board commented on the onsite sewer easement, relocation of the sewer line servicing the property, soil excavation, and the single silver maple tree removal.

### **WAIVERS**

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

- Location of structures within 100 feet of property line;
- Traffic and driveway plans;
- Estimated net import/export of material and 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 adequate site drainage, including installation of an underground infiltration system and associated drainage infrastructure. A 6' pool fence and plantings are proposed to provide a sound and site buffer and minimize impacts of the views and any outdoor lighting on abutting properties.

- 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 no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and 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 project proposes a permitted accessory use; no changes to parking requirements or traffic circulation will result.

- 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 C. While one 12"-caliper silver maple tree is proposed to be removed, nine 6-8' evergreen trees, 56 shrubs, and numerous perennials and grasses are proposed to be planted on 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 during the construction phase of the project. The Operation & Maintenance Plan calls for routine inspection of proposed prevention efforts of illicit discharges into the stormwater system. A silt sock will be installed along the downgradient to control erosion during construction and inspected weekly or after rainfall. Any stockpiled topsoil will be stored upland onsite until ready for re-use and any sediment from construction onto the street shall be removed immediately

- 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 will cause relocation of the existing sewer line connection to the dwelling, pending approval of the Hingham Sewer Commission. Additionally, the proposed patio extends into the sewer easement shown on the site plan and is pending approval of the Hingham Sewer Commission.

- 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 project proposes any stockpiled topsoil to be stored upland onsite until ready for re-use. There is one 12"-caliper maple tree proposed to be removed. While a tree will be removed, significant landscaping and plantings will be enhanced and added to the site. Nine 6-8' evergreen trees, 56 shrubs, and numerous perennials and grasses are proposed to be planted on the property.

- 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 project is aligned with the character and scale of similar accessory structures in the neighborhood and vicinity.

**DECISION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Kristen Winikoff for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law to construct a pool, patio, cabana and other improvements at 6 Edgar Walker Court in Residence District C, 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. Sewer. The applicant shall obtain approval of the Hingham Sewer Department and/or Commission regarding the relocation of the sewer service line to the dwelling and patio incursion into the Sewer Easement prior to issuance of a building permit.
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,



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Kevin Ellis, Chair  
May 26, 2022

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

