



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Nicholas Keller & Kerrie Molloy Keller
c/o Jeffrey M. Hassett, P.E.
P.O. Box 92
Scituate, MA 02066

Agents: Jeffrey M. Hassett, P.E.
Morse Engineering Company, Inc.
P.O. Box 92
Scituate, MA 02066

Property: 6 Feeley Lane, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56074, Page 93

Plan References: "Keller Residence, 6 Feeley Lane, Hingham, MA," prepared by 209 Design, 209
Broadway, Hanover, MA, dated January 22, 2022 (5 Sheets)

"Landscape Plan (Lot 3)," prepared by Guerrini Landscape, Inc., dated April 28,
2022, revised through May 6, 2022 (1 Sheet)

"Overall Layout Plan," prepared by Morse Engineering Company, Inc., 10 New
Driftway, Suite 103, Scituate, MA, dated March 28, 2022, revised through May 2,
2022 (1 Sheet)

"Site Design Plan," prepared by Morse Engineering Company, Inc., 10 New
Driftway, Suite 103, Scituate, MA, dated February 28, 2022, revised through May
2, 2022 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Nicholas Keller and Kerrie Molloy Keller (collectively, the "Applicant") for Site Plan Approval under §§ I-I and IV-B.6 and waivers under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct a single-family dwelling and other improvements at the property located in the Residence A District.

The Board commenced its review of 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. A second substantive review took place on May 9, 2022. The Board panel consisted of regular members Gary Tondorf-Dick, Acting Chair, Gordon Carr, and Judith Sneath. Jeffrey Hassett, P.E., Morse Engineering Company, Inc., presented the application on behalf of the Applicant to the Board. At the conclusion of its review, the Board voted unanimously to grant Site Plan Approval 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 57,062 SF of land located at the west end of a recently constructed roadway named Feeley Lane and created as part of the Downer Estates Definitive Subdivision initially approved by the Planning Board on April 14, 2017. The initial plans were further modified, through August 27, 2020, and were endorsed by the Planning Board through a Certificate of Action dated September 29, 2020. Additionally, the lots of Downer Estates were released from the Covenant in November 2021 to allow for construction on the individual lots. The Applicant now seeks Site Plan Approval to develop the property by constructing a new single-family dwelling and associated driveway, hardscape, utilities, and landscaping.

With the initial approval of the Downer Estates Definitive Subdivision plans, the Board was assisted in its review by peer review engineer Paul Brogna, of Seacoast Engineering Co. Main concerns of the Board and peer review engineer during initial hearings on the matter related to stormwater and drainage, grading of the roadway, and street trees. Ultimately, the Board approved the plans with conditions.

A note on the approved Subdivision plans states that the location of the proposed houses and grading are subject to change. Proposed changes from what was approved under the Subdivision Regulations include a shift in the house layout and location, and an increase in impervious surface. During the course of the review, the Board discussed the following: the zoning freeze or protections for previously approved definitive subdivision plans under MGL c. 40A, s. 6; stormwater management design; preservation of trees and natural features on the site; location of the house; and landscaping.

Given the 847 SF increase in impervious surface, three roof drywell systems were incorporated into the site plan. In addition to the new drywell systems, proposed mitigation of the southeasterly stormwater runoff includes a drainage lot located adjacent to the subject property. This drainage lot contains a water quality swale, sediment traps, and drainage wicks, as shown on the Definitive Subdivision plans, approved through September 29, 2020.

WAIVERS

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

- 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 § 1-1, 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 adequate site drainage, including appropriate drainage flow, three roof drywell systems, creation of an abutting drainage lot, and associated drainage lot and roadway infrastructure. Eighteen 7-8' Giant Green Arborvitae trees along the northerly border, two 3-5" caliper Red Maple trees along the street, numerous other trees and plantings, and an existing tree line are proposed to provide a sound and site buffer and minimize impacts of the views and any outdoor lighting on abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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, and is both sufficient and in accordance with the Definitive Subdivision plans, approved through September 29, 2020.

- 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 no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

- 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. Furthermore, eighteen 7-8' Giant Green Arborvitae trees, two 3-5" caliper Red Maple trees, and numerous other trees and plantings line are proposed in addition to an existing tree line.

- 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 periodically. Any stockpiled topsoil will be stabilized or protected with sediment trapping measures, 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 dwelling will be connected to public water, sewer, and electric services. Additionally, a propane tank and service will supply the home.

- 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.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement. As a mitigation effort for the stormwater runoff, three roof drywell systems and a drainage lot located to the southeast of 6 Feeley Lane are proposed. This drainage lot includes a water quality swale, sediment traps, and drainage wicks, as shown on the Definitive Subdivision plans, approved through September 29, 2020.

- 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 Seacoast 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 in a stabilized or protected area onsite until ready for re-use. Furthermore, eighteen 7-8' Giant Green Arborvitae trees along the northerly border, two 3-5" caliper Red Maple trees along the street, numerous other trees and plantings, and an existing tree line are proposed.

- 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 residential structures in the neighborhood and vicinity.

DECISION

Upon a motion made by Gary Tondorf-Dick and seconded by Judith Sneath, the Board voted unanimously to GRANT the application of Nicholas Keller and Kerrie Molloy Keller for Site Plan Approval under §§ I-I and IV-B.6 with waivers under § I-I of the Zoning By-Law to construct a single-family dwelling and other improvements at 6 Feeley Lane in the Residence A District, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. 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.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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.
5. 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.
6. Landscape Plan. The Applicant shall submit a revised Landscape Plan showing the location of the dwelling in accordance with the Site Design Plan dated February 28, 2022 and revised through May 2, 2022. Said plan shall be submitted to the Community Planning Department and Building Commissioner with the application for a building permit.

For the Planning Board,



Kevin Ellis, Chair
June 9, 2022

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

