



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Lewis Court, LLC
425 Lincoln Street
Hingham, MA 02043

Agents: Darryl Wehmeyer, President
Copia Real Estate
425 Lincoln Street
Hingham, MA 02043



Property: 7 Lewis Court, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55495, Page 152

Plan References: "7 Lewis Court, Hingham, MA, 02043," prepared by Cubicz Engineering, LLC, 141 W Paradise Drive, West Bend, WI, dated April 23, 2022 and revised through July 20, 2022 (4 Sheets) and August 4, 2022 (3 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Lewis Court, LLC (the "Applicant") for Site Plan Approval with Waivers under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to raze and reconstruct a single family home and make other improvements at 7 Lewis Court in the Residence A District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on August 8, 2022 via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Darryl Wehmeyer, Copia Real Estate, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., Amory Engineers. At the conclusion of the 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 was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The subject property consists of 16,946± square feet (SF) of land improved by a single-family dwelling with a paved driveway and associated landscaping. The existing dwelling is proposed to be razed and replaced with a new 3,155 SF single-family dwelling along with a newly located paved driveway, concrete walk, landscaping, and lawn areas.

Stormwater runoff from the driveway will be collected in a trench drain adjacent to the garage and piped into a subsurface infiltration system consisting of plastic chambers surrounded with crushed stone. Roof runoff will likewise be piped into the subsurface detention system in the backyard. The existing water service will be maintained and a connection to an existing sewer manhole located within an easement on the adjacent property at 11 Lewis Court will provide sewer service. Electric and communication utilities will extend underground from an existing utility pole at the southwest corner of the property. Finally, erosion controls will consist of a silt fence along the west property line and inlet protection on an existing catch basin located within the easement on the adjacent property. The Board's peer review engineer reviewed the proposed stormwater system and other site design details. Mr. Brennan explained the stormwater design to the Board during the public hearing and noted satisfaction with the design, as further expressed in his written report to the Board.

The proposed landscaping plan calls for the removal of twelve Norway maple trees greater than 6-inches in caliper – six of which are located within the 10-foot Tree Yard. These trees do not qualify as Protected Trees as defined under § VI of the By-Law since Norway maples are classified as an invasive species by the Massachusetts Invasive Plant Advisory Group; as a result, removal does not require mitigation. The landscape plan additionally proposes planting 2 birch trees, 1 Japanese maple, 32 arborvitaes, flower beds, with the remainder of the undeveloped portion of the property consisting of lawn.

During the course of the hearing, the Board raised questions and provided comments pertaining to the proposed drainage system, Tree Yard, and grading. One abutter to the subject property provided public comment during the hearing related to stormwater and grading in relation to their property.

WAIVERS

Pursuant to Section I-I,9., the Applicant requested a waiver of certain submittal requirements under Section I-I,5., as they do not apply to the proposed project. These include items I.ii (Site Lighting Plan) and I.iii (Transportation Impact Assessment).

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes a total land disturbance of 17,400 SF of land with 7,200 SF of this area consisting of a slope greater than 10%. The existing topography is proposed to be landscaped with minimal changes to the grading. A new stormwater system is also proposed to account for the increase of impervious cover.

b. Site Design

The proposed dwelling is largely designed to be set back further from the right of way and utilize the natural grade of the property.

c. Character and Scale of Buildings

The proposed dwelling and other improvements are consistent with the character and scale of other properties in the neighborhood. The new home is a modern farmhouse design meant to be in line with many colonial, farmhouse and modern farmhouse homes in the neighborhood. The size of the home is similar to those recently built on the street and in the neighborhood.

d. Preservation of Existing Vegetation and Protected Trees

The project proposes removal of twelve >6"-caliper Norway maple trees. While six of these trees are within the 10' Tree Yard, Norway maple trees are not considered Protected Trees because of their classification as an invasive species by the Massachusetts Invasive Plant Advisory Group. Thus, mitigation is not required for this project. With respect to plantings, while the lot is currently covered by less than 50% grass, the landscape plan calls for grass seeding of the entire lot, addition of 2 birch trees and a Japanese maple, as well as 32 arborvitae with flower beds.

e. Limit of Clearing

As an existing developed property, there is a minimal amount of clearing required for the project. By utilizing the current topography in the new home location, there is no ledge that will be needed to be removed. The only clearing proposed is of the twelve Norway maple trees.

f. Finished Grade

Minor grading changes are proposed as a result of this project. The proposed grading scheme is designed to match the existing conditions to the maximum extent possible and generally slope northwesterly of the dwelling – which is the same direction as is existing. Natural contours of the land are to be matched and blended in the finish grade.

g. Stormwater Management

Runoff from the driveway is proposed to be collected in a trench drain adjacent to the garage and piped into a subsurface infiltration system consisting of plastic chambers surrounded with crushed stone. Additionally, roof runoff is proposed to be piped into the subsurface detention system in the backyard.

h. Utilities

The project proposes connections to water, sewer, underground electrical distribution, telephone and cable service, and fire alarm systems.

i. Pedestrian and Vehicular Access; Traffic Management

There will be no increase of traffic, and during construction, the site will be occupied by approximately two to four added vehicles a day. Additionally the driveway is proposed to be relocated further from the abutting property and serve as the stabilized construction entrance as well.

j. Lighting

The project proposes lighting typical of a single-family home consisting of downward-facing wall sconces and downward-facing landscape lighting along walkways and deck risers.

FINDINGS

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

MOTION

Upon a motion made by Judith Sneath and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Lewis Court LLC for Site Plan Approval under § I-I of the Zoning By-Law to raze an existing single family home and reconstruct a single family home and other improvements at the property located 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. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a Building Permit.
- 3. Limits of Work; Tree Protection Areas. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an

undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area.

4. **Parking During Construction.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
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, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of 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,



Judith Sneath
August 23, 2022

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

Opposed: None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.

