



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Fred and Sandy Studley
185 Downer Avenue
Hingham, MA 02043

Agent: Timothy Power, P.E.
PVI Site Design, LLC
18 Glendale Road
Norwood, MA 02062

Property: 185 Downer Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 53562, Page 310

Plan References: "Existing Conditions Plan," prepared by Nantasket Survey Engineering, LLC,
46 Edgewater Road, Hull, MA, dated May 27, 2021 (1 Sheet)

"Master Plan," prepared by Amy Martin Landscape Design, 1 Pleasant
Street #6, Cohasset, MA, dated August 12, 2022 (1 Sheet)

"Studley Residence, 185 Downer Avenue, Hingham, MA," prepared by
Custom Home Designs, 79 Grandview Avenue, Marshfield, MA, dated June
6, 2022 (9 Sheets)

"Studley Residence, 185 Downer Avenue, Hingham, MA," prepared by PVI
Site Design, LLC, 18 Glendale Road, Norwood, MA, dated June 23, 2022 and
revised through August 11, 2022 (3 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Fred and Sandy Studley (collectively the "Applicant") for Site Plan Review with Waiver Requests under § I-I of the

Zoning By-Law (the "By-Law") and such other relief as necessary to construct a single-family home and other improvements in the Residence A District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely without the receipt of testimony on July 25, 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. A substantive hearing was held on August 22, 2022. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Kevin Ellis, Rita DaSilva, and Gary Tondorf-Dick. Timothy Power, P.E., PVI Design LLC, presented the application to the Board. 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 6,611 SF of land located between the southern side of Downer Avenue and Hingham Harbor. In addition to a demolished single-family dwelling, an existing garage, dock, and landscaping, there is also an existing sea wall on the property that has been delineated as "Coastal Bank" under the Wetlands Protection Act.

The proposed project is to reconstruct the recently demolished single-family dwelling, renovate the existing garage into a shed, and redo landscaping on the site. The proposed house will have a larger footprint than that of the previous home due to accessibility requirements for a disabled resident.

Despite the larger building footprint, the project is proposed to fully mitigate stormwater runoff in multiple ways. As the structure will be constructed in a velocity zone, it is required to be constructed on pilings. The majority of the area below the house will be stabilized with riprap and stone to provide a pervious surface rather than concrete as is typically provided. In addition, while the proposed project does not create a new discharge to any "Waters of the Commonwealth", the existing roof downspouts that discharge almost directly to the ocean will be directed into a series of new subsurface leaching basins which will prevent regular erosion of the ground at the end of the downspouts. Lastly, all walkways and driveways around the property are proposed as porous pavers. Although the project is not required to meet the MA Stormwater Management Standards, these standards are substantially met by the design. Post construction runoff will be less than existing conditions runoff and groundwater recharge is provided where none previously existed. Through a 2021 Notice of Intent to the Hingham Conservation Commission for work on the property, and a subsequently issued Order of Conditions, the stormwater design was reviewed and approved during this process.

With respect to landscaping onsite, no existing trees will be removed and five new trees and numerous shrubs, plantings, and perennials will be planted as shown on the Landscape Plan.

During the course of the hearing, the Board raised comments related to flood protection for the garage, stormwater leaching, tree yard, and construction traffic circulation on Downer Avenue. It was also noted during the hearing that the air conditioner units were proposed in the side setback and would require relocation. An abutter to the subject property provided public comment during the hearing related to potential drainage damage to an existing privet hedge.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes disturbance of 6,200± SF of land disturbance within the bounds of the existing upland area of the lot. No natural topography is proposed to be impacted by the project and the existing drainage patterns will remain unchanged.

b. Site Design

The placement of the proposed dwelling will be in the same eastern portion of the property as the previous structure – both allowing the view corridor on the opposite side of the property to remain open and protecting and maintaining the existing trees on the property.

c. Character and Scale of Buildings

The proposed 4,682 SF house is consistent with the character and scale of other homes in the neighborhood, ranging from approximately 3,000 SF to 9,000 SF. Styles and material will consist of gabled roofs and siding consistent with other structures in the area.

d. Preservation of Existing Vegetation and Protected Trees

There are two existing trees onsite – both of which are Protected Trees and are proposed to remain. Protective fencing is shown on the plan to encompass the Critical Root Zone during construction.

e. Limit of Clearing

No clearing is proposed as a result of this project.

f. Finished Grade

The finished grade is proposed to match existing grade to the extent practicable and maintain the flat nature of the existing site.

g. Stormwater Management

While exempt as a single-family home, the stormwater management system has been designed in accordance with the Massachusetts Stormwater Management Standards. As the structure will be constructed in a velocity zone, it is required to be constructed on pilings. The majority of the area below the house will be stabilized with riprap and stone to provide a pervious surface rather than concrete as is typically provided. In addition, while the proposed project does not create a new discharge to any “Waters of the

Commonwealth”, the existing roof downspouts that discharge almost directly to the ocean will be directed into a series of new subsurface leaching basins which will prevent regular erosion of the ground at the end of the downspouts. Lastly, all walkways and driveways around the property are proposed as porous pavers. Post construction runoff will be less than existing conditions runoff and groundwater recharge is provided where none previously existed.

h. Utilities

The proposed dwelling will be serviced from the same utilities that serviced the previous dwelling, including underground water, sewer, and gas, and overhead electrical connections.

i. Pedestrian and Vehicular Access; Traffic Management

The proposed driveway will be moved to the eastern end of the property to allow for access into the new attached garage.

j. Lighting

No lighting structures are proposed as part of this project. All lighting will be residential scale in nature.

FINDINGS

- a. The proposed development, as conditioned by this 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 Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Fred and Sandy Studley for Site Plan Review under § I-1 of the Zoning By-Law to construct a single-family home and other improvements at 185 Downer Avenue 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. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.
4. Parking During Construction. Parking for construction vehicles shall be coordinated with the Hingham Police Department and remain in accordance with the Construction Schedule, dated June 19, 2022. No construction vehicles shall enter the premises before 7 AM on any given 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 tree protection areas during construction and the approved drainage and stormwater system installed for the project, as well as the condition of the tree protection areas. 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.
7. Maintenance of Protected and Replacement Trees. Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.
8. The location of the air conditioning units must be outside of the 15 foot side yard setback and the plans shall be modified accordingly prior to the issuance of a building permit.

For the Planning Board,



Judith Sneath
September 7, 2022

In Favor: Judith Sneath, Gordon Carr, Kevin Ellis, 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.