



TOWN OF HINGHAM

Planning Board

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Town Clerk
Hingham, MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: John and Kara Palermo
104 Otis Street
Hingham, MA 02043

Agent: Gary James, P.E.
James Engineering, Inc.
125 Great Rock Road
Hanover, MA 02339

Property: 104 Otis Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 53610, Page 106

Plan References: "104 Otis Street Plan of Land," prepared by James Engineering, Inc., 125 Great Rock Road, Hanover, MA, dated June 22, 2022 and revised through and August 4, 2022 (5 Sheets)

No Title, prepared by Lisa Swanson, Zinnia Designs, 341 High Street, Hingham, MA, dated August 4, 2022 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of John and Kara Palermo (collectively the "Applicant") for Site Plan Approval with Waiver Requests under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary for land disturbance including clearing, landscaping, driveway improvements, septic and drainage in association a recently constructed single-family dwelling and permitted pool and other improvements at the property 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. John Palermo, owner, 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 51,210± SF of land, improved by a 3,650 SF four-bedroom single-family dwelling, attached three-car garage, and in-ground pool. The property previously consisted of a 1,590 SF single-family dwelling with a paved driveway and associated landscaping.

Runoff from the proposed impervious surfaces will be collected and directed to an infiltration structure. All downspouts will be directed to a roof collection system around the house which will direct the flows to two subsurface infiltration systems. Additionally, a series of small drains are proposed to be placed in the deck area surrounding the pool and piped back into the roof collection system. Runoff from the proposed driveway will be collected and directed to the same infiltration systems. A 6" wide Cape Cod berm is proposed along the left edge of the driveway to direct runoff towards the two proposed deep sump catch basins. Runoff collected by these basins will be directed to two subsurface infiltration systems. The flow from the basins will be directed through an "Isolator row" which is a filter fabric wrapped row of chambers prior to exfiltration. The infiltration systems have been sized to store and infiltrate all of the runoff from the site during a 100-year storm. The project description indicates that erosion controls, consisting of a silt sock along the north and east property lines, will be installed during construction. The Board's peer review engineer reviewed the proposed stormwater system and noted satisfaction with the design, as expressed both in the hearing and in his written report to the Board.

A new septic system will be installed as approved by the Board of Health. The existing gas and water services will be maintained to serve the new dwelling, and electric and communication utilities will extend underground from a new utility pole at the southeast corner of the property, near Otis Street.

The grading sheet and landscape plan show all trees >6" in caliper removed within the past twelve months, existing trees >6" in caliper to remain, and newly proposed trees. Of the trees removed, five were located within the 10' Tree Yard – totaling 36 caliper inches. This removal requires tree mitigation planting of 18 caliper inches, with each of these trees consisting of at least 3" in caliper. The Applicant proposes planting of numerous trees in excess of the required mitigation in addition to a variety of shrubs and plantings throughout the site.

During the course of the hearing, the Board raised comments related to the proximity of the project site to Route 3A, tree protection and mitigation, and the segmentation of the project

rather than it being a holistic project. Two abutters to the subject property provided public comment during the hearing related to tree removal near their property, drainage, and additional plantings.

WAIVERS

Pursuant to Section I-I, 9, the Applicant requested a waiver of certain submittal requirements under Section I-I,5.h and I-15.j. The waiver request for submittal requirement h (Tree Protection and Mitigation Plan) is no longer needed and submittal requirement j (Construction Schedule) is requested because the majority of the construction related to the dwelling and pool has been completed. The Applicant further requested a waiver of submittal requirement I.ii (Site Lighting Plan) and I.iii (Transportation Impact Assessment), as they are not impacted by the proposed project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The remaining work of the project proposes a total land disturbance of 33,094 SF of land with 11,200 SF of this area consisting of a slope greater than 10%. The existing topography is proposed to be landscaped with minimal remaining changes to the grading. A new stormwater system is also proposed to account for the increase of impervious cover.

b. Site Design

The improvements on site have structures placed more centrally located on the property and the preservation of numerous existing trees. The driveway entrance location remains the same as what previously existed, but is configured differently to accommodate the new garage.

c. Character and Scale of Buildings

The proposed improvements are consistent with the character and scale of other properties in the neighborhood.

d. Preservation of Existing Vegetation and Protected Trees

The required mitigation planting for Protected Tree removal totals 36 caliper inches. The project proposes planting of numerous trees in excess of the required mitigation of 18", in addition to a variety of shrubs and plantings throughout the site.

e. Limit of Clearing

All clearing associated with this project was conducted prior to this application. No additional clearing is proposed. Additionally, erosion control measures are proposed along the limit of work lines.

f. Finished Grade

The proposed grades are proposed to closely match the existing grades. The excess material that came from the foundation and pool excavation have been repurposed

onsite. Existing grades are now close to finish grade allowing for the proposed gravel base. All of the topsoil stripped from the site for the pool and the foundation is still stockpiled on site and will be used for final grading across the lot. There is no further excavation proposed with the exception of material to be displaced for the stormwater features and the septic system repair. This excess will be minor and will be absorbed in the proposed grading. Accordingly, there are no soils to be removed from the site in conjunction with the proposed development.

g. Stormwater Management

All runoff from the proposed impervious surfaces will be collected and directed to an infiltration structure. All downspouts will be directed to a roof collection system around the house which will direct the flows to two subsurface infiltration systems. A series of small drains are proposed to be placed in the deck area surrounding the pool and piped back into the roof collection system. Runoff from the proposed driveway will be collected and directed to the same infiltration systems. A 6" wide Cape Cod berm is proposed along the left edge of the driveway to direct runoff towards the two proposed deep sump catch basins. Runoff collected by these basins will be directed to two subsurface infiltration systems. The flow from the basins will be directed through an "Isolator row" which is a filter fabric wrapped row of chambers prior to exfiltration. The infiltration systems have been sized to store and infiltrate all of the runoff from the site during a 100-year storm.

h. Utilities

The project proposes connections to previously existing connections including water, gas, and electrical connections.

i. Pedestrian and Vehicular Access; Traffic Management

There will be no change or increase of traffic as a result of this project.

j. Lighting

The project proposes lighting typical of a single-family home and any outdoor lighting will be residential scale in nature. Given that this property consists of a newly constructed pool, but no lighting plan for the pool area was provided, a suggested condition of approval related to pool and site lighting has been included.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § I-I, 7. of the By-Law:

- 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.

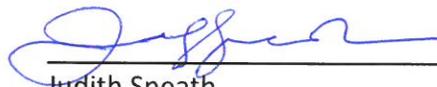
MOTION

Upon a motion made by Judith Sneath and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of John and Kara Palermo for Site Plan Approval under § I-I of the Zoning By-Law for land disturbance including clearing, landscaping, driveway improvements, septic and drainage in association with a recently constructed single-family dwelling and permitted pool and other improvements at the property 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. Lighting. Any pool area or site lighting shall comply with Section I-I,6.j of the Zoning By-Law, including shielding of all outdoor light fixtures, light trespass limited to 0.25 foot-candles at the property line, and height limitations of fifteen feet above grade for building mounted fixtures and twenty feet above grade for pole mounted fixtures.
5. 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.
6. 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.

7. **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.
8. The Applicant agrees to discuss additional tree plantings with the Davenports at 63 Burditt Avenue to attempt to replicate a tree canopy in the future.
9. **Maintenance of Protected and Replacement Trees.** Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), 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.

For the Planning Board,



Judith Sneath

September 21, 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.