



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Kevin and Emily Hurstak
62 Burditt Avenue
Hingham, MA 02043

Agent: Brendan Sullivan, P.E., P.L.S.
Cavanaro Consulting
687 Main Street
P.O. Box 5175
Norwell, MA 02061

Property: 62 Burditt Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56180, Page 255

Plan References: "Existing Conditions, 62 Burditt Avenue, Hingham, MA 02043," prepared by Cavanaro Consulting, 687 Main Street, P.O. Box 5175, Norwell, MA, dated August 1, 2022 and revised through September 7, 2022 (1 Sheet)

"Proposed Conditions, 62 Burditt Avenue, Hingham, MA 02043," prepared by Cavanaro Consulting, 687 Main Street, P.O. Box 5175, Norwell, MA, dated August 9, 2022 and revised through September 7, 2022 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Kevin and Emily Hurstak (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 to raze and rebuild a single-family home, relocate the driveway, hardscape, landscape and other improvements at 62 Burditt Avenue in the Residence A District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on September 19, 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, Kevin Ellis, Rita DaSilva, and Gary Tondorf-Dick. Brendan Sullivan, P.E., P.L.S., Cavanaro Consulting, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., Amory Engineers, P.C. 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 a 68,437± SF parcel of land – part of which is located within the FEMA flood zone AE (el. 6) associated with Broad Cove. The wetland resource area affects approximately two-thirds of the property, resulting in 43,900± SF of uplands. The property is currently improved by a single-family dwelling, a shed, paved driveways, patios, walks, and associated landscaping. The project calls for demolition of the existing dwelling and construction of a new dwelling with a reconfigured driveway. The project will result in approximately 9,000 SF of disturbance overall. No work is proposed within 100' of the wetland resource areas.

Existing utilities will serve the dwelling with the exception of a new septic system for the proposed four-bedroom dwelling. Runoff from the proposed dwelling will be piped to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Overflow from the subsurface system will discharge toward the wetlands at the northern end of the property. Finally, seven trees are proposed to be removed, one of which is dead, and all are outside the Tree Yard.

In addition to staff, the Board's civil peer review engineer Patrick Brennan, Amory Engineers, reviewed this project for compliance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Prior to the hearing, the Applicant made revisions to the plan in order to address Mr. Brennan's initial comments.

During the course of the hearing, the Board raised comments related to stormwater flow, the historic nature of the property, grading, and tree plantings. No one from the public provided comments prior to or during the public hearing.

WAIVERS

Pursuant to Section I-I, 9, the Applicant requested a waiver of a submittal requirements under Section I-I, 5.g (landscape plan). The project proposes construction generally in the same location of the existing dwelling with similar landscaping. The Proposed Conditions plan also shows both existing and proposed trees and plantings.

DESIGN AND PERFORMANCE STANDARDS

- a. **Land Disturbance**

The proposed structures are cited to minimize land disturbance to 9,000± SF and to preserve the natural drainage patterns on the site. The new dwelling is proposed in the same approximate area as the existing dwelling and natural drainage patterns and topography will generally remain the same.
- b. **Site Design**

The proposed dwelling is in the approximate location as the existing dwelling. The existing and proposed landscaping along the property lines, along with an existing tree line in the rear of the property will allow the proposed structures to blend with the scenic qualities and natural landscape of the site.
- c. **Character and Scale of Buildings**

The proposed dwelling complements and conforms to the character and scale of other dwellings in the neighborhood.
- d. **Preservation of Existing Vegetation and Protected Trees**

Seven trees are proposed to be removed as a result of this project – none of which are Protected Trees. While mitigation is not required for tree removal outside of the 10' Tree Yard, six to ten arborvitae trees are proposed along the western property line to provide additional screening.
- e. **Limit of Clearing**

The limit of clearing is shown on the site plan, as well as the structure envelope, driveway, septic system, lawn and landscape areas, and utilities. Erosion control measures are also shown on the site plan along the limit of work line to be installed prior to construction.
- f. **Finished Grade**

Minimal grading is proposed in association with this project and is largely consistent with previous grading and topography.
- g. **Stormwater Management**

Runoff from the proposed dwelling will be piped to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Overflow from the subsurface system will discharge toward the wetlands at the northern end of the property.
- h. **Utilities**

Existing utilities will serve the dwelling with the exception of a new septic system for the proposed four-bedroom dwelling.
- i. **Pedestrian and Vehicular Access; Traffic Management**

The proposed semi-circular driveway will improve vehicular access and circulation onsite, and provide a safer exit onto Burditt Avenue.

j. Lighting

Typical residential wall mounted lighting is proposed with this project.

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 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 Gordon Carr and seconded by Kevin Ellis, the Board voted unanimously to GRANT the application of Kevin and Emily Hurstak for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of a submittal requirement under § I-I,5.g related to a landscape plan, to raze and rebuild a single-family home, relocate driveway, hardscape, landscape and other improvements at 62 Burditt 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. Utilities. Prior to application for a Building Permit, the Applicant shall submit to the Community Planning Department a revised plan replacing the overhead electrical distribution connection with a underground connection as required under § I-I,6.h of the By-Law.
3. 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.
4. 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.

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. **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.

For the Planning Board,



Judith Sneath
September 27, 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.