



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Bonny and Jonathan Witcher
80 Fearing Road
Hingham, MA 02043

Agent: Carmen Hudson, P.E.
Cavanaro Consulting
687 Main Street
P.O. Box 5175
Norwell, MA 02061

Property: 80 Fearing Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 48803, Page 184

Plan References: "Pergola Sketch," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated August 23, 2022 (1 Sheet)

"Site Plan, 80 Fearing Road, Hingham, MA 02043," prepared by Cavanaro Consulting, 687 Main Street, P.O. Box 5175, Norwell, MA, dated August 2, 2022 and revised through September 14, 2022 (1 Sheet)

"Sports Court Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated August 2, 2022 and revised through August 23, 2022 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Jonathan and Bonnie Witcher (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 construct a



sports court with a retaining wall, fencing, hardscape, landscape and other improvements at 80 Fearing Road 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. Carmen Hudson, P.E., Cavanaro Consulting, and Sean Papich, ASLA, Sean Papich Landscape Architecture, 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 70,122± SF of land located at the corner of Fearing and Miles Roads. The lot is improved by a single-family dwelling, detached garage, paved driveways, patios, walks, lawn and wooded areas. A 328± SF addition is presently under construction off the back of the house pursuant to a Building Permit issued in February 2022. The project proposes construction of a 24' x 54' sports court and hardscaping including new patios, steps, walks, and retaining walls.

The Sport Court Plan shows that thirty new deciduous and evergreen trees and ninety-five new shrubs will be planted around the proposed improvements. No trees will be removed with this project and existing Protected Trees will be protected with fencing during construction. Runoff from the proposed sports court and the existing garage roof will be piped into a subsurface infiltration system consisting of plastic chambers surrounded with crushed stone. Additionally, overflow from the subsurface system would be discharged to an existing depression in the southern portion of the property.

In addition to staff, the Board's civil peer review engineer Patrick Brennan, Amory Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and good engineering practices. Comments in Mr. Brennan's report include the need for stormwater system test pits, crushed stone trench detail, a stabilized construction entrance, erosion control and protective fencing detail, a cut and fill analysis, and a suggested sports court lighting condition of approval. Revisions were provided by the Applicant to the satisfaction of Mr. Brennan.

During the course of the hearing, the Board raised comments related to the retaining wall height and setbacks. Four letters of public support were provided prior to the public hearing and an additional abutter to the subject property provided support for the project during the hearing.

WAIVERS

Pursuant to Section I-I, 9, the Applicant requested a waiver of certain submittal requirements under Section I-I, 5. Two of these, specifically Subsections c. (building elevation plans) and d. (detail sheets of proposed driveways and parking) are not necessary as they are only required if applicable. Subsection f. (utility plan) is required since the plans depict only the approximate location of the onsite wastewater disposal system and gas service, but not other utilities.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes land disturbance of 12,000± SF of land – 4,300 SF of which is over an area with slopes greater than 10%. The project incorporates the use of retaining walls to minimize the amount of fill needed to create the new sports court. Additionally, the topography and drainage patterns are proposed to remain as existing – sloping towards the southwest corner of the property.

b. Site Design

No changes to the existing structures, parking facilities, or driveways are proposed. The new sports court is proposed to be located near the detached garage, keeping all the indoor and outdoor living areas confined to the side of the property closest to the northwest property line. Finally, the wooded area along the southwest property line will remain untouched.

c. Character and Scale of Buildings

The project does not propose any new buildings; a detached accessory structure, consisting of a pergola, is proposed.

d. Preservation of Existing Vegetation and Protected Trees

No tree removal is proposed, but thirty new deciduous and evergreen trees and ninety-five new shrubs will be planted around the proposed improvements.

e. Limit of Clearing

The project proposes minimal clearing. The site plan shows marked limits of clearing and tree protection fencing around the vegetated area along the southern end of the property.

f. Finished Grade

There is minor grading over the proposed infiltration system at a slope greater than 3:1. Erosion controls in the direction of the flow are proposed to protect the slope from erosion until it is stabilized. Fill for the sports court is limited to 566 CY and is delineated by the proposed retaining wall.

g. Stormwater Management

Although exempt as a single-family home, the proposed stormwater system is designed to meet the Massachusetts Stormwater Standards. Runoff from the proposed sports court and the existing garage roof will be piped into a subsurface infiltration system consisting of plastic chambers surrounded with crushed stone. Additionally, overflow from the subsurface system would be discharged to an existing depression in the southern portion of the property.

h. Utilities

No new utilities are proposed as a result of this project.

i. Pedestrian and Vehicular Access; Traffic Management

The project will not impact pedestrian and vehicular access or traffic circulation onsite or in the neighborhood.

j. Lighting

Typical residential wall mounted and pathway lighting is proposed. As a condition of this Approval, any future proposed sports court lighting will require administrative review by the Community Planning Department to ensure compliance with the requirements of the By-Law.

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 Jonathan & Bonnie Witcher for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I,5.f. related utility plans, to construct a sports court with a retaining wall, fencing, hardscape, landscape and other improvements at 80 Fearing Road 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. Outdoor Lighting. Any future sports court lighting structures shall require review by the Community Planning Department and must comply with § I-1,6.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. Setbacks. No structures, including but not limited to light posts, basketball hoops, or fencing greater than 6' in height, shall be located within required setbacks.
6. 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.
7. 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.
8. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to final inspection. 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. The as-built submission shall also include elevation plans of the retaining wall and fence to verify compliance with the height exemptions under the definition of structure in § VI of the By-Law.
9. 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.