



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW



IN THE MATTER OF:

Applicant: Tivon and Catherine Sidorsky
15 Porters Cove Road
Hingham, MA 02043

Owner: The Sidorsky Living Trust, U/A
15 Porters Cove Road
Hingham, MA 02043

Agent: Jeffrey Hassett, P.E.
Morse Engineering Company, Inc.
10 New Driftway, Suite 303
P.O. Box 92
Scituate, MA 02066

Property: 15 Porters Cove Road, Hingham, MA 02043

Deed Reference: Plymouth County Land Court Certificate of Title, 129162

Plan References: "Landscape Plan," prepared by Amy Martin Landscape Design, 818 Chief Justice Highway, Cohasset, MA, dated August 9, 2022 and revised through September 29, 2022 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc. 10 New Driftway, Suite 303, P.O. Box 92, Scituate, MA, dated August 9, 2022 and revised through September 30, 2022 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Tivon and Catherine Sidorsky (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 reconstruct a driveway, grade and landscape the property at 15 Porters Cove Road in the Residence C District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 3, 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 Kevin Ellis. Jeffrey Hassett, P.E., Morse Engineering Company, Inc., presented the application to the Board. The Board was assisted in its review by its peer review engineer, 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 1.46± acres of land. The northern rear portion of the property is located within the FEMA flood zone (AE el. 10) associated with the Weir River. The project initially began in 2020 and originally included the reconstruction of the single-family dwelling and construction of a garage addition, pool, patio and cabana. This work is substantially complete and did not undergo Site Plan Review at the time; however, the project now includes work in the front yard – installation of a new driveway, lawn, and landscaping. The expanded work includes disturbance of approximately 12,800 SF of land – 6,400 SF of which is in areas with slopes greater than ten percent. Additionally, the cut and fill analysis confirms a net fill of 31 CY.

Stormwater mitigation is proposed to collect runoff from the roof of the dwelling and pipe it into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. It will also collect runoff from the driveway and the lawn in a trench drain and crushed stone trenches where it will infiltrate. Further, a silt fence and mulch socks are currently in place to control erosion and will be extended in the front yard for the proposed work. Since this project consists of paving and landscaping, no changes to utility connections are proposed. Finally, with respect to clearing and tree removal, approximately 1,100 SF of brush area will be removed in the front yard. No additional tree removal or Protected Trees within the 10' Tree Yard were removed or are proposed to be removed.

In addition to staff, the Board's civil peer review engineer reviewed the project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. No members of the public provided comments prior to or during the public hearing.

WAIVERS

Pursuant to Section I-I, 9, the Applicant requested a waiver of certain submittal requirements under Section I-I, 5.c (architectural plan), h (Tree Protection and Mitigation Plan), i (cut and fill analysis), and j (construction schedule). The Applicant revised plans so as to include information required under subsections "h", "i", and "j". Architectural plans under "c" are not required, as

there are no proposed structures. Therefore, the Board determined that no waivers are required for this project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The proposed project includes disturbance of approximately 12,800 SF of land – 6,400 SF of which is in areas with slopes greater than ten percent. Additionally, the cut and fill analysis confirms a net fill of 31 CY. Grade changes proposed are largely consistent with those that exist, minimizing disturbance to existing topography and preserving natural drainage patterns on site. Overall, the majority of the project is within previously maintained areas on the property.

b. Site Design

No new structures are proposed with this project, but the new paved driveway will be located in a similar location to the existing driveway. Further, it is designed so as to not detract from the site's scenic qualities and will blend with the natural landscape.

c. Character and Scale of Buildings

No new structures are proposed with this project.

d. Preservation of Existing Vegetation and Protected Trees

Approximately 1,100 SF of brush area will be removed in the front yard. No additional tree removals, including Protected Trees within the 10' Tree Yard, will be removed in connection with this project.

e. Limit of Clearing

The limit of clearing is identified on the Site Plan by the erosion control barrier. Clearing consists of 1,100 SF of brush area in the front yard.

f. Finished Grade

All grading will be fully stabilized to protect from erosion. The proposed grading does not exceed 3:1 slopes. Mulch socks and siltation fencing are currently in place and will be extended into the front yard.

g. Stormwater Management

Stormwater mitigation is proposed to collect runoff from the roof of the dwelling and pipe it into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. It will also collect runoff from the driveway and the lawn in a trench drain and crushed stone trenches where it will infiltrate. Further, a silt fence and mulch socks are currently in place to control erosion and will be extended in the front yard for the proposed work.

h. Utilities

No new or changed utility connections are proposed in association with this project as it is limited to paving and landscaping.

i. **Pedestrian and Vehicular Access; Traffic Management**

Vehicular access will remain the same with this project, with the exception of a slight shift to the east of the driveway. Pedestrian access and traffic management will not be affected by this project.

j. **Lighting**

One 6' light post along the driveway is proposed. This light post, along with any additional typical residential lighting, will be shielded to prevent spillover onto adjacent properties or into the sky.

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-1, 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 Gordon Carr and seconded by Kevin Ellis, the Board voted unanimously to GRANT the application of Tivon and Catherine Sidorsky for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a driveway, grade and landscape the property at 15 Porters Cove Road in the Residence C 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.** 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.
7. **Maintenance of Protected 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.

For the Planning Board,



Judith Sneath
October 5, 2022

In Favor: Judith Sneath, Gordon Carr, Rita DaSilva, and Kevin Ellis

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.