



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Joseph and Maggie Keohan
35 School Street
Hingham, MA 02043

Agent: Joshua Green, E.I.T.
Merrill Engineers and Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: 35 School Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55987, Page 305

Plan References: "Additions & Alterations to Existing House," prepared by Campbell Smith Architects, 22 Depot Street, P.O. Box 1450, Duxbury, MA, dated September 30, 2022 (21 Sheets)

"Cut and Fill Calculation," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated September 19, 2022 (2 Sheets)

"Site Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated August 10, 2022 and revised through October 13, 2022 (2 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Joseph and Maggie Keohan (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 barn and

an addition to the existing single family home and other improvements at 35 School Street in the Residence A 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 hearing was continued and acted upon at a subsequent hearing on October 17, 2022. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Kevin Ellis, and Gary Tondorf-Dick. Joshua Green, E.I.T., Merrill Engineers and Land Surveyors, 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 20,376± SF of land improved by a single-family dwelling, paved driveway, and associated landscaping. The proposal calls for construction of additions to the existing dwelling, a barn, a patio, and a new paved driveway to access the new barn at the rear of the property. Overall, the project proposes 10,275 SF of land disturbance with a net fill of 10 CY.

Runoff from the barn roofs and dwelling will be piped into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Additionally, runoff from portions of the driveway and lawn will be collected in yard drains and piped into the subsurface infiltration systems. With respect to utilities, the dwelling is proposed to be served by those that exist as well as by a new septic system. Existing overhead electrical wires will be placed underground. Proposed erosion controls include a silt sock erosion control barrier along each side of the property. Finally, the plans indicate that six trees will be removed. None of the removals from the Tree Yard involve Protected Trees; an arborist certified that all trees over 6" in caliper to be removed are either invasive, damaged, or in poor health. The Applicant proposes ten 4-inch caliper trees to be planted, consisting of both Green Giant Arborvitaes and Eastern Red cedar.

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 best engineering practices. Comments in Mr. Brennan's initial report included requested adjustments to elevation calculations for the subsurface infiltration system; addition of inspection ports and basin hoods; change in erosion control material; and clarification of details within the Construction Pollution Prevention Plan (CPPP), tree type/species, and

site/architectural plan. The Applicant provided revisions that address all items raised by Mr. Brennan.

During the course of the hearing, the Board raised comments related to tree removals, grading, driveway material, and the proposed barn location. Abutters provided public comment in support of the project and asked questions about proposed tree plantings.

WAIVERS

Pursuant to Section I-I, 9, the Applicant requested a waiver of certain submittal requirements under Section I-I, 5.g (landscape plan) and j (construction schedule). In lieu of a separate landscape plan, the Applicant shows proposed plantings to be removed, retained, and planted on the site plan, along with a construction schedule note. As such, waivers are not required for this project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 10,275± SF of total land disturbance with minor changes proposed to the natural topography and drainage patterns on the site. The cut and fill analysis identifies for a yield of 10 CY of fill.

b. Site Design

The proposed addition, barn, and hardscaping are similar to the placement of other structures and driveways in the area, and will not detract from the site's scenic qualities.

c. Character and Scale of Buildings

The character and scale of the proposed project are consistent with those of properties in the neighborhood, consisting of accessory structures and single-family dwellings of similar size.

d. Preservation of Existing Vegetation and Protected Trees

The plans indicate that there will be six trees removed – those in the Tree Yard are not Protected Trees, as they are either invasive, damaged, or in poor health. The Applicant proposes ten 4-inch caliper trees to be planted, consisting of both Green Giant Arborvitaes and Eastern Red cedar.

e. Limit of Clearing

The silt sock, as identified on the Site Plan, is dually proposed as the limit of clearing as well. Minimal clearing is proposed in association with this project.

f. Finished Grade

Minimal grading is proposed – none of which will exceed a 3:1 slope and are designed to match existing grades to the greatest extent practicable.

g. Stormwater Management

Although exempt, this project proposes to meet the Massachusetts Stormwater Management Standards to the greatest extent possible. Runoff from the barn roofs and dwelling will be piped into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Additionally, runoff from portions of the driveway and lawn will be collected in yard drains and piped into the subsurface infiltration systems. Finally, proposed erosion controls include a silt sock erosion control barrier along each side of the property.

h. Utilities

The proposed dwelling will be served by those that exist as well as by a new septic system. Existing overhead electrical wires will be placed underground.

i. Pedestrian and Vehicular Access; Traffic Management

A new paved driveway is will be installed from the existing curb cut on School Street, but extend beyond the current bounds of the existing driveway to the proposed barn in the rear of the property. The driveway provides safe and convenient pedestrian access to and from the site and does not negatively affect traffic on the adjacent street.

j. Lighting

No additional outdoor lighting is proposed.

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 an amended motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Joseph and Maggie Keohan for Site Plan Approval under § I-I of the Zoning By-Law to construct a barn and an addition to the existing single family home and other improvements at 35 School Street 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. 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. Tree Plantings. Before issuance of a certificate of occupancy, the Applicant shall confirm species availability of the proposed 4" caliper native trees to be planted with the Community Planning Department.
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 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 25, 2022

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