



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: APF Development Group, LLC
213 Wompatuck Road
Hingham, MA 02043

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

Property: 68 Bel Air Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56809, Page 116

Plan References: "Cut & Fill Plan," prepared by Morse Engineering Company, Inc. 10 New Driftway, Suite 303, P.O. Box 92, Scituate, MA, dated September 27, 2022 (1 Sheet)

"Landscape Plan," prepared by Patricia Van Buskirk Landscape Architecture, 18 Summit Drive, Hingham, MA, dated August 26, 2022 (1 Sheet)

"Site Plan," prepared by Morse Engineering Company, Inc. 10 New Driftway, Suite 303, P.O. Box 92, Scituate, MA, dated August 25, 2022 and revised through September 29, 2022 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of APF Development Group, LLC (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, construct a driveway, hardscape, landscape and other improvements at 68 Bel Air Road 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 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 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 20,246± SF of land, improved by a single-family dwelling, paved driveway, walks, ledge, and associated landscaping. The proposal calls for demolition of the existing dwelling and construction of a new dwelling, paved driveway, landscaping, and hardscaping. The work proposes 13,540± SF of total land disturbance – 4,475± SF of which is in areas with slopes greater than ten percent. Further, a cut and fill analysis notes a net cut volume of 726 CY.

Stormwater mitigation will be provided by collecting runoff from the roof of the dwelling and piping it into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Additionally, a 40"x52" rip rap area is proposed for the two 4" PVC outlet pipes located in the southern corner of the property. Water and sewer service lines will connect to existing utility mains in Bel Air Road. Additionally, an underground propane gas tank is proposed for the new dwelling and the electric and communication utilities will be underground from an existing utility pole located in front of the property. During construction, a mulch sock will be installed along the down-gradient limit of work to control erosion. Finally, four trees are proposed to be removed from the site, but none meet the definition of a Protected Tree. While not required, the Applicant will plant eight new trees in addition to a number of other shrubs and plantings.

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 report include the need for a stabilized construction entrance, additional catch basin detail, a proper FEMA reference on the plan, and additional Tree Yard and tree species specification. The Applicant provided updated plans and materials to address all items raised by Mr. Brennan.

During the course of the hearing, the Board raised comments related to placement of the proposed dwelling and garage, the slope of the property, the proposed retaining wall, improvement of stormwater runoff mitigation, and distance of the proposed improvements from the property line. One abutter and their attorney provided public comment regarding ledge removal, construction site safety, the propane tank location, slopes on the property in relation to the abutting property, elevation of structures, and stormwater management.

WAIVERS

The Applicant requested a waiver of certain submittal requirements under § I-1,5.I. However, this application is a Minor Site Plan and § I-1,5.I only applies to Major Site Plan applications. Therefore, a waiver of this submittal requirement is not needed.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 13,540± SF of total land disturbance – 4,475± SF of which is in areas with slopes greater than ten percent. Further, a cut and fill analysis notes a net cut volume of 726 CY. Overall, the project is designed to maintain the existing drainage patterns.

b. Site Design

The project is largely within the bounds of previously maintained areas including the former dwelling, driveway, walkways, and associated landscaping. While some ledge is proposed to be removed, the proposed project will not detract from the site's scenic qualities and the remaining ledge and other natural features will blend with the landscape.

c. Character and Scale of Buildings

The proposed dwelling is in line with the character and scale of other existing and newly constructed homes in the neighborhood.

d. Preservation of Existing Vegetation and Protected Trees

Four trees are proposed to be removed from the site. None of these qualify as Protected Trees as they are located outside the 10' Tree Yard. While not required, the Applicant will plant eight new trees in addition to a number of other shrubs and plantings. The Critical Root Zones of Protected Trees are labeled on the Site Plan and are outside of the limit of work.

e. Limit of Clearing

Four trees outside of the 10' Tree Yard are proposed to be removed. Additionally, the marked limit of work is labeled on the site plan as the mulch sock erosion control.

f. Finished Grade

Proposed grades will not exceed a slope greater than 3:1 and finished grades will be fully stabilized to prevent erosion. Additionally, no finished grade will be higher than the trunk flares of Protected Trees.

g. Stormwater Management

Stormwater mitigation will be provided by collecting runoff from the roof of the dwelling and piping it into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Additionally, a 40"x52" rip rap area is proposed for the two 4" PVC outlet pipes located in the southern corner of the property. Finally, proposed erosion controls consist of a mulch sock barrier along the front and sides of the property.

h. Utilities

Water and sewer service will extend from the existing utility mains in Bel Air Road. Additionally, a propane gas tank is proposed for the new dwelling and the electric and communication utilities will be underground from an existing utility pole located in front of the property.

i. Pedestrian and Vehicular Access; Traffic Management

The new driveway will be more centrally located on the site – shifting from an existing location along the northwesterly property line. There will be no impacts to pedestrian access or traffic management.

j. Lighting

Typical residential lighting is proposed and will be shielded to prevent spillover to 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-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.

DECISION

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of APF Development Group, LLC for Site Plan Approval under § I-I of the Zoning By-Law to raze and rebuild a single-family home, construct a driveway, hardscape,

landscape and other improvements at 68 Bel Air 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. 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.

8. The applicant will contact all direct abutters prior to the commencement of any ledge removal on the property and will comply with all conditions cited in the Fire Department permit.

For the Planning Board,



Judith Sneath
November 8, 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.