



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Oak Martins Lane LLC
30 Summer Street
Hingham, MA 02043

Agent: Brendan Sullivan, P.E.
Cavanaro Consulting
687 Main Street
Norwell, MA 02061

Property: 95 Martins Lane, Hingham, MA 02043

Deed Reference: Certificate of Title No. 133571 issued by the Plymouth County Registry
District of the Land Court

Plan References: "95 Martins Lane," prepared by Atlantic Design Group, 20 Peckham Street,
Unit 3, New Bedford, MA, dated August 29, 2022 and revised through
October 6, 2022 (6 sheets)

"Site Plan Set," prepared by Cavanaro Consulting, 687 Main Street, P.O.
Box 5175, Norwell, MA, dated September 30, 2022 (4 Sheets; sheets 3 and
4 revised through October 13, 2022)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Oak Martins Lane 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 reconstruct single-family dwelling, garage, pool with patio, driveway and other improvements at the property in the Residence C District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 17, 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, and Gary Tondorf-Dick. Brendan Sullivan, P.E., 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 43,850 SF of land, improved by a single-family dwelling, paved driveway, gazebo, landscaping, ledge, lawn and wooded areas. The proposal calls for demolition of the existing dwelling and construction of a new dwelling, paved driveway with a gravel circular turnaround, pool, and patio. Overall, this project proposes 40,000± SF of land disturbance with 23,000± SF being in areas with slopes greater than 10% - qualifying this application as a major site plan. Further, a net fill of 150 CY is proposed with this project.

Existing utilities will continue to serve the dwelling, with the exception of a new septic system and underground electrical connections. Runoff from the roof of the garage portion of the new dwelling will be piped to a subsurface infiltration system consisting of perforated plastic pipes surrounded by crushed stone. Additionally, runoff from an expanded portion of the paved driveway will be collected in a catch basin and also piped into the subsurface infiltration system. Proposed erosion controls include a silt sock erosion control barrier around the perimeter of the property, set about five feet off the property lines. Regarding tree removal, the site plan shows four Protected Trees previously removed from the Tree Yard and eight additional white pine trees removed throughout the rest of the site – two of which blew over in storms. In total, 90 caliper inches of Protected Trees were removed, requiring 45 caliper inches of mitigation planting. In addition to a number of new shrubs, plantings, and twenty-five green giant arborvitaes, the Applicant proposes sixteen-3” caliper native deciduous trees, totaling 48 caliper inches of new tree mitigation 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 initial report included requests for stormwater infiltration system model, calculation, and inspection port revisions, revised locations for trees proposed near the infiltration system, additional roof leader and catch basin details, revised grades near the proposed driveway turnaround, limit of work clarification, a change in erosion control material, roof drain clearing specification in the Long-Term Operation and Maintenance Plan, and proper zoning and FEMA information on the plans. The Applicant subsequently provided responses to all issues raised by Mr. Brennan.

During the course of the hearing, the Board raised comments related to plantings, grade, stone wall preservation, utilities, the existing curb cut, hammering of ledge, windows, tree removal and replacement, replacement of the Bradford Pear trees with a tree from the Tree Warden's approved trees list. An abutter provided public comment related to stormwater and drainage.

WAIVERS

Pursuant to § I-1,9, the Applicant requested a waiver of submittal requirements under §§ I-1,5.I(ii)(site lighting plan) and (iii)(Transportation Impact Assessment) due to the residential nature of the project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 40,000± SF of land disturbance with 23,000± SF being in areas with slopes greater than 10%. Additionally, a net fill of 150 CY and minimal grade changes are proposed with this project. Finally, the drainage patterns will remain as existing sloping towards the corner of Martins Lane and Porters Cove.

b. Site Design

The proposed dwelling and driveway will be in the same general location as existing conditions. A variety of new trees and plantings will be planted on the property to help the site blend with the natural landscape. Previously overgrown areas will be trimmed and cleaned up.

c. Character and Scale of Buildings

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

d. Preservation of Existing Vegetation and Protected Trees

Four Protected Trees were previously removed from the Tree Yard and eight additional white pine trees were removed throughout the rest of the site – two of which blew over in storms. In total, 90 caliper inches of Protected Trees were removed, requiring 45 caliper inches of mitigation planting. In addition to a number of new shrubs, plantings, and twenty-five green giant arborvitaes, the Applicant proposes sixteen-3" caliper native deciduous trees, totaling 48 caliper inches of new tree mitigation plantings.

e. Limit of Clearing

The limit of clearing is marked on the plans by the erosion control barriers to be installed along the limit of work to prevent runoff. This includes a silt sock around the perimeter of the property, set about five feet off the property lines.

f. Finished Grade

The proposed grading is minimal and proposed structures are designed to match the existing topography most closely and to provide stability for the new structures.

g. Stormwater Management

Runoff from the roof of the garage portion of the new dwelling will be piped to a subsurface infiltration system consisting of perforated plastic pipes surrounded by crushed stone. Additionally, runoff from an expanded portion of the paved driveway will be collected in a catch basin and also piped into the subsurface infiltration system. New impervious area runoff will be treated by the stormwater infiltration system and the driveway turnaround is proposed to be gravel to provide for a pervious surface. The project will meet all 10 Massachusetts Stormwater Standards.

h. Utilities

Existing utilities will serve the dwelling, with the exception of a new septic system and underground electrical connections.

i. Pedestrian and Vehicular Access; Traffic Management

The driveway location off of Martins Lane will remain the same with reconfiguration of the paved surface and addition of a pervious turnaround. No changes to pedestrian access or traffic management are proposed.

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.

MOTION

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Oak Martins Lane LLC for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I,5.I related to a site lighting plan and Transportation Impact Assessment, to raze and reconstruct single-family dwelling, garage, pool with patio, driveway and other improvements at 95 Martins Lane 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 and Replacement Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), 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.

8. Tree Plantings. Eight trees from the Tree Warden's Approved Trees list with a minimum caliper of 3-inches shall be added to the Proposed Plantings plan to the north of the dwelling in replacement of the eight Bradford Pear trees as identified to be planted on the Proposed Plantings plan. Such plan shall be submitted to the Community Planning Department and the Building Commissioner with the application for a building permit.
9. The applicant will contact all direct abutters prior to the commencement of any ledge removal on the property.

For the Planning Board,



Judith Sneath
November 8, 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.