



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Joseph Mahoney
17 Shore Garden Road
Hull, MA 02045

Agent: James Garfield, P.E.
Morse Engineering Company, Inc.
P.O. Box 92
Scituate, MA 02066



Property: 170 Chief Justice Cushing Highway, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 50491, Page 224

Plan Reference: "Site and Septic Design Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Suite 303, Scituate, MA, dated December 13, 2022 and revised through February 7, 2023 (2 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Joseph Mahoney (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law"), and such other relief as necessary to construct a single-family dwelling and make other improvements including a paved driveway, walkway, grading, and landscaping at 170 Chief Justice Cushing Highway in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 13, 2023 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, Kevin Ellis, and Gary Tondorf-Dick. James Garfield, 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 40,030± SF of land improved by two detached garages, asphalt and gravel driveway, lawn and wooded areas. The Planning Board endorsed an ANR plan in June 2022 – creating a buildable lot from a land swap with 174 Chief Justice Cushing Highway. The proposal calls for demolition of the smaller of the two existing detached garages and construction of a new dwelling with an attached garage, paved driveway, hardscaping and landscaping. The project proposes 25,760 SF of total land disturbance – 12,638 SF of which is in areas with slopes greater than 10%. Further, the project proposes a net cut of 828 CY.

Roof runoff from the proposed dwelling will be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while driveway runoff is proposed to be collected in a crushed stone trench adjacent to the driveway with overflow directed to a grassed depression at the rear of the property. Additionally, a new septic system is proposed to serve the dwelling, in addition to existing water and gas utilities in Chief Justice Cushing Highway. Electric/communication utilities are proposed to be underground from an existing utility pole located off the southeastern corner of the property. Regarding tree removal, nineteen trees are shown to be removed as part of the project – three of which are partially within the Tree Yard totaling 28 caliper inches. This requires 14 caliper inches of mitigation planting. The Applicant proposes mitigation planting of two-3” caliper Redbug trees and fifteen 6-8’ Arborvitae trees. Finally, a compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work.

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. Mr. Brennan’s initial report included suggested revisions to the grassed depression and inspection ports for the stormwater system; the addition of a stabilized construction entrance; floor plan revisions; proper property line and building locations clarifications; and recommended conditions related to site lighting and stormwater calculations. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised questions and comments related to the tree mitigation selection, driveway, and garages. No public comment was received prior to or during the public hearing.

WAIVERS

The Applicant requested a waiver of submittal requirements under § I-I, 5.I(ii) and (iii), a Site Lighting Plan and Transportation Impact Analysis, as the submittal requirements do not apply to the nature of this single-family home project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 25,760 SF of total land disturbance – 12,638 SF of which is in areas with slopes greater than 10%. Further, the project proposes a net cut of 828 CY. The majority of the project is within previously maintained areas (garage, shed, driveway, lawn) and is designed to maintain existing drainage patterns.

b. Site Design

The proposed dwelling is situated to minimize disturbance to Protected Trees and will not detract from the site's scenic qualities and shall blend with the natural landscape.

c. Character and Scale of Buildings

The proposed dwelling is similar in character and scale with the limited number of those in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

The project proposes nineteen trees to be removed – three of which are partially within the Tree Yard totaling 28 caliper inches. This requires 14 caliper inches of mitigation planting. The Applicant proposes mitigation planting of two-3" caliper Redbug trees and fifteen 6-8' Arborvitae trees.

e. Limit of Clearing

The project proposes nineteen trees to be removed – three of which are partially within the Tree Yard totaling 28 caliper inches. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work.

f. Finished Grade

Finished grades will be no greater than a 3:1 slope and all final grading will be fully stabilized to protect from erosion.

g. Stormwater Management

Roof runoff from the proposed dwelling will be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while driveway runoff is proposed to be collected in a crushed stone trench adjacent to the driveway with overflow directed to a grassed depression at the rear of the property. While not required as a single-family dwelling, the project complies with the MassDEP Stormwater Management Standards.

h. Utilities

A new septic system is proposed to serve the dwelling, in addition to existing water and gas utilities in Chief Justice Cushing Highway. Electric/communication utilities are proposed to be underground from an existing utility pole located off the southeastern corner of the property.

i. Pedestrian and Vehicular Access; Traffic Management

A paved driveway will utilize the existing curb cut on Chief Justice Cushing Highway and provide adequate pedestrian and vehicular access. There are no changes proposed with respect to traffic management.

j. Lighting

Typical residential lighting is proposed with this project.

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 Gary Tondorf-Dick and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Joseph Mahoney for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.I(ii) and (iii) related to a Site Lighting Plan and a Transportation Impact Analysis, to construct a single-family dwelling and make other improvements including a paved driveway, walkway, grading, and landscaping at 170 Chief Justice Cushing Highway in Residence District C, 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. Sight Lighting. Proposed outdoor lighting shall be consistent with that of a single-family home and shall not project onto abutting properties greater than the 0.25 foot-candle limit.

3. **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.
4. **Plan Revisions.** Prior to issuance of a building permit, the Applicant shall submit revised plans to the Community Planning Department to show three additional trees of native species, all at least 3" in caliper.
5. **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.
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 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.
9. **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.

10. The Applicant shall resubmit a planting plan that shows an additional 3 trees selected in the spirit of Hingham's tree protection by-law prior to issuance of a building permit.

For the Planning Board,



Judith Sneath
February 27, 2023

In Favor: Judith Sneath, Gordon Carr, Rita DaSilva, 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.