



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: CPC Pleasant Street LLC
c/o Ryan Sillery
218 Willard Street, Suite 302
Quincy, MA 02169

Agent: Walter B. Sullivan Jr., Esq.
Sullivan & Comerford, P.C.
80 Washington Street, Building B, Suite 7
Norwell, MA 02061

Property: 222 South Pleasant Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55822, Page 18

Plan References: "Proposed Site: 222 S. Pleasant St., Hingham, MA 02043," prepared by GMT Home Designs, Inc., 60 Pleasant Street, Suite 10C, Ashland, MA, dated September 29, 2022 and revised through February 10, 2023 (36 Sheets)

"Recreation Court Lighting Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated November 30, 2022 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of CPC Pleasant Street LLC (the "Applicant") for Site Plan Review with Waiver Requests under § I-I of the Zoning By-Law and such other relief as necessary to reconstruct a single-family dwelling, including an attached two car garage, and construct a detached accessory building with single garage bay and office, pool, pool house, sports court, auto court, hardscaping, landscaping and other improvements at 222 South Pleasant Street in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on December 5, 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 held subsequent substantive sessions on December 19, 2022, January 9, 2023, January 30, 2023, February 6, 2023, and February 13, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Glenn Travis, GMT Home Designs, Sean Papich, ASLA, Sean Papich Landscape Architecture, and Walter Sullivan, Esq., Sullivan & Comerford, 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 129,258± SF of land – 48,799 SF of which is wetland and 80,459 SF is upland. The property is currently improved by a single-family dwelling, outbuildings, paved driveway, lawn and wooded areas. The proposal calls for demolition of the existing dwelling and outbuildings, construction of a new dwelling with attached garage, a detached garage/office structure, in-ground pool, pool house, sports court, paved driveway with an auto court, hardscaping and landscaping. The project proposes 56,957 SF of land disturbance with a net cut of 1,572 CY, which qualifies as a Major Site Plan due to disturbance in excess of 20,000 SF.

The stormwater management system will direct runoff from the roof of the dwelling and some of the impervious surfaces into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Porous pavement surfacing on the proposed sports court will infiltrate stormwater that falls on the court. A new septic system will serve the dwelling and accessory structures and a new water service will connect into the existing water main in South Pleasant Street. Electric service will be located underground.

The proposed plan calls for the removal of forty-one trees – five of which are within the 10’ Tree Yard. An arborist certified that three of these five trees in the Tree Yard are dead; as a result, these do not qualify as Protected Trees and do not require mitigation. The two Protected Trees to be removed consist of a total of 46-caliper inches, which requires 23” of mitigation. The Applicant proposes 33-caliper inches of new deciduous trees (12) in addition to seventy-eight evergreen trees and three Heritage River birch trees, each at least 7’ in height, and numerous shrubs and plantings. This brings the total of new trees proposed for planting to ninety-three. The other existing sixteen Protected Trees in the development area as well as the remaining wooded areas will remain. Additionally, a compost filter tube is proposed as a perimeter erosion control barrier around the limits of work.

During the hearing process, Board, public, and peer review comments resulted in numerous plan revisions. The most notable changes include elimination of the proposed detached garage plan, reduction in the size of the principal dwelling by 2,503 SF and the sports court, removal of the two 20' sports court light poles, and the addition of a significant number of trees 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 initial report included requests for additional information and revisions related to a post-development watershed plan, Hydro-CAD models, soil and septic test pits, recharge and water volume calculations, Stormwater Standard clarification, roof drain connections, inspection ports, a stabilized construction entrance, the auto court catch basin, utility connections to accessory structures, retaining walls, the Construction Management/Operations & Maintenance Plan, and a photometric plan. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised extensive questions and comments related to the grading, stormwater, tree removal, massing and scale of proposed structures, relation to other homes in the vicinity, impervious surface area, and house design. Three abutters provided public comment related to the massing and scale of the proposed development, relation to their respective properties, screening of certain improvements and structures, and construction vehicle traffic.

WAIVERS

The Applicant requested a waiver of a submittal requirement under § I-I, 5.I(iii), Transportation Impact Analysis, as the submittal requirement does not apply to the nature of the single-family home project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 56,957 SF of total land disturbance, with a net cut of 1,572 CY. The project incorporates the use of retaining walls to minimize the amount of fill needed for proper stabilization of the development. Grading onsite is designed to match the existing grades to the greatest extent practicable given the proposed developments, in order to preserve drainage patterns on site.

b. Site Design

The proposed structures are set back further from the street than the existing dwelling and at a distance that exceeds the front yard setback requirements under Section IV-A of the By-Law (82.9' measured to the closest portion of the proposed dwelling where 50' is required). Numerous existing and proposed trees along the perimeter of the site will provide screening from residential abutters. Local wetland regulations protect the

existing natural landscape of onsite resource areas and associated buffer areas located to the rear of the property and adjacent to the adjoining state park to the north.

c. Character and Scale of Buildings

The character and scale of the development is considerably different in terms of massing and design from the existing 1937 dwelling and the majority of properties in the vicinity. The Applicant has appeared to make no effort to minimize the departure from the scale of either the previously existing structure or the immediately abutting properties, which is the clear intent of the Design and Performance Standards. However there is one home in a nearby subdivision that matches the size of the proposed project, which is sufficient to minimally satisfy the provisions of this criteria. Additionally, the property maintains 80,459.39 SF of contiguous upland, which is more than two times the area required under Section IV-B.13. of the By-Law. The property overall consists of 129,258.50 SF of land where 40,000 SF is required under Section IV-A of the By-Law for the district and the project complies with all other dimensional standards.

d. Preservation of Existing Vegetation and Protected Trees

In total, forty-one trees are proposed for removal throughout the property – five of which are within the 10' Tree Yard. Three of these five trees in the Tree Yard are dead, as certified by a certified arborist, and are not considered Protected Trees and do not require mitigation. Therefore, only two of the trees to be removed in the Tree Yard are considered Protected Trees. A total of 46-caliper inches of Protected Trees are proposed for removal, requiring 23" of mitigation. The Applicant proposes 33-caliper inches of new deciduous trees (12) in addition to seventy-eight evergreen trees and three Heritage River birch trees, each at least 7' in height, and numerous shrubs and plantings. This brings the total of new trees proposed for planting to ninety-three. The other existing sixteen Protected Trees in the development area as well as the remaining wooded areas will remain.

e. Limit of Clearing

Forty-one trees are proposed for removal and a compost filter tube is proposed as a perimeter erosion control barrier around the limits of work.

f. Finished Grade

Finished grades will be no greater than a 3:1 slope and the site will be stabilized by loam and seed following construction. Retaining walls are also incorporated in the design to reduce the amount of fill needed for this project.

g. Stormwater Management

The stormwater management system will direct runoff from the roof of the dwelling and some of the impervious surfaces into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Porous pavement surfacing on the proposed sports court will infiltrate stormwater that falls on the court. 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 and accessory structures in place of the existing cesspool. A new water service connection to the existing water main in South Pleasant Street and an underground electrical connection are also proposed.

i. Pedestrian and Vehicular Access; Traffic Management

The driveway and auto court provide for adequate vehicular and pedestrian access. There are no changes proposed with respect to traffic management.

j. Lighting

Typical residential lighting is proposed with this project and no additional lighting is proposed on the sports court.

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, including minimal compliance with Criteria (c) Character and Scale of Buildings.

MOTION

Upon a motion made by Rita DaSilva and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of CPC Pleasant Street LLC for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a submittal requirement under § I-1, 5.1(iii) related to a Transportation Impact Analysis, to reconstruct a single-family dwelling, including an attached two car garage, and construct a pool, pool house, sports court, auto court, hardscaping, landscaping and other improvements at 222 South Pleasant Street 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. No lighting shall be installed for the sports court.

3. Construction Schedule. Prior to issuance of a building permit, the Applicant shall provide a construction schedule to the Community Planning Department. Said construction schedule shall specify truck travel outside of school bus pick-up/drop-off hours. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
4. Plan Revisions. Prior to issuance of a building permit, the Applicant shall submit revised plans to the Community Planning Department to show accurate grading, elevations, and cut and fill numbers.
5. 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.
6. Stormwater Pollution Prevention Plan (SWPPP). Since the project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. 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 the SWPPP review.
7. 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.
8. 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.
9. 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.

10. 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.

11. Additional Structures or Impervious Surface. Any future proposed expansion of building footprint of a principal or accessory building and/or any increase in impervious surfaces shall require modification of this Site Plan Approval, so that the Board can review any potential impacts on Design and Performance Standards under Section I-I of the By-Law.

For the Planning Board,



Judith Sneath
March 9, 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.

