



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Hersey Street 158-160, LLC
c/o Peter Hersey
150 Hersey Street
Hingham, MA 02043

Agent: Jeffrey A. Couture, P.E.
SITEC Engineering & Environmental Consultants, Inc.
769 Plain Street, Suite A
Marshfield, MA 02050

Property: 158-160 Hersey Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 46538, Page 334

Plan References: "Hersey Residence, 158-160 Hersey Street, Hingham, MA 02043,"
prepared by Alan Kearney Architects, 222 North Street, Hingham, MA,
dated November 1, 2022 (7 Sheets)

"Proposed Reonovation/Addition, 158-160 Hersey Street, Hingham, MA
02043," prepared by SITEC Engineering & Environmental Consultants, Inc.,
769 Plain Street, Unit C, Marshfield, MA, dated January 3, 2023 and revised
through February 8, 2023 (5 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 158-160 Hersey Street, LLC (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 an addition onto the rear of an existing two-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 158-160 Hersey Street in Residence District A.

RECEIVED

MAR 15 2023

Town Clerk
Hingham, MA

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 27, 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. Jeffrey Couture, P.E., SITEC Engineering & Environmental Consultants, Inc., presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, 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 9,901± SF of land located on the east side of Hersey Street north of its intersection with Butler Road. The lot is nonconforming with respect to lot size, lot shape, and frontage. An existing dwelling structure, which was previously used as a two-family, additionally maintains a nonconforming front yard setback.

In 2019, the Applicant sought and attained permits from the Zoning Board of Appeals to reestablish the prior two-family use of the dwelling that had been unoccupied for approximately 14 years. In connection with a Special Permit A2 application under Section III-I, 1.D.(iii)b., the Planning Board voted to waive Site Plan Review.

The project plans have since been further developed. The proposal calls for demolition of the existing garage and the rear portion of the dwelling and construction of an addition onto the rear of the dwelling. The two existing driveways will essentially be repaved in the same general areas as existing conditions. The project proposes a net cut of 481 CY and a total land disturbance of 6,847 SF of land disturbance – 2,660 SF of which is in areas with slopes greater than 10% - which triggers a Minor Site Plan Review separate from the Special Permit A2 allowing reestablishment of the use.

Runoff from the roof of the proposed addition will be directed into two subsurface infiltration systems consisting of concrete drywells surrounded by crushed stone. An existing onsite septic system and existing connections to water and gas utilities will serve the dwelling. Additionally, electric/communication utilities are proposed to be installed underground. One 24-inch maple tree is proposed to be removed as part of the project, but it is not within the Tree Yard. While the tree removal does not require mitigation, the Applicant proposes installation of four, 3"-caliper maple trees. Finally, a compost filter sock will control erosion around the down-gradient limits of work and the existing driveways will serve as stabilized construction entrances.

In addition to staff, the Board's civil peer review engineer Patrick Brennan, PGB Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Mr. Brennan's initial report included comments

related to conducting test holes for and revisions to the stormwater system, addition of the Tree Yard on the plan, and a recommended condition related to site lighting. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised a comment related to tree protection and mitigation. One abutter provided public comment in support of the application.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes a net cut of 481 CY and a total land disturbance of 6,847 SF of land disturbance – 2,660 SF of which is in areas with slopes greater than 10%. The proposed additions will maintain the existing natural topography of the site and drainage patterns will not change. Increased runoff resulting from the additional impervious surface area will be attenuated through the addition of two new stormwater drywells.

b. Site Design

The placement of the proposed driveways are the same as existing conditions and the additions onto the dwelling will not detract from the site's existing scenic qualities.

c. Character and Scale of Buildings

The proposed additions are within the character and scale of the existing dwelling and dwellings in the vicinity. The exterior of the building will be improved in keeping with the existing style of the building. A new roof ridge will be created so that the existing building and new addition will have ridgelines at the same elevation, resulting in a 2'-0" increase in the building height (19'-6" overall height).

d. Preservation of Existing Vegetation and Protected Trees

One 24-inch maple tree is proposed to be removed as part of the project, but it is not within the Tree Yard. While the tree removal does not require mitigation, the Applicant proposes four, 3"-caliper maple trees are proposed to be planted.

e. Limit of Clearing

One 24-inch maple tree is proposed to be removed as part of the project, but it is not within the Tree Yard. Additionally, a compost filter sock as a perimeter erosion control barrier around the down-gradient limits of work.

f. Finished Grade

Topography on the site will not be substantially altered with the construction of the proposed addition. Nowhere on the project site will the finished grade be greater than 3:1.

g. Stormwater Management

Runoff from the roof of the proposed addition are proposed to direct into two subsurface infiltration systems consisting of concrete drywells surrounded by crushed stone.

h. Utilities

An existing onsite septic system and existing connections to water and gas utilities will serve the dwelling. Additionally, electric/communication utilities are proposed to be installed underground.

i. Pedestrian and Vehicular Access; Traffic Management

The paved driveways are proposed in the same location as exist onsite. There are no changes proposed with respect to traffic management or pedestrian access.

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 Rita DaSilva, the Board voted unanimously to GRANT the application of 158-160 Hersey Street, LLC for Site Plan Approval under § I-I of the Zoning By-Law, to construct an addition onto the rear of a two-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 158-160 Hersey Street in Residence District A, 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. 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.
5. 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.
6. 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.
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
March 15, 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.