



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: JJF Investments, LLC
15 Maryknoll Drive
Hingham, MA 02043

Agent: Austin Chartier
McKenzie Engineering Group, Inc.
150 Longwater Drive, #101
Norwell, MA 02061

Property: 457 Main Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55972, Page 298

Plan References: "457 Main St., Hingham, MA 02043," prepared by HC Design, 146 Front Street, Suite 107, Scituate, MA, dated March 17, 2022 and revised through March 6, 2023 (8 Sheets)

"Landscape Design," prepared by Seoane Landscape Design, dated December 8, 2022 and revised through January 16, 2023 (1 Sheet)

"Minor Site Plan Review, Proposed Single Family Home, 457 Main Street in Hingham, Massachusetts," prepared by McKenzie Engineering Group, Inc., 150 Longwater Drive, #101, Norwell, MA, dated October 7, 2022 and revised through February 28, 2023 (8 Sheets; sheet C-2 revised through March 9, 2023)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of JJF Investments, LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law and such other relief as

necessary to construct a single-family dwelling and make other improvements including a paved driveway, grading, and landscaping at 457 Main Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely, without the receipt of testimony, 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 held a subsequent non-substantive session on February 27, 2023 and a substantive session on March 13, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Kathleen Heffernan, Esq., Sullivan & Comerford, P.C., Austin Chartier, P.E., McKenzie Engineering Group, Inc., and Heidi Condon, AIA, HC Design 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 13,487± SF of land, previously improved by a single-family dwelling, paved driveway, lawn areas and a number of trees. There is a wetland off the west side (rear) of the property and the 100-foot buffer to this wetland extends into the property about 35 feet along the north sideline and 60 feet along the south sideline. No work is proposed within this buffer. The proposal calls for construction of a new dwelling with an attached garage, expanded driveway, walkways and landscaping. The project proposes 7,700 SF of land disturbance and a net cut of 100 CY.

It should be noted that a building permit was issued by the Building Department in 2022 to demolish the previous dwelling on the property. The previous dwelling was subsequently razed and a new footing was installed for the new dwelling. Due to concerns about grading and drainage, the neighbor at 461 Main Street filed an appeal of the building permit with the ZBA claiming that the developer disturbed land in excess of what was originally proposed (under 5,000 SF). A subsequent survey following the appeal filing confirmed land disturbance triggering a Minor Site Plan and a stop work order was then issued by the Building Commissioner.

Runoff from the roof of the dwelling is proposed to direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. An existing onsite septic system will serve the dwelling, as well as connections to existing water and gas utilities. Additionally the project proposes electric/communication utilities to be placed underground. Five trees are proposed to be removed as part of the project – two of which are within the Tree Yard, as shown on sheet C-1 of the plan set, for a total of 22 caliper inches. This requires 11 inches of mitigation planting. The Applicant proposes mitigation planting consisting of twelve 7-8' Western cedar trees among numerous other plantings. Additionally, a compost filter sock is proposed as a perimeter

erosion control barrier around the down-gradient limits of work and a stabilized construction entrance is proposed in the location of the existing driveway.

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 revisions to test holes and inspection ports for the stormwater system, addition of the Tree Yard on the Landscape Plan, a recommended condition related to site lighting, and adequate runoff rates/volumes. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised comments and questions related to the stormwater system, nonconforming setbacks, land disturbance threshold, south elevation plan, and mitigation plantings. The Board received public comment from an abutter with concerns related to stormwater and grading.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 7,700 SF of total land disturbance and a net cut of 100 CY. The proposed dwelling will maintain the existing natural topography of the site and is designed to maintain existing drainage patterns to the greatest extent practicable.

b. Site Design

The placement of the proposed dwelling and driveway are similar to the previous dwelling, will not detract from the site's existing scenic qualities and will enhance current landscaping.

c. Character and Scale of Buildings

The proposed dwelling is larger than the previously existing dwelling on the lot, but is similar in character and scale with those in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

Five trees are proposed to be removed as part of the project – two of which are within the Tree Yard, as shown on sheet C-1 of the plan set, for a total of 22 caliper inches. This requires 11 inches of mitigation planting. The Applicant proposes mitigation planting consisting of twelve 7-8' Western cedar trees among numerous other plantings

e. Limit of Clearing

Five trees are proposed to be removed as part of the project – two of which are within the Tree Yard, as shown on sheet C-1 of the plan set, for a total of 22 caliper inches. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work.

f. Finished Grade

The grades on the lot will be matched to the maximum extent practicable. The natural stormwater flow patterns will be maintained and flow toward the bordering vegetated wetland located off-site towards the rear of the property. The project proposes no slopes greater than 3:1.

g. Stormwater Management

Runoff from the roof of the dwelling is proposed to direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Drainage calculations indicate that post-development rates and volumes of runoff will not exceed existing conditions. The Applicant made several changes to the stormwater calculations and design to address an abutter's concerns. The proposed system complies with the MassDEP stormwater standards.

h. Utilities

An existing onsite septic system, as well as existing connections to water and gas utilities, will serve the dwelling. A new electric/communication service will be installed underground.

i. Pedestrian and Vehicular Access; Traffic Management

A paved driveway is proposed in the same location as exists onsite. 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 Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of JJF Investments, LLC for Site Plan Approval under § I-I of the Zoning By-Law to construct a single-family dwelling and make other improvements including a paved driveway, grading, and landscaping at 457 Main 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 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.

For the Planning Board,



Judith Sneath
March 24, 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.