



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Errol Fagone
5 Cold Brook Circle
Scituate, MA 02066

Agent: Dana Altobello, P.E.
Merrill Engineers and Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: 154 Otis Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56306, Page 215

Plan References: "154 Otis Street Residence," prepared by Pierce Home Design, 19 Green Street, Hingham, MA, dated January 12, 2023 (7 Sheets)

"Site Plan, 154 Otis Street, Assessors Map 38 Lot 6, Hingham, Massachusetts," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated January 17, 2023 and revised through March 13, 2023 (2 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Errol Fagone (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law"), and such other relief as necessary to raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 154 Otis 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 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 held a subsequent substantive hearing on March 13, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Dana Altobello, P.E., Merrill Engineers and Land Surveyors, 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 15,867± SF of land improved by a single-family dwelling, paved driveway, hardscaping, retaining walls, hedges, lawn areas and several trees. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with a garage at basement level, expanded driveway, retaining walls, hardscaping and landscaping. The project, which will result in 12,800± SF of total land disturbance, all within areas of a slope greater than 10%, qualifies as a Major Site Plan. The Board continued this application at the February 27 meeting without the receipt of testimony to allow additional time for revisions.

Runoff from the roof of the dwelling and a portion of the proposed patio will be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the upper portion of the driveway will discharge to a bioretention area and overflow into a second subsurface infiltration system. Additionally, runoff from the south side of the proposed dwelling will flow overland through a swale and discharge to the bioretention area. Overflow from the bioretention area/subsurface infiltration system will discharge through a stone weir toward Otis Street. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work. With respect to utilities, existing water, sewer, and gas lines will be maintained and new electric and communication utilities will be installed underground from an existing utility pole located just off the southeast corner of the property. Finally, three Protected Trees are proposed to be removed as part of the project, totaling 50 caliper inches, and nine 3" caliper deciduous and evergreen trees are proposed to mitigate the loss of the Protected Trees, totaling 27 caliper inches.

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 calculations and design of the bioretention area for the stormwater system, location of stormwater system inspection ports, yard drain detail, addition of a stabilized construction entrance, 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 comments and questions related to the front door location, stormwater, driveway surface, net cut, and grading. One abutter provided public comment in support of the application.

WAIVERS

The Applicant requested a waiver of submittal requirements under § I-I, 5.1(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis, as the submittal requirements do not apply to the nature of the single-family home project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 12,800± SF of total land disturbance, all within areas of a slope greater than 10%. The proposed dwelling is situated in a similar location and all proposed site work will occur within previously altered portions of the property. Existing stormwater runoff from the site flows from the rear portion of the site to the front of the site to towards Otis Street. This drainage pattern will be maintained under the proposed conditions and will not increase with the construction of two subsurface infiltration systems and a bioretention area which will provide recharge as well as storage volume and discharge controls.

b. Site Design

The existing lot is currently developed with an aging single-family dwelling that has fallen into a state of disrepair and is surrounded by overgrown plants/trees which have not been maintained. The proposed structure will be in the same location as the existing dwelling and substantially improve the appearance of the site along with upgraded landscaping throughout the site.

c. Character and Scale of Buildings

The proposed new single-family dwelling will complement the adjacent residences, many of which have recently been updated, and blend in with the coastal New England architecture found in the area. The scale of the proposed structure will fit comfortably on the site while blending in with other properties and structures in the area.

d. Preservation of Existing Vegetation and Protected Trees

Three Protected Trees are proposed to be removed as part of the project, totaling 50 caliper inches, and nine 3" caliper deciduous and evergreen trees are proposed to mitigate the loss of the Protected Trees, totaling 27 caliper inches.

e. Limit of Clearing

A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work.

f. Finished Grade

The proposed grading is designed to match the existing grades on the property where possible; revised grades in the front, north portion of the property will result in a safer, less steep driveway. The project also proposes creation of swales to direct runoff away from adjacent properties and into the proposed drainage system.

g. Stormwater Management

Runoff from the roof of the dwelling and a portion of the proposed patio will be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the upper portion of the driveway will discharge to a bioretention area and overflow into a second subsurface infiltration system. Finally, runoff from the south side of the proposed dwelling will flow overland through a swale and discharge to the bioretention area. Overflow from the bioretention area/subsurface infiltration system will discharge through a stone weir toward Otis Street.

h. Utilities

Existing water, sewer, and gas lines will be maintained and new electric and communication utilities will be installed underground from an existing utility pole located just off the southeast corner of the property.

i. Pedestrian and Vehicular Access; Traffic Management

The paved driveway is proposed in the same location as exist onsite, but with a lesser slope for safer access. 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-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.

MOTION

Upon a motion made by Gordon Carr and seconded by Kevin Ellis, the Board voted unanimously to GRANT the application of Errol Fagone for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under § I-1, 5.1(ii) and (iii) related to a Site Lighting Plan

and a Transportation Impact Analysis, to raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 154 Otis 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. The Applicant shall resubmit the project plans showing the addition of the street-facing front door.
3. 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.
4. 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.
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.

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.