



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owners: Shadi Alallam                      BMSH II Hingham, LLC  
136 Nokomis Road                      15 Conditto Road  
Hingham, MA 02043                      Hingham, MA 02043

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



Properties: 136 Nokomis Road, Hingham, MA 02043  
15 Conditto Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 53777, Page 214  
Plymouth County Registry of Deeds, Book 52570, Page 346

Plan References: "Alallam Residence, 136 Nokomis Road, Hingham, Massachusetts,"  
prepared by Studio Meyers Architecture & Design, dated November 30,  
2021 (12 Sheets)

"Major Site Plan, #136 Nokomis Road & #15 Conditto Road, Hingham,  
Massachusetts," prepared by Grady Consulting, LLC, 71 Evergreen Street,  
Suite 1, Kingston, MA, dated January 1, 2023 and revised through March  
6, 2023 (8 Sheets)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Shadi Alallam (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 existing single-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 136 Nokomis Road

in Residence District A and restore 8,400 SF of disturbed vegetated land at 15 Conditto Road in Residence District A and the Industrial District.

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 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. Kathleen Heffernan, Esq., Sullivan & Comerford, P.C., and Paul Seaberg, Grady Consulting, LLC, 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 properties consist of 20,000 SF± of land at 136 Nokomis Road, which is improved by a single-family dwelling and above-ground pool, and an 8,400 SF± portion of land at 15 Conditto Road, which is improved by an assisted living facility. In April 2022, a building permit was issued and work commenced on an addition to the dwelling at 136 Nokomis Road. During construction, the Applicant's contractor mistakenly cleared and excavated a portion of the adjoining property at 15 Conditto Road, resulting in a stop-work order from the Building Commissioner. This application seeks approval to complete the work on the dwelling and restore the disturbed area on the Conditto Road property. Work on the Nokomis Road property includes a two-bay garage addition, a new driveway, pervious patios, walkways and landscaping. The project proposes 15,100 SF of disturbance at 136 Nokomis Road and 8,400 SF of disturbance at 15 Conditto Road, for a total of 23,500 SF of disturbance and a net cut of 45 CY.

Runoff from the roof of the addition and a portion of the driveway would be directed into a subsurface infiltration system in the rear of the property consisting of concrete chambers surrounded by crushed stone. The dwelling will connect to existing sewer, water, and gas service lines, and electric and communication utilities are proposed to connect underground. There were reportedly eight Protected Trees removed from the Nokomis Road property during the initial work, totaling approximately 96" removed. This requires 48" of mitigation planting. The Applicant proposes sixteen deciduous trees, all at least 3" in caliper, as mitigation planting among other plantings and shrubs. Additionally, approximately 156" of Protected Trees removed from the Conditto Road property requires 78" of mitigation planting. An extensive planting plan is proposed for the restoration of the disturbed area on the Conditto Road property (Sheet 6). Mitigation planting as proposed consists of a mix of 55 deciduous and evergreen trees, all at least 1" in caliper to ensure a greater likelihood of survival for the restoration planting. Finally, a compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work and a construction entrance is shown and detailed on the plans.

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, grading revisions, driveway dimensions, additional erosion controls, electrical/communication connection clarification, and additional Protected Tree information for 15 Conditto Road. 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 tree mitigation plantings at 15 Conditto Road, the stormwater system, dwelling foundation layout, and pool location. The Board did not receive any public comment related to this 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. The Applicant also requested a waiver of a Design and Performance Standard under § I-I, 6.d(ii) requiring mitigation trees to be at least 3" in caliper. The Applicant proposes 1-2" caliper mitigation trees at 15 Conditto Road noting that trees of this size have a higher success rate and restore the area more effectively than planting fewer 3" caliper trees.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

The project proposes 23,500 SF of total land disturbance, with a net cut of 45 CY. Minimal grading onsite is proposed in order to match the existing grades and preserve drainage patterns on site.

**b. Site Design**

Much of the project is within the footprint of previously existing conditions. The proposed improvements and landscaping will not detract from the site's scenic qualities and will blend with the natural landscape.

**c. Character and Scale of Buildings**

The character of the proposed development is similar to those in the neighborhood. The proposed scale is larger than most of the homes in the neighborhood, but is similarly sized to many of the homes in the vicinity.

**d. Preservation of Existing Vegetation and Protected Trees**

There were reportedly eight Protected Trees removed from the Nokomis Road property during the initial work, totaling approximately 96" removed. This requires 48" of mitigation planting. The Applicant proposes sixteen deciduous trees, all at least 3" in caliper, as mitigation planting among other plantings and shrubs. Additionally,

approximately 156" of Protected Trees were removed at the Conditto Road property, requiring 78" of mitigation planting. An extensive planting plan is proposed for the restoration of the disturbed area on the Conditto Road property (Sheet 6). Mitigation planting consists of a mix of fifty-five deciduous and evergreen trees, all at least 1" in caliper to ensure a greater likelihood of survival for the restoration planting. Finally, it was represented to the Board that the owner of 15 Conditto Road is satisfied with the proposed landscape restoration plan.

**e. Limit of Clearing**

Approximately eight Protected Trees at 136 Nokomis Road and thirteen Protected Trees at 15 Conditto Road were previously removed. 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 the site will be stabilized by loam and seed following construction.

**g. Stormwater Management**

Runoff from the roof of the addition and a portion of the driveway would be directed into a subsurface infiltration system in the rear of the property consisting of concrete chambers surrounded by crushed stone.

**h. Utilities**

The dwelling will connect to existing sewer, water, and gas service lines, and electric and communication utilities are proposed to connect underground.

**i. Pedestrian and Vehicular Access; Traffic Management**

The new driveway will provide for adequate vehicular and pedestrian access to the site. 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, with the exception of a Standard under § I-I, 6.d(ii) requiring mitigation trees to be at least 3” in caliper. A waiver of this Standard to allow mitigation trees at 15 Conditio Road to be 1-2” in caliper will not adversely impact the interests set forth in subsection a. above.

**MOTION**

Upon a motion made by Gary Tondorf-Dick and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Shadi Alallam 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 an addition onto the existing single-family dwelling and make other improvements including driveway repaving, grading, and landscaping at 136 Nokomis Road and restore 8,400 SF of disturbed vegetated land at 15 Conditio Road 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. 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.
3. 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.
4. 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.
5. 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.

6. **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.
  
7. **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,



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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.