



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant/Owner:** 182 Newbridge, LLC  
c/o Leo Yazykov  
377 Willard Street  
Quincy, MA 02169

**Agent:** Robert S. Rego, P.E.  
River Hawk Environmental, LLC  
2183 Ocean Street, Suite 2  
Marshfield, MA 02050



**Property:** 9 Wompatuck Road, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 55791, Page 143

**Plan References:** "9 Wompatuck Road, Hingham, MA, Site Plan," prepared by River Hawk Environmental, LLC, 2183 Ocean Street, Suite 2, Marshfield, MA, dated January 20, 2023 and revised through April 3, 2023 (1 Sheet)

"New Residence, 9 Wompatuck Rd, Hingham, MA," prepared by 1 Plus 1 Design, 30 North Street, Hingham, MA, dated February 14, 2022 (5 Sheets)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 182 Newbridge, LLC (the "Applicant") for Site Plan Review under § I-1 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 and landscaping at 9 Wompatuck Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on March 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. A

subsequent session was held on April 4, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Robert Rego, P.E., River Hawk Environmental, 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 property consists of 12,500± SF of land, previously improved by a single-family dwelling, shed, paved driveway, lawn areas and some trees. The proposal calls reconstruction of the dwelling, including an attached garage, new paved driveway, hardscaping, retaining walls, and landscaping. A building permit was issued in spring 2022 and a new dwelling has been constructed. However, changes to the scope of work during construction pushed the project over the land disturbance threshold requiring Site Plan Review. The remaining work to be reviewed consists of the stormwater system, hardscaping, landscaping, and retaining walls. The total land disturbance (including demolition and reconstruction of the dwelling) consists of 11,200 SF (6,000 SF of which is related to the remaining work) and a net fill of 120 CY.

Runoff from the roof of the dwelling is proposed to direct into a subsurface infiltration system consisting of concrete chambers surrounded by crushed stone. Connections to existing sewer, water and gas utilities serving the existing dwelling are completed for the new dwelling, and new electric/communication utilities are installed overhead. An underground connection was not feasible as the utility pole is on the other side of the street. A waiver of this requirement is needed. Additionally, the project proposes removal of three Protected Trees (Arborvitae trees), totaling 22 caliper inches – requiring 11” of mitigation planting. Twelve-1.5” caliper Giant Green Arborvitae trees are proposed as mitigation for the Arborvitae to be removed. Finally, the project proposes a compost filter sock as a perimeter erosion control barrier around the down-gradient limits of work.

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 HydroCAD model revisions, additional inspection ports, retaining wall elevations, a stabilized construction entrance, erosion control details, the electrical/communication connection waiver, and a suggested 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 driveway configuration, tree mitigation plantings, the proposed retaining wall, relation of the development to the neighbor’s property and pool, and existing fencing . The Board received

public comment outlining concerns related to grading and drainage, plantings, land disturbance, property lines, fencing, and the proposed retaining wall.

### **WAIVERS**

The Applicant requested a waiver of a Design and Performance Standard under § I-I, 6.h, requiring an underground electrical/communication connection, as the utility pole is on the other side of the street. The Applicant further 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. At the request of the neighbor, the Applicant proposes 1.5" caliper trees to allow for a higher number of trees and thicker screening along the property line. Finally, the Applicant also requested waivers of submittal requirements under § I-I, 5.I(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis, however these are only for Major Site Plan applications. This is a Minor Site Plan application.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

The total land disturbance (including demolition and reconstruction of the dwelling) consists of 11,200 SF (6,000 SF of which is related to the remaining work) and a net fill of 120 CY. Natural topography will remain to the greatest extent practicable, with some grade changes to reduce some of the steeper grades in the rear of the lot.

**b. Site Design**

The placement of the new dwelling is similar to the previous dwelling and 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 to those in the vicinity.

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

The project proposes removal of three Protected Trees (Arborvitae trees), totaling 22 caliper inches, which requires 11" of mitigation planting. Twelve-1.5" caliper Giant Green Arborvitae trees are proposed as mitigation for the Arborvitae trees to be removed.

**e. Limit of Clearing**

The project proposes removal of three Protected Trees (Arborvitae trees), totaling 22 caliper inches – requiring 11" of mitigation planting. Twelve-1.5" caliper Giant Green Arborvitae trees are proposed as mitigation for the Arborvitae trees to be removed. Additionally, the project proposes a compost filter sock 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 with some grade changes to reduce some of the steeper grades in the rear of the lot. 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 concrete chambers surrounded by crushed stone.

**h. Utilities**

Connections to existing sewer, water and gas utilities serving the existing dwelling are completed for the new dwelling, and new electric/communication utilities are installed overhead. An underground connection was not feasible as the utility pole is on the other side of the street. A waiver of this requirement is needed.

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

A new paved driveway is proposed to access 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 Standards under § I-I, 6.d(ii). and h. requiring mitigation trees to be at least 3" in caliper and requiring an underground electrical/communication connection. A waiver of these Standards to allow 1.5" caliper trees and an overhead connection will not adversely impact the interests set forth in subsection a. above.

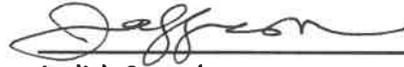
**MOTION**

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of 182 Newbridge, LLC for Site Plan Approval under § I-I of the Zoning By-Law, to raze and rebuild a single-family dwelling and make other improvements including grading and landscaping at 9 Wompatuck 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. **Site 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

April 7, 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.