



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Anita and James Butler  
26 Talbot Road  
Hingham, MA 02043

Agent: Timothy J. Power, P.E.  
PVI Site Design, LLC  
18 Glendale Road  
Norwood, MA 02062

Property: 26 Talbot Road and 0 Rice Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 54978, Page 207

Plan References: "26 Talbot Road, 26 Talbot Rd., Hingham 02043," prepared by PVI Site Design, LLC, 18 Glendale Road, Norwood, MA, dated January 30, 2023 and revised through March 17, 2023 (3 Sheets)

"Hardscape Layout Plan," prepared by Scanlon Design Group, 318 Brookstone Drive, Dudley, MA, undated (1 Sheet)

"New Pool House at the James and Anita Butler Residence, 26 Talbot Road, Hingham, MA 02043," prepared by Roger O. Hoit, AIA, 1175 Main Street, Hingham, MA, dated August 11, 2021 (4 Sheets)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Anita and James Butler (collectively 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 a pool and pool house, and make other improvements including grading and landscaping at 26 Talbot Road & 0 Rice Road in Residence District A.



A duly noticed public hearing on the application was scheduled to open remotely on March 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. Due to a quorum issue with the Board, the hearing was continued without the receipt of testimony to a meeting on April 4, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Timothy Power, P.E., PVI Site Design, 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 project site consists of two parcels of land, held in common ownership, with a total area of 32,489± SF, and is currently improved by a single-family dwelling, an attached garage, and a paved driveway. The proposal calls for installation of an inground pool, construction of a new pool house, driveway modifications, and associated hardscaping and landscaping. The project proposes a total land disturbance of approximately 12,000 SF and a net cut of 184 CY.

Runoff from the roof of the pool house and the majority of the driveway and new hardscaping are proposed to collect in a trench drain and discharged into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. The project proposes no changes to the existing dwelling nor to existing utility connections, as they will extend to the new development from the dwelling. While there is no tree removal associated with this work, the project proposes fourteen shrubs to be planted within the Tree Yard along the eastern property line to provide screening of the abutting property, at the request of the neighbor, as opposed to previously proposed arborvitae trees. Finally, a compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work, silt sacks are proposed for inlet protection and a stabilized construction entrance is proposed.

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 the stormwater system design, calculations, and specifications, erosion control material, retaining wall detail, 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 pool house design, trees, and drainage. The Board received public comment in support of the project.

### **WAIVERS**

The Applicant 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 project proposes a total land disturbance of approximately 12,000 SF and a net cut of 184 CY. Natural topography will remain to the greatest extent practicable, with some grade changes to accommodate the flat area required for the pool. The project will maintain existing drainage patterns and implement new best practices to control increases in runoff.

### **b. Site Design**

The placement of the new pool and pool house will not detract from the site's existing scenic qualities and will enhance current landscaping with the additional proposed plantings. Improvements will maintain the landscaped slope in the rear yard of the property resulting in a minimal change in view from Rice Road and the existing house and landscaping will reasonably screen the new improvements from Talbot Road.

### **c. Character and Scale of Buildings**

The proposed accessory structure is reasonable in size for the neighborhood and is proposed to have a pitched roof and traditional siding matching the other structures in the area.

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

While there is no tree removal associated with this work, the project proposes fourteen shrubs to be planted within the Tree Yard along the eastern property line to provide screening of the abutting property.

### **e. Limit of Clearing**

A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work, silt sacks are proposed for inlet protection.

### **f. Finished Grade**

The project proposes no slopes greater than 3:1 and some grade changes to accommodate the flat area required for the pool. In order to protect some existing trees, the project proposes short landscape retaining walls.

### **g. Stormwater Management**

Runoff from the roof of the pool house and the majority of the driveway and new hardscaping are proposed to collect in a trench drain and discharged into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone.

**h. Utilities**

The project proposes no changes to existing utility connections, as they will extend to the new development from the dwelling.

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

A slightly modified paved driveway is proposed to access the site in the same location as the existing driveway. 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-1,7. of the By-Law:

- a. The proposed development, as conditioned by this 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 Rita DaSilva and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Anita and James Butler for Site Plan Approval under § I-1 of the Zoning By-Law, to construct a pool and pool house, and make other improvements including grading and landscaping at 26 Talbot Road & 0 Rice 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 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  
April 18, 2023

**In Favor:** Judith Sneath, Gordon Carr, Rita DaSilva, 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.