



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW



#### IN THE MATTER OF:

Applicant/Owner: Patrick Cutter  
4 Mann Street  
Hingham, MA 02043

Agent: Brendan Sullivan, P.E.  
Merrill Engineers and Land Surveyors  
687 Main Street  
Norwell, MA 02061

Property: 4 Mann Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56904, Page 247

Plan References: "Landscape Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated January 31, 2023 (1 Sheet)

"New Residence, 4 Mann Street, Hingham, MA," prepared by Christopher Pagliaro Architects, 320 Post Road, Suite 160, Darien, CT, dated March 16, 2023 (11 Sheets)

"Site Plan, 4 Mann Street, Map 17, Lot 83, Hingham, Massachusetts," prepared by Merrill Engineers and Land Surveyors, 687 Main Street, Norwell, MA, dated February 1, 2023 and revised through March 14, 2023 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Patrick Cutter (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law, and such other relief as necessary to rebuild a single-family dwelling and make other improvements including a spa, grading, landscaping, and hardscaping at 4 Mann Street 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. Brendan Sullivan, 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 30,433± SF of land and was previously improved by a single-family dwelling (destroyed by fire in July 2022), paved driveway, sports court, retaining walls, landscaping, lawn areas and several trees. The proposal calls for construction of a new dwelling with attached garage, paved driveway with a reinforced grass parking area, retaining walls, hardscaping and landscaping. As a Major Site Plan, the total land disturbance associated with this project consists of 24,000 SF – 6,000 of which is in areas with slopes greater than 10% – and a net cut of 600 CY.

Runoff from about 75% of the roof of the dwelling will direct into three subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Overflow from the subsurface infiltration systems would discharge to stone splash pads toward Mann Street and Jarvis Avenue. The project proposes the same utility services as previously connected to the existing dwelling, with an underground electrical/communication connection. Five Norway maple trees within the Tree Yard were destroyed in the 2022 fire and have since been removed. They are not considered Protected Trees though as they were both an invasive species and hazardous. While mitigation is not required, the Landscape Plan shows numerous new trees (all at least 4" in caliper) to be planted within the Tree Yard in addition to other shrubs and plantings. Finally, a compost filter sock is proposed as a perimeter erosion control barrier around the limits of work.

The proposed dwelling is larger than previously existed on the site, but complies with all of the maximum dimensional standards allowed under the By-Law. The Applicant's team also provided diagrams and charts to demonstrate the height and massing of the proposed structure in relation to the existing dwelling and the dwellings in the vicinity.

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 specifications, addition of a stabilized construction entrance,

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 dwelling scale and design, a comparison to other dwellings in the vicinity, and distance from other dwellings. The Board received no public comment related to this project.

### **WAIVERS**

The Applicant requested waivers of submittal requirements under § I-I, 5.1(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis given the residential nature of the project.

### **DESIGN AND PERFORMANCE STANDARDS**

#### **a. Land Disturbance**

As a Major Site Plan, the total land disturbance associated with this project consists of 24,000 SF – 6,000 of which is in areas with slopes greater than 10% – and a net cut of 600 CY. Natural topography will remain to the greatest extent practicable, with minimal grade changes to accommodate the new dwelling. The proposed building and site have been designed around the existing topography and largely with the footprint of the existing dwelling.

#### **b. Site Design**

The placement of the new dwelling is in the same general location as the previous dwelling, but constitutes a larger footprint and is shifted slightly to the east. New trees and landscaping are proposed to improve the natural landscape of the site.

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

The character and scale of the development is similar in design, massing, and scale to other dwellings in the vicinity.

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

Five Norway maple trees within the Tree Yard were destroyed in the 2022 fire and have since been removed. They are not considered Protected Trees though as they were both an invasive species and hazardous. While mitigation is not required, the Landscape Plan shows a numerous new trees (all at least 4" in caliper) to be planted within the Tree Yard in addition to other shrubs and plantings.

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

Five Norway maple trees within the Tree Yard were destroyed in the 2022 fire and have since been removed. A compost filter sock is proposed as a perimeter erosion control barrier around the limits of work.

#### **f. Finished Grade**

The grades on the lot will closely match those existing on the site and provide for proper stabilization of the new dwelling.

**g. Stormwater Management**

Runoff from about 75% of the roof of the dwelling will direct into three subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. Overflow from the subsurface infiltration systems would discharge to stone splash pads toward Mann Street and Jarvis Avenue.

**h. Utilities**

The project proposes the same utility services as previously connected to the existing dwelling, with an underground electrical/communication connection.

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

A new paved driveway is proposed adjacent to the previous driveway, with a reinforced grass parking area as well. 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 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 Gary Tondorf-Dick and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Patrick Cutter 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 rebuild a single-family dwelling and make other improvements including a spa, grading, landscaping, and hardscaping at 4 Mann 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.** 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,



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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.