



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Vineyard Lane, LLC
c/o Joseph Cincotta
1 Nashua Street, Apt. 2102
Boston, MA 02114



Property: 261 Gardner Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57634, Page 221

Plan References: "Cincotta Residence, Lots 3 & 4, Vineyard Lane, Hingham, MA, Landscape Plan," prepared by Mulcahy Design Group, dated March 6, 2023 (6 Sheets)

"Definitive Subdivision Plan for Vineyard Lane, 261 Gardner Street, Hingham, MA 02043," prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA dated March 13, 2023 and revised through April 6, 2023 (17 pages)

"Hingham Residences, 261 Gardner Street, Hingham, MA 02043," prepared 24 x 36 Design Studio, LLC, dated March 15, 2023 and revised through April 6, 2023 (14 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Joseph Cincotta (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") and in accordance with a Certificate of Action dated January 19, 2023, and such other relief as necessary, to construct a Limited Residential roadway as, two single-family dwellings on Lots 3 and 4, a drainage lot on Lot 5, and make other improvements including grading, landscaping, and hardscaping at 261 Gardner Street (Vineyard Lane) in Residence District B.

The Board opened a duly posted public hearing on the application at a meeting held remotely on April 10, 2023 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Joseph Cincotta, Applicant, 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 Board approved a 4 lot subdivision at 261 Gardner Street (Vineyard Lane) in January 2023, including a drainage lot and Limited Residential roadway. Condition 2a. of the Certificate of Action (COA) requires Site Plan Review, given the level of land disturbance associated with this project (common plan of development resulting in more than 1 acre of land disturbance). The Applicant seeks to comply with this condition through the present Site Plan Review application. This application includes a collective review of the development of Lots 3, 4, and 5 (drainage lot), the roadway, and a reconfiguration of the driveway accessing Lot 1 (per condition 4d. of the COA). Lot 1 consists of the existing dwelling at 261 Gardner Street and will remain as is. Lot 2 is planned for development in the future and is not part of the present review. The Applicant will return to the Board when ready to develop the lot (included as a suggested condition herein).

Since the Board's approval in January 2023, the Applicant has since added the items to the plan required per condition 1a. of the COA, with the exception of condition 1.a(v). Additionally, with the exception of a new landscape plan and architectural plan for Lots 3 and 4, nothing has changed from the January 2023 approval.

The proposed subdivision roadway, known as Vineyard Lane, will be a 283± FT long dead-end cul-de-sac off Gardner Street, with a 22 FT wide travel way, vertical granite curbing and grass strips located within a 40 FT wide right-of-way. Additionally, a sidewalk is proposed at the entrance of Vineyard Lane up to the driveway of Lot 4. The proposed stormwater system consists of catch basins, drain manholes, high-density polyethylene (HDPE) pipe, a hydrodynamic separator, and an open basin within the proposed drainage lot. Private roof runoff from future proposed dwellings on Lots 3 and 4 will outlet into subsurface infiltration systems on their respective lots, consisting of plastic chambers surrounded by crushed stone. Additionally, individual onsite septic systems will serve each dwelling. Water service will be provided by new 6-inch ductile iron water main and gas service will be provided by a new gas main – both connecting to existing services in Gardner Street. Further, electric, telephone, and cable utilities will be connected underground from an existing utility pole in front of the property. Finally, porch lighting is proposed for each dwelling in place of street lighting.

While mitigation plantings are not required per the 2021 By-Law, the Applicant proposes to comply with the 2022 By-Law nonetheless. The project proposes 40 trees for removal throughout Lots 3, 4, & 5 and the roadway and 56 new are proposed as mitigation. All trees are proposed to be at least 3" in caliper or 8' in height and are mix of both native deciduous and evergreen species.

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 reviewed the proposed plans during the definitive subdivision and noted conformance of the present application with the approved subdivision plans, as conditioned. No revisions were required based upon peer review comments.

During the course of the hearing, the Board raised comments and questions related to the tree plantings. No public comment was received related to this application.

WAIVERS

The Applicant requested waivers of submittal requirements under § I-I, 4.i Site Lighting Plan given the residential nature of the 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 considered the following findings in accordance with the Approval Criteria under § I-I,6. of the By-Law:

- a. **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.**

The project provides for adequate site drainage, including appropriate drainage flow, and associated roadway drainage infrastructure. The project proposes fifty-six deciduous and evergreen trees, to provide a sound and site buffer and minimize impacts to abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans approved January 19, 2023.

- b. **Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles.**

The project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans approved January 19, 2023.

- c. **Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law.**

The project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

- d. **Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**

The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District B. Furthermore, fifty-six deciduous and evergreen trees, and other plantings are proposed.

- e. **Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**

A silt fence and compost filter sock are proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is proposed at the proposed driveway entrance off Gardner Street.

- f. **Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources.**

Individual onsite septic systems will serve each dwelling. Water service will be provided by new 6-inch ductile iron water main and gas service will be provided by a new gas main – both connecting to existing services in Gardner Street. Further, electric, telephone, and cable utilities will be connected underground from an existing utility pole in front of the property.

- g. **Assurances of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system.**

The proposed stormwater system consists of catch basins, drain manholes, high-density polyethylene (HDPE) pipe, a hydrodynamic separator, and an open basin within the proposed drainage lot (Lot 5). Private roof runoff from future proposed dwellings on Lots 3 and 4 will outlet into subsurface infiltration systems on their respective lots, consisting of plastic chambers surrounded by crushed stone. Sediment and erosion control

measures are incorporated into the plan and will be implemented at the outset of construction commencement.

- h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.**

Based upon PGB Engineering's review, implementation of best management practices with the stormwater design are sufficient and are in accordance with section g. above.

- i. Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations.**

The project proposes fifty-six deciduous and evergreen trees to mitigate the tree removal onsite associated with the subdivision construction.

- j. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.**

The proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

MOTION

Upon a motion made by Rita DaSilva and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Joseph Cincotta for Site Plan Approval under § I-I of the Zoning By-Law and in accordance with a Certificate of Action dated January 19, 2023, to construct a Limited Residential roadway, two single-family dwellings on Lots 3 and 4, a drainage lot on Lot 5, and make other improvements including grading, landscaping, and hardscaping at 261 Gardner Street (Vineyard Lane) in Residence District B, 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. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.

4. 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 during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
5. 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.
6. Future Development. Since this Site Plan Approval is for a common plan of development that will disturb more than one acre, the applicant shall apply to the Board for a modification of this Site Plan Approval prior to any construction on Lot 2.

For the Planning Board,



Judith Sneath
April 21, 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.