



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Robert and Lisa Delmonico
132 Main Street
Hingham, MA 02043

Agents: Paul Seaberg
Grady Consulting LLC
71 Evergreen Street, Suite 1
Kingston, MA 02364

Robert W. Galvin, Esq.
Galvin & Galvin, P.C.
10 Enterprise Street, Suite 3
Duxbury, MA 02332



Property: 166 Downer Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56882, Page 334

Plan References: "Delmonico Residence, Planning Board Site Review," prepared by Campbell Smith Architects, P.O. Box 1450, 22 Depot Street, Duxbury, MA, dated January 18, 2023 (5 Sheets)

"Major Site Plan, #166 Downer Avenue, Hingham, Massachusetts," prepared by Grady Consulting LLC, 71 Evergreen Street, Suite 1, Kingston, MA, dated January 12, 2023 and revised through April 6, 2023 (5 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Robert and Lisa Delmonico (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 raze and rebuild a single-family dwelling and

make other improvements including grading, landscaping, and hardscaping at 166 Downer Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely, without the receipt of testimony, 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. The Board held subsequent substantive sessions on April 4, 2023 and April 10, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Robert Galvin, Esq., Galvin & Galvin, P.C., and Rick Grady, P.E., 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 property consists of 19,904± SF of land improved by a single-family dwelling, detached garage, paved driveway, lawn areas and trees around the perimeter. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, patios, landscaping, a new paved driveway accessed from Cushing Avenue, and a small paver/grass driveway in the location of the existing driveway entrance off of Downer Avenue. The existing detached garage will remain, but vehicular access to the structure will be eliminated. The project proposes a total land disturbance of 19,200 SF – 13,200 of which is in areas with a slope greater than 10% – and a net fill of 553 CY.

Runoff from a portion of the roof of the dwelling will direct into a subsurface infiltration system consisting of concrete chambers surrounded by crushed stone. The project proposes utility connections to existing sewer, water and gas, and an underground connection to electric/communication utilities. Twelve trees are proposed for removal within the Tree Yard or on Town property. With the exception of one 16" American Linden tree, none of the trees are considered Protected Trees because they are either on public property or diseased/dead. While only 8" of mitigation planting is required, the project proposes twenty-nine new deciduous, evergreen, and flowering trees to be planted within the Tree Yard as mitigation, in addition to numerous shrubs and plantings. In response to neighbor comments, trees along the rear property line abutting 9 Cushing Avenue are proposed to reach a maximum height of 10'-15'. Finally, a compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work and a stabilized construction entrance is proposed at the existing driveway entrance off Downer Avenue.

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 infiltration system test holes, HydroCAD model revisions, surface material specifications, driveway locations, retaining wall elevations, erosion control locations, tree mitigation details, 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 stormwater system, nonconforming setbacks, grading, street trees, landscaping, and mitigation plantings. The Board received public comment from abutters related to landscaping, massing of the proposed dwelling, viewscales, stormwater, and lighting.

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

The project proposes a total land disturbance of 19,200 SF – 13,200 of which is in areas with a slope greater than 10% – and a net fill of 553 CY. Natural topography will remain to the greatest extent practicable, with some grade changes to accommodate the new driveway along Cushing Avenue. The proposed building and site have been designed around the existing topography with the proposed garage on the high side of the site and a walkout basement on the low side of the site to reduce the amount of grading required. The post-development drainage tributary areas drainage patterns are consistent with pre-development conditions.

b. Site Design

The placement of the new dwelling is in the same location as the previous dwelling, but constitutes a much larger footprint. The proposed dwelling and site are designed to match the existing topography with the proposed garage on the high side of the site and a walkout basement on the low side of the site maintaining the natural topography. The tree removal onsite will be mitigated with new plantings to improve the natural landscape.

c. Character and Scale of Buildings

The character and scale of the development is considerably different in terms of massing and scale from the existing dwelling, but is similar in design, massing, and scale to other dwellings in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

Twelve trees are proposed for removal within the Tree Yard or on Town property. With the exception of one 16” American Linden tree, none of the trees are considered Protected Trees because they are either on public property or diseased/dead. While only

8" of mitigation planting is required, the project proposes twenty-nine new deciduous, evergreen, and flowering trees to be planted within the Tree Yard as mitigation, in addition to numerous shrubs and plantings. In response to neighbor comments, trees along the rear property line abutting 9 Cushing Avenue are proposed to reach a maximum height of 10'-15'.

e. Limit of Clearing

Twelve trees are proposed for removal within the Tree Yard or on Town property and one 48" tree will be removed elsewhere onsite. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work and a stabilized construction entrance is proposed at the existing driveway entrance off Downer Avenue.

f. Finished Grade

The grades on the lot will be matched to the maximum extent practicable. The project proposes no slopes greater than 3:1.

g. Stormwater Management

Runoff from a portion of the roof of the dwelling will direct into a subsurface infiltration system consisting of concrete chambers surrounded by crushed stone.

h. Utilities

The project proposes utility connections to existing sewer, water and gas, and an underground connection to electric/communication utilities.

i. Pedestrian and Vehicular Access; Traffic Management

A new paved driveway is proposed to access the site and garage from Cushing Avenue. A second driveway along Downer Avenue is proposed where the existing driveway entrance is located to consist of a cobblestone apron and two paver strips with a grass median. 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.

MOTION

Upon a motion made by Rita DaSilva and seconded by Kevin Ellis, the Board voted unanimously to GRANT the application of Robert and Lisa Delmonico 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 raze and rebuild a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 166 Downer Avenue 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. Public Works/Tree Warden Approvals. Prior to issuance of a building permit, the Applicant shall confirm issuance of a street opening permit with the Department of Public Works and approval to remove the shade trees in the right-of-way pursuant to MGL Chapter 87, Section 3.
4. 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.
5. Site Stability. The Applicant shall take adequate measures during and after construction to ensure proper stability of the existing driveway at 9 Cushing Avenue along the northerly property of 166 Downer Avenue.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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 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.