



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: 135137 South Street LLC  
131 South Street  
Hingham, MA 02043

Property: 135-137 South Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55783, Page 218

Plan References: "Plan of Land for 135-137 South Street in Hingham, Mass," prepared by Neponset Valley Survey Assoc., Inc., 95 White Street, Quincy, MA, dated April 7, 2023 (1 Sheet)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 135137 South Street LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary, to move an existing two-family dwelling onsite 20' to the east and 1'3 to the south at 135-137 South Street in Residence District A.

The Board opened a duly noticed 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. Heidi Ragone, 135137 South Street 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 17,883± SF of land improved by a two-family dwelling, driveway, hardscaping, and landscaping. The existing dwelling is nonconforming with respect to the front (21.3 feet) and side (6.6 feet) yard setbacks. The dwelling, built circa 1888, has reportedly experienced significant settlement (±18 inches) due to poor underlying soil conditions. The plan would relocate the structure on a pile-supported foundation to an area onsite with better soil conditions. The structure would be moved about 20' to the east and about 1'-3" to the south to provide a minimum front setback of 20' where 25' is required and 21.3' exists, while eliminating a nonconforming side yard setback. The ZBA granted a Variance to allow the reduction in the front yard setback in January 2022. Also included in the project is the removal of an existing driveway and installation of two smaller driveways to access the two-family dwelling. Overall, the project proposes 15,063± SF of total land disturbance.

The proposed plan will not result in increased stormwater runoff. The relocated dwelling will maintain existing utility services, though the electrical/communication wires will be reinstalled underground. Additionally, no tree removal is proposed with this project and a mulch filter sock is proposed as a perimeter erosion control barrier around the 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 the impervious cover on the lot, addition of the Tree Yard and trees to the plan, and addition of a stabilized construction entrance. The Applicant provided revisions addressing peer review comments.

During the course of the hearing, the Board raised comments and questions related to the proposed location of the relocated dwelling. The Board received no public comment related to this project.

## **WAIVERS**

The Applicant requested a waiver of submittal requirements under § I-I, 5.c (architectural plans), g (landscape plan), and h (tree protection and mitigation plan), as they do not apply to the nature of the project. Additionally, given the limited scope of the project, the Applicant further requested a waiver of a submittal requirement under Section I-I, 5.i regarding a cut and fill analysis.

## **DESIGN AND PERFORMANCE STANDARDS**

With the exception of the following, none of the Design and Performance Standards under Section I-I, 6. are applicable to the dwelling relocation project:

### **a. Land Disturbance**

The project proposes 15,063± SF of total land disturbance. The proposed dwelling relocation and driveways will largely maintain the existing natural topography of the site and drainage patterns will largely remain unchanged.

**b. Site Design**

The relocated dwelling is situated in a location so as to provide proper support for the structure, while encroaching into the front yard setback to the least extent practicable.

**e. Limit of Clearing**

No tree removal is proposed with this project and a mulch filter sock is proposed as a perimeter erosion control barrier around the limits of work.

**f. Finished Grade**

The proposed grading is minimal and is designed to properly support the relocated dwelling.

**g. Stormwater Management**

The proposed relocated dwelling and two new driveways will not increase existing conditions with respect to stormwater runoff.

**h. Utilities**

The dwelling will reconnect to the same service lines serving the dwelling in its present location.

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

Two newly configured driveways will provide access to the two-family dwelling. There are no changes in pedestrian access.

**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 Kevin Ellis, the Board voted unanimously to GRANT the application of 135137 South St LLC for Site Plan Approval under § I-1

of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.c, g, h, and i related to architectural plans, a landscape plan, a tree protection and mitigation plan, and a cut and fill analysis, to move an existing two-family dwelling onsite 20' to the east and 1'-3" to the south at 135-137 South 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. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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 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.

