



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant/Owner:** Jerrold and Seema Sgobbo  
14 & 0 Bay View Avenue  
Hingham, MA 02043

**Agent:** Joshua Knapper  
Design Collaborative LLC  
12 Fisher Road  
Hingham, MA 02043

**Property:** 14 & 0 Bay View Avenue, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 57248 Page 257;  
Certificate of Title No. 134499 issued by the Plymouth County Registry District  
of the Land Court

**Plan References:** "Sgobbo Residence, 14 Bay View Ave., Hingham," prepared by Patricia Van  
Buskirk Landscape Architecture, 18 Summit Drive, Hingham, MA, dated  
May 11, 2023 (1 Sheet)

"Sgobbo Residence, 14 Bay View Avenue, Hingham," prepared by Prea  
Design, Inc., 5 Ringbolt Road, Hingham, MA, dated January 6, 2023 (19  
Sheets)

"Site Redevelopment at 14 Bay View Avenue, Hingham, Massachusetts,  
Plymouth Colony," prepared by Daniel M. Smith, 33 Mayflower Road,  
Pembroke, MA, dated February 20, 2023 and revised through May 8, 2023  
(6 Sheets)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Jerrold and Seema Sgobbo (collectively the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to construct an addition onto an existing single-family dwelling and a cabana and make other improvements including grading, landscaping, and hardscaping at 14 Bay View Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 15, 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 Kevin Ellis, Chair, Gordon Carr, and Tracy Shriver. Joshua Knapper, Design Collaborative LLC, and Daniel Smith, P.E., 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 two parcels with a total area of 33,300± SF of land and is improved by a single-family dwelling (ca. 1905), shed, paved driveway, landscaping, lawn areas and several trees. The property extends to Hingham Bay to the north. The project proposes an addition to and renovation of the existing dwelling, construction of a cabana, a new driveway, retaining walls, hardscaping and landscaping. The overall project disturbs 24,450 SF of land – 17,900 SF of which is in areas with a slope greater than 10% – and a net cut of 981 CY.

The Board was mindful of the fact that some of the proposed work is in the right-of-way, but it is a private way that dead ends at this property. Work in the right-of-way is exempt from review under Section I-I, 3.e of the By-Law. The private way was also in existence prior to adoption of the Subdivision Control Law.

Runoff from the roof of the dwelling and proposed driveway will direct into one of two subsurface infiltration systems consisting of plastic pipes surrounded by crushed stone, and overflow from the subsurface infiltration systems will discharge to a level spreader which would allow it to flow down slope toward Hingham Bay. Existing water and sewer services will continue to serve the property, while electric and communication utilities will connect underground. A compost filter sock is proposed as a perimeter erosion control barrier around the limits of work and a stabilized construction entrance is shown within the Bay View Avenue right-of-way. The application materials indicate that only one tree will be removed to make room for the proposed cabana and it is not within the Tree Yard. While no mitigation is required for this tree removal, a number of trees and plantings are proposed throughout the property.

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 proposed sewer line, Cape Cod berm, stormwater infiltration system details, operations and maintenance plan details, driveway width, Tree Yard, and work in the private right of way. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions and comments related to the driveway width, grading, and project design. One abutter provided public comment related to the deed of the subject property.

### **WAIVERS**

The Applicant requested waivers of submittal requirements under § I-I, 5.h Tree Protection and Mitigation Plan and I(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis given the tree removal outside of the Tree Yard as well as the residential nature of the project. The Applicant also requested a waiver of a Design and Performance Standard under § I-I, 6.i(i)(C) to allow a driveway entrance width of 34'. The applicant represented that the increased width is necessary for adequate access to the proposed two-car garage given the short driveway and will not negatively impact other users of the private roadway as it dead ends at this property.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

The overall project disturbs 24,450 SF of land – 17,900 SF of which is in areas with a slope greater than 10% – and a net cut of 981 CY. The project is designed to preserve and enhance the natural features of the site. While grade changes are proposed, the natural topography will largely maintain the same pattern.

**b. Site Design**

The placement of the proposed addition and cabana complement the site's scenic qualities and blends with the natural landscape.

**c. Character and Scale of Buildings**

The project is designed to fit the character and scale of existing developments in the neighborhood.

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

No Protected Trees are proposed for removal. Protected Trees onsite are located along the western property line and outside of the limit of work.

**e. Limit of Clearing**

One 18" oak tree is proposed for removal outside of the Tree Yard. Additional clearing consists of existing planters and lawn areas. 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 be matched to the maximum extent practicable. The project proposes no slopes greater than 3:1.

**g. Stormwater Management**

Runoff from the roof of the dwelling and proposed driveway will direct into one of two subsurface infiltration systems consisting of plastic pipes surrounded by crushed stone, and overflow from the subsurface infiltration systems will discharge to a level spreader which would allow it to flow down slope toward Hingham Bay. A compost filter sock is proposed as a perimeter erosion control barrier around the limits of work.

**h. Utilities**

Existing water and sewer services will continue to serve the property, while electric and communication utilities will connect underground.

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

A new 34'-wide paved driveway is proposed to allow adequate access the two-car garage. A waiver of the 24'-wide driveway entrance is requested by the Applicant. There are no changes proposed with respect to traffic management or pedestrian access.

**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, with the exception of a Standard under § I-1, 6.i(i)(C) requiring a 24'-wide driveway entrance limitation. A waiver of this Standard to allow a 34'-wide driveway entrance will not adversely impact the interests set forth in subsection a. above.

**MOTION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Jerrold and Seema Sgobbo for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under Sections I-1, 5.h and I(ii) and (iii)

related to a Tree Protection and Mitigation Plan, Site Lighting Plan, and Transportation Impact Analysis, to construct an addition onto an existing single-family dwelling and a cabana and make other improvements including grading, landscaping, and hardscaping at 14 and 0 Bay View 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. 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 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,



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Kevin Ellis

May 18, 2023

**In Favor:** Kevin Ellis, Gordon Carr, and Tracy Shriver

**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.