



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Falconeiri Construction, Inc.
c/o Matthew Falconeiri
45 Industrial Park Road, Suite 3
Hingham, MA 02043

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

Property: 28 & 32 Union Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57335 Page 328

Plan References: "New Single Family Residence for: Falconeiri Construction, Inc.," prepared by Prea Design, Inc., 5 Ringbolt Road, Hingham, MA, dated November 23, 2022 (13 Sheets)

"Site Plan, 28 & 32 Union Street, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 687 Main Street, Norwell, MA, dated March 16, 2023 and revised through May 5, 2023 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Falconeiri Construction, Inc. (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 28 & 32 Union Street 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. Brendan Sullivan, P.E., P.L.S., Merrill Engineers & 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 properties consist of two parcels held in common ownership with a total area of 117,800± SF and is improved by a single-family dwelling (ca. 1935), detached garage, paved driveway, landscaping, lawn areas and wooded areas. The southern portion of the property is wetlands and is currently under review by the Conservation Commission. The proposal calls for construction of a new dwelling with an attached garage, paved driveway, retaining walls, hardscaping and landscaping. The total land disturbance associated with this project consists of approximately 30,000 SF, with no slopes exceeding 10%, and a net fill of 1,800 CY.

Runoff from approximately half of the dwelling roof will be directed into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone and overflow from the subsurface infiltration system will discharge to a stone splash pad toward the wetlands. Additionally, a crushed stone trench is proposed along a portion of the driveway to capture and infiltrate runoff from the driveway. Utility services will be upgraded in the same locations as existing connections, with the exception of electrical/communication services, which will be relocated 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 in the location of the proposed driveway.

In total, thirty-five trees are proposed for removal with this project. Seventeen of these trees are within the Tree Yard and two are in the Scenic Road right of way. The trees to be removed in the Tree Yard are either dead, diseased/decaying, hazardous, or invasive as certified by a certified arborist. While no tree mitigation is required based upon these conditions, the Applicant proposes 8 new, native tree plantings to be located along Union Street at the front of the property. No formal landscape plan has been developed at this stage in the project, but the Applicant noted through a response to staff comments that bushes and shrubs will be placed around the perimeter of the dwelling, with only native plantings that meet Conservation Commission requirements within the 50' buffer to the resource area. Additionally, the area of the existing driveway within the 50' buffer to the resource area will also be replaced by native plantings. The direct abutter at 22 Union Street also supported the proposed tree removals. The Board will also hear an application after this application for the tree removal proposed in the Scenic Road right of way.

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 Tree Yard, addition of swale, utilities to be shown on the plan, FEMA flood zone, inspection ports, and site lighting. 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 landscaping, tree removal, and location of the proposed dwelling. There was written and oral public comment related to tree removal associated with the project.

WAIVERS

The Applicant requested waivers of submittal requirements under § I-I, 5.f. Utility Plan and g. Landscape Plan. Utilities were added to the plans and additional information was provided regarding landscaping during the application process. Additionally, the Applicant requested waivers of submittal requirements under § I-I, 5.I(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis given the residential nature of the project.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance associated with this project consist of approximately 30,000 SF, with no slopes exceeding 10%, and a net fill of 1,800 CY. The proposed development is cited to minimize land disturbance and preserve natural drainage patterns onsite, with the proposed work located on previously developed area.

b. Site Design

The placement of the proposed development and removal of dead trees will enhance the site's scenic qualities and blend with the natural landscape, as much of property lines are lined with wooded areas – limiting exposure to abutting properties.

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, as those within the Tree Yard are either dead, diseased/decaying, hazardous, or invasive as certified by a certified arborist. While no tree mitigation is required based upon these conditions, the Applicant proposes a number of new tree plantings throughout the property. The proposed work is located over developed lawn in the vicinity of the existing structures to minimize disturbance to vegetation.

e. Limit of Clearing

In total, thirty-five trees are proposed for removal with this project. Seventeen of these trees are within the Tree Yard and two are in the Scenic Road right of way. The trees to be removed in the Tree Yard are either dead, diseased/decaying, hazardous, or invasive as certified by a certified arborist. While no tree mitigation is required based upon these conditions, the Applicant proposes a number of new tree plantings throughout the property. Further, no formal landscape plan has been developed at this stage in the project, but the Applicant proposes bushes and shrubs to be placed around the perimeter of the dwelling, with only native plantings that meet Conservation Commission requirements within the 50' buffer to the resource area. Additionally, the area of the existing driveway within the 50' buffer to the resource area will also be replaced by native plantings. A compost filter sock is proposed as a perimeter erosion control barrier around the limits of work.

f. Finished Grade

Proposed grading is limited to a small portion of the lot and will not change the overall drainage patterns of the lot. The proposed development is designed to closely match the existing topography.

g. Stormwater Management

Runoff from approximately half of the dwelling roof will direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone and overflow from the subsurface infiltration system will discharge to a stone splash pad toward the wetlands. Additionally, a crushed stone trench is proposed along a portion of the driveway to capture and infiltrate runoff from the driveway.

h. Utilities

Utility services are proposed to connect to existing mains in the same locations as existing connections, with an electrical/communication connection underground.

i. Pedestrian and Vehicular Access; Traffic Management

A slightly shifted new paved driveway is proposed to provide adequate access to the site. 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.

MOTION

Upon a motion made by Kevin Ellis and seconded by Tracy Shriver, the Board voted unanimously to GRANT the application of Falconeri Construction, Inc. for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under Sections I-I, 5.g and I(ii) and (iii) related to a Landscape Plan, Site Lighting Plan, and Transportation Impact Analysis, to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 28 & 32 Union 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. Plan Revisions. Prior to commencement of any work, the Applicant shall submit to the Community Planning Department a Landscape Plan consistent with the representations made to the Board during the public hearing and a revised stormwater analysis and plan as applicable.
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 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,



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.