



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Dania and Peter Matheos
155 Otis Street
Hingham, MA 02043

Agent: Alan Loomis
McKenzie Engineering Group, Inc.
150 Longwater Drive, Suite 101
Norwell, MA 02061

Property: 155 Otis Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 47772 Page 59

Plan References: "Major Site Plan Review, Proposed Single Family Home, 155 Otis Street in Hingham, Massachusetts," prepared by McKenzie Engineering Group, Inc., 150 Longwater Drive, Suite 101, Norwell, MA, dated April 25, 2023 and revised through July 6, 2023 (7 Sheets)

"Matheos Residence, 155 Otis Street – Hingham, MA 02043," prepared by Lindal Cedar Homes, 6840 Fort Dent Way, Suite 220, Seattle, WA, dated March 28, 2022 and revised through December 9, 2022 (9 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Dania and Peter Matheos (collectively "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 155 Otis Street in Residence District A.

The Board opened a duly noticed public hearing on the application, without the receipt of testimony, at a meeting held remotely on June 26, 2023 via Zoom as an alternate means of public

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Town Clerk
Hingham, MA

access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. A continued substantive hearing was held on July 10, 2023. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Al Loomis, McKenzie Engineering Group, Inc., 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 37,224± SF of land improved by a single-family dwelling, carriage house, paved driveway, and landscaping. The existing dwelling was recently razed and the proposal calls for retaining the existing carriage house and construction of a new dwelling, paved driveway, hardscaping and landscaping. The total land disturbance consists of 17,325 SF – 10,300 of which is in areas with a slope greater than 10% – and a net cut of 1,130 CY.

Runoff from the roof of the proposed dwelling is proposed to discharge onto the permeable paver patio for recharge into the ground. Additionally, utility connections to the existing dwelling, consisting of sewer, gas, water, and electricity (to be connected underground), will be modified and retained. A compost filter sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work. While there is no tree removal proposed with this project, the plan shows tree protection measures for several existing trees. Additionally, the Applicant represented that existing plantings will be maintained onsite during construction and replanted after completion of the project.

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 drainage calculations and modeling, test pit excavation, a trench drain discharge location, electrical connections, Tree Yard, retaining walls, addition of a stabilized construction entrance, permeable patio, and land disturbance threshold. 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 construction vehicles, the proposed pervious pavers, drainage, Protected Trees, sea level rise, and the streetscape. There was no public comment.

WAIVERS

The Applicant requested waivers of submittal requirements under § I-I, 5.g. Landscape Plan, I(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis given the residential nature of the project. The Applicant's engineer noted that the owner has contacted landscape architects, but wishes to design the landscaping around the completed dwelling. During the hearing the Board agreed to require a landscape plan submission as a condition of approval rather than waiving the requirement altogether.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance consists of 17,325 SF – 10,300 of which is in areas with a slope greater than 10% – and a net cut of 1,130 CY. The proposed dwelling is located in the same general area as the existing dwelling to minimize additional land disturbance and maintain existing drainage patterns and natural topography to the greatest extent practicable.

b. Site Design

The proposed dwelling and driveway are located in the same area as the existing dwelling and driveway to maintain the present site design. Additionally, the existing carriage house is proposed to remain in its current location.

c. Character and Scale of Buildings

While the proposed modern-style dwelling is different from the existing farm-style of home, the neighborhood has a variety of home styles and the scale of the proposed dwelling is consistent with other new construction in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

No Protected Trees are proposed for removal. The Applicant intends to obtain a landscape plan upon completion of the dwelling construction and will include various vegetable and flowering plantings, including replanting of existing materials preserved and maintained onsite during construction.

e. Limit of Clearing

Several small trees were removed during the initial razing of the existing dwelling in November 2021. The limit of work is noted on the plan and a compost filter sock is also proposed as a perimeter erosion control barrier around the down-gradient limits of work.

f. Finished Grade

This project proposes minimal grading and is designed to most closely match the existing topography and provide stability for the new structures.

g. Stormwater Management

Runoff from the roof of the proposed dwelling is proposed to discharge onto the permeable paver patio for recharge into the ground.

h. Utilities

Utility connections to the existing dwelling, consisting of sewer, gas, water, and electricity (to be connected underground), will be modified and retained.

i. Pedestrian and Vehicular Access; Traffic Management

A widened paved driveway is proposed in the same location as the existing driveway to provide adequate access to the site. An electric security gate is also proposed with a Knox Box for emergency personnel access. 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 Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Dania and Peter Matheos for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under § I-1, 5.I. related to a Site Lighting Plan and Transportation Impact Analysis, to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 155 Otis Street in Residence District A, subject to the following conditions:

- 1. Proof of Recording. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recordings 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. Construction Vehicles. 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. Plan Revisions. Prior to a certificate of occupancy, the Applicant shall submit a Landscape Plan to the Community Planning Department to demonstrate native and adequate plantings proposed for the site.
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 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,



Kevin Ellis

July 11, 2023

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, Tracy Shriver, 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.