



TOWN OF HINGHAM

Planning Board

CERTIFICATE OF ACTION DEFINITIVE SUBDIVISION MODIFICATION

IN THE MATTER OF:

Applicant/Owner: Bristol Bros. Development Corp.
c/o James E. Bristol, III, President
190 Old Derby Street, Suite 311
Hingham, MA 02043

Agent: Jeffery A. Tocchio, Esq.
Drohan, Tocchio, & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043

Property: 213 & 215 Cushing Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56455 Page 73
Plymouth County Registry of Deeds, Book 55496 Page 86

Plan References: "Definitive FRD Plan," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated November 21, 2022 and revised May 23, 2023 (17 Sheets)

"Grade Plan Exhibit," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated April 24, 2023 (1 Sheet)

"Pleasant Valley Elevations," prepared by Weathervane Companies, dated June 24, 2022 (2 Sheets)

"Site Distance Driveway Looking North," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated April 24, 2023 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Bristol Bros. Development Corp. (the "Applicant") for for Modification of a Definitive Subdivision, originally approved May 25, 1965, under the Subdivision Control Law and the Rules and Regulations of the Hingham Planning Board to construct a minor street for a Flexible Residential Development consisting of eight single-family dwellings on 7.48± acres of land in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District.

The Board opened a duly noticed public hearing on the application, without the receipt of testimony, at a meeting held on January 30, 2023. The application was continued to nonsubstantive hearings on March 13, 2023, April 10, 2023, June 5, 2023, and June 26, 2023, and substantive hearings on February 13, 2023, May 1, 2023, and July 10, 2023. All hearings were held remotely via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 and Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board concurrently opened hearings on related applications for a Definitive Flexible Residential Development Review and Site Plan Review. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Jeffrey A. Tocchio, Esq., Drohan, Tocchio, and Morgan, P.C., and Taylor Corsano, Crocker Design Group, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, P.C. and Jeffrey Dirk, P.E., PTOE, FITE, of Vanasse & Associates, Inc. At the conclusion of the review, the Board voted to approve the Definitive Subdivision Modification 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 land area of about 7.48± acres of land at 213 Cushing Street (7.01± acres) and 215 Cushing Street (0.47± acres). The parcel at 213 Cushing Street consists of woodlands and wetlands and was the subject of a two lot subdivision approved in 1965. The parcel at 215 Cushing Street is improved by an existing single-family dwelling with a paved driveway off Cushing Street.

The Planning Board granted a Special Permit A3 in March 2022 for a Preliminary Flexible Residential Development (FRD) consisting of eight single-family dwellings. The proposed 24'-wide roadway and 5'-wide sidewalk with a 4'-wide grass strip are identical to the roadway and sidewalk shown on the preliminary FRD plan. The Board reviewed a number of density and buffer considerations during the Preliminary FRD stage. The number of units approved (8) is based on a Conventional Yield of 6 lots, plus a density bonus of up to 135% of the Conventional Yield or 2 units. One of these Additional Dwelling Units would be priced for Moderate Income Households (80% AMI). The Board permitted a density bonus through finding that the Preliminary FRD Plan complied with all provisions of Section IV-D. Subsection 9.d requires a buffer of 100' along abutting properties and 50' along adjacent roadways. The Board waived this requirement to allow a minimum 65' wide buffer to abutting properties, with the exception of the northerly side

of the proposed way and southerly side of the existing dwelling at 215 Cushing Street, noting sufficient screening for abutting properties. The waiver also resulted in additional space for the proposal to create an affordable unit – allowing for a net positive effect on the Town’s Subsidized Housing Inventory (SHI). Finally, the Open Space consists of approximately 52.9% of the total land area. This is an excess of 12% over the minimum of 40% required.

In accordance with MGL c. 41, s. 81U, the Applicant is also required to file a definitive plan with the Board of Health. The Hingham Board of Health reviewed the plan on January 4, 2023, voting to disapprove it due to the fact that some of the individual lots do not meet the 12,500 SF per bedroom requirement. During the hearing process, the Applicant revised plans to address the issue with respect to the individual lots by reverting back to a condominium plan. Following this change, the Board of Health reissued a letter on May 12, 2023 regarding this project, providing its approval of the design.

In addition to staff, the Board’s consulting engineers, Patrick Brennan, P.E., of Amory Engineers and Jeffery Dirk, P.E., PTOE, FITE, of Vanasse & Associates, reviewed the application for compliance with local regulations and best engineering practices. Mr. Brennan’s initial report included comments related to Open Space calculations, the Tree Yard, plan notes and details, addition of permanent benchmarks, street trees and lighting, proposed curbing and berms, the proposed stormwater system, the fire hydrant, an electric easement, sidewalks, right-of-way location, retaining walls, utilities, walking trail, and waivers. Mr. Dirk’s initial report included comments related to retaining wall relocation, sight distances, plan notes, and signage. The Applicant provided revisions that address all peer review comments.

During the course of the hearing, the Board raised questions and comments related to guest parking, impact to abutters, waiver requests, the Conventional Yield, affordable units, Open Space, drainage, length of driveways, landscaping, street lighting, ledge removal, Board of Health, Open Space signage, condominium documents, project phasing, and fire truck turning. There was no public comment.

WAIVERS

Pursuant to Section 2.E of the Rules and Regulations of the Planning Board, strict compliance with the requirements of the Rules and Regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, and based upon the information submitted and received at the hearings, and the deliberations and discussions of members during the hearings, the Board voted unanimously to GRANT waivers of the following requirements under the Rules and Regulations of the Planning Board, as amended through September 11, 2018:

1. §4.B(3), Table 1 – To allow the roadway to be designed in accordance with some of the requirements of a Limited Residential Street rather than a Minor Street; reduce width from 46’ to 40’, and reduce centerline radii from 200’ to 150’.

2. §4.B(4)(b) – To allow a reduction of the dead-end street right-of-way turnaround radius from 65’ and 55’, respectively, to 47.5’ and 46.5’.
3. §4.B(4)(b) – To allow a minimum island radius of 21’ where 25’ is required.
4. §4.C(1) – To allow retention and subsurface discharge of stormwater.
5. §4.E – To allow stormwater management structures on the same lot as the development, subsurface system in place of an open basin, and increase the side slope of open basin from 25% to 33%.
6. §5.B4(1) – To allow greater than 50’ spacing between street trees around the cul-de-sac.
7. §5.R1(6) – To allow reduction in catch basin diameter from 5’ to 4’, and varying depths with 4’ sumps in place of a total depth of 8’-6”.
8. §5.X3 – To allow a reduction in height of street lights from 25’ to 9’.
9. §6 (Figure 1) – To allow the street crown pitch on one side where both sides are required.

MOTION

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Bristol Bros. Development Corp. for Modification of a Definitive Subdivision, originally approved May 25, 1965, under the Subdivision Control Law and the Rules and Regulations of the Hingham Planning Board to construct a minor street to serve seven new single-family dwellings and two existing single-family dwellings on 7.48± acres of land at 213 & 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District, subject to the following conditions:

1. Conditions to be met Prior to Endorsement:

- a. The Applicant shall modify the approved Definitive Plan to include the following:
 - i. A note referencing all conditions under Sections 2 – 4 of this Approval;
 - ii. A note stating that “All stormwater management basins shall be constructed and stabilized to contain the runoff from a 2-year storm even through and including a 100-year storm event prior to paving and connection of the storm drainage system.”
- b. The Applicant shall establish with the Planning Department a consultant fee account pursuant to MGL c. 44, s. 53G to fund the cost of construction inspections and plan review required by this Decision. The initial deposit to the account shall

be \$6,000.00 and replenishment of the account shall occur when the account balance falls below \$1,000.00 after notice from the Planning Department.

- c. The Applicant shall submit a security or combination of securities to guarantee performance of the construction of ways and the installation of municipal services shown on the approved Definitive Plan.
- d. The Applicant shall submit final condominium documents to the Board to demonstrate compliance with Section IV-D of the Zoning By-Law.

2. Conditions to be met Prior to Commencement of Construction:

- a. Results of the hydrant flow test shall be provided to the Community Planning Department and Fire Marshal to verify that 1,000 gallons of water per minute will be provided at the proposed fire hydrant.
- b. Limits of clearing as depicted on the subdivision plan, including the “no clearing zones”, shall be clearly marked in the field with the installation of a staked mulch log, silt fence, or orange construction fence and shall be inspected prior to the start of work.
- c. All permanent bounds and monuments shall be installed as shown on the referenced plan and in conformance with Section 5.C4 of the Planning Board Rules and Regulations.
- d. Prior to the start of construction or site clearing there shall be a preconstruction meeting attended by the Applicant team, representatives of the Planning Department, and the consulting engineer for the Planning Board, to review the installation of the erosion control measures.
- e. The Applicant shall obtain a Street Opening Permit from the DPW for any work in the Town’s layout and the Applicant shall notify the DPW Superintendent prior to any work within the right-of-way.
- f. The Applicant shall file a certified copy of this decision, the endorsed Plan, and the Declaration of Trust in the Registry of Deeds and provide evidence of such recording to the Community Planning Department.

3. Conditions in Effect During Construction:

- a. **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.

- b. Inspections shall be conducted consistent with Section 6 and Form R1 of the Planning Board Rules and Regulations.

4. General Conditions:

- a. All work shall be performed in accordance with the approved Plan, this Approval, and in conformity with the Rules and Regulations of the Hingham Planning Board in effect as of the date of the application.
- b. The Applicant shall complete all work shown on the approved Plan, including all ways, drainage facilities, and utilities, within two years of this Approval, unless, at the request of the Applicant, the Planning Board extends the time for performance of such work.
- c. At the completion of work and prior to final release of the final lot or all surety, as applicable, the Applicant shall submit an As-Built plan showing substantial conformance with the approved plans.
- d. The Applicant shall obtain approval from the DPW with respect to the proposed crosswalk in Cushing Street. Said crosswalk shall be installed prior to issuance of a certificate of occupancy.
- e. The roadway, drainage facilities and other utilities within the subdivision road shall remain private and the maintenance, repair and improvement thereof shall be the responsibility of the Applicant and/or the Trust.

For the Planning Board,



Kevin Ellis

July 31, 2023

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