



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

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 Site Plan Review under § I-I of the Zoning By-Law (the “By-Law”) 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 23, 2023. The application was continued to nonsubstantive hearings on January 30, 2023, 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 modification of a Definitive Subdivision, originally approved May 25, 1965, and a Definitive Flexible Residential Development 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 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 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.

Additionally, 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

The Applicant requires a waiver 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 project proposes a total land disturbance in excess of one acre and is part of a common plan of development. The development proposes preservation of approximately 52.9% of the total land area as Open Space. This is an excess of 12% over the minimum of 40% required. The roadway and drainage basin are proposed to maintain natural drainage patterns to the greatest extent practicable.

b. Site Design

The placement of the roadway and new dwellings are designed to match the existing topography to greatest extent practicable. The Open Space buffer and landscaping proposed will allow for screening from abutting properties. Additionally, the Moderate Income unit is proposed to be contiguous with the other proposed dwellings and will not be segregated from the regularly priced units within the development.

c. Character and Scale of Buildings

The character and scale of the development is to other dwellings in the vicinity and those that exist within the development.

d. Preservation of Existing Vegetation and Protected Trees

While a number of trees are proposed for removal throughout the development area, only two Protected Trees (26" in total) are proposed for removal in the Tree Yard. The total number of caliper inches required for mitigation is 13". The landscape plan proposes 65 trees to be planted throughout the development area – each at least 3" in caliper or 8' in height.

e. Limit of Clearing

Two trees within the Tree Yard and two trees on Town property (approved by the Tree Warden) are proposed for removal. A silt sock and fence are proposed as a perimeter erosion control barrier around the down-gradient limits of work and a stabilized construction entrance is proposed at the existing paper street entrance off Cushing Street.

f. Finished Grade

The grades on the lot will be matched to the maximum extent practicable and seek to blend with the natural contours of the site.

g. Stormwater Management

An infiltration basin is proposed for the development and is designed to fully comply with the Massachusetts DEP Stormwater Management Standards.

h. Utilities

The project proposes utility connections to a water and gas, an underground connection to electric/communication utilities, and a shared septic system.

i. Pedestrian and Vehicular Access; Traffic Management

A new paved minor street is proposed to access the development from Cushing Street, as well as a two-car garage attached to each unit. In addition to a sidewalk along one side of the roadway, a pedestrian trail is proposed within the Open Space, to remain as a natural path.

j. Lighting

Along with typical residential lighting, 9' street lights are proposed along the roadway in front of each driveway.

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

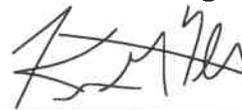
Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Bristol Bros. Development Corp. for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under Sections I-1, 5.1(ii) and (iii) related to a Site Lighting Plan and Transportation Impact Analysis, for a Flexible Residential Development consisting of eight 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. 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. No work shall commence without an approved Storm Water Pollution Protection Plan (SWPPP) in place. The SWPPP must be submitted to the Community Planning Department a minimum of three weeks prior to the start of construction for review and is subject to third party peer review pursuant to MGL c. 44, s. 53G, to fund the cost of SWPPP inspections and review. The SWPPP must be phased consistent with any proposed phasing of the project and shall identify the detailed Erosion & Sedimentation Controls during the different phases of the work.
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 and Replacement Trees.** Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Trees, 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 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.

