



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Black Rock Development Inc  
19 Clubhouse Drive  
Hingham, MA 02043

Agent: Brendan Sullivan, P.E., P.L.S.  
Merrill Engineers & Land Surveyors  
427 Columbia Road  
Hanover, MA 02339

Property: 199-201 Ward Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 42494 Page 115  
Plymouth County Registry of Deeds, Book 43527 Page 336

Plan References: "199 & 201 Ward Street, Preliminary Flexible Residential Design, Subdivision Pla, Assessors Map 144 Lots 5 and 6, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated July 14, 2023 and revised through August 24, 2023 (6 Sheets)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Black Rock Development Inc (the "Applicant") for a Site Plan Review for a Preliminary Plan Review of a Flexible Residential Development consisting of 3 single-family dwellings on 4.8 acres of land at 199-201 Ward Street in Residence C District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on August 28, 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. A subsequent session was held on September 11, 2023. The Board concurrently opened a hearing on a related

application for a Special Permit A3 in connection with the Preliminary Flexible Residential Development Plan Review. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Brendan Sullivan, P.E., P.L.S., Merrill Engineers and 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 project site consists of two parcels with a total land area of 4.8± acres located off the west side of Ward Street. The parcel at 199 Ward Street is improved by an existing single-family dwelling and a paved driveway. The parcel at 201 Ward Street is undeveloped woodland and wetlands. The wetlands encompass 1.65± acres, or about 34% of the total project site.

The proposal calls for dividing the two parcels into four lots – three residential lots and one Open Space lot. The Conventional Yield Plan (Sheet 3) shows three conforming residential lots with 150' or greater of frontage on Ward Street. The proposed Flexible Residential Development plan shows a 3 acre Open Space lot and three residential lots that range in size from 0.5 acre to 0.7 acre. The number of units is based on a Conventional Yield of 3 lots. No density bonus is proposed with this concept, therefore none of the proposed dwellings are required to be Low or Moderate Income Housing nor Moderately-Sized. Additionally, the Applicant proposes a common driveway for the three lots – requiring an additional Special Permit A3 under Section V-K during the definitive stage. Finally, while the Grading Plan (Sheet 5) appears to show a shared septic system on the Open Space lot and proposed stormwater infiltration areas on the residential lots, the Applicant indicated through responses to comments, that the septic system and stormwater system are only conceptual at this time and have yet to undergo a final design to serve the development.

With the exception of the Open Space Buffer (discussed below), the proposed development complies with the open space, dimensional, and additional requirements. A more detailed plan during the definitive stage would provide for a more thorough understanding of the proposed development, but such additional details are not required at the preliminary stage, such as stormwater and septic information.

#### *Open Space:*

The minimum Open Space area requirement is at least 40% of the entire site. The Applicant proposes for the Open Space to consist of 64% of the overall site – an excess of 24% above the minimum requirement.

With respect to the Open Space Buffer, subsection 9.d requires a buffer of 100' along abutting properties and 50' along adjacent roadways. The FRD Plan depicts a minimum 50' wide buffer along the roadway, but a buffer consisting of an existing tree line very close to the abutting properties to the north and west. The property to the west is Black Rock Country Club and the property to the north is a residential property. It is important to note that the closest dwellings are approximately 580' to the northerly property line and 220' from the westerly property line. The Board is able to provide relief from these dimensions if it finds the proposed buffer is sufficient to screen or separate the development. In fact, the Board granted such relief for an FRD by the same developer at 90 Ward Street as well as with the most recent FRD at 213 & 215 Cushing Street.

In addition to staff, the Board's civil peer review engineer Patrick Brennan, PGB Engineering, 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 location of 6" trees, the Open Space Buffer, test pits, and dimensional requirements. The Applicant provided revisions that address all of Mr. Brennan's comments. Given the preliminary stage of the project, Mr. Brennan will provide a more detailed review when additional information is submitted during the definitive stage.

During the course of the hearing, the Board raised questions and comments related to ledge removal, number of bedrooms, septic systems, setbacks, grading, and open space. Two members of the public provided questions and comments related to blasting and their septic system and well.

### **WAIVERS**

The Applicant requires waivers of submittal requirements under § I-I, 5.f (utility plan), g. (landscape plan), h. (tree protection plan), j. (construction schedule), l(i) (stormwater report), l(ii) (site lighting plan), and l(iii) (transportation impact analysis) given the preliminary stage of the 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-I,7. of the By-Law:

1. 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.
2. The proposed development meets all applicable Design and Performance Standards.

### **MOTION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Black Rock Development Inc for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.f, g, h, j, I(i), I(ii), and I(iii) related to a utility plan, landscape plan, tree protection plan, construction schedule, stormwater report, site lighting plan, and transportation impact analysis, for a Preliminary Plan Review of a Flexible Residential Development consisting of 3 single-family dwellings on 4.8 acres of land at 199-201 Ward Street in Residence District C, 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 recording prior to application for a Definitive Flexible Residential Development Review (“Definitive Review”).
2. The Applicant shall file an application for modification of this Site Plan Approval to be heard concurrently with the Definitive Review.

For the Planning Board,



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Kevin Ellis, Chair  
September 18, 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.