



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: 82 Gardner LLC
c/o Owen McCosker
34 Indian Spring Road
Milton, MA 02186

Agent: Deborah Keller, P.E.
Merrill Engineers and Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: Portion of 82 Gardner Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57784 Page 292

Plan References: "Gardner St., Hingham, MA.," prepared by Formalhaus Designers, dated June 10, 2023 (8 Sheets)

"Hingham Fire Truck Turning Movement Sketch Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated October 20, 2023 (1 Sheet)

"Plan of Land," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated April 26, 2023 (1 Sheet), Plymouth County Registry of Deeds, Plan Book 67 Page 103

"Site/Septic Design Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated September 18, 2023 and revised through October 26, 2023 (2 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 82 Gardner LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to construct a single-family dwelling with associated landscaping, hardscaping, grading, and a septic system at 82 Gardner Street in Residence District B.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 30, 2023, with a second substantive session on November 27, 2023. All hearings were held 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, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Deborah Keller, P.E., 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 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 & DISCUSSION

The subject property consists of 62,615± SF of vacant land with lawn and wooded areas. The Board endorsed an ANR Plan in May 2023, creating a new Lot from the existing 82 Gardner Street property which is improved by a single-family dwelling. The proposal calls for construction of a new single-family dwelling on the vacant Lot with an attached garage, paved driveway, and landscaping. The total land disturbance consists of 25,000 SF – 9,000 SF of which is in areas with a slope greater than 10% – and a net fill of 1,300 CY.

Runoff from the driveway will collect in a crushed stone diaphragm (trench) along the downgradient side of the driveway. When the trench overtops, runoff will flow down across lawn to a natural depression on site where it will infiltrate into the ground. Drywells are shown for runoff from portions of the roof of the dwelling. An onsite septic system is proposed to serve the dwelling in addition to public water. Electric and communication utilities will connect underground. In addition to brush removal, one tree greater than 6" in caliper is proposed to be removed from the site but it is not within the Tree Yard. While no Protected Trees are proposed for removal, the Applicant proposes four tree plantings in the Tree Yard in the event a 20"-caliper Protected Tree needs to be removed for septic system installation. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work, in addition to a stabilized construction entrance at the proposed driveway entrance from Gardner Street.

The Fire Marshal also provided comments related to additional requirements needed due to the proposed length of the driveway. A turnaround was added to accommodate the proper turning radius for a fire apparatus. The Fire Marshal informally noted satisfaction with the proposed revisions.

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 stormwater calculations, Protected Trees, and the Fire Marshal's comments. 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 drainage, tree removal, streetscape, setbacks, occupancy, and a landscape plan, ultimately agreeing to impose a condition of approval related to providing a landscape plan. There was no public comment.

WAIVERS

The Applicant requested waivers of submittal requirements under § I-1.5.l(ii) Site Lighting Plan, and l(iii), Transportation Impact Analysis given the residential nature of the project. The Applicant also requested a waiver of a submittal requirement under § I-1.5.g. Landscape Plan, as a landscape plan has not yet been developed for the site.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance consists of 25,000 SF – 9,000 SF of which is in areas with a slope greater than 10% – and a net fill of 1,300 CY. The proposed work is limited to a dwelling, driveway, and a buried septic system. No accessory structures are proposed and runoff from the site is directed to an existing depressed area near the front of the lot for both the existing and proposed conditions.

b. Site Design

The proposed dwelling is cited 161' from Gardner Street and is situated to minimize tree/brush removal, and to not require removal of Protected Trees. As conditioned by this Approval, landscaping will be similar to other residences in the neighborhood and is intended to enhance the aesthetic of the developed lot.

c. Character and Scale of Buildings

The character and scale of the proposed structures are consistent with similar developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

One tree greater than 6" in caliper is proposed to be removed from the site but it is not within the Tree Yard. All Protected Trees will be encompassed by protective tree fencing. Additionally, while no Protected Trees are proposed for removal, the Applicant proposes four tree plantings in the Tree Yard in the event a 20"-caliper Protected Tree needs to be removed for septic system installation.

e. Limit of Clearing

In addition to brush removal, one tree greater than 6" in caliper is proposed to be removed from the site but it is not within the Tree Yard. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the down-gradient limits of work, in addition to a stabilized construction entrance at the proposed driveway entrance from Gardner Street.

f. Finished Grade

The proposed grading will match the existing topography to the greatest extent practicable – maintaining the direction of runoff to the natural depressed area on the northerly portion of the lot. None of the proposed grading provides a slope steeper than 3:1.

g. Stormwater Management

Runoff from the driveway will collect in a crushed stone diaphragm (trench) along the downgradient side of the driveway. When the trench overtops, runoff will flow down across lawn to a natural depression on site where it will infiltrate into the ground. Drywells are shown for runoff from portions of the roof of the dwelling.

h. Utilities

An onsite septic system is proposed to serve the dwelling in addition to public water. Electric and communication utilities will connect underground.

i. Pedestrian and Vehicular Access; Traffic Management

Access to the site is proposed via a driveway off of Gardner Street. Due to the length of the driveway in excess of 150', a turnaround is provided near the dwelling to allow for an adequate turning radius for a fire apparatus.

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 § 1-1,7. 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 Gordon Carr, the Board voted to GRANT the application of 82 Gardner LLC for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.g and I related to a Landscape Plan, Site Lighting Plan and Transportation Impact Analysis, to construct a single-family dwelling with associated landscaping, hardscaping, grading, and a septic system at 82 Gardner Street in Residence District B, 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 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. **Landscape Plan.** Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Landscape Plan to the Community Planning Department to demonstrate the inclusion of native and adequate plantings proposed for the site and a clearly marked indication of all trees to be removed and planted consistent with the discussion of the Planning Board.
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

December 1, 2023

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

Opposed: Gary Tondorf-Dick

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.