



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: JR Development Group LLC  
c/o Joel Philbrick  
285 East Street, Apt. 1  
West Bridgewater, MA 02379

Agent: Jeffrey Hassett, P.E.  
Morse Engineering Company, Inc.  
10 New Driftway  
Scituate, MA 02066

Property: 57 Ward Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58639 Page 300

Plan References: "Cut & Fill Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, undated (1 Sheet)

"Landscape Plan Hardscape Plan," prepared by Guerrini Design Group, LLC, 16 Chestnut Street, Foxboro, MA, dated December 5, 2023 (1 Sheet)

"New Residence," prepared by Mark Schyver, 370 Goss Lane, Lancaster, MA, dated February 6, 2024 (7 Sheets)

"Site & Septic Design Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, dated December 14, 2023 and revised through February 7, 2024 (2 Sheets)

RECEIVED

FEB 26 2024

Town Clerk  
Hingham MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of JR Development Group LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law")

to reconstruct a single-family dwelling with associated landscaping, hardscaping, grading, and drainage at 57 Ward Street in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on January 22, 2024 and held a second substantive session on February 12, 2024. Both 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. Jeffrey Hassett, P.E., Morse Engineering Company, 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 & DISCUSSION**

The subject property consists of 64,143± SF of land improved by a single-family dwelling with an attached garage, paved driveway, lawn, and wooded areas. The proposal calls for razing the existing dwelling and construction of a new dwelling with an attached garage, extension of the driveway, hardscaping, and landscaping. Total land disturbance consists of 19,500 SF – 1,300 SF of which is located in areas with a slope greater than 10% – and a net cut of 535 CY.

Runoff from the driveway and a portion of the front yard will collect in a catch basin and pipe into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Runoff from the roof of the dwelling will also route into the subsurface infiltration system. The project proposes a new septic system in addition to existing water and gas services. Electric and communication utilities will connect underground from a utility pole located off the front of the property. With respect to erosion controls, a mulch sock is proposed along the down-gradient limit of work. Additionally, six trees are proposed to be removed, however, none of the trees are within the Tree Yard and are not considered Protected Trees. In addition to the 11 trees proposed, as required by the Conservation Commission, the Applicant also proposes 3 trees throughout the property and a significant number of shrubs and plantings.

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 the stormwater system detail and a stabilized construction entrance. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions related to the driveway, stormwater management system maintenance, style of home, trees, and the character and scale of the

originally proposed dwelling, ultimately resulting in a redesigned dwelling at a smaller scale. There was no public comment.

### **WAIVERS**

The Applicant requested a waiver of a Design and Performance Standard under § I-I, 6.i.(i)(C) to allow for a driveway opening of 38' in width, where the limitation is 24', as it is an existing condition and no change in site access is proposed.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance consists of 19,500 SF – 1,300 SF of which is located in areas with a slope greater than 10% – and a net cut of 535 CY. Additionally, the proposed work is largely located within previously disturbed areas onsite and is designed to maintain existing drainage patterns to the greatest extent practicable.

**b. Site Design**

The proposed work is within the same general area as the existing dwelling but will be further back from the street. A landscape plan is also proposed to improve the scenic qualities of the lot.

**c. Character and Scale of Buildings**

The character and scale of the proposed work is consistent with similar developments in the vicinity.

**d. Preservation of Existing Vegetation and Protected Trees**

Six trees are proposed to be removed, however, none of the trees are within the Tree Yard and are not considered Protected Trees. In addition to the 11 trees proposed, as required by the Conservation Commission, the Applicant also proposes 3 trees throughout the property and a significant number of shrubs and plantings. Protected Trees to remain are shown to have protective tree fencing around the Critical Root Zones.

**e. Limit of Clearing**

Six trees are proposed to be removed, however, none of the trees are within the Tree Yard and are not considered Protected Trees. Additionally, a mulch sock is proposed along the down-gradient limit of work as a perimeter erosion control.

**f. Finished Grade**

This project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new structures.

**g. Stormwater Management**

Runoff from the driveway and a portion of the front yard will collect in a catch basin and pipe into a subsurface infiltration system consisting of plastic chambers surrounded by

crushed stone. Runoff from the roof of the dwelling will also route into the subsurface infiltration system.

**h. Utilities**

The project proposes a new septic system in addition to existing water and gas services. Electric and communication utilities will connect underground from a utility pole located off the front of the property.

**i. Pedestrian and Vehicular Access; Traffic Management**

The proposed extended driveway will be in the same location as exists today and utilize the existing curb cut off of Ward Street. 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-I,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, with the exception of a Standard under § I-I, 6.i.(i)(C) to allow an existing driveway opening of 38' in width, where the limitation is 24'. A waiver of this Standard to allow the 38'-wide driveway opening to remain will not adversely impact the interests set forth in subsection a. above.

**MOTION**

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of JR Development Group LLC for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling with associated landscaping, hardscaping, grading, and drainage at 57 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 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. **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.
7. **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,



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Kevin Ellis

February 26, 2024

**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.