



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant: North America Development  
93 Broadway  
Somerville, MA 02145

Owner: 34 Kimball Beach Rd LLC  
93 Broadway  
Somerville, MA 02145

Agent: Peter Lewandowski  
LR Designs Inc.  
64 Allston Street, Suite 3  
Cambridge, MA 02139

Property: 34 Kimball Beach Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57665 Page 338

Plan References: "34 Kimball Beach Rd, Hingham, MA," prepared by LR Designs Inc., 64 Allston Street, Suite 3, Cambridge, MA, dated September 5, 2023 (8 Sheets)

"34 Kimball Beach Road, Hingham, Massachusetts," prepared by Marc Mazzealli Associates LLC, 248 Concord Avenue, Cambridge, MA, dated March 3, 2024 (2 Sheets)

"Civil Plans," prepared by Spruhan Engineering, P.C., 80 Jewett Street, Suite 1, Newton, MA, dated April 13, 2023 and revised through April 4, 2024 (5 Sheets)

RECEIVED

APR 10 2024

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of North America Development (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 grading, landscaping, and hardscaping at 34 Kimball Beach Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on March 11, 2024, without the receipt of testimony, and substantive hearing was held on April 8, 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. Peter Lewandowski, LR Designs 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 8,779± SF of land improved by a single-family dwelling, paved driveway, shed, lawn, and landscaped areas. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, pervious paver driveway, hardscaping, and landscaping. Total land disturbance associated with the project consists of 5,922± SF – none of which is in an area with a slope greater than 10% – and a net cut of 327 CY.

Runoff from the roof will direct into a subsurface infiltration system consisting of PVC pipes surrounded by crushed stone. Additionally, runoff from the pervious paver driveway will collect in a trench drain, pipe to a manhole with a sump and hood for treatment, and then into the subsurface infiltration system. The dwelling will connect to water, gas, and sewer, while electric and communication utilities are proposed to connect underground. A compost sock is proposed as an erosion control barrier and a stabilized construction entrance is detailed on the plans. One 12” tree is proposed for removal with in the Tree Yard requiring 6” of mitigation plantings. The Applicant proposes ten new trees as mitigation and landscape plantings in addition to other shrubs and plantings – an excess of nine trees greater than what is required.

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 electrical/communication connection, Tree Yard, tree removal, tree mitigation, trench pavement, subsurface infiltration system details, filter fabric, and cleanouts, construction entrance location, catch basin protection, O&M maintenance, a zoning table, and water service construction details. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised a question related to trees, building code, roof deck, and walkways. There was public comment related to the existing garden bed.

**DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance associated with the project consists of 5,922± SF – none of which is in an area with a slope greater than 10% – and a net cut of 327 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 area as the existing dwelling but with an increased footprint and shortened driveway surface. 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**

One 12" tree is proposed for removal with in the Tree Yard requiring 6" of mitigation plantings. The Applicant proposes ten new trees as mitigation and landscape plantings in addition to other shrubs and plantings.

**e. Limit of Clearing**

One 12" tree is proposed for removal with in the Tree Yard requiring 6" of mitigation plantings. Additionally, a compost 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 roof will direct into a subsurface infiltration system consisting of PVC pipes surrounded by crushed stone. Additionally, runoff from the pervious paver driveway will collect in a trench drain, pipe to a manhole with a sump and hood for treatment, and then into the subsurface infiltration system.

**h. Utilities**

The dwelling will connect to water, gas, and sewer, while electric and communication utilities are proposed to connect underground.

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

The proposed driveway will be in the same location as exists today, with a reduced pavement length, and utilize the existing curb cut off of Kimball Beach Road. 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-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 North America Development for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated grading, landscaping, and hardscaping at 34 Kimball Beach Road in Residence District A, 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. 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 new tree.

For the Planning Board,



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Kevin Ellis  
April 10, 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.

