



TOWN OF HINGHAM

Planning Board

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TOWN CLERK
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT A3

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, Flexible Residential Design, Subdivision Plan, Assessors Map 144 Lots 5 and 6, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated December 8, 2023 and revised through April 30, 2024 (9 Sheets)

"McGoldrick-Doonan Residence," prepared by Designs by Marshall, LLC, 17 Nelson Road, Scituate, MA, dated April 24, 2024 (8 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Black Rock Development (the "Applicant") for modification of a Special Permit A3, originally issued September 18, 2023, under § IV-D of the Zoning By-Law (the "By-Law"), for a Definitive Plan Review of a Flexible Residential Development consisting of 3 single-family dwellings and a Common Driveway 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 January 8, 2024, with additional substantive sessions held on February 5, 2024, February 26, 2024, and May 6, 2024. 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 concurrently opened hearings on a related application for modification of a Site Plan Approval and a Special Permit A3 for a Common Driveway in connection with the Definitive Flexible Residential Development Plan Review. The Board panel consisted of regular members Gordon Carr, Clerk, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Brendan Sullivan, 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 unanimously to grant a Special Permit A3 under § IV-D 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 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 1.6± acres, or about 33% of the total project site.

The Planning Board granted Site Plan Approval and a Special Permit A3 in September 2023 for a Preliminary Flexible Residential Development (FRD) consisting of three residential lots and one Open Space lot. With the exception of revisions related to the conditions of approval in the Special Permit A3, greater detail related to the Common Driveway and utilities/septic system, and draft easement/legal documentation, the plans are the same as the Preliminary stage. This Definitive FRD is similar to a 2019 approved FRD at 90 Ward Street in that the Applicant intends to file an ANR plan to divide the property rather than a definitive subdivision given the adequate frontage along Ward Street.

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 3.3 acre Open Space lot and three residential lots that range in size from 0.5 acre to 0.6 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. The proposed Common Driveway is approximately 135' in length and 20' in width and conforms to all aspects of the Construction and Design Standards under § V-I.4.

With respect to utilities, the Applicant proposes individual septic tanks for each dwelling and a shared septic leaching field on the Open Space lot, as well as underground

electrical/communication, gas, and water connections. Easements are proposed for both the shared septic system and utilities along the Common Driveway. Runoff from the site is proposed to direct into multiple subsurface stormwater systems that outlet toward the wetland area near the southeastern portion of the lot and at the end of the driveway. These outlets mirror the site's previous drainage patterns. Additionally, a silt sock is proposed along the down-gradient limits of work as well as an erosion control blanket where the slope exceeds 3:1. Finally, a landscape plan is provided on Sheet 9 of the Site Plans to show the proposed trees and plantings for the site including five 3" trees to mitigate the removal of one 28" Protected Tree (requiring 14" of mitigation plantings).

Regarding the Open Space buffer, the plans comply with all requirements as waived by the Board to allow a minimum buffer of 20' along the northerly and westerly property lines. 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.

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 Common Driveway width, Driveway Profile, utility easements, runoff collection, drain manhole location, riprap and outlet structure, inspection ports, water main specification, and the open space buffer. 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 lot shape/size, driveway length, pedestrian access, grading, a bus stop area, blasting, cut/fill, slope, septic system, ledge removal, house size and style, snow removal, open space buffer, and guest parking. There was no public comment.

FINDING

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-H and IV-D of the By-Law:

That the proposed modifications do not materially or adversely affect conditions governed by the Special Permit A3 Findings issued September 18, 2023 and set forth in §§ I-H and IV-D of the Zoning By-Law.

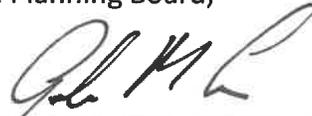
MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Black Rock Development for modification of a Special Permit A3, originally issued September 18, 2023 under § IV-D of the Zoning By-Law, for a Definitive 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, subject to the following conditions:

1. **Proof of Recording.** Prior to submission of the Approval Not Required Plan, the Applicant shall file a certified copy of this decision at the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. **HOA Documents.** Prior to submission of the Approval Not Required Plan, the Applicant shall finalize homeowners' association (HOA) documents with Town Special Real Estate Counsel to demonstrate compliance with Section IV-D of the Zoning By-Law. The Applicant shall file the finalized HOA documents at the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
3. **Open Space.** All Open Space shall perpetually be kept in an open or natural state consistent with § IV-D of the Zoning By-Law. Since the homeowners' association shall hold title to the Open Space, an easement shall be granted to the Town, prior to issuance of any Certificate of Occupancy, to perform maintenance obligations of such Open Space and any accessory facilities if the Trust fails to do so. The Town reserves the right to record a lien against the Dwelling Units for the collection of all costs associated with performing such maintenance obligations as well as the imposition of any applicable fees.

For the Planning Board,



Gordon Carr
May 7, 2024

In Favor: 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.