



TOWN OF HINGHAM

Planning Board

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Town Clerk
Hingham, MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Cape Club Building, Inc.
c/o Michael Intoccia
100 Cape Club Drive
Sharon, MA 02067

Owner: M & D Land Development, LLC
25 Tiot Street
Sharon, MA, 02067

Agent: Paul Seaburg
Grady Consulting, LLC
71 Evergreen Street, Suite 1
Kingston, MA 02364

Property: 1 Kerri Lane, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56400, Page 246

Plan References: "Lot 1 - Gardner Street," prepared by The MZO Group, 335 Main Street, Suite 201, Stoneham, MA, dated February 29, 2024 and revised through May 11, 2024 (17 Sheets)

"Minor - Site Plan, (Lot 1) #1 Kerri Lane, Hingham, Massachusetts," prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA, dated March 29, 2024 and revised through May 2, 2024 (6 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Michael T. Intoccia (the "Applicant"), on behalf of Cape Club Building, Inc. for Site Plan Review under § I-I of

the Zoning By-Law (the “By-Law”) to construct a single-family dwelling with a paved driveway, grading, and landscaping at 1 Kerri Lane in Residence District B.

The Board opened a duly posted public hearing on the application at a meeting held remotely on May 6, 2024 with a second substantive session on May 20, 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. Paul Seaburg, Grady Consulting, LLC, 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 subject property consists of 50,202± SF of undeveloped land and is Lot 1 of the 101 Gardner Street (Boston Golf) definitive subdivision approved by the Board in April 2021. The subdivision was approved without any waiver requests and consists of 3 single-family lots, a drainage lot, and a new roadway (Kerri Lane). The Board issued Site Plan Approval in March 2023 for Lot 3 of the subdivision, now known as 4 Kerri Lane.

The proposal calls for construction of a new single-family dwelling with an attached garage, porch, deck, driveway, and landscaping. Total land disturbance consists of 19,859 SF and a net cut of 466 CY. Stormwater currently flows to the subdivision road, the infiltration basin for the subdivision road and into a low area on the lot. The proposed grading will maintain existing drainage patterns. Runoff from in front of the dwelling will flow toward the subdivision road, which was accounted for in the subdivision roadway design. The dwelling will be served by an onsite septic system, and connections to the existing water main and electric/communication utilities in the subdivision road. A silt fence is proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is proposed at the proposed driveway entrance off Kerri Lane. In total 18 trees are proposed for removal throughout the site. While the Applicant is exempt from mitigation requirements by having the benefit of the 2021 Zoning By-Law standards, 22 new trees are still proposed throughout the site in addition to a 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 septic system location, utility connections, zoning table, and stormwater standards. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board provided questions and comments related to drainage, house design, and trees. There was no public comment.

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-1,6. of the By-Law:

- a. **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.**

The project provides for adequate site drainage, including appropriate drainage flow, and associated roadway drainage infrastructure. The project proposes twenty-two deciduous, evergreen, and flowering trees, to provide a sound and site buffer and minimize impacts to abutting properties. Fire hydrant locations are appropriate and in accordance with the Definitive Subdivision plans approved July 27, 2021.

- b. **Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles.**

The project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles, and is both sufficient and in accordance with the Definitive Subdivision plans approved July 27, 2021.

- c. **Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law.**

The project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

- d. **Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**
The proposed construction complies with all applicable setback requirements specified under Section IV-A for Residence District B. Furthermore, twenty-two deciduous, evergreen, and flowering trees, and other trees and plantings are proposed.

- e. **Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**

A silt fence is proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is proposed at the proposed driveway entrance off Kerri Lane.

- f. **Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources.**

The proposed dwelling will be connected to public water and electric services. Additionally, an onsite septic system will service the dwelling.

- g. **Assurances of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system.**

Sediment and erosion control measures are incorporated into the plan and will be implemented at the outset of construction commencement.

- h. **Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.**

Stormwater currently flows to the subdivision road, the infiltration basin for the subdivision road and into a low area on the lot. The proposed grading will maintain existing drainage patterns. Runoff from in front of the dwelling will flow toward the subdivision road, which was accounted for in the subdivision roadway design. Based upon PGB Engineering's review, implementation of best management practices with the stormwater design are sufficient.

- i. **Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations.**

The project proposes twenty-two deciduous, evergreen, and flowering trees to mitigate the tree removal onsite associated with the subdivision construction.

- j. **Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.**

The proposed project is aligned with the character and scale of similar residential structures in the neighborhood and vicinity.

MOTION

Upon a motion made by Kevin Ellis and seconded by Tracy Shriver, the Board voted unanimously to GRANT the application of Michael T. Intoccia, on behalf of Cape Club Building, Inc. for Site Plan Approval under § I-I of the Zoning By-Law to construct a single-family dwelling with a paved driveway, grading, and landscaping at 1 Kerri Lane 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. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing.
3. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.
4. 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 during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
5. 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.

For the Planning Board,



Kevin Ellis
May 24, 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.