



TOWN OF HINGHAM

Planning Board

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Town Clerk
Hingham, MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/
Owner: Michael Griffin & Sophie Mussafer
9 Arlington Street TH
Boston, MA 02116

Agent: Jeffrey Hassett, P.E.
Morse Engineering Company, Inc.
10 New Driftway
PO Box 92
Scituate, MA 02066

Property: 5 Oakwood Circle, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57617 Page 192

Plan References: "Cut and Fill Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, dated April 1, 2024 (1 Sheet)

"Griffin Residence, 5 Oakwood Circle, Hingham, MA," prepared by Aprea Design, Inc., 5 Ringbolt Road, Hingham, MA, dated June 5, 2024 (19 Sheets)

"Landscape Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated April 9, 2024 and revised through June 11, 2024 (1 Sheet)

"Proposed Site Plan," prepared by Morse Engineering Company, Inc., 10 New Driftway, Scituate, MA, dated April 1, 2024 and revised through June 12, 2024 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Michael Griffin and Sophie Mussafer (collectively 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 5 Oakwood Circle in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 20, 2024, with a second substantive hearing held on June 24, 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 Gordon Carr, Chair, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Jeffrey Hassett, P.E., Morse Engineering Company, Inc., and Sean Papich, ASLA, Sean Papich Landscape Architecture, 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 51,731± 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, reconfigured driveway, hardscaping, and landscaping. Total land disturbance consists of 35,000 SF – 12,000 SF of which is in areas with a slope greater than 10 % – and a net fill of 393 CY.

Runoff from the driveway will collect in a catch basin and then pipe to an existing natural depression in the front yard, while runoff from the roof of the proposed dwelling will pipe into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. The existing septic system is proposed to serve the new dwelling. The water service would be connected to the existing water service and a propane tank is proposed with a gas line connecting to the proposed dwelling. Electric and communication utilities will connect underground from a utility pole located off the front of the property. A silt fence is proposed along the down-gradient limit of work and the existing paved driveway will be utilized as the construction entrance. Forty-two trees are proposed to be removed, however, none of the trees are Protected Trees within the Tree Yard. While no mitigation is required, the Applicant proposes to plant 6 new trees and a significant number of shrubs and other 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 report included comments related to infiltration rate calculations, subsurface system detail, the HydroCAD model, the project narrative, recharge volume calculation, the erosion control barrier, and the septic system. 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 size of the proposed driveway and dwelling, stone wall, elevation and grading . Board comments ultimately resulted in revisions related to the size of the driveway and height of the dwelling and stone walls. There was public comment in support of the project and proposed design.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance consists of 35,000 SF – 12,000 SF of which is in areas with a slope greater than 10 % – and a net fill of 393 CY. Additionally, the proposed work is partially 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 developed area beyond the existing improvements. An expanded driveway is proposed in the same location as exists but with a reduced curb cut off of a pre-existing non-conforming common driveway. A landscape plan is also proposed to improve the scenic qualities of the lot.

c. Character and Scale of Buildings

As exemplified through a neighborhood scale and character study conducted by the Applicant, the character and scale of the proposed work is consistent with similar recent developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

Forty-two trees are proposed to be removed, however, none of the trees are Protected Trees within the Tree Yard. While no mitigation is required, the Applicant proposes to plant 6 new trees and a significant number of shrubs and other plantings.

e. Limit of Clearing

Forty-two trees are proposed to be removed, however, none of the trees are Protected Trees within the Tree Yard. Additionally, a silt fence is proposed along the down-gradient limit of work.

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 will collect in a catch basin and then pipe to an existing natural depression in the front yard, while runoff from the roof of the proposed dwelling will pipe into one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone.

h. Utilities

The existing septic system is proposed to serve the new dwelling. The water service would be connected to the existing water service and a propane tank is proposed with a gas line connecting to the proposed dwelling. 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

An expanded driveway is proposed in the same location as exists but with a reduced curb cut off of a pre-existing non-conforming common driveway. 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 Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Michael Griffin and Sophie Mussafer 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 5 Oakwood Circle 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,



Gordon Carr
June 28, 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.