



# TOWN OF HINGHAM

## Planning Board

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Hingham, MA

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

**Applicant:** Darryl Wehmeyer  
Copia Real Estate Design & Build  
425 Lincoln Street  
Hingham, MA 02043

**Owner:** Fan Xiao and Tao Guo  
3 Elaine Road  
Hingham, MA 02043

**Agent:** Brendan Sullivan, P.E.  
Merrill Engineers and Land Surveyors  
427 Columbia Road  
Hanover, MA 02061

**Property:** 3 Elaine Road, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 34939 Page 221

**Plan References:** "Fan and Tao Xiao, Xiao New Construction, 3 Elaine Rd. Hingham, MA 02043," prepared by Copia Real Estate Design & Build, 425 Lincoln Street, Hingham, MA, dated August 5, 2023 (18 Sheets)

"Landscape Plan," prepared by Copia Real Estate Design & Build, 425 Lincoln Street, Hingham, MA, dated June 4, 2024 (1 Sheet)

"Site Plan, 3 Elaine Road, Assessor's ID: 191/0/22.R, Hingham, MA," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA, dated May 6, 2024 and revised through June 17, 2024 (2 Sheets)

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the “Board”) on the application of Darryl Wehmeyer (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, a paved driveway, and decking at 3 Elaine Road in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on June 10, 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. Xander Oram, 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 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 40,320± SF of land improved by a single-family dwelling, paved driveway, lawn areas, and woods. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, porch, decks, and landscaping. Total land disturbance associated with the project consists of 16,600 SF – 2,000 SF of which is in areas with a slope greater than 10% – and a net cut of 100 CY.

Runoff from the roof of the new dwelling will direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from most of the driveway will collect in a trench drain and discharge into a second subsurface infiltration system. The existing septic system is proposed to be reused, and the water and electric lines will be connected during construction. A silt sock is proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is shown in the location of the existing/proposed driveway. Twenty-three trees are proposed for removal throughout the site – one of which is a Protected Tree totaling 18 caliper inches and requiring 9 inches of mitigation plantings. The Applicant proposes eleven trees in addition to other shrubs as mitigation plantings for both the Planning Board and Conservation Commission.

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 runoff calculations, discharge pipe calculations, inspections ports, and utility connections. 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 dwelling, grading, tree removal, groundwater elevation, and location of the proposed subsurface infiltration system. Board comments ultimately resulted in revisions related to the location of the proposed subsurface infiltration system and tree removal. There was public comment during the hearing and in writing related to Conservation Commission jurisdictional areas and the septic system.

## **DESIGN AND PERFORMANCE STANDARDS**

### **a. Land Disturbance**

Total land disturbance associated with the project consists of 16,600 SF – 2,000 SF of which is in areas with a slope greater than 10% – and a net cut of 100 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 a slightly shifted driveway in the same location as presently exists. A landscape plan is also proposed to improve the scenic qualities of the lot.

### **c. Character and Scale of Buildings**

While larger than the current dwelling on the site and the historic development pattern of the neighborhood, 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**

Twenty-three trees are proposed for removal throughout the site – one of which is a Protected Tree totaling 18 caliper inches and requiring 9 inches of mitigation plantings. The Applicant proposes eleven trees in addition to other shrubs as mitigation plantings for both the Planning Board and Conservation Commission.

### **e. Limit of Clearing**

Twenty-three trees are proposed for removal throughout the site – one of which is a Protected Tree totaling 18 caliper inches and requiring 9 inches of mitigation plantings. A silt sock is proposed as a perimeter erosion control barrier around the limit of work and a stabilized construction entrance is shown in the location of the existing/proposed driveway.

### **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 of the new dwelling will direct into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from most of the driveway will collect in a trench drain and discharge into a second subsurface infiltration system.

**h. Utilities**

The existing septic system is proposed to be reused, and the water and electric lines will be connected during construction.

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

The proposed driveway will be slightly shifted but in the same location as presently exists. 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 Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Darryl Wehmeyer for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated grading, landscaping, a paved driveway, and decking at 3 Elaine Road 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 and Community Planning Department 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. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
7. **Maintenance of Protected Trees.** Each Protected Tree retained, and 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 Protected Tree or new tree.

For the Planning Board,



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Gordon Carr

July 8, 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.