



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Lauren and Andy McEleny
8 Franklin Rodgers Road
Hingham, MA 02043

Agent: Darren Grady, P.E.
Grady Consulting, LLC
71 Evergreen Street, Suite 1
Kingston, MA 02364

Property: 8 Franklin Rodgers Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 41680 Page 291

Plan References: "New Construction for the McEleny Residence, 8 Franklin Rodgers Road, Hingham, MA 02043," prepared by 1 Plus 1 Design, 30 North Street, Hingham, MA, dated June 27, 2024 and revised through October 30, 2024 (5 Sheets)

"Landscape Plan," prepared by Tish Landscape, 15 Boulder Glen Road, Hingham, MA, dated July 29, 2024 (1 Sheet)

"Site Plan, 8 Franklin Rodgers Road, Hingham, MA 02043" prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA, dated June 5, 2024 and revised through October 28, 2024 (2 Sheets)

RECEIVED

NOV 19 2024

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Lauren and Andy McElaney (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, hardscaping, drainage, a pool, and a cabana at 8 Franklin Rodgers Road in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on August 12, 2024, with additional substantive hearings held on September 9, 2024, October 21, 2024, and November 4, 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 panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Gabriel Padilla, 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 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 60,000± SF of land improved by a single-family dwelling with an attached garage, shed, paved driveway, hardscaping, landscaping, lawn areas and several trees. The existing house is located approximately 300' from the front lot line and is heavily screened by trees and wetlands in the front yard. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, paved driveway, pool, pool cabana, hardscaping, and landscaping. Total land disturbance consists of 18,782 SF – none of which is in an area with a slope greater than 10% – and a net fill of 650 CY.

Stormwater from the roof of the dwelling will direct into a subsurface infiltration system consisting of a crushed stone bed, while runoff from the upper portion of the driveway will collect in a deep sump catch basin and discharge into the subsurface crushed stone bed. Existing utilities, including public sewer and water and underground electric and communication utilities are proposed to serve the new dwelling. A silt sock is proposed as a perimeter erosion control barrier and a stabilized construction entrance is proposed where the existing driveway will transition to the new driveway. Three trees are proposed for removal – two of which are Protected Trees totaling 16 caliper inches and requiring 8 inches of mitigation plantings. The Applicant proposes 12 new trees throughout the property, totaling 37 inches, in addition to a significant number of other 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 report included comments related to test pits, crushed stone bed and discharge pipe sizes, watershed plan, utility line locations, driveway limits, silt sock location, property line curve measurement, zoning data, land disturbance clarification, and architectural/landscape plan submissions. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions and comments related to the character and scale of the proposed dwelling, relation of the development to the wetlands, comparative metrics to other houses in the vicinity, lot coverage, floor to area ratio, impervious coverage, squarefootage calculations, tree removal, tree coverage, and streetscape. There was public comment during the hearing and in writing related to potential blasting concerns as well as comments in support of the project. Board comments ultimately resulted in the developer reducing the size and footprint of the proposed dwelling that brought the project slightly more in line with recent developments in the area. Combined with these modest reductions, consideration of the particular elements of the site – the size of the lot, the distance from the road and other homes, and the screening of existing vegetation – sufficiently addressed the concerns of the majority of the Board.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

Total land disturbance consists of 18,782 SF – none of which is in an area with a slope greater than 10% – and a net fill of 650 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 is setback approximately 300' from the front lot line heavily vegetation and wetlands in the front yard. Additionally, the proposed driveway is in the same location as exists today. A landscape plan is also proposed to improve the scenic qualities of the lot and provide additional screening from abutters.

c. Character and Scale of Buildings

While larger than the previously existing dwelling on the site, the character and scale of the proposed work is consistent with similar developments in the vicinity and subdivision. The Applicant made efforts throughout the hearing process to reduce the size from the original proposal.

d. Preservation of Existing Vegetation and Protected Trees

Three trees are proposed for removal – two of which are Protected Trees totaling 16 caliper inches and requiring 8 inches of mitigation plantings. The Applicant proposes 12 new trees throughout the property, totaling 37 inches, in addition to a significant number of other shrubs and plantings.

e. Limit of Clearing

Three trees are proposed for removal – two of which are Protected Trees totaling 16 caliper inches and requiring 8 inches of mitigation plantings. A silt sock is proposed as a perimeter erosion control barrier and a stabilized construction entrance is proposed where the existing driveway will transition to the new 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

Stormwater from the roof of the dwelling will direct into a subsurface infiltration system consisting of a crushed stone bed, while runoff from the upper portion of the driveway will collect in a deep sump catch basin and discharge into the subsurface crushed stone bed.

h. Utilities

Existing utilities, including public sewer and water and underground electric and communication utilities are proposed to serve the new dwelling.

i. Pedestrian and Vehicular Access; Traffic Management

The project proposes a repaved driveway in the same location as exists today. 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 to GRANT the application of Lauren and Andy McElaney for Site Plan Approval under § I-1 of the Zoning By-Law to reconstruct a single-family dwelling with associated grading, landscaping, hardscaping, drainage, a pool, and a cabana at 8 Franklin Rodgers 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. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
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 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

November 18, 2024

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick

Opposed: Tracy Shriver

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.