



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: ALR Homes
c/o Doug Keach
47 G Street
Boston, MA 02127

Agents: Brendan Sullivan, P.E.
Merrill Engineers & Land Surveyors
427 Columbia Road
Hanover, MA 02339

Property: 119 Downer Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 59169 Page 290

Plan References: "119 Downer Ave Landscape Plan," prepared by ALR Homes, LLC., 47 G Street, Boston, MA, dated October 15, 2024 (1 Sheet)

"ALR Homes LLC., 119 Downer Ave., Hingham, MA," prepared by Aprea Design Inc., 5 Ringbolt Road, Hingham, MA, dated December 7, 2024 (8 Sheets)

"Blasting Plan, 119 Downer Ave., Hingham, MA," prepared by David G. Funnell, dated December 23, 2024 (7 Sheets)

"Proposed Foundation Plan," prepared by Aprea Design Inc., 5 Ringbolt Road, Hingham, MA, dated December 27, 2024 (1 Sheet)

"Site Plan, 119 Downer Avenue, Hingham, Massachusetts, Map 27 Lot 63," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated September 16, 2024 and revised through December 23, 2024 (1 Sheet)

RECEIVED

JAN 13 2025

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of ALR Homes (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, and drainage at 119 Downer Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 21, 2024, with additional substantive sessions held on November 18, 2024, and January 6, 2025. All sessions 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 also conducted a site visit to the property at a public meeting held on November 6, 2024. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Brendan Sullivan, P.E., Merrill Engineers & 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 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 13,715± SF of land improved by a single-family dwelling, shed, gravel driveway, hardscaping, and landscaping. The proposal calls for demolition of the existing dwelling and construction of a new dwelling with an attached garage, porch, patio, paved driveway, and landscaping. The project proposes disturbance of the entire 13,715 SF lot – 3,000 SF of which is in areas with a slope greater than 10% – and a net cut of 615 CY.

Runoff from the paved driveway will collect in a crushed stone trench with an overflow pipe to one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone, while runoff from portions of the roof will discharge into both subsurface infiltration systems. The dwelling will connect to municipal water and sewer lines located in Downer Avenue, and electric and communication utilities will connect underground from an existing utility pole along Downer Avenue. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the entire parcel/limit of work and the existing gravel driveway is proposed to be used as the construction entrance. Ledge will be removed from the site using a combination of blasting and hammering. Six trees greater than 6” in caliper are proposed for removal – two of which are Protected Trees totaling 26 caliper inches and requiring 13 inches of mitigation plantings. The Applicant proposes five oak trees, totaling 15”, as mitigation plantings in addition to other shrubs and plantings throughout the site.

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, ledge removal, the O & M Plan, a silt sock detail, inlet pipe elevation, and architectural dimensions. The Applicant provided responses that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions and comments related to ledge removal, dwelling size and location, the neighborhood analysis, procedures, hours, and effects of blasting/chipping, blasting vs. chipping, construction vehicle parking and travel, lots in common ownership, and a geotechnical report. There was extensive public comment in writing and during the hearings related to procedures, hours, and effects of blasting/chipping, construction vehicles, and dwelling size. Several other town departments including school, engineering, fire and police were also consulted and provided input and recommendations on procedures and hours of activity. The Applicant worked with the Board to resolve a number of the issues raised during the hearing process, most notably reducing the size of the dwelling and moving the location of the dwelling to substantially decrease ledge removal quantity, and agreeing to particular procedures, and hours of operations.

WAIVERS

The Applicant requested a waiver of a submittal requirement under Section I-I, 5.g., landscape plan, but provided a landscape plan during the hearing process, eliminating the requirement for a waiver. A waiver was also requested of a requirement under Section I-I, 5.h.(ii), to allow the existing 30" caliper Protected Tree along the southeasterly property line to allow some development within the Critical Root Zone in an effort to save the tree rather than removing and mitigating it. The Applicant indicated on the plan that in the event the tree is deemed unsalvageable, it will be mitigated in accordance with the requirements under Site Plan Review.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes disturbance of the entire 13,715 SF lot – 3,000 SF of which is in areas with a slope greater than 10% – and a net cut of 615 CY. While significant ledge removal was initially proposed, the amount to be removed was reduced by 72% as a result of Board and public comments during the hearing process. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable.

b. Site Design

The proposed work is located central to the site and pulled away from the property line as presently exists. Reduction in the amount of ledge removal will allow the dwelling to blend with more of the natural landscape than initially contemplated. 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

The proposed project is larger than many houses in the vicinity but is similar in character and scale with some recent developments. The Applicant worked with the Board during the public hearing process to reduce the size of the originally proposed dwelling.

d. Preservation of Existing Vegetation and Protected Trees

Six trees greater than 6" in caliper are proposed for removal – two of which are Protected Trees totaling 26 caliper inches and requiring 13 inches of mitigation plantings. The Applicant proposes five oak trees, totaling 15", as mitigation plantings in addition to other shrubs and plantings throughout the site.

e. Limit of Clearing

Six trees greater than 6" in caliper are proposed for removal – two of which are Protected Trees. A silt sock is proposed as a perimeter erosion control barrier around the entire parcel/limit of work and the existing gravel driveway is proposed to be used as the construction entrance.

f. Finished Grade

With the exception of the areas of ledge removal, this project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new house.

g. Stormwater Management

Runoff from the paved driveway will collect in a crushed stone trench with an overflow pipe to one of two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone, while runoff from portions of the roof will discharge into both subsurface infiltration systems.

h. Utilities

The dwelling will connect to municipal water and sewer lines located in Downer Avenue, and electric and communication utilities will connect underground from an existing utility pole along Downer Avenue.

i. Pedestrian and Vehicular Access; Traffic Management

There are no changes proposed with respect to traffic management or pedestrian access. The curb cut along Downer Avenue will be eliminated and a reoriented driveway will remain along Otis Street.

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 to GRANT the application of ALR Homes for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a Submittal Requirement under § I-1, 5.h(ii) related to Critical Root Zone protection, to reconstruct a single-family dwelling with associated grading, landscaping, hardscaping, and drainage at 119 Downer Avenue in Residence District A, 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. Plan Revisions. Prior to issuance of a building permit, the Applicant shall provide revised plans to the Community Planning Department to show the underground electrical connection moved to the pole where the existing connection is located.
3. 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.
4. 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.
5. Ledge Removal. In addition to that which is outlined in the Blasting Plan, dated December 23, 2024, the Applicant shall provide seismic monitoring at the Sewage Pump Station at 106 Downer Avenue in coordination with the Engineering Department. Should the

required ledge removal exceed the amount proposed, the Applicant shall return to the Board for a minor modification of this Approval in accordance with Section I-I, 9 of the By-Law. For ledge removal, any blasting or chipping of ledge shall occur only between the hours of 9 AM and 2 PM on any weekday. Further, prior to blasting, the Applicant shall receive and submit to the Community Planning Department the opinion from a certified geotechnical engineer as to whether or not a geotechnical seismic analysis needs to be conducted prior to blasting. If the geotechnical engineer requires a geotechnical seismic review, the report should be submitted to the Community Planning Department prior to the approval of any blasting.

6. Construction Management Plan. Prior to issuance of a building permit, the Applicant shall provide a revised Construction Management Plan to the Community Planning Department to reflect the following:
 - Truck travel shall take place outside of school bus pick-up/drop-off hours (7:45 AM – 8:30 AM and 2 PM – 2:40 PM);
 - Construction vehicles, equipment, or materials be parked or stored off of the streets and sidewalks;
 - 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.
7. 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.
8. 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.
9. Maintenance of Protected Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), 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,



Gordon Carr
January 13, 2024

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, 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.