



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: James O'Leary
302 Holbrook Road
Quincy, MA 02171

Agents: Adam Brodsky, P.C.
Drohan, Tocchio, & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043

Chi Man, P.E.
Hardy & Man Design Group
1285 Washington Street
Weymouth, MA 02189

Property: 9 Talbot Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58318 Page 40

Plan References: "Details, 9 Talbot Road, Hingham, Massachusetts," prepared by Hardy & Man Design Group, 1285 Washington Street, Weymouth, MA, dated June 14, 2024 and revised through December 6, 2024 (1 Sheet)

"Renovation & Construction of Dwelling, 9 Talbot Road, Hingham, MA" prepared by Homestyle Designs, 45 Reservoir Run, Weymouth, MA, dated February 15, 2024 (13 Sheets)

"Site & Disturbance Plan, 9 Talbot Road, Hingham, Massachusetts," prepared by Hardy & Man Design Group, 1285 Washington Street, Weymouth, MA, dated June 14, 2024 and revised through December 6, 2024 (1 Sheet)

RECEIVED

JAN 14 2025

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of James O’Leary (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 9 Talbot Road 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, December 2, 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. Adam Brodsky, P.C., Drohan, Tocchio, and Morgan, P.C., and Chi Man, P.E., Hardy and Man Design Group, 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 6,250± SF of land previously improved by a single-family dwelling, shed, patio, and landscaping. The dwelling has since been razed and reconstructed. Other proposed improvements include a paved driveway and several retaining walls. The project did not initially require Site Plan Review, as it was below the land disturbance thresholds, but during an inspection conducted by the Building Department during a late phase of the project, it was discovered that additional areas of the lot had been disturbed beyond the initial plan. Therefore, Site Plan Review was triggered given the additional disturbed areas.

During that same inspection, the Building Department identified an issue with the height of the building exceeding the allowed limit under the Zoning By-Law. Over the next several weeks, the Applicant worked with the Building Department to address this issue. While zoning dimensional requirements are outside of the Planning Board’s purview under Site Plan Review, the remedy did involve modifications that necessitated retaining walls, additional drainage analysis, and planting of privet hedges. The Board focused on the elements in its purview and deferred the acceptance of the solution to the building height issue to the jurisdiction of the Building Commissioner/Zoning Enforcement Officer.

The project proposes 6,192 SF of total land disturbance and a net fill of 52 CY. Stormwater from the roof of the dwelling will discharge into one of three subsurface drywell infiltration systems, while stormwater from the driveway will collect in an area drain/catch basin and discharge into

one of the subsurface drywell systems. There will also be an area drain in the backyard to collect and discharge runoff into one of the subsurface drywell systems. An underdrain beneath the retaining wall is also proposed to collect into the lower drywell system on the site. The existing water, sewer, and overhead electrical/communication services will be reused, and gas will newly be connected. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the down-gradient perimeter of the property. With respect to tree removal, two Protected Trees were removed within the Tree Yard totaling 20 caliper inches and requiring 10" of mitigation plantings. The Applicant proposes 12" of mitigation plantings in various locations in the Tree Yard, in addition to additional shrubs, plantings and a privet hedge on top of the proposed northwesterly retaining wall.

With respect to grading, with the exception of the area to the northwest of the dwelling to fix the issue with the building height, this project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new house. Along the northwest side of the dwelling, grade changes ranging from 0.5'-4' are proposed for a distance of approximately 50'. A retaining wall with a privet hedge on top is also proposed along the northwesterly property line to account for the change in grade.

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, drainage calculation analysis, drywell infiltration system specifications, inspection port and area drain details, silt sock specification, utilities, a landscape plan, and the Tree Yard. 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 the project history, building height, number of stories, grading, stormwater management, retaining wall specifications, landscaping, and screening. There was public comment in writing and during the hearings related to the project history, building height, number of stories, grading, stormwater management, retaining wall specifications, landscaping, and screening. The Applicant worked with the Board and members of the public to resolve a number of the issues raised during the hearing process, most notably screening for the northwesterly abutter consisting of a retaining wall with stones of the abutter's choice and privet hedges to be planted on top of the wall and maintained to a height of 4'.

WAIVERS

The Applicant requested a waiver of a Submittal Requirement under Section I-I, 5.h.(ii), to allow the existing 24" caliper Protected Tree in the front left corner of the property to allow some development within the Critical Root Zone in an effort to save the tree rather than removing and mitigating it. However, after additional survey, the tree appears to be on Town property rather than the Applicant's property, eliminating the requirement for a waiver. The Applicant reduced the width of the proposed driveway to better protect the roots nonetheless.

Additionally, the Applicant requested waivers of Design and Performance Standards under Section I-I, 6.d.(ii), the requirement for mitigation trees, and h, the requirement for electrical/communication wires to be placed underground. The Applicant has since provided mitigation trees on the latest landscape plan to show 12" of mitigation plantings, so a waiver of this requirement is no longer required. Additionally, the Applicant notes that the overhead wires were previously approved at the direction of HMLP during the construction of the house.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes 6,192 SF of total land disturbance and a net fill of 52 CY. Due to an issue with the height of the already constructed dwelling, the Applicant proposes the import of additional fill to raise the grade of the lot in some areas in an effort to reduce the height of the dwelling from Finished Grade. The proposed work is otherwise designed to maintain existing drainage patterns to the greatest extent practicable.

b. Site Design

The proposed work is largely located in the same area as the previously existing dwelling but taller and with additional area onto the rear. A landscape plan is also proposed to improve the scenic qualities of the lot and provide additional screening within the Tree Yard. A privet hedge is also shown to be planted on top of the proposed retaining wall per building code requirements and to provide a more natural screen for the abutter on the northwesterly property line. When fully established after planting, the privet hedge shall be maintained at a height of 4' above the top of the wall.

c. Character and Scale of Buildings

The proposed project is larger than some houses in the vicinity but is similar in character and scale with some recent developments in the vicinity. A building height calculation shown on the latest revised site plan confirms the building to be within the allowed height/story requirements of the Zoning By-Law.

d. Preservation of Existing Vegetation and Protected Trees

Two Protected Trees were removed within the Tree Yard totaling 20 caliper inches and requiring 10" of mitigation plantings. The Applicant proposes 12" of mitigation plantings in various locations in the Tree Yard, in addition to additional shrubs and plantings.

e. Limit of Clearing

Two Protected Trees were removed within the Tree Yard totaling 20 caliper inches. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the down-gradient perimeter of the property.

f. Finished Grade

With the exception of the area to the left of the dwelling to fix an issue with the building height, this project proposes minor grade changes and is designed to most closely match the existing topography and provide stability for the new house. Along the left side of the

dwelling, grade changes ranging from 0.5'-4' are proposed for a distance of approximately 50'. A retaining wall with a privet hedge on top is also proposed along the northwesterly property line to account for the change in grade.

g. Stormwater Management

Stormwater from the roof of the dwelling will discharge into one of three subsurface drywell infiltration systems, while stormwater from the driveway will collect in an area drain/catch basin and discharge into one of the subsurface drywell systems. There will also be an area drain in the backyard to collect and discharge runoff into one of the subsurface drywell systems. An underdrain beneath the retaining wall is also proposed to collect into the lower drywell system on the site.

h. Utilities

The existing water, sewer, and overhead electrical/communication services will be reused, and gas will newly be connected.

i. Pedestrian and Vehicular Access; Traffic Management

There are no changes proposed with respect to traffic management or pedestrian access. A new porous driveway is proposed along the front left portion of the property.

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-I, 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, with the exception of a Standard under § I-I, 6.h. requiring an underground electrical/communication connection. A waiver of this Standard to allow an overhead connection will not adversely impact the interests set forth in subsection a. above.

MOTION

Upon a motion made by Gordon Carr and seconded by Tracy Shriver, the Board voted to GRANT the application of James O'Leary for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling with associated grading, landscaping, hardscaping, and drainage at 9 Talbot Road 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 prior to resuming site work.
2. **Plan Revisions.** Prior to resuming site work, the Applicant shall submit a revised landscape plan to the Community Planning Department to note that the privet hedge will be planted at least 2' in height and maintained at 4' in height from the top of the retaining wall along the left side of the property.
3. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before resuming site work.
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 resuming site work.
5. **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.
6. **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.
7. **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.

8. 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 14, 2024

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, and Tracy Shriver

Opposed: Gary Tondorf-Dick

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.