



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: Jeremy D. Lagomarsino  
121 Downer Avenue  
Hingham, MA 02043

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

Property: 121 Downer Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 59034 Page 230

Plan References: "121 Downer Ave, Proposed Single Family Residence," prepared by Kearney Pierce Architects, 222 North Street, Hingham, MA, dated March 12, 2025 (15 Sheets)

"Construction Period Sequencing and Stormwater Operation and Maintenance Plans," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated February 6, 2025 (4 Sheets)

"Landscape Plan," prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated December 23, 2024 and revised through March 17, 2025 (1 Sheet)

"Long-Term Pollution Prevention Plan," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated February 6, 2025 (2 Sheets)

"Site Plan, 121 Downer Avenue, Hingham, Massachusetts, Map 27 Lot 62," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road,

RECEIVED

APR 03 2025

Town Clerk  
Hingham, MA

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the “Board”) on the application of Jeremy D. Lagomarsino (the “Applicant”) for Site Plan Review under § I-I of the Zoning By-Law (the “By-Law”) to reconstruct a single-family dwelling with related hardscaping, landscaping, grading, and drainage at 121 Downer Avenue in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on March 10, 2025 with a subsequent hearing on March 24, 2025. 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. 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 39,000± SF improved by a single-family dwelling, detached garage, paved driveway, landscaping, and hardscaping. The proposal calls for razing the existing dwelling and garage and construction of a new single-family dwelling with an attached garage, gravel driveway, hardscaping, and landscaping. Impervious area on the site will be decreased by 22%. Total land disturbance associated with the project consists of 11,000 SF – 1,500 SF of which is in areas with a slope greater than 10% – and a net cut of 100 CY.

Runoff from a portion of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. Existing water and sewer utilities will reconnect to the proposed dwelling and electric and communication utilities will be installed underground. A silt sock is proposed as a perimeter erosion control barrier around the limit of work and a construction entrance is proposed at the location of the driveway connection to Downer Avenue. Minor ledge removal is proposed by way of chipping and no blasting is anticipated. Two trees are proposed to be removed – one of which is a Protected Tree totaling 40” and requiring 20” of mitigation plantings. 8 new trees are proposed, 7 of which are mitigation plantings totaling 21”, in addition to 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 a comment related to conducting test pits. The Applicant provided responses that address Mr. Brennan's comment.

During the course of the hearing, the Board raised questions and comments related to existing trees, a 40" Protected Tree, basement elevation, view corridors, construction vehicles and schedule, a potential lighting plan from the harbor, potential house relocation, mechanical acoustics, and an arborist report. The Board sought to ensure the preservation of the 40" Protected Tree on the property to adhere as much as possible to the Tree Preservation By-Law, and the Applicant expressed interest in doing so as well. The Arborist report requested by the Board recommended the removal of the tree for reasons of safety of the Applicant's and abutting properties. There was no public comment.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance associated with the project consists of 11,000 SF – 1,500 SF of which is in areas with a slope greater than 10% – and a net cut of 100 CY. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable and impervious area on the site will be decreased by 22%.

**b. Site Design**

The proposed work is located within the same area as the existing dwelling and detached garage and will maintain the existing ledge onsite except for a small portion for pinning of the foundation and pouring of the basement slab in some areas. A landscape plan is also proposed to enhance the scenic qualities of the site.

**c. Character and Scale of Buildings**

The proposed project is similar in character and scale with other developments in the vicinity.

**d. Preservation of Existing Vegetation and Protected Trees**

Two trees are proposed to be removed – one of which is a Protected Tree totaling 40" and requiring 20" of mitigation plantings. 8 new trees are proposed, 7 of which are mitigation plantings totaling 21", in addition to other shrubs and plantings.

**e. Limit of Clearing**

Two trees are proposed to be removed – one of which is a Protected Tree totaling 40" and requiring 20" of mitigation plantings. Minor ledge removal is proposed by way of chipping and no blasting is anticipated. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the limit of work.

**f. Finished Grade**

Minor grades and ledge removal are proposed to provide for stability of the development and maintain existing patterns onsite.

**g. Stormwater Management**

Runoff from a portion of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone.

**h. Utilities**

Existing water and sewer utilities will reconnect to the proposed dwelling and electric and communication utilities will be installed underground.

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

There are no changes proposed with respect to traffic management or pedestrian access. The proposed gravel driveway will utilize the same curb cut and will be shifted more to the interior of the site.

**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.

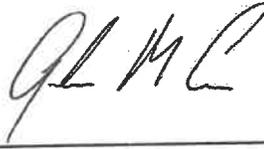
**MOTION**

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted to GRANT the application of Jeremy D. Lagomarsino 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 related hardscaping, landscaping, grading, and drainage at 121 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. **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, 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,



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Gordon Carr  
April 3, 2025

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