



**TOWN OF HINGHAM**  
**PLANNING BOARD**

**NOTICE OF DECISION**  
**SITE PLAN REVIEW UNDER SECTION IV-B.6.b**

**Certified #7018 1830 0000 1812 6349**

**IN THE MATTER OF:**

Applicant: Chris Tomecek  
Premises: 8 Patriots Way  
Hingham, MA 02043  
Date: May 22, 2019



**Plan Reference:** “Plan Showing Proposed Grading” 8 Patriots Way, Hingham Massachusetts, Plymouth County, prepared for Chris Tomecek, prepared by Hardy & Man Design Group, dated May 16, 2019, revised to 5/17/19, 1 sheet.

**Summary of Proceedings:**

This matter came before the Planning Board on the application of Chris Tomecek, 8 Patriots Way, Hingham, MA, for Site Plan Review under Section IV-B.6.b.2 related to site grading and the installation of retaining walls.

The Planning Board heard the application at the regular meetings of May 21, 2019 in the Hingham Town Hall at 210 Central Street. Members of the Planning Board present were: Kevin Ellis, Judy Sneath, William Ramsey and Gordon Carr. Patrick Brennan, Amory Engineering, served as the peer review engineer for the Board. Mr. Shawn Hardy, Hardy and Man and Attorney Robert Devin were present representing the Applicant, and presented the proposal to the Board. Mr. Devin first explained that his client had requested a complete waiver of site plan review but that the Building Commissioner did not support that request. The Board stated they did not support the request either. Mr. Devin then explained this project triggers site plan review due to the proposed earthwork and retaining wall installation and that one of the walls needs to be removed and rebuilt in accordance with the Building Commissioner’s letter of May 21, 2019.

The Board heard from the peer review engineer regarding the drainage and grading and reviewed the matters Mr. Brennan suggested as potential conditions.

Board members then reviewed the project in accordance with the Site Plan Review Criteria contained in Section I-I (6) as follows:

- a. *protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;*

The Board found that the work is immediately adjacent to the property line. The Board also found that per the May 21, 2019 letter from the Building Commissioner additional permits and repairs to retaining walls are required, and that the peer review letter of May 6, 2019 recommends a swale be installed to keep runoff from flowing towards the retaining wall.

- b. *convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;*

The Board found that this was not applicable.

- c. *adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;*

The Board found that this was not applicable.

- d. *adequacy of open space and setbacks, including adequacy of landscaping of such areas;*

The Board found that Applicant is installing and ~4' retaining wall on property line and then a 6' fence on top of that – stepped 2' back.

- e. *adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;*

The Board found that this was not applicable.

- f. *prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;*

The Board found that this was not applicable.

- g. *assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the*

*Massachusetts Department of Environmental Protection's Storm water Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.*

The Board found that the Peer review engineer reviewed the project and issued a letter dated May 6, 2019 regarding storm water and erosion controls. He found there will be no increase in runoff but suggests a swale be created between the garage and retaining wall to keep runoff from flowing towards the retaining wall.

*h. protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;*

The Board found that this was not applicable.

*i. minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.*

The Board found that this was not applicable.

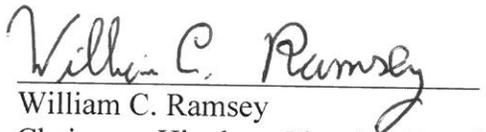
**DECISION AND VOTE:**

The Board Moved, Seconded and So Voted to Approve the waiver of submittal requirements C, E and G. The Board Moved, Seconded and So Voted to Approve a partial waiver of submittal requirement H finding that the information as submitted and reviewed is sufficient for the analysis of the project.

The Board then Moved, Seconded and SO VOTED to APPROVE the Site Plan Review under Section IV-B.6.b for 8 Patriots way as presented at the hearing and as shown on the plan titled "Plan Showing Proposed Grading" 8 Patriots Way, Hingham Massachusetts, Plymouth County, prepared for Chris Tomecek, prepared by Hardy & Man Design Group, dated May 16, 2019, revised to 5/17/19, 1 sheet, based on the findings, with the waivers, and subject to the following conditions:

1. The Applicant must provide a certification from a surveyor that there is no existing encroachment over the property line.
2. Applicant shall create a swale on site as noted in Pat Brennan's letter of May 6, 2019.
3. Applicant must secure any permits and undertake all actions as directed in the May 21, 2019 correspondence from the Building Commissioner.
4. Erosion Controls must be installed along the perimeter of the limit of work as shown on the plans dated 5/17/19 submitted for the project at 8 Patriots Way to ensure sediment does not flow off site.
5. The Block retaining wall must be backfilled in accordance with the manufactures specifications including any required drain pipe and crushed stone backfill.

6. A pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required as a condition of approval for all projects. Projects that disturb one or more acres individually, or cumulatively if phased development is proposed, shall be required as a condition of any approval to provide a Storm water Pollution Prevention Plan for review by the Planning Board or their designee not less than three weeks prior to the start of any work.
7. 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 during construction and the approved drainage and storm water 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. Upon project completion an as-built plan must be submitted to the Building Commissioner 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 storm water system design and performance standards of the approved project plans.”

  
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William C. Ramsey  
Chairman, Hingham Planning Board

Cc: Town Clerk; Building Department; R. Devin; Hardy & Man; Pat Brennan, Amory Engineering; J. MacVarish.