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**NOTICE OF DECISION**

**Site Plan Review of the Definitive FRD Plan pursuant to Section IV-D Flexible Residential Development and Section I-I Site Plan Review**

- Applicant:** Black Rock Development  
19 Clubhouse Drive  
Hingham, MA 02043
- Project Site:** 90 Ward Street and 0 Ward Street  
Map 124, Lots 25 & 27  
Hingham, MA 02043
- Deed Reference:** Plymouth County Registry of Deeds, Book 48235 Page 148
- Plan References:** “Plan Set to Accompany Site Plan Review for 0 and 90 Ward Street”, prepared for Black Rock Development, 19 Clubhouse Drive, Hingham, MA 02043, prepared by Cavanaro Consulting, dated April 1, 2019, and revised to 5/17/19, 5 sheets, and the “Landscape Plan” for 90 Ward Street prepared by Sean Papich March 5, 2019, revised to 5/17/19, 1 sheet. (“Definitive Plan”).

**PROCEEDINGS**

On April 2, 2019, Black Rock Development (“Applicant”) filed an application (“Application”) for a Definitive Flexible Residential Development Plan (“Definitive Plan”) pursuant to Section IV-D Flexible Residential Development (“FRD”) and Section I-I Site Plan Review of the Zoning By-law for the construction of 3 single-family dwellings and preservation of open space on approximately 6.2 acres of land, zoned Residence District B, at 90 Ward Street and 0 Ward Street, assessor’s parcel Map 124 Lots 25 & 27 (the “Project”).

A public hearing of the Planning Board was duly noticed and opened on May 21, 2019 and closed on June 3, 2019. The Applicant was represented by John Cavanaro, Cavanaro Consulting; and George McGoldrick, Black Rock Development. The Planning Board hearing on May 21 was conducted by Judith Sneath, Gordon Carr, Gary Tondorf-Dick, William Ramsey and Kevin Ellis. The Planning Board hearing on June 3 was conducted by Judith Sneath, Gordon Carr, Gary Tondorf-Dick and Kevin Ellis. The Planning Board consulted with John Chessia of Chessia Consulting Services, LLC (civil engineering), who acted as a consultant to the Planning Board pursuant to Section I-I (2) of the Zoning By-Law.

## **BACKGROUND AND DISCUSSION**

The Applicant filed an application for a Definitive Plan on April 2, 2019, for 3 single-family dwellings on approximately 6.2 acres of land, zoned Residence B, at 90 Ward Street and 0 Ward Street, assessor's parcel Map 124 Lots 25 & 27. This application was submitted in accordance with the requirements outlined in Section IV-D of the Hingham Zoning By-Law. The property is the site of an existing 5,000 square foot house of worship and associated paved parking lot and driveways. The Project is the redevelopment of an existing institutional use to a lower intensity use of single-family dwellings with lawn and landscape areas and the preservation of significant open space.

The Definitive Plan submittal was comprised of a plan consistent with the requirements of MGL Chapter 41, Section 81P and a definitive site plan consistent with the requirements with Section I-I and applicable provisions of the Planning Board Rules and Regulations, and a list of all waivers requested from the Rules and Regulations and the Zoning By-law. The submittal included an Approval Not Required ("ANR") Plan which was reviewed and endorsed by the Planning Board on April 19, 2019. The Definitive Plan submittal was consistent with the Preliminary FRD Plan with regard to the proposed development scope and intensity while providing additional details on drainage, landscape and grading. The Definitive Plan proposes, in lieu of a conventional subdivision, the construction of three single family dwellings with direct frontage and driveway access to the existing way named Ward Street. The project increases infiltration with the use of drywells and by reducing the overall impervious surface on the site providing an environmental benefit. Section IV-D (8).a. of the By-Law requires that a minimum of 40% of the site shall be dedicated open space. The Applicant is proposing to reserve approximately 71% of the parcel as dedicated open space. The ownership of the open space shall remain with the Homeowners Association Trust.

The Board heard and was mindful of public comments received in writing and at the public hearings, which comments were overwhelmingly in support of the proposed project. The Board reviewed the application materials and found that the information provided is sufficient to review the Definitive Plan.

## **FINDINGS**

1. Compliance with the Special Permit A3 FRD: The Board found that the Definitive Plan submittal, including the ANR Plan endorsed by the Planning Board on April 19, 2019, is substantially consistent with the Preliminary FRD Plan for this project and, subject to the conditions set forth in this Site Plan Approval, satisfies the conditions of approval in the Special Permit A3 FRD decision for this project, filed February 4, 2019.

2. Requested Waivers:

(a) Site Plan Review Submittal Requirement I-I.4.b for the submittal of building elevations and floor layouts: The Board found that the plans as submitted and reviewed for drainage impacts show the house footprints to be ~2,016 square feet. Based on receipt of this information, submittal of building elevations and floor layouts for single-family dwellings is not necessary as final building plans shall be reviewed for consistency with this total square foot area upon application for a building permit. If the

square foot area of any house is larger than 2,016 s.f. the developer will be required to seek an amendment of site plan approval to modify the drainage model to demonstrate the storm water system is adequate prior to issuance of a building permit.

(b) Site Plan Review Submittal Requirement I-I.4.c and I-I.4.f for the submittal of a traffic plan, traffic analysis, driveway profile and cross sections: The Board found that single family homes with individual driveways on a public way do not generate the volume of traffic which typically generates the need for these submissions. In addition, these three houses are replacing a place of worship and are expected to result in a lower traffic generation than the institutional use.

(c) Site Plan Review Submittal Requirement I-I.4.e for the submittal of a detailed utility plan: The Board found that a detailed utility plan is not required as the proposed shared septic system has been approved by the Board of Health, and the houses will be served with public water, including a water main extension, provided that, to the extent possible, the water line serving Lot 3 should be located to avoid impacting existing trees.

(d) Site Plan Review Submittal Requirement I-I.4.i for the submittal of a site lighting plan: The Board found that the single family house construction proposed by this project does not raise concerns regarding lighting impacts and therefore a detailed lighting plan is not required.

(e) Rules and Regulations submittal requirements necessary to construct this project as proposed as shown on Sheet 2 of 5 of the Plan Set to Accompany Site Plan Review for 0 and 90 Ward Street, prepared by Cavanaro Consulting, dated April 1, 2019, and revised to 5/17/19, 5 sheets: The Board found that this list of waivers should also include a request for a Waiver from Section 3 C.(2).c. from the requirement to show zoning classifications on all abutting and affected property. The Board then found that the information requested herein to be waived is either inapplicable to the project or does not adversely affect the ability of the Board to review the project.

### **SITE PLAN REVIEW – REVIEW CRITERIA**

Based on the information submitted and presented during the hearing, and subject to satisfaction of the conditions set forth below, the Board made the following findings under Section I-I, 6 of the By-Law:

- 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 site is compatible with the predominant single-family dwelling use existing in the surrounding residential neighborhoods as it replaces a non-residential use with

significant parking areas and impervious surfaces with single-family dwellings, reduces impervious surfaces and provides for the perpetual preservation of significant open space to protect abutting properties from any negative impacts. The Board found that three single family houses will create minimal impacts from outdoor lighting. Finally the Board found that Lots 1 will have a deed restricted landscape buffer of 15' along the westerly and northern perimeter, Lot 2 will have a 15' deed restricted landscape buffer on the northern perimeter providing sufficient buffer, and Parcel A also serves to provide a substantial buffer of open space to abutting properties.

- 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 Police Chief Glenn Olsson's correspondence of January 24, 2019 notes that this is a low density proposal and the increased traffic flow should not impact any of the Ward Street infrastructures. Further, Chief Olsson states that he has visited the site and believes the sight lines are satisfactory.

- 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 the plan provides sufficient off street parking.

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

The Board found that the proposal provides 4.4 acres of open space (71% of the parcel) where 40% of the parcel is required to be dedicated open space. The Special Permit A3 decision required a 15' dedicated landscape buffer along the westerly boundary of Lot 1 (except to the extent of existing pavement that will serve as the driveway to Lot 1) and the northerly boundary of Lot 1 and Lot 2 up to the westerly boundary of Parcel A. Such buffer shall be planted with a mix of deciduous and evergreen species that are overstory and understory species which shall be listed on the landscape plan, subject to modification by the Conservation Commission to the extent such landscaped buffer area is in a buffer zone to a resource area.

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

The Board found that the Single Family homes will handle the refuse disposal individually.

- 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 the project has a proposed shared septic system which was approved by the Board of Health on May 16, 2019. This is a low density redevelopment of an existing institutional use. It greatly reduces the amount of impervious surface which provides an environmental benefit with increased infiltration. The proposed use of the site for three single-family dwellings will not create an adverse impact on the Town's resources. In addition, abutters to this property have expressed wholehearted support for the project.

- 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 project has been reviewed by the peer review engineer John Chessia who notes compliance with the storm water standards in his memo of May 30, 2019, and that the illicit discharge statement needs to be submitted. The Board also found that given the topography there are limited options to treat driveway runoff from lots 1 and 2 without impacting the existing trees near the roadway. The applicant has added additional treatment on site as possible to mitigate this including roof drywells for all house lots and a stone trench along the driveway of Lot 3. Cumulatively this provides adequate removal of TSS and is designed to the greatest extent practicable.

- 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 the proposed project will result in a significant decrease in existing impervious surfaces, will require less impervious surface than a conventional subdivision and will provide for the preservation of over 4 acres of open space. The Board also found that while there will be clearing on Parcel A for the installation of the shared septic system this Parcel A will then remain dedicated open space and be replanted with grasses, and that the proposed project will minimize tree removal on Parcel A and Lot 3.

- 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 the existing development pattern in the area is predominantly residential. Replacement of the existing use with single family dwellings brings the development on this land to be more in keeping with the character and scale of buildings and the use in the vicinity.

### **VOTE AND CONDITIONS**

Upon a motion made by Gary Tondorf-Dick and seconded by Judy Sneath, the Board voted unanimously to grant the waivers to the site plan review submittal requirements I-I.4. (b, c, e, f, and i as discussed) and waivers from the Rules and Regulations as listed on Sheet 2 of 5 of the "Plan Set to Accompany Site Plan Review for 0 and 90 Ward Street", including a waiver from

the Rules and Regulations Section 3 C.(2).c. from the requirement to show zoning classifications on all abutting and affected property because the information requested to be waived is either inapplicable to the project or does not adversely affect the ability of the Board to review the project.

Upon a motion made by Gary Tondorf-Dick and seconded by Judy Sneath, the Board voted unanimously to Approve the Definitive Plan for 0 and 90 Ward Street as presented at the hearings and as shown on plans titled “Plan Set to Accompany Site Plan Review for 0 and 90 Ward Street”, prepared for Black Rock Development, 19 Clubhouse Drive, Hingham, MA 02043, prepared by Cavanaro Consulting, dated April 1, 2019, and revised to 5/17/19, 5 sheets and the “Landscape Plan” for 90 Ward Street prepared by Sean Papich March 5, 2019, revised to 5/17/19, 1 sheet, with the findings and the waivers, subject to the following conditions:

1. Outside lights shall be dark sky compliant fixtures.
2. Driveways shall be not less than 14’ in width and have a maximum slope of 10%.
3. There shall be a 15’ dedicated landscape buffer along the westerly boundary of Lot 1 (except to the extent of existing pavement that will serve as the driveway to Lot 1) and the northerly boundary of Lot 1 and Lot 2 up to the westerly boundary with Parcel A. Such buffer shall be planted with a mix of deciduous and evergreen species that are overstory and understory species which shall be listed on the landscape plan, subject to modification by the Conservation Commission to the extent such landscaped buffer area is in a buffer zone to a resource area.
4. The water service for Lot 3 should be located to avoid impacting the existing trees to the greatest extent possible.
5. A pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing is required. The limits of work shall be marked with Orange Construction Fencing.
6. Applicant must provide a Storm water Pollution Prevention Plan (SWPPP) for review by the Planning Board or their designee not less than three weeks prior to the start of any work.
7. Inspections are 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.
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.
9. The illicit discharge statement shall be submitted at or before the preconstruction meeting.
10. The deed for both Lot 1 and Lot 2 shall contain a restriction which shall expressly note the ongoing requirements regarding the 15’ landscape buffer as shown on Sheet 5 of 5 of the “Plan Set to Accompany Site Plan Review for 0 and 90 Ward Street”, prepared by Cavanaro Consulting, dated April 1, 2019, and revised to 5/17/19, 5 sheets; the “Landscape Plan” for 90 Ward Street prepared by Sean Papich March 5, 2019 and revised to 5/17/19, 1 sheet; and, as further detailed in the Special Permit A3 approval and the FRD Definitive Plan approval.
11. The Declaration of Restrictive Covenants and Easements, form of Deeds, and Trust documents must be finalized to the satisfaction of the Board, be consistent with the requirements of Section IV-D as well as the Special Permit A3 approval and FRD Definitive Plan approval prior to recording at the Registry of Deeds, and must be recorded prior to the issuance of the first Certificate of Occupancy. Prior to recording, the Trust documents

required under Section IV.D.8 of the zoning bylaw must be consistent with the requirements of Section IV-D as well as the Special Permit A3 approval and FRD Definitive Plan approval, including maintenance obligations relating to the Open Space, the Long Term Pollution Prevention Plan (last revised 5/17/19) and the septic system, must be finalized to the satisfaction of the Board. The approved documents must be recorded at the Registry of Deeds prior to the issuance of the first Certificate of Occupancy.

12. The Applicant shall set not less than 2 of the permanent bounds at the property corners of Lots 1, 2 & 3 at the start of the project and establish permanent benchmark elevations on those bounds. These are in addition to the other bounds shown on plans as to be set.
13. If the square foot area of the footprint of any single-family home is larger than 2,016 s.f., or if additional detached buildings, pools or other structures are proposed thus adding to the area of proposed impervious cover an application to amend Site Plan approval will be required to modify the drainage model to demonstrate the storm water system is adequate prior to issuance of building permit.
14. This decision must be recorded at the Registry of Deeds prior to the issuance of a building permit.

For the Planning Board,



Gary Tondorf-Dick

Clerk, Hingham Planning Board

EXECUTED this 14<sup>th</sup> day of June, 2019

Votes:

In favor: Carr, Sneath, Ellis, Tondorf-Dick

Opposed: none

Cc: Clerk, ZBA, Fire, Police, Assessor, Conservation, DPW, Building, BOH, J. Chessia, Susan Murphy, J. Cavanaro, S. Papich