

TOWN OF HINGHAM
PLANNING BOARD

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NOTICE OF DECISION
SITE PLAN REVIEW UNDER SECTIONS I-H AND IV-B.6.b

IN THE MATTER OF:

Applicant: Timothy Pinch
5 New Towne Road
Hingham, MA 02043

Premises: 29 Cushing Ave
Hingham, MA 02043

Date: June 2, 2020

Plan References: "Site Plan Review 29 Cushing Avenue Hingham, MA 02043" dated 2/18/20, revised to 3/11/20, 1 sheet, prepared by Cavanaro Consulting; "Landscape Plan" prepared by Sean Papich Landscape Architecture for 29 Cushing Avenue, dated March 19, 2020, 1 sheet; The "Pinch Residence Architectural Plan Set" prepared by Sally Weston dated 12/10/2019, revised to 4/8/20; and "SWA Garage Set" dated 4-16-20.

Summary of Proceedings:

This matter came before the Planning Board on the application of Timothy Pinch, 5 New Towne Road, Hingham, MA 02043 for Site Plan Review under Section I-H and Section IV-B.6.b of the Zoning By-Law for land disturbance and alteration of drainage patterns in connection with the demolition of an existing dwelling and garage and construction of a new dwelling with a covered porch, detached garage, in ground pool and hardscape at 29 Cushing Ave, property zoned Residence A.

The Planning Board opened the site plan review at its meeting of February 24, 2020. Pursuant to (1) the Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law and applicable provisions of the Open Meeting Law found at 940 CMR 29 et seq., the public meetings of the Planning Board were conducted by remote participation and (2) pursuant to Section 17 of Chapter 53 of the Acts of 2020 opening of the review of the Application was continued by the Board, all as follows: March 23, 2020 (meeting suspended by the Chair due to technical difficulties pursuant to 940 CMR 29.10(6)(d) and the application continued to March 26, 2020); March 26, 2020; and April 13, 2020 (meeting suspended by the Chair due to technical difficulties (weather related power outages) pursuant to 940 CMR 29.10(6)(d) and the application continued to April 16, 2020).

On April 16, 2020, the meeting of the Planning Board meeting was held with Board deliberation and vote on the Application; provided, however, that a posting error for the meeting was later identified. The Applicant was notified, and a meeting of the Planning Board to re-open the application was scheduled and posted in accordance with the Open Meeting Law for May 4, 2020. Pursuant to the applicable provisions of the Zoning By-law public notice is not required for an application for site plan review under Section I-H, however, as a courtesy to interested abutters who participated in the prior meetings, a notice was sent to abutters to alert them to the re-opening of the Board's review of the Application. At the May 4, 2020, the Applicant re-presented its testimony of April 16, 2020, the Board accepted public comments and, after deliberation, acted on the Application.

Board members acting on the Application were Chairman William C. Ramsey, Gordon Carr, Kevin Ellis and Judith Sneath.

Mr. Patrick Brennan, Amory Engineering, served as the peer review engineer for the Planning Board. Mr. Pinch, the Applicant, was represented by Attorney Jeff Tocchio, DTM, John Cavanaro, Cavanaro Consulting, Sally Weston, Sally Weston Architecture, and Sean Papich, Papich Landscape Architecture.

Project Description:

The project includes the demolition of the existing dwelling and garage and redevelopment of the 16,000 s.f. property with a new dwelling, detached garage, swimming pool and hardscape features. The average slope across the parcel is >16% and as the project will disturb more than 2,500 square feet of slopes greater than 10% Section IV-B.6.b of the Zoning By-law is triggered, requiring Site Plan Review. Mr. Cavanaro explained the project in depth and reviewed the proposed stormwater system and erosion control measures in the Operation and Maintenance plan. He noted that it is a conservative drainage design in that there are stone trenches proposed that are not being accounted for as infiltration in the model. The post-construction volume and rate of runoff is less than the pre-construction conditions without taking credit for the infiltration trenches in the modeling. Mr. Brennan confirmed that the drainage design was conservative and that his review comments had been addressed. Mr. Brennan recommended supplemental erosion controls at the toe of slope and silt sacks in the downgradient catch basin as well as daily inspection during rain events to prevent sediment transport off site which condition were incorporated into the Board's decision. The Board discussed the proposed buildings and retaining walls on the property and the Building Commissioner's determination that a separate building permit would be required for all the retaining walls. The Board discussed the height and massing of the structures and Mr. Cavanaro and Mrs. Weston reviewed the proposed architectural plans for the house and the detached garage and verified that all structures would comply with the height restrictions. The Board reviewed the landscape proposal as presented by Sean Papich, Papich Landscape Architecture. Mr. Papich explained the landscape proposed was extensive in quantity but would be low-profile plantings as opposed to trees that would be expected to get very tall or large in size. In order to address abutter concerns about the preservation of views, the Board discussed with the Applicant selection of

plantings with the goal of preserving view corridors in the future. In addition, the Board discussed with the Applicant the need to mitigate impacts on the abutters during construction, including parking of construction vehicles on the site or as otherwise approved by the Police Department, as well as Police Details on site to manage traffic as required by the Police Chief. Mr. Brennan's recommendation that a construction sequencing plan be prepared to better coordinate the construction process was incorporated as a condition of site plan approval.

Comments and testimony provided by Mr. Brennan, the DPW, Town Planner, Aquarion Water Company, Health Department, Sewer Department, Zoning Administrator, Building Commissioner, and the Police Chief. The Board also received public comment and testimony at the meetings and in writing.

Site Plan Review

Board members then reviewed the project in accordance with the Site Plan Review Criteria contained in Section I-I (6) and made findings 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 project was peer reviewed by Amory Engineering.

- 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 is a single family residence.

- 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 Police details may be required during construction.

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

The Board found that the landscape plan that has been submitted has proposed plantings that are low in canopy and will maintain the view corridor in the future. The species planted will stay at a level to not impede the view corridor in the future.

- e. *adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;*

The Board found that an O&M plan has been submitted and reviewed to the satisfaction of the peer review engineer.

- 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 been reviewed by town staff and peer review consultants. This is the construction of a single family home.

- 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 including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water system;*

The Board found that the limits of clearing shall be marked with orange construction fence or erosion control fence prior to the start of work. The Board found that the post construction volume and rate of runoff is less than preconstruction, and that the drainage design is conservative.

- h. *assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;*

The Board found that the project has been reviewed by Amory Engineering and his comments have been addressed or mitigating conditions identified in his letter dated March 16, 2020. The Board also found that a construction sequencing plan must be submitted prior to the start of construction for final review by the peer review engineer. The timing for the construction of the retaining walls should be indicated and it should be at the beginning of the construction process.

- i. *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 project is a net cut to situate the improvements into the site. The Board also found that rights to grade may be needed from abutters

- j. *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 is not applicable.

DECISION AND VOTE:

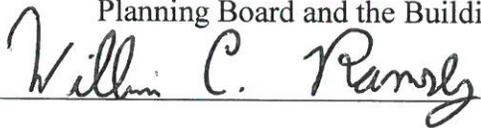
The Board then voted to approve the request for a waiver of the requirement to submit a traffic plan, a lighting plan and to show structures within 100' of the property line with a motion made by William Ramsey, seconded by Judith Sneath with Board members Ellis, Carr, Sneath and Ramsey in favor.

With a motion made by William Ramsey and seconded by Gordon Carr, the Board then voted with Board members Ellis, Carr, Sneath and Ramsey in favor to grant Site Plan approval for the construction of a single family residence at the property known as 29 Cushing Ave as shown on the plans titled "Site Plan Review 29 Cushing Avenue Hingham, MA 02043" dated 2/18/20, revised to 3/11/20, 1 sheet, prepared by Cavanaro Consulting, the "Landscape Plan" prepared by Sean Papich Landscape Architecture for 29 Cushing Avenue, dated March 19, 2020, 1 sheet, and the "Pinch Residence Architectural Plan Set" prepared by Sally Weston dated 12/10/2019, revised to 4/8/20, and "SWA Garage Set" dated 4-16-20, as presented at the meeting, with the findings and subject to the following conditions:

1. Applicant shall coordinate with the Police Chief or his designee regarding requirements for Police Details during construction.
2. A construction sequencing plan must be submitted prior to the start of construction for final review by the peer review engineer. The timing for the construction of the retaining walls should be indicated and it should be at the beginning of the construction process.
3. A pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing is required. The preconstruction meeting shall include the Police Chief or his designee, the peer review engineer, the Director of Community Planning, and the DPW superintendent or his designee at a minimum and will be coordinated by the Director of Community Planning.
4. 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 stormwater system installed for the project.
5. 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 stormwater system design and performance standards of the approved project plans.

6. To further protect against sediment transport offsite in storm water during construction the applicant shall supplement their operations and management plan to include, at a minimum: silt sacks in the downgradient catch basins, a supplemental mulch log at the toe of the slope and/or project perimeter installed to prevent sediment transport off site and daily inspection during rain events. Prior to Certificate of Occupancy the applicant shall provide proof of cleaning the downgradient catchbasins to the DPW and Planning Department.
7. A separate building permit will be required for all the retaining walls. A design professional's plan will be required and it may be sent out for plan review from a third party. All retaining walls that retain more than 2 feet of unbalanced fill must be designed by a design professional. A building permit is required for a 4 foot retaining wall. If the retaining walls footing is 2 feet in the ground and 2 feet above the ground it would require a designed plan and building permits.
8. The Applicant shall submit a plan showing the 4 elevations of the home and retaining walls in place from existing grade to the Planning Board and the Building Commissioner prior to the issuance of a building permit.
9. Rights to grade must be obtained prior to the start of construction.
10. If the Applicant's plan includes shoring up the existing garage at 14 Malcolm Street they must secure an agreement with the owners of 14 Malcolm Street prior to the start of work.
11. The Applicant shall modify the building elevations to show the height of the new home from the existing grade plane and average grade and submit them to the Planning Board and the Building Commissioner prior to building permit.



William C. Ramsey
Chairman, Hingham Planning Board

Cc: Town Clerk; Building Department; Assessor; R. Sylvester, DPW; BOH; Cavanaro Consulting; Sean Papich; Sally Weston; Matt Falconeri; Pat Brennan, Amory Engineering; Jeff Kilroy, HPD; Police Chief; Fire Marshal.