

TOWN OF HINGHAM  
PLANNING BOARD

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Hingham, MA

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

**IN THE MATTER OF:**

Applicant: Antonio Misdea  
Premises: 51 Free Street  
Hingham, MA 02043  
Date: June 8, 2020

**Plan Reference:** "Site Plan 51 Free Street, Hingham, Massachusetts", prepared by Grady Consulting, LLC., prepared for Antonio Misdea, dated January 30, 2020, revised to March 27, 2020, 3 sheets.

**Summary of Proceedings:**

This matter came before the Planning Board on the application of Antonio Misdea, 51 Free Street, Hingham, for Site Plan Review under Section IV-B.6.b for the demolition of an existing single family house and construction of a new single family house, property zoned Residence A.

At the regular meeting of February 24, 2020 the Planning Board continued the hearing to the meeting of March 9, 2020 without opening the hearing. At the conclusion of the March 9, 2020 hearing on this application the Board continued the hearing to the meeting of April 6, 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: April 6, 2020 hearing continued at the request of the applicant to the meeting of April 13, 2020; 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 present included Chairman William C. Ramsey, Gordon Carr, Kevin Ellis and Judith Sneath. The applicants, Mr. and Mrs. Misdea were present on the video conference as well as project engineer, Kevin Grady of Grady Consulting. Pat Brennan, Amory Engineering, served as the peer review consultant for the Planning Board.

**Description of Project:**

This project proposes site plan review for a project that disturbs the drainage pattern over an area greater than 20,000 square feet. The applicant proposes to demolish the existing 1,830 s.f. dwelling and construct a 3,170 s.f. single family dwelling. The existing dwelling is 37 feet from Free Street, the proposed dwelling will be set back not more than 150' from Free Street. Amory Engineering confirmed in the peer review comment letter of March 4, 2020 that the post development rate and volume of storm water runoff will not exceed existing conditions. No material will be coming off site, and tree removal will be minimized as much as possible, understanding that clearing was necessary to build the new structure. Both the peer review engineer and building commissioner noted that and engineered plan for the retaining wall to verify it will be structurally suitable for vehicle loading. Mr. Grady reviewed the drainage in depth and showed the drainage flow patterns that drain to the wetlands on the rear of the site in addition to the smaller drainage area on the front of the lot. Mr. Grady noted that letters of support were received from Mr. Horan, 55 Free Street, and Mr. McInnis, 47 Free Street.

**Site Plan Review Criteria:**

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 Engineers. The Board also found that the Fire Department provided comments on this project regarding public safety requirements. Two neighbors submitted letters of support for the project.

- 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. The Board also found that the Fire Prevention Officer's email of March 20, 2020 states that if the house is moved to less than 150' from the street, the driveway width may be 14' and there is no requirement for a turnaround. The Board also found that the driveway is being retained by a wall and it is unclear if it is designed to be suitable for vehicle loading.

*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 a landscape plan has been submitted.

*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 made no findings on this item.

*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 barrier. The Board also found that Pat Brennan, Amory

Engineering, reviewed the project for the civil engineering and he states in his final review letter of 3/4/20 that the post construction volume and rate of runoff will be less than the existing conditions. In the same memo he notes that his comments regarding the erosion control as proposed have been addressed.

*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 was reviewed by the peer review engineer and town staff and the approval includes erosion control installation and inspections by staff during construction.

*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 this is not applicable.

*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.

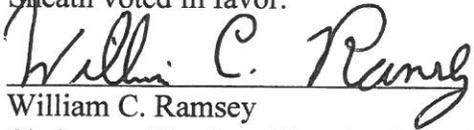
**DECISION AND VOTE:**

Bill Ramsey then made a motion to grant a partial waiver of submittal requirements for I-C profile plan for driveway, and I-I lighting plan. The motion was seconded by Judith Sneath and Board members Ramsey, Ellis, Carr and Sneath voted in favor. Mr. Ramsey then made a motion to Approve Site Plan Review for property known as 51 Free Street as shown on the plans titled "Site Plan 51 Free Street, Hingham, Massachusetts", prepared by Grady Consulting, LLC., prepared for Antonio Misdea, dated January 30, 2020, revised to March 27, 2020, 3 sheets, as presented at the hearings, with the findings and subject to the following conditions:

1. The house location must be less than 150' from the street.
2. Prior to the start of work the applicant must submit an engineered plan prepared by a structural engineer to verify that it will be structurally suitable for vehicle loading. A building permit for the wall may be required at the discretion of the Building Commissioner.
3. Applicant shall coordinate with the Police Chief or his designee regarding requirements for Police Details during construction.
4. Discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited.

5. 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 Director of Community Planning, the DPW superintendent or his designee, and the peer review engineer, and will be coordinated by the Director of Community Planning.
6. 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.
7. 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.

The motion was seconded by Judith Sneath, and Board members Ramsey, Carr, Ellis and Sneath voted in favor.



William C. Ramsey  
Chairman, Hingham Planning Board

Cc: Town Clerk; Building Department; Conservation; Assessor; R. Sylvester, DPW; BOH; Grady Consulting; Pat Brennan, Amory Engineering; Jeff Kilroy, HPD; Police Chief; Fire Marshal.

