



July 14, 2020

Certified Mail # 7018 3090 0000 9231 7149

Stephen Feeley
Feeley Realty Trust
232 Water Street
Quincy, MA 02169

Re: Downer Estates Definitive Subdivision

Plan Reference

Downer Estates Definitive Subdivision Plan, Assessors Map 26, Lots 21, 21B & 23, Hingham, Massachusetts" dated January 23, 2017, revised through 5/21/20, consisting of thirteen (13) sheets, prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA 02339, prepared for Feeley Realty Trust, as amended.

CERTIFICATE OF ACTION

Background

This application is a request for a waiver of strict compliance with the regulations solely for the gravel being used as base for the roadway (driveway). This is the request for waiver because the specifications for the finest gradation of the gravel material identified in the regulations cannot be met. The Board has approved this for both public and private ways in the past.

Discussion

Tom Pozerski, of Merrill Inc., and Stephen Feeley represented the Applicant at the hearing. Mr. Pozerski explained that request for waiver is for the gravel and the applicant would like to be able to use material that meets the MADOT specification, which is also what the Town uses. The Board then discussed the waiver and made findings, as follows:

1. Section 5.J.3. – Roadway Foundation - Request to allow processed gravel meeting the state specification M1.03.1.

The Board found that the material specified in the subdivision regulations is very hard to find except on sites that have good existing gravel such that the builder can screen existing material; the DPW follows the MassDOT specifications; this is a private way; there is a public benefit to having infrastructure consistent with DPW construction practices; this waiver is not inconsistent with the Subdivision Control Law; and, the

Planning Board has granted this waiver before and this specification is on the list of edits to be made to the subdivision regulations with the next update.

Decision

I, Gary Tondorf-Dick, Clerk of the Hingham Planning Board, certify that at a regularly scheduled meeting of the Hingham Planning Board on July 13, 2020, the Board voted to grant the requested Waiver of Section 5.J.3 for the Downer Estates Definitive Subdivision Plan to allow installation of material consistent with MADOT specification M1.03.1 and Section 5 M2. of the Subdivision Regulations as requested, with the condition that the plans be revised prior to endorsement to satisfy the following comments:

1. The cover sheet of the plans needs a new space to include the new Certificate of Action for the proposed waiver.
2. The Plans should be stamped by a Professional Land Surveyor and the existing recorded Covenant data should be filled in by the applicant.
3. Sheet C 5.1 should reflect the approved plan information.

Gary Tondorf-Dick

Gary Tondorf-Dick, Clerk
Hingham Planning Board

Cc: T. Pozerski, Merrill Inc.; Town Clerk; R. Sylvester; J. Chessia, Chessia Consulting.

NOTARIZATION

EXECUTED this 15 day of July 2020

Commonwealth of Massachusetts

Plymouth, ss

July 15, 2020

Then personally appeared Gary Tondorf-Dick, Clerk of the Hingham Planning Board, and acknowledged the foregoing to be the free act and deed of said Board.

Mary F. Savage-Dunham

Mary F. Savage-Dunham, Notary Public

My Commission Expires: October 29, 2021

