

TOWN OF HINGHAM  
PLANNING BOARD



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

**IN THE MATTER OF:**

Applicant: Philip Austin and Katty Dos Santos  
156 East Street  
Hingham, MA 02043

Premises: 220 Summer Street

Date: October 27, 2020

**Plan Reference:** "SITE PLAN PROPOSED DWELLING 220 Summer Street Hingham, MA 02043", prepared by James Engineering, Inc., 125 Great Rock Road, Hanover, MASS, 02339, prepared for Philip Austin & Santos Katty Dos, 156 East Street, Hingham, MA 02043, dated 12/16/18, revised to 3/11/19, 6 sheets.

**Summary of Proceedings:**

This matter came before the Planning Board on the application Philip Austin and Katty Dos Santos for a minor modification to the Site Plan Review under Section IV-B.6.b relative to the disturbance of the drainage pattern over an area larger than 20,000 square feet for the construction of a single family home, property zoned Residence C.

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. The Planning Board heard the application at the regular meeting of October 26, 2020 by remote hearing. Members of the Planning Board present were Rita DaSilva, Gary Tondorf-Dick, Judith Sneath, and Gordon Carr. John Chessia, of Chessia Consulting, served as the peer review engineer for the Board. The applicant team consisted of Walter Sullivan Jr. and Gary James who presented the proposal to the Board.

Mr. Sullivan introduced the application and stated that the substantive modification to the site plan was the property lines which were recently revised during a Form A process. Mr. Chessia advised the Board that he had reviewed the submittal and the drainage plan and the design had not changed. He noted that prior to the start of work the plans need a final review to ensure that the conditions of approval had been satisfied and that review didn't take place yet. The Board then discussed the barn and the desire that it remain as part of the landscape

and accessible to Lot 1 even though it is on Lot 2. Mr. Sullivan stated that there was no prohibition on the removal of the barn but he would convey to the new property owner the desire of the Board in writing and copy the planner on the letter for the file. The Board also noted that if the lots were conveyed to different owners that Lot 1 would not have access to the barn. The Applicant stated that they would place a covenant on the property stating that if lot 2 is conveyed out, easement rights to the barn shall be provided to lot 1. The Board hopes that the barn is retained as part of the streetscape and existing landscape but had no ability to place any restrictions on the removal of the barn. The Board reviewed the plans and verified that all but one tree along the frontage had been retained during the preview review process. Mr. Sullivan stated that both parcels were being purchased by one person at this time and he would be sure the buyer was aware of the Board's strong desire to see the barn retained.

**DECISION AND VOTE:**

It was Moved, Seconded and SO VOTED to APPROVE the modification to Site Plan Review for 220 Summer Street to incorporate the revised parcel lines into the existing approval, as presented at the hearing and as shown on plans titled "Site Plan Proposed Dwelling 220 Summer Street Hingham, MA" dated 1-12-20, revised 9-17-20, prepared by James Engineering, 6 sheets, subject to the following conditions:

1. The Applicant shall provide a covenant stating that if Lot 2 is conveyed out, easement rights to the barn shall be provided to Lot 1.
2. All conditions of the current site plan review decision for 220 Summer Street dated March 28, 2019 and filed with the Hingham Town Clerk on April 9, 2019 are hereby incorporated into this decision and remain in full force and effect.



Gary Tondorf-Dick, Acting Chairman  
Hingham Planning Board

In favor: Tondorf-Dick, Sneath, Carr, DaSilva  
Opposed: none

Cc: Town Clerk; Building Department; Assessor; DPW; BOH; John Chessia, Gary James;  
W. Sullivan