

TOWN OF HINGHAM  
PLANNING BOARD



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

#

**IN THE MATTER OF:**

Applicant: Kolibri LLC  
Premises: 14 Williams Street  
Hingham, MA 02043  
Date: December 1, 2020



**Plan Reference:** "Site & Septic Design Plan" dated 10/2/20, revised to 11/11/20, prepared for Kolibri LLC, 90 Metzler Road, East Bridgewater, MA 02333, prepared by Morse Engineering Co, Inc.

**Summary of Proceedings:**

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

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 hearing was opened on November 2, 2020 and continued to November 30, 2020 when it was acted on. Board members on the panel were Gary Tondorf-Dick, Kevin Ellis, Gordon Carr and Judith Sneath. The Application was presented by Jeffrey Hassett of Morse Engineering. The project was peer reviewed by Pat Brennan, Amory Engineers.

**Description of Project:**

The subject property is ~29,100 square feet in area where 20,000 is required and the existing site has a single family dwelling and a nonconforming garage. The intent is to demolish the existing structures, remove some ledge and reconstruct a house and garage on the site within the building envelope in a conforming fashion. The lot has a stone wall along the way and some is located in the public way. The developer wishes to relocate the driveway which will necessitate opening a new area in the wall and closing the existing opening in the wall. The developer also wishes to create a temporary

construction access on the eastern end of the frontage which would require temporary disturbance of the wall. The applicant notes that all construction parking and materials storage will take place on the property and not on the street. The board discussed the proposed ledge removal and the need to mitigate impacts on the neighbors to the greatest extent possible. The developer stated that the ledge will be removed by blasting and if hammering occurs it will be limited in duration. The applicant has not prepared a landscape plan but intends to do so. The Board encouraged the applicant to consider landscaping the site and required the applicant to submit a landscape plan to staff for administrative review. With the exception of the ledge the site is basically flat and already has a cleared area. While some trees are being removed there is a fair amount of area being left undisturbed. Pat Brennan reviewed the plans for stormwater and erosion control as well as overall engineering design. The Applicant responded to all the comments of the peer review engineer.

**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 existing use is a single family house and the proposed use is a single family house. There are fire hydrants within the required distance.

- 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 sightlines are existing and adequate. Police details may be required during construction at the discretion of the Police Chief.

- 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 this is a single family home. Parking is provided for at the residence with a driveway. A temporary construction entrance on the east of the site is being provided that will involve the temporary removal of a portion of the wall

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

The Board found that the existing single family dwelling that is currently in the setback is being demolished and reconstructed in the central area of the property. All new construction of structures is outside of the building setbacks, and that the Applicant has indicated a willingness to landscape the property.

- 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 there will be no discharge of waste into the municipal stormwater system or public way and all other construction materials shall be adequately disposed of.

- 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 no adverse effects on the Town's resources are anticipated. A new septic system is being installed as part of this project. Police, Fire and Public Works all offered no comments or concerns.

- 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 Mr. Brennan, of Amory Engineering reviewed the erosion controls, site plan, stormwater design and Operations and Maintenance plan. The November 2, 2020 peer review memo from Mr. Brennan, states that the design as revised adequately mitigates post development runoff and erosion control during construction.

- 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 Mr. Brennan, of Amory Engineering reviewed the erosion controls, site plan, stormwater design and Operations and Maintenance plan. The November 2,

2020 peer review memo from Mr. Brennan, states that the design as revised adequately mitigates post development runoff and erosion control 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 redevelopment of an existing single family residential lot with a new single family residential structure. There are no scenic views being obstructed. Maintenance and reconstruction of the existing scenic wall have been addressed under criteria c.

- 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 a single family redevelopment of an existing parcel of ~29,000 sf.

**DECISION AND VOTE:**

On a Motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted 4-0 with Ellis, Carr, Sneath and Tondorf-Dick in favor and none opposed to approve the request for waiver of submittal requirements I-I.4. f (traffic analysis) and i. (lighting plan), finding that there was sufficient information provided to review the project as proposed; and to Approve Site Plan Review for 14 Williams Street as shown on the plans titled "Site & Septic Design Plan" dated 10/2/20, revised to 11/11/20, prepared for Kolibri LLC, 90 Metzler Road, East Bridgewater, MA 02333, prepared by Morse Engineering Co, Inc., as presented at the hearing, with the findings and subject to the subject to the following conditions:

1. The Applicant shall discuss the need for police details during construction with Sgt. Kilroy, HPD at the preconstruction meeting, or before it.
2. All construction staging and materials will be on site.
3. The temporary removal of the wall (for the construction entrance) shall be restored to the existing condition and the wall adjacent to the new driveway shall be reconstructed as proposed where the existing driveway is.
4. Applicant shall provide a landscape plan for review and approval in the office by staff prior to completion of the site.
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 peer review engineer, and the DPW superintendent or his designee at a minimum 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.



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Kevin Ellis, Chairman  
Hingham Planning Board

EXECUTED this 4<sup>th</sup> day of December, 2020

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