



TOWN OF HINGHAM  
PLANNING BOARD

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

**IN THE MATTER OF:**

Applicant: Paul Yingling  
Premises: 31 Harborview Drive  
Hingham, MA 02043  
Date: December 10, 2020



**Plan Reference:** “31 Harborview Drive Residence Hingham Massachusetts”, dated 6/9/2020 revised to 11/16/2020, prepared for Paul and Stacy Yingling, prepared by Munden Engineering, 10 sheets.

**Summary of Proceedings:**

This matter came before the Planning Board on the application of Paul Yingling for Site Plan Review under Section IV-B.6.b for the demolition of an existing single family house for the construction of a new single family house, 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 application was submitted on June 4, 2020, the hearing was opened on July 27, 2020 and immediately continued to August 3, 2020. The hearing was subsequently continue to September 4, 2020; September 28, 2020; and October 5, 2020 with no testimony provided. The hearing was continued to November 9, 2020 at which point the applicant made the initial presentation before the hearing was continued to December 7, 2020 when the Board heard additional testimony, deliberated and acted on the permit. Board members on the panel were Gary Tondorf-Dick, Kevin Ellis, Rita DaSilva, Gordon Carr and Judith Sneath. Gary Tondorf-Dick and Kevin Ellis missed the meeting of November 9, 2020 and subsequently listened to the audio recording of the hearing and completed a Mullins Affidavit for the file. The Application was presented by Jeffrey Tocchio, DTM, and Gigi Munden, Munden Engineering. The project was peer reviewed by John Chessia, Chessia Consulting.

**Description of Project:**

The subject property is located on the north side of Harborview Drive between the intersection of Harbor View Drive with Summit Drive to the east and Park View Drive to

the west. Topographically the lot slopes to the north with the front yard area relatively level and a very steep slope (2:1) starting approximately 20 feet behind the house to roughly the center of the lot with a steep slope (4:1 +/-) to the rear lot line. There is an existing dwelling on the lot that would be razed and a new dwelling is proposed to be constructed. It is also proposed to regrade most of the rear yard to create a flatter area near the house with a steep slope (2.5:1 +/-) to within approximately 25 feet of the rear lot line. All of the abutting lots are developed. Based on the Report and published data, soils appear to be dense glacial till over the entire lot. The site is a drumlin formation, which are typically very dense slowly permeable soils with a seasonally high groundwater table. The project would result in a slight increase in impervious area as a result of construction of a larger house and driveway. The site would also be cleared and regraded removing most of the vegetation from the site.

The Board reviewed the landscape plan and discussed the trees that were removed and the applicant explained the additional planting of deciduous and evergreen trees proposed for the rear yard. The Board noted that the neighbor to the north would see trees when they look towards the house for the most part. The front yard will be mostly shrubs and short plantings associated with the raingarden. The Board reviewed the drainage and clarified that there would be no discharge of water to the public way as a result of this project. The house is going to be much taller than the existing house but they applicant intends to stay compliant with the dimensional requirements and not seek relief on the height. After additional discussion the Board discussed the site plan review criteria as follows:

**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, including the drainage design was reviewed by Chessia Consulting. There will be no increase in storm water runoff rate and no concentration of flow.

- 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 the demolition and reconstruction of a single family house. There is an existing curb cut that will be relocated and the new house will have a single curb cut. The site has an existing sidewalk.

- 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 there is adequate parking for the proposed use of single family residence. The project proposed temporary use of part of the public way to support construction parking and staging activities.

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

The Board found that a landscape plan was submitted and reviewed as part of this project and found satisfactory.

- 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 refuse or other waste into the municipal storm water system.

- 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 drainage from the front yard and part of the roof is being directed into a rain garden that discharges into a subsurface system to prevent drainage into the public way.

- 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 Chessia Consulting reviewed the project for compliance with the Storm water Standards. This project is a partial redevelopment so part of the site requires full compliance with storm water standards and part of the site is required to make improvements to conditions as possible. The installation of the raingarden provides a slight improvement on this partial redevelopment by providing a small amount of

treatment. The site is dense glacial till underneath the fill. It is not good material for groundwater recharge. The applicant needs a waiver from the requirement for infiltration. It is unlikely that the soils on the site are suitable for infiltration given the geologic formation of the site on a glacial drumlin. The application states that the contractor is responsible for erosion controls.

*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 drainage along the driveway will have pretreatment via a gravel diaphragm prior to the discharge to the raingarden.

*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 project is the redevelopment of an existing single family house lot. The tree removal will and has occurred but the landscape plan includes replanting of deciduous and evergreen trees on the site and it is to the satisfaction of the planning board.

*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 the plans indicate that the building height is almost at the maximum allowed.

#### **DECISION AND VOTE:**

On a Motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted 5-0 with Ellis, Carr, Sneath, DaSilva and Tondorf-Dick in favor and none opposed to approve Site Plan Review for the demolition and reconstruction of a single family house as shown on the plans titled "31 Harborview Drive Residence Hingham Massachusetts" dated 6/9/2020 revised to 11/16/2020, prepared for Paul and Stacy Yingling, prepared by Munden Engineering, 10 sheets, as presented at the hearings, with the findings and subject to the following conditions:

1. Any work in the public way, or use of the public way for construction staging and/or parking or materials storage will require a permit or authorization from the DPW and/or the Board of Selectmen.
2. Police details will be required at the discretion of the police chief or his designee.
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 Director of Community Planning, and the DPW superintendent or his designee at a minimum.

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 storm water 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 storm water system design and performance standards of the approved project plans.
6. The responsible party for erosion and sediment controls must demonstrate experience in erosion and sediment control installation and maintenance.
7. The maintenance of the gravel diaphragm feature shall be amended to be "as needed, but no less than twice a year".
8. Prior to the issuance of the building permit the Building Commissioner must review the retaining walls and the calculation of building height and ensure the proposed structure does not exceed allowed height and the walls are properly built.



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Kevin Ellis, Chairman  
Hingham Planning Board

EXECUTED this 13 day of December, 2020

Cc: Town Clerk; Building Department; Assessor; R. Sylvester, DPW; BOH; J. Chessia; Jeff Kilroy, HPD; Police Chief; Fire Marshal; J. Tocchio; G. Crocker.