



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant & Owner: Deborah L. Zildjian
6 Martins Cove Lane
Hingham, MA 02043

Property: 10 Martins Cove Lane, Hingham, MA 02043;

Deed References: Plymouth County Registry of Deeds, Book 0561, Page 0130



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Deborah L. Zildjian (the "Applicant"), represented by Attorney Jeffrey A. Tocchio, for Site Plan Review under Section §§ IV-B (6) (b) (1) for redevelopment of the lot and creation of a land disturbance greater than 5,000 SF. The proposed project is to raze the existing residential dwelling and the barn at 10 Martins Cove Lane and construct a new two-story residential structure with garage with a proposed footprint of 1,800 SF. The site is 136,900 SF (3.14 ac) zoned Residence C. Excluding the wetland resource areas and floodplain in accordance with Section IV-B (13) the lot area is 44,556 SF, in compliance with the Residence C required lot size of 40,000 SF.

The Board discussed the application during a meeting held on May 10, 2021 via Zoom as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Judith Sneath, Rita DaSilva, Gordon Carr, and Gary Tondorf-Dick.

The Applicant was represented during the hearings Attorney Jeffrey A. Tocchio of Hingham. The Board was assisted in its review by Christine Stickney, Interim Town Planner. At the conclusion of the hearing, the Board voted unanimously to grant Site Plan Review approval with no conditions. Throughout its deliberations, there was no public input and the Board has been mindful of the statements of the applicant's representative all as made or received at the public hearing.

BACKGROUND AND DISCUSSION

The subject property consists of approximately 3.14 acres of land in total located off 10 Martins Cove Lane and owned by Deborah L. Zildjian. The site is a residential lot with an existing dwelling, barn,

boathouse, existing gravel driveway and lawn/patio areas. The applicant owns the adjacent lot at 6 Martins Cove Lane and proposes to utilize portions of that lot for the blending of proposed grades with the development at #10 Martins Cove Lane to form a more balanced development grading of the site.

The proposed residence will be two-stories consisting of three-bedrooms and a two car-garage all within the 1,800 SF footprint in compliance with the Residence C building setback and other density and dimensional requirements under Residence C zoning. Since the lot was previously developed with a residence, outbuildings, lawn and drives, the proposed single-family house results in minimal loss of natural vegetation. As a single-family house, the proposed project is exempt from the MASS DEP Storm Water Standards. However, the residential project provides a rain-garden area that was sized in accordance with the Hingham Conservation Commission's guidelines to infiltrate the roof runoff from the proposed house. The Conservation Commission reviewed and approved the project via the issuance of a Negative Determination of Applicability, dated May 28, 2020. As part of their determination, the Conservation Commission reviewed and approved the rain-garden sizing, plantings, and maintenance plan. The rain garden placement provides an enhanced buffer zone and runoff management that contributes to the protection of the local environmental resources. The driveway slopes northerly toward the coastal bank. Runoff from the driveway is directed toward/over the existing gravel driveway to the boathouse, lawn and vegetative cover, which act as an infiltrative surface and filter before discharging to Hingham Harbor. The Board of Health approved with variances the design and layout of the septic system proposed with particular focus on the grading of the system cover in order to retain an appearance of natural contours blending with the streetscape and abutting properties.

FINDINGS:

Site Plan Review Findings

Based on the information submitted and presented during the public meeting, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Site Plan Approval Criteria under § I-I, 6 of the By-Law:

- 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 Planning Board found that with the unique location of the proposed project and the proximity to the water there were minimal abutters surrounding the project that could be impacted and the applicant herself was a direct abutter at #6 Martins Cove Lane to the east. Adequate storm water design and pretreatment have been provided for the development proposed.

- 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;

As a redevelopment project, the existing use was residential in nature as well. In the Planning Board's opinion, ample driveway access off the existing cul-de sac at the end of Martins Cove Lane provided sufficient access.

- 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;***

As a single family residence, the Planning Board found the construction of the two car garage and driveway access provided sufficient off street parking, loading and parking areas for vehicular traffic typical in a residential setting.

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

As residential redevelopment project, there is existing lawn and open space. The applicant's representative noted only minimal loss of vegetation may occur to address the septic and driveway realignment.

- 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 applicants representatives at the meeting noted the residential septic was designed at 330 GPD, sufficient for three bedrooms only, and further that the soil type limited design of any additional bedrooms. No municipal sewer or drainage system is present within the site development.

- 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 applicant presented at the public meeting the existing utilities available to the site, and, this being a residential redevelopment, the Planning Board found that it will pose no further impact than the prior residential dwelling.

- 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;

During the presentation, the Planning Board was informed that a single family house is exempt from Mass DEP Storm Water Standards; however, in design with the Conservation Commission, the applicant added features such as a rain garden and the collection of roof run-off, which contribute to the improved protection of the environmentally sensitive area the residence would abut. The Planning Board found the applicant exceeded the typical safeguards and gave essential consideration to the local ecology of the site.

- 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;***

No work is proposed in any of the resource areas. During construction, soil and erosion measures will be implemented and once completed the site will be stabilized.

- 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;***

Discussion at the Planning Board meeting about the existing grounds, including the preservation of the existing boat house, assured members the project will have a positive impact on the natural and historic features of the area.

- 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 Planning Board found the footprint of the house to be reasonable and in keeping with the general neighborhood.

Motion: Kevin Ellis made a motion to grant Site Plan Approval under Section §§ I-I and IV (B) (6) (1) of the Zoning By-Law for the proposed residential development and site improvements at 10 Martins Cove Lane , in a Residence C zoning district, **Second:** Judith Sneath **In Favor:** Rita Da Silva, Kevin Ellis, Gary Tondorf-Dick, Judy Sneath, Gordon Carr

Opposed: None

SPR – Deborah L. Zildjian
10 Martins Cove, Hingham MA

For the Planning Board,

A handwritten signature in black ink, appearing to be 'Kevin Ellis', written over a horizontal line.

Kevin Ellis, Chair
May 12, 2021

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record