

October 1, 2018

Frank and Susan Channell
170 Gardner Street
Hingham, MA 02043

Certified Mail #7017 1000 0000 1995 8503

Re: 170 Gardner Street Definitive Subdivision

Plan Reference: Definitive Subdivision Plan of Land RED TAIL LANE HINGHAM, MASS”, prepared by Morse Engineering Co. Inc., 19 Union Street, PO Box 92, Scituate, MA 02066, prepared for Joseph R. Kennedy, 3 Fox Run Way, Hingham, MA 02043, dated July 20, 2017, revised to August 20, 2018, 7 sheets, as amended

Background

The application for Definitive Subdivision of 170 Gardner Street was submitted on August 24, 2017 and subsequently continued to the meetings of 10/2/17; 11/6/17; 11/13/17; 12/4/17; 1/3/18; 2/5/18; 2/12/18, 3/5/18; 5/7/18; 6/4/18; 7/16/18; and 8/13/18 with the final hearing and action by the Board at the meeting of September 24, 2018. The Planning Board panel consisted of Jennifer Gay Smith, Gordon M. Carr and William Ramsey. The Planning Board peer review engineer was Suzanne King of the BL Companies.

Discussion

The project consists of creating a new way and lot behind the existing structure at 170 Gardner Street. The Board reviewed the drainage and required it be on a separate lot in an open basin. The Board of Health approved the septic system with conditions. The applicant team originally did not request any waivers. The Planning Board asked the applicant to consider a hammerhead to reduce impervious cover, and also encouraged a permanent tree preservation area which then necessitated a partial waiver of street tree installation. The Board was mindful of minimizing removal of mature trees and of shifting grading and site disturbance away from the property line. The new house will be served by public water and the way will remain private in perpetuity.

Discussion of Waivers

The project includes the request for four waivers from the Rules and Regulations. The Board discussed each waiver request and made findings, as follows:

1. Section 4.B. (4) (b) - Request to allow a hammerhead instead of a cul-de-sac.

The Board found that the proposed hammerhead design reduces impervious cover which benefits the community. In addition, the planning board requested that the applicant

consider a hammerhead instead of a cul de sac. The Board also found that a hammerhead is sufficient for public safety purposes and that this waiver is not inconsistent with Subdivision Control Law and provides a public benefit for this specific project as designed.

2. Section 4.B.(3)(a): Table 1 - Request to allow 12” cape cod berms in place of 18” cape cod berms

The Board found that this helps reduce impervious cover and has been granted by the Board routinely and the Rules and Regulations have now been changed to permit 12” cape cod berm’s so granting the waiver will be aligned with the updated requirements in the Rules and Regulations. The Board also found that this waiver is not inconsistent with Subdivision Control Law and provides a public benefit for this specific project as designed.

3. Section 4.B. (3) (a): Table 1 - Request to allow a 20’ wide travelled way where 18’ is required.

The Board found that the fire department has required a 20’ paved road, and that the Rules and Regulations have now been revised to require this width of paved road so approving this request would be consistent with the Board’s requirements. The Board also found that this waiver is not inconsistent with Subdivision Control Law and provides a public benefit for this specific project as designed.

4. Section 5.B4 – Request to allow a partial waiver for the installation of street trees along the eastern side of the Right of Way.

The Board noted that they had requested the preservation of trees along the eastern side of the right of way and clearing of the requested tree preservation area would be required to install street trees per the regulations. The Board also found that this waiver is not inconsistent with Subdivision Control Law and provides a public benefit for this specific project as designed.

CERTIFICATE OF ACTION

I, Gordon M. Carr, Chairman of the Hingham Planning Board, certify that at a regularly scheduled meeting of the Hingham Planning Board on September 24, 2018, the Board voted to **APPROVE** the plan “Definitive Subdivision Plan of Land RED TAIL LANE HINGHAM, MASS”, prepared by Morse Engineering Co. Inc., 19 Union Street, PO Box 92, Scituate, MA 02066, prepared for Joseph R. Kennedy, 3 Fox Run Way, Hingham, MA 02043, dated July 20, 2017, revised to August 20, 2018, 7 sheets, as amended, with the waivers to the Subdivision Rules and Regulations, approved herewith and incorporated herein by reference, and subject to and on the conditions as discussed which, if not complied with, shall, at the option of the Planning Board (the “Board”), operate as a rescission of this approval:

A. Prior to endorsement of the Subdivision Plan:

1. The Applicant shall submit to the Planning Board for review and approval a new set of plans revised as follows:
 - a. To show the complete list of waivers;
 - b. To list the date of the COA in the note on the cover sheet;
 - c. To show the tree preservation areas and extend them along the eastern boundary line to be not less than 10' in width, and show boulders 10' on center along tree preservation area beyond the hammerhead.
 - d. To update the lot area calculation in accordance with the lot shape provisions in the regulations.
2. A covenant, to be executed and made a part hereof, and recorded with the Subdivision Plan in the Plymouth Registry of Deeds, or other performance guarantee in an amount sufficient to the Planning Board to secure performance of the construction of ways and the installation of municipal services required for the lots shown on the Subdivision Plan, shall be provided pursuant to the Massachusetts General Laws Chapter 41, Section 81U.

B. Prior to Commencement of Construction

1. The roadway, drainage facilities and other utilities within the Subdivision shall remain private and shall not be accepted nor maintained by the Town of Hingham. Maintenance, repair and improvement thereof shall be the responsibility of the Applicant and/or the owners of the lots within the Subdivision. The tree preservation areas must remain in perpetuity as shown, with the exception of routine maintenance. Such obligations shall be set forth in a Declaration of Easements, Restrictions and Covenants Running with the Land (the "Declaration"), a final version of which shall be approved by the Planning Board prior to endorsement of the Plan and to be recorded with the Plan. The Declaration should include an exhibit depicting the tree preservation areas and the project or reference the recorded subdivision plans.
2. Limits of clearing as depicted on the Subdivision Plan shall be clearly marked in the field with the installation of a staked mulch log, silt fence, or orange construction fence and shall be inspected by the Planner and/or the peer review engineer prior to the start of work.
3. No work on the subdivision shall commence without an approved Storm Water Pollution Protection Plan (SWPPP) in place. The SWPPP must be submitted to the Planning Board and the Planning Board's peer review engineer for review a minimum of one month prior to the start of construction. The SWPPP must be phased consistent with any proposed phasing of the project and shall identify the detailed Erosion & Sedimentation Controls to be utilized during the different phases of the work.

4. Prior to the start of construction or site clearing there shall be a preconstruction meeting attended by the applicant team, the Town Planner and/or the peer review engineer for the Planning Board to review the installation of the erosion control measures, the SWPPP, the project timeline, and the schedule for police details if needed.
5. The Applicant will bear the responsibility to see that any inconsistencies with the Plan and decisions of other state or local agencies or boards are resolved before construction begins.

C. Conditions During Construction

1. Police details shall be required at the discretion of the Chief of Police to assist in managing construction traffic entering or exiting the subdivision.
2. The bounds along the outside boundaries of the subdivision must be set and surveyed at the start of the active construction.
3. Prior to paving, the Applicant must submit to the Planning Board's peer review engineer and the Town Planner an interim as-built plan showing all set bounds, utility and drainage installation and spot grades sufficient in the peer review engineer's reasonable determination, to demonstrate conformance with the approved Subdivision Plan. The paving may not begin without the written authorization of the Town Planner.
4. The Applicant shall coordinate inspections with the peer review engineer consistent with the Subdivision Regulations, and provide construction schedule updates to the Planning Board and peer review engineer weekly via email.

D. General Conditions

1. All work shall be performed in accordance with the Subdivision Plan, the Certificate of Action, and, except as specifically waived herein, in conformity with the Rules and Regulations of the Hingham Planning Board in effect as of the date of the application.
2. The Applicant shall complete all work shown on the Subdivision Plan, including all ways, drainage facilities, and utilities, within two years of the date of endorsement of the Subdivision Plan or this approval of the Subdivision Plan shall be null and void, unless, at the request of the Applicant, the Planning Board extends the time for performance of such work.
3. Each deed for any lot or lots within the Project shall specifically set forth that the conveyance of such lot or lots is subject to the Certificate of Action and the Declaration.

4. Street trees must be planted prior to issuance of the certificate of occupancy for any lot shown on the Subdivision Plan.
5. Approval by the Planning Board of this Plan shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for the construction and use on any lot of an individual septic system. No building or structure shall be placed on any lot without septic system approval by the Board of Health.

WAIVERS

The Board voted unanimously to **GRANT** the following request for waivers from the Planning Board Rules and Regulations:

1. Section 4.B. (4) (b) - Request to allow a hammerhead instead of a cul-de-sac.
2. Section 4.B.(3)(a): Table 1 - Request to allow 12” cape cod berms in place of 18” cape cod berms.
3. Section 4.B. (3) (a): Table 1 - Request to allow a 20’wide travelled way where 18’ is required.
4. Section 5.B4 – Request to allow a partial waiver for the installation of street trees along the eastern side of the Right of Way.

Gordon M. Carr
Chairman, Hingham Planning Board

Cc: Greg Morse; Building Commissioner; BOH; Town Clerk; DPW; Fire Prevention; S. Girardi; Assessor; S. Olson, Aquarion.

NOTARIZATION

EXECUTED this _____ day of October 2018

Commonwealth of Massachusetts

Plymouth, ss

October ____, 2018

Then personally appeared Gordon M. Carr, Chairman of the Hingham Planning Board, and acknowledged the foregoing to be the free act and deed of said Board.

Mary F. Savage Dunham, Notary Public

My Commission Expires: 10/29/21