



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW WITH BUILDING PERMIT LAND DISTURBANCE

IN THE MATTER OF:

Applicant: APF Development
C/o Adam Fleury
10 Wompatuck Road
Hingham, MA 02043

Owner/s: Same as Applicant

Property: 40 Harbor View Drive, Hingham, MA 02043;

Deed References: Plymouth County Registry of Deeds, Book 51577, Page 165

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Adam Fluery of APF Development (the "Applicant") represented by Brendan Sullivan of Cavanaro Consulting, LLC, for Site Plan Review under Section §§ IV-B (6) (b) (1) for development of the lot and with land disturbance greater than 5,000 SF. Prior to this application the applicant had obtained a building permit to raze the existing dwelling on the site and re-build. During construction, the Building Department became aware of substantial earth movement, building of a retaining wall in a sewer easement and other site modifications that concerned the Building Department due to the site's steep slopes and construction grading that had encroached on to abutting properties. In a letter dated 6/14/21, the Building Department informed the Planning Board Chairman that they had directed the applicant to seek Site Plan Review for land disturbance. The applicant made application with supporting documents on 4/8/21. At the initial public meeting on 5/3/21, it became apparent from abutters comments and review by the Town's peer consultant that there need to be review and immediate need to stabilize the site of any soil erosion. Under the approval from the Building Department and Planning Board the site was provided with soil control measures in all areas abutting neighbor's property and the applicant removed the retaining wall that had been built in the sewer easement without any permits.

The Board discussed the application during a meeting held on 5/3/21 and continued to 6/14/21 & 7/19/21 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 Board was assisted in its review by peer reviewer John Chessia of Chessia Consulting and Christine Stickney, Interim Town Planner. At the conclusion of the hearing on 7/19/21, the Board voted unanimously to grant Site Plan Review approval with conditions. Throughout its deliberations, there was significant public input as to impacts the abutters had experienced and the Board has been mindful of the statements of the applicant's representative all as made or received at the public hearing. The Planning Board based their findings and conditions on the approved site plan presented entitled;

Approved Plans:

"Site Plan to Accompany Site Plan Review 40 Harbor View Drive prepared for APF Development 213 Wompatuck Road, Hingham, MA 02043" dated 4/6/21 last revision 7/6/21 stamped by Brendan Sullivan (RPLS #46922 & RPE #41358) Scale 1"-20' – 2 sheets.

"APF Development Group 40 Harbor View Drive, Hingham, MA - Landscape Plan" dated 6/24/21 stamped by Patricia B. Van Buskirk (RLA #4039) no scale – 1 sheet – Also included an (8"x11") Plant list from Patricia Van Buskirk dated 6/26/21 – 11 sheets total.

Site Plan Review Findings:

- 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;***

During the construction of the residence, certain unauthorized activities resulted in the clearing and regrading of steep slopes that was impacting the abutting properties. Corrective measures were implemented under the direction of the Building Department and the filing of this site plan review. The applicant has now installed the appropriate soil erosion controls post development to remain in place until the ground cover can take hold over the next two growing seasons. The applicant has worked with three of abutters impacted from erosion on their property and the applicant provided written documentation from each of the abutters as to their agreement with the proposed mitigation.

- 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 application is related to land disturbance. The development is a residential home and driveway on a residential street. The proposed driveway providing access to the site and off street parking is

typical of a residential home, sufficient for more at least two vehicles. The existing and proposed grades, with the line of sight, provides safe movement into and out of the residential site.

- 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 residential use, sufficient parking is available on the site.

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

As a land disturbance proposal, stabilization of the steep slopes around the residence will be accomplished with a variety of plantings, grass coverings and terracing. To address the need of storm water impacts proposed drainage was design and is to be added to the site.

- 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;**

Final inspections and issuance of an Occupancy Permit for the residence will require temporary measures for dealing with construction debris to be removed from the site.

- 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 proposed residential use can be sufficiently address through the Town's water supply. The Board of Health had approved the septic system installation.

- 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;**

The application provides for an infiltration style drainage system with two areas of infiltration for storm water at the rear of the residence. The design and calculations were reviewed by the Town's peer review engineer, John Chessia, who found it to be compliant with the appropriate storm water state and local regulations. An operation and maintenance plan will be necessary to be done by the homeowner to assure the system will work as designed.

- 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;***

Based on Mr. Chessia's review, implementation of best management practices with the storm water design are sufficient.

- 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 applicant worked with a registered landscape architect to prepare a landscape plan to address the entire lot. Plant species and estimated growth height were provided. Approval is conditioned on the yard and landscape mitigation on abutting properties must survive two growing seasons and be stabilized to comply with this decision.

- 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 single family home is consistent with buildings in the neighborhood.

Proposed Conditions:

The site plan review is approved with the following conditions:

1. The applicant shall install the proper soil and erosion controls as shown on the Site Plans, with notification to the Building Commission and Planning Department for inspection prior to any site work.
2. Prior to issuance of any Certificate of Occupancy, the applicant shall have completed installation of the required drainage structures, stabilized the slopes and completed the landscaping as shown on the Site Plans.
3. No additional fill shall be brought into the site except to the extent required in conjunction with the approved site plans.
4. At the end of each workday, the site contractor shall address with broom sweeping any soil tracked-out onto Harborview Drive. The applicant shall have measures available on-site to address dust should it begin to occur during dry periods of construction.
5. After installation, the Applicant shall water the plantings identified on the Landscape Plan for a minimum of two growing season(s) or longer, if necessary, until established. The Applicant shall replace any expired plantings in kind as needed within such two-year period.

6. The stormwater management system shall be inspected and maintained by the owner of the property in accordance with the Long Term Operation and Maintenance Plan (“O&M Plan”) submitted by Cavanaro Consulting on July 2, 2021. Copies of inspections reports shall be delivered to the Planning Board as set forth in the O&M Plan.

Motion: Kevin Ellis made a motion that the Planning Board grant site plan approval pursuant to Section I-I and Section IV-B.6 of the Zoning By-Law for the property located at 40 Harborview Drive as shown on the plan set entitled “Site Plan to Accompany Site Plan Review 40 Harbor View Drive”, dated April 6, 2021 as revised through July 6, 2021, prepared by Cavanaro Consulting, and the “Landscape Plan L-1”, dated June 24, 2021, prepared by Patricia Van Buskirk Landscape Architecture, and the materials submitted therewith (collectively, the “Site Plans”), in accordance with the findings and subject to the conditions adopted by the Planning Board and incorporated herein, second by Gordon Carr

In Favor: Kevin Ellis, Gary Tondorf-Dick, Gordon Campbell, Judith Sneath and Rita DaSilva

Opposed: None

For the Planning Board,

Kevin Ellis, Chair
July __, 2021