



TOWN OF HINGHAM

Board of Appeals

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COMPREHENSIVE PERMIT

IN THE MATTER OF:

Applicant: South Shore Habitat for Humanity, Inc.
20 Mathewson Drive
Weymouth, MA 02189

Owner: Trustees of the Hingham Affordable Housing Trust
210 Central Street
Hingham, MA 02043

Property: 302-304 Whiting Street (Map 187, Lot 24)

Deed Reference: Plymouth County Registry of Deeds, Book 44803, Page 78

SUMMARY OF PROCEEDINGS:

This matter came before the Zoning Board of Appeals (the "Board") on the application South Shore Habitat for Humanity, Inc. (the "Applicant") for a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended to construct two (2) affordable single-family dwellings (the "Project") on approximately 0.95 acre of land located in Residence District C at 302-304 Whiting Street (Map 187, Lot 24) (the "Property"). The Application included a letter, dated September 12, 2018, from the Massachusetts Department of Housing and Community Development ("DHCD"), acting as Subsidizing Agency, granting the Applicant Project Eligibility (the "Project Eligibility Letter") for the proposed project.

Capitalized terms used in this decision and not herein defined shall have the meaning set forth in Massachusetts General Laws Chapter 40B ("Chapter 40B") and 760 CMR 56.00 et seq. ("40B Regulations").

The term "Project Plans" as used in this Comprehensive Permit shall mean the plans, studies, reports and other submissions of the Applicant made in connection with the Comprehensive Permit Application, as more particularly defined in Attachment A.

The term "Approved Plans" as used in Attachment B hereto shall mean the Project Plans, as the

same shall be revised in accordance with the Conditions set forth in Attachment B, together with the representations made to the Board by the Applicant in connection with the Comprehensive Permit Application for the Project, all of which were relied on by the Board in its vote to grant the Comprehensive Permit.

Public hearings on the matter were held by the Board over the course of several months. The proceedings commenced on January 7, 2020. By letter dated January 22, 2020, with a copy to DHCD, the Board notified the Applicant pursuant to 760 CMR 56.03(8)(a) that the Board considered that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs in accordance with the applicable 40B Regulations. The Applicant did not contest the Board's assertion. As set forth in the 40B Regulations, the foregoing process resulted in a tolling of the hearings of the Application before the Board.

The Board continued its review of the Project during subsequent public hearings held on February 11, 2020, June 23, 2020, July 21, 2020, and August 6, 2020. The Board continued its deliberation following the conclusion of the public hearing and voted on August 6, 2020 to issue a Comprehensive Permit for the Project subject to the waivers and conditions contained herein.

Public hearings before the Board were held either at Town Hall, 210 Central Street, Hingham, MA or by remote participation pursuant to 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 panel consisted of regular members Robyn S. Maguire, Chair, and Paul K. Healey and associate member Michael Mercurio. Mr. Mercurio was unable to attend the final hearing on August 6, 2020, but participated in all prior sessions. Pursuant to the 40B Regulations, only a majority vote of the Board is required to issue a decision on a Comprehensive Permit application.

Appearing on behalf of the Applicant throughout the hearings was its Executive Director, Martine Taylor; Director of Program Services, Noreen Browne; and various other Habitat for Humanity Board members. The Applicant's development team also included the project engineer, Gary James, P.E., James Engineering Group. Representatives of the owner, the Trustees of the Hingham Affordable Housing Trust, also appeared during the hearings.

The plans and other submission material were reviewed by the Board and its technical consultants Patrick G. Brennan, P.E., Amory Engineers, P.C. and Special Real Estate Counsel, Susan C. Murphy, Esq., Dain, Torpy, Le Ray, Wiest & Garner, P.C. A number of Town departments and Local Boards provided information to assist the Board with its review of the Project. Substantial public comment was also submitted for the record by abutters and other members of the public. Throughout its deliberations, the Board has been mindful of the statements of the Applicant and their representatives, and the comments of the general public, all as made at the public hearings and as submitted in the public record.

PROJECT DESCRIPTION:

The Property consists of approximately 0.95 acres of land located on the south side of Whiting Street/Route 53. A private golf course sits opposite the Property on the north side of Whiting Street. Directly abutting properties are residential in character. These include a single-family residence to the east. The Property is also bound to the west and south by Derby Brook, which is a townhouse community consisting of 20 units and constructed pursuant to a Comprehensive Permit.

The broader area includes a number of retail, restaurant, and recreational opportunities. The Property is located approximately a half mile from the Derby Street Shops and a short distance from Route 3. The specific location is appropriate for residential use and the overall neighborhood includes a number of amenities for potential residents.

The Property is currently improved by a single-family dwelling that will be demolished in connection with the Project. Prior to completion of the adjacent Derby Brook development, the Property also supported a second single-family home. The proposed Project consists of two, cape-style, detached single-family homes that will occupy the same approximate area as the former dwellings. As proposed, each residence will consist of approximately 1,200 SF – 1,300 SF and include three bedrooms. The initial sales price for each dwelling will be based on households earning no more than 60% area median income.

BACKGROUND:

The parcel was gifted to the Town by the developer of the adjacent Derby Brook condominium development, which received a Comprehensive Permit (40B) from the Zoning Board of Appeals on January 22, 2009. The Hingham Affordable Housing Trust, as authorized by both Town Meeting and the Board of Selectmen, acquired the property in October 2014 for affordable housing purposes.

In 2017, the Trust issued a Request for Proposals to dispose of the property for the purpose of developing up to three deed restricted affordable homes. South Shore Habitat for Humanity submitted a successful response. Following its selection as Developer of the Property, Habitat, in partnership with the Trust, consulted with a number of municipal departments in designing the Project.

As allowed in the RFP, the original concept proposed three single-family dwellings on the property. Habitat then requested that the Board of Selectmen sponsor its application to the Department of Housing and Community Development (DHCD) for a Project Eligibility Letter through the Local Initiative Program. The Board of Selectmen considered the proposed plan during public meetings held on April 3, 2018 and May 1, 2018. Members of both the Board of Selectmen and the public expressed some concern at the time about the initially proposed density on the site. In response to these concerns, Habitat subsequently revised its original project plan, decreasing the overall number of units from three to two single-family homes, consistent with the prior use of the

Property. Following deliberations and discussions among members, the Board of Selectmen voted to execute the LIP Application. Additionally, the Board of Selectmen voted to submit a request to DHCD for a local preference within the development. DHCD then issued the Project Eligibility Letter, dated September 12, 2018.

DISCUSSION:

During its review of the Comprehensive Permit Application, the Board addressed (a) the status of the Town's compliance with the Statutory Minima and Safe Harbor criteria, and (b) the consistency of the Project with Local Needs, including the design of the Project and the potential impacts of the Project on public and private infrastructure and the surrounding neighborhood and environment. The Board received submissions and heard testimony from the Applicant, residents, Town officials, and its consultants. Much of the information provided concerned issues related to design and density, riverfront resource areas, and the private wastewater system. The following is a summary of the issues discussed by the Board throughout the extensive public hearing process.

Statutory Minima

The Project Eligibility Letter confirmed that the Applicant is able to meet the limited dividend status requirement of 760 CMR 31.01(1)(a), the fundability requirement of 760 CMR 31.01(1)(b), and the site control requirement of 760 CMR 31.01(1)(c), thereby allowing the Applicant to file a Comprehensive Permit Application before the Board.

The Board notified the Applicant, both during its hearing on January 7, 2020 and by way of correspondence, dated January 22, 2020, sent on behalf of the Board by its counsel, Susan C. Murphy, Esq., Dain, Torpy, Le Ray, Wiest & Garner, P.C (the so-called "Safe Harbor Letter"), that a denial of the Comprehensive Permit or imposition of conditions would be Consistent with Local Needs on the grounds that the Statutory Minima as defined at 760 CMR 56.03(1) has been satisfied. The Applicant acknowledged during the hearing the work completed by the Town to achieve the Statutory Minima. The Applicant did not contest the Board's assertion, which precludes the Applicant from appealing any denial of the Comprehensive Permit or the imposition of conditions.

Design and Density

As noted in the Project Description, the Project will consist of two single-family dwellings in the approximate location of two existing or former dwellings. The proposed density is 2.1 units/acre, which is slightly less than the adjoining Derby Brook development at 2.4 units/acre. The Project's use as single-family dwellings is permitted as of right in the Residence C zoning district where it is located and is consistent with the residential development to the immediate east. The proposed cape-style of the modestly sized dwellings will result in smaller footprints and less disturbance to the Property than previously existed. The Applicant additionally proposed a

number of landscape features, including a low stonewall and plantings, to improve the view of the Property from Derby Brook Way.

Public Health Impacts

The Project is subject to Title 5, 310 CMR 15.000, of the State Environmental Code (“Title 5”) and requires certain waivers from the Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage (“BOH Rules”). As such, the Hingham Board of Health (“BOH”) offered input on the Application to the Board.

The BOH expressed concern with the Applicant's requested waiver from Section VI.8 of the BOH Rules which provides that no septic system may be designed to discharge more than 110 gallons of design flow per day per 12,500 square feet of land area. The BOH recommended that the Board consider a partial waiver from this local standard by instead mandating the 10,000 square feet applicable within nitrogen sensitive areas under Title 5. This would limit the Property to 4 bedrooms total, whereas the Project proposed two 3-bedroom dwellings, or 6 bedrooms total.

In addition, the BOH expressed concern with the Applicant's requested waiver from Section VI.6 of the BOH Rules which requires that any septic system be located a minimum of 250' from a potable well. A direct abutter to the Property at 300 Whiting Street maintains a private well for a potable water supply. The proposed systems are respectively 141.4' and 124.8' from the private well. The Project as designed would therefore not comply with the BOH Rules, but would exceed the 100' minimum distance established under Title 5.

The Board received reports and testimony related to these issues from both the Project Engineer and its Consulting Engineer. Both noted that nitrogen loading standards under Title 5 are not applicable to the Project since the proposed septic systems would not be located in a nitrogen-sensitive area or Zone II. Additionally, and of significant importance to the Board during its review, the engineers noted that the abutter's potable well is located up-gradient from the proposed septic systems. Groundwater flow under the proposed soil absorption systems would be away from the potable well. The Board finally noted that the Property had previously supported two single-family dwellings with no known negative impact to public or private water supplies. The Board therefore found no facts in the record to support imposition of stricter standards than those required under Title 5.

Wetland Impacts

The Project is subject to the Wetlands Protection Act and related regulations, G.L. c. 131, § 40-40A, 310 CMR 10.00 (collectively, the “Wetlands Act”), and requires certain waivers from the Hingham Wetlands Protection By-Law and local regulations, since the rear portion of the Property falls within 100' of offsite bordering vegetated wetlands and within 200' of a river.

The Conservation Officer and Consulting Engineer confirmed that the Project will improve existing conditions by locating the proposed dwellings and related utilities further from these

resources. No undisturbed portion of the site will be impacted by construction. The existing house and septic system would be removed entirely from the 100' inner riparian zone and the area restored to its natural state.

Offsite Impacts

In order to mitigate impacts on traffic and pedestrian safety in the area, the Board discussed imposition of offsite traffic-related conditions based on past practice for projects in the area and recommendations made by abutters to the Property. Specifically, the Board determined that a sidewalk should be constructed in conjunction with the Project within the Whiting Street right-of-way along the Property frontage in order to facilitate pedestrian safety and access to the existing school bus stop at Derby Brook Way.

FINDINGS AND DECISION:

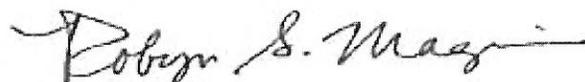
Upon a motion made by Paul K. Healey and seconded by Robyn S. Maguire, the Board voted as follows:

That the Zoning Board of Appeals, after extensive public hearings and evaluation of the testimony and documents submitted by the Applicant, neighbors, Town Officials and peer review consultants, vote to make the following findings and to grant the Comprehensive Permit for the Project shown on the Project Plans described in Attachment A subject to the Comprehensive Permit Conditions as described in Attachment B, and to grant certain Comprehensive Permit Waivers, respectively, as expressly set forth in Attachment C, which findings and Attachments are expressly incorporated into this vote by reference and are each deemed by the Board to be an integral part of this Comprehensive Permit. The findings are as follows:

1. That, pursuant to the Safe Harbor Letter, dated January 22, 2020, sent to the Applicant on behalf of the Board, and unchallenged by the Applicant, the grounds have been met to satisfy the so-called 10% Statutory Minima as provided in 760 CMR 56.00 (the "40B Regulations"), which precludes the Applicant from appealing any denial of the Comprehensive Permit or the imposition of economic or acceptable conditions.
2. That, pursuant to the 40B Regulations, including the last paragraph of 760 CMR 56.03(1), the Board may, at its sole discretion elect to approve a Comprehensive Permit, even though the Town qualifies for the 40B Safe Harbor.
3. That pursuant to Chapter 40B, Sections 20 through 23, and the 40B Regulations, after extensive public hearings and evaluation of the testimony and documents submitted by the Applicant, peer review engineers, neighbors, and Town officials, the Application may be approved subject to certain conditions that the Board has determined are necessary and proper to address Local Concerns (as defined in the 40B Regulations) identified by the Board during the hearing process.

In light of such findings, the Board further resolves to grant the Comprehensive Permit for the Project shown on the Project Plans described in Attachment A, subject to the Comprehensive Permit Conditions set forth in Attachment B, together with the Waivers set forth in Attachment C, which Attachments are incorporated herein by reference.

For the Zoning Board of Appeals,

A handwritten signature in cursive script that reads "Robyn S. Maguire". The signature is written in black ink and is positioned above a horizontal line.

Robyn S. Maguire, Chair
September 3, 2020

ATTACHMENT A

**Comprehensive Permit Project Plans
302-304 Whiting Street**

The Project Plans shall include the Comprehensive Permit Application, dated December 10, 2019, as revised, together with the following:

1. Plans entitled, "Proposed Dwellings, 302-304 Whiting Street, Hingham, MA," prepared by James Engineering, Inc., 125 Great Rock Road, Hanover, MA, dated November 24, 2019, revised through June 15, 2020 (8 Sheets; revision of Sheet 5, dated May 28, 2020, received June 30, 2020)
2. Architectural plans entitled "Cape House," prepared by Beau Designs, Bridgewater, MA, dated May 2, 2019
3. Drainage Calculations, prepared by James Engineering, Inc., dated December 22, 2019, with revised HydroCAD calculations, dated February 25, 2020, and revised Operation and Maintenance Plan, dated February 22, 2020
4. All other submittals made by, or on behalf of, the Applicant, including those from James Engineering, Inc.

ATTACHMENT B

Comprehensive Permit Conditions 302-304 Whiting Street (Applicant shall include successors and assigns.)

A. General Conditions

1. This Decision permits the construction, use and occupancy of two single-family dwellings on the Property, which will be divided into two lots, consistent with the Approved Plans. The construction and use of the Property shall be in substantial conformity with the Approved Plans, and there shall be no further subdivision of the Property, change in building typology, or the creation of additional housing units or any other structures or infrastructure, except that which is consistent with the Approved Plans and except as otherwise permitted in this Decision, without further approval of the Board, subject to the provisions of 760 CMR 56.00 et seq.
2. The Applicant shall record this Decision at the Plymouth County Registry of Deeds and provide evidence of said recording to the Zoning Administrator and the Building Commissioner prior to application for a Building Permit.
3. Each condition in this Decision shall, in accordance with its terms and applicable law, be applicable to and binding on the Applicant and the Applicant's successors and assigns, including without limitation, any property owners association comprised of the homeowners or the homeowners jointly and severally, if no association is formed, for as long as the Project and the use of the land do not strictly and fully conform with the requirements of the Hingham Zoning By-Law.
4. The Applicant shall copy the Zoning Administrator and the Building Commissioner on all material correspondence between the Applicant and any federal, state or Town official, board or commission that concerns the conditions set forth in this Decision.
5. The Applicant shall comply with all local rules and regulations of the Town of Hingham and its boards and commissions in effect as of the date of the Application unless expressly waived in Attachment C, which Attachment C is incorporated into this Comprehensive Permit by reference and made a substantive part of these conditions.
6. The Applicant shall provide peer review funds as specified by this Decision. Any surplus funds remaining in a specific peer review fund may be utilized by the Board for other peer review expenses as necessary as determined by the Zoning Administrator. Any excess funds will be returned to the Applicant upon Project completion.

B. General Pre-Construction Conditions

1. Prior to the start of construction, the Applicant shall engage the services of a qualified professional engineer and/or registered architect to provide certification at the completion of work that the Project has been built in accordance with the Approved Plans and prior to the start of construction shall inform the Zoning Administrator of the name, business address, and telephone number of the engineer and/or architect retained. The engineer and/or architect shall perform site inspections at his/her own discretion through the construction process to enable accurate final certification to the Building Commissioner of compliance with this Decision upon Project completion.
2. Prior to the start of construction, the Applicant shall schedule a pre-construction meeting with the Zoning Administrator, Building Commissioner, Conservation Officer, Executive Health Director, and Fire Department representatives, the Board's Consulting Engineer/s, and the Applicant's Project engineer and/or architect, and contractor.
3. Prior to the start of construction, the Applicant shall submit a construction schedule.
4. Prior to the start of construction, the Applicant shall erect construction fencing around the development site.
5. The Applicant shall provide the Zoning Administrator with up to \$1,000 to support consultant review the Project Plans to confirm compliance with the conditions of this Comprehensive Permit, including Condition C.3, and as-built site plans, and such additional peer review funds as may be determined to be necessary by the Zoning Administrator in accordance with Condition A.6.

C. Project-Specific Pre-Construction Conditions (Prior to Application of a Building Permit)

1. Modifications to Project Plans: Prior to the application for a building permit, the Applicant shall submit revised Project Plans to reflect the conditions set forth in this Comprehensive Permit for review by the Board's agents (which shall be the Zoning Administrator and, as deemed necessary by the Zoning Administrator, other qualified town staff (such as the Town's conservation agent) and/or the Board's peer review consultant. The revised Project Plans shall be reviewed solely to ensure that they are consistent with this Comprehensive Permit and applicable federal and state laws and regulations. The Board's agents shall provide written comments to the Applicant requesting revisions, if any, that are required to make the same comply with this Comprehensive Permit and any applicable federal and state codes, or approve such revised Project Plans, in writing within thirty (30) days of submission of same, or else they shall be deemed approved. If revisions are required, then review, suggested revisions, and/or approval shall again take place within fifteen (15) days of submission of the revisions, or else they shall be deemed approved. Such review process shall be repeated until the revised Project Plans are in compliance with the conditions of this Comprehensive Permit. Upon confirmation in writing by the Zoning Administrator that the revised Project Plans are in compliance with

the conditions of this Comprehensive Permit, they shall be deemed to be the "Approved Plans".

- a. The Project Plans shall be modified as follows: Wetland Resource Area Protections:
 - (i) Depict full restoration of the disturbed portion of the existing septic system and single-family dwelling improvements (as opposed to abandon in place), including but not limited to removal of structures, backfill with clean soil, grading, applying loam as needed, and planting a variety of native herbaceous and woody species.
- b. Demolition Plan: A demolition plan shall be included with the revised Project Plans and shall include the following:
 - (i) Removal/protection of existing utilities/drainage infrastructure, as needed;
 - (ii) Tree clearing, as applicable;
 - (iii) Removal of asphalt/sawcutting; and
 - (iv) Removal of structures.
- c. Grading Plans:
 - (i) Cut and Fill Analysis, including the destination of any soil that may need to be removed from the property in order to verify compliance with local earth removal regulations.
- d. Limit of Work:
 - (i) Clear indication of the limit of work to implement the proposed construction and detailed survey data, including spot elevations, due to the proximity of the proposed work to abutting properties.
- e. Utility Plans:
 - (i) Utility plans including individual service locations and showing all pipe inverts, and profiles. The design shall provide adequate separation including consideration of the depth of utilities for repair and maintenance of all utilities, in accordance with utility provider requirements and standard engineering practice. Details of all utility components shall be shown on the plans, including but not limited to: catch basins, utility manholes, utility trench construction, water system components,

wastewater disposal system components, conduit duct banks, etc. Materials used shall be consistent with utility provider requirements.

(ii) Electrical service to be relocated or installed underground to the proposed homes. The Project may not utilize the existing utility pole on the abutting property to the east at 300 Whiting Street for either of the homes in the Project.

(iii) Flow test results and will-serve letter from the Weir River Water System to demonstrate that there is an adequate water supply for fire protection and water supply.

(iv) Fire hydrant in a location approved by the Fire Department and not greater than 800 feet from any dwelling unit in the Project.

f. Lighting Plans:

(i) Details and specifications for proposed building lighting, if any.

(ii) All site lighting shall be DarkSky compliant.

(iii) Color temperature of any outdoor light source shall not exceed 3,500 Kelvin.

(iv) Building-mounted lighting, if any, shall be located at entries; mounted no higher than 8' above finished grade; and downward directed. No floodlights shall be permitted.

g. Detail Plans:

(i) Retaining wall details, prepared by a structural engineer, for each wall in excess of 4' in height.

h. Architectural Plans:

(i) Elevation plans and floor plans consistent with those depicted on the "Cape House" plan set referenced in the Project Plans.

(ii) Building typology shall be consistent with the architectural plans included in Project Plans.

2. Sidewalk Improvements: Submit an Access Permit to MassDOT to construct a sidewalk, with a minimum width of 5', along the Property frontage within the Whiting Street right of way in accordance with standards for MassDOT. Said plan is subject to the approval of MassDOT.

3. Wastewater Disposal: The wastewater disposal system shall be designed in full compliance with Title 5 (310 CMR 15) and all local Board of Health Supplementary Rules

and Regulations for the Disposal of Sanitary Sewage not expressly waived in Attachment C.

4. Approval Not Required Plan: A signed, stamped mylar in recordable form shall be delivered to the Zoning Administrator. The ANR Plan shall be recorded by Applicant (and evidence thereof provided to the Zoning Administrator) prior to issuance of a building permit.

C. Conditions in Effect During Construction

1. A copy of this Comprehensive Permit shall be kept on the work site at all times during construction. The Applicant is responsible for providing a copy to all contractors and subcontractors, for informing them of its requirements, and for ensuring compliance with the conditions.
2. The Applicant shall comply with the State Building Code and any local regulations or fees of the Hingham Building Commissioner. The Applicant shall pay all required fees for all such building and other permits including any fees charged for inspections and permits.
3. The Board's agent(s) may enter onto and view the Site during regular business hours to ensure compliance with the terms of this Decision, subject to applicable safety requirements.
4. The Applicant may display one, unlighted, temporary construction or marketing sign not exceeding 12 square feet at the site entrance, stating appropriate marketing information on the Site, provided it otherwise complies with Section V-B of the Zoning By-Law. The temporary construction and marketing sign shall be displayed for no longer than three years from the date of issuance of a Building Permit, which term shall be renewable at the Board's discretion.
5. During construction, all deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier than 7:00 am and not later than 5:00 pm. Construction operations shall be limited to the hours of 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 4:00 pm on Saturday. After-hours activity shall be limited to interior work within a fully-enclosed building and site cleanup. Except for emergency conditions, no exterior construction work shall be allowed on Sundays. The Building Department shall be notified promptly of any such emergency conditions. Hours of operation may be enforced by the Police Department. Throughout construction, the Applicant shall comply with all local, state, and federal laws in effect as of the date of the Application regarding noise, vibration, dust and blocking of roadways.
6. During the period of construction and marketing, notwithstanding any pre-conditions for the issuance of a certificate of occupancy otherwise set forth herein, the Applicant shall be entitled to designate, construct and operate up to one (1) of the units as a decorated, model units but not to be used as an inhabitable unit.

7. During construction, the Applicant shall be able to locate up to one construction trailer, unless additional trailers are otherwise permitted by the Building Commissioner, on the Property. All construction trailers shall be located within the fenced construction area of the Project. Placement, operation, and maintenance of the construction trailers shall not adversely impact parking, safety, or the surrounding neighborhood. Other conditions of this Decision required to be satisfied prior to issuance of a building permit or certificate of occupancy shall not apply to building permits or certificates of occupancy required for the construction trailers.
8. Portable bathroom facilities, trash containers, and portable generators shall be located within the fenced construction area for the Project, at least 50 feet from the boundary of the Property.
9. During the period of construction, no construction worker vehicles, and no construction equipment (unless in connection with off-site mitigation while such work is underway), shall be parked on any public or private way.
10. During the period of construction, no construction vehicles or construction worker vehicles shall be permitted to idle their vehicles for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.
11. During the period of construction, there shall be no stockpiling of soil or other materials within 100 feet of a wetland resource area. Stockpiles shall be protected with erosion control barriers or other means as necessary. Any soil stockpiles that will remain unworked for greater than 14 days shall be seeded with an annual rye grass or equivalent seed mixture.
12. No construction materials, debris or stumps shall be buried within 100 feet of a wetland resource area.

D. Occupancy-Related Conditions

1. As-Built Plans: Prior to the issuance of certificates of occupancy for the dwelling units within the Project, the Applicant shall submit as-built site and building plans stamped by the appropriate qualified professional with a certification that all site work improvements have been completed in accordance with the Approved Plans.
2. Common Driveway and Utility Easement: Prior to the issuance of occupancy permits within the Project, the Applicant shall finalize the draft Common Driveway and Utility Easement included with the Application and record the document at the Plymouth County Registry of Deeds.
3. Sidewalk Improvements: Prior to the issuance of any certificate of occupancy for the Project, in order to provide safe and efficient vehicular and pedestrian access to and from the Project and to promote public health, safety, and welfare of the residents of the

Project and the public, and to address the Project's projected impacts on transportation and pedestrian infrastructure, the Applicant shall complete the sidewalk improvements in accordance with the Approved Plans.

3. Stormwater Improvements:

a. The Applicant shall submit an Operation & Maintenance (O&M) Compliance Statement prior to application for any Certificate of Occupancy. The O&M Compliance Statement shall identify the party responsible for implementation of the Operation and Maintenance Plan and confirm the following:

(i) The site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas.

(ii) The Operation and Maintenance Plan is being implemented.

(iii) Future responsible parties have been notified by recorded instrument of their continuing legal responsibility to operate and maintain the structures.

E. Post-Construction and Ongoing Conditions

1. The Applicant shall undertake the following measures to maintain sight lines:

a. Ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveway intersection with Whiting Street do not to impede lines of sight. Such features shall be maintained so as to not exceed 2-feet in height as measured from the surface elevation of the Project site driveway.

2. The storm water drainage system shall be operated and maintained by the Applicant in accordance with the Operation and Maintenance Plan included in the Drainage Report, revised through March 2, 2020, prepared by James Engineering, Inc.

3. The Applicant shall remove snow from the site as soon as practicable following large snow events when the site cannot itself accommodate snow storage without a loss of driving aisles.

F. Affordability Conditions

1. In accordance with the Application, both units shall be restricted to households at or below 80% of the area median income, subject to all applicable requirements of Local Initiative Program application endorsed by the Board of Selectmen and Project Eligibility Letter issued by DHCD on September 12, 2018 ("affordable units").

2. Upon submission by the Town to the Applicant of the Supporting Documentation and Justification pursuant to Section III-D of the G.L. C.40B Comprehensive Permit Guidelines,

the Applicant shall prepare an Affirmative Fair Marketing Plan, which includes local preference for review by, and subject to the approval of, the subsidizing agency.

3. The affordable units in the Project shall remain affordable in perpetuity.

ATTACHMENT A

**Comprehensive Permit Waivers
302-304 Whiting Street**

Pursuant to M.G.L. Ch. 40B and regulations adopted pursuant thereto, the Board reviewed the waiver requests from use, dimensional, and other local requirements or regulation, as made by the Applicant.

I. Hingham Zoning Bylaw

Criteria	Requirement	Proposed
Section IV-A Dimensional Requirements		
Lot Area	Residence C: 40,000 SF	Lot 1/304 Whiting St: 15,731 SF Lot 2/302 Whiting St: 25,556.1 SF
Frontage	Residence C: 150'	Lot 1/304 Whiting St: 121.48' Lot 2/302 Whiting St: 30.52'
F.Y. Setback	Residence C: 50'	Lot 1/304 Whiting St: 29.7'
S.Y. Setback	Residence C: 20'	Lot 2/302 Whiting St: 18.5'
Section IV-C General Intensity Provisions		
IV-C 2. Lot Shape	Locate a square with all sides equal to 120' within each lot and touching the frontage	Lot 1/304 Whiting St Lot 2/302 Whiting St

II. Hingham Wetland Regulations and Hingham Wetlands Protection Bylaw

The project's design will be reviewed by the Conservation Commission in accordance with the Mass. Wetlands Protection Act (MGL Ch. 131 s.40) and its Regulations (310 CMR 10.00).

Criteria	Requirement	Proposed
7.4 Notice of Intent	(b) (8) all trees with greater than 6" diameter be identified on the plans	All proposed development to occur outside of existing tree line where there are no trees greater than 6" in diameter. None of the current area forested is within the proposed development area
21.1 Riverfront Area	21.1(d)(4) indicates that the presumed mean annual high water line of a non-tidal river is coincident with the outer (landmost) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river. Such evidence may include hydrological measurements and calculations prepared by a registered professional engineer and/or hydrologist, and/or stream flow stage data from U.S. Geological Survey stream gauges and survey. For non-tidal rivers lacking any Bordering Vegetated Wetland, the inner boundary of the 200- foot Riverfront Area shall be the top of Inland Bank as determined by the first observable break in slope or the mean annual flood level, whichever is lower	Top of bank flagged by mean high watermark by Nova Armstrong. Line is depicted based on the flags. The plan depicts the riverfront areas – inner and outer riparian zones - as defined under state regulations, but only shows the inner riparian zone based on local regulations. Town regulations refer by reference to state regulations, specifically 310 CMR 10.58, which allows redevelopment within previously developed riverfront areas. The proposed work improves the existing conditions in a previously developed area within the riverfront area by removing the existing residential dwelling structure and septic system and restoring the degraded riverfront area within the 100' inner riparian zone and the 100' buffer from the bordering vegetated wetlands located within the project site

III. Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage

The project's design will be reviewed by the Board of Health in accordance with the Mass. DEP Environmental Code Title 5 (310 CMR 15.00).

Criteria	Requirement	Proposed
VI. Design Requirements for	6. No Sewage Disposal System shall be located within 250' of a private potable well	6. Sewage Disposal Systems located within 250' of potable well at 300 Whiting Street, but in

<p>Sewage Disposal Systems and Plants</p>	<p>8. No Sewage Disposal System shall be designed to discharge more than 110 gallons of design flow per day per 12,500 SF in Lot area</p> <p>12.a) Construction of Leaching Fields in clean granular fill only allowed if at least 6 feet of the underlying naturally occurring pervious strata is above the Maximum Groundwater Elevation if the percolation rate of the pervious material is between 2 and 5 minutes per inch</p>	<p>excess of 100' requirement under Title 5 at approx. 125' – 141'</p> <p>8. To allow 330 gallons of design flow on 15,731 SF Lot 1/304 Whiting St and 330 gallons of design flow on 25,556 Lot 2/302 Whiting St consistent with Title 5</p> <p>12.a) Construction proposed in fill with less than 6' of naturally occurring soils above groundwater</p>
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Waivers Not Listed:

By granting the foregoing waivers from local bylaws and regulations, it is the intention of this Comprehensive Permit to permit construction of the Project as shown on the Approved Plans. If it is determined by the Applicant, the Building Commissioner, or the Zoning Administrator that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Approved Plans, the Building Commissioner or the Applicant, as applicable, shall be informed of any additional waiver required and the Applicant may submit a request to the Zoning Administrator to proceed under 760 CMR 56.05(11).