
MEMORANDUM

TO: HINGHAM PLANNING BOARD
FROM: DTM
SUBJECT: **BRISTOL BROS. DEVELOPMENT CORP. – CUSHING STREET
FLEXIBLE RESIDENTIAL DEVELOPMENT**
DATE: MARCH 27, 2023

This memorandum responds to the Board's request that we expand upon the reasons supporting the Applicant's approach to retain/modify the 1965 subdivision right of way, as opposed to a single-lot condominium with no right of way. The simple answer is that the existing right of way provides the required frontage for the lots shown on that plan; including 211 Cushing Street (Lot 1), which is not part of the proposed Flexible Residential Development project (the "Project"). Further information regarding the few remaining waiver requests is provided, as well. The Applicant is able to advance all of the purposes of the Flexible Residential Development under the plan as proposed, without disturbing the long-existing layout of the two-lot subdivision.

The proposed Definitive Plan is best viewed in context with the prior subdivision. In 1965, Gale Engineering Co., Inc. created a subdivision plan, entitled Subdivision Plan of Land in Hingham, Plymouth Co., Mass Surveyed for John Murray," dated April 15, 1965 (note added June 14, 1965) (the "1965 Subdivision Plan") dividing the land off Cushing Street into two (2) lots, Lots 1 and 2, as shown on the 1965 Subdivision Plan. The 1965 Subdivision Plan was endorsed by the Hingham Planning Board, on June 15, 1965. A copy of the Subdivision Plan was recorded at the Plymouth County Registry of Deeds, and is attached hereto as Attachment A.

Lot 1 shown on the 1965 Subdivision Plan (211 Cushing Street) is not part of the proposed Project. Lot 2 is part of the land area of the proposed FRD project, in addition to the property known as 215 Cushing Street.

At the time of the land division, Lot 1 on the 1965 Subdivision Plan (211 Cushing Street) was improved with an existing dwelling, constructed in 1914. At that time, the subject property was located within the Residence A District, and the applicable minimum frontage was 125 linear feet. As shown on the 1965 Subdivision Plan, both Lot 1 and Lot 2 relied upon the subdivision roadway to provide the required frontage; as Lot 1 possesses 111± linear feet of frontage on Cushing Street (less than the 125' required) and 188± linear feet on frontage on the subdivision roadway.

As a portion of the required frontage for Lot 1 (211 Cushing Street) is derived from the subdivision layout, in addition to the lot possessing established rights in the roadway, the Applicant proposes to modify the 1965 Subdivision Plan to retain the two (2) lots (and adding the property known as 215 Cushing Street to Lot 2). The Applicant and the owners of 211 Cushing Street, Mr. and Mrs. Gomez, have worked cooperatively as the Project has developed to

provide access to 211 Cushing and enhance aesthetics. As an example, 211 Cushing Street is located approximately 13' above the grade of Cushing Street and has a steep driveway. As part of the roadway construction, a driveway for 211 Cushing Street along its frontage on the subdivision roadway where the grades match will be installed; thus, enhancing safety, aesthetics, and value to the current and any successor owners.

The Project is proposed as condominium-ownership (on Lot 2). As proposed to be modified, Lot 2 is a 6.8± acre lot with 880± linear feet of frontage (and Lot 1 retains its 188± linear feet on frontage on the subdivision roadway). Consistent with the Special Permit A3, the proposed FRD project includes eight (8) single-family dwellings with lawn and landscape areas, and the preservation of significant open space. The proposed single-family dwellings are comprised of seven (7) new single-family dwellings and the existing single-family dwelling at 215 Cushing Street. Pursuant to Section IV-D (7)(d), the FRD project will include one (1) affordable Moderate Income Housing unit.

The modified subdivision roadway will remain a private way in perpetuity. The layout of the paved portion of the Definitive FRD roadway remains substantially unchanged from that shown on the Preliminary FRD Plan. Section IV-D.6.a provides: “the applicant shall file with the Planning Board an application for a Definitive Plan in accordance with the Rules and Regulations of the Planning Board relative to the submission of a Definitive Plan (Section 3, C). In addition, the applicant shall submit a list of all waivers requested from the Planning Board Rules and Regulations.”

The Purposes of the Flexible Residential Development By-Law include:

- b. To preserve and enhance community character by allowing for greater flexibility, creativity and open space within residential developments;
- d. To facilitate the construction and maintenance of housing, streets, utilities and public service facilities in an economical and efficient manner; and
- e. To minimize the total amount of disturbance on the site.

The Definitive FRD Plan furthers those purposes; the retention and modification of the long-existing layout promotes economics and efficiencies. Moreover, required waivers from the Planning Board Rules and Regulations adopted under the Subdivision Control Law (the “Subdivision Regulations”) are limited, and entirely consistent with the Purposes of the FRD By-Law. Specifically, the Applicant requests the following waivers as part of the proposed Flexible Residential Development:

1. Section 4.B(3), Table 1 – To allow the roadway to be designed in accordance with the requirements of a Limited Residential Street rather than a Minor Street; reduce width from 46' to 40', and reduce centerline radii from 200' to 150'.

The waiver allows for a reduction in excess infrastructure, which supports the purpose of Section IV-D (d) and (e). The proposed Flexible Residential Development is a low density development as designed, with substantial open space and walking paths proposed throughout the site. The roadway is proposed to remain private in perpetuity. This waiver is not inconsistent with the

Subdivision Control Law, and has been granted before for Flexible Residential Development projects.

2. Section 4.B.(4)(b) – To allow a reduction of the dead-end street right-of-way turnaround radius from 65’ and 55’, respectively, to 47.5’ and 46.5’.

This waiver allows for a reduction in excess infrastructure and supports the overall project design, which supports the Purpose of Section IV-D (b), (d) and (e). The proposed Flexible Residential Development is a low density development as designed. The roadway is proposed to remain private in perpetuity. The purpose of Section IV-D is supported by granting this waiver, which is a public benefit, and this waiver is not inconsistent with the Subdivision Control Law.

3. Section 4.C(1) – To allow retention and subsurface discharge of stormwater.

This waiver supports the overall project design, which supports the Purpose of Section IV-D (b), (d) and (e). The purpose of this requirement is that all storm drains and systems are constructed in a manner which will ensure their complete compatibility with the existing town municipal services – i.e., will be compatible after roadway acceptance. The roadway is proposed to remain a private road, and any maintenance and upkeep of the system will be the obligation of, and conducted by, the Condominium Association. The purpose of Section IV-D is supported by granting this waiver, which is a public benefit, and this waiver is not inconsistent with the Subdivision Control Law, and has been granted before for Flexible Residential Development projects.

4. Section 4.E – To allow stormwater management structures on the same lot as the development, subsurface system in place of an open basin, and increase the side slope of open basin from 25% to 33%.

This waiver supports the overall project design, which supports the Purpose of Section IV-D (b), (d) and (e). The purpose of this requirement is to ensure compatibility and maintenance of roadway storm water infrastructure after roadway acceptance. The roadway is proposed to remain a private road, and any maintenance and upkeep of the system will be the obligation of, and conducted by, the Condominium Association. The proposed side slope is consistent with the Massachusetts Stormwater Handbook criteria. Moreover, the waiver allows for more efficiency in a smaller area, and results in the preservation of additional existing trees. The purpose of Section IV-D is supported by granting this waiver, which is a public benefit, and this waiver is not inconsistent with the Subdivision Control Law.

5. Section 5.R1(6) – To allow reduction in catch basin diameter from 5’ to 4’, and varying depths with 4’ sumps in place of a total depth of 8’-6”.

This waiver supports the overall project design, and supports the Purpose of Section IV-D (b), (d) and (e). The proposed catch basins are four foot diameter with a four foot sump, which is MassDOT and industry standard. The roadway is proposed to remain a private road, and any maintenance and upkeep of the system will be the obligation of, and conducted by, the

Condominium Association. The purpose of Section IV-D is supported by granting this waiver, which is a public benefit, and this waiver is not inconsistent with the Subdivision Control Law.

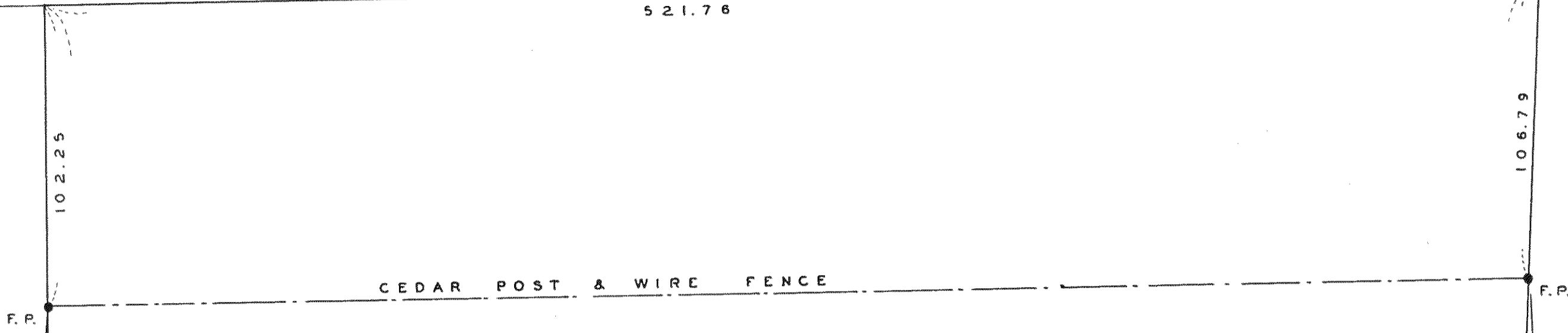
6. Section 5.X3 – To allow a reduction in height of street lights from 25' to 14'.

This waiver supports the overall project design, and supports the Purpose of Section IV-D (b) and (d). The proposed street lights have been provided on the Landscape Plan, prepared by Hawk Design, Inc. The proposed fixtures are identified as LED with a lumen rating of 4,000 and a 14' mounting height. A 14' mounting height provides a lower impact, with excellent safety, and is appropriate for this type of clustered residential development. The roadway is proposed to remain a private road. The purpose of Section IV-D is supported by granting this waiver, which is a public benefit, and this waiver is not inconsistent with the Subdivision Control Law.

Attachment A

RICHARD F. & PHYLLIS S. TONRY
N 03-33-43 W
521.76

JN 247 C



ELIN H. ANDERSON

5 87-40-30 W
-572.87-

LOT 2 6.62 ACRES

NOTE:

MAY 24, 1965

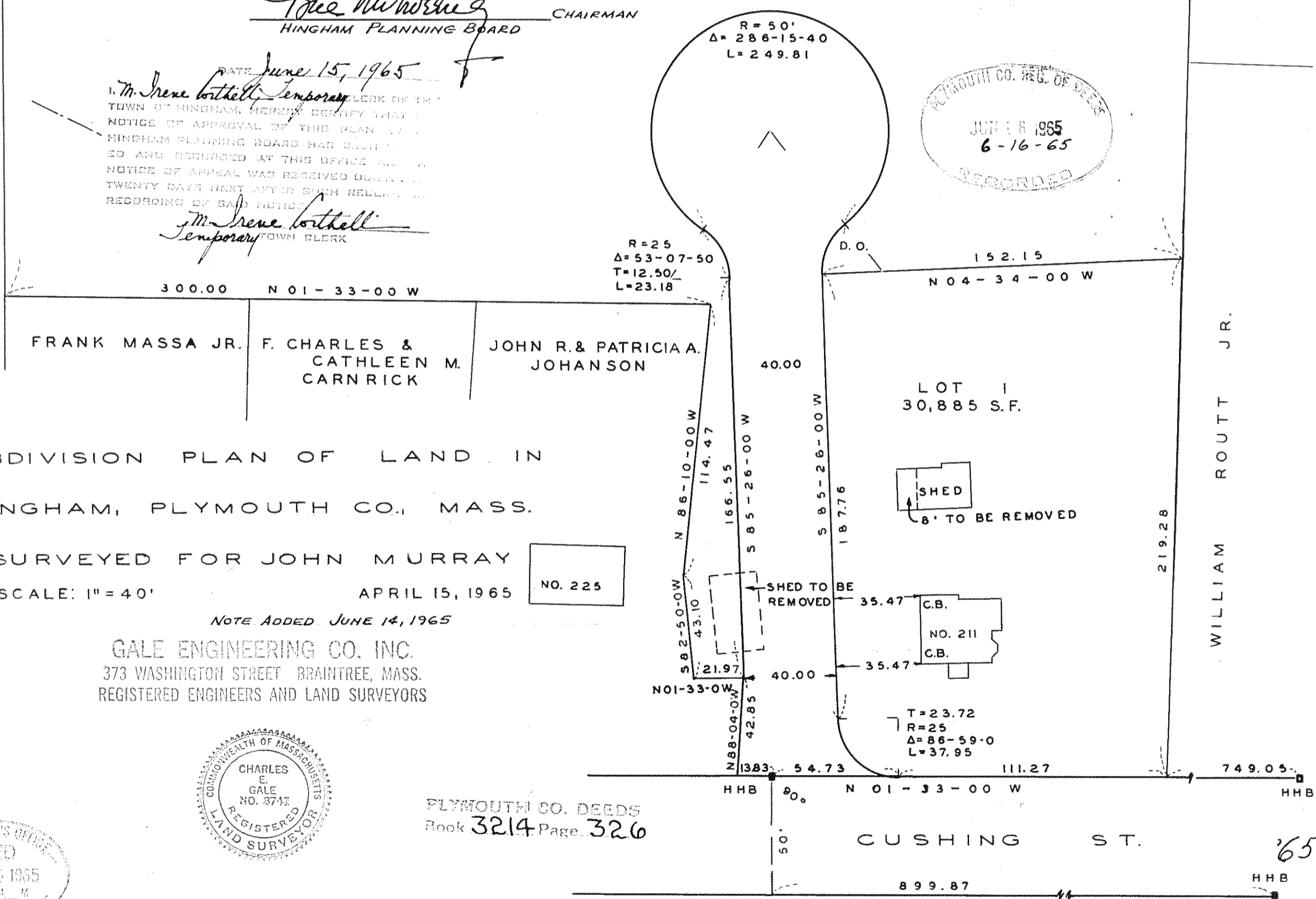
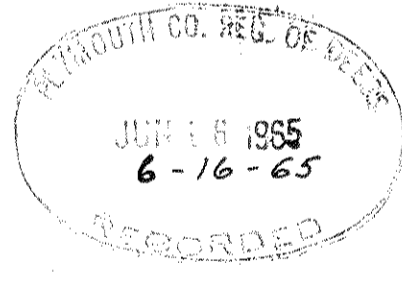
APPROVED

- a) WAIVING CONSTRUCTION OF THE WAY AND THE CORNER RADII, ON THE CONDITION THAT THE WAY NOT BE PUT UP FOR ACCEPTANCE BY THE TOWN UNTIL SUCH TIME THAT IT IS CONSTRUCTED UNDER THE SUB-DIVISION CONTROL RULES AND REGULATIONS IN EFFECT AT THAT TIME;
- b) SUBJECT TO REMOVAL OF TWO BUILDINGS SHOWN ON THE PLAN;
- c) SUBJECT TO THE FOLLOWING CONDITIONS OF THE BOARD OF HEALTH:
 1. AN ADEQUATE WATER SUPPLY BE PROVIDED FOR DWELLINGS LOCATED ON OR BUILT UPON LOTS #1 AND #2.
 2. APPROPRIATE SOIL TESTS BE CONDUCTED ON EACH LOT BEFORE ISSUANCE OF SEWAGE DISPOSAL PERMITS, AS REQUIRED BY ARTICLE XI, SANITARY CODE, COMMONWEALTH OF MASSACHUSETTS.

Gene McWhorter CHAIRMAN
HINGHAM PLANNING BOARD

DATE June 15, 1965
 I, *M. Irene Cortell* temporary TOWN CLERK OF THE TOWN OF HINGHAM, HEREBY CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE HINGHAM PLANNING BOARD HAS BEEN FILED AND RETURNED AT THIS OFFICE AND THAT NOTICE OF APPEAL WAS RECEIVED OVER THE TWENTY DAYS NEXT AFTER SUCH RETURN AND RECORDING OF SAID NOTICE.

M. Irene Cortell temporary TOWN CLERK



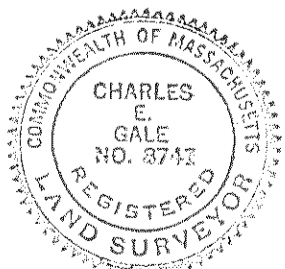
SUBDIVISION PLAN OF LAND IN
HINGHAM, PLYMOUTH CO., MASS.

SURVEYED FOR JOHN MURRAY
SCALE: 1"=40' APRIL 15, 1965

NO. 225

NOTE ADDED JUNE 14, 1965

GALE ENGINEERING CO. INC.
373 WASHINGTON STREET BRAintree, MASS.
REGISTERED ENGINEERS AND LAND SURVEYORS



PLYMOUTH CO. DEEDS
Book 3214 Page 326



NORMAN R. & MARGARET M. LE CLAIR

- 571.76 -

5 89-58-20 W

WILLIAM ROUTT JR.

219.28

HHB 80° N 01-33-00 W HHB 749.05'

CUSHING ST.

899.87

HHB

65-473

JN 247 C