

TOWN OF HINGHAM

OFFICE OF TOWN CLERK



RE: Viking Lane, LLC and Red Castle LLC
c/o River Stone, LLC,
Brian Murphy, Manager
293 Washington Street
Norwell, MA 02061

Property: Off Ward Street (Map 124, Lots 70-75 and 26)
Hingham, MA 02043

I, Carol M. Falvey, Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Board of Appeals filed with this office on December 10, 2025.

This is to certify that after appeal of the decision of the Zoning of Board of Appeals filed with this office on August 6, 2018, the appeal has reached final resolution pursuant to Housing Appeals Committee (Case No. 2016-5), Land Court (Docket # 22PS000551), Appeals Court (Docket # 2024-P-0828), and Supreme Judicial Court (Docket # FAR-30580).

Witness my hand and the seal of the Town of Hingham, this 11th day of December, 2025.

Attest:

Carol M. Falvey

Hingham Town Clerk





TOWN OF HINGHAM
Board of Appeals

RECEIVED

DEC 10 2025

Town Clerk
Hingham, MA

COMPREHENSIVE PERMIT

IN THE MATTER OF:

Applicant: River Stone, LLC
Brian Murphy, Manager
293 Washington Street
Norwell, MA 02061

Owner: Viking Lane LLC & Red Castle LLC

Property: Off Ward Street (Map 124, Lots 70-75 and 26)

Deed Reference: Plymouth County Registry of Deeds, Book 42466, Page 122
and Book 45511, Page 300

This Comprehensive Permit is issued pursuant to and is intended to comply with the order of the Housing Appeals Committee (“HAC”) in Section VII of its decision in the matter of River Stone, LLC v. Hingham Zoning Board of Appeals, No. 2016-05, issued September 23, 2022 (the “HAC Decision”).

SUMMARY OF PROCEEDINGS:

This matter came before the Zoning Board of Appeals (the “Board”) on the application of River Stone, LLC (the “Applicant”) for a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended (“Chapter 40B”). The Applicant’s application, as modified (the “Comprehensive Permit Application” or the “Application”), requests the construction of a 32-unit condominium development, including 8 units qualifying as Low or Moderate Income Housing, to be called “River Stone” (the “Project”), on approximately 6.7 acres of land located off Ward Street (the “Property”). The Application included a letter, dated March 16, 2016, from the Massachusetts Housing Finance Agency (“MassHousing”), acting as Subsidizing Agency, granting the Applicant Project Eligibility/Site Approval (the “Project Eligibility Letter”) for the proposed project.

The Board voted unanimously on July 31, 2018, to issue a Comprehensive Permit for the Project subject to certain waivers and conditions (the “Original Permit”). The Applicant appealed the Original Permit to the HAC, which appeal resulted in the issuance of the HAC Decision.

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The HAC Decision directed the Board to issue a comprehensive permit that conforms to the HAC Decision. The HAC Decision was timely appealed by the Board thereby staying the decision. Final resolution of the Board's appeal occurred with the issuance on November 14, 2025, by the Massachusetts Supreme Judicial Court of a Notice of Denial of Application For Further Appellate Review (Docket No. FAR-30580).

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

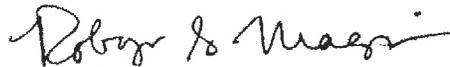
The term "Approved Plans" as used in this Comprehensive Permit shall mean the Project Plans (as defined in **Schedule 2**, as the same shall be revised in accordance with the Conditions set forth in **Schedule 2**.

DECISION:

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously as follows:

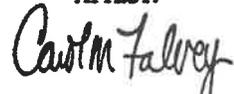
To grant a Comprehensive Permit for the Project shown on the Project Plans described in **Schedule 1**, subject to the Comprehensive Permit Conditions as described in **Schedule 2**, and to grant certain Comprehensive Permit Waivers and to deny certain Comprehensive Permit waivers, respectively, as expressly set forth in **Schedule 2**, which Schedules are expressly incorporated into this vote by reference and are each deemed by the Board to be an integral part of this Comprehensive Permit.

For the Zoning Board of Appeals,



Robyn Maguire, Chair
December 8, 2025

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SCHEDULE 1

**Comprehensive Permit Project Plans
River Stone, Off Ward Street**

1. Plans entitled, "Comprehensive Permit Application Plan known as River Stone of Hingham, MA," prepared by McKenzie Engineering Group, dated October 7, 2015, revised through December 19, 2018 (21 Sheets)
2. Architectural plans entitled "Riverstone Condominiums, Ward Street, Hingham, MA," prepared by Axiom Architects, dated October 6, 2015, including Typical Floor Plans (A1 Drawings, consisting of 3 Sheets), Typical Building Elevations (A2 Drawing), and Building Sections (A5 Drawing)
3. Preliminary Hydrologic Analysis, prepared by McKenzie Engineering Group, dated January 8, 2018, revised through December 19, 2018
4. Proposed Soil Absorption System Sizing, prepared by McKenzie Engineering Group, dated January 23, 2018
5. Proposed Soil Absorption System Vehicle Loading, prepared by McKenzie Engineering Group, dated April 25, 2018, together with a Technical Bulletin from JM Eagle, dated January 2009

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Caitlin Falvey
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SCHEDULE 2

**Comprehensive Permit Conditions
River Stone, Off Ward Street
(Applicant shall include successors and assigns.)**

HAC DECISION, SECTION VII:

A. Stipulated Conditions

Except as modified by the HAC Decision, the parties' stipulated conditions are attached hereto as **Exhibit A** and incorporated herein.

B. Committee's Conditions

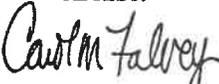
1. Any specific reference made in the Original Permit to the "Board's Decision," "this Decision" or "this comprehensive permit" shall mean the comprehensive permit as modified by the HAC Decision. Any references to the submission of materials to the Board, the building commissioner, or other municipal officials or offices for their review or approval shall mean submission to the appropriate municipal official with relevant expertise to determine whether the submission is consistent with the final comprehensive permit, such determination not to be unreasonably withheld. Such official may consult with other officials or offices with relevant expertise as they deem necessary or appropriate. In addition, such review shall be made in a reasonably expeditious manner, consistent with the timing for review of comparable submissions for unsubsidized projects. *See 760 CMR 56.07(6).*

2. The amended comprehensive permit shall conform to the application submitted to the Board, and the Board's original decision, as modified by the HAC Decision.

3. The comprehensive permit shall also be subject to the following conditions:

- a. The Development, consisting of 32 total units, including 8 affordable units, shall be constructed as shown on the site plans set out in and prepared by McKenzie Engineering Group, Inc., revised through December 19, 2018 (Exhibit 2), and shall be subject to those conditions and requirements imposed in the Original Permit filed with the Hingham Town Clerk on August 6, 2018 (Exhibit 1), as modified by the HAC Decision. [The stipulated conditions, as modified by the HAC Decision, are attached as **Exhibit A.**]
- b. The Board shall not include new, additional conditions.
- c. The Original Permit is modified to provide that the developer is required to comply with all applicable non-waived local requirements and regulations in effect on the date of River Stone's submission of its comprehensive permit application to the Board, consistent with the HAC Decision pursuant to 760 CMR 56.02: *Local Requirements and Regulations*. [The local requirements and regulations that have been waived by the Board, as affected by the HAC

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Decision, are set forth in the chart attached hereto as Exhibit B and incorporated herein.

- d. The developer shall submit final construction plans for all buildings, roadways, stormwater management systems, and other infrastructure to Hingham town entities, staff or officials for final comprehensive permit review and approval pursuant to 760 CMR 56.05(10)(b).
- e. All Hingham town staff, officials and boards shall promptly take whatever steps are necessary to permit construction of the proposed housing in conformity with the standard permitting practices applied to unsubsidized housing in Hingham.

4. Upon final resolution of the appeal of the HAC Decision, the Board has timely issued this Comprehensive Permit in conformance with the HAC Decision. The HAC Decision provided as follows: Should the Board fail to carry out this order within thirty days, then, pursuant to G.L. c. 40B, § 23 and 760 CMR 56.07(6)(a), this decision shall for all purposes be deemed the action of the Board.

5. Because the Housing Appeals Committee has resolved only those issues placed before it by the parties, the comprehensive permit shall be subject to the following further conditions:

- a) Construction in all particulars shall be in accordance with all applicable local zoning and other bylaws, regulations and other local requirements in effect on the date of River Stone's submission of its comprehensive permit application to the Board, except those waived by the HAC Decision.
- b) The subsidizing agency may impose additional requirements for site and building design so long as they do not result in less protection of local concerns than provided in the original design or by conditions imposed by the Board or the HAC Decision.
- c) If anything in the HAC Decision should seem to permit the construction or operation of housing in accordance with standards less safe than the applicable building and site plan requirements of the subsidizing agency, the standards of such agency shall control.
- d) No construction shall commence until detailed construction plans and specifications have been reviewed and have received final approval from the subsidizing agency, until such agency has granted or approved construction financing, and until subsidy funding for the project has been committed.
- e) The Board and all other Hingham town staff, officials and boards shall take whatever steps are necessary to ensure that a building permit and other permits are issued to River Stone, without undue delay, upon presentation of construction plans, pursuant to 760 CMR 56.05(10)(b), that conform to the comprehensive permit and the Massachusetts Uniform Building Code.

- f) Construction and marketing in all particulars shall be in accordance with all presently applicable state and federal requirements, including without limitation, fair housing requirements.
- g) This comprehensive permit is subject to the cost certification requirements of 760 CMR 56.00 and DHCD guidelines issued pursuant thereto.

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**EXHIBIT A
STIPULATED CONDITIONS
AS MODIFIED BY THE HAC DECISION**

“Project Plans” shall mean the plans entitled, "Comprehensive Permit Application Plan known as River Stone of Hingham, MA," prepared by McKenzie Engineering Group, dated October 7, 2015, revised thorough December 19, 2018 (the “Project Plans”) subject to the Comprehensive Permit Conditions as described in Attachment B below, and certain Comprehensive Permit Waivers as expressly set forth in Attachment C

A. General Conditions

1. This Comprehensive Permit permits the construction, use and occupancy of a multifamily for-sale housing development on the Property 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 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, otherwise permitted in this Comprehensive Permit, or without further approval of the Board under 760 CMR 56.00 et seq. The term “Approved Plans” shall mean the Project Plans, as the same shall be revised in accordance with the Conditions set forth in Attachment B.
2. The Applicant shall record this Comprehensive Permit 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 Comprehensive Permit 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 unit owners, or the unit owners jointly and severally if no association is formed, for as long as the Project and the use of the land does 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 Comprehensive Permit.
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 and only to the extent expressly waived in Attachment C or addressed in these conditions, which Attachment C is incorporated into this Comprehensive Permit by reference and made a substantive part of these conditions.
6. Subject to Condition B.6, the Applicant shall provide peer review funds as specified by this Comprehensive Permit. 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.

7. The grant of this Comprehensive Permit shall not be construed as a determination by the Board as to the private party rights of any party, including the Applicant, with respect to the private property that may be affected by the proposed Project. Nor shall any provision of this permit shall be construed to authorize the Applicant to engage in any activity that would interfere with the private property rights of abutters.

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 Comprehensive Permit upon Project completion.
2. Prior to the start of construction, the Applicant shall schedule a pre-construction meeting, including a site walk, and use reasonable efforts to include the Zoning Administrator, Building Commissioner, Conservation Officer, Executive Health Director, DPW Director, Town Engineer, Hingham Police Department 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 the proposed transportation route for construction vehicles and material deliveries. Construction vehicles and delivery trucks shall be prohibited from traveling on Autumn Circle. Construction vehicles and delivery trucks shall be allowed to enter onto Viking Lane from, or exit from Viking Lane to, Ward Street subject to reasonable safety measures for access and egress are approved by the Hingham Police Department. Said measures shall be included in all contracts for construction activities associated with the Project. Material suppliers shall be directed to use the Ward Street access to the Project.
4. Prior to the start of construction, the Applicant shall submit a construction schedule.
5. Prior to the start of construction, the Applicant shall erect construction fencing along property lines adjacent to the area of construction and along the area of construction near the bordering vegetated wetland as approved by Conservation Commission.
6. If municipal officials engage outside consultants for review of plans and documents, fees will be charged to the Applicant only if in compliance with municipal bylaws and regulations. [Modified by HAC Decision at p. 11]
7. The Applicant shall provide the Zoning Administrator with a one-time payment of up to \$8,000 to support construction inspections of the Project infrastructure improvements,

including but not limited to installation of staked limits of work and erosion controls; clearing, grubbing and sub-grade; drainage; roadway fill and foundation; and a final inspection. The Zoning Administrator shall not request Applicant funds for reviews and inspections that can reasonably be conducted by municipal staff.

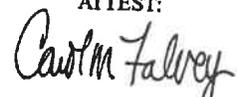
C. Project-Specific Pre-Construction Conditions (Prior to Application of a Building Permit)

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 consultants. The revised Project Plans shall be reviewed solely to ensure that they are consistent with this Comprehensive Permit, except as this Comprehensive Permit may be modified according to 760 CMR 56.05(11), and with 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 twenty (20) 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 five (5) business 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, except as this Comprehensive Permit may be modified according to 760 CMR 56.05(11), they shall be deemed to be the "Approved Plans".

The Project Plans shall be modified and/or supplemented as follows:

- a. Deleted [HAC Decision at p.31]
- b. Wetland Resource Area Protections:
 - (i) The location of the potential vernal pool habitat identified by the Board's peer review wetland scientist, located entirely within the bordering vegetated wetland, shall be delineated on the Project Plans.
 - (ii) Deleted. [HAC Decision at p.50, Section VII.A]
 - (iii) Deleted. [HAC Decision at p. 37]
 - (iv) Deleted. [HAC Decision at p. 37]
 - (v) The Applicant shall submit a Spill Prevention, Control and Countermeasure Plan documenting the procedures to be implemented during construction to prevent and address spills of hazardous materials within the Property in connection with the Applicant's SWPPP and Construction Phase Pollution Prevention and Erosion and

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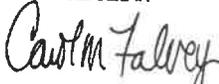
Sedimentation Control Plan (Best Management Practices Operation and Maintenance Plan).

c. Internal Roadway, Pedestrian, and Parking Improvements:

- (i) Deleted. [HAC Decision p.48]
- (ii) All internal roadways shall include a sidewalk along at least one side, except in the area in front of Unit 19 and 20 as shown on the Project Plans.
- (iii) All sidewalks and pedestrian routes required in this Comprehensive Permit shall comply with applicable requirements of the state Architectural Access Board (AAB) and federal Americans with Disabilities Act (ADA) regulations.
- (iv) Vertical granite curbing shall be installed along the edge of the internal roadways adjacent to sidewalks.
- (v) A fire truck turning analysis shall confirm that no portion of the fire truck design vehicle crosses the sidewalk area or extends into individual driveways in order to circulate the internal roadways.
- (vi) Driveways to individual units shall be a minimum of 21-feet long measured between the garage door and the far edge of the sidewalk (edge closest to dwelling unit) where a sidewalk is provided, and 23-feet measured between the garage door and the edge of the traveled-way in locations without a sidewalk.
- (vii) Sight Distance Requirements applicable to the primary access from Ward Street (Road C) and not to the Viking Lane access used for emergency access only:
 - (1) The object height and the driver eye height shall both be set at 3.5-feet above the pavement surface. This revision will increase the line of sight that is shown and reduce the extent of the regrading that is required.
 - (2) The stopping sight distance along Ward Street approaching "Road C" and along "Road C" approaching "Road D" shall be provided in both plan and profile view. The stopping sight distance is required in order to demonstrate that a motorist traveling along Ward Street and "Road C" (assumed eye height of 3.5-feet above the pavement surface) can see an object (established as 2-feet above the pavement surface) in the roadway at the intersections. A grade correction factor shall be applied to the calculated stopping sight distance requirements for "Road C" approaching "Road D" based on an 8 percent grade along "Road C".
- (viii) Fire Department access into and out of the Property shall comply with all provisions of 527 CMR 1.00 2015 Ed.

d. Demolition Plan: A demolition plan shall be included with the revised Project Plans and shall include the following:

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- (i) Removal/protection of existing utilities/drainage infrastructure;
 - (ii) Tree clearing;
 - (iii) Removal of asphalt/sawcutting; and
 - (iv) Removal of structures.
- e. 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.
 - (ii) Deleted. [HAC Decision p. 34]
 - (iii) Deleted. [HAC Decision p. 34]
- f. Limit of Work:
- Due to the proximity of the proposed work to abutting properties and onsite wetland resource areas, a clear indication of the limit of work for the proposed construction and the location of construction fencing.
- g. Utility Plans:
- (i) Utility plans including individual service locations and showing all pipe inverts, pump calculations, 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) Flow test results and will-serve letter from Weir River Water System to demonstrate that there is an adequate water supply for fire protection and domestic water supply.
 - (iii) Fire hydrants in a number and location approved by the Fire Department and not greater than 800 feet from any dwelling unit in the Project.
- h. Stormwater:
- (i) The Applicant shall perform one test pit/soil evaluation witnessed by an appropriate agent of the Town or its designee at the site of each proposed infiltration system to verify soil textural analysis and depth to seasonal high ground water prior to

submission of revised Project Plans in accordance with the Massachusetts Stormwater Management Standards and the Massachusetts Stormwater Handbook.

- (ii) The Applicant shall submit a final storm water management plan and supporting calculations that document compliance with the DEP Storm Water Management Performance Standards. The plan shall include, but not be limited to, spot grades, limits of various soil components, infrastructure specifications and a construction period and post construction stormwater system Operation and Maintenance Plan.
- (iii) The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) consistent with National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit for review at least one month prior to submission of a Building Permit application.
- (iv) Flared end sections shall be reinforced concrete. Plastic (HDPE) flared end sections are not allowed.
- (v) Deleted. [HAC Decision at p.50, Section VII.A]

i. Lighting Plans:

- (i) Photometric plan, with values not exceeding 0 candle foot overspill at any property line.
- (ii) Details and specifications for proposed light post and building lighting, if any.
- (iii) All site lighting shall be DarkSky compliant.
- (iv) Deleted. [HAC Decision at p.50, Section VII.A]
- (v) Building-mounted lighting, if any, shall be located at entries; mounted no higher than 8' above first-floor level, and downward directed. No floodlights shall be permitted.

j. Landscaping Plans:

- (i) Detailed landscape plan, including materials list specifying planting size and species, including a minimum of one roadway tree, not less than 12' in height, per unit on each side of the internal roadways. A minimum of four (4) roadway trees shall additionally be planted along the Project's southerly Ward Street frontage. Roadway trees shall not be less than twelve feet in height. The Applicant may choose to comply with a list of recommended trees proposed by the Zoning Administrator.
- (ii) A minimum 10' buffer area planted with a mix of evergreen and deciduous trees and shrubs to present a reasonably opaque, natural barrier to a height of 10' shall be planted between the rear of the units in the Project and all side and rear property

lines. No fence greater than 4' in height shall be located within the front yard along Ward Street.

(iii) Dedicated play area for children residing in the Project as depicted on the Project Plans as Prop. Recreational Open Space; Prop. Lawn Area.

k. Detail Plans:

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

(ii) Detail or specification sheet for the proposed 6' High Vinyl Privacy Fence shown on the Preliminary Landscaping Plan.

(iii) Deleted. [HAC Decision at p.50, Section VII.A]

l. Architectural Plans:

(i) Elevation plans consistent with those depicted on the "Typical Building Elevations" referenced in the Project Plans.

(ii) Building typology shall be consistent with the architectural plans included in Project Plans, with a mix of single-family, two-family, three-family, and four-family dwelling units. Buildings shall not exceed more than four attached, townhouse-style dwelling units.

2. Potential Vernal Pool Studies: In connection with River Stone's approval under the Wetland Protections Act, the Applicant shall provide a narrative describing how the Bordering Vegetated Wetland identified in the Project Plans and confined depression within the western lobe of such Bordering Vegetated Wetland, identified as a potential vernal pool, will not be altered or disturbed and protected against adverse impacts associated with the proposed Project.

3. Secondary Access and Related Improvements: In order to both accommodate safe vehicular and pedestrian travel for residents, visitors and abutters, and public safety responders, the Applicant shall provide two means of access to the Project.

The Project Plans propose to create primary access from the Property's southerly frontage on Ward Street. The secondary access shall be through Viking Lane for emergency use only.

4. High Street/French Street/Ward Street Improvements: In an effort to mitigate Project-related impacts on the intersection of High Street/French Street/Ward Street, the Applicant has agreed to conduct a Road Safety Audit (RSA) in order to identify corrective measures that can be undertaken at the intersection to improve safety.

a. Prior to application for a Building Permit, the Applicant shall facilitate and fund the completion of the RSA to identify both short and long-term measures to improve safety

at the intersection. The RSA shall be conducted by an independent consultant retained by the Applicant with experience in preparing RSAs, and the RSA shall follow the *MassDOT Road Safety Audit Guidelines*.

- b. Copies of the RSA shall be provided to the Zoning Administrator, Department of Public Works, Town Engineer, and Police Department.
 - c. Deleted. [HAC Decision at p.50, Section VII.A]
5. Wastewater Disposal: Deleted [HAC Decision at p. 46], however, in footnote 31 of the HAC Decision, the HAC stated:

The risk of adverse health impacts from excessive nitrogen loading is a local concern that Hingham has addressed over a long term and one to which we applied particular care in balancing the potential health impacts against the need for affordable housing. The record before us leads to the finding we have made here. Nevertheless, we believe it is important to state that even though we are not mandating mitigation by the developer, we do recommend that it consider and implement some mitigation measures that could benefit neighboring properties with wells and minimize the chances of controversy in the future. In particular, we recommend that River Stone take either of the following actions: (1) install an advanced nitrogen treatment facility as part of its on-site wastewater disposal system; or (2)(A) arrange and pay for annual testing of the neighboring wells for nitrogen contamination (if allowed by the respective property owner) for a period of five years from the start of occupancy of the development and provide the results of such testing to the Hingham Board of Health; and (B) if the results of testing show dangerous levels of nitrate, River Stone offer mitigation to the property owner of the potentially affected well in the form of paying the cost of connecting the property to the municipal water system.

D. 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 Comprehensive Permit, subject to applicable safety requirements.
- 4. The Applicant may display one, unlighted, temporary construction or marketing sign not exceeding 12 square feet at the primary site entrance on Ward Street, stating appropriate marketing information on the site, provided it otherwise complies with Section V-B of the

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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. 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 6:00 pm. As provided in Condition B.3, no construction vehicles or deliveries of construction materials shall be permitted to access or exit the Project site by way of Autumn Circle, except as specifically required by the conditions of this Comprehensive Permit. Construction operations shall be limited to the hours of 7:00 am to 7:00 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 bylaws for which waivers were not requested, and state and federal laws, in effect as of the date of the Application and with reasonably typical standards 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 one (1) of the units as a decorated, model unit, but not to be used as a habitable unit.
7. The Applicant may locate up to two construction trailers on the Property, unless additional trailers are otherwise permitted by the Building Commissioner. 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. 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 outside of the Project site.
10. 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. The Applicant shall implement the Construction Period Pollution Prevention Plan & Erosion Control Plan until the site is fully stabilized and the temporary erosion and sedimentation controls are removed.

12. Pavement areas (including Ward Street) within the 100-foot buffer zone shall be swept daily at a minimum and more frequently as necessary to prevent tracking of soil into wetland resource areas and/or stormwater management facilities.
13. 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.
14. No construction materials, debris or stumps shall be buried within 100 feet of a wetland resource area.
15. As the Applicant has requested and the Board has granted a waiver of Section VI.22 of the Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage, prior to commencement of any site work, the Applicant shall, in order to protect the soil from compaction, install flags or tape around the entire area where the soil absorption system is to be constructed and shall maintain such flags or tape until the soil absorption system is fully constructed.
16. Applicant shall have authority to make minor changes in the Approved Plans consistent the procedures set forth in 760 CMR 56.00, including 760 CMR 56.05(11).

E. Occupancy-Related Conditions

1. As-Built Plans: Within thirty (30) days of completion of construction, 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. Traffic 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 traffic improvements in accordance with the Approved Plans and as described below:
 - a. **Internal Roadway Improvements**: In order to accommodate safe vehicular and pedestrian travel for residents, visitors and public safety responders, the Applicant shall design and construct the following improvements in accordance with the Approved Plans:
 - (i) Deleted. [HAC at p. 49]
 - (ii) Deleted. [HAC Decision at p.50, Section VII.A]
 - (iii) Given the extent of the regrading activities that will be required to provide the necessary sight lines from both "Road C" and "Road D", the Applicant shall submit an affidavit from a Professional Engineer certifying that the required minimum

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sight lines are met at the Project site roadway intersections after the completion of the improvements.

b. Deleted. [HAC Decision at p.50, Section VII.A]

3. Stormwater Improvements:

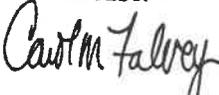
The Applicant shall submit an Operation & Maintenance (O&M) Compliance Statement prior to application for any Certificate of Occupancy. The O&M Compliance Statement shall identify the party responsible for implementation of the Operation and Maintenance Plan and confirm the following:

- (i) The site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas.
- (ii) All aspects of the stormwater DEP Best Management Practices have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Stormwater Management Standards.
- (iii) The Operation and Maintenance Plan is being implemented.
- (iv) Future responsible parties have been notified by recorded instrument of their continuing legal responsibility to operate and maintain the structures.

F. 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 Ward Street and Road C do not impede lines of sight. Such features shall be maintained so as to not exceed 2.5-feet in height as measured from the surface elevation of the Project site driveway. A recorded easement shall be secured by the Applicant to limit features greater than 2.5-feet in height within any portion of the sight triangle area that crosses private property.
 - b. Promptly remove snow windrows located within the sight triangle areas of the Project driveway intersection with Ward Street and at intersections within the Project that exceed 3.5-feet in height or that would otherwise inhibit sight lines.
2. Parking outside of designated areas within the Project shall be prohibited and no obstructions, including but not limited to parked vehicles, shall affect any portion of the minimum width for any Fire Department Access Roads in order to ensure that sufficient maneuvering areas are afforded for public safety vehicles.
3. A vertical clearance of 13.6 feet shall be maintained along Fire Department Access Roads.

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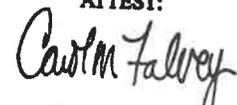

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4. The storm water drainage system shall be operated and maintained by the Applicant in accordance with the Operation and Maintenance Plan submitted under Condition C.1.h(ii).
5. The Applicant shall remove snow from the site as soon as practicable following large snow events when the site cannot itself accommodate snow storage without a loss of driving aisles. No snow shall be removed from the Project onto any adjoining properties, including Autumn Circle or Ward Street.

G. Affordability Conditions

1. The Project shall provide no fewer than twenty-five percent of the units to households at or below 80% of the area median income, subject to all applicable requirements of the subsidizing agency for the Project (“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.
4. The Applicant shall make provisions for a monitoring agent to assume the functions specified in the Regulatory Agreement following expiration of the Subsidizing Agency’s monitoring role. The recordable form of these provisions shall be submitted to the Zoning Administrator for review prior to application for a building permit.

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EXHIBIT B

**Requested Waivers from Local Requirements and Regulations
River Stone, Off Ward Street**

Pursuant to Chapter 40B, the Board reviewed the following waiver requests from Local Requirements and Regulations, as made by the Applicant, and acted as follows. The following actions of the Board to grant, grant in part, or deny in whole or in part the requested waivers are an integral part of this Comprehensive Permit shall be taken together, and have the same force and effect, as the Conditions adopted by the Board pursuant to its vote to grant this Comprehensive Permit:

i. Hingham Zoning Bylaw

Criteria	Requirement	Proposed	Board Action
Table of Use Regulations (Section III-A, 1.4-1.7) Multi-Unit Development	Prohibited Use in Residence B	Multi-Unit Dwellings	Granted
Section I-I Site Plan Review Multi-Unit Development	Site Plan Review by Planning Board Subsections: 2. Procedures 3. Pre-Application Submittal 4. Submittal Requirements (Items c., d., g., h., i., j.) 6. Review Standards and Approval 7. Lapse	Plan review by Zoning Board of Appeals consistent with M.G.L. 40B and regulations thereunder.	#2 Denied as not required #3 Denied as not required #4 (Items c. & d. – Denied as the application complies; Items g., h. & i. – Denied; Item j. – Waived as to other local boards, but denied as to the Board) #6 Waived to the extent inconsistent with 40B regulations #7 Waived
Section IV-A Dimensional Requirements			
F.Y. Setback	Residence B: 35 (ft.)	Less than 35 ft. setback.	Granted to the extent shown on Project Plans [HAC p. 31]

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Criteria	Requirement	Proposed	Board Action
S.Y. Setback	Residence B: 20 (ft.)	Less than 20 ft. setback and less than 10 ft. for other structures.	Granted to the extent shown on Project Plans [HAC pp. 31 & 34]
R.Y. Setback	Residence B: 20 (ft.)	Less than 20 ft. setback and less than 10 ft. for other structures, including mechanized or motorized equipment that is placed or installed at a fixed location on the ground or at a fixed location on a pad, platform or foundation that itself is on the ground which equipment is used to ventilate, heat or cool a building or structure.	Granted to the extent shown on the Project Plans [HAC p. 31]
Section IV-B Special Requirements to Schedule of Dimensional Requirements			
IV-B.6.	Site Plan Review by Planning Board under Section I-I	Plan review by Zoning Board of Appeals consistent with M.G.L. 40B and regulations thereunder.	Denied as not required because the Board is acting as the Planning Board and the Applicant has agreed of record that this waiver is not required.
IV-B.9. Front yard Setback	Setback average of buildings or structures in adjacent lots	As shown on the Project Plans	Granted [HAC p. 29 & p. 31]
IV-C.5. Density	No more than 1 dwelling per lot	32 dwellings per lot	Waiver is granted as to the number of units that will be shown on the final Project Plans after compliance with all Conditions, but in no event more than 32 units.

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Criteria	Requirement	Proposed	Board Action
Section IV-E Residential Multi-Unit Development			
IV-E.1.c. Min. Distance between Structures	35 ft.	Less than 35 ft.	Pursuant to c. 40B regulations (760 CMR 56.05(7)) no waivers are required from special permits requirements of the Zoning By-Law.
IV-E.1.f. Side or Rear yard buffer	There shall be provided a landscaped side or rear yard buffer area of at least 50 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planned or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural buffer to a height of ten feet.	Distance less than 50 ft.	
IV-E.1.g. Recreational Area	There shall be set aside, suitable prepared, protected and equipped for organized recreational activities, site areas equal to 300 SF per dwelling unit, which are not to be included in the buffer area.	Waiver requested allowing less than 300 square ft. per dwelling unit for organized, recreational activities.	
IV-E.1.j. Sanitary sewer	Must be connected to sanitary sewer system	On-site sewage disposal system	
IV-E.1.i. No space below ground level for dwelling purposes	No space below ground level for dwelling purposes	Finished Basement (optional)	

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Criteria	Requirement	Proposed	Board Action
<p>IV-E.1.m. Street and parking lot grading, surfacing shall comply with the the Subdivision Rules & Regulations</p>	<p>Hingham Planning Board Rules & Regulations - Section 5 – Specifications for Construction of Required Improvements L1. Drainage and Stormwater Management (4) Min. 2-1/2 feet of cover (5) Gutter mouth stone shall be used with two transitional sections of curb (9) Concrete or masonry headwall M1 Culvert Piping (1) Reinforced concrete (2) winged headwall of reinforced concrete L2 Gravel Material for Backfill or Road Base (7) 24" total depth (8) 12" total depth J3 Roadway Foundation (1) 24" gravel base N3 Driveway Installations (Pavement) (1) within 60' of intersection (2) 12" gravel base</p>	<p>Min. 1-1/2 feet of cover No gutter mouth stone Flared end section HDPE pipe Flared end section 12" 8" 12" 26' 8"</p>	<p>Pursuant to c. 40B regulations (760 CMR 56.05(7)) no waivers are required from special permits requirements of the Zoning By-Law .</p>

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Criteria	Requirement	Proposed	Board Action
IV-E.1.m. Street and parking lot grading, surfacing shall comply with the the Subdivision Rules & Regulations	O3 Sidewalks 5 feet wide Min. 5' wide travel way 27" excavation P3 Paved Sidewalks (1) 24" gravel base X3 Street Lighting – Entire Section	As shown on Project Plans Min. 4' 11.5" 8" Light posts at every house. Photosensitive cell.	Pursuant to c. 40B regulations (760 CMR 56.05(7)) no waivers are required from special permits requirements of the Zoning By-Law.
IV-E. 2.	Special Permit A2/Site Plan Review Not Applicable (N/A)		
IV-E. 4.	Special Permit A2 - N/A		
IV-E. 5.	Affordable Units – 10% affordable units for projects with more than 6 dwelling units per acre	25% affordable units per MGL Ch. 40B	
Section V-A	Off-Street Parking Regulations Aisle Width 24 ft. for 90 degree	20 ft. for 90 degree	Granted [HAC pp.48-49]
Section V-C	Earth Removal Regulations Special Permit A2 - N/A		No waiver required from special permits requirements, but the Project is subject to Condition C.1.e.(i) with respect to Project grading activities.

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II. Hingham Wetland Regulations

Criteria	Requirement	Proposed	Board Action
<p>Part I. Purpose and Procedures</p> <p>3.0 Regulated Activities</p>	<p>3.1 Any activity proposed or undertaken within a Resource Area as described in HWR 2.0 et seq.,</p>	<p>Waiver of this requirement.</p>	<p>Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b(i) and C.2.</p>
<p>13. Fees</p>	<p>3.2 Any Activity deemed by the Commission as likely to have a significant or cumulative adverse effect upon Resource Areas as defined herein;</p> <p>3.3 Any activity, including but not limited to, any and all of the following activities when undertaken to, upon, within or affecting Resource Areas or their wetland values, as determined by the Commission: a) through k)</p> <p>13.1 Application Fees: Local Bylaw Fees specified in Appendix A</p>	<p>Waiver of this requirement.</p> <p>Waiver of these requirements.</p> <p>Waiver of this requirement.</p>	<p>3.2 and 3.3: Granted to the extent request applies to the Board acting as Conservation Commission but otherwise denied.</p> <p>13.1 - Denied as not required as all local fees are included in the 40B application fee; but no waiver of fees for Conservation Commission review required under the state Wetlands Act.</p>

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Criteria	Requirement	Proposed	Board Action
<p>Part II. Performance Standards for Resource Areas</p> <p>19.1 Land Subject to Flooding (Bordering and Isolated Land Subject to Flooding and Vernal Pools)</p>	<p>c) The term "vernal pool" shall be included and shall be defined as any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, is free of adult fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile, or vernal pool community species, regardless of whether the wetland site has been certified as a vernal pool by the Massachusetts Division of Fisheries and Wildlife and Fisheries. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression. The term "isolated land subject to flooding" shall be included and shall be defined as an area, depression, or basin that holds at minimum one-sixteenth acre-foot of water and at least six inches of standing water once a year.</p> <p>The buffer zone for isolated land subject to flooding shall extend 100 feet from the highest extent of flooding.</p> <p>d) Performance standards. When a Land Subject to Flooding, (Bordering or Isolated), or Land within a minimum distance of 100 feet of Land Subject to Flooding (Bordering or Isolated) is determined to be significant to a wetland value, the following regulations shall apply: (1) through (8)</p>	<p>Waiver of this requirement.</p>	<p>9.1(c) Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b(i) and C.2.</p>
<p>19.3. Bordering and Isolated Vegetated Wetlands (Wet</p>	<p>d) Performance Standards, when a vegetated wetland, whether Bordering or Isolated, or land</p>	<p>Waiver of these requirements.</p>	<p>Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b., D.12, D.13, and D.14</p>

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Criteria	Requirement	Proposed	Board Action
<p>Meadows, Marshes, Swamps and Bogs)</p>	<p>within a minimum distance of 100 feet of a vegetated Wetland is determined to be significant to a wetland value, the following regulations shall apply: (1) through (6)</p>		<p>except as conditioned by Conditions C.1.b., D.12, D.13, and D.14</p>
<p>22.0 Buffer Zone</p>	<p>d) Performance Standards (1) through (5)</p>	<p>Waiver of these requirements.</p>	
<p>23.3 Landscaping</p>	<p>No new lawns or driveways may be constructed within 50 feet of any Resource Area.</p>	<p>New lawns within 3 feet of Bordering Vegetated Wetland (BVW) for Units to the extent shown on the Project Plans, detention basin.</p>	
<p>23.6 Filling</p>	<p>a) No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s).</p>	<p>Fill placed within buffer zone to Bordering Vegetated Wetland (BVW) for the construction of a portion of Roadway C, Units to the extent shown on the Project Plans, detention basins, retaining wall, drainage structures.</p>	
<p>23.7 Structures</p>	<p>a. The intent of the Conservation Commission is to move all structures and activities as faraway as possible from any Resource Area.</p> <p>b. The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in HWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.</p> <p>c. No mitigation is sufficient to allow a structure on a wall-type foundation less than 50 feet from a Resource Area, as defined in HWR 2.0 (1-5).</p>	<p>Waiver of this requirement.</p> <p>Waiver of this requirement.</p>	
		<p>16 feet from Bordering Vegetated Wetland (BVW) to the extent of work shown on the Project Plans.</p>	

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Criteria	Requirement	Proposed	Board Action
Appendix A – Filing Fee Schedule	Filing fee schedule - Fees under local Bylaw	Waiver of required fees.	Denied as not required as all local fees included in 40B application fee; but no waiver is granted of fees required for Conservation Commission review under the state Wetlands Act
Appendix B – Guide to Permitting under the Wetlands Protection Act and the Town of Hingham Wetlands Bylaw	Paying fees - Fees under local Bylaw	Waiver of required fees.	Denied as not required as all local fees included in 40B application fee; but no waiver is granted of fees required for Conservation Commission review under the state Wetlands Act

III. Hingham Wetlands Protection Bylaw – Article 22

Criteria	Requirement	Proposed	Board Action
Section 2: Regulated Activities	2A Except as permitted by the Commission or as otherwise provided in this By-Law, no person shall remove, fill, dredge, alter or build upon or within one hundred (100') feet of any resource area	Within 100 feet of Bordering Vegetated Wetland (BVW) for the construction of a portion of Roadway C, Units to the extent of work shown on the Project Plans, detention basins, retaining wall, drainage structures.	Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b., D.12, D.13, and D.14
	2B Except as authorized by the Commission, no activity or alteration shall be permitted within a fifty (50') foot Buffer strip between any wetland resource, bordering vegetated wetland, coastal dune or bank, and/or isolated vegetated wetland and any proposed site disturbance.	Within 50-foot buffer strip of Bordering Vegetated Wetland (BVW) for the construction of Units to the extent shown on the Project Plans, detention basins, retaining wall, drainage structures.	Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b., D.12, D.13, and D.14
	2C Except as authorized by the Commission, no activity or alteration shall be permitted within one hundred (100') feet of a vernal pool, whether it be certified or uncertified but accompanied by credible evidence of its viability	Work within 100 feet of a potential vernal pool for the construction of a portion of Roadway C, Units to the extent shown on the Project Plans,	Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b., D.12, D.13, and D.14.

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Criteria	Requirement	Proposed	Board Action
<p>Section 5: Authorization of Commission to Deny Project</p>	<p>as a vernal pool. The one hundred feet (100') around the defined vernal pool boundaries shall be known as "Vernal Pool Protection Zone."</p> <p>The Commission is empowered to deny permission for any removal, dredging, filling or altering on subject lands within the Town if, in its judgement, such denial is necessary to preserve the environmental quality and to protect the wetland and water quality values of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the Public Hearing.</p>	<p>detention basins, retaining wall, drainage structures.</p> <p>Waiver of this requirement.</p>	<p>Granted to the extent of work shown on the Project Plans except as conditioned by Conditions C.1.b., D.12, D.13, and D.14</p>
<p>Section 7B: Filing Fees</p>	<p>Fees under local Bylaw.</p>	<p>Waiver of required fees.</p>	<p>Denied as not required.</p>
<p>Section 8: Establishment of Surety Bonds</p>	<p>The Commission may require the posting of security, running to the Town, including, without limitation, a letter or credit, cash, and Bond with surety, in such form and amount and with such conditions as may be determined in the sole opinion of the Commission, after recommendation by its Town Counsel. Such security shall secure faithful and satisfactory performance on work required by any final "Order of Conditions" but shall not be an amount greater than the estimated cost of the work required for the restoration of affected lands and properties of the work is not performed as required.</p>	<p>Waiver of this requirement.</p>	<p>Granted</p>

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

Criteria	Requirement	Proposed	Board Action
IV. Application requirements	2. “..an application fee must be paid at the time of submission of the application..” 3. “ ..the Applicant shall also deposit with the Health Department a the time of the application the sum set forth in the Board’s Schedule of Fees...”	Waiver of required fees. Waiver of required fees.	Denied as not required as all local fees included in 40B application fee; but no waiver is granted of fees required for Board of Health review under state Title 5 regulations. Granted [HAC p. 46]
	8. “ ..project exceeds seven thousand five hundred (7500) gallons of sewage per day...”	9,900 gallons of sewage per day.	Granted [HAC p. 46]
	9 “ ..All percolation test results and groundwater elevation observations shall be considered valid for 2 years..”	All percolation test results and groundwater elevation observations shall be considered valid for duration of the project.	Granted [HAC p. 46]
	10. “ ..any or all other data required by the Town or Hingham Board of Health...”	Waiver of this requirement.	Granted [HAC p. 46]
	11.x “ ..If, upon review of the foregoing, the Executive Health Officer or the Board determines that further information is needed before the application will be deemed complete, then he may require additional testing...”	Waiver of this requirement.	Granted [HAC p. 46]
	12. “ ..should the Applicant’s initial deposit required under paragraph 3 of this Section be insufficient to pay the Consultant’s fees to witness tests or review the Additional Studies required by the Board, the board in its discretion may	Waiver of required fees.	12. Waiver granted as to Board of Health local regulations subject to Conditions A.6 and B.6; but no waiver is granted of fees required for Board of Health

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Criteria	Requirement	Proposed	Board Action
<p>V. Permit Restrictions</p>	<p>require additional amounts as may be necessary..”</p> <p>A permit will become void automatically and without further action or notice if the work under the Permit is not Completed within twelve months from the date of issue of such Permit. Further, any Permit issued can be revoked by the Board of Health after notice to the Licensed Disposal Installer (DWI) if conditions set forth in the application have changed prior to or during work under the Permit. Permits may be extended upon written request is the sole discretion of the Board.</p>	<p>Waiver of this requirement.</p>	<p>Granted for a period of three (3) years, or for such other period of time as would otherwise be authorized under the provisions of 760 CMR 56.05(12)(c), unless an earlier lapse applies pursuant to state Title 5 regulations.</p>
<p>VI. Design Requirements for Sewage Disposal Systems and Plants</p>	<p>3. “..shall be located no greater than 200 feet from the structure to be served by..”</p> <p>5. “ No Sewage Disposal System or Plant shall be constructed within one hundred (100) feet of the normal annual high water level of any great pond, brook, river, swamp, or of a wetland as defined by Massachusetts General Law Chapter 131, Section 40 or the Town of Hingham Wetlands Protection By-Law..”</p> <p>6. “ No Sewage Disposal System or Plant shall be constructed within four hundred (400) feet of a public water supply well or wellfield, as defined in Massachusetts drinking water regulation, 310 CMR 22.02 or surface water supply as defined herein or within two-hundred and fifty (250) feet of any private potable well or one hundred (100) feet of any private nonpotable well...”</p>	<p>Greater than 200 feet to the extent shown on the Project Plans.</p> <p>Waiver of this requirement.</p> <p>Waiver of this requirement.</p>	<p>3. Granted as to the locations specifically shown on Project Plans. [HAC p. 46]</p> <p>5. Granted as to the locations specifically shown on Project Plans. [HAC p. 46]</p> <p>6. Granted as to the location specifically shown on the Project Plans. [HAC p. 46]</p>

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Criteria	Requirement	Proposed	Board Action
	7. No Leaching Facility shall be constructed within:		7(a)(b)(c)(d) – Granted [HAC p. 46]
	a) Twenty-five (25) feet of any surface or subsurface Drain when the Drain elevation is higher than the proposed Leaching Facility.	Waiver of this requirement.	
	(b) Fifty (50) feet of any surface or subsurface Drain when the Drain elevation is equal to or lower in elevation than the proposed Leaching Facility.	Waiver of this requirement.	
	(c) One hundred (100) feet of any surface or subsurface Drain which discharges into a Protected Water Body.	Waiver of this requirement.	
	(d) Two hundred fifty (250) feet of any surface or subsurface Drain which discharges into a surface Water Supply or tributary thereto.	Waiver of this requirement.	
	8. “.. shall be designed to discharge more than 110 gallons of design flow per day per 12,500 sq. ft. in Lot area.”	426 gallons/day/12,500 sq. ft. in lot area Total lot area = 290,365 sq. ft./12,500 sq. ft = 23.23; 9,900 gal/day/23.23 = 426 gallons/day/12,500 sq. ft.	Granted [HAC p.46]
	9. “ less than five (5) feet below the bottom of the Leaching Facility except that if the percolation rate of the soil in the Leaching Area is between 2 and 5 minutes per inch, at least six (6) feet...”	As allowed in Title V: Maximum Groundwater Elevation 5 feet below bottom of leaching facility for soil with perc rate between 2 and 5 minutes per inch.	Granted [HAC p. 46]
	10. “.. the area between the trenches shall not be used for part of the reserve area...”	As allowed in Title V: Area between trenches can be used for reserve area.	Granted
	12.a) “ and where at least 5 feet of the underlying naturally occurring pervious strata is above the Maximum Groundwater Elevation, except that at least 6 feet of the underlying naturally occurring	As allowed in Title V: Maximum Groundwater Elevation 5 feet below bottom of leaching facility for soil	Granted [HAC p. 46] A TRUE COPY AFFEST.


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Criteria	Requirement	Proposed	Board Action
	pervious strata must be above the Maximum Groundwater Elevation if the percolation rate of the pervious material is between 2 and 5 minutes per inch..	with perc rate between 2 and 5 minutes per inch.	
	14. " the bottom of the cellar floor must be at least 18" above the Maximum Groundwater Elevation..."	Waiver of this requirement.	14 & 17 - Granted [HAC p. 46]
	17. " the stone used in a leaching area shall not be less than 8 inches deep beneath the bottom of the distribution lines.."	As allowed in Title V: Stone 6 inches deep.	
	18. Tees and Wyes will not be permitted in the leaching area.	As allowed in Title V: Tee and Wye connections permitted in leaching areas.	Granted
	22. " a new Sewage Disposal System or Plant must be constructed prior to the commencement of the construction of the Structure it is to serve..."	New Sewage Disposal System or Plant to be operational prior to occupancy permits.	Partial waiver granted subject to the provisions of Condition D.15.
VII. Wastewater Treatment Plants	Entire Section	Waiver of these requirements. Wastewater treatment plant if required to be permitted under Mass. DEP Environmental Code Title 5 (310 CMR 15.00) or the Mass. DEP Groundwater Discharge Permit (314 CMR 5.13).	Granted subject to applicable state regulations.

V. The Project shall be exempt from the filing fee requirements established by the Zoning Board of Appeals, Board of Health, Planning Board, Conservation Commission, or other Town entity, except for fees specifically relating to Comprehensive Permit Applications. Denied as not required as all filing fees under local regulations pursuant which Zoning Board is acting as other local boards are included in 40B application fee; but no other fees are waived.

VI. The Project shall be exempt from any other applicable zoning or related municipal ordinances so far as the same may be at variance with the Project or the Site Development Plans or the Architectural Plans as filed. Denied as an inappropriate "blanket" waiver.

A TRUE COPY
 ATTEST:

 HINGHAM TOWN CLERK