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February 22, 2018

Via E-Mail: [wentworthe@hingham-ma.gov](mailto:wentworthe@hingham-ma.gov)  
And First Class Mail

Emily Wentworth, Senior Planner / Zoning Administrator  
Town of Hingham  
210 Central Street  
Hingham, MA 02043

**Re: River Stone**  
**Viking Lane, off of Ward Street, Hingham, MA**

Dear Ms. Wentworth:

At the various hearings before the Town of Hingham Zoning Board of Appeals, most specifically the hearings on February 6th and 13th, 2018, different comments and concerns were raised in connection with the project. The Applicant has responded to these items through testimony, revised plans, reports, and other correspondence. You had requested an updated and comprehensive response in writing to each of the items, however, and this letter attempts to perform the requested response. I had requested your list of outstanding concerns and issues that you were reading from at the hearings, and you sent me an abbreviated version of such in response. We believe this letter addresses each of the outstanding points raised at the hearings and in your emails.

The comments and concerns from the Board and community are in numerical order, and the Applicant's response to each is provided in the subsections marked by letters that follow each number.

- 1) Overall massing of development, proximity of proposed buildings to one another, to neighboring properties and streets.
  - a) The Applicant reduced the number of units from 36 to 32 in the revisions to the Site Layout Plan that are dated December 20, 2017, and the Applicant has retained that number in subsequent revisions. To make the project work, the Applicant has retained the number of units and general distances in subsequent revisions. This is the least intensive layout that the Applicant believes is appropriate for the project.
- 2) Some design aspects (materials, roof pitch) complement surrounding residential structures, but other features, namely the typology (multiunit buildings), setbacks/spacing, and orientation, do not work on the site. Example: rear façade and decks facing Ward Street  

The heights of the buildings are within applicable zoning regulations, and the other cited issues are appropriate for this type of development. The Applicant has proposed a privacy fence on the perimeter of the project (except for the wetland area that does not bound a street), as shown on the Comprehensive Permit Plan set revised February 2, 2018, which will alleviate design concerns cited by the Board.
- 3) Proximity of proposed structures to wetland resource areas in a neighborhood that experiences periodic flooding
  - a) The Applicant's Plans contain grading that causes all drainage to flow toward the Applicant's property and away from the Autumn Circle properties. The Applicant's engineer has confirmed that the drainage for the site is adequate.
  - b) The Applicant has requested a waiver from local wetland requirements, and it will comply with requirements of the state in accordance with the laws and regulations affecting 40B developments. The Applicant does not intend to move the structures any further away from the wetland resource area. Additionally, the Town has engaged a wetland scientist to review the location of the wetland line as set forth by the Applicant.
- 4) Lack of open space and recreational amenities (playground)
  - a) The Applicant's Proposed Site Layout Plan and the Preliminary Landscape Plan, revision date February 2, 2018, show the open space for the development. The Applicant is not proposing a playground. The Applicant notes that the Plymouth River Nature Trails and the Plymouth River Elementary School are in fairly close proximity to the site.
  - b) Additionally, in balancing Local Concerns against Housing Need, the amount of open space proposed in a 40B development is weighed against the "degree to which additional Open Spaces are critically needed in the municipality." 760 C.M.R. 56.07(3)(b) (emphasis added). According to the Hingham Comprehensive Trails Plan dated Fall 2015, "The Town of Hingham has an area of 14,558 acres (22.7 miles) which contains 4,521 acres of open space, encompassing 31.1% of the total area." See Page 81. This amount is significantly higher than the state level of 25% permanently conserved land for

open space and similar uses, and is notable for the fact that Hingham is located in a more urban area with its close proximity and many transportation options to Boston.<sup>1</sup>

- 5) Proposed grading changes on the site, with resulting extreme height of retaining walls which impacts safety of abutters and livability of future residents (light, air, aesthetics). Additionally, retaining walls with heights greater than 6' qualify as structures under the Zoning By-Law. The applicant has not identified any waivers for the retaining walls.
  - a) The Applicant has proposed a safety fence on top of the retaining wall, which is consistent with the State Building Code. Additionally, the Applicant will update the waiver list, last revised February 12, 2018, in connection with the retaining wall.
- 6) School bus stop (River Stone and Autumn Circle) not identified
  - a) With the addition of the 5' sidewalks (see below), there is adequate area for any school children to have safe school bus access. Such design is consistent with access to school buses throughout the Town.
- 7) 4'-wide sidewalks (proposed) vs 5'-wide (recommended) internal to the site
  - a) The plan has been altered to provide 5' wide sidewalks in the next revision to be submitted to the Board.
- 8) 20'-wide access roads vs 24'-wide (recommended)
  - a) Although the Board has requested a 24' wide roadway, the Applicant's engineers have confirmed that the 20' wide roadway is safe for the project and in accordance with state regulations. See Traffic engineers response. As you may remember, the Applicant widened the roadway from 18' to 20' in response to the April 2016 comments from the Chief of Police.
- 9) Documentation related to load bearing capacity of the proposed SAS under Road B
  - a) The Applicant's engineer is preparing a response to the requested information.
- 10) Complete and specific list of waivers from all local regulations.
  - a) The Applicant has provided a revised list dated February 12, 2018, and it shall provide further updates as necessary, including reference to the proposed retaining wall.
- 11) Detail on proposed wastewater disposal system – Exec Health Director recommend that Board require the applicant to provide those materials specified in Section IV of the Supplementary Rules & Regulations for the Disposal of Sanitary Sewage
  - a) The Applicant has provided sizing calculations as requested, and the Plans include the location of the septic soil absorption system. The Applicant will provide details on the construction of the system with final construction plans to be submitted to the Board of

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<sup>1</sup> The website at <https://www.mass.gov/hq2/> cites the following: "Over 25% of land in Massachusetts is permanently conserved for open space, recreation, watershed protection, natural habitat protection, and agriculture."

Health. Of course, the regulations require preliminary plans, and a developer is not required to produce full design work before a Comprehensive Permit is issued so long as it demonstrates through a “minimum of evidence” that it project will meet any applicable requirements that have not been waived.

12) Confirmation of availability of potable water from Aquarion.

- a) The Applicant’s engineer has submitted a Will Serve Letter Application to Aquarion Water Company.

13) Photometric plan

- a) The Applicant is not proposing any street lights for the project. Individual lamp post lights with photosensitive cells will be provided for each unit. Accordingly, it has not provided a photometric plan in response to the Board’s request.

14) Minimal detail provided on Preliminary Landscaping Plan (species, size, height, etc.)

- a) As noted above, the Preliminary Landscape Plans indicate that a 6 ft. high vinyl fence will be installed along the perimeter of the majority of the property to address the visibility and aesthetic concerns raised by the Board. Additional detail regarding the species and size of the plantings will be provided on the final construction plans.

15) Cut & fill analysis

- a) The Applicant’s engineer is preparing a response to the requested information.

16) Hydrant flow testing

- a) The Applicant’s engineer is preparing a response to the requested information.

17) Bedrooms and lofts

- a) The Board has expressed concern regarding the proposed spaces in the units labeled as “Landing / Loft” and “Loft / Office” and the potential for illegal conversion to bedrooms. In all plans, those areas are the landing area for the stairs and persons must pass through those areas to get to the other sections of the second floor, including the bedrooms. The lofts do not constitute bedrooms. The law is clear that a fear that a future owner may violate the laws cannot be a condition to a permit.

18) Written submission regarding title to the connector between Viking Lane and Autumn Circle.

- a) At the hearing on February 6, 2018, the Board requested a written response to the questions pertaining to title to the land proposed as a connector between Viking Lane and Autumn Circle. The Applicant’s counsel responded by letter dated February 12, 2018, outlining the plans, recorded documents, and regulations that provide the colorable title to the area in question that is test required for issuance of a Comprehensive Permit.

Emily Wentworth  
Senior Planner: Zoning/Special Projects  
February 22, 2018  
Page 5

Please let me know if the Board is requesting anything further on this matter.

Respectfully yours,

RIVER STONE, LLC  
By its Attorney,

WARREN F. BAKER

WFB:amg

Cc: Susan Murphy, Esq.  
Joseph M. Fisher, Vice-Chair, and members of the Zoning Board of Appeals  
River Stone, LLC