

# TOWN OF HINGHAM

## Planning Board

\*\*\* Electronic Recording \*\*\*

Doc#: 00067345

Bk: 59383 Pg: 136 Page: 1 of 7

Recorded: 10/24/2024 01:09 PM

ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

### NOTICE OF DECISION SITE PLAN REVIEW

RECEIVED

#### IN THE MATTER OF:

JUN 28 2024

Town Clerk  
Hingham, MA

**Applicant:** Gerard Rankin  
338 Clapp Road  
Scituate, MA 02060

**Owners:** 30 Arnold Road, LLC  
41 Brewster Road  
Hingham, MA 02043

**Agent:** Deborah Keller, P.E.  
Merrill Engineers and Land Surveyors  
427 Columbia Road  
Hanover, MA 02339

**Property:** 0 & 30 Arnold Road, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 57925 Page 110

**Plan References:** "Hingham Fire Truck Turning Movement Sketch Plan," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Scituate, MA, dated December 8, 2023 (1 Sheets)

"New Single Family Residence for: Breakwater Development Group, LLC, 0 Arnold Road, Hingham, MA," prepared by Aperia Design, Inc., 5 Ringbolt Road, Hingham, MA, dated April 25, 2024 (14 Sheets)

"Site Plan, 0 Arnold Road, Assessor's Map 100 Block 0 Lot 65, Hingham, MA," prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Scituate, MA, dated July 31, 2023 and revised through June 17, 2024 (6 Sheets)

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the "Board") on the application of 30 Arnold Road LLC (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to construct a single-family dwelling, including grading, landscaping, and hardscaping, and a Common Driveway at 0 and 30 Arnold Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on January 22, 2024 without the receipt of testimony. The Board held additional substantive hearings held on February 26, 2024, March 25, 2024, April 8, 2024, May 20, 2024, and June 24, 2024. All hearings were held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board concurrently opened a hearing on a related application for a Special Permit A3 for a Common Driveway in connection with the Site Plan Review application. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Deborah Keller, P.E., Merrill Engineers and Land Surveyors, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, P.C. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under § I-I of the By-Law with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

## **BACKGROUND & DISCUSSION**

The project site consists of a 6-acre vacant parcel located off Arnold Road consisting of woodland and wetlands. The proposal calls for construction of a new dwelling with an attached garage, gravel driveway, and landscaping. The first 125' of the gravel driveway is proposed to be a Common Driveway – providing access to the existing dwelling at 30 Arnold Road and the proposed dwelling at 0 Arnold Road. The Common Driveway is proposed to prevent encroachment into wetland resource areas and limit the work in buffer areas. The Common Driveway will be 20' wide and transition to 12' wide beyond the access to 30 Arnold Road. The combined total length of the driveway (Common and private), from Arnold Road to the proposed dwelling will be 430' with a turnaround for emergency vehicles located near the proposed dwelling.

Total land disturbance associated with the project consists of 23,640 SF and a net cut of 800 CY. Stormwater from the roof of the proposed dwelling will discharge to two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A crushed stone diaphragm (trench) is proposed along the down-gradient side of the gravel driveway to collect and infiltrate runoff from the driveway. The proposed dwelling will be served by an onsite septic system as well as water, gas, and underground electrical/communication utilities. A silt sock erosion control barrier is proposed along the down-gradient limit of work and a stabilized construction entrance is proposed along the new driveway. Fifty-seven trees are proposed for removal throughout the

site – one of which is a Protected Tree totaling 10 caliper inches and four of which are dead. The Applicant proposes 42 new trees, predominantly along the abutting property lines, totaling 126” of mitigation plantings as replacement for the 5” required. This is in excess of 121” beyond what is required. The mitigation plating plan also includes a significant number of other shrubs and plantings.

In addition to staff, the Board’s civil peer review engineer Patrick Brennan, PGB Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Mr. Brennan’s initial report included comments related to the stormwater system detail and a stabilized construction entrance. The Applicant provided responses that address Mr. Brennan’s comments.

During the course of the hearing, the Board raised questions and comments related to the size and location of the proposed dwelling, driveway length, tree removal, grading, impervious surfaces, snow removal, lot shape, fire truck turnaround materials, landscaping, stormwater system, building elevation, and comparison to other homes in the vicinity. Board comments and concerns about siting and scale of the original proposed new dwelling ultimately resulted in revisions related to the site design, and orientation and size of the dwelling. There was public comment related to concerns surrounding the scale of the dwelling, drainage, proximity to abutters, wetlands, wildlife, hazardous trees, additional tree plantings, landscaping, and property/assessed values of abutting homes. The final approved project was reduced significantly in size and scale from the original and the siting was improved to reduce impact on abutters.

### **WAIVERS**

The Applicant requested waivers of submittal requirements under § I-I, 5.1(ii) Site Lighting Plan, and (iii), Transportation Impact Analysis. The Applicant also requested a waiver of a Design and Performance Standard under § I-I, 6.i.(i)(C) to allow for a driveway opening of 28.5’ in width along Arnold Road, where the limitation is 24’, as it is an existing condition and no change in site access is proposed.

### **DESIGN AND PERFORMANCE STANDARDS**

#### **a. Land Disturbance**

Total land disturbance associated with the project consists of 23,640 SF and a net cut of 800 CY. Additionally, the proposed work is largely designed to maintain existing drainage patterns to the greatest extent practicable.

#### **b. Site Design**

The proposed work is situated so as to avoid work within the wetland buffer zones with the exception of a small portion of the driveway. Grassed pavers are proposed for the fire truck turnaround to reduce the amount of impervious area required. An extensive landscape plan is also proposed to improve the scenic qualities of the lot and provide a

significant buffer for abutters. A stepped garage design is also proposed to reduce the massing of the new structure.

**c. Character and Scale of Buildings**

The scale of the proposed work is larger than many of the abutting dwellings and others in the vicinity but is consistent with a similar development directly abutting the subject property and is smaller than 27% of the dwellings in the vicinity.

**d. Preservation of Existing Vegetation and Protected Trees**

Fifty-seven trees are proposed for removal throughout the site – one of which is a Protected Tree totaling 10 caliper inches and four of which are dead. The Applicant proposes 42 new trees, predominantly along the abutting property lines, totaling 126" of mitigation plantings as replacement for the 5" required. This is in excess of 121" beyond what is required. The mitigation plating plan also includes a significant number of other shrubs and plantings.

**e. Limit of Clearing**

Fifty-seven trees are proposed for removal throughout the site – one of which is a Protected Tree totaling 10 caliper inches and four of which are dead. Additionally, a silt sock is proposed along the down-gradient limit of work as a perimeter erosion control.

**f. Finished Grade**

This project proposes some grade changes, but is designed to most closely match the existing topography and provide stability for the new structures.

**g. Stormwater Management**

Stormwater from the roof of the proposed dwelling will discharge to two subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A crushed stone diaphragm (trench) is proposed along the down-gradient side of the gravel driveway to collect and infiltrate runoff from the driveway.

**h. Utilities**

The proposed dwelling will be served by an onsite septic system as well as water, gas, and underground electrical/communication utilities.

**i. Pedestrian and Vehicular Access; Traffic Management**

The dwelling will be served by a Common Driveway for the first 100'± from Arnold Road and then by a private portion for 0 Arnold Road for the remaining length. Grassed pavers are also proposed for a fire truck turnaround. There are no changes proposed with respect to traffic management or pedestrian access.

**j. Lighting**

Typical residential lighting is proposed with this project.

**FINDINGS**

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § I-1,7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards, with the exception of a Standard under § I-1, 6.i.(i)(C) to allow an existing driveway opening of 28.5' in width along Arnold Road, where the limitation is 24'. A waiver of this Standard to allow the 28.5'-wide driveway opening to remain will not adversely impact the interests set forth in subsection a. above.

### **MOTION**

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of 30 Arnold Road LLC for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of submittal requirements under § I-1,5.1 related to a Site Lighting Plan and Transportation Impact Analysis, to construct a single-family dwelling, including grading, landscaping, and hardscaping, at 0 & 30 Arnold Road in Residence District A, subject to the following conditions:

1. **Proof of Recording.** Prior to the start of any work, the Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
3. **Limits of Work; Tree Protection Areas.** During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a building permit.

4. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
5. **Inspections.** Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
6. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
7. **Maintenance of Protected Trees.** Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Trees, shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.

For the Planning Board,



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Gordon Carr  
June 28, 2024

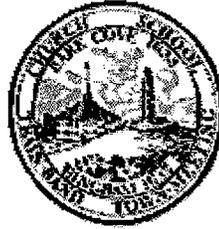
**In Favor:** Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

**Opposed:** None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.

# TOWN OF HINGHAM

## OFFICE OF TOWN CLERK



Owner: 30 Arnold Road  
41 Brewster Road  
Hingham, MA 02043

Property: 0 & 30 Arnold Road  
Hingham, MA 02043

I, Jennifer A. Donnelly, Assistant Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Planning Board filed with this office on June 28, 2024.

No notice of appeal therefrom was filed with this office within the twenty days next following the date of the filing of this decision, or if such an appeal has been filed, it has been dismissed.

Witness my hand and the seal of the Town of Hingham, this 23rd day of October, 2024.

ATTEST

Jennifer A. Donnelly  
Assistant Town Clerk of Hingham

