



TOWN OF HINGHAM

Planning Board

RECEIVED

NOTICE OF DECISION SPECIAL PERMIT A3 – COMMON DRIVEWAY

JUN 28 2024

Town Clerk
Hingham, MA

IN THE MATTER OF:

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 Aprea 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 a Special Permit A3 under § V-I of the Zoning By-Law (the “By-Law”) to construct 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 Site Plan Review in connection with the Special Permit A3 Common Driveway 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 the Special Permit A3 under § V-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 the size and siting 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.

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-H,2. of the By-Law:

1. The proposed use is consistent with the following criteria set forth in Section I-H.2.
 - a. **Use of the site is in harmony with the general purpose and intent of the By-Law;**
Consistent with Section I-A.2., permitting the Common Driveway will lessen congestion in the street; prevent overcrowding of land; conserve the value of land a buildings, including the conservation of natural resources; and encourage the most appropriate use of land throughout the Town.
 - b. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law;**
Consistent with Section V-I.1, permitting the Common Driveway will reduce the number of access points on Arnold Road. As waived under the Site Plan Approval for this project, the driveway opening will remain at the existing 28.5’. Further, the proposed design meets all applicable Construction and Design Standards under Section V-I.4.

- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area;**
Consistent with Section V-I.2, the Common Driveway is proposed in an appropriate location.
- d. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated;**
The Common Driveway will reduce the number of curb cuts along Arnold Road and minimize additional impervious surface.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians;**
In accordance with Section V-I.4, the Common Driveway provides the required paved surface width as well as adequate sight distances at the opening along Arnold Road.
- f. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use; and**
The Common Driveway meets all applicable Construction and Design Standards under Section V-I.4.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.**

MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of 30 Arnold Road LLC for a Special Permit A3 under § V-I of the Zoning By-Law to construct a Common Driveway at 0 and 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. **Easement Revisions.** The Applicant shall submit a revised Easement Sketch Plan and Easement Agreement to the Community Planning Department for counsel review. Prior to the start of any work, the Applicant shall record the revised documents and provide evidence of recording to the Community Planning Department.
3. **The Applicant shall provide an as-built plan to the Community Planning Department upon completion of the Common Driveway construction.**

For the Planning Board,



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.

