



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Stephen Starsiak
33 Foley Beach Road
Hingham, MA 02043

Agent: Timothy Power, P.E.
PVI Site Design, LLC
16 Glendale Road
Norwood, MA 02062

Property: 33 Foley Beach Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 52321 Page 111

Plan References: "Cove Creek Shingle Style Residence," prepared by Kevin Neprud & Associates, 34 Pilgrim Path, Wayland, MA, dated June 2, 2022 and revised through February 24, 2023 (7 Sheets)

"Existing and Proposed Conditions Plan," prepared by Nantasket Survey Engineering, LLC, 46 Edgewater Road, Hull, MA, dated March 15, 2023 (1 Sheet)

"Site Plan," prepared by PVI Site Design, LLC, 16 Glendale Road, Norwood, MA, dated June 26, 2023 and revised through July 26, 2023 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Stephen Starsiak (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 33 Foley Beach Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on July 31, 2023 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 panel consisted of regular members Gordon Carr, Clerk, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Ryan Boucher, PVI Site Design, LLC, 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-1 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

The subject property consists of 6,396± SF of land, improved by a single-family dwelling, shed, paved driveway, and landscaping. The proposal calls for demolition of the existing dwelling, removal of the existing driveway and construction of a new dwelling, paved driveway, hardscaping and landscaping. The total land disturbance associated with the project consists of 3,700 SF – 2,800 of which is in areas with a slope greater than 10% – and a net fill of 5.8 CY.

A subsurface infiltration system, consisting of an infiltration trench surrounded by crushed stone, is proposed to mitigate the increase in stormwater runoff. The proposed dwelling will reconnect to the existing water, sewer, and gas services. Electric and communication utilities are proposed to connect underground. A silt sock is proposed as a perimeter erosion control barrier around the downgradient limits of work. There are no existing trees on the property with the exception of a tree in the Town layout at the northeast corner of the property. The Applicant does not propose any landscaping or tree planting at this time other than a grassed lawn.

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 addition of stormwater mitigation measures, silt sock material, tree protection measures, the electrical connection, and a stabilized construction entrance. The Applicant provided revisions that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions and comments related to stormwater, pervious versus impervious surface, landscaping, a potential landscape plan submission condition of approval, building height, and the proposed driveway. There was no public comment.

WAIVERS

The Applicant requested a waiver of a submittal requirement under § I-I, 5.g. Landscape Plan. During the hearing the Board agreed to require a landscape plan submission as a condition of approval rather than waiving the requirement altogether.

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 38.1' in width, where the limitation is 24' in width. The Applicant noted that the purpose of the request was to facilitate parking for multiple vehicles and a trailered boat. The Board reviewed the request in the context of the hardship presented versus reasons typically utilized for granting relief under the By-Law. After extensive discussion, the Applicant ultimately agreed to reduce the proposed driveway width at the street opening to the 24' limitation.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The total land disturbance associated with the project consists of 3,700 SF – 2,800 of which is in areas with a slope greater than 10% – and a net fill of 5.8 CY. The proposed dwelling is located in the same area as the existing dwelling to minimize additional land disturbance and maintain existing drainage patterns and natural topography to the greatest extent practicable.

b. Site Design

The proposed dwelling is located in the same area as the existing dwelling to maintain the existing site design and blend with the natural landscape. The driveway opening will be relocated to the easterly side of the lot from the westerly side as presently exists.

c. Character and Scale of Buildings

The proposed dwelling is consistent with the character and scale of other existing developments in the vicinity.

d. Preservation of Existing Vegetation and Protected Trees

There are no existing trees on the site, but a street in the Town layout in the northeast corner of the lot is proposed to be protected.

e. Limit of Clearing

A silt sock is proposed as a perimeter erosion control barrier around the downgradient limits of work.

f. Finished Grade

This project proposes minimal grading and is designed to most closely match the existing topography and provide stability for the new structures.

g. Stormwater Management

A subsurface infiltration system, consisting of an infiltration trench surrounded by crushed stone, is proposed to mitigate the increase in stormwater runoff.

h. Utilities

The proposed dwelling will reconnect to the existing water, sewer, and gas services. Electric and communication utilities are proposed to connect underground.

i. Pedestrian and Vehicular Access; Traffic Management

A reconfigured new paved driveway is proposed to provide adequate access to the site. 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.

MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick the Board voted unanimously to DENY the request for waivers of a submittal requirement under § I-1, 5.g. related to a Landscape Plan, and a Design and Performance Standard under § I-1, 6.i.(i)(C) to allow for a driveway opening of 38.1' in width, where the limitation is 24' in width and to GRANT the application of Stephen Starsiak for Site Plan Approval under § I-1 of the Zoning By-Law, with a waiver of a submittal requirement under § I-1, 5.h. related to a Tree Protection and Mitigation Plan, to reconstruct a single-family dwelling and make other improvements including grading, landscaping, and hardscaping at 33 Foley Beach Road in Residence District A, subject to the following conditions:

- 1. Proof of Recording. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
- 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. The Applicant shall submit a revised Site Plan to the Community Planning Department prior to issuance of a building permit to reflect the reduced curb cut width to 24'.
4. Limits of Work. 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.
5. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
6. 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.
7. Plan Revisions. Prior to a certificate of occupancy, the Applicant shall submit a Landscape Plan to the Community Planning Department to demonstrate native and adequate plantings proposed for the site.
8. 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.

For the Planning Board,



Gordon Carr
August 7, 2023

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.