



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Oak Development and Design
c/o PJ Antonik
P.O. Box 125
Hingham, MA 02043

Owner: Cedar Bucket, LLC
25 Mid-Tech Drive
West Yarmouth, MA 02673

Property: 35 Smith Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 60515 Page 38

Plan References: Site and Landscape Plan entitled, "Site & Landscape Plan", prepared by SITEC Engineering & Environmental Consultants, Inc., dated February 6, 2026 and revised March 27, 2026 (7 Sheets)

Architectural Plans, prepared by Oak Development & Design LLC, received February 18, 2026 (8 Drawings)

RECEIVED

APR 16 2026

**Town Clerk
Hingham, MA**

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Oak Development and Design c/o PJ Antonik (the "Applicant") for Site Plan Approval under § I-I of the Zoning By-Law (the "By-Law") to reconstruct a single-family dwelling with related driveway, walkways, utilities, stormwater improvements, and landscaping improvements at 35 Smith Road in the Residence A District.

The Board opened a duly noticed public hearing on the application at a meeting held on April 6, 2026 remotely via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 temporarily suspending certain provisions of the Open Meeting Law. The Board panel

consisted of its regular members Tracy Shriver, Chair, Gordon Carr, Kevin Ellis, Crystal Kelly, and Gary Tondorf-Dick. The Applicant was represented by Jeffrey A. Couture, P.E., SITEC Engineering & Environmental Consultants, Inc. who presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC. 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 subject property consists of approximately 12,800 SF of land previously improved by a single-family dwelling (830 SF footprint) with associated porches, walks, patio, shed and a paved driveway. The remainder of the site is grassed with overstory trees scattered throughout the property. The existing dwelling is served by an on-site subsurface sewage disposal system, municipal water, and natural gas. Additionally, overhead wires provide the dwelling with electric, telephone, and cable services. The property is bordered by Smith Road to the west, residences to the north and south, and a vacant wooded landlocked parcel to the east. Multiple residential properties also exist across Smith Road from the subject property.

The applicant proposes to raze the existing dwelling and construct a new dwelling with an attached garage and construct a new paved driveway and associated walkways. Overall, the project will result in a net increase in impervious surfaces of 1,077 SF. The project includes the installation of new water and gas services and new overhead electric, cable, and telephone services. The project will not alter the existing stormwater runoff patterns; however, to mitigate for the increase in impervious surfaces, the Applicant is proposing to install a subsurface infiltration system to accommodate stormwater runoff from a portion of the dwelling roof. The project will also include the removal of several trees and the planting of new replacement trees. Protected Trees removals total 140 caliper inches. Twenty-four replacement trees, consisting of red maples and eastern red cedars, will be planted with a combined caliper inches of 72.

The project will result in approximately 9,924 SF of land disturbance and 7,803 SF of that disturbance is in areas with slopes greater than 10%. The latter qualifies the application as a Major Site Plan under Section I-I.2.a.(ii)(B).

The proposed 2.5 story dwelling will include 4,726 SF of gross floor area and 3,870 SF of living area. Approximately 960 SF of the living area will be located in the basement, so it will not have an impact on the overall massing of the structure. The Applicant performed a neighborhood analysis of 29 properties within 750' of the property. The size of the proposed dwelling is similar to the average in terms of gross floor area (4,726 SF compared to 4,297 SF).

In addition to staff, the Board's consulting civil engineer, Patrick Brennan, PGB Engineering, LLC, reviewed the proposed plan to evaluate conformance with MassDEP Stormwater Management

Standards and best engineering practices. His original report included several technical comments related to the proposed infiltration system and driveway width. The Applicant since submitted satisfactory responses and revised plans. Mr. Brennan also recommended that any approval include a condition requiring written confirmation from the Application that the Tree Warden has approved the removal of the public shade tree within Smith Road that is designated for removal on the plan.

During the course of the hearing, the Board raised questions and comments related to the grading, retaining wall, and tree removals. Abutters expressed concern about the size of the dwelling specifically and trends in the local housing market generally. Board members confirmed that the living area of the proposed dwelling would be approximately 3,000 SF between the first and second floors, noting that the size would not appear out of scale from a streetscape perspective.

WAIVERS

The Applicant requested waivers from the Submittal Requirements for Major Site Plans under Sections I-I.5.l.(ii) and (iii), which respectively relate to the a Site Lighting Plan and a Traffic Impact Assessment (TIA). Where the project is the reconstruction of a single-family home, a waiver of these submission requirements is reasonable. The Applicant additionally requested a waiver from the Design and Performance Standard under Section I-I.6.h to allow the existing overhead electric and communication services to remain.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The Applicant proposes to raze the existing dwelling and construct a new dwelling (1,233 SF footprint), attached garage (689 SF footprint), paved driveway and associated walkways. Overall, the project will result in a net increase in impervious surfaces of 1,077 SF. The project includes the installation of new subsurface water and gas services and new overhead electric, cable, and telephone services. The total land disturbance associated with the project is estimated to be 9,924 SF, of which approximately 7,803 SF are on slopes greater than 10%. Topography and drainage patterns will not substantially change. Increased runoff resulting from the additional impervious surface area will be attenuated through the addition of a subsurface infiltration system.

b. Site Design

The natural grade on the property slopes from the south, down-gradient to the north (from elevation 70 to elevation 62). The new dwelling will be situated so that the existing sideyard setback of 9.7' be maintained on the southerly side of the lot. All other setback requirements will be met. Since the grade drops from south to north, the house has been designed with a walkout on the basement level in the northeasterly corner of the dwelling.

c. Character and Scale of Buildings

The proposed structure will conform to the required zoning setbacks and height limitations. The proposed dwelling will have approximately 4,700 SF of gross floor area. A neighborhood analysis including twenty-nine (29) properties showed that there are nine (9) dwellings within 750' of the subject property on Smith Road and the adjacent Smith Way with over 4,700 SF of gross floor area. The building design and scale presents a reasonable departure from that of the existing home on the site and is consistent with the average size of homes in the neighborhood based on gross square feet.

d. Preservation of Existing Vegetation and Protected Trees

There is one significant tree, a 32" diameter cedar, located on the northerly side of the property that is proposed to be removed. The center of the tree trunk lies almost directly on the 10' Tree Yard line and is located approximately 5' from the new dwelling and in the location of the proposed subsurface stormwater infiltration system. The site plans propose five (5) Protected Trees to be removed, including the significant tree mentioned above. These will be replaced with twenty three (23) proposed Mitigation Trees. Disturbed areas will be loamed and seeded upon complete of work.

e. Limit of Clearing

No clearing or grading is proposed beyond the area designated for the new dwelling, utilities, including the infiltration system, hardscape and landscaped areas.

f. Finished Grade

Topography on the site will not be substantially altered with the construction of the proposed dwelling. Nowhere on the project site will the finished grade be greater than 3:1. The project will result in a new fill of approximately 187 cubic yards. The majority of this fill is required to provide access to the front and rear doors on the first-floor elevation.

g. Stormwater Management

As demonstrated in the Stormwater Report, the project complies with the Massachusetts Stormwater Standards. An erosion control barrier consisting of a silt sock and a construction entrance are proposed to minimize erosion and sedimentation. A subsurface stormwater infiltration system is proposed to promote groundwater recharge and to attenuate peak storm flows. The site has been designed so that post-development runoff shall not exceed pre-development runoff to the adjacent property to the north.

h. Utilities

The project involves the replacement of an existing single-family dwelling. New water and gas services are proposed from the street mains. Existing overhead wires for electric, telephone and cable services will be replaced with new overhead services. The existing single-family dwelling is served by an on-site Title 5 septic system and the system is proposed for reuse.

i. Pedestrian and Vehicular Access; Traffic Management

The reconstruction of the existing single family dwelling will have no impact to the traffic and transportation infrastructure. The existing driveway will be replaced with a new, slightly enlarged, driveway and sight distances will be unchanged.

j. Lighting

The proposed lighting shall not project over the property line and follow zoning.

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-I,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-I, 6.h requiring an underground electrical/communication connection. A waiver of this Standard to allow an overhead connection will not adversely impact the interests set forth in subsection a. above.

MOTION

Upon a motion made by Tracy Shriver and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Oak Development and Design c/o PJ Antonik for Site Plan Approval under § I-I of the Zoning By-Law to reconstruct a single-family dwelling with related driveway, utilities, and stormwater improvements at 35 Smith Road in the Residence A District, subject to the following conditions:

1. Recording of Decision. 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. 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.
3. Public Shade Tree. No tree within the Smith Road right of way shall be removed without the authorization of the Tree Warden/Department of Public Works. Evidence of said authorization shall be submitted with the application for a building permit.

4. **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.
5. **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.
6. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
7. **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.
8. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner and Community Planning Department 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. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
9. **Maintenance of Protected Trees.** Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), 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. Applicant has agreed to locate a native mitigation tree, in the range of 4-6" caliper, within the front yard.

For the Planning Board,



Tracy Shriver

April 16, 2026

In Favor: Gary Tondorf-Dick, Crystal Kelly, Kevin Ellis, Gordon Carr, Tracy Shriver, and

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.