



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: David and Danfeng Kircheis  
72 Downer Avenue  
Hingham, MA 02043

Agent: Michael DiBenedetto  
Grady Consulting, LLC  
71 Evergreen Street, Suite 1  
Kingston, MA 02364

Property: 72 Downer Avenue

Deed Reference: Plymouth County Registry of Deeds Book 44006, Page 280

Plan References: Plan set entitled, "Site Plan, #72 Downer Avenue, Hingham, Massachusetts," prepared by Grady Consulting, L.L.C., dated April 13, 2026 and revised through June 8, 2026 (5 sheets)

Floor plans and building elevations, prepared by Redman Construction, undated, received April 24, 2026 (13 drawings)

Stormwater Report, prepared by Grady Consulting, L.L.C., dated February 21, 2026 and revised through June 8, 2026

RECEIVED

JUL 02 2026

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application David and Danfeng Kircheis (collectively the "Applicant") for Site Plan Approval under § I-I of the Zoning By-Law (the "By-Law") to construct an Accessory Dwelling Unit ("ADU"), detached garage, driveway extension, and related improvements in connection with a Principal Single-Family Dwelling located at 72 Downer Avenue in the Residence A District.

The Board opened a duly noticed public hearing without the receipt of testimony on the application at a meeting held on May 18, 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. A substantive hearing was held remotely by the Board on June 15, 2026 via Zoom. The Board panel acting on the application included regular members Kevin Ellis, Acting Chair, Crystal Kelly, and Gary Tondorf-Dick. Acting Chair Ellis explained to the Applicant that with three Board members present, all three needed to vote unanimously in favor to grant Site Plan Approval. The Applicant was represented by Michael DiBenedetto of Grady Consulting, LLC. 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 39,430 SF of land located at 72 Downer Ave. It is improved by a split-level, gable roofed, wood shingle home built in 1950, with an attached garage, and GFA of 3,564 SF. The site also contains a paved driveway, hardscaping, lawn areas and several trees. The Applicant proposed to build an accessory dwelling unit (ADU) and detached garage to the rear of the existing home, with a driveway, drainage system, and related utilities. The ADU will have a footprint size of 41' x 23' (less a 3' x 14' section on the front elevation) resulting in a total of just under 900 GFA, as measured from the inside walls. An overlapping 14' x 14' breezeway deck connects to a 30' x 38' garage intended for storing a trailer with a single door access. The ADU height will be 18' max. and the garage height will be 26'.

Sewer service for the ADU will be by a grinder pump that will pump through a force main to a proposed sewer manhole connected to the sewer service for the existing dwelling. Water, underground electric and communication utilities will connect to the existing dwelling. Runoff from the extended driveway and the roof of the garage will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. No trees are proposed to be removed. A silt sock is proposed as an erosion control barrier along the down-gradient limit of work.

The project site will provide adequate off-street parking for construction vehicles in the driveway and on the north side of the property between the proposed structures and the existing dwelling. The site will be completed with final grading and loam and seed to repair any disturbed 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 and best engineering practices. Mr. Brennan's report included a number of technical comments, primarily related to the stormwater design. He confirmed that the Applicant

addressed most of his comments and recommended one plan revision be required as a condition of approval (see Condition 2 below).

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

The project will result in 14,000 SF of land disturbance overall – 1,400 SF of which is located in areas with slopes greater than 10%. The drainage patterns will remain similar to the existing, flowing in a northerly and westerly direction towards the property line.

**b. Site Design**

There are no significant changes to the site's scenic qualities. The site design is harmonious with the neighborhood.

**c. Character and Scale of Buildings**

The size and scale of the proposed accessory dwelling unit and garage is harmonious with the neighborhood, particularly since the lot is almost twice the size of the minimum required in the district. The ADU complies with the maximum area of 900 SF gross floor area.

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

No trees are proposed to be removed. Trees close to the work area will be protected during construction.

**e. Limit of Clearing**

Land disturbance is limited to the location of the proposed accessory structures and related utilities.

**f. Finished Grade**

No slopes greater than 3:1 are proposed.

**g. Stormwater Management**

Runoff from the extended driveway and the roof of the garage will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone.

**h. Utilities**

The proposed structures' utilities will be served through the existing dwelling, except the sewer service which will consist of a septic pump chamber to be pumped to a proposed on-site sewer manhole above the existing dwelling's sewer pipe.

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

There will be no changes in pedestrian and vehicular access to the site. The existing driveway will be extended with pavers to access the proposed accessory structures.

**j. Lighting**

There are no light posts proposed for the project. Any exterior lighting installed in connection with the project will be consistent with the residential nature of the 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-I,7. of the Zoning 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 Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of David and Danfeng Kircheis for Site Plan Approval under § I-I of the By-Law to construct an Accessory Dwelling Unit, detached garage, driveway extension, and related improvements in connection with a Principal Single-Family Dwelling located at 72 Downer Avenue in the Residence A District, 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. Plan Revisions. Prior to application for a building permit, the Applicant shall revise Sheet 3 of the approved Site Plans by deleting the following language from the Cultec Contractor 100HD Typical Cross Section: "bottom per engineer's design preference."
- 3. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before work on the site commences.
- 4. 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.

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. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
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. **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.
8. **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.

For the Planning Board,



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Kevin Ellis  
July 2, 2026

**In Favor:** Kevin Ellis, Crystal Kelly, 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.