



TOWN OF HINGHAM

Planning Board

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Town Clerk
Hingham MA

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Sean and Maireen Marshall
22 Howe Street
Hingham, MA 02043

Agent: Jeffery A. Tocchio, Scott Golding
DTM Law, P. C.
175 Derby Street, Suite 30
Hingham, MA 02043

Property: 22 Howe Street

Deed Reference: Plymouth County Registry of Deeds Book 61124, Page 208

Plan References: Landscape Plan entitled, "22 Howe Street," prepared by Sean Papich, RLA, Sean Papich Landscape Architecture, dated August 5, 2026 and revised through August 20, 2026 (1 sheet)

Tree Exhibit, entitled, "22 Howe Street – Hingham, MA", prepared by Homestead Consulting Engineers, dated August 20, 2026 (1 sheet)

Site Plan, prepared by Homestead Consulting Engineers, dated August 3, 2026 and revised through August 18, 2026 (2 sheets)

Stormwater Report, prepared by Homestead Consulting Engineers, dated July 9, 2026 and revised through August 3, 2026 (114 pages)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Sean and Maireen Marshall (collectively, the "Applicant") for Site Plan Approval under § I-I of the Zoning By-Law (the "By-Law") to convert a gravel parking area to lawn; widen a paved drive; and install a 15'x 21' shed,

a 35'x 60' sports court, along with landscape and hardscape improvements at 22 Howe Street in the Residence A District.

The Board opened a duly noticed public hearing on the application at a meeting held on August 10, 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 second substantive session of the continued hearing was held remotely on August 24, 2026. The Board panel acting on the application included regular members Tracy Shriver, Chair, Gordon Carr, Kevin Ellis, Crystal Kelly, and Gary Tondorf-Dick. The Applicant was represented by Jeffery A. Tocchio and Scott Golding, DTM Law, P.C. and Sean Papich, RLA, of Sean Papich Landscape Architecture. 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 25,878+/- SF of land improved with a recently reconstructed single-family dwelling. The raze and rebuild proceeded without Site Plan Review as the area of disturbance associated with the project resulted in 4,736 SF – less than the 5,000 SF threshold under Section I-I of the By-Law. Other site improvements included a paved driveway off of the northeasterly portion of the Howe Street frontage and gravel parking area off of the southeasterly frontage, as well as landscaping, lawn, and associated utilities.

Shortly after buying the property on May 21, 2026, the Applicant removed a number of trees from the property along with a nonconforming shed. The trees removed appeared to range in size from 8 to 36 inches in caliper, including mature trees located along the property lines within the Tree Yard. After receiving several complaints, the Building Commissioner conducted a site visit on May 26, 2026 and informed the contractor and homeowners that the clearing qualified as land disturbance that required Site Plan Approval.

Consequently, the Applicant submitted plans and materials for Site Plan Review. In addition to the required Tree Mitigation, the project also proposed to (i) expand the existing paved driveway, (ii) construct a walkway between the driveway and front entry of the house, (iii) construct a shed and patio area to the rear of the house, (iv) convert the existing gravel parking area to lawn, (v) install a sport court and (vi) install a stormwater management system in the side yard area of the property, with a total 16,752 +/- SF of land disturbance.

The Landscape Plan presented at the first public meeting showed the caliper inches of Protected Trees removed totaled 185 inches, which would have required 92.5" caliper of replacement trees. As mitigation, the Applicant originally proposed to plant three (3) new Oaks at 3" cal. and three (3) new Red Maples at 3" cal., as well as (3) Magnolia trees at 8-10' ht. and thirty-two (32) Green Giant

Arborvitaes at 7-8' ht, which were also calculated at 3" cal. each, resulting in a total of 123" of proposed replacement caliper.

The Board received many public comments, both in writing and verbally during the first public hearing. While some abutters raised concerns about the tree removals, the majority of the comments offered support for the proposed project.

In response to the Planning Board's feedback, public comments, and newly acquired tree survey information, the Applicant submitted an updated landscape plan showing that eight (8) trees were removed from the Tree Yard for a total of 120-caliper inches and a required replacement mitigation of 60 caliper inches. The new landscape plan also included an overall increase in the number of proposed trees and greater species diversity. The revised plan depicts forty-nine (49) new trees totaling 147-caliper inches, with forty-one (41) trees totaling 123-caliper inches located within the Tree Yard and another eight trees totaling 24-caliper inches elsewhere on the property.

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 initial report included several technical comments and recommendations related to the stormwater plans. He also suggested a Condition of Approval requiring the Applicant to complete a test hole within the footprint of the subsurface infiltration system prior to construction. The Applicant revised their plans accordingly, and Mr. Brennan submitted a second report confirming that all his comments were satisfactorily addressed.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes to disturb/alter the drainage pattern of approximately 16,752 SF of land (there is no proposed disturbance of slopes greater than 10%). The land disturbance results from tree removals, conversion of a gravel parking area to lawn, and installation of landscaping and hardscaping, including a sports court. Natural drainage patterns will be maintained and improved from existing conditions, as the site improvements include collection and infiltration of stormwater runoff.

b. Site Design

The proposed project includes (i) the expansion of the existing driveway and elimination of a second driveway/parking area that will be converted to lawn, (ii) removal of a nonconforming shed and construction of a conforming shed, (iii) installation of patio areas and a walkway, and (iv) installation of a 2,100± square foot sport court located 21± feet from the southerly side yard lot line and 25± feet from the rear lot line. In addition, numerous plantings are proposed to be installed at the property. No alterations to the new single family dwelling are proposed.

c. Character and Scale of Buildings

No alterations to the new single family dwelling are proposed. The project includes removal of a nonconforming shed and construction of a conforming shed within the northwesterly

portion of the property. In terms of consistency with the neighborhood, there are a number of properties in the vicinity with similar outdoor amenities.

d. Preservation of Existing Vegetation and Protected Trees

The Applicant revised their calculations to show 8 trees were removed from the Tree Yard for a total of 120-caliper inches. As reflected on the updated Landscape Plan, the required mitigation has been calculated as 60 caliper inches for the 8 protected trees removed. The Applicant revised the Landscape Plan to enhance the number and diversity of proposed trees and species, and increase the mitigation requirement. The Applicant proposes 49 new trees for 147-caliper inches, with 123-caliper inches (41 trees) located within the Tree Yard and another 24-caliper inches (8 trees) on the property.

e. Limit of Clearing

The limit of disturbance is shown on the Site Plan. Erosion control barriers are proposed to be installed during the proposed construction period to prevent sediment runoff.

f. Finished Grade

All proposed grades are at a 3:1 slope or less.

g. Stormwater Management

The proposed stormwater management design is in conformance with the Massachusetts Stormwater Standards. A stormwater infiltration system is proposed to promote groundwater recharge. The site has been designed so that post development runoff will not exceed pre-development runoff to the street and adjacent properties.

h. Utilities

No significant alterations to existing utility connections are proposed.

i. Pedestrian and Vehicular Access; Traffic Management

The property is also improved with a paved driveway next to the house off of the northeasterly portion of the Howe Street frontage and a gravel parking area off of the southeasterly frontage. The Applicant plans to consolidate the two by converting the gravel parking area to lawn and widening the existing paved driveway to 24' at the street and 30' on-site. The driveway provides adequate sight distance to pedestrians, bicyclists, and motorists exiting to the public way. Elimination of the second curb cut will improve traffic management in the neighborhood.

j. Lighting

Shielded, dark sky compliant lighting fixtures will be installed, and there will be no overspill onto adjoining properties greater than 0.25 foot candle. No pole light(s) will be installed for the proposed sport court.

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 Tracy Shriver and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application from Sean and Mairén Marshall for Site Plan Approval under § I-I of the By-Law to convert a gravel parking area to lawn; widen a paved drive; and install a 15'x21' shed, a 35'x 60' sports court, along with landscape and hardscape improvements at 22 Howe Street 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. Soil Evaluation. Prior to application for a building permit, the Applicant shall perform a minimum of one test hole, witnessed by an appropriate agent of the Town or its designee, within the footprint of the proposed subsurface infiltration system to verify that the assumed soil textural analysis and depth to seasonal high ground water was accurate.
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,



Tracy Shriver
August 28, 2026

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