



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/  
Owner: Hingham 193 Whiting LLC  
858 Washington Street, #309  
Dedham, MA 02026

Property: 193 Whiting Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 48073, Page 35

Plan References: "Site Development Plans, Proposed Retail Building and Bank ATM for Hingham 193 Whiting LLC, 193 Whiting Street, Hingham, MA," prepared by Crocker Design Group, 2 Sharp Street, Hingham, MA, dated September 17, 2021 and revised through November 24, 2021 (8 Sheets);  
"193 Whiting Street, Hingham, Massachusetts, Landscape Permit Submission Set," prepared by Hawk Design, Inc., dated November 23, 2021 (4 Drawings); and  
"Existing Conditions Plan," prepared by CHA, 141 Longwater Drive, Suite 104, Norwell, MA, dated August 22, 2017 and revised through May 19, 2021



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Hingham 193 Whiting Street (the "Applicant") for Site Plan Review under §§ I-G and I-I of the Zoning By-Law (the "By-Law") in connection with a Special Permit A2 under § 4.11A and Special Permit A3 Parking Determination under § V-A to locate a retail store and drive-up ATM with improvements at 193 Whiting Street in Business B District.

The Board opened a duly noticed public hearing on the application concurrently with the hearing on the Special Permit A3 Parking Determination at a meeting held remotely on November 8, 2021

via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. A subsequent session was held by remote participation on November 29, 2021. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. The project team representing the Applicant included Jeffrey Tocchio, Esq. and Scott Goulding, Esq. of Drohan Tocchio & Morgan, PC, and Gabe Crocker, PE of Crocker Design Group. The Board was assisted in its review by Patrick G. Brennan, PE of Amory Engineers, and Jeffrey S. Dirk, PE, PTOE, FITE of Vanasse & Associates, Inc. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with conditions set forth below.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

### **BACKGROUND**

The subject property consists of approximately 17,500 SF of land located on the northwest corner of the intersection of Whiting, Gardner and Derby Streets. The property is currently improved by a single-story commercial building (ca. 1962) that was previously occupied by a gas station/service shop. The majority of the lot is paved so the site is nonconforming with respect to open space in addition to landscaping requirements along the street frontage. Four existing curb cuts (two each from Whiting and Gardner Streets) served the prior gas station.

The proposed plan calls for conversion of the existing building for retail use and construction of a standalone drive-up ATM. The site would otherwise be reconstructed to create 13 parking spaces and improve open space and landscaped buffers. Two curb cuts would be eliminated, one each on Gardner and Whiting Street, and circulation adjusted to accommodate the drive-up ATM. In terms of stormwater, runoff would be reduced post construction. Roof runoff from the existing building and stormwater from the western portion of the parking lot would be collected in drains that discharge to a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. An existing septic system would serve the retail building.

### **FINDINGS**

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meetings, the Board made the following findings in accordance with the Review Standards under § I-I, 6. of the By-Law:

- a. **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;** The current site has no stormwater treatment and the redevelopment will capture stormwater from the roof and west portion of the site and discharge it a subsurface infiltration structure. Surface runoff will also be reduced through the reduction of the impervious area and the introduction of landscape areas. Landscape

buffers are proposed to minimize views of the development from nearby residential properties and headlight glare on adjoining roadways.

- b. **Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;** The number of curb cuts will be reduced in connection with the project, improving traffic flow in the area. The proposed drive aisle through the site is continuous from Gardner Street to Whiting Street, and the proposed aisle width is greater than the minimum required width, enhancing vehicle circulation through the site. All walkways and driveways for the site are designed to be ADA compliant. Additionally, adequate length for the queuing of three (3) vehicles dedicated to the ATM is provided outside of the drive aisles. Additionally, the Fire Department's Pierce 100 Aerial Truck can maneuver through the site.
- c. **Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;** The proposed redevelopment includes off-street parking that complies with requirements related to number of parking spaces, parking space and driveway dimensions, grading, and landscaping. The proposed project includes thirteen (13) parking spaces to serve the proposed retail space. A dedicated loading space is provided within the easterly portion of the parking lot.
- d. **Adequacy of open space and setbacks, including adequacy of landscaping of such areas;** The proposed redevelopment will eliminate or improve existing nonconformities related to open space requirements. The proposed landscaping plan include sufficient plantings to screen views of the improvements from nearby residential properties.
- e. **Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;** Private trash pickup will be scheduled for the site, and there is a proposed exterior screened trash enclosure to support the use at the site.
- f. **Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;** The Property is a former gas station and auto repair shop and is currently in Phase IV under the Massachusetts Contingency Plan. The proposed septic and stormwater systems and components have been located so as to comply to the maximum extent practicable with the relevant standards and regulations – with the septic system and components being located at the southeasterly portion of the Property.
- g. **Assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site**

design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water; The proposed stormwater design and calculations were reviewed by the Town's peer review engineer, Patrick Brennan, who verified compliance with the Massachusetts Department of Environmental Protection's Storm Water Management Policy and Standards.

- h. **Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;** The application includes a Construction Phase Operation and Maintenance Plan that includes Best Management Practices to minimize potential construction impacts. Retaining walls and plantings will stabilize the site following construction.
- i. **Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;** The site is previously developed and largely covered by impervious surfaces. Redevelopment will result in additional open space and landscaped areas, improving views from publicly accessible locations.
- j. **Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;** The existing building, constructed in 1962, and property are pre-existing and non-conforming, with regard to the rear yard setback and open space. The proposed redevelopment will maintain or improve these nonconformities in a manner consistent with the character of the surrounding area.

## **DECISION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to grant the application of Hingham 193 Whiting Street for Site Plan Review under §§ I-G and I-I of the By-Law in connection with a Special Permit A2 under § 4.11A and Special Permit A3 Parking Determination under § V-A to locate a retail store and drive-up ATM with improvements at 193 Whiting Street in Business B District, subject to the following conditions:

1. The Applicant shall record this decision at the Registry of Deeds and include evidence of said recording with the application for a building permit.
2. Pre-Construction Meeting. Prior to any construction on the site, the applicant shall

schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing.

3. 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 during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
4. 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.
5. Change from one type of use (retail store/drive-up ATM) that would generate greater traffic or parking demands shall require modification of this decision.

For the Planning Board,



---

Kevin Ellis, Chair

December 16, 2021

**In Favor:** Kevin Ellis, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick