



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT

#### 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

RECEIVED

JAN 03 2022

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

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

The Applicant additionally filed a related application with the Planning Board for Site Plan Review under § I-G and § I-I of the By-Law, along with applications submitted to the Zoning Board of Appeals for a Special Permit A2 under § III-A, 4.11A and Variance from §§ V-B and IV-C, 7 of the By-Law.

The Board opened a duly noticed public hearing on its Special Permit A3 application concurrently with a hearing on the Site Plan Review application 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, which is partially located under the redeveloped parking lot, 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 § V-A, 6. of the By-Law:

- a. The proposed thirteen (13) parking spaces, where nine (9) would be required, is sufficient to meet the needs of the retail use and drive-up ATM.

- b. Pedestrian access and circulation has been provided for. All walkways and driveways for the site are designed to be ADA compliant.
- c. New driveways to the site have been designed to maximize sight distances to the greatest extent possible. Left-turning motorists exiting the site onto Gardner Street will need to complete the maneuver in three (3) stages, but the Board's peer review engineer, Jeffrey Dirk, PE, PTOE, verified that the driveway is safe.
- d. A Parking Determination authorizing 13 spaces will not result in parking or traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting land or buildings,
- e. Four additional parking spaces than otherwise required will not increase the likelihood of accident or impair access and circulation.

**DECISION**

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to grant the application of Hingham 193 Whiting Street for a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law to locate a retail store and drive-up ATM with improvements in Business B District, resulting in 13 parking spaces where 9 are required, 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. Any changes to the access or offsite pedestrian improvements require by the Massachusetts Department of Transportation or the Town of Hingham shall require a modification of this permit.
- 3. All landscaping shall be maintained in a healthy growing condition at all times. Any tree or other plantings required to prevent headlight glare from shining onto adjacent roadways that dies shall be removed promptly and replaced within the next growing season.
- 4. 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,



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Kevin Ellis, Chair  
December 16, 2021

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