



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3

IN THE MATTER OF:

Owner: JMGH Hingham, LLC
JS Barry Development, LLC
P.O. Box 948
Hanover, MA 02339

Agent: Carmen Hudson, P.E.
Cavanaro Consulting
687 Main Street
Norwell, MA 02061

Property: 103, 105, and 109 North Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 49863, Page 104 and
Book 52162, Page 248

Plan References: "Site Plan Set, 103, 105, & 109 North Street, Hingham, MA 02043,"
prepared by Cavanaro Consulting, 687 Main Street, P.O. Box 5175,
Norwell, MA, dated April 15, 2019 and revised through March 3, 2022 (6
Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of JMGH Hingham LLC (the "Applicant") for Modification of a Special Permit A3 Parking Determination under §§ III-G and V-A of the Zoning By-Law (the "By-Law") and such other relief as necessary to allow the Applicant to retain an existing retaining wall, install a new block wall, eliminate a dwelling unit and reduce required parking at the property located at 103, 105 and 109 North Street in Business District A and the Downtown Hingham Overlay District. The Applicant also submitted, and the Board simultaneously heard, a related application for Modification of a Site Plan Approval in Association with a Special Permit A2 under §§ I-F and III-G.6 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 March 14, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. The Board was assisted in its review by Richard Johnson, P.E., of Amory Engineers. Carmen Hudson, Engineer for the Applicant, of Cavanaro Consulting, appeared to present the application to the Board. At the conclusion of the review, the Board voted unanimously to grant a Special Permit A3 Parking Determination under § V-A of the By-Law with a condition 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 39,582 SF of land improved by an existing 9-unit apartment building. In 2019, the Applicant received permits to construct a Commercial/Residential Building to the rear of the existing structure. The proposed building would include (8) 1-bedroom dwelling units and 1,750 SF of retail space.

During construction, unexpected concerns arose about the approved method of shoring the easterly slope of the property. The 2019 plans called for the slope running along the easterly property boundary to be shored using sheet piles; however, the shoring company worried about hitting ledge or fractured rocks at the depths needed to be reached by sheet piles and suggested an alternative means of shoring the slope.

The project team initially opted to design a new block wall in front of the existing retaining wall that runs through the rear of the former garage. The revised plan required the removal of two parking spaces from the 14 spaces approved in 2019 for the front building. In order to account for the lost spaces, the Applicant would eliminate one of the existing dwelling units, thereby reducing the required parking by two spaces. This reduction would bring the number of dwelling units to 8 for the building along North Street and the parking requirement to 12 spaces since § V-A, 2 of the By-Law provides a 25% reduction of the parking requirement in Business District A.

During the hearing process on the present application, the Applicant further revised the plans. The Applicant now proposes to maintain a block wall and rip rap slope, as field surveyed, and installed in connection with the construction site stabilization. Additionally, the slope behind the existing garage to be removed has been graded in order to avoid the need for the additional structural wall. A 3.5' high landscape wall is proposed instead. Lastly, by avoiding the use of a structural wall, the Applicant has been able to regain one of the parking spaces proposed to be removed. There would result 13 parking spaces, where 12 are required, for the nonconforming

multi-family use and no changes to the previously required 8 garage spaces and 7 onsite spaces for the proposed Commercial/Residential Building.

The Board's peer review engineer, Richard Johnson of Amory Engineers, conducted a site visit to the subject properties and subsequently provided a report including commentary and photos regarding the proposal. He confirmed for the Board that the wall design and height calculations were properly completed. He additionally noted that the revised plan would result in less impact to the site.

During the course of the hearing, Board members expressed support for the changes made to the plans. Questions and comments focused on the proposed construction of a 3.5' landscape wall and removal of one dwelling unit from the nonconforming multi-family structure, which would result in one additional parking space over the minimum required.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the approval criteria under § V-A, 6 of the By-Law:

- a. The parking is sufficient in quantity to meet the needs of the proposed project;**
The proposed modifications, including the elimination of an existing dwelling unit and a previously approved parking space, result in a reduction in parking requirements for the existing multifamily building to 12 spaces, where 13 are proposed. The Board finds that the number of spaces for the property overall is sufficient and the excess space will not negatively affect the site design approved in connection with the Special Permit A3 Decision, dated July 25, 2019, and Site Plan Approval, dated July 23, 2019.
- b. Pedestrian access and circulation has been provided for;**
Pedestrian access and circulation is unchanged as a result of this project.
- c. New driveways have been designed to maximize sightline distances to the greatest extent possible;**
No changes to entrances or sight distances are proposed.
- d. It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings; and**
The provision of one excess parking space on the property will not result in or worsen parking or traffic problems either on-site or the surrounding streets.
- e. The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**
The proposed modification of the 2019 approved parking plan will not increase the likelihood of accident or impair access and circulation.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of JMGH Hingham, LLC for a Modification of a Special Permit A3 Parking Determination under §§ III-G and V-A of the By-Law to allow the Applicant to install a landscape wall in place of a structural wall, eliminate an existing dwelling unit at 103-105 North Street, and provide 13 parking spaces where 12 are required in the Business District A and Downtown Hingham Overlay District, subject to the following condition:

1. All other conditions imposed by the Board in its Special Permit A3, originally issued July 25, 2019, remain in full force and effect unless modified by this Permit.

For the Planning Board,



Kevin Ellis, Chair

April 7, 2022

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

Opposed: None