



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: 90 Industrial Park JV, LLC
20 Winthrop Square
Boston, MA 02110

Agent: Jeffery A. Tocchio, Esq.
Drohan Tocchio & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043

Property: 90 & 90A Industrial Park Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 46037, Page 222 and
Certificate of Title No. 122415 issued by the Plymouth County Registry
District of the Land Court

Plan References: "Demolition Site Plan," prepared by Crocker Design Group, 2 Sharp Street,
Unit B, Hingham, MA, dated March 17, 2022 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 90 Industrial Park JV, LLC (the "Applicant") for Site Plan Approval under §§ I-I and IV-B.6 and waivers under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to demolish an existing 60,000 ± SF building and to secure and stabilize the properties at 90 & 90A Industrial Park Drive in the Industrial Park and South Hingham Development Overlay Districts.

The Board commenced its review of the application at a duly posted meeting held remotely on April 11, 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 Judith Sneath.

Jeffery Tocchio, Esq., of Drohan Tocchio & Morgan, P.C. presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with waivers under § I-I of the By-Law 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 is located off the northerly side of Industrial Park Road and has a total land area of 8.6± acres. It is improved by an existing 60,000± SF industrial/school building originally constructed in 1966 with associated driveways, parking areas, and other improvements. The building last served as the South Shore Collaborative until 2017 and has remained vacant since. The Applicant has encountered numerous instances of vandalism and other issues related to owning/maintaining a vacant building within an industrial park.

The Applicant plans to demolish the existing building, as well as walkways and ramps to the building, onsite sheds, and outdoor playground equipment. The foundation of the building will be removed and backfilled with both existing onsite soils and imported clean, granular. The area of the demolished building will be topped with 4"-6" of imported crushed stone, which is approximately 800-900 cubic yards of stone. In total, 6-10 truckloads of clean fill and 60-65 truckloads of crushed stone are proposed to complete the backfill and topping of the foundation. It is anticipated that removal of materials from the site will be over a period of six (6) weeks, with 5-6 trucks making two (2) trips a day. Additionally, within the building footprint, the site plans identify a 2:1 rip rap slope within the western portion of the existing building where the vertical foundation wall is to be removed, in order to create a safe and stable slope transition for the finish ground surface. The slab at the westerly side of the existing building is proposed to remain and be smooth surfaced and covered with crushed stone. With the exception of landscaping to be removed around the existing foundation, no changes are proposed to the existing site surrounding the building.

Utilities to the existing building will be cut and capped and the existing septic systems will be abandoned per MassDEP Title 5 requirements. The existing driveways to and within the property will remain in place. Prior to and during the demolition, proper sediment and erosion control measures will be implemented, including installation of wired backed silt fencing throughout the site and silt socks within catch basins. The Applicant intends to redevelop the property once a new user is secured.

The Conservation Officer administratively approved the demolition plan and proposed site controls. The Executive Health Director will administratively review the septic systems abandonment.

During the course of discussion, main questions and comments raised by the Board related to the reasons for demolition, ongoing vandalism of the existing structure, potential impacts to the ongoing adjacent Amazon building project, and potential future uses for the property.

WAIVERS

Pursuant to § I-I of the By-Law, the Applicant requested waivers of the following submittal requirements, as they are not affected by the proposed project:

- d. Analysis of compliance with relevant dimensional provisions;
- f. Grading plan, net import/export of material, drainage and traffic analyses;
- g. Analysis of capacity of Town soils, water supply, ways and services
- h. Analysis of compliance of construction activities
- i. Site lighting plan
- j. Erosion control and Operations & Management plans

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 demolition project proposes a smoothed surface covered with clean granular fill and topped with 4"-6" of crushed stone – yielding less impervious area. Landscaping along the building foundation is proposed to be removed while existing trees are proposed to remain unchanged – preserving sound and sight buffers, views, light, and air. Negative impacts on abutting properties will be reduced as a result of this project.

- 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 project proposes no changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles. Two new construction entrances will be added, in addition to the current driveways onsite, to allow for access to the demolition areas.

- 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 project proposes no changes to parking or traffic. Proper storage and movement of construction vehicles shall remain within the development and be a condition of this approval herein.

d. Adequacy of open space and setbacks, including adequacy of landscaping of such areas.
The project proposes no structures to remain onsite – as a result, setbacks do not apply to the proposal. Landscaping along the building foundation is proposed to be removed while existing trees are proposed to remain unchanged.

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 stormwater system shall be expressly prohibited;
The project proposes demolished building and other materials to be removed from the site. No construction is proposed as part of this project.

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 project proposes utilities to the property to be cut and capped in coordination with utility providers. The existing septic systems are to be properly abandoned per MassDEP Title 5 requirements, pending administrative review by the Board of Health. Further, prior to and during the demolition, proper sediment and erosion control measures will be implemented, including installation of wired backed silt fencing throughout the site and silt socks within catch basins.

g. Assurances of positive stormwater 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 stormwater 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 Stormwater 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 stormwater system.
The demolition project proposes a smoothed surface covered with clean granular fill and topped with 4"-6" of crushed stone – yielding less impervious area. Proper sediment and erosion control measures will be implemented, including installation of wired backed silt fencing throughout the site and silt socks within catch basins. No other changes to the stormwater systems are proposed.

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 stormwater controls at consistent intervals.

The area of disturbance for the demolition project has been minimized to the extent practicable. No work is proposed to occur within protected wetland resource areas, and proper sediment and erosion control measures will be implemented. A 2:1 rip rap slope is proposed within the western portion of the existing building where the vertical foundation wall is to be removed, in order to create a safe and stable slope transition for the finish ground surface. The proposed rip rap and crushed stone will provide adequate temporary site stabilization. Once the demolition is completed, the area of the foundation and removed structures will be permanently stabilized.

- 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 project proposes landscaping along the building foundation to be removed while existing trees will remain unchanged. A total of 800-900 CY of crushed fill are proposed to be brought to the site with no fill being removed.

- 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 proposed project does not depart from the character of the industrial park and is intended to be redeveloped in the future for a use consistent with the industrial park.

DECISION

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to grant the application of 90 Industrial Park JV, LLC for Site Plan Approval under §§ I-I and IV-B.6 and waivers under § I-I of the Zoning By-Law and such other relief as necessary to demolish an existing 60,000 ± SF building and to secure and stabilize the property in the Industrial Park and South Hingham Development Overlay Districts, subject to the following conditions:

1. 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.
2. Septic Abandonment. Approval from the Board of Health shall be obtained regarding the proper abandonment of the existing septic systems per MassDEP Title 5 requirements.
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. Construction Vehicles. All construction vehicles shall be parked onsite, within the development, and no construction vehicles shall enter the premises before 7 AM on any given construction day.

For the Planning Board,



Kevin Ellis, Chair

June 1, 2022

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, and Judith Sneath

Opposed: None