



TOWN OF HINGHAM

Board of Appeals



NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Owner/Applicant: Gill Research Drive, LLC
60 Research Drive
Hingham, MA 02043

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

Property: 73 Abington Street, Hingham, MA 02043

Title Reference: Plymouth County Registry of Deeds, Book 54189, Page 200

Plan Reference: Plan set entitled, "Site Development Plans for Proposed Warehouse Facility," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated October 7, 2022 (17 sheets).

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Gill Research Drive, LLC (the "Applicant") for a Modification of a Special Permit A2 under § III-E, 7. of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct two commercial/industrial buildings resulting in a floor area ratio of under 0.45 at 73 Abington Street in the Industrial Park and South Hingham Development Overlay Districts.

The Applicant simultaneously filed an application with the Planning Board for a waiver of Site Plan Approval, along with a related application for a modification of a Special Permit A3 Parking Determination and/or Waivers under § V-A of the By-Law. The Zoning and Planning Board proceedings took place separately. On November 7, 2022, the Planning Board voted to waive the requirement for a Site Plan Review and on December 3, 2022, the Planning Board voted to approve a modification of the Special Permit A3 with conditions.

The Zoning Board opened a duly noticed public hearing on the matter on November 17, 2022 via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022, and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. After opening the Public Hearing on November 17, 2022, the Board immediately continued it to December 12, 2022; no substantive discussion occurred.

The continued hearing was heard on December 12, 2022. The Board panel consisted of its regular members Robyn S. Maguire, Chair, and members Paul K. Healey and Jed Ruccio. Jeffrey Tocchio, Esq. of Drohan Tocchio & Morgan, P.C., and Gabe Crocker of Crocker Design Group, appeared before the Board to represent the application.

Throughout its deliberations, the Board was 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 5.6 acres (244,667 SF) of land located on the northeasterly side of Abington Street. The previously approved plan called for the construction of three new buildings totaling approximately 110,100 sq. ft gross floor area (GFA). The proposed buildout would have resulted in a floor area ratio of 0.45, which requires a Special Permit A2.

The Applicant is now requesting to modify the approved plan to include two (2) buildings, rather than the three (3) buildings previously approved, and to retain the same approximate square footage. Specifically, the modified building layout proposes to (i) eliminate Building B, the 5,000 SF office/warehouse building on the southerly side of the property that is located closest to the residential abutters, (ii) expand/modify Building A to include 20,000 SF of warehouse/office space, and (iii) retain Building C, the 90,000 SF warehouse facility as previously approved. The proposed building modifications result in a net reduction of 2,920 SF of office space and a net increase of 3,070 SF of warehouse space - and a slight overall increase in total GFA of 150 SF. The Floor Area Ratio of the project, as proposed to be modified, is 0.449 - and thus continues to adhere to the GFA ratio allowable by Special Permit A2.

As noted in the Summary of Proceedings, the Planning Board reviewed and approved the modification of this project with conditions and waived the Site Plan Review requirement.

FINDING

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following finding:

1. That the proposed modifications do not materially affect the findings made in connection with the Special Permit A2 Decision, originally issued March 14, 2019, as amended, under § III-E, 7 of the Zoning By-Law.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the request from GILL RESEARCH DRIVE, LLC to modify plans approved in connection with a Special Permit A2, issued March 14, 2019, as amended, under § III-E, 7 of the Zoning By-Law, to construct two commercial/industrial buildings resulting in a floor area ratio of under 0.45 at 73 Abington Street in the Industrial Park and South Hingham Overlay, subject to the following conditions:

1. That all other conditions imposed by the Board in its March 14, 2019 Special Permit A2, remain in full force and effect.
2. That the conditions imposed by the Planning Board in its Decision also be incorporated into this Decision.

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.

For the Board of Appeals,



Robyn S. Maguire, Chair
December 27, 2022