



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT MODIFICATION

IN THE MATTER OF:

Applicant: Amazon
100 Industrial Park Road
Hingham, MA 02043

Owner: JEB Group LLC
C/O Timothy Casey
430 East First Street, PO E-62
Boston, MA 02127

Property: 100 Industrial Park Road, Hingham, MA 02043

Deed Reference: Certificate of Title No. 96743 issued by the Plymouth County Registry
District of the Land Court, Book 483, Page 143

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Amazon (the "Applicant") to modify the performance deadline to complete a traffic signal timing and phasing plan included in Condition E.1 of the Special Permit decision, dated April 29, 2021, permitting a Last-Mile Delivery Station to be located at 100 Industrial Park Road in the Industrial Park District and South Hingham Overlay District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on November 7, 2022 via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 temporarily suspending certain provisions of the Open Meeting Law. The Board simultaneously opened a hearing on a related application for a Site Plan Approval Modification under § I-I of the By-Law. A subsequent substantive hearing was concurrently held on November 14, 2022. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Calvin Champlin and Jonathan Greeley, of Amazon, presented the application to the Board. At the conclusion of the review, the Board voted to unanimously grant the Special Permit A3 Modification under § V-A of the By-Law with conditions set forth below.

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

BACKGROUND & DISCUSSION

The Board issued a Special Permit A3 and Site Plan Approval in April 2021 for the Applicant to construct and operate a Last-Mile Delivery Station from the subject property. Since then, the Applicant completed construction and the Building Commissioner issued a Certificate of Occupancy was issued on August 2, 2022 for the facility.

In both its Special Permit A3 and Site Plan Approval decisions, the Board imposed conditions intended to 1.) document actual impacts of the facility following issuance of the Certificate of Occupancy and 2.) require mitigation of impacts on the traffic signal network as necessary. Condition E.1 of each decision reads, in part:

Traffic Operations. Within 90-days after receipt of a Certificate of Occupancy for the Project and subject to receipt of all necessary rights permits and approvals, design and implement an optimal traffic signal timing and phasing plan for the Derby Street coordinated traffic signal system to include the following intersections...

Following issuance of the Certificate of Occupancy, Amazon made a business decision to not immediately commence operation of the facility. Therefore, the Applicant requested that Condition E.1 of the Site Plan Approval and Special Permit A3 decisions be modified so that the traffic signal timing and phasing plan will not be required until the site produces at least 80% of the traffic volume anticipated during the permit application. Said modified Condition E.1 would read, in part:

Traffic Operations. Within 90-days of commencement of delivery operations or when the project produces 80 percent of its initially anticipated traffic volume, whichever comes first, and subject to receipt of all necessary rights permits and approvals, design and implement an optimal traffic signal timing and phasing plan for the Derby Street coordinated traffic signal system to include the following intersections...

Similar language is found in the second full paragraph of Exhibit A, referenced in Condition E.5 of the Special Permit and Site Plan Approval, and is proposed to be revised with the same language as Condition E.1.

During the course of the hearings, the Board raised questions and comments pertaining to the intent and goal of the revised condition as well as ensuring that the Applicant is properly held accountable with respect to the revised condition if the facility eventually opens for operations. Finally, the Board discussed adding to Condition E.1 a specific reference to the traffic plan associated with the 2021 permits in order to clarify the projected traffic volume benchmark for review.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following finding under § V-A of the By-Law:

1. The proposed modifications to the Traffic and Parking Management Plan do not materially or adversely affect conditions governed by the Special Permit A3 Findings set forth in § V-A of the Zoning By-Law.

DECISION

Upon a motion made by Gordon Carr and seconded by Kevin Ellis, the Board voted to GRANT the application of Amazon to modify the performance deadline to complete a traffic signal timing and phasing plan included in Condition E.1 of the Special Permit decision, dated April 29, 2021, permitting a Last-Mile Delivery Station to be located at 100 Industrial Park Road in the Industrial Park and South Hingham Development Overlay Districts, to read as follows in Condition #2 of this modification and subject to the following conditions:

1. The Applicant shall notify the Community Planning Department and Building Commissioner when the facility commences delivery operations. Said notification shall include a schedule of final fit-out and operations.
2. Traffic Operations. Within 90-days of commencement of delivery operations or when the project produces 80% of the traffic volume in the traffic plan associated with the 2021 permit, whichever comes first, and subject to receipt of all necessary rights permits and approvals, design and implement an optimal traffic signal timing and phasing plan for the Derby Street coordinated traffic signal system to include the following intersections:
 - a) Industrial Park Road
 - b) Route 3 southbound ramps
 - c) Route 3 northbound ramps
 - d) Old Derby Street
 - e) Derby Street Shoppes
 - f) Cushing Street
 - g) Whiting Street (Route 53)/Derby Street/Gardner Street
3. Traffic Monitoring and Reporting Program. Exhibit A, as referenced in Condition E.5 of the Special Permit decision, shall be revised in the second full paragraph, in part, to read as follows:

...Subsequent data collection shall commence within 90-days of commencement of delivery operations or when the project produces 80% of the traffic volume in the traffic plan associated with the 2021 permit, whichever comes first, and be

repeated twice annually as defined above for a period of six (6) years thereafter unless the duration is extended or otherwise modified by the Planning Board...

4. All ongoing conditions of the Special Permit decision shall remain in full force and effect, including but not limited to the Traffic Monitoring and Reporting Program set forth in Exhibit A of said decision.

For the Planning Board,



Judith Sneath
December 28, 2022

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

Opposed: None

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.