



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant/Owner: Trustees of Derby Academy
56 Burditt Avenue
Hingham, MA 02043

Agent: Dennis Dupuis, Manager
Derby Academy
56 Burditt Avenue
Hingham, MA 02043



Property: 26 Burditt Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 49865, Page 309

Plan References: "Derby Academy Administration Building Existing Conditions," prepared by A. Kearney Architects, 222 North Street, Hingham, MA, dated September 20, 2022 (8 Sheets)

"Derby Academy Campus," prepared by unknown, undated (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Trustees of Derby Academy (the "Applicant") for Site Plan Review under §§ I-I and III-B, 8.b of the Zoning By-Law (the "By-Law"), and such other relief as necessary, to change the use of an existing single-family dwelling to a school administration office building at 26 Burditt Avenue in Residence District A.

A duly noticed public hearing on the application was scheduled to open remotely on March 27, 2023 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. Due to a quorum issue with the Board, the hearing was continued without the receipt of testimony to a meeting on April

4, 2023. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Anthony Black, CFO, Derby Academy presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under §§ I-I and III-B, 8.b of the By-Law with a condition 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

The existing 2 ½ story, 4,650 SF single-family dwelling on the subject property at 26 Burditt Avenue is located adjacent to the Derby Academy campus. The property was purchased by Derby Academy in 2018 with the intent to convert the single-family residential use to a school administration office building. The Applicant proposes no changes to the exterior of the existing structure or to the site. The nine school employees working in the building will continue to park in the Hersey parking lot and walk to the subject building via an existing foot path onsite. The existing office space will be converted to additional student space. There is no change to the number of employees, student enrollment, or parking count (216 based upon a prior permit) as a result of this project.

As a nonprofit educational corporation, Derby Academy qualifies for the protection of the Dover Amendment, which provides in part: “No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for...educational purposes...; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Since no changes are proposed to convert the existing single-family dwelling to a school office building, the Board’s review focused on the proposed parking arrangement.

During the course of the hearing, the Board raised comments and questions related to the change in use. The Board received public comment related to parking, enrollment, traffic, lighting, access, and the change in use. An abutter noted that the application submitted in support of this project included a statement regarding a change in use of the structure from “Residential (A) use to Business (B) use.” The Board clarified that the statement was incorrect as the use will become an exempt educational use, not a business use, in the Residence A zoning district.

WAIVERS

Due to the limited nature of this project, several waivers of certain submittal requirements are needed under Section I-I,5, as they are not necessary for the review of the proposed interior fit-out and use conversion. These include items e. – j.

DESIGN AND PERFORMANCE STANDARDS

With the exception of the following, none of the Design and Performance Standards under Section I-I, 6. are applicable to the proposed interior work and use conversion:

i. Pedestrian & Vehicular Access; Traffic Management

No changes to access, circulation, or traffic management are proposed. The proposed administrative use of the structure will not increase the number of parking spaces to be provided onsite, as the intensity of use and number of employees are not changing. Employees will access the structure from the parking lot via an existing path.

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 findings in accordance with the Approval Criteria under § I-I,7. of the By-Law:

- a. The proposed development, as conditioned by this Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

MOTION

Upon a motion made by Gary Tondorf-Dick and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of The Trustees of Derby Academy for Site Plan Approval under §§ I-I and III-B, 8.b of the Zoning By-Law, with a waiver of submittal requirements under § I-I, 5.e. – j., to change the use of an existing single-family dwelling to a school administration office building at 26 Burditt Avenue in Residence District A, subject to the following condition:

- 1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.

For the Planning Board,



Judith Sneath
April 18, 2023

In Favor: Judith Sneath, Gordon Carr, Rita DaSilva, 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.