



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3 MODIFICATION

IN THE MATTER OF:

Applicant/Owner: Bristol Bros. Development Corp.
c/o James E. Bristol, III, President
190 Old Derby Street, Suite 311
Hingham, MA 02043

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

Property: 213 & 215 Cushing Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 56455 Page 73
Plymouth County Registry of Deeds, Book 55496 Page 86

Plan References: "Definitive FRD Plan," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated November 21, 2022 and revised May 23, 2023 (17 Sheets)

"Grade Plan Exhibit," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated April 24, 2023 (1 Sheet)

"Pleasant Valley Elevations," prepared by Weathervane Companies, dated June 24, 2022 (2 Sheets)

"Site Distance Driveway Looking North," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated April 24, 2023 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Bristol Bros. Development Corp. (the “Applicant”) for a Definitive Flexible Residential Development Review under § IV-D of the Zoning By-Law (the “By-Law”) for a Flexible Residential Development consisting of eight single-family dwellings on 7.48± acres of land in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District.

The Board opened a duly noticed public hearing on the application, without the receipt of testimony, at a meeting held on January 23, 2023. The application was continued to nonsubstantive hearings on January 30, 2023, March 13, 2023, April 10, 2023, June 5, 2023, and June 26, 2023, and substantive hearings on February 13, 2023, May 1, 2023, and July 10, 2023. All hearings were held remotely via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 and Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board concurrently opened hearings on related applications for modification of a Definitive Subdivision, originally approved May 25, 1965, and Site Plan Review. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Jeffrey A. Tocchio, Esq., Drohan, Tocchio, and Morgan, P.C., and Taylor Corsano, Crocker Design Group, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, P.C. and Jeffrey Dirk, P.E., PTOE, FITE, of Vanasse & Associates, Inc. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under § I-I 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

The subject property consists of two parcels with a total land area of about 7.48± acres of land at 213 Cushing Street (7.01± acres) and 215 Cushing Street (0.47± acres). The parcel at 213 Cushing Street consists of woodlands and wetlands and was the subject of a two lot subdivision approved in 1965. The parcel at 215 Cushing Street is improved by an existing single-family dwelling with a paved driveway off Cushing Street.

The Planning Board granted a Special Permit A3 in March 2022 for a Preliminary Flexible Residential Development (FRD) consisting of eight single-family dwellings. The proposed 24'-wide roadway and 5'-wide sidewalk with a 4'-wide grass strip are identical to the roadway and sidewalk shown on the preliminary FRD plan. The Board reviewed a number of density and buffer considerations during the Preliminary FRD stage. The number of units approved (8) is based on a Conventional Yield of 6 lots, plus a density bonus of up to 135% of the Conventional Yield or 2 units. One of these Additional Dwelling Units would be priced for Moderate Income Households (80% AMI). The Board permitted a density bonus through finding that the Preliminary FRD Plan complied with all provisions of Section IV-D. Subsection 9.d requires a buffer of 100' along abutting properties and 50' along adjacent roadways. The Board waived this requirement to allow a minimum 65' wide buffer to abutting properties, with the exception of the northerly side of the proposed way and southerly side of the existing dwelling at 215 Cushing Street, noting

sufficient screening for abutting properties. The waiver also resulted in additional space for the proposal to create an affordable unit – allowing for a net positive effect on the Town’s Subsidized Housing Inventory (SHI). Finally, the Open Space consists of approximately 52.9% of the total land area. This is an excess of 12% over the minimum of 40% required.

Additionally, the Hingham Board of Health reviewed the plan on January 4, 2023, voting to disapprove it due to the fact that some of the individual lots do not meet the 12,500 SF per bedroom requirement. During the hearing process, the Applicant revised plans to address the issue with respect to the individual lots by reverting back to a condominium plan. Following this change, the Board of Health reissued a letter on May 12, 2023 regarding this project, providing its approval of the design.

In addition to staff, the Board’s consulting engineers, Patrick Brennan, P.E., of Amory Engineers and Jeffery Dirk, P.E., PTOE, FITE, of Vanasse & Associates, reviewed the application for compliance with local regulations and best engineering practices. Mr. Brennan’s initial report included comments related to Open Space calculations, the Tree Yard, plan notes and details, addition of permanent benchmarks, street trees and lighting, proposed curbing and berms, the proposed stormwater system, the fire hydrant, an electric easement, sidewalks, right-of-way location, retaining walls, utilities, walking trail, and waivers. Mr. Dirk’s initial report included comments related to retaining wall relocation, sight distances, plan notes, and signage. The Applicant provided revisions that address all peer review comments.

During the course of the hearing, the Board raised questions and comments related to guest parking, impact to abutters, waiver requests, the Conventional Yield, affordable units, Open Space, drainage, length of driveways, landscaping, street lighting, ledge removal, Board of Health, Open Space signage, condominium documents, project phasing, and fire truck turning. There was no public comment.

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 in accordance with the Approval Criteria under § IV-D of the By-Law:

That the proposed modifications do not materially or adversely affect conditions governed by the Special Permit A3 Findings issued March 28, 2022 and set forth in § IV-D of the Zoning By-Law.

MOTION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Bristol Bros. Development Corp. for Modification of a Special Permit A3, originally issued March 28, 2022, under § IV-D to construct a Flexible Residential Development consisting of eight single-family dwellings on 7.48± acres of land at 213 & 215 Cushing Street in Residence District C and the Accord Pond Watershed and Hingham Aquifer Protection District, subject to the following conditions:

1. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. Prior to endorsement of the Definitive Plan, the Applicant shall submit final condominium documents to the Board to demonstrate compliance with Section IV-D of the Zoning By-Law.
3. All Open Space shall perpetually be kept in an open or natural state consistent with § IV-D of the Zoning By-Law. Whereas the Condominium Association (“Trust”) shall hold title to the Open Space, said Trust shall grant to the Town an easement to perform maintenance obligations of such Open Space and any accessory facilities if the Trust fails to do so. The Town reserves the right to record a lien against the Dwelling Units for the collection of all costs associated with performing such maintenance obligations as well as the imposition of any applicable fees.
4. Prior to issuance of any Building Permit for the site, the procedure for the sale or rental of the Low or Moderate Income Housing Dwelling Unit shall be in conformance with regulations promulgated by the Massachusetts Department of Housing and Community Development for the inclusion of such units on Hingham’s Subsidized Housing Inventory, and provide proof of said procedure to the Community Planning Department. To the extent permitted by applicable law, local preference shall be given in the sale of rental of Low and Moderate Income Housing.
5. All ongoing conditions of the Special Permit A3 issued March 28, 2022 shall remain in full force and effect unless otherwise modified by this decision.

For the Planning Board,



Kevin Ellis

July 31, 2023

In Favor: Kevin Ellis, 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.