



TOWN OF HINGHAM

Planning Board



NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Kimberly Welby
934 Main Street
Hingham, MA 02043

Agent: Walter Sullivan, Esq.
Sullivan & Comerford, P.C.
80 Washington Street, Building B, Suite 7
Norwell, MA 02061

Owner: 57 Water Street LLC
57 Water Street
Hingham, MA 02043

Property: 57 Water Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 35576, Page 5

Plan References: "Proposed Parking for Unit 4 Water Street Condominium," prepared by Ernest H. Fagerstrom, 138 Norwell Avenue, Norwell, MA, dated May 2, 1997 (1 sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Kimberly Welby (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") to operate a wellness studio at 57 Water Street in Business District A and the Downtown Hingham Overlay District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on September 11, 2023 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The

Board concurrently opened a hearing on a related application for a Special Permit A3 parking determination. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Walter Sullivan, Esq., Sullivan & Comerford, presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under § I-I of the By-Law with a condition 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 & DISCUSSION

The subject property consists of several independently owned attached commercial condominiums with a variety of businesses throughout the building, and is located across the street from the Station Street public parking area. The subject unit was previously occupied by Sotheby's Realty office on the first floor and Skin Radiance facial salon on half of the second floor. The Applicant proposes to occupy the first floor and half of the second floor of the subject unit with a wellness studio, including yoga classes on the first floor and massage/acupuncture services on half of the second floor. The other half of the second floor is currently occupied by an existing hair salon. Other than new signage, there are no changes proposed to the existing site and all work would be limited to the interior fit out of the space. Therefore, the Board's review pertains to a parking determination under a Special Permit A3.

The site itself offers 16 shared parking spaces along Water Street for the various businesses in the building. Additionally, the Station Street parking area across the street (inclusive of the southerly lot, northerly lot, and Town-owned parking along Station Street) has a total of 267 parking spaces. The massage/acupuncture portion of the wellness studio falls under the "Service Business" section of the Parking Table in Section V-A of the By-Law. Since the former facial salon falls under the same category, no parking determination is required for the massage/acupuncture portion.

Currently, there is no section within the Parking Table in Section V-A that provides a parking requirement for a "Health Club" use for the yoga portion of the wellness studio. The most recent attention to a parking count requirement for a health club was through a proposed Zoning Amendment from 2015, identifying a requirement of 7 spaces per 1,000 SF of Gross Floor Area (GFA). This requirement was proposed based upon guidance issued by the Institute of Transportation Engineers (ITE). The property is also located in the Downtown Hingham Overlay District, which benefits from a 25% reduction in the parking requirement. With this reduction, the requirement for the yoga use would be 5 spaces per 1,000 SF of GFA. This requirement is one space greater than what would have been required of the former realty office. Therefore, given the square footage of the proposed yoga use (1,824 SF of GFA of the first floor), the parking requirement is 9 parking spaces for the new use.

During the course of the hearing, the Board raised questions and comments related to onsite parking and hours of operation. There was no public comment.

WAIVERS

The Applicant requires a waiver of submittal requirements under § I-I, 5.e (zoning analysis), f (utility plan), g (landscape plan), h (tree protection and mitigation plan), i (grading and drainage plan), and j (construction schedule) as they do not apply to the limited nature of the project.

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 project:

i. Pedestrian & Vehicular Access; Traffic Management

No changes to access, circulation, or traffic management are proposed. The proposed yoga use will not change the number of parking spaces to be provided. The existing 16 parking spaces onsite and 267 spaces in the Station Street parking area across the street are sufficient for the proposed use.

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 § I-I.7 of the By-Law:

- a. The proposed development, as conditioned by the 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.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of Kimberly Welby for Site Plan Approval under § I-I of the Zoning By-Law to operate a wellness studio at 57 Water Street in Business District A and the Downtown Hingham Overlay District, 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,



Kevin Ellis, Chair
September 19, 2023

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, Tracey Shriver, 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.