



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT A3

#### IN THE MATTER OF:

**Applicant:** Su Escuela Language Academy, LLC  
c/o Jeffery A. Tocchio, Esq.  
175 Derby Street, Suite 30  
Hingham, MA 02043

**Owner:** John J. Flatley Co.  
45 Dan Road  
Canton, MA 02021

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

**Property:** 75 Sgt. William B. Terry Drive, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 34079 Page 104  
Certificate of Title No. 110147 issued by the Plymouth County Registry  
District of the Land Court

**Plan References:** "Existing Conditions Plan," prepared by Zentih Consulting Engineers, LLC,  
3 Main Street, Lakeville, MA, dated June 20, 2022 (2 Sheets)



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Su Escuela Language Academy (the "Applicant") for a Special Permit A3 under § V-A of the Zoning By-Law (the "By-Law") to expand an existing private school and daycare at 75 Sgt. William B. Terry Drive in the Limited Industrial Park District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 16, 2023, without the receipt of testimony. A substantive hearing on the application was held on October 30, 2023. Both sessions were held 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 Site Plan Review. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Gary Tondorf-Dick. Jeffery A. Tocchio, Esq., of Drohan, Tocchio, and Morgan, P.C., presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the Special Permit A3 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**

The subject property, located between Lincoln Street and Beal Street, is improved by a 100,000 SF building consisting of various General Business Office tenants and Su Escuela. Su Escuela serves as both a private elementary Spanish language academy and private daycare. The school itself has been in operation at the site since 2011 and has expanded within the building on a number of occasions since then – comprising 24,450 SF of Gross Floor Area (GFA). Upon a recent application for a building permit to further expand within the building to 31,500 SF of GFA, it was discovered that the school never obtained Site Plan Approval or a Special Permit A3 over the years – therefore the current application is intended to remedy this situation. Since there are no changes proposed to the site itself and all work will be interior, the Board’s review will only relate to parking and circulation onsite.

In terms of enrollment and staffing, the elementary program is comprised of 70 students and 15 staff members and the daycare program is comprised of 190 children and 46 staff members. In addition, there are 46 additional students enrolled in afterschool programs and 25 administrators across all school programs. While in total there are 306 students/children and 86 staff/administrators for the entire school, there are only a maximum of 260 students in the building during the school day. With respect to drop-off/pick-up, 85% of the Elementary students utilize bussing, while the remaining 15% of Elementary students and all daycare children travel by car. The school utilizes a circulation loop through the site for drop-off/pick-up to minimize any traffic issues.

Currently, there is no section within the Parking Table in Section V-A which explicitly provides a parking requirement for a school or daycare use. Therefore, a parking determination of the Planning Board is necessary to determine a reasonable parking requirement. The Board’s most recent parking determination for a school program was in 2022 for the Stepping Stones daycare on Beal Street, as a result of an expansion as well. In that instance, the Board applied a parking requirement of 4 spaces per 1,000 SF of GFA based upon a prior recommendation from the Board’s consulting traffic engineer, Jeffrey Dirk, P.E., PTOE, FITE, who noted this guidance issued

by the Institute of Transportation Engineers (ITE). There is other prior ITE guidance of applying a 0.5 space per student standard for elementary schools, but given that the mixed elementary school and daycare uses would utilize differing variables in their standards (students vs. SF of GFA), applying one parking standard for the entire school seems to be the cleanest and most logical approach. Therefore, the 4 spaces per 1,000 SF of GFA is recommended, as the daycare use is the more prominent program within the school. At 31,500 SF of GFA, this would bring the parking requirement to 126 spaces. The remainder of the building is largely vacant, with only an additional 9,377 SF of GFA occupied by the General Business Office uses, which requires 33 parking spaces (3.5 spaces per 1,000 SF of GFA). This brings the total required parking spaces for the building to 159. The existing parking lot contains 417 parking spaces, which yields an excess of 258 parking spaces over what is required for all the existing uses in the building.

Finally, while the Applicant requested a modification of a 2007 Special Permit A3, the referenced Special Permit relates to the entire development and multiple buildings on both sides of Sgt. William B. Terry Drive. Where the current application only relates to one portion and one tenant of the development, a new Special Permit A3 for this specific use/tenant is recommended.

During the course of the hearing, the Board raised questions and comments related to future use of the parking lot, circulation, building occupancy, school operations, number of students and staff, a potential condition of approval related to enrollment. There was public comment related to parking and circulation.

## **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 § V-A.6 of the By-Law:

- a. The parking is sufficient in quantity to meet the needs of the proposed project;**  
At 31,500 SF of GFA and a parking requirement of 4 spaces per 1,000 SF of GFA, 126 spaces are required for Su Escuela. The remainder of the building is largely vacant, with only an additional 9,377 SF of GFA occupied by the General Business Office uses, which requires 33 parking spaces (3.5 spaces per 1,000 SF of GFA). This brings the total required parking spaces for the building to 159. The existing parking lot contains 417 parking spaces, which yields an excess of 258 parking spaces over what is required for all the existing uses in the building.
- b. Safe pedestrian access and circulation has been provided for;**  
Pedestrian access and circulation is unchanged as a result of this project.
- c. New driveways have been designed to maximize sightline distances to the greatest extent possible;**  
No changes to entrances or sight distances are proposed.
- e. The existing parking areas meet applicable Design Standards; and**

- f. **The granting of this Special Permit is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**

**MOTION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Su Escuela Language Academy LLC for a Special Permit A3 under § V-A of the Zoning By-Law to expand an existing private school and daycare at 75 Sgt. William B. Terry Drive in the Limited Industrial Park District, subject to the following conditions:

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.
2. The Applicant shall return to the Board for modification of this permit, should total enrollment increase by 10% or more.

For the Planning Board,



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Kevin Ellis

November 8, 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.