



TOWN OF HINGHAM

Board of Appeals

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NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant: Su Escuela Language Academy, LLC
75 Sgt. William B. Terry Drive, Suite 1001
Hingham, MA 02043

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

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

Property: 75 Sgt. William B. Terry Drive (a.k.a. 350 Lincoln Street and 55 Sgt. William B. Terry Drive), Hingham MA 02043

Deed Reference: Certificate of Title No. 110147 issued by the Plymouth County Registry District of the Land Court

Plan References: "A1.1 – SELA: The International Private School, Interior Renovations," prepared by Christopher Clocher, Registered Architect, 76 Madison Street, Amesbury, MA 01913, dated August 23, 2023. (1 Sheet)
"Existing Conditions Plan," prepared by Zenith Consulting Engineers, 3 Main Street, Lakeville, MA, dated June 20, 2022 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Su Escuela Language Academy, LLC (the "Applicant") for a Special Permit A2 under §§ III-A, 3.3 and III-A, 3.4 of the Zoning By-Law (the "By-Law") and such other relief as necessary to operate a private school and a child care facility at 75 Sgt. William B. Terry Drive (a.k.a. 350 Lincoln Street and 55 Sgt. William B. Terry Drive) located within the Limited Industrial Park District.

The Applicant additionally filed a related application with the Planning Board for Site Plan Review under § I-I of the By-Law, along with an application for a Special Permit A3/Parking Determination under § V-A of the By-Law.

The Board opened a duly noticed public hearing on its Special Permit A2 application on October 17, 2023 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. The Applicant was represented by Jeffrey Tocchio, Esq. and Scott Goulding, Esq. of Drohan Tocchio & Morgan, PC.

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

The subject property, located between Lincoln Street and Beal Street, is improved by a 100,000 SF building consisting of various office, warehouse, and light industrial tenants and Su Escuela. Su Escuela is both a Spanish-immersion private elementary school classes and private daycare. The school has been in operation since 2011 within a 24,450 SF portion of the building that was previously occupied in part by a daycare. Unlike the prior daycare tenant, the Applicant's daycare is not exempted under MGL c. 40A, s. 3, the so-called "Dover Amendment".

Upon a recent application for a building permit to expand their current operation at this address, it was discovered that the Applicant was operating without the benefit of a Special Permit A2 for the operation of private school. The Applicant thereafter filed the necessary applications to remedy the matter.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the approval criteria under § I-H, 2 of the By-Law:

- a. The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:** Private Schools, and child day care facilities that fall under § III-A, 3.4, are allowed with a Special Permit A2. The proposed uses will not affect the health, safety or welfare of other tenants of the building, abutters to the property, or the general public.
- b. The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:** The existing use and proposed interior expansion will not alter the existing footprint of the building. The applicants will require approval from the Planning Board to expand the existing private school and

daycare. The applicants have filed applications with the Planning Board for a Special Permit A3 under § V-A, and Site Plan Review under § I-I of the Zoning By-Law.

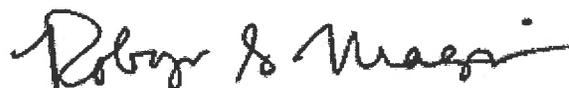
- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:** The building is over 100,000 square feet and surrounded by commercial properties. The businesses in the building do not impact residential neighborhoods. Access and traffic flow will remain as it is today.
- d. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The existing use of the school and addition of a day care facility in this area are positive to the area as they provide options in the area for the education and care of children. There will be no adverse impact associated with the proposed use of the existing tenant space. No alteration or construction is proposed outside the existing building. The use is compatible with the general business uses currently operating in the building.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** The property's current ingress and egress access, as well as the traffic circulation on the premises will not be altered with the continued use and expansion of the interiors space. All outdoor play areas are located in the rear of the building away from tenant areas and drop off and pick-up of the students are conducted in an organized manner by age and in different locations.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** The two-story building, constructed in 1987, consists of over 100,000± square feet and sits on 8.76 acres. The use under this applicant has been in place since 2011. The current ingress, egress and traffic circulation will remain as is.
- g. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** No alteration of the property's current storm water drainage system is contemplated by the petitioner's use because there is no proposed alteration to drainage patterns in connection with the use. The building and property are serviced by existing municipal water and sewer connections.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to grant the application of Su Escuela Language Academy, for a Special Permit A2 under Sections §§ III-A, 3.3 and 3.4 of the Zoning By-Law at 75 Sgt. William B. Terry Drive (a.k.a. 350 Lincoln Street and 55 Sgt. William B. Terry Drive) located in the Limited Industrial District, subject to the following condition:

1. The Applicant shall complete and operate the uses in a manner consistent with the approved plans and the representations made at the hearing before the Board.

For the Board of Appeals,



Robyn S. Maguire, Chair
October 27, 2023

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.