



TOWN OF HINGHAM

Board of Appeals

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ADMINISTRATIVE APPEAL DECISION

IN THE MATTER OF:

Petitioner/Owner: 300 Beal Street Owner LLC
350 Beal Street
Hingham, MA 02043

**Petitioner's
Representative:** Lisa A. Gouveia, Esq.
Scolnick Laverty & Gouveia LLP
Braintree Hill Office Park, Suite 205
Braintree, MA 02184

Property: 300 and 350 Beal Street

Title Reference: Plymouth County Registry of Deeds, Book 55720, Page 34

SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of 300 Beal Street Owner LLC (the "Petitioner") for an Administrative Appeal of the Building Commissioner's enforcement order, dated August 1, 2024, ordering that the Petitioner cease and desist the leasing or renting of apartments for less than 30 consecutive days at 300 & 350 Beal Street in violation of Section III-B.4 of the Hingham Zoning By-Law (the "Enforcement Order").

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 15, 2024 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 Robyn S. Maguire, Chair, Member, Jed Ruccio, and Michael Mercurio, Associate Member. The Petitioner's Attorney, Attorney Vladimir Nechev, of Scolnick Laverty & Gouveia LLP, was in attendance to represent the Petitioner. The Board was assisted in its review by Special Real Estate Counsel, Susan C. Murphy, Esq., of Dain, Torpy, Le Ray, Wiest & Garner, P.C. The Building Commissioner, Michael Clancy, also attended the hearing.

Throughout its deliberations, the Board was mindful of the statements of the Petitioner and the comments of the general public, all as made or received at the public hearing.

BACKGROUND:

The subject property is a 220 rental unit building that was permitted under a Comprehensive Permit in 2017; 25% of the units are restricted as affordable units. The property is located in the Office Park Zoning District.

On July 31, 2024, the Building Commissioner received a complaint from a tenant of the building that the management company was renting a residential unit as a short-term rental. This was confirmed with a submission of copy of a flyer with the complaint to the Building Commissioner. The flyer had been distributed by the management company to the residents of the building, reminding them that the Cove "Guest Suite" was available to rent. In addition to the "Guest Suite", upon searching Google.com, Zoning and Building Staff located listings for units to rent for under 30 days at the Cove on several short-term rental websites.

On August 1, 2024, the Building Commissioner issued an order to the Appellants that they cease and desist the leasing or renting of apartments for less than 30 consecutive days, citing that they are in violation of Section III – Use Regulations, §III-B. Special Conditions to Schedule of Uses - #4. *No dwelling unit shall be leased or rented for a period of less than 30 consecutive days.*

This appeal of the Enforcement Order was filed on September 3, 2024. The Appellants are requesting that the Board reverse and/or modify the order issued by the Building Commissioner in relation to their "Guest Suite".

HEARING / DISCUSSION:

The Petitioner's Representative, Attorney Vladimir Nechev, addressed the Board and stated that when they received the Building Commissioner's cease and desist order, they notified the Town that they had one apartment that the residents of "The Cove" can book as an amenity guest suite to family and friends for less than 30 days.

In response to the questions from the Board as to how the "Guest Suite" differs from a short-term rental unit, Attorney Nechev stated that the amenity apartment isn't available to the general public and provides space for people who would otherwise be staying with building tenants at The Cove, provided they pay a rental fee.

Attorney Murphy reviewed the language of Section III-B.4 and noted that the provision contains no exceptions.

Staff members of "The Cove" testified that the building is never 100% leased and that the "Guest Suite" has been available for 367 days. They also noted that they were not aware of the By-Law when the unit was created.

DECISION:

Upon a motion made by Jed Ruccio and seconded by Michael Mercurio, and based upon the information submitted and received at the hearing, and the deliberations and discussions of the Board members during the hearing, the Board voted unanimously to uphold the Building Commissioner's enforcement order, dated August 1, 2024, and to, thereby DENY the Administrative Appeal.

For the Board of Appeals,



Robyn S. Maguire
October 29, 2024

This Decision shall not become effective until (i) the Town Clerk as 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 or is recorded and noted on the owner's certificate of title.