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# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT A3 MODIFICATION

#### IN THE MATTER OF:

Applicants: Gill Research Drive, LLC and South Shore Cheer Academy, LLC  
60 Research Road  
Hingham, MA 02043

Owner: Gill Research Drive, LLC  
60 Research Road  
Hingham, MA 02043

Agent: Jeffery Tocchio, Esq.  
DTM Law, P.C.  
175 Derby Street, Suite 30  
Hingham, MA 02043

Property: 73 Abington Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58297 Page 284

Plan References: "Layout Plan," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated October 7, 2022 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Gill Research Drive, LLC and South Shore Cheer Academy, LLC (collectively the "Applicant") for modification of a Special Permit A3 parking determination, originally issued February 15, 2019 and modified through March 6, 2023, under § V-A of the Zoning By-Law (the "By-Law") to locate a health club at 73 Abington Street in the Industrial Park and South Hingham Development Overlay Districts.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on December 2, 2024 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 heard a related request for a waiver of Site Plan Review under § I-I of the By-Law. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Jeffery Tocchio, Esq., DTM Law, P.C., presented the application to the Board. At the conclusion of the review, the Board voted to grant the Special Permit A3 modification under § V-A of the By-Law with a condition 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 & DISCUSSION**

The subject property consists of 5.6± acres of land located on the northeasterly side of Abington Street. In 2019, the Board issued Site Plan Approval and a Special Permit A3 to redevelop the property for construction of three warehouse/office buildings with associated parking and utilities. The approved plans included 58 parking spaces to serve a 14,850 SF warehouse/office (Building A), a 5,000 SF warehouse/office (Building B), and a 90,000 SF warehouse (Building C). The Board subsequently issued a waiver of Site Plan Review and a modification of the Special Permit A3 in March 2023 in connection with the elimination of Building B and expansion of Building A to 20,000 SF. The number of parking spaces was also reduced from 58 to 57 during this process.

The Applicant now proposes to modify the use of Building A, through a modification of a Special Permit A2, from the previously approved warehouse/office building to a health club for a cheer/tumbling tenant, known as ECE Hingham, who is currently located in a 10,000 SF building at 3 Pond Park Road. ECE Hingham offers cheer/tumbling for participants between the ages of 3 to 18, consisting of fourteen cheerleading teams and separate tumbling practices for participants. The program operates outside of school hours and is open on weekdays from 3 PM to 9 PM, on a specific schedule with tumbling class/practice followed by two shifts of team practices. Tumbling class/practice is scheduled from 3 PM to 4:30 PM, followed by a first session of team practices from 5 PM to 6:45 PM and a second session of practices from 7 PM to 8:45 PM. Tumbling class/practice has a total of approximately twenty participants. Each practice session includes up to four teams at a time with approximately fifteen team members and one coach each. On weekends the facility is proposed to operate from 10 AM to 5 PM for team practice sessions with the same number of participants. Outside of these hours only two employees will be present onsite. No competitions will take place at the facility.

The approved plans and Special Permit A3, as previously modified, include 57 total parking spaces onsite. The approved plan allocated 38 parking spaces to Buildings A and 19 parking spaces to Building C (CubeSmart). Building C has only one employee on site and parking demand for its use has been minimal. Almost all of the participants of ECE Hingham's practices are dropped off at and picked up from the facility, with a handful of participants having a driver's license and driving themselves. Parents/guardians are not allowed to remain at the facility as there is no standing or viewing area to watch practices. Notably, ECE Hingham has operated successfully at 3 Pond Park for nine years with 15 parking spaces, per the Special Permit A3 for that site. There have been no

parking demand issues from ECE Hingham's use or at that property. The Applicant asserts that the 38 parking spaces allocated to Building A are sufficient in quantity to meet the needs of the proposed use.

Since there is no standard for a Health Club outlined in the Zoning By-Law, the Board must make a determination as to the number of parking spaces to be allocated for this use. In the Board's 2016 Special Permit A3 for this same tenant at 3 Pond Park Road, no standard was applied and rather the Board utilized the Applicant's assertions of what they believed the parking demand would be in determining the number of spaces required for the use, which was 15. In some recent instances of determining the parking for other Health Club uses in the past, the Board has looked to the standard outlined by the Institute for Transportation Engineers (ITE), circa 2015, which is 7 spaces per 1,000 SF of GFA. However, those types of health clubs were different in nature and applying that standard would require 140 parking spaces for the cheer/tumbling facility, which does not seem to fit this particular use. Given that the Board previously determined 15 parking spaces to be adequate for this use at its present 10,000 SF location and that the Applicant notes the adequacy of the 15 parking spaces at the 3 Pond Park Road facility, increasing the parking requirement to 30 parking spaces with the SF doubling to 20,000 SF would be consistent. Additionally, given the unique nature of the low number of employees and driving age participants, and low parking usage for Building C, requiring 30 spaces for Building A would still allow for an excess of 8 spaces onsite.

During the course of the hearing, the Board raised questions and comments related to the use of parking spaces for the Cubesmart building and site access and circulation. 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 findings in accordance with the Approval Criteria under § V-A.6 of the By-Law:

That the proposed modifications do not materially or adversely affect conditions governed by the Special Permit A3 Findings issued February 15, 2019, as modified March 6, 2023, and set forth in § V-A of the Zoning By-Law, with the exception of the following:

- a. The parking is sufficient in quantity to meet the needs of the proposed project.**  
The Board previously determined 15 parking spaces to be adequate for this use at the tenant's present 10,000 SF location at 3 Pond Park Road and the Applicant notes the adequacy of the 15 parking spaces at the facility. Increasing the parking requirement to 30 parking spaces with the SF doubling to 20,000 SF would be consistent. Additionally, given the unique nature of the low number of employees and driving age participants, and low parking usage for Building C, requiring 30 spaces for Building A would still allow for an excess of 8 spaces onsite.

### **MOTION**

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted to GRANT the application of Gill Research Drive, LLC and South Shore Cheer Academy, LLC for modification of a Special Permit A3 parking determination, originally issued February 15, 2019 and modified through March 6, 2023, under § V-A of the Zoning By-Law to locate a health club at 73 Abington Street in the Industrial Park and South Hingham Development Overlay Districts, subject to the following condition:

1. All other conditions imposed by the Board in its Special Permit A3, originally issued February 15, 2019, and modified March 6, 2023, remain in full force and effect unless modified by this decision.

For the Planning Board,



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Gordon Carr  
December 9, 2024

**In Favor:** Gordon Carr, Rita DaSilva, Kevin Ellis, Tracy 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.