



TOWN OF HINGHAM

Board of Appeals

RECEIVED

DEC 19 2024

Town Clerk
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicants: Gill Research Park, LLC
60 Research Road
Hingham, MA 02043

South Shore Cheer Academy, LLC
3 Pond Park Road
Hingham, MA 02043

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

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

Property: 73 Abington Street, Hingham MA 02043

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

Plan References: "Gill Research Drive, LLC – Layout Plan of Warehouse Facility" prepared by Crocker Design Group, dated October 7, 2022 (2 Sheets);

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Gill Research Park, LLC and South Shore Cheer Academy, LLC (collectively the "Applicants") for a Special Permit A2 under § III-A, 4.12A of the Zoning By-Law (the "By-Law") and such other relief as necessary to allow for the relocation of a Health Club Use, consisting of a cheer/tumbling facility, at 73 Abington Street, located in both the Industrial Park District and the South Hingham Development Overlay District.

The Board opened a duly noticed public hearing on its Special Permit A2 application on December 17, 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 regular members Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. The Applicant was represented by Jeffrey Tocchio, Esq. of Drohan Tocchio & Morgan, PC. At the conclusion of the hearing, the Board voted unanimously to grant the requested relief.

Throughout the hearing, the Board was mindful of the statements of the Applicant's representative, all as made or received at the public hearing.

BACKGROUND

The property consists of 5.6+ acres of land located on the northeasterly side of Abington Street. In 2019, the previous owner of the property obtained Site Plan Approval to redevelop the property to construct a commercial warehouse and office site that would consist of three buildings. They received the required approvals from the Planning Board, Conservation Commission and the Board of Health. In addition, the Zoning Board granted a Special Permit A2 under § III-E, 7 (floor area ratio).

In December of 2022, the Applicant filed for a Modification of this Special Permit, reducing the number of buildings from 3 to 2; this modification was granted by the Zoning Board. In November of 2023, the Applicants applied for a Special Permit A1 for a second Parallel Building Sign and that permit was also granted.

The larger, warehouse building consisting of 90,000 s.f. is now constructed and is occupied by CubeSmart Self Storage. The second structure, Building A, is partially constructed and approved to include 20,000 s.f. of warehouse and office space and currently does not yet have a tenant. South Shore Cheer Academy, LLC a/k/a ECE Hingham would like to rent all of Building A.

ECE Hingham has operated their Cheer Academy at 3 Pond Park in Hingham since 2016 (also located in the Industrial Park and South Hingham Development Overlay Districts). They offer cheer/tumbling for participants between the ages of 3 and 18, consisting of fourteen (14) cheerleading teams and separate tumbling practices for participants. The program operates outside of school hours, and is open on weekdays 3:00 p.m. to 9:00 p.m. and 10:00 a.m. to 5:00 p.m.

The buildout of Building A will consist of installing floor mats, constructing a small lobby/reception area, with 2 small offices, 2 bathrooms, and a team uniform sale shop.

The Applicants received a modification of their existing Special Permit A3 (originally issued February 15, 2019 and modified through March 6, 2023), as well as a waiver of Site Plan review from the Planning Board on December 9, 2024.

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:** A health club is allowed by Special Permit within the Industrial District. The proposed use will not affect the health, safety or welfare of the tenant of Building C, abutters of 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 proposed use will not alter the existing footprint of Building A. The Applicants have maintained the same use at 3 Accord Park, also located in the Industrial Park and South Hingham Development Overlay Districts, since 2016. The Applicants have amended the existing Special Permit A3 Parking Determination with the Planning Board.
- 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 property is 5.6+ acres and is located within the Industrial Park and South Hingham Development Overlay District. The approved footprint of Building A, as well as the previously approved Site Plan will not be altered by the use of the tenant space as a health club. ECE Hingham’s program operates outside of school hours and CubeSmart storage warehouse has only has one employee at the site, which will generate minimal activity that will have no impact on the neighboring area.
- d. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The existing traffic patterns as previously approved will not be altered.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** The property’s current ingress and egress, as well as the traffic circulation, are not to be altered in connection with the health club use within Building A. In addition, drop off and pick up for ECE Hingham will occur at staggered times.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** The project as previously approved by the Zoning Board and Planning Board is not being changed. The proposed use of a health club will be supported by the site.

- g. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction, for the following reasons:** 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 an on-site septic system.

DECISION

Upon a motion made by Paul Healey and seconded by Jed Ruccio, the Board voted unanimously to grant the application of Gill Research Park, LLC and the South Shore Cheer Academy, for a Special Permit A2 under § III-A, 4.12A of the Zoning By-Law at 73 Abington Street, in the Industrial Park and South Hingham Development Overlay Districts, subject to the following condition:

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

For the Board of Appeals,



Robyn Maguire, Chair
December 19, 2024

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.