



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Viking Development LLC
c/o Chris Fazendin
302 Innovation Drive, Suite 310
Franklin, TN 37067

Owner: 425 Lincoln Street LLC
20 Winthrop Square
Boston, MA 02110

Agent: Andrew Platt
Bohler Engineering
352 Turnpike Road, 3rd Floor
Southborough, MA 01772

Property: 425 Lincoln Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 46417 Page 344

Plan References: "ALTA/NSPS Land Title Survey," prepared by Control Point Associates, Inc., 352 Turnpike Road, Southborough, MA, dated November 14, 2024 (2 Sheets)

"Earthwork Cut & Fill Analysis," prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through March 18, 2025 (1 Sheet)

"Fire Truck Turn Exhibit," prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 9, 2025 (1 Sheet)

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Town Clerk
Hingham, MA

“Garbage Truck Turn Exhibit,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 9, 2025 (1 Sheet)

“Long-term Stormwater System Operation and Maintenance Plan,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 14, 2025 (12 Sheets)

“Proposed Site Plan Documents,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 28, 2025 (14 Sheets)

“Schematic Elevations,” prepared by Norr, 150 W Jefferson Avenue, Suite 1300, Detroit, MI, dated February 5, 2025 (1 Sheet)

“Schematic Floor Plans,” prepared by Norr, 150 W Jefferson Avenue, Suite 1300, Detroit, MI, dated February 5, 2025 (1 Sheet)

“Sight Triangle Exhibit,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 9, 2025 (1 Sheet)

“Site Circulation and Student Drop Off Procedure,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through March 18, 2025 (1 Sheet)

“SU-30 Turn Exhibit,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 9, 2025 (1 Sheet)

“SU-40 Turn Exhibit,” prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA, dated February 3, 2025 and revised through April 9, 2025 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Viking Development LLC (the “Applicant”) for Site Plan Review under §§ I-I and III-B.8.b of the Zoning By-Law (the “By-Law”) to redevelop an existing 15,000± SF building to serve as an early education facility with a playground and related parking, traffic, and site improvements at 425 Lincoln Street in the Industrial District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on March 24, 2025 with a subsequent substantive session held on May 5, 2025. Both hearings were held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of

2025 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Gordon Carr, Chair, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Chris Fazendin, Applicant, Luke DiStefano, of Bohler Engineering, and Keri Pyke, P.E., PTOE, of Howard Stein Hudson, presented the application to the Board. At the conclusion of the review, the Board voted to grant Site Plan Approval under §§ I-I and III-B.8.b. of the Zoning 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 & DISCUSSION

The subject property consists of 2 lots held in common ownership with a combined area of 59,787± SF improved by the former 15,000 SF Volvo dealership building, paved parking areas, and landscaping. The proposal calls for reuse of the existing building to serve as a child care facility with a 5,100 SF playground, reoriented parking/circulation areas, and landscaping. The total land disturbance associated with the project consists of 40,000 SF, a net fill of 600 CY, and a net reduction in impervious area by 950 SF.

As an application with a child care use, this project qualifies for the protections under M.G.L Chapter 40A § 3, also known as the Dover Amendment, which provides in part: “No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

With respect to stormwater, while the site already has existing stormwater mitigation infrastructure and the impervious area onsite will be reduced, the Applicant proposes the addition of two area drain structures, a raingarden, drywell, and an underdrain system at the playground area. These structures will outlet to the existing stormwater drainage system which consists of several catch basins, drain manholes, a sand filter, an oil/gas separator structure, and a hydrodynamic water quality unit. Regarding utility connections, all existing utilities currently serving the building will remain. Additionally, the Applicant proposes to remove five-6” trees from the site, totaling 30” and requiring 15” of mitigation under regular Site Plan Review. Being a non-single or two-family lot, all five trees are considered Protected Trees. While the Applicant has the ability to request waiver of this requirement, 7 new 3” caliper trees are proposed throughout the site as mitigation, totaling 21”, in addition to other shrubs and plantings.

In terms of parking and circulation, there is no parking standard for schools or child care facilities, so the Board must make a determination as to what a reasonable number would be. The Applicant notes that the site currently has 87 parking spaces and proposes 47 spaces. However, it is important to note that the large majority of the existing parking spaces are doubled/tripled and were previously used for parking of vehicles for sale and not for customers or staff. The

Applicant notes that the proposed hours of operations are Monday through Friday 7 AM to 6 PM, with a capacity of up to 171 students and 30 staff members. With respect to EV parking requirements under Section V-A.5.p, a reconstructed parking lot with 47 spaces is required to have 12 parking spaces (25%) to be EV ready and 5 spaces (10%) be served by EV chargers. The Applicant proposes 12 parking spaces in the rear of the property to be EV ready with no chargers to be installed at this time.

In addition to staff, the Board's civil and traffic peer review engineers Patrick Brennan, PGB Engineers, and Jeffrey Dirk, Vanasse & Associates, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering/traffic practices. Mr. Brennan's report noted satisfaction with the design but recommended filter fabric installation around the drywell and a general note about parking spaces. The Applicant addressed Mr. Brennan's comments.

Mr. Dirk's report included comments related to a motor vehicle collision diagram, Town of Weymouth projects, MassDOT improvement projects, a sight distance analysis, the Transportation Demand Management (TDM) program, intersection improvements, a State Highway Access Permit, a vehicle and firetruck turning analysis, drive aisle width, signage, parking space alignment, addition of onsite/offsite sidewalks and crosswalks, sight triangle areas, a bicycle rack, adequacy of parking, parking space dimensions, and the loading zone. Mr. Dirk noted satisfaction with all revisions and the project generally including the 47 parking spaces proposed and site circulation.

During the course of the hearing, the Board raised questions related to queueing, parent drop-off/pick-up, parking lot surface work, EV charger installation, site lighting, existing curb cuts, handicapped parking spaces, crosswalks, site circulation, traffic at the intersection of Essington Drive and Route 3A, separation between the parking lot and playground, trip generation, peak hours, certain permissions from the property owner of Essington Drive, and the energy code. There was public comment during the hearing related to the northwestern intersection of Essington Drive with the marina and the potential concerns of trucks/boats existing the marina property. Following additional discussion, the Board ultimately imposed conditions of approval related to potential additional handicapped spaces, crosswalks, and truck traffic signage at the northwestern intersection of Essington Drive.

RELIEF REQUESTED

As a project reviewed under the Dover Amendment, the Board may only enforce "reasonable regulations" and as a result the Applicant is allowed relief, through findings, of certain dimensional standards under the By-Law. The following were considered by the Board during the hearing process:

Setbacks: Three newly proposed light posts are within the 25' side yard setback, as set forth under Section IV-A given the need for parking lot lighting in the reconstructed parking area.

EV Charging: The Applicant proposes to not install any EV chargers where the requirement, under Section V-A.5.p, for a reconstructed parking lot with 47 is 5 spaces (10%) to be served by chargers. The Applicant requests this relief on the basis that the nature of the facility's operations results in short and highly transitional parking durations, with parents primarily utilizing the parking spaces for brief drop-offs and pick-ups, typically lasting less than 15 minutes – leaving the effective usage of EV chargers as limited. The Applicant also suggests that installation of EV chargers could inadvertently introduce additional security concerns, including unauthorized use of the parking spaces and increase the potential for loitering. It should be noted that the Board has granted relief from this requirement in two previous instances since adoption of this standard in 2023. One was at the Hingham Woods condominium complex off of Beal Street (100% waived of owner spaces and 50% waived of guest spaces) and the other was at the Resurrection Church on Main Street (100% waived due to limited time a car is parked onsite), which was also a use that benefited from the protections under the Dover Amendment.

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 §§ I-I and III-B.8.b of the By-Law:

- a. The proposed development, inclusive of the use of land and structures for child care purposes qualifies for limited review pursuant to M.G.L. Chapter 40A, Section 3 and Section III-B.8.b of the Zoning By-Law.
- b. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- c. The proposed development either will maintain existing non-conformities or complies with all applicable regulations of the Hingham Zoning By-law except for the following:

Setbacks: Three newly proposed light posts are within the 25' side yard setback, as set forth under Section IV-A. A finding to allow these new light posts does not unreasonably regulate the child care facility given the need for parking lot lighting in the reconstructed parking area.

EV Charging: Based upon the 47 parking spaces proposed, the By-Law would require 5 spaces (10%) to be equipped with EV chargers. The Applicant proposes no EV chargers at this time. Given the limited amount of time most vehicles would be parked onsite during parent drop-off/pick-up, the safety concerns expressed by the Applicant, and the protected child care use, a finding to allow no EV chargers to be installed at this time will not unreasonably regulate the child care facility.

MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted to GRANT the application of Viking Development LLC for Site Plan Approval under §§ I-I and III-B.8.b of the Zoning By-Law to redevelop an existing 15,000± SF building to serve as an early education facility with a playground and related parking, traffic, and site improvements at 425 Lincoln Street in the Industrial District, subject to the following conditions:

1. **Proof of Recording.** 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. **Transportation Demand Management.** Prior to issuance of a building permit, the Applicant shall work with the Community Planning Department, Town Engineer, and Police Department to develop a Transportation Demand program appropriate for the Project and consistent with its level of impact, as noted in the Transportation Impact Study dated March 2025 and recommended by the Board's Traffic Peer Review Engineer.
3. **Parking Lot Revisions.** Prior to issuance of a building permit, the Applicant shall attempt to provide additional ADA parking spaces in the western bank of parking spaces or in the rear of the parking lot where feasible and adjust the western crosswalks where feasible. The Applicant shall provide revised plans to the Community Planning Department should the Applicant find ways to accommodate these revisions.
4. **Traffic Signage.** Prior to issuance of a certificate of occupancy, the Applicant shall add traffic warning signage for at the northern intersection on Essington Drive for vehicles traveling north to note "Watch for Trucks Entering", as feasible and allowed.
5. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
6. **Limits of Work; Tree Protection Areas.** During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.
7. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. In the event

it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.

8. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
9. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner and Community Planning Department prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
10. Maintenance of Protected Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.

For the Planning Board,



Gordon Carr

May 8, 2025

In Favor: Gordon Carr, 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.

