



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

**Applicant/
Owner:** John E. Alessi
25 Free Street
Hingham, MA 02043

Subject Property: 25 Free Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 49258, Page 182

Plan and Document

References: Plot Plan and Disturbance Plan, prepared by Michael P. Clancy, Registered Land Surveyor, dated December 4, 2025 (2 sheets);
Shed, Garage and Accessory Dwelling Unit Floor plans, prepared by OCO Architectural Design, located at 80 Front Street, Scituate, MA, 02066, dated December 5, 2025 (2 sheets);
Elevations of the Shed, Garage and Accessory Dwelling Unit and Existing Dwelling Floor Plans, prepared by OCO Architectural Design, located at 80 Front Street, Scituate, MA, 02066, dated December 5, 2025 (3 sheets).

RECEIVED

FEB 05 2026

Town Clerk
Hingham, MA

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of John E. Alessi (the "Applicant") for a Special Permit A1 under Section III-I.1.c of the Zoning By-Law (the "By-Law"), to construct a conforming addition to a pre-existing nonconforming garage. The pre-existing nonconforming garage was destroyed in a storm and will be reconstructed by right under Section III-I.b. The conforming addition will consist of a three bay garage with an Accessory Dwelling Unit (ADU) above, at 25 Free Street, located in Residence District A.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, January 27, 2026, during a meeting held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board of Appeals panel consisted of regular members Paul K. Healey, Acting as Chair, Jed Ruccio and Associate Member, Lauren Galvin. At the conclusion of the January 27, 2026 hearing, the Board voted unanimously to grant the requested Special Permit A1.

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

BACKGROUND AND DISCUSSION

The subject property consists of approximately 20,559± SF (where 20,000 SF is required) of land located in Residence District A, and has 80 feet of frontage (where 125' is required) on Free Street. The lot is improved by a single-family dwelling (ca. 1910), and had a nonconforming, single-story, two-car garage (ca. 1985). The garage was destroyed by a tree that fell on it during a storm in 2025. It was removed from the property in January of 2025.

The Applicants have confirmed with the Building Commissioner that the destroyed garage can be restored with a building permit under Section III-I.b of the Zoning By-Law, which states in part under *“Restoration – A lawfully existing nonconforming building or structure may repaired or reconstructed if damaged or destroyed by casualty, including explosion, fire, storm or other natural disaster, but only if such repair or reconstruction is begun within (2) years of such damage for destruction...”* .

The Applicants will reconstruct a storage shed in the footprint of the former garage. The new construction will be at the 15' foot side setback. The proposed addition will consist of three-bay garage, with an Accessory Dwelling Unit (ADU) on the second floor; both a garage and an ADU are allowed by right under the By-Law. Under Section V-K of the Zoning By-Law, the ADU may not be larger in Gross Floor Area than ½ the Gross Floor Area of the principal Dwelling or 900 SF, whichever is smaller. The proposed ADU will be 860 SF and conforms to this section of the By-Law.

The extension of the nonconforming garage is allowed with a Special Permit A1 under §III-I.1.c of the Zoning By-Law. The proposed addition to the reconstructed garage/shed meets all of required dimensional setbacks of the district.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2 and Section III-I.c:

1. Use of the site is in harmony with the general purpose and intent of the Zoning By-Law.

The proposed uses within the addition, a three-bay garage and an Accessory Dwelling Unit (ADU), are allowed uses in the Residence A District. The extension of a nonconforming structure is allowed by a Special Permit A1.

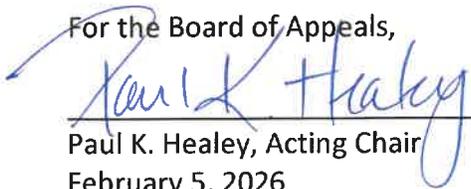
2. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law.** The proposed ADU is a permitted use under §III-A, 1.9 of the Schedule of Uses, the proposed addition meets §IV-A – the Schedule of Dimensional Requirements, and the ADU meets §V-K – Accessory Dwelling Units of the Zoning By-Law.
3. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area.** The uses, a garage and an ADU are designed to look residential and are compatible to the neighborhood.
4. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated.** The proposed ADU will provide smaller scaled housing for the community. The proposed addition will be constructed off of the reconstructed shed that is located further back on the lot. The proposed garage will allow for more parking, keeping vehicles off of the street.
5. **There will be no nuisance or serious hazard to vehicles or pedestrians.** The proposed construction will not impact vehicles or pedestrians.
6. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** The existing garage has electricity, and the onsite septic system can support the additional bedroom within the ADU as one of the bedrooms within the primary structure will be removed.
7. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction:** The property is served by public water and on-site sewer. The proposed project has been designed by an Architectural Designer.

DECISION

Upon a motion made by Jed Ruccio and seconded by Lauren Galvin, the Board found that the proposed alteration, extension, or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and voted unanimously to GRANT a Special Permit A1 under Section III-I.1.c of the Zoning By-Law to construct a conforming addition to a pre-existing nonconforming garage, subject to the following condition:

1. The work shall be completed in accordance with the application and approved plans, any other applicable provisions of the Zoning By-Law, and the representations made during the public hearing.

For the Board of Appeals,



Paul K. Healey, Acting Chair

February 5, 2026

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.