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**NOTICE OF DECISION
Site Plan Review in Association with a Special Permit A2**

Applicant: MDC Properties – Abington Street, LLC.
286 Commonwealth Avenue, Unit 5
Boston, MA 02115

Project Site: 73 Abington Street
Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 47538 Page 288

Plan Reference:
“Site Development Plans for Proposed Warehouse Facility” Site Location: Portion of 73 Abington Street
Town of Hingham Plymouth County, Massachusetts, Map 211, Lot 1, prepared for MDC Properties -
Abington Street, LLC., Prepared by Bohler Engineering, dated 7/25/18, revised to 1/18/19, 29 Sheets.

PROCEEDINGS

On September 18, 2018, MDC Properties – Abington Street, LLC. (“Applicant”) filed an application (“Application”) for a Site Plan Review under Section I-G and I-I in Association with a Special Permit A2 to accommodate the proposed F.A.R. of .45 under Section III E 7 (b) i. for the construction of three industrial buildings, as well as a Special Permit A3 Parking Determination and/or waivers under Section V-A, property zoned Industrial Park/South Hingham Development Overlay District.

A public hearing of the Planning Board was duly noticed and opened on October 22, 2018 and continued to December 3, 2018; December 18, 2018; January 7, 2019; January 28, 2019 and closed on February 11, 2019. The Applicant was represented by Attorney Walter Sullivan; Jesse Johnson, Bohler Engineering; and Frank Polak, owner. The Planning Board hearings were conducted by Judith Sneath, Gordon Carr, Jennifer Gay Smith and Gary Tondorf-Dick. The Planning Board consulted with John Chessia, Chessia Consulting who acted as a consultant to the Planning Board pursuant to Section I-I (2) of the Zoning By-Law.

BACKGROUND AND DISCUSSION

This property located at 73 Abington Street has an area of approximately 5.62 acres and is in the Industrial Park/South Hingham Development Overlay District. The site consists of land with the center portion of the site containing an existing compacted gravel driveway to provide access to a house and garage. The remaining portion of the site is undeveloped and consists of open fields and wooded areas. Slopes on the site range from 2%-10% with on-site elevations ranging from 137 feet at Abington Street to 160 feet at the northern property line. The proposed project consists of a commercial warehouse and office site consisting of three buildings with associated access, parking and utility services. The site slopes generally towards Abington Street and the Board reviewed the project carefully to ensure that more

drainage did not flow towards the roadway. The Board heard testimony from the Chief of Police and town staff offered conditions of approval but did not object to the development. The Board also reviewed the landscaping to mitigate impacts on abutters and also encouraged the applicant to rely on one access drive instead of two to help reduce the grades on the internal driveway and allow a greater amount of the drainage to be diverted towards the wetlands system east of the project. The site plan shows 58 parking spaces where the regulations would require 128 spaces so a Special Permit A3 is required.

FINDINGS - SITE PLAN REVIEW

Based on the information submitted and presented during the hearing, and subject to satisfaction of the conditions set forth below, the Board made the following findings under Section I-I, 6 of the By-Law:

- a. *protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.*

The Board found that the photometric plan indicates no offsite impacts from the lights, and that a landscape plan has been provided. They also found that four Norway spruce shall be added along the south of Building B to screen the residential uses.

- b. *convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;*

The Board found that the design has one access/egress with a grade of 6.7% on the main access road. Once the site is developed the sight distances conditions (>500') will exceed the minimum required for safety (intersection sight distance requirement = 415', stopping sight distance requirement = 305'). The fire department typically prefers more than one access to a site however the applicant has agreed to sprinkler all three buildings and is providing fire hydrants internal to the site which the fire department letter of December 20, 2018 indicates is satisfactory.

- c. *adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;*

The Board found that a Special Permit A3 is required for this project. The Board noted that the parking table on page 4 says 58 parking spaces are provided and the table on landscape plan 1 says 51 spaces are provided. For this reason the landscape plan shall be revised. The Board found that there are restricted access areas behind the storage facility building.

- d. *adequacy of open space and setbacks, including adequacy of landscaping of such areas;*

The Board found that a landscape plan has been provided.

- e. *adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site*

The Board found that dumpsters have been shown on the plan.

- f. *prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;*

The Board found that Police details may be required at the discretion of the police chief during construction and that utility easements and cross access easements are indicated.

- g. assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm Water Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.*

The Board found that a SWPPP is required for this project and that limits of clearing and erosion controls must be installed and inspected prior to the start of work by town staff or the review engineer. The Board found that the project design reduces both the rate and volume of water flowing to Abington Street which is beneficial from a public safety perspective. The Board also found that additional information is needed for the proposed conditions storm water design for the 100 year storm where bypass could occur. This data should be provided prior to building permit and if significant bypass does occur the system may need minor alterations to grates, etc. Finally, the Board found that the O&M plan is consistent with the DEP Handbook requirements.

- h. protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;*

The Board found that this is not applicable.

- i. minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.*

The Board found that the previous building on site was a single family house. This is the Industrial Park Zone.

VOTE AND CONDITIONS

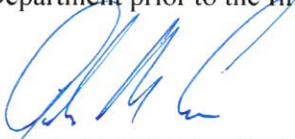
Upon a motion made by Jennifer Gay Smith and seconded by Judith Sneath, the Board voted to Approve Site Plan Review in association with a Special Permit A2 as presented at the hearings and shown on the plans titled "Site Development Plans for Proposed Warehouse Facility" Site Location: Portion of 73 Abington Street Town of Hingham Plymouth County, Massachusetts, Map 211, Lot 1, prepared for MDC Properties - Abington Street, LLC., Prepared by Bohler Engineering, dated 7/25/18, revised to 1/18/19, 29 Sheets, based on the findings and subject to the following conditions.

Conditions

1. Applicant shall sprinker all buildings in accordance with the Fire Department letter of 12-20-18.
2. Applicant shall label Fire Lanes as directed by the Fire Prevention officer.
3. Applicant shall maintain the sight lines free of obstructions that would impede the sight distances.
4. A minimum of 4 Norway spruce shall be added to the south of Building B at the top of the slope.
5. A Special Permit A3 is required.
6. Applicant shall coordinate with the Fire Department and Police Department with regard to any need they may have for keys or access to the gates behind the storage facility.
7. Police details may be required at the discretion of the Police Chief during construction.
8. Final utility plans shall be submitted to the planning department at the time of the application for the building permit.
9. Utility easements and/or cross easements must be finalized and recorded prior to certificate of occupancy.
10. Any additional testing to be performed under the final infiltration basin locations shall be witnessed by the peer review engineer and completed prior to the start of construction. Should test results differ

from the assumptions used in the calculations, then adjustments to the design must be submitted for peer review prior to the start of construction including any indicated hydrologic analysis.

11. If significant bypass to storm drain system occurs during 100 year storms the applicant shall make minor alterations to the system as detailed in the supplemental data and design for the 100 year storm where bypass could occur.
12. Prior to the start of construction the plans shall be revised to clarify soil conditions and groundwater depth.
13. Prior to issuance of the building permit the Applicant shall provide a statement for the planning department file as to why it is not feasible to meet the requirements for a ~2,550 sf portion of the new access drive and why it can be considered to be “de minimus” under the regulations.
14. Not less than 3 weeks prior to the proposed start of construction the applicant shall submit the SWPPP to the town for review by the Board or their review engineer.
15. A preconstruction meeting is required prior to the start of work. If erosion controls have not been inspected prior to this meeting they will be inspected as part of this meeting.
16. The illicit discharge statement from the Owner must be signed and provided to the Planning Department prior to the first Certificate of Occupancy on the site.



Gordon M. Carr, Chairman
Hingham Planning Board
EXECUTED this 14th day of February, 2019

Votes:

In favor: Carr, Sneath, Tondorf-Dick, Gay Smith

Opposed: none

Cc: Clerk; ZBA; Fire; Police; Assessor; DPW; Building; BOH; J. Chessia; J. Johnson, Bohler Engineering; W. Sullivan; S. Girardi, HMLP.