



**TOWN OF HINGHAM**  
PLANNING BOARD

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**NOTICE OF DECISION**

**Special Permit A3**

**Applicant:** REB, LLC  
P.O. Box 948  
Hanover, MA 02339

**Project Site:** 11 Bank Ave, 103 & 105 North Street  
Hingham, MA 02043

**Deed Reference:** Book 49863 Page 104; Book 4906 Page 258

**Plan References:**

“Site Plan Set 103 & 105 North Street and 11 Bank Avenue, Assessor Map 61 Lots 46 and 48, Hingham, MA 02043”, prepared by Cavanaro Consulting, prepared for JS Barry Development, LLC, PO Box 948 Hanover, MA 02339, dated 4/15/19, revised to 5/23/19, 6 sheets.

Landscape Plan, 103-105 North Street, Hingham, MA, prepared by Sean Papich, 1 sheet, and dated April 26, 2019, revised to May 22, 2019.

Bank Ave Photometric Plan dated 3/19/19. Revised to 3/20/19, Rev. 6, prepared by illuminate, 1 sheet.

“Ground Floor Plan” dated April 1, 2019 prepared by Strekalovsky Architecture Inc., prepared for 11 Bank Ave- Hingham, MA, 1 sheet.

**PROCEEDINGS**

On April 25, 2019, REB, LLC (“Applicant”) filed an application (“Application”) for a Special Permit A2 under §§ I-F and III-G.6 of the Zoning By-Law, along with Site Plan Review under §§ I-G and I-I and a Special Permit A3 Parking Determination and/or Waivers under §§ III-G and V-A, and such other relief as necessary to construct a Commercial/Residential Building at property known as 11 Bank Ave, 103 & 105 North Street, in Business District A and the Downtown Hingham Overlay District.

A public hearing of the Planning Board was duly noticed and opened on May 21, 2019, then continued to June 18, 2019 and July 15, 2019 when it was closed and the application was acted upon. The Applicant was represented by John Cavanaro, Cavanaro Consulting; Sean Papich, Papich landscape architecture; Attorney Walter Sullivan; Vcevy Strekalovsky, Architect; McMahon Associates, Traffic Engineering; and John Barry, Applicant. The Planning Board

hearings were conducted by William Ramsey, Gordon Carr, Kevin Ellis and Gary Tondorf-Dick. Associate Member Ted Matthews was seated on the Special Permit A3. Regular member Judy Sneath was recused from this matter. Gary Tondorf-Dick completed a Mullins Affidavit for the May 21, 2019 hearing. The Planning Board consulted with John Chessia, Chessia Consulting (civil engineering) and Jeffrey Dirk, Vanasse and Associates, (traffic engineer) who acted as a consultants to the Planning Board pursuant to Section I-1 (2) of the Zoning By-Law.

### **BACKGROUND AND DISCUSSION**

These properties located at 11 Bank Ave, 103 & 105 North Street originally had a combined area of 1.41 acres and are in the Business District A and the Downtown Overlay District. A 21,843 square foot portion of the parcel known as "Parcel B" was split off of the development parcel and will be transferred to an abutter in a separate transaction. The balance of the site is ~39,582 square feet and that is the area proposed for this development activity. The site was previously developed with two smaller buildings (currently the 1,116 s.f. retail leather shop and one residential unit with garage below) and a 9 unit residential building. The proposal includes the demolition of the two smaller buildings and the construction of a mixed use commercial/residential structure containing ~1,750 square feet of commercial space and 8 one bedroom residential units with structured parking for the residential units. The Historic Districts Commission reviewed this project extensively and issued a Certificates of Appropriateness for the project on January 10 and May 16, 2019. The Board stated that they give great deference to the Historic Districts Commission and their decisions with regard to the building size. The Planning Board had the project reviewed for civil engineering as well as parking and traffic considerations. This site is considered a partial redevelopment with regard to the design of the storm water system. The project as designed will reduce the volume of water flowing towards North Street and provide the required treatment. The Board heard and was mindful of public comment during the process, both in writing and at the hearings. The Board heard testimony on an existing deed restriction on the property but ultimately found that the restriction did not preclude the Board from acting on the applications before it. The Board discussed the site design and potential impacts on the abutters at length. The landscape plan was reviewed in depth and plantings will be installed to provide screening for all parties. The lighting plan shows no light spill off site. The Board was concerned about the eastern property line and in particular how the construction would proceed without impacting the existing stone wall or large locust trees. Ultimately the Board determined that a detailed engineered construction plan relative to the demolition of the eastern structure and a portion of the retaining wall and refortification of that portion of the site would be needed prior to the start of work because most of the retaining wall is not on this property and it is said to be very old. The Boards discussed the internal site circulation and traffic patterns entering and exiting the site in depth. The site circulation will be one way with the eastern driveway serving as the exit from the site as it was determined to be the safer of the two driveways for vehicles to use to exit the site. Both driveways on site will be widened to 14'. The parking for the new residential units will be provided internal to the new building. The parking for the commercial use and the existing residential building will be provided on site with the 25% reduction allowed in the Business District A. The Applicant had requested a waiver from the requirement to provide a loading space. The Board, in discussing the site circulation and proposed uses, indicated a preference for loading and deliveries to occur internal to the site as possible. The Applicant noted that the commercial use would be able to schedule deliveries for off peak hours. The dumpsters will be internal to the building and a smaller vehicle would access the site to empty them. The Board then discussed the loading space requirement in the By-law Section V-A. c & e and determined that a partial waiver of this requirement is needed because the loading space is internal to the site but could possibly temporarily obstruct vehicles maneuvering on site either accessing parking spaces or traveling

through the site. The on-site loading area is to be striped and provided adjacent to the bollards and will be used by small box trucks only. The Board felt the loading space would be infrequently used and consideration of the final design as proposed and modified during the hearings was appropriate. The Board expressed a concern that the construction process not have a negative impact on the adjacent merchants with regard to traffic flow and maintaining parking for the retail customers and discussed options to ensure this over the construction period.

### **WAIVERS**

The Board then discussed the following waiver:

1. Request for partial waivers of Section V-A.5.c & e because there is not a designated loading space. The O&M plan indicates that deliveries with small box trucks would pull up by the Bollards and live park for short periods of time. After discussion the Board determined that the loading space should be striped, and that partial waiver of this requirement is needed because the loading space is internal to the site but could possibly temporarily obstruct vehicles maneuvering on site either accessing parking spaces or traveling through the site. The Board found the loading space would be infrequently used and consideration of the final design as proposed and modified during the hearings was appropriate.

### **FINDINGS – SPECIAL PERMIT A3**

- a) *The parking is sufficient in quantity to meet the needs of the proposed Project;*

The Board found that In accordance with the By-law, 8 spaces are provided for the new residential use; 7 spaces are provided on site for the commercial use, and 14 spaces are provided for the 9 existing 1 bedroom units.

- b) *Pedestrian access and circulation has been provided for;*

The Board found that yes, the site is served by sidewalks and new pedestrian walks are being installed.

- c) *New driveways have been designed to maximize sightline distances to the greatest extent possible;*

The Board found that no new driveways are proposed. Existing driveways will be widened to 14' for one way circulation. Peer review engineer has reviewed the sightlines and indicated that this driveway circulation is the most advantageous.

- d) *It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings; and*

The Board found that yes, appropriate conditions have been considered to mitigate any impacts associated with the waivers.

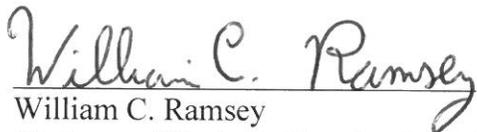
- e) *The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.*

The Board found in the affirmative saying yes.

**VOTE AND CONDITIONS**

Upon a motion made by William C. Ramsey and seconded by Gary Tondorf-Dick, the Board voted 5-0 to APPROVE the Special Permit A3 and requested waiver from Section V-A.5 Design Standards for the redevelopment of 11 Bank Ave and 103 & 105 North Street as presented at the hearings and as shown on the plans titled "Site Plan Set 103 & 105 North Street and 11 Bank Avenue, Assessor Map 61 Lots 46 and 48, Hingham, MA 02043", prepared by Cavanaro Consulting, prepared for JS Barry Development, LLC, PO Box 948 Hanover, MA 02339, dated 4/15/19, revised to 5/23/19, 6 sheets, as discussed, based on the findings, and subject to the conditions, based on the findings, with the waivers, and subject to the following conditions:

1. Any modification to the site as proposed, or increase in density shall require modification of permits and further review of the traffic engineering.



William C. Ramsey

Chairman, Hingham Planning Board

EXECUTED this 25<sup>th</sup> day of July, 2019

Votes:

In favor: Matthews, Carr, Tondorf-Dick, Ellis, Ramsey

Opposed: none

Cc: Clerk; ZBA; Fire; Police; Sewer Department; Assessor; DPW; Building; BOH; J. Chessia; J. Cavanaro; J. Dirk; V. Strelakovsky; S. Papich; W. Sullivan; S. Girardi, HMLP.