



TOWN OF HINGHAM
PLANNING BOARD

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NOTICE OF DECISION

Special Permit A3

Applicant: Fusion Education Group d/b/a Fusion Academy
77 Monroe Center, NW, Suite B
Grand Rapids, MI 49503

Project Site: 99 Derby Street, Suite 101
Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 44381 Page 299

PROCEEDINGS

On June 5, 2019 Fusion Academy (“Applicant”) filed an application (“Application”) for a Special Permit A2 under §§ I-F and III-A (3.3) 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 §§ V-A, and such other relief as necessary to allow the operation of a private school at the property known as 99 Derby Street in the Office Park and South Hingham Overlay District.

A public hearing of the Planning Board was duly noticed and opened on July 15, 2019 and continued to August 5, 2019 at which time it was voted on. The Applicant was represented by Attorney Scott Golding from Drohan Tocchio & Morgan, P.C., Lindsey Leblanc from Fusion Education Group, and Engineer Gabe Crocker of Crocker Design Group. The Planning Board hearings were conducted by Gordon Carr, Gary Tondorf-Dick, William Ramsey and Kevin Ellis.

BACKGROUND AND DISCUSSION

This property located at 99 Derby Street has an existing three story ~42,863 s.f. office building which was constructed in 1990 and approved with 165 parking spaces on a 5.26 acre parcel. The site is fully developed and there is an existing dumpster. There are 171 spaces striped on site now but 6 of them are not dimensionally compliant and were not approved with the building so they will be removed from use and that area will be striped with paint to create an island and bring the site back into full compliance with the original approval of 165 parking spaces. The Applicant proposes to occupy Suite 1 which consists of 10,626 square feet of the building and has 37 parking spaces allocated to the space. The site has physical access across the property known as 101 Derby Street. The drive aisles into and within the site provide good circulation and sufficient room for emergency vehicles. The Chief of Police indicated support for the use

and that it was beneficial that the classes would be spread out throughout the day and not happening at peak traffic hours.

Mr. Golding explained that the Fusion Academy is similar to a Kaplan or Sylvan Learning Center but that it is full time usually running from 8:00 AM to 9:00 PM with a flexible schedule. He stated that small office buildings are conducive to the small group instruction that Fusion provides. Fusion Academy provides a one to one tutoring facility for students in grades 6-12 adapting to individual student's needs and learning styles. Fusion Academy offers a year round academic schedule to meet the demand of students. Class sessions are offered between 8:00 am and 9:00 pm with the peak usage hours between 10 am - 2 pm. There will be 17 full time tutors, 8 part time tutors and 7 administrators. During peak hours there will be 45-55 students and only 8-10% of students drive themselves and park onsite. The projected total parking demand is 34 spaces, and, there will be two dedicated drop off spaces with a net of 36 spaces where 37 are provided. Accordingly the Applicant is asking the Board to make a determination that the 37 parking spaces allocated to this portion of the building are sufficient for the use as proposed.

FINDINGS – SPECIAL PERMIT A3

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

The Board found that there are 165 spaces on the site as approved and 37 are allocated to this use.

This use is projected to require 34 spaces for the students and staff, and two additional spaces are designated for drop off and pick up. This effective projected parking space demand of 36 spaces is reasonable and there are 37 spaces available for the use therefore there is adequate parking for the use as presented and proposed.

b) Pedestrian access and circulation has been provided for;

The Board found in the affirmative saying yes.

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

The Board found that no new driveways are proposed.

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 this is not applicable.

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.

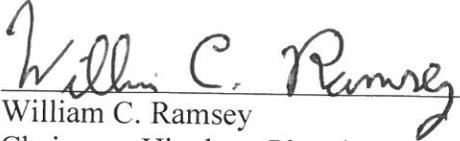
. The Board found that this is not applicable.

VOTE AND CONDITIONS

Upon a motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board voted 4-0 to APPROVE the Special Permit A3 Parking Determination for Fusion Academy at 99

Derby Street, Suite 101 as presented at the hearings and as shown on the application materials, based on the findings and subject to the following conditions:

1. Any increase in the use or the physical space being occupied by the use requires a modification of the permit



William C. Ramsey

Chairman, Hingham Planning Board

EXECUTED this 9th day of August, 2019

Votes:

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

Opposed: none

Cc: Clerk; ZBA; Fire; Police; Sewer Department; Assessor; DPW; Building; BOH; G. Crocker; S. Golding.