


TOWN OF HINGHAM
PLANNING BOARD

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

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 - SITE PLAN REVIEW

The Applicant submitted a Request for Waiver from the Site Plan application requirements beyond what has been submitted because this is a change of use and interior building improvements with little outside work. The Board acknowledged the request and decided to review the Site Plan Review criteria to determine if additional information was needed. The Board then began deliberation on the Site Plan Review criteria.

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 this is not applicable in that the site is fully developed.

- 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 driveways and parking areas are existing, that two dedicated "drop off/pick-up" spots are being created at the front of the building for the students, and noted that the Fire Department has no comments.

- 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 parking determination is required and noted that an updated parking table for the entire site has been submitted for the file. It shows that the projected parking demand for this use is 34 spaces and there are two drop off spaces for a net of 36 spaces. This portion of the building has 37 spaces allocated to it which exceeds the projected demand per the applicant.

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

The Board found that this is not applicable, it is a fully developed site.

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

The Board found that the site is developed and there is a dumpster on site.

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 this is not applicable.

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 this is an existing developed site and that the exterior work associated with this application includes modifications to the parking area but no new impervious surfaces.

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 this is not applicable.

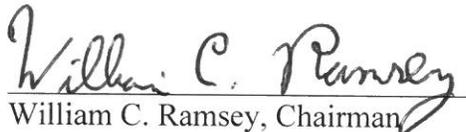
VOTE AND CONDITIONS

The Board then made a MOTION to waive the site plan review submittal requirements beyond the material as provided, finding that the application materials and information provided are sufficient to review the project proposal.

Upon a motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board voted to Approve Site Plan Review in association with an application for a Special Permit A2 for Fusion Academy at 99 Derby Street, Suite 101, to allow the operation of a private school under Sections I-G, I-I and III-A.3.3 as presented in the application materials and at the hearings with the waivers, based on the findings and subject to the following conditions:

Conditions

1. A Special Permit A3 Parking Determination is needed.
2. Inspections are required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction and the approved drainage and storm water system installed for the project.
3. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction.



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.