



TOWN OF HINGHAM
PLANNING BOARD

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AUG 12 2019

Town Clerk
Hingham, MA

NOTICE OF DECISION

Site Plan Review in Association with a Special Permit A2

Certified Mail # 7018 1830 0000 1813 2661

Applicant: Falcon LLC.
88 West Grove Street
Middleboro, MA 02346

Premises: 45 Industrial Park Road
Hingham, MA 02043

Date: August 6, 2019

Title Reference: Book 50208, Page 184
Cert. of Title No. 127364, Book 636, Page 164

Summary of Proceedings

The application before the Board is for Site Plan Review in Association with a Special Permit A2 to allow a Health Club under Sections I-G, I-I, and III-A.4.12 A, and a Special Permit A3 Parking Determination under §V-A of the Zoning By-Law, with waivers if necessary, to allow ~4,270 square feet of space to be used as a ballet studio in addition to the other existing uses, property located in the Industrial Park District. The applications were submitted on June 11, 2019, the Board opened the hearings at their duly noticed hearing of July 15, 2019 and then continued the hearings to the meeting of August 5, 2019 at which they deliberated and voted on the proposals.

Planning Board members seated on the application were Gordon Carr, Gary Tondorf-Dick, William Ramsey, Judith Sneath and Kevin Ellis. Judith Sneath was not at the meeting of August 5, 2019 and did not act on the application. The Applicant was represented by Attorney Bruce Isadore, John Cavanaro of Cavanaro Consulting and Matt Falconeri who were all in attendance at both hearings to present the project.

Project Description

Attorney Isadore stated that the request is to allow a Health Club use (ballet studio) in the existing building at 45 Industrial Park Road and that use requires a Special Permit A2 from the Board of Appeals as well as a Special Permit A3 parking determination from the Planning Board. The Planning Board completed a site plan review for this site in 2018 for a building addition and that construction work is underway at this time. The intent is to reduce the square foot area of

office use to create space for the ballet studio within the approved building envelope. Mr. Cavanaro explained that no new impervious surfaces were being added to the site but that the parking area was being restriped to create 8 additional spaces to bring the parking count from 29 to 37 spaces. The Board discussed the internal circulation and parking as well as access onto and leaving the site. The northern driveway was modified to more clearly direct vehicles as they exit the site. The Board did note that the edge of pavement was not the property line and as such vehicles would inch into the right of way as they exit the site. The Applicant discussed this curb cut with the Department of Public Works and ultimately determined that additional signage or stop bars were not indicated at this time. The Board was satisfied with the physical modification of the driveway as it would enable vehicles to exit the site more efficiently. The Board discussed the Health Club use and noted that is a broad category. They then discussed the ballet studio use in particular and how the drop off and pick up would work, and that some students stay for more than one class in a row. They also noted that there was only a small overlap in hours with the office use so that for the most part this particular tenant and use with the hours of operation as proposed seemed to have access to the entire site during the majority of their business hours. The Applicant stated a request to not provide a loading zone as the uses on site did not require one.

Findings and Decision

After discussion, the Board reviewed the Site Plan Review Criteria, and made the following findings:

- 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.*

Findings: The site was reviewed in 2018 when the addition was proposed and approved. This application is a change in uses to add the health club use to the site. No new outside lighting is proposed.

- 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;*

Finding: The Fire Department notes that their comments from the 2018 review process still apply.

- 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;*

Findings: A Special Permit A3 waiver from Section V-A.5.c is requested to eliminate the requirement to provide a loading space. A Special Permit A3 parking determination is requested

to find that the allocation of 22 spaces to serve the Health Club use (ballet studio) provides sufficient parking for that use. One additional deciduous tree must be added to the site to meet the parking lot planting ratio.

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

Finding: Landscape plan hasn't changed since the 2018 approval.

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

Finding: Dumpster area is 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;

Finding: 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.

Findings: No new impervious is proposed. The site was reviewed in 2018 and the design is not changing.

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;

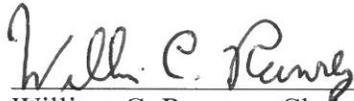
Finding: Not applicable.

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

Finding: Not applicable.

With a Motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board then voted to Approve Site Plan Review in Association with a Special Permit A2 for Falcon LLC as presented at the hearings and as shown on the plans titled "Site Plan, 45 Industrial Park Rd., Hingham, MA" prepared for Falconeiri Construction, prepared by Cavanaro Consulting, dated 6/10/19, revised to 7/26/19, 1 sheet, based on the findings, and subject to the following conditions:

1. Outside light fixtures must be wall mounted full cutoff fixtures with recessed lenses consistent with what exists today.
2. Prior to issuance of CO the Knox box or alternative approved by the Fire Marshal must be in place to ensure access to the gated areas.
3. A Special Permit A3 parking determination and waiver is needed for this project as proposed.
4. Plans shall be revised to add one additional deciduous tree due to the increase in parking space count.
5. 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.
6. 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. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the storm water system design and performance standards of the approved project plans.



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: Town Clerk; J. Cavanaro; B. Isadore; Conservation Commission; Building Department; Fire; Health; Assessors; G. Olsson; J. Kilroy; ZBA; Sewer.