



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION

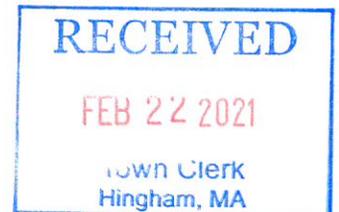
IN THE MATTER OF:

Applicant: Charlene Levi
39 Bel Air Road
Hingham, MA 02043

Owner: RSL Realty LLC
39 Bel Air Road
Hingham, MA 02043

Property: 28 South Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 45948, Page 3



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Charlene Levi (the "Applicant") for a Special Permit A3 Parking Determination and/or waivers under § V-A of the Zoning By-Law (the "By-Law") along with a request for waiver of Site Plan Review under Section §§ I-G and I-I of the By-Law, for a change of use to open a Health Club (personal and small group training studio) at 28 South Street in the Business A and Downtown Hingham Overlay Districts in space currently used as garage/storage.

The Board opened the initial, duly noticed public hearing on the applications during a meeting held on January 11, 2021 via Zoom as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law. A subsequent session of the hearing was held by remote participation on February 1, 2021. The Board panel consisted of regular members Kevin Ellis, Chair, Judith Sneath, Rita DaSilva, Gordon Carr, and Gary Tondof-Dick. The Applicant was represented during the hearings by Charlene Levi, RSL Realty, and Megan Sidorowicz, personal trainer. At the conclusion of the second hearing, the Board voted unanimously to waive Site Plan Review and grant the requested Special Permit, with conditions set forth below.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION

The subject property is located on the north side of the one-way portion of South Street between Main Street and North Street. The site is improved by a 2-story commercial building (ca. 1880) with multiple tenants. The request would allow a health club to locate in the rear portion of the ground floor.

The Board approved a similar application in 2016 to allow a yoga studio to locate in the building; however, the permit was never exercised and has since lapsed. The present application requests a waiver of Site Plan Review and a Special Permit A3 Parking Determination in order to operate a personal training facility from the premises. The prospective tenant proposed the following days/hours of operation and maximum class size:

Days/Hours of Operation	Class Size
7 days/week between 6:00-8:00AM and 5:30-7:00PM	Maximum 6 – 8

The Board noted during the hearing that the proposed operation would be a significantly less intensive use of the space than that last approved in 2016 for the proposed yoga studio, which called for classes of up to 25. Additionally, the Board of Appeals issued a Special Permit related to parking on the property in 1995 that authorized use of the building resulting in an overall parking demand of 24 spaces. Only 2-3 spaces were at that time located onsite. Spaces are not presently stripped in the onsite parking area, but it is assumed to continue to include 2-3 spaces.

The Board discussed the requirements of the By-Law. Sections III-G,7.c. and V-A, 5.n. both require any request for a reduction in onsite parking requirements to be accompanied by an analysis of parking demand. The analysis should be prepared by an engineer in a manner consistent with standards established by the Institute of Transportation Engineers (ITE) and the Urban Land Institute (ULI). While the application does not include a parking study, the Board was able to assign parking requirements to each use within the building based on both the parking table in the By-Law and recommendations from the 2017 Downtown Shared Parking Model. The report suggests that the expected demand for this particular “health club” use would be 7 spaces/1000 SF GFA. Together with the 25% reduction permitted in Business A, the property presently generates the following parking demands:

28 South Street Uses and Parking Requirements January 2021			
Tenant	Space (S.F)	Use	Parking Req.
Kloth (vacant)	750	Retail	3
Casey’s Fitness Boutique	500	Retail	3
Yoga Studio- Personal Trainer	1000	Health Club	5
Garages	540	-	-
Common area (entry and stairs)	300	-	-
Unfinished storage	531	Storage	0
Trellis Design Suites #1 & 3	560	Office & Storage*	2

Pace Sports Suite #2	410	Office*	2
Kloth Suite #4	160	Storage	0
Vacant #5	240	Vacant	-
Vacant #6	120	Vacant	-
Sew What's New, Suite 8	250	Sewing Lessons	1
Vacant Suite #7	435	-	-
Yoga Studio Suite #10	540	Office *	2
Common Area – 2 nd floor	906	-	-
Total			18
Permitted Parking Demand Based on 1995 Special Permit			24

* Use confirmed on 2nd floor; 25% reduction applied

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Special Permit Approval Criteria under § V-A, 6. of the By-Law:

a. The parking is sufficient in quantity to meet the needs of the proposed project:

The property is previously developed and supports multiple tenants. The specific tenant space for the proposed health use would require 5 parking spaces based on the health club parking standard specified in the 2017 Downtown Shared Parking Model, after applying the 25% reduction allowed in the Downtown Hingham Overlay District. There is insufficient parking onsite to meet the demand for this use and other uses; however, there is sufficient parking in the area, including both on-street and other publicly available parking spaces, to support the proposed use. Additionally, the Board of Appeals issued a parking determination on January 18, 1995 that authorized a parking demand of 24 spaces, which were also primarily located offsite.

b. Pedestrian access and circulation has been provided for:

No alterations are proposed to pedestrian access or circulation for the proposed use.

c. New driveways have been designed to maximize sightline distances to the greatest extent possible:

No new driveways are proposed. Existing driveways meet the expected needs of the proposed use.

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:

The property is constrained and offers no opportunity to provide additional parking spaces onsite. A Parking Determination that allows for occupancy of an existing tenant space within the historic building will not adversely affect the surrounding area or the property.

- 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.**

Relief will not increase the likelihood of vehicular and/or pedestrian conflicts. The overall parking demand for the site is less than the prior parking determination issued by the Board of Appeals on January 18, 1995.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to 1.) waive site plan review as the proposed work is limited to interior renovations; 2.) waive the requirement for a parking analysis under Sections III-G,7.c. and V-A, 5.n. of the By-Law; and 3.) grant the requested Special Permit A3 Parking Determination to allow a health club to locate at 28 South Street in Business A and the Downtown Hingham Overlay District, subject to the following conditions:

1. The use shall be operated in a manner consistent with the representations made by the Applicant to the Board, including the representation that the daily hours of operation will be limited to 6 AM – 8 AM and 5:30 PM – 7 PM.
2. The maximum class size shall be 8 participants.
3. An extension of either the hours of operation or class size shall require a modification of this Special Permit.
4. A lookback is required one year from issuance of Certificate of Occupancy to review the parking, except that lookback shall be sooner if there are complaints.
5. The property owner shall re-paint the handicapped accessible walkway to the handicapped entrance to ensure that it is not obstructed by parked cars.

For the Planning Board,



Kevin Ellis, Chair

February 22, 2021

In favor: Carr, DaSilva, Ellis, Sneath, Tondorf-Dick
Opposed: None

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.