



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3 (PARKING DETERMINATION)

Applicant/Owner: JEB Group LLC
C/O Timothy Casey
430 East First Street, PO Box E-62
Boston, MA 02127

Property: 100 Industrial Park Road, Hingham, MA 02043

Deed References: Certificate of Title No. 96743 issued by the Plymouth County Registry District of the Land Court, Book 483, Page 143

Plan References: Plan set entitled "Land Development Plans Issued for Town of Hingham Conservation Commission and Planning Board Approval," prepared by BL Companies, 355 Research Parkway, Meriden, CT, dated March 6, 2020 and revised through March 30, 2021 (44 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of JEB Group LLC (the "Applicant"), filed March 9, 2020, for Site Plan Review under §§ I-G and I-I of the Zoning By-Law (the "By-Law") in connection with a Building Permit and Special Permit A3 Parking Determination and/or Waivers under § V-A of the By-Law, and such other relief as necessary, to redevelop the property known as 100 Industrial Park Road in the Industrial Park and South Hingham Development Overlay Districts. The statutory deadline for completion of the hearing was tolled pursuant to Section 17 of Chapter 53 of the Acts of 2020 for the period from March 10, 2020 through December 1, 2020.

The Board opened the initial, duly noticed public hearing on the applications during a meeting held on May 18, 2020, and the hearing was thereafter suspended in accordance with the provisions of Chapter 53 of the Acts of 2020 until September 14, 2020. Subsequent substantive hearings were held on December 14, 2020, January 25, 2021, February 22, 2021, March 22, 2021, and April 5, 2021, with an agreed upon decision deadline of April 29, 2021. The Board held all hearings 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.

The Board panel consisted of regular members Kevin Ellis, Chair, Judith Sneath, Gordon Carr, and Gary Tondorf-Dick. William Ramsey was present at the first hearing, but his term expired prior to completion of the hearing. Gordon Carr filed a written certification pursuant to MGL c. 39, s. 23D,

the so-called Mullins Rule, for the hearing held on December 14, 2020. The Applicant was represented during the hearings by BL Companies. The Applicant's tenant, Amazon, was represented at the hearings by Brad Griggs, Michael Kelliher and Attorney Michael Giamo of Robinson and Cole. The Board was assisted in its review by consulting engineers John Chessia, PE and Jeffrey Dirk, PE, PTOE, and Susan Murphy, Special Town Counsel. At the conclusion of the hearing, the Board voted to grant Site Plan Review approval, with conditions set forth below. The requested Special Permit was also granted as set forth in a separate written decision issued herewith.

BACKGROUND AND DISCUSSION

The project site is an approximately 17.05 acre pre-developed parcel located at the north side of Industrial Park Road, a public way, and Commerce Road, a private way, in the area known as the South Shore Industrial Park, in the Industrial Park District and South Hingham Overlay District. The parcel also abuts state highway Route 3 to the north, a developed industrial property to the west and unimproved land to the east. The parcel is currently developed with two existing buildings, driveways and parking areas. There are existing wetlands to the southeast and southwest of the site. The existing site has partially wooded areas around the perimeter, however significant clearing was done on the property prior to the filing of the applications, resulting in the loss of trees of substantial caliper. Due to contamination caused by a previous use on the site, the site is also subject to an activity and use limitation (AUL).

The proposed use of the project as a warehouse and distribution center is permitted as of right in the zoning district. Pursuant to the Zoning Bylaw, the project is subject to Site Plan Review in connection with both the application for a building permit for the project and in connection with a Special Permit A3 Parking Determination. A Special Permit A3 Parking Determination under Section V-A of the Bylaw is required as the number of proposed parking spaces on the site greatly exceeds the allowed parking for the site. The site is to be used by Amazon, pursuant to a lease with the Applicant, and Amazon's contract partners, as a "last mile" distribution facility for the delivery of packages in Hingham and the surrounding communities. The proposed redevelopment includes the renovation of a +/- 149,000 square foot building on the western portion of the site with associated modifications to the parking, drainage, utilities, landscaping, and off-site adjacent roadways, necessary to support modifications for the facility. The project will also include the demolition of a second, existing ±41,203 square foot building to the southeast.

The application was filed on March 9, 2020, days prior to the declaration of a state of emergency in the Commonwealth of Massachusetts due to the Covid-19 pandemic. Shortly thereafter, the Governor adopted certain Executive Orders and the Massachusetts legislature enacted Chapter 53 of the Acts of 2020, as amended by Chapter 201 of the Acts of 2020, which modified certain procedures and deadlines under applicable permitting statutes due to the inability of permitting boards to conduct hearings in the usual manner. In response, the Planning Board used diligent efforts to implement the modified public hearing procedures adopted by the state in order to recommence the scheduling of public hearings by remote participation while insuring access by all interested parties to the public hearings and to application submissions and hearing materials.

Section V-A Off-Street Parking Requirements of the Zoning By-Law states that the parking criteria are directed toward lessening congestion and securing safety from personal injury or property damages

on public and private ways and abutting lands. As the project proposes more than double the number of spaces required or allowed under the Zoning By-Law, the special permit review was required. Over the course of the lengthy review of the project, the Planning Board, with the assistance of its peer review engineers, and the cooperation of the Applicant, diligently reviewed and applied the site plan review criteria and special permit parking requirements of the By-Law. The findings of the Planning Board with respect to the Site Plan Review criteria of the By-Law are set forth in a separate written decision issued herewith. The design of the parking areas was modified a number of times by the Applicant's team during the course of the hearing address in order to meet the goals of Section V-A, and address various design issues raised by the Board including, without limitation, (a) ensuring that the number of parking spaces is justified by the proposed use and operations, (b) ensuring that, due to the increase in impervious surface in the parking area, the amount of storm water infiltration on the site was design to the maximum extent practicable, (c) reconfiguration of the on-site circulation to avoid congestion on the immediately adjacent streets and to allow for safe access and circulation of emergency vehicles.

The Planning Board, in rendering its decision, made extensive and detailed findings as set forth in this decision supported by the substantial evidence in the record of the hearing (including the guidance of its expert peer review engineers), and, based thereon, the Board imposed conditions necessary, appropriate, and reasonably related to mitigating impacts that the project would otherwise have on neighboring properties in the South Shore Industrial Park, the natural environmental, and the adjacent area.

SPECIAL PERMIT A3 FINDINGS IN ACCORDANCE WITH SECTION V-A.6

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

The proposed project provides for 126 car parking spaces and 321 delivery van parking spaces, for a total of 447 parking spaces, in significant excess of the 191 spaces required for office and warehouse use under Section V-A the Zoning By-Law. The project site contains seven loading dock spaces which are separate from parking areas in a location on the site that will not obstruct travel on street, driveways, or aisles. The need for the parking spaces is supported by the programmed use of the property as represented by the Applicant and to provide for sufficient off-street parking to accommodate the use which is permitted as of right in the zoning districts. The applicant originally proposed a retail-type customer pick-up area at the site which has since been removed from the site plan. Parking for such use is not included on the site plan and such use is not permitted without further approval of the Planning Board with respect to both parking and traffic impacts. The parking areas meet the dimensional criteria of the Zoning By-Law and the requisite number and size of parking lot trees are provided for on the Site Plans.

b. Pedestrian access and circulation has been provided for.

The proposed project provides for adequate pedestrian safety within the site. Truck delivery traffic, including ingress and egress for delivery trucks, has been segregated on a site to limit interactions with pedestrians.

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

Access to the site will continue to be through the three existing driveways, consisting of one exiting to Industrial Park Road and two entrance/exits along Commerce Road. Improvements to the three driveways are proposed to improve safe entrance and exit from the site and to improve sight lines for each of the driveways.

- 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.*

No waivers to the parking standards of the Zoning By-Law have been requested.

- 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.*

As discussed above, improvements to the access driveways will increase safe ingress and egress to the site. Mr. Dirk and the Hingham Fire Marshal have reviewed the parking lot layout and opined that the layout of the parking area allows for adequate fire safety equipment access. At the direction of the Planning Board, the site plan was modified to require circulation of delivery vehicles within the site from the westerly side of the building to the easterly side without routing delivery vehicles onto Commerce Road to circulate the building. Delivery vehicles will enter the building from the westerly side for loading of packages, exit the building from the east side, and proceed to Industrial Park Road by a one-way driveway thereby limiting the number of delivery vehicles using Commerce Road. The tractor-trailer truck loading docks have been placed on the site in a location that allows trucks to enter and exit the site through a single entrance in close proximity to the loading docks. Based on the site design for parking and on-site circulation, the likelihood of accidents or impairments to on-site access and circulation is diminished.

VOTE:

On a motion by Kevin Ellis, seconded by Judith Sneath, the Board voted unanimously to adopt the foregoing Special Permit A3 findings and to grant a Special Permit A3 Parking Determination under Section V-A of the Zoning Bylaw, in connection with the renovation of the large warehouse facility and demolition of a smaller building as part of the redevelopment of the property known as 100 Industrial Park Road in the Industrial Park District and South Hingham Development Overlay District for the operation of an Amazon "Last Mile Delivery Station", subject to the following conditions:

A. General Conditions

1. The Applicant is the fee owner of the project and has leased the property to an entity owned and operated by Amazon. The design of the site improvements depicted on the applications for site plan approval and for a Special Permit A3 parking determination are specifically tailored to operation by Amazon of a so-called "Last-Mile Delivery Station". The conditions of this decision shall be binding upon the Applicant, Amazon (or any affiliate of Amazon operating at the site), any other tenants or occupants of the site, and their respective successors and assigns in interest (collectively, the "Applicant Parties"). All references to the Applicant herein shall include all Applicant Parties.

2. This decision grants site plan approval and a parking determination only for the operation of an Amazon "Last-Mile Delivery Station" as expressly represented to the Planning Board in the Applicant's applications, related submissions, and at the public hearings. Any change, extension, or modification of the operations on the site, shall require an application for modification of this site plan approval and, if applicable, this special permit or, in the event of a change in tenant or operator, new approvals. As no parking or traffic data was provided by the Applicant with respect to any "retail" use of the site for customer pick-up or other retail services, such use is not permitted.
3. The Applicant has represented that Amazon will employ drivers who will be either employees of Amazon (sometimes referred to as Delivery Service Providers ("DSP")) or independent contractor drivers (sometimes referred to as Amazon Flex Delivery Partners) and who are collectively referred to herein as "delivery drivers". The vehicles driven by the delivery drivers are herein collectively referred to as "delivery vehicles". A copy of this decisions shall be kept on the site at all times. The Applicant shall be responsible for communicating to all employees, contract drivers, vendors, visitors, and invitees, the conditions of this decision and ensuring compliance herewith.
4. The Applicant shall immediately replenish the existing peer review account to pay in full any outstanding peer review fees. In addition, the Applicant shall fund the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44, Section 53G, to fund the cost of peer review and inspections required under this decision.

B. Site Plan

1. Prior to issuance of commencement of any work on the site the Site Plans shall be modified as follows:
 - (a) Modify Landscape Plans LL-0 through LL-1 to correct the depiction of the open space area between the building and state highway Route 3 to distinguish between the area to be landscaped and the existing and proposed hardscape (stairs, sidewalks, etc.).
 - (b) Modify Landscape Plans LL-0 and LL-1 to provide for the planting of a minimum of an additional thirteen (13) trees (six (6) evergreen and seven (7) deciduous) of at least 3" caliper in the open space area behind the building and along the boundary north of easterly parking area to provide additional screening from the state highway Route 3.
 - (c) Modify Landscape Plans LL-0 and LL-1 to provide for the plantings of shrubs of sufficient density to screen the retaining wall to be installed parallel to Commerce Road.
 - (d) A detail plan shall be submitted which includes complete dimensions and details for proposed stormwater management outlet structures.
2. Plan Changes. To the extent that any of the improvements to be constructed as depicted on the Site Plans are modified by the Applicant, or in connection with any other federal, state or local permits, the Applicant shall submit such modifications for further review and approval.

C. Conditions Related to Construction; Prior to Occupancy

1. Pre-Construction Meeting. A pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required. The Applicant shall deliver a Stormwater Pollution Prevention Plan for review and approval by the Planning Board or its designee not less than three weeks prior to the start of any work.
2. Prior to issuance of a building permit:
 - (a) During or after demolition the Applicant shall undertake an investigation to identify and remove, if applicable, any illicit stormwater connections. Prior to issuance of a building permit, the Applicant shall deliver to the town planner a copy of the site investigation relative to illicit discharges confirming no illicit connections or confirming removal of such connections.
 - (b) The Applicant shall deliver to the town planner written evidence of approval by the Weir River Water System of the design of the water service and water system improvements.
 - (c) Retaining walls shall be designed by a structural engineer.
3. A copy of this decision shall be kept on the work site at all times during construction. The Applicant is responsible for providing a copy to all contractors and subcontractors, for informing them of its requirements, and for ensuring compliance with the conditions.
4. No construction vehicles or construction worker vehicles shall be permitted to idle their vehicles for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.
5. All construction materials and debris shall be kept in a secured manner at all times to prevent debris from falling or being carried by wind outside of the limits of work as depicted on the Site Plans.
6. Stormwater Management.
 - (a) Detention Liner. The Applicant shall engage a professional engineer, registered in the Commonwealth of Massachusetts, to oversee the installation and testing of the proposed liner for Detention System 2A as shown on the Site Plans. The engineer shall provide a Certification with the engineer's stamp that the system has been installed in accordance with the manufacturer's instructions and has been installed to prevent the intrusion of groundwater into the system.
 - (b) Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy (including a temporary certificate of occupancy) ("Certificate of Occupancy"), of all elements of the project related to or affecting erosion control during construction and the approved drainage and stormwater system installed for the project.

7. Roadway Improvements. In order to mitigate adverse impacts on adjacent streets to the project, prior to an issuance of a Certificate of Occupancy or the commencement of any business operations on the site, Applicant shall complete the roadway improvements and address the on-street parking obstruction, as follows:
 - (a) Industrial Park Road Improvements – Applicant shall design and construct improvements along Industrial Park Road at the horizontal curve approaching the project site driveway as detailed on the February 5, 2021 Offsite Roadway Improvement Plans that were submitted by BL Companies on behalf of the Applicant. Such improvements are located within a public right of way and shall be subject to review and approval by the Superintendent of the Hingham Department of Public Works or his designee.
 - (b) Commerce Road Improvements - Applicant shall design and construct the following improvements along Commerce Road, such design to be subject to review by the Planning Board or its peer review traffic engineer, at Applicant's expense:
 - (i) repaving Commerce Road to include corner radii improvements at the Industrial Park Road/Commerce Road intersection;
 - (ii) the installation of centerline pavement markings between Industrial Park Road and the south driveway to the Project site; and
 - (iii) the installation of a STOP-line and accompanying STOP-line on the Commerce Road approach to Industrial Park Road.
 - (c) Commerce Road On-Street Parking – As currently laid out, on-street parking cannot be accommodated on Commerce Road, a private way, without causing trucks entering onto Commerce Road to access the project site to cross over the center line of the paved roadway into the oncoming travel lane and creating a traffic condition that will not allow for the safe operation of the site. A resolution to the unsafe condition created by recurring on-street parking on Commerce Road shall be determined and presented to the Planning Board (or its designee) for review and approval. Such resolution may include further improvements to Commerce Road, a written instrument binding applicable parties to cease such parking, or such other engineering design or legal resolution (or combination thereof) to the on-street parking condition that will, in the reasonable determination of the Planning Board, or its designee, address the existing unsafe condition on a permanent basis.
8. As-Built Plan Requirement. Upon project completion and prior to the issuance of a Certificate of Occupancy, but in no event later than two years after the completion of construction, an as-built plan must be submitted to the Building Commissioner. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.

D. Parking and On-Site Circulation

1. There shall be no more than 437 parking spaces on the site. Parking of all vehicles shall be on-site and shall only be permitted in marked parking spaces as designated on the Site Plans. No parking shall be permitted on any public or private way.
2. Tractor-trailer trucks shall be scheduled so that no trucks are present at the site at any time in excess of the number of available loading docks. No trucks shall be permitted to queue on any public or private way including, without limitation, Industrial Park Road, Commerce Road or any other street or way within the Industrial Park.
3. All circulation of vehicles from one side of the building to the other must occur on-site and Commerce Road shall not be used for such purpose. Without limiting the foregoing, delivery vehicles queuing to enter the building must use the on-site roadway parallel to Commercial Road to access the building entrance and may not utilize Commerce Road for that purpose.
4. No vehicles shall be permitted to idle for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.
5. Fire apparatus access to both sides of the building shall be kept clear at all times and there shall be no obstructions (such as light poles or trees) along the fire lane that could interfere with the swing radius of ladder or bucket trucks.
6. Storage of plowed snow shall be only in the areas designated on the Site Plans and snow accumulation in excess of designated on-site snow storage areas shall be promptly trucked from the site. Snow shall not be plowed or dumped on any other private property (without authorization), on any public property or on any public or private way of the Town.

E. Traffic and Off-Site Circulation

1. Traffic Operations. Within 90-days after receipt of a Certificate of Occupancy for the Project and subject to receipt of all necessary rights permits and approvals, design and implement an optimal traffic signal timing and phasing plan for the Derby Street coordinated traffic signal system to include the following intersections:
 - (a) Industrial Park Road
 - (b) Route 3 southbound ramps
 - (c) Route 3 northbound ramps
 - (d) Old Derby Street
 - (e) Derby Street Shoppes
 - (f) Cushing Street
 - (g) Whiting Street (Route 53)/Derby Street/Gardner Street
2. Transportation Demand Management – Upon issuance of a Certificate of Occupancy and on a continuing basis thereafter, the Applicant shall:

- (a) Implement a comprehensive Transportation Demand Management (TDM) plan consisting of the following elements:
 - (b) Assign a transportation coordinator to coordinate the TDM program;
 - (c) Post information regarding commuting options in a central location and/or otherwise make available to employees of the project;
 - (d) Implement a rideshare matching program for employees facilitated by the transportation coordinator to encourage carpooling;
 - (e) Provide a "welcome packet" to employees detailing available commuter options, the contact information for the transportation coordinator and information for employees to enroll in the rideshare program;
 - (f) Provide specific amenities to discourage off-site trips, including a break-room equipped with a microwave and refrigerator; offering direct deposit of paychecks; coordinating with a dry-cleaning service for on-site pick-up and delivery; allowing telecommuting or flexible work schedules; and other such measures to reduce overall traffic volumes and travel during peak traffic volume periods;
 - (g) Incorporate pedestrian accommodations within the Project site; and
 - (h) Provide secure bicycle parking at an appropriate location within the Project site.
3. Vehicle Identification Signs. All delivery drivers of all delivery vehicles must continually utilize Amazon-provided vehicle identification signs, which shall be made of a material also visible after dark, identifying the vehicle as an Amazon delivery vehicle. Said vehicle identification signs shall be located at least on the left and right sides of all delivery vehicles so that they are clearly visible by other vehicles traveling the roadways and pedestrians on the street.
4. Compliance with Traffic Routes. All delivery routes shall be scheduled during the periods of time represented, and using the turning movements depicted, in the Traffic Study, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the "Traffic Study"), including the Supplemental Traffic Information submitted February 2021. Without limiting the foregoing, except for local delivery routes within Hingham which require delivery vehicles to enter onto residential collector roads to access delivery locations on or directly off of such roads, delivery vehicles shall be prohibited from using residential roadways, such as Gardner Street and Cushing Street as "cut-throughs". A vehicle is using a street as a "cut-through" if the vehicle does not have an origin or destination along such street.
5. Traffic Monitoring and Reporting Program. The Applicant shall comply with the traffic monitoring and reporting requirements set forth in Exhibit A attached hereto and incorporated into this decision by reference.

F. Permit Subject to Renewal

1. This Permit shall be in effect for a period commencing on the date of issuance of a Certificate of Occupancy for the project (the "Commencement Date") and expiring on the day prior to

the third-year anniversary of the Commencement Date (the "Expiration Date") and shall thereafter be subject to renewal by the Planning Board upon application by the Applicant not earlier than six (6) months prior to the Expiration Date. The renewal application shall include:

- (a) A narrative setting forth the status of Applicant's compliance with the Traffic and Off-Site Circulation conditions set forth in Condition E of this decision (the "Traffic Conditions");
 - (b) The most recent Monitoring Report which shall have been completed not more than sixty (60) days prior to the application for renewal;
 - (c) A summary of the Corrective Measures implemented through the date of renewal application in accordance with the Traffic Monitoring Program;
 - (d) such additional information that the Planning Board may reasonably require related to compliance with the Traffic Conditions including, without limitation, GPS data evidencing compliance by delivery vehicles with travel routes.
2. This Permit shall be renewed by the Planning Board for additional three (3) year periods (or such longer period as the Planning Board, in its sole discretion may approve) upon a finding that the Applicant is in substantial compliance the Traffic Conditions. Such renewal shall be on the same terms and conditions as this Permit, provided, however, that if other relief is requested in the same application as the requested renewal, appropriate conditions may be imposed with respect to such other relief.
3. In the event that the Planning Board finds that the Applicant is not in substantial compliance with one or more of the Traffic Conditions, the Planning Board may, in its reasonable discretion, deny renewal of this Permit or may approve a shorter renewal term. The Applicant may be found to be "not in substantial compliance" if the Planning Board receives evidence of one or more of the following violations:
 - (a) failure of the Applicant to provide documented evidence of active maintenance of the TDM in accordance with Condition E.2; and/or
 - (b) failure of the Applicant to comply with the Traffic Conditions set forth in Condition E.3 and E.4, as evidenced by (i) the issuance of written zoning violation notices or enforcement actions by the Building Commissioner which are not timely cured, or which are recurring and/or (ii) information gathered in connection with Monitoring Reports; and/or
 - (c) failure of the Applicant:
 - (i) to timely comply with the traffic monitoring requirements of Condition E.5; or

(ii) to validate traffic volumes and affirm travel routes, as evidenced by one more Monitoring Reports during the initial term or then renewal period;
or

(iii) to implement Corrective Measures when required;

and any of such failures are not timely cured or are recurring.

4. If the Applicant fails to timely seek renewal of this Permit prior to the then applicable Expiration Date or the Planning Board votes not to renew the permit in accordance with the terms hereof, this Permit shall expire as of the last day of the then renewal period and the Applicant shall have no further right to operate the site for the purposes permitted hereunder.
5. Notwithstanding any provision of this Condition F to the contrary, if the Applicant seeks a major modification to the site plan approved in connection with this Permit, or there is a change in use or occupancy which affects the parking determination made hereunder, the Applicant shall seek a modification of this Permit and the site plan approval. Such approvals, if granted, may be subject to modification of conditions in connection with the Traffic Conditions. A major modification to the site plan shall include, but not be limited to, an increase or change in building configuration, uses on the site, parking lot layout and/or traffic volumes and routes.

In favor: Carr; Ellis; Sneath; Tondorf-Dick
Opposed: None

Planning Board



Kevin Ellis, Chair

April 29, 2021

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.

EXHIBIT A

Traffic Monitoring and Reporting Program

The Applicant shall retain the services of an independent Traffic Engineer duly licensed in the Commonwealth of Massachusetts to conduct post-development traffic monitoring in order to: (i) validate the traffic volume projections; (ii) affirm the travel routes of DSP vans and Flex drivers; and (iii) evaluate traffic operations and safety impacts after occupancy. The data collection portion of the monitoring program will include the following elements:

- I. Performing a 7-day, week-long automatic traffic recorder counts at the following locations to include vehicle classification:
 1. Industrial Park Road north of the exit driveway for the warehouse;
 2. Commerce Road; and
 3. All driveways serving the warehouse.

- II. Performing manual turning movement counts and vehicle classification counts using a video recording device for a continuous 12-hour period on a weekday (7:00 AM to 7:00 PM) at the following intersections (the "Monitored Intersections"):
 1. Industrial Park Road/Commerce Road
 2. Derby Street/Pond Park Road
 3. Derby Street/Route 3 Southbound Ramps
 4. Derby Street/Route 3 Northbound Ramps
 5. Derby Street/Old Derby Street
 6. Derby Street/Derby Street Shoppes
 7. Derby Street/Cushing Street
 8. Whiting Street (Route 53)/Derby Street/Gardner Street

- III. Obtaining motor vehicle crash data for the most recent one-year period from the Hingham Police Department for Monitored Intersections.

The data collection effort will be undertaken twice per year: once under normal or typical warehouse operations and once under peak season operations (defined as the period between mid-November and mid-January). Baseline (prior to operation) data collection shall occur prior to the commencement of major construction activities associated with the warehouse construction or shall be conducted in a manner so as to exclude construction traffic from the baseline data. Subsequent data collection shall commence within 90 days of the issuance of a Certificate of Occupancy for the warehouse and be repeated twice annually as defined above for a period of six (6) years thereafter unless the duration is extended or otherwise modified by the Planning Board. Prior to undertaking the data collection, the Applicant shall submit the proposed dates and scope of work to the town planner for review and approval which shall not be unreasonably conditioned, delayed or denied.

The results of the traffic monitoring program shall be summarized in a report or technical memorandum (the "Monitoring Report") provided to the Planning Board, the town planner, and the Building Commissioner within one-month of the completion of the data collection effort and shall include the following information and analyses:

- Comparison of the measured traffic volumes (trucks, DSP vans and passenger vehicles (including Flex Driver passenger vehicles)) to the traffic volume projections for the Project as presented in the *Traffic Study*, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the “Traffic Study”);
- Traffic operations (motorist delays, vehicle queueing and level-of-service) at the Monitored Intersections;
- Evaluation of motor vehicle crash rates at the Monitored Intersections; and
- The number of DSP vans traveling through the Monitored Intersections by time of day and direction of travel.

To the extent that any of the following conditions are documented in the Monitoring Report (each an “Unmitigated Impact”), corrective measures to reduce the Unmitigated Impact(s) (“Corrective Measures”) shall be proposed by the Applicant in the Monitoring Report:

- i. The traffic volumes for the warehouse (daily or peak-hour) as measured at all driveways serving the warehouse over the seven day monitoring period exceed the projected traffic volumes by more than 10 percent (i.e., 110 percent of the projected traffic volumes) under typical or peak season operations (the “Traffic Volume Threshold”);
- ii. The volume of DSP vans using Gardner Street, Cushing Street or Whiting Street exceed by 10% or more the estimates presented in the Traffic Study; and/or
- iii. The calculated motor vehicle crash rate at a Monitored Intersection exceeds the MassDOT average crash rate for similar intersections and there is an exceedance of the Traffic Volume Threshold or evidence from the Hingham Police Department of an increase in crashes at the Monitored Intersections related to DSP vans or Flex vehicles.

The description of the proposed Corrective Measures, if any, shall include the appropriate parties responsible for implementation, required approvals, and the timeline for implementation. These Corrective Measures may include, without limitation:

- Sign and pavement marking installation.
- Traffic signal timing modifications at the Monitored Intersections.
- Enforcement of travel route restrictions for DSP vans and Flex vehicles to limit or preclude the use of Gardner Street and Cushing Street except for deliveries to addresses along these roadways.
- On-site operations and management strategies to include: expansion of the elements of the TDM program to include financial incentives for employees to car/vanpool; scheduling employee and truck operations to minimize impacts during peak-traffic-volume periods along Derby Street; evaluating implementation of an employee shuttle program; and other such measures that are designed to reduce the overall volume of traffic generated by the Project

including, without limitation, modification of operations to comply with the maximum daily trips set forth in the Traffic Study.

The Town may, pursuant to MGL Ch. 44, Section 53G, retain the services of a peer review traffic engineer, at the expense of the Applicant, to review the methodology, results, and findings of the Monitoring Report. Upon written request of the Planning Board (or the town planner on its behalf), the Applicant shall appear at a duly noticed public hearing of the Planning Board to present the results of the Monitoring Report and to review any proposed Corrective Measures. If Corrective Measures are necessary based on the findings of the Monitoring Report after review by the Town's peer review traffic engineer, they shall be implemented at the sole expense of the Applicant in accordance with the identified timeline as determined by the Planning Board. The status of implementation and effectiveness of the Corrective Measures shall be documented by the Applicant in a subsequent Monitoring Report within a timeframe determined by the Planning Board.