



TOWN OF HINGHAM

Board of Appeals

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NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant/ Owner: JMGH Hingham, LLC
P.O. Box 948
Hanover, MA 02339

Property: 103, 105 & 109 North Street

Deed Reference: Plymouth County Registry of Deeds, Book 52162, Page 248

Plan References: "Site Plan Set, 103, 105 & 109 North Street," prepared by Cavanaro Consulting, 687 Main Street, Norwell, MA, dated April 15, 2019 and revised through March 3, 2022 (6 Sheets; including an Existing Conditions Plan)

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of JMGH Hingham, LLC (the "Applicant") for a Modification of a Special Permit A2 under §§ I-F and III-G.6 of the Zoning By-Law (the "By-Law"), and such other relief as necessary to allow the Applicant to keep an existing retaining wall, install a new block wall, eliminate a dwelling unit, and reduce the required parking by one parking spot. The subject property is located in Business District A and the Downtown Hingham Overlay District.

The Applicants simultaneously filed related applications with the Planning Board modify a Site Plan Approval issued in connection with a Special Permit A2 under §§ I-F and III-G.6, as well as a Modification of a Special Permit A3 Parking Determination under §§ III-G and V-A of the By-Law.

The Zoning Board and Planning Board proceedings took place separately. The Planning Board voted on March 14, 2022 to conditionally approve both the Site Plan Review and Special Permit A3 modification applications.

The Zoning Board opened a duly noticed public hearing on its Special Permit A2 application on March 15, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. The Board

panel consisted of regular members Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. The project team representing the Applicant included Carmen Hudson, P.E. of Cavanaro Consulting and John S. Barry of JS Barry Development, LLC. At the conclusion of the review, the Board voted unanimously to grant the requested Special Permit Modification 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 Applicant submitted an application to modify plan approved in connection with a Special Permit A2, dated September 13, 2019, permitting construction of a Commercial/Residential Building.

As previously approved, the development site, consisting of 39,582 SF of land, would continue to support an existing 9-unit apartment building at 103-105 North Street. The proposed Commercial/Residential Building to the rear of these existing improvements would include (8) 1-bedroom dwelling units and 1,750 SF of retail space. Access to the proposed building and a shared parking area would be gained via a 14'-wide (minimum), one-way driveway, with access located on the westerly frontage of the property and directly adjacent to Bank Ave. Egress would be from the east side of the property.

The initial application, filed with the Board on February 24, 2022, requested approval to maintain an existing retaining wall along the east property line, install a new block wall, eliminate a dwelling unit in the existing building, and reduce required parking at the property located at 103, 105 and 109 North Street in Business District A and Downtown Hingham Overlay District. After the initial filing of this application, the Applicant submitted a further revised plan depicting a newly installed block wall and rip rap slope (as field surveyed). The revised plan also called for additional grading of the slope behind the existing garage to be removed in order to avoid the need for a structural wall; a 3.5' high landscape wall was proposed instead.

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:

1. That the proposed modifications do not materially affect the findings made in connection with the Special Permit A2 Decision, originally issued September 13, 2019, as amended, under §§ I-F and III-G.6 of the By-Law.
2. The proposed modifications to the plan approved in connection with the Special Permit issued by the Board on September 13, 2019, in connection with this project, are less intensive than previously approved.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the voted unanimously to GRANT the application of JMGH HINGHAM LLC for a Modification of the Special Permit A2 Decision, issued September 13, 2019, under §§ I-F and III-G.6, including all subsets of the By-Law, and such other relief as necessary, at the property located at 103, 105 and 109 North Street in Business District A and Downtown Hingham Overlay District, subject to the following conditions:

1. The proposed work shall be completed and operated in accordance with the approved plans and representations made at the hearings before the Board.
2. In accordance with the provisions of the By-Law, the conditions imposed in the Planning Board Site Plan Review Decision, as voted on March 14, 2022, are binding conditions to this decision of the Board.
3. All other conditions imposed by the Board in its September 13, 2019 Special Permit A2, as amended, remain in full force and effect unless modified by this Permit.

For the Board of Appeals,



Robyn S. Maguire, Chair
April 5, 2022

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.