



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION SPECIAL PERMIT MODIFICATION

IN THE MATTER OF:

Applicant/Owner: W/S/M Hingham Properties LLC
c/o Victoria Maguire, Director of Development
33 Boylston Street
Chestnut Hill, MA 02467

Property: 90-100 Derby Street, Building #5, Hingham, MA 02043

Deed References: Plymouth County Registry of Deeds, Book 20043, Page 290 and
Book 24538, Page 298

Plan Reference: Plan set entitled, "Derby Street Shops Expansion, 100 Derby Street,
Hingham, Massachusetts," prepared by BSC Group, 803 Summer Street,
Boston, MA, dated February 16, 2021 and revised through April 27, 2021
(12 sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of W/S/M Hingham Properties, LLC (the "Applicant") for a Modification of the Special Permit, issued January 17, 2019, as amended, under § III-A, 4.17 of the Zoning By-Law (the "By-Law") and such other relief as necessary to redevelop the former RiteAid space for two new tenants at 90-100 Derby Street, Building 5 in the Industrial Park and South Hingham Development Overlay Districts.

The Applicant additionally filed a related application with the Planning Board for Site Plan Review under § I-G and § I-I of the By-Law, along with an application for a Special Permit A3/Parking Determination under § V-A of the By-Law. The Boards' respective proceedings took place separately. The Planning Board voted on May 3, 2021 to conditionally approve the applications within its jurisdiction.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on April 13, 2021 via Zoom as an alternative 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 and applicable provisions of the Open Meeting Law. A subsequent session

was held by remote participation on May 25, 2021. The Board panel consisted of regular members Robyn S. Maguire, Chair, and Paul K. Healey, and associate member Andy Touchette. The Applicant was represented during the hearings by Victoria Maguire, Director of Development, WSDDevelopment, and Sherri D'Alessandro Schuler, General Manager of the Derby Street Shops. The Board was assisted in its review by Patrick G. Brennan, PE of Amory Engineers, and Jeffrey S. Dirk, PE, PTOE, FITE of Vanasse & Associates, Inc. At the conclusion of the hearing, 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

In January 2019, the Board issued a Special Permit authorizing the demolition of the existing RiteAid building (Building 5) and construction of a 12,830 SF addition to the northerly façade of the Kohls building. In connection with the addition, the Applicant planned to complete a number of grading, landscaping, utility and parking improvements.

The present application reduces the scale of the previously approved addition from approximately 13,000 SF GFA to 2,400 SF GFA. The reconfigured and modestly expanded Building 5 would be occupied by a casual restaurant (while maintaining the center's overall restaurant seating count at 1,112) and a home furnishings store. This latter business would utilize the 2,400 SF addition for storage. The modified plan also includes a new 850 SF patio at the southerly end of the building and reconfigured parking areas.

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 December 13, 2002, as amended, under § III-A, 4.17 of the Zoning By-Law.
2. That the proposed modifications to the plan approved in connection with the Special Permit Modification issued by the Board on January 17, 2019, as amended, in connection with the expansion of Building 5 are less intensive than previously approved.

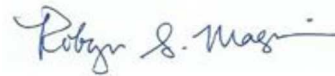
DECISION

Upon a motion made by Paul K. Healey and seconded by Andy Touchette, the Board voted unanimously to GRANT the application from W/S/M Hingham Properties LLC for a Modification of the Special Permit, issued January 17, 2019, as amended, under § III-A, 4.17 of the By-Law, and such other relief as necessary to redevelop the former RiteAid space for two new tenants at 90-

100 Derby Street, Building 5 in the Industrial Park and South Hingham Development 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 May 3, 2021, are binding conditions to this decision of the Board.
3. All other conditions imposed by the Board in its 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
July 12, 2021

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.