

# TOWN OF HINGHAM

## Board of Appeals



### ZONING APPLICATION CHECKLIST

### FORM 1 INSTRUCTIONS

Please collect the materials indicated below, which collectively make up an application to the Board of Appeals. The complete set of documents is filed with the Town Clerk, along with the filing fee. Duplicate copies of the items specified below are also filed with the Board of Appeals at the same time as the filing is made with the Town Clerk. Incomplete filings will not be accepted for processing and scheduling. Hearings are scheduled on a first-come, first-serve basis.

REQUIRED DOCUMENTS	FILE WITH CLERK <i>Number of Copies Specified Below</i>	FILE WITH ZBA
<b>This Checklist (Form 1)</b>	1	N/A
<b>Application for Hearing (Form 2)</b>	1	4
<b>Supporting Statements – Requested Findings</b> Administrative Appeal (Form 2A) Variance (Form 2B) Special Permit A1 (Form 2C) Special Permit A2 (Form 2D)	1	4
<b>Evidence of Standing to Seek Relief</b> Deed or Certificate of Title Signed Option to Purchase Lease with Property Owner's Authorization Letter	1	N/A
<b>Plot Plan</b> Plan shall show scale, north arrow, lot dimensions and area, existing building and structures. Include topography, floodplain, wetlands, and other features as relevant.	1	4
<b>Plan(s) of Proposed</b> Site plan shall show scale, north arrow, dimensioned location of all improvements, including floor area, and elevations. Include, if applicable, physical features, off-street parking plan, landscape plan, grading, drainage, and lighting plans. Architectural plans shall include sufficient detail to demonstrate dimensions of buildings/structures, materials, and other details.	1	4
<b>Other Applicable Information</b> Drainage Report and/or Traffic Impact Assessment, as required Optional letters of support, photographs, etc.	1	4
<b>Digital Copy of Application</b> Provide all documents electronically on compact disk or submit by email to ZBA@hingham-ma.gov	N/A	1



BOARD OF APPEALS  
781-741-1494

PLANNING BOARD  
781-741-1419

APPLICATION FOR  
ZONING HEARING

Application Date 7/18/20

The undersigned hereby petitions the Board of Appeals and/or the Planning Board for the following:

Appeal                       Variance                       Special Permit A1  
 Special Permit A2             Site Plan Review             Special Permit A3

Subject Property 361 MAIN ST.                      Zoning District RESIDENCE A

Petitioner's Name ROBERT W. & WENDY M. KIRK Address 361 MAIN ST.

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Brief Description of Work:

DEMOLITION & ADDITION TO EXISTING HOUSE. A PORTION OF THE ADDITION WILL INCLUDE AN ACCESSORY DWELLING UNIT (ADU), WHICH WOULD BE APPROXIMATELY 748 SQUARE FEET. THE ADU WOULD INCLUDE A 1ST FLOOR KITCHEN/LIVING ROOM, BEDROOM & BATHROOM. A 2-CAR ATTACHED GARAGE WILL BE ADDED ALONG WITH A NEW DRIVEWAY. FAMILY MEMBERS WOULD OCCUPY THE ADU.

Applicants for an **Appeal** must complete **Form 2A**

Applicants for a **Variance** must complete **Form 2B**

Applicants for a **Special Permit A1** must complete **Form 2C**

Applicants for a **Special Permit A2** must complete **Form 2D**

Applicants for a **Special Permit A3** must complete **Form 2E**

Form 2

The undersigned is  the owner of the subject property, or \_\_\_\_\_ the holder of a written option to purchase the subject property, or \_\_\_\_\_ the holder of a valid lease to the subject property. (In this last instance written authorization from the property owner must be submitted with the other application documents.)

Record title to the subject property stands in the name(s) ROBERT W. KIRK JR. & WENDY M. KIRK

Address of owner of record 361 MAIN ST. HINGHAM, MA

Title Reference:

(Unregistered land) Plymouth County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_

(Registered land) Land Court Certificate of Title No. 113418, Book 567, Page 18

State briefly what is currently on the premises:

SINGLE FAMILY DWELLING (APPROX. 3100 SQ. FT) AND DETACHED BARN/GARAGE.

Attorney, agent, or other representative acting for petitioner:

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Written evidence of agent's standing to represent petitioner may be requested.

Signed as a statement of fact under the pains and penalties of perjury, this 18th day of July, 2020.

SIGNATURE Wendy Kirk  
(Petitioner/Agent)

Print Name Wendy Kirk

Address 361 Main St. Hingham

Tel. No. (781) 799-4506 (cell)

check all that apply:

- Property Owner(s)
- Applicant
- Owner's Agent
- Applicant's Agent

**Note: Do not attempt to discuss the merits of your case with any member of the Board of Appeals and/or the Planning Board at any time after filing this application and prior to the hearing thereon.**

# TOWN OF HINGHAM

## Board of Appeals



### SUPPORTING STATEMENT - REQUESTED FINDINGS

FORM 2C  
SPECIAL PERMIT A1

Petitioner ROBERT W KIRK JR. & WENDY M. KIRK seeks  
a Special Permit A1 under Sections(s) V, V-K ACCESSORY DWELLING UNITS

of the Zoning By-Law for property located at 361 MAIN STREET.  
and asks the Board of Appeals make the following findings of fact in accordance with the  
provisions of law:

1. The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons.

THIS IS AN ALLOWED ACCESSORY RESIDENTIAL USE IN  
A RESIDENTIAL DISTRICT.

2. The proposed use complies with the purposes and standards of the relevant specific sections of the Zoning By-Law, for the following reasons.

THE PROJECT CREATES AN ADDITIONAL HOUSING UNIT  
TO ENABLE THE OWNERS TO SHARE SPACE WITH FAMILY  
MEMBERS, WITHOUT ALTERING THE CHARACTER OF THE  
PRINCIPAL DWELLING OR THE NEIGHBORHOOD, ADHERES  
TO THE PURPOSES STATED IN SECTION V-K. THE ADU ALSO  
MEETS ALL REQUIREMENTS.

# TOWN OF HINGHAM

## Board of Appeals



### FORM 2C

3. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons.

THE EXTERIOR STRUCTURE WILL MAINTAIN THE APPEARANCE OF A SINGLE DWELLING, CONSISTENT WITH THE STYLE OF THE EXISTING HOUSE AND THE CHARACTER OF THE NEIGHBORHOOD.

4. The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated, for the following reasons.

THERE WILL BE NO ADVERSE IMPACTS OF THE ADU, INCLUDING NO ADVERSE IMPACTS TO THE NEIGHBORHOOD.

5. There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons.

THERE WILL BE SUFFICIENT PARKING ON THE PREMISES, INCLUDING A NEWLY CONSTRUCTED 2-CAR GARAGE, TO SERVE THE PRINCIPAL DWELLING AND ADU. THERE WILL BE NO NUISANCE OR SERIOUS HAZARD AS A RESULT OF THE ADU.

6. Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons

ADEQUATE FACILITIES EXIST FOR THE PROPER OPERATION OF THE PROPOSED USE. THE PROPERTY HAS AN APPROVED 6-BEDROOM

# TOWN OF HINGHAM

## Board of Appeals



WASTEWATER DISPOSAL SYSTEM, WITH A NEW SYSTEM PLANNED

TO BE INSTALLED FURTHER FROM THE PRIMARY DWELLING  
(PLANS FROM TERRY McSWEENEY ATTACHED)

7. The proposal meets accepted design standards and criteria for the functional design of facilities, structures, storm water management, and site construction, for the following reasons.

THE PROPOSAL MEETS ACCEPTED DESIGN STANDARDS  
AND CRITERIA FOR THE FUNCTIONAL DESIGN OF  
FACILITIES, STRUCTURES, STORMWATER MANAGEMENT  
AND SITE CONSTRUCTION.

The rights authorized by a Special Permit expire two years from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G.L. 40A, §9.

Date

7/18/20

SIGNATURE

Wendy Kirk  
(Petitioner/Agent)

Address

361 MAIN ST.

HINGHAM, MA 02043

Tel. No.

(781) 799-4506

*Please attach additional sheets if space provided is insufficient.*

Apr-15

Plymouth Registry District

651151

Received for Registration

19 JUN 2009

10:59AM

Transaction: 11

Fee: 125.00

Consideration: 876,000

New Certificate No.: 113418

Book-Page: 567-18

Affected Cert(s): 88377

Pages: 3

8125  
81700

3) 88377

309  
P. 3994.56

PLYMOUTH  
DEEDS REG#25  
PLYMOUTH

**CANCELLED**

06/19/09 11:03AM 01  
000000 #7663

FEE \$3994.56

CASH \$3994.56

**QUITCLAIM DEED**

I, Marie D. Hanlon, Trustee of the 361 Main Street Realty Trust, u/d/t June 20, 1995 and recorded in the Plymouth County Registry of Deeds as Document No: 385524 in Certificate of Title No: 88377, of 361 Main Street, Hingham, Plymouth County, Massachusetts

for consideration paid of: EIGHT HUNDRED AND SEVENTY SIX THOUSAND (\$876,000) DOLLARS

GRANT TO: Robert W. Kirk, Jr. and Wendy M. Kirk, Husband and Wife as tenants by the Entirety of 42 Whitcomb Avenue, Hingham, Plymouth County, Massachusetts.

**WITH QUITCLAIM COVENANTS**

**Property Address:** 361 Main Street, Hingham, MA 02043  
Situated in Hingham, County of Plymouth, Massachusetts:

The land with the buildings thereon, situated in said Hingham, bounded and described as follows:

SOUTHEASTERLY by Main Street, one hundred ninety-six and 78/100 (196.78) feet;

SOUTHERLY by land now or formerly of Samuel L. Pratt, three hundred fifty-six and 02/100 (356.02) feet;

WESTERLY by land now or formerly of George M. Thompson et al, Trustees, ninety-six and 81/100 (96.81) feet; and

NORTHERLY by land now or formerly of Charles W. Burr et al, four hundred sixty-four and 65/100 (464.65) feet;

All of said boundaries are determined by the Land Court to be located as shown on a plan drawn by Walter B. Foster, C.E. dated June 28, 1916, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Plymouth Registry District of the Land Court with Certificate of Title No. 513. Plan No. 6007A.

Meaning and intending to describe the same premises as conveyed to Marie D. Hanlon, Trustee of 361 Main Street Realty Trust, u/d/t dated June 20, 1995, last deed filed August 10, 1995 and recorded in Document #385524 Certificate #88377 of the Plymouth County, Massachusetts Records.

property address: 361 Main Street Hingham MA  
NW SIDE MAIN ST

WITNESS my hand and seal this 19<sup>th</sup> day of June 2009

Marie D. Hanlon, Trustee  
Marie D. Hanlon, Trustee

COMMONWEALTH OF MASSACHUSETTS

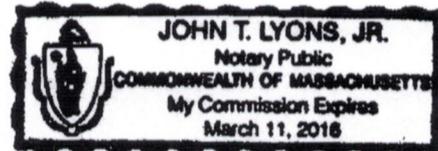
Plymouth, ss

June 19<sup>th</sup>, 2009

Then before me, the undersigned notary public, personally appeared Marie D. Hanlon, Trustee and proved to me through satisfactory evidence of identification, which was/were Massachusetts Drivers License, to be the person(s) whose name(s) is/are signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

My Commission Expires: 3/11/2016

John T. Lyons, Jr.  
John T. Lyons, Jr., Notary Public





# Transfer Certificate of Title

Cert. No. 113418  
Book 567 Page 18  
Doc. No. 651151

From Certificate No. 88377  
Originally Registered 10 AUG 1995  
in Registration Book 441  
Page 177  
for the Registry District of Plymouth County.

*This is to Certify* that ROBERT W KIRK JR and WENDY M KIRK

of Hingham in the County of Plymouth and Commonwealth of Massachusetts, husband and wife, are the owners in fee simple, as tenants by the entirety, of that certain parcel of land situate in Hingham in the County of Plymouth and said Commonwealth, described as follows:

Being a parcel of land as determined by the Court to be located as shown on plan #6007A, drawn by Walter B. Foster, Civil Engineer, dated June 28, 1916, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 513.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said ROBERT W KIRK JR and WENDY M KIRK to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section Forty-Six of said Chapter, which may be subsisting.

Witness KARYN F. SCHEIER, Chief Justice of the Land Court at Plymouth, in said County of Plymouth, the 19th day of JUNE in the year 2009 at 10:59AM

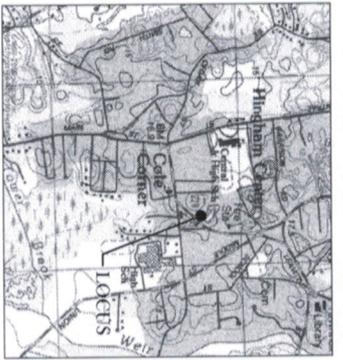
Attest, with the Seal of said Court,

*John R. Buckley Jr.*

Assistant Recorder.

Land Court Case No. 6007

Address of Owner 42 WHITCOMB AVENUE HINGHAM MA 02043  
Property Address 361 MAIN STREET HINGHAM MA 02043



LOCUST 361 MAIN STREET - HINGHAM, MA

N/F  
CHANDLER R.  
PERINE &  
KAREN C.  
MULLIN PERINE

N/F  
THE THORBELL  
IRREVOCABLE  
TRUST

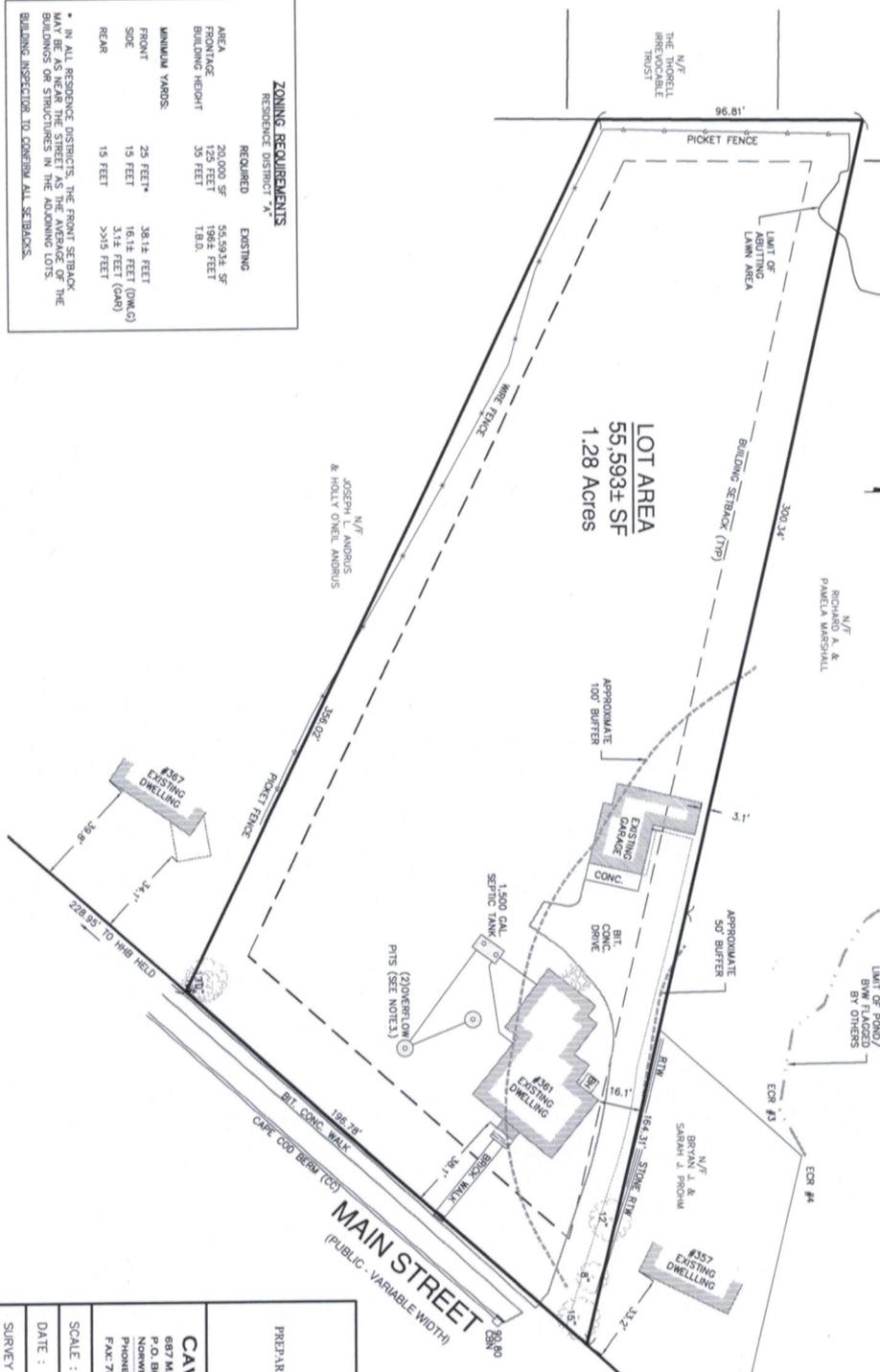
N/F  
BROWN A &  
PAMELA WARDMALL

N/F  
JOSEPH N. ANDRUS  
& HOLLY O'NEIL ANDRUS

LOT AREA  
55,593± SF  
1.28 Acres

ZONING REQUIREMENTS		
RESIDENCE DISTRICT 7A	REQUIRED	EXISTING
AREA	20,000 SF	55,593± SF
FRONTAGE	125 FEET	198± FEET
BUILDING HEIGHT	35 FEET	T.B.D.
MINIMUM YARDS:		
FRONT	25 FEET*	38± FEET
SIDE	15 FEET	3± FEET (0.6M)
REAR	15 FEET	>>15 FEET

\* IN ALL RESIDENCE DISTRICTS, THE FRONT SETBACK MAY BE AS NEAR THE STREET AS THE AVERAGE OF THE BUILDINGS OR STRUCTURES IN THE ADJOINING LOTS. BUILDING INSPECTOR TO CONSIDER ALL SETBACKS.



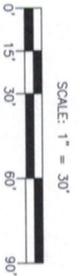
**EXISTING CONDITIONS NOTE:**  
THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE SITE CONDITIONS FOUND BY CAVANARO CONSULTING, INC. CAVANARO CONSULTING, INC. HAS NOT PREPARED THIS PLAN TO DETERMINE THE STATUS OF ANY OPEN PERMITS IS NOT KNOWN. THIS PLAN DOES NOT EXPRESS OR IMPLY COMPLIANCE WITH CURRENT REGULATIONS AND/OR OTHER REGULATORY AGENCY THRESHOLDS.

**EMAIL:**  
LOCUST LIES IN F.I.R.M. ZONE X AS SHOWN ON COMMUNITY PANEL NO. 2802X0082J DATED JULY 17, 2012.

**OWNER OF RECORD:**  
ROBERT W. JR. & WENDY M. KIRK  
361 MAIN STREET  
HINGHAM, MA 02043  
ASSESSOR'S PARCEL: #90-518  
LAND COURT PLAN NO. 65071A

**PLAN REFERENCES:**  
1. PLAN BOOK 3, PAGE 850  
2. PLAN BOOK 4, PAGE 912  
3. PLAN BOOK 7, PAGE 692  
4. PLAN BOOK 7, PAGE 692

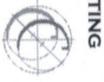
**SURVEY NOTES:**  
1. ALL MONUMENTS SHOWN HEREON WERE FOUND AND FIELD LOCATED BY CAVANARO CONSULTING, INC. ON DECEMBER 7, 2018.  
2. NO KNOW EASEMENTS AFFECT THE SUBJECT PARCEL.  
3. SEPTIC SYSTEM COMPONENTS SHOWN HEREON ARE APPROXIMATE ONLY, TAKEN FROM AVAILABLE RECORD INFORMATION AT THE HINGHAM BOARD OF HEALTH.



**CERTIFIED PLOT PLAN**  
361 MAIN STREET - HINGHAM

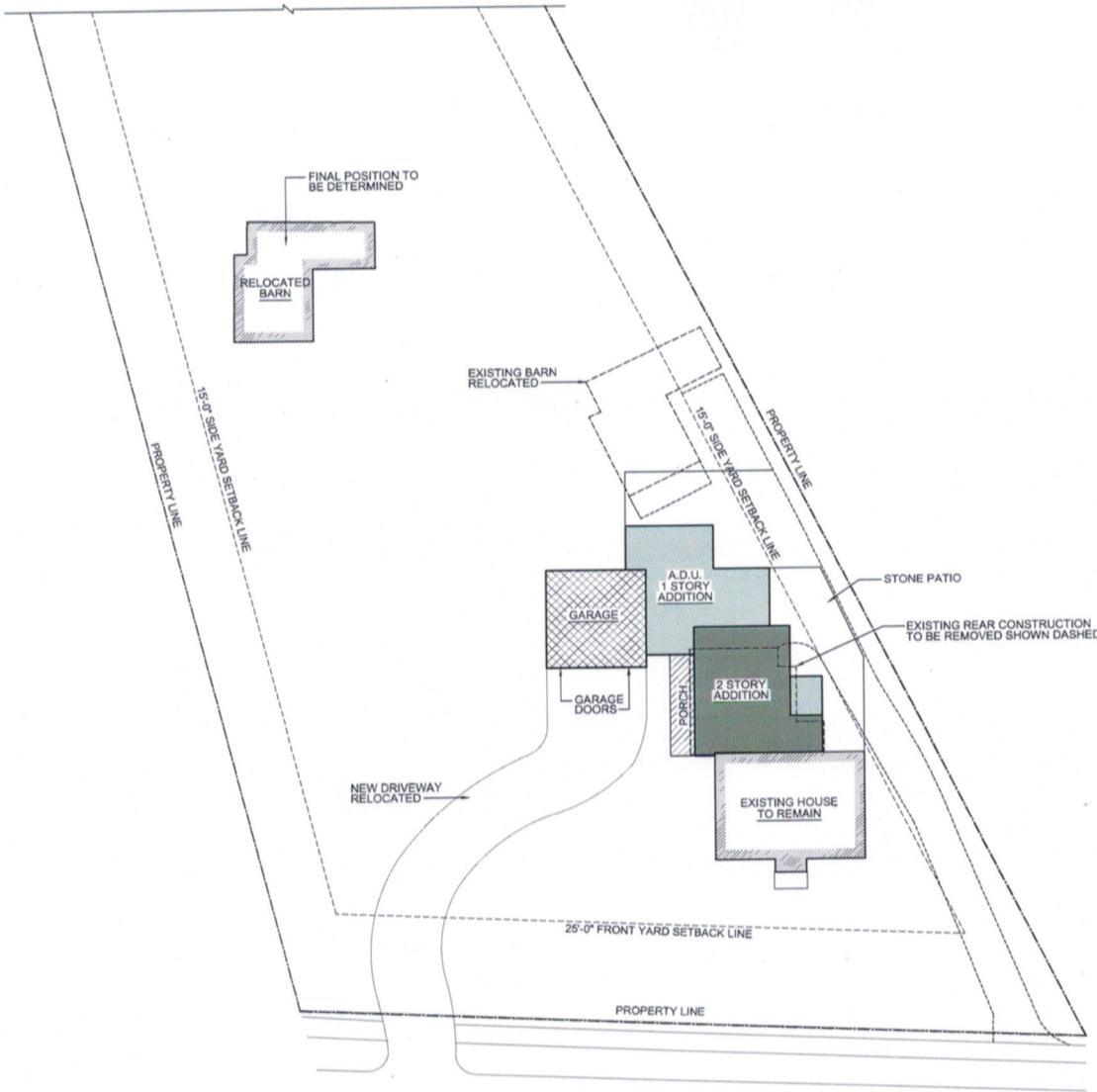
PREPARED FOR:  
WENDY M. KIRK  
361 MAIN STREET  
HINGHAM, MA 02043

**CAVANARO CONSULTING**  
687 MAIN STREET  
P.O. BOX 5175  
NORWELL, MASSACHUSETTS 02061  
PHONE: 781.659.8187  
FAX: 781.659.8186



**CPP**  
DRAWING NO.

SCALE : AS SHOWN	DESIGNED BY : -	PROJECT NO. : 18199
DATE : 12/12/18	DRAWN BY : DB	FILENAME:
SURVEY : JLR	CHECKED BY : BPS	FILEPATH: \\c:\work\361main\361main.dwg
		SHEET NO. 1 OF 1



Residential Design  
5 Ringbolt Road  
Hingham, MA

Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3292  
Cell: 617 - 347 - 6481

A-S - Proposed Site Layout Plan

SCALE 1" = 30'-0"

361 Main Street  
Hingham, MA  
Kirk Residence

Revised - 11/1/19





Residential Design  
5 Ringbolt Road  
Hingham, MA

Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3292  
Cell: 617 - 347 - 6481

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## KIRK RESIDENCE

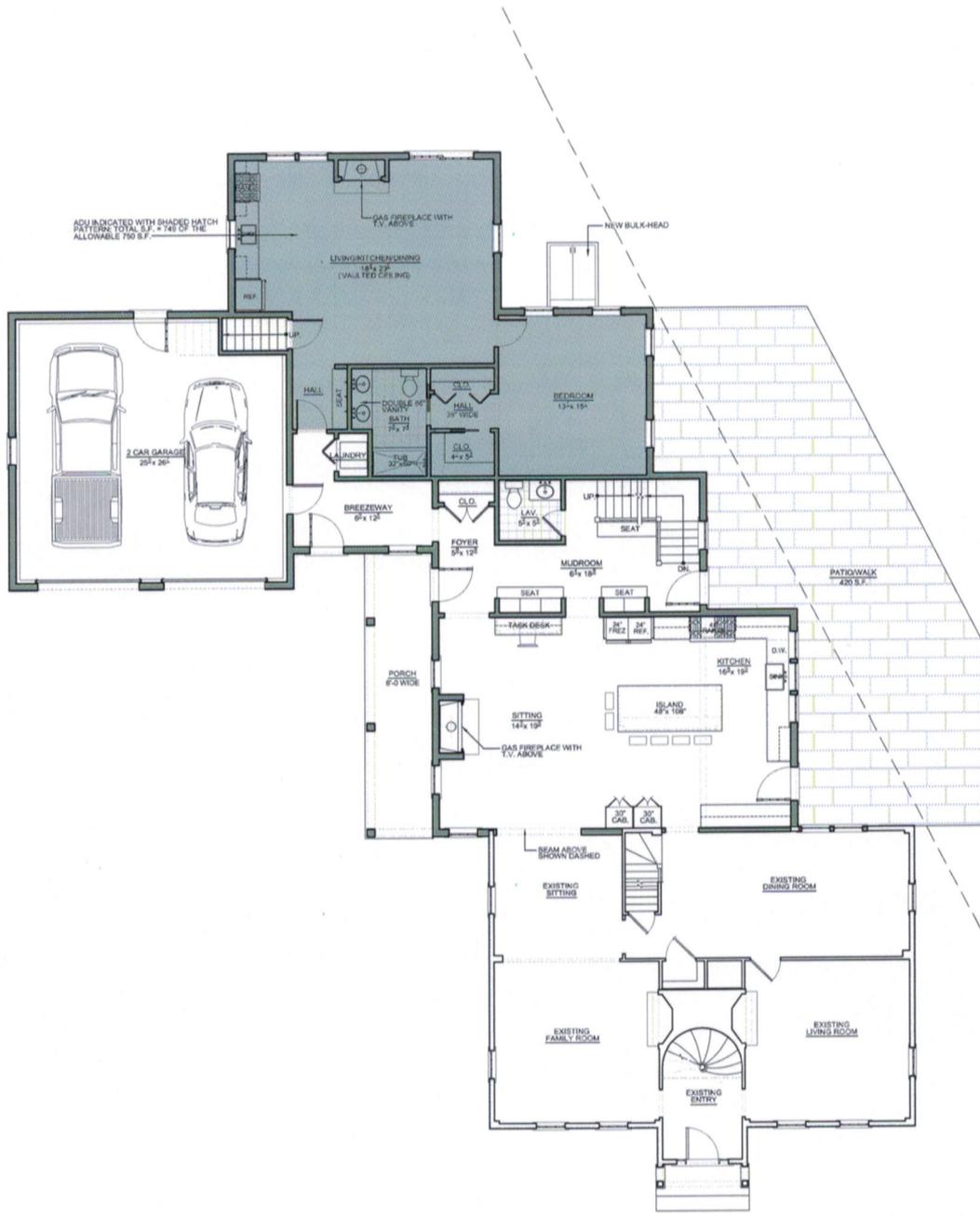
361 Main Street  
Hingham, MA

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## DESIGN DEVELOPMENT PLANS

Revised - 1-10-20

- A-3 - Proposed Basement Floor Plan
  - A-1 - Proposed First Floor Plan
  - A-2 - Proposed Second Floor Plan
  - A-3 - Proposed Basement Floor Plan
- A-4 - Proposed Southwest Exterior Elevations
- A-5 - Proposed Southeast Exterior Elevations
- A-6 - Proposed Northwest and Northeast Exterior Elevations

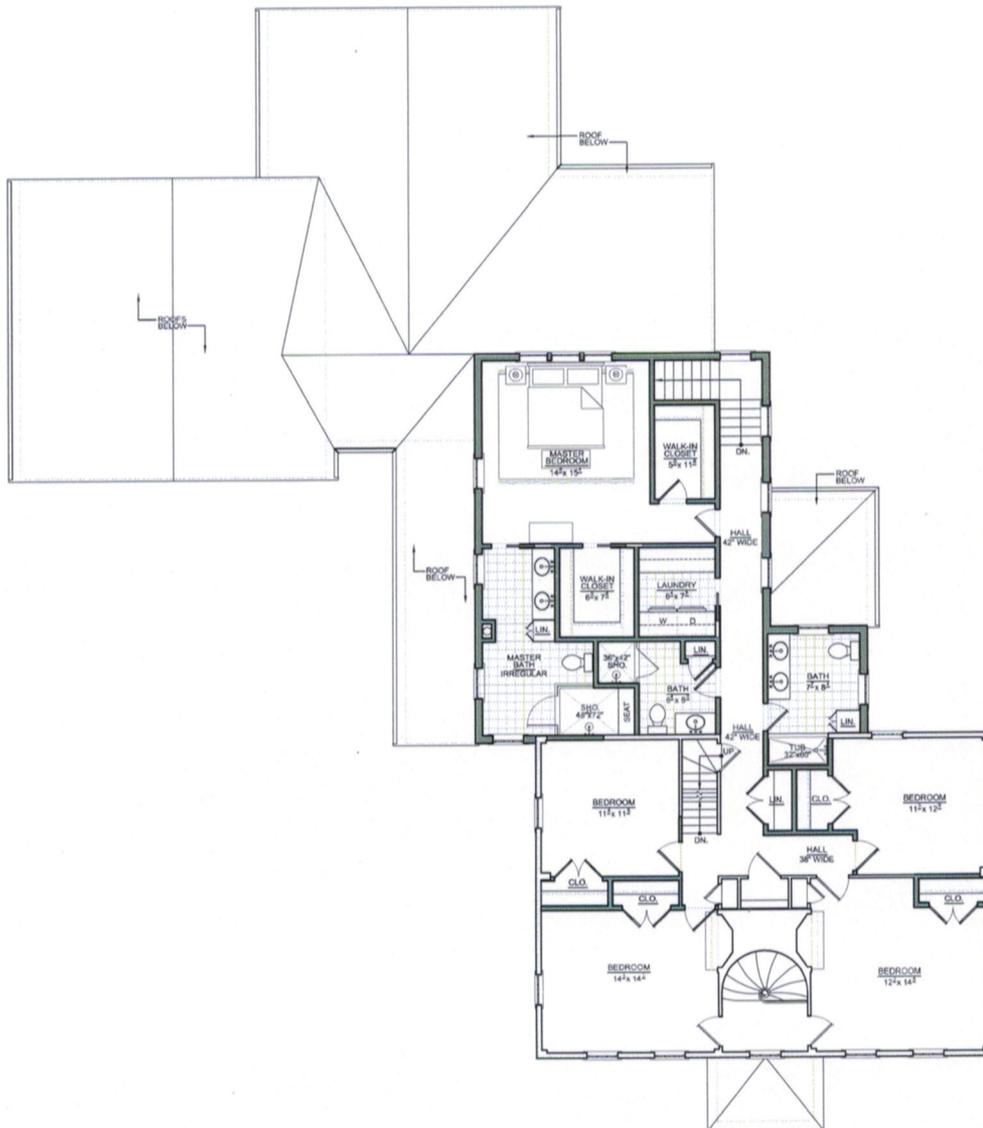


Residential Design  
 5 Ringbolt Road  
 Hingham, MA  
 Email: apreadesign@yahoo.com  
 Office: 781 - 875 - 3292  
 Cell: 617 - 347 - 6481

A-1 - Proposed First Floor Plan

SCALE 1" = 10'-0"

361 Main Street  
 Hingham, MA  
 Kirk Residence  
 Revised - 1-10-20



Residential Design  
5 Ringbolt Road  
Hingham, MA

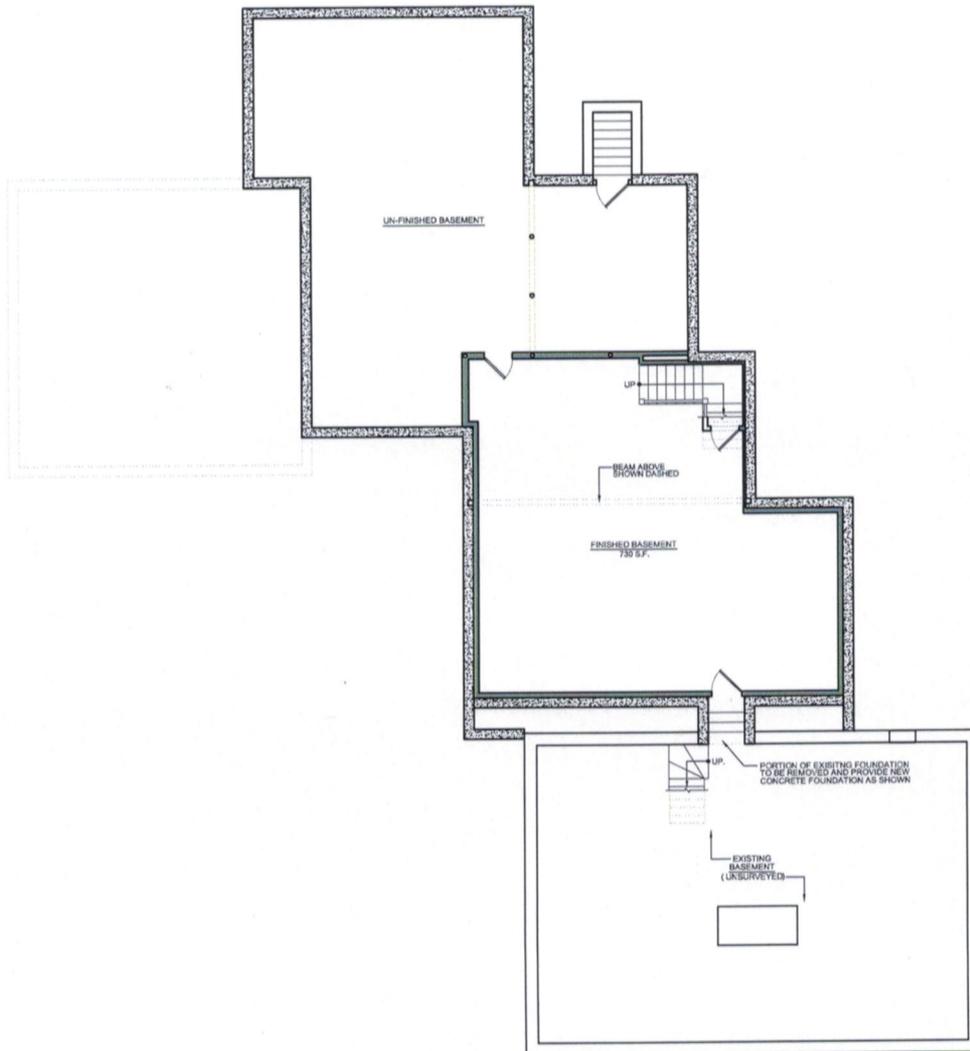
Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3292  
Cell: 617 - 347 - 6481

A-2 - Proposed Second Floor Plan

SCALE 1" = 10'-0"

361 Main Street  
Hingham, MA  
Kirk Residence

Revised - 1-10-20



Residential Design  
5 Ringbolt Road  
Hingham, MA

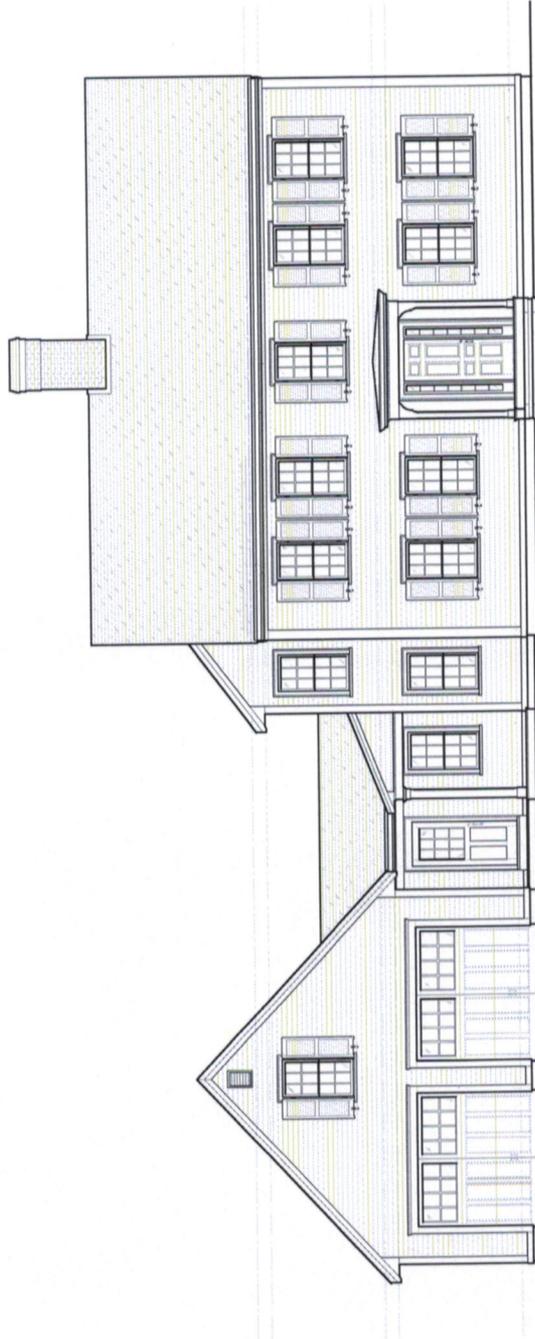
Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3292  
Cell: 617 - 347 - 6481

**A-3 - Proposed Basement Floor Plan**

SCALE 1" = 10'-0"

361 Main Street  
Hingham, MA  
Kirk Residence

Revised - 1-10-20



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Hingham, MA  
Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3302  
Cell: 617 - 347 - 6481

### A-4 - Proposed Southwest Exterior Elevations

SCALE 1/8" = 1'-0"

361 Main Street  
Hingham, MA  
Kirk Residence  
Revised - 1-10-20



361 Main Street  
Hingham, MA  
Kirk Residence  
Revised - 1-10-20

A-5 - Proposed Southeast Exterior Elevations

SCALE 1/8" = 1'-0"



Residential Design  
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Hingham, MA  
Email: [apreadesign@rthoo.com](mailto:apreadesign@rthoo.com)  
Office: 781 - 475 - 3592  
Cell: 617 - 347 - 6461



361 Main Street  
Hingham, MA  
Kirk Residence  
Revised - 1-10-20

A-6 - Proposed Northwest and Northeast Exterior Elevations

SCALE 1/8" = 1'-0"



Residential Design  
5 Ringbolt Road  
Hingham, MA  
Email: [apreadesign@yahoo.com](mailto:apreadesign@yahoo.com)  
Office: 781 - 875 - 3292  
Cell: 617 - 347 - 6481