



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant: Su Escuela Language Academy, LLC
75 Sgt. William B. Terry Drive, Suite 1001
Hingham, MA 02043

RECEIVED

AUG 12 2024

Agent: Jeffrey A. Tocchio, Esq.
Drohan Tocchio & Morgan, P.C.
175 Derby Street., Suite 30
Hingham, MA 02043

Town Clerk
Hingham, MA

Owner: John J. Flatley Co.
45 Dan Road
Canton, MA 02021

Property: 75 Sgt. William B. Terry Drive (a.k.a. 350 Lincoln Street and 55 Sgt. William B. Terry Drive), Hingham MA 02043

Deed Reference: Certificate of Title No. 110147, Book 34079 and Page 104, issued by the Plymouth County Registry District of the Land Court

Plan References: "A1.1 – SELA: The International Private School, Phase 2 - Floor Plan," prepared by Christopher Clocher, Registered Architect, 76 Madison Street, Amesbury, MA 01913, dated May 5, 2024 (1 Sheet);

"A1.2 – SELA: The International Private School, Phase 2 – Reflected Ceiling Plan," prepared by Christopher Clocher, Registered Architect, 76 Madison Street, Amesbury, MA 01913, dated May 5, 2024 (1 Sheet);

SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of Su Escuela Language Academy, LLC (the "Applicant") for a Modification of a Special Permit A2 under §§ III-A, 3.3 and III-A, 3.4 of the Zoning By-Law (the "By-Law") and such other relief as necessary for the operation of a private school and a child care facility at 75 Sgt. William B. Terry Drive (a.k.a. 350 Lincoln Street and 55 Sgt. William B. Terry Drive) located within the Limited Industrial Park District.

The Applicant additionally filed applications with the Planning Board for waivers of Site Plan Review under § I-I of the By-Law, as well as a waiver of a Special Permit A3/Parking Determination under § V-A of the By-Law.

The Board opened a duly noticed public hearing on its Special Permit A2 application on July 30, 2024 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of Paul K. Healey, Acting Chair, Jed Ruccio, Member and Michael Mercurio, Associate Member. The Applicant was represented by Jeffrey Tocchio, Esq. and Scott Goulding, Esq. of Drohan Tocchio & Morgan, PC.

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

BACKGROUND:

The subject property, located between Lincoln Street and Beal Street, is improved by a 100,000 SF building consisting of various office, warehouse, and light industrial tenants, and Su Escuela (SELA). SELA is both a Spanish-immersion private elementary school classes and a private daycare. The school has been in operation since 2011 within a 24,450 SF portion of the building that was previously occupied in part by a daycare. Unlike the prior daycare tenant, the Applicant's daycare is not exempted under MGL c. 40A, s. 3, the so-called "Dover Amendment".

The Applicant came before the Board in October 2023 and was granted a Special Permit A2 under §§ III-A, 3.3 and III-A, 3.4 to operate a private school and a child care facility at this location. The applicant also increased the size of their facilities from 24,250 SF to 31,500 SF under this approval.

CURRENT APPLICATION:

After being granted the Special Permit A2 in October of 2023, and following its buildout of the approved tenant space, SELA was approached by the owner of the Property with an opportunity to lease the entirety of the ground floor of the building, and to continue to lease a portion of the second-floor area that it currently used for administrative use.

SELA is now seeking to buildout the additional first-floor portion of the Premises for the use of students/children in three phases: Phase 1, continue its current operation/enrollment (kindergarten through grade 6; Phase 2, in school year 2025-26 to expand its private school curriculum to include students in grade 7; and Phase 3, in school year 2026-27 to expand its private school curriculum to include students in grade 8. The proposed expansion of the premises will provide students with additional common areas, including a library, art room, technology/programming room, and music room. SELA will continue to lease 5,000 SF of space on the second floor of the Building for administrative uses.

The existing use and proposed interior expansion will not alter the existing footprint of the Building. Access to and from adjoining ways and streets will remain the same. Existing, constructed parking fields provide parking that is more than adequate to provide required the parking. SELA received waivers of a Site Plan Review and a Special Permit A3 which was heard and granted by the Planning Board on July 29, 2024.

There will be no adverse impact associated with the proposed use of the existing tenant space. No alteration or construction is proposed outside the existing building. The use is compatible with the general business uses currently operating in the building.

FINDING AND DECISION:

Upon a motion made by Jed Ruccio and seconded by Paul Healey, the Board voted unanimously as follows:

1. That the proposed modifications do not materially affect the findings made in connection with the Special Permit A2 Decision issued October 31, 2023 under Sections III-A, 3.3 and 3.4 of the Zoning By-Law.
2. To grant the application to modify the uses in accordance the October 31, 2023 Special Permit A2 granted at 75 Sgt. William B. Terry Drive (a/k/a 350 Lincoln Street), located in the Limited Industrial Park District, provided that such change is in accordance with the revised plans submitted with this application dated June 10, 2024, and with the representations made by the Applicant to the Board during the hearing.

For the Board of Appeals,



Paul K. Healey, Acting Chair
August 12, 2024

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.