



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION VARIANCE MODIFICATION

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AUG 12 2024

Town Clerk
Hingham, MA

IN THE MATTER OF:

Applicant/Owner: Allerton House Hingham Management, LLC
(On behalf of GAHCW Hingham MA SNF, LLC)
18191 Von Karman Ave., Ste. 300
Irvine, CA 92612

Subject Property: 11 Conditto Road, Hingham MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 47167, Page 187

Plan Reference: Plans entitled, "Updated Signage Plan and Existing Sign Plan", prepared by Sign Design, 170 Liberty Street, Brockton, MA 02301 and revised through July 30, 2024 (2 Sheets).

SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of Allerton Housing Hingham Management, LLC ("the Applicant") to modify the signage plans approved in connection with a Variance from §V-C – the Signage By-Law (now § V-B) of the Zoning By-Law (the "By-Law") issued on July 5, 1996. The Applicant is requesting to modify the existing signage by updating the sign, adding a single panel to the sign that will identify the location of the Allerton House, and increase the size of the directional arrow from 10" to 18" (the arrow size was modified during the public hearing), at 11 Conditto Road in Residence District A.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, July 30, 2024 during a meeting held 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 of Appeals panel consisted of Paul K. Healey, Acting Chair, Jed Ruccio, Member, and Michael Mercurio, Associate Member. The Applicant's representatives, Attorney Jeffrey A. Tocchio, Esq. and Attorney Scott Goulding, of Drohan Tocchio & Morgan, presented the request. At the conclusion of the hearing, the Board granted the requested relief sought, subject to the findings and decision set forth below.

Throughout the hearing, 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 AND DISCUSSION:

In 1996, the Applicants were granted a Variance to place a two ground signs on the property (no more than one ground sign allowed in 1996); the subject sign measure 4+ SF and is located 10+ from the setback (where 15' is required).

The Applicant is requesting the modification of the existing ground sign to assist visitors in locating Allerton House. Due to the layout of the two locations, it is a common occurrence that people, visitors, delivery drivers etc., cannot locate Allerton House, sited approximately 1,500 past the Harbor House at 15 Condito Road.

CURRENT APPLICATION:

The Applicant is proposing to update the sign with a new sign, adding signage for the Allerton House. The total increase in sign area is de Minimis, measuring at .62±. The sign will remain in its present location of 10' from the setback.

During the public hearing, David Michael Shamberger, who lives behind where the sign is located, expressed concern about the sign. He stated that many visitors of both Harbor House and Allerton House confuse his home with those facilities as the sign is the same color as his home (built ca. 2001). After some discussion, the Board, the Applicant and Mr. Shamberger agreed that increasing the size of the directional arrow from 10" to 18" could help. Mr. Shamberger will monitor the situation and work directly with Attorney Tocchio if there are any continuing issues.

FINDING AND DECISION:

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

- (1) To find that the proposed increase in square footage of the sign does not materially affect the findings made in connection with the original Variance decision dated July 5, 1996.
- (2) To grant the application to modify the square footage of the second ground sign in accordance with the July 5, 1996 Variance granted at 11 Condito Road, located in Residence District A, provided that such change is in accordance with the revised plans submitted with this application and as amended at the hearing of July 30, 2024, and with the representations made by the Applicant to the Board during the hearing.

For the Board of Appeals,

A handwritten signature in blue ink that reads "Paul K. Healey". The signature is written in a cursive style with a horizontal line underneath the name.

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.