



# TOWN OF HINGHAM

## Board of Appeals

RECEIVED

AUG 21 2025

Town Clerk  
Hingham, MA

### NOTICE OF DECISION SPECIAL PERMIT

#### IN THE MATTER OF:

**Applicant/  
Owner:** Benjamin and Tamala Levin  
167 Main Street  
Hingham, MA 02043

**Subject Property:** 167 Main Street, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 50084, Page 235

#### **Plan and Document**

**References:** Plan Set, including Proposed Floor Plans & Elevations and a Proposed Site Diagram, prepared by HC Design, dated July 15, 2025 (2 sheets); Construction Plans for addition, prepared by SAMI LLC, dated September 25, 2024 (6 sheets); Historic Districts Commission, Certificate of Non Applicability, dated June 24, 2024 (1 sheet).

#### SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Benjamin and Tamala Levin (the "Applicants") for a Special Permit A1 under Section III-I.1.c of the Zoning By-Law (the "By-Law"), and such other relief as necessary, to construct a conforming addition to a pre-existing nonconforming garage, to create an Accessory Dwelling Unit (ADU), at 167 Main Street, in Residence District A.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, August 12, 2025, during a meeting held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board of Appeals panel consisted of Robyn Maguire, Chair, and Paul K. Healey and Jed Ruccio, Regular Members. At the conclusion of the August 12, 2025 hearing, the Board voted unanimously to grant the requested Special Permit A1.

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 AND DISCUSSION**

The subject property consists of approximately 24,083 SF of land located in Residence District A with 125+ frontage on Main Street. The lot is improved by a single-family dwelling (ca. 1890), a garage (ca. 1965), and a pool (ca. 2018).

The applicants filed an application to construct a conforming addition onto their preexisting, nonconforming garage. The garage is located on the southwesterly corner of the lot; the addition is proposed to extend off of the northeasterly side of the garage. The applicant is proposing to construct a 2-story conforming addition consisting of 255 SF on the first floor, and 530 SF on the second floor, totaling 785 SF. The addition will provide an Accessory Dwelling Unit (ADU) on the property, an allowed use within a residential neighborhood. The addition meets the required setbacks and height requirements of Residence District A.

The extension of the nonconforming garage is allowed with a Special Permit A1 under §III-I.1.c of the Zoning By-Law (as amended at the 2025 Annual Town meeting). The use, an Accessory Dwelling Unit, is allowed by right under Section 8 of Chapter 150 of the Acts of 2024, and under Section V-K of the Zoning By-Law (also amended at the 2025 Annual Town Meeting).

## **FINDINGS**

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2 and Section III-I.c:

- a. Use of the site is in harmony with the general purpose and intent of the Zoning By-Law.** The proposed use within the addition, an Accessory Dwelling Unit (ADU), is an allowed use in the Residence A District. The extension of a nonconforming structure is allowed by a Special Permit A1.
- b. The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law.** The proposed ADU is a permitted use under §III-A, 1.9 of the Schedule of Uses, the proposed addition meets §IV-A – the Schedule of Dimensional Requirements, and the ADU meets §V-K – Accessory Dwelling Units of the Zoning By-Law.
- c. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area.** The proposed addition received a “Certificate of Non-applicability” from the Historic Districts Commission. The proposed use is a residential use within a residential district.
- d. The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated.** The proposed ADU will provide smaller scaled housing for the community. The proposed addition is located on the easterly side of the garage, therefore much of it will not be visible from the street, as most of it is sited behind the principal structure.

- e. **There will be no nuisance or serious hazard to vehicles or pedestrians.** The proposed construction will not impact vehicles or pedestrians.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** The existing garage has electricity, and the onsite septic system can support the additional bedroom within the ADU.
- g. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction:** The property is served by public water and on-site sewer. The proposed project has been designed by an Architectural Designer.

**DECISION**

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board found that the proposed alteration, extension, or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and voted unanimously to GRANT a Special Permit A1 under Sections III-I.1.c of the Zoning By-Law (as amended at the 2025 Annual Town Meeting) to construct an addition to a pre-existing nonconforming garage, subject to the following condition:

- 1. The work shall be completed in accordance with the application and approved plans, any other applicable provisions of the Zoning By-Law, and the representations made during the public hearing.

For the Board of Appeals,



---

Robyn Maguire, Chair

August 21, 2025

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.