



# TOWN OF HINGHAM

## Board of Appeals

### NOTICE OF DECISION VARIANCE

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Town Clerk  
Hingham, MA

#### IN THE MATTER OF:

Applicant/ Owner: Bleck Family Living Trust  
357 Main Street  
Hingham, MA 02043

Property: 357 Main Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57685, Page 141

#### Plan and Document

References: Original Application Packet, prepared by Attorney Adam J. Brodsky of DTM Law, P.C., dated October 7, 2025 (45 sheets);  
Garage Floor Plans and Elevations, dated July 23, 2025 (6 sheets);  
Letter prepared by Rivermoor Engineering, LLC, dated January 9, 2025 (1 sheet);  
Existing Conditions Plan, prepared by Merrill Engineering, dated May 12, 2025 (1 sheet).

#### SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of the Bleck Family Living Trust (Kelsey and Cristopher Bleck) (the "Applicants") for a Variance from § IV-A of the Zoning By-Law (the "By-Law") to raze and reconstruct a pre-existing nonconforming, single-story garage with a new single-story garage, while maintaining the nonconforming rear setback (.1 feet where 15' is required), and the side setback (4.6' where 15' is required), at 357 Main Street, located in Residence District A.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, November 18, 2025, during a meeting held remotely 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 its regular members Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. At the conclusion of the hearing, the Board voted unanimously to grant the requested relief.

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:**

The subject property consists of 7,400 SF of land (where 20,000 SF is required) and 69+ of frontage (where 125' is required) and is located on Main Street. The lot is improved by a single-family dwelling (ca. 1920) and a detached two-car garage (ca. 1945); both are pre-existing nonconforming structures.

The Applicant applied for a Variance from §IV-A to raze and reconstruct the garage and replace it with new garage, that will remain in the same footprint and will maintain the same height. The existing rear of the garage is located .1 feet from the setback, where 15' is required, and the existing southerly side setback is located at 4.6' where 15' feet is required. The interior garage wall is collapsing and is unique in that it acts as a retaining wall to both the Applicant's property, as well as to their neighbor's yard at 361 Main Street. The Applicants also engaged Rivermoor Engineering, LLC of Scituate, MA that provided a letter dated January 9, 2025 confirming the garage /retaining wall has failed.

### **FINDINGS**

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meetings, the Board made the following findings in accordance with the approval criteria under § I-D, 2.c of the By-Law:

1. **Circumstances related to soil, shape, or topography especially affect the land or structures in question:** There are some unusual shape and topography conditions at this property that distinguish it from others in Residence District A. One photo in particular showed that the lot's elevation dropped significantly at the rear of the lot, and where the retaining wall is, at the side of the lot, and these circumstances especially affect the subject property and not generally the zoning district.
2. **The literal enforcement of the By-Laws would involve substantial hardship financial or otherwise.** Here a grant of a dimensional variance in this instance will allow for the replacement of the failing retaining wall, and the detached pre-existing nonconforming garage, which is very tight, on the plan, can be replaced.
3. **A Variance may be granted without substantial detriment to the public good.** There will be no adverse effects on the neighborhood, nor were any brought to the Board's attention; there was no public comment. And there will be no harm to the public good resulting from the proposed replacement of the garage; allowing the new garage will address the need to maintain a structurally sound retaining wall.

4. **A Variance may be granted without nullifying or substantially derogating from the intent or purposes of the By-Law.** Here the relief requested will maintain the existing nonconforming setbacks, and granting a dimensional variance in this instance will allow for a reasonable use of the property that is consistent with the residential uses in the neighborhood and Residence District A.

**DECISION**

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to grant a Variance from § IV-A of the By-Law, to reconstruct the single-story garage at 357 Main in Residence District A, maintaining the existing nonconforming rear setback of .1 feet and 4.6' from the southerly side setback, subject to the following conditions:

- a. The proposed work shall be completed in a manner consistent with the approved plans and the representations made at the hearing before the Board.
- b. Prior to the issuance of the certificate of occupancy, the Applicant shall submit an as-built plan prepared by a licensed surveyor confirming that the project was constructed in accordance to the approved plans.

For the Board of Appeals,



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Robyn Maguire, Chair  
December 2, 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.