



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3

IN THE MATTER OF:

Applicant/Owner: Fifty-Five Saxon Hingham LLC
25 Recreation Park Drive
Hingham, MA 02043

Agents: Phil Cordeiro, P.E.
Allen & Major Associates, Inc.
10 Main Street
Lakeville, MA 02347

Sean Papich, ASLA
Sean Papich Landscape Architecture
222 North Street
Hingham, MA 02043

Property: 55 Industrial Park Road, Hingham, MA 02043

Deed References: Plymouth County Registry of Deeds Book 58949 Page 156;
Certificate of Title No. 83731 issued by the Plymouth County Registry
District of the Land Court

Plan References: "Landscape Plan," prepared by Sean Papich Landscape Architecture, 222
North Street, Hingham, MA, dated October 17, 2024 and revised through
January 23, 2025 (1 Sheet)

"New Office Building," prepared by Phase Zero Design, 35 Pond Park Road
#16, Hingham, MA, dated October 16, 2024 (7 Sheets)

"Operation and Maintenance Plan" prepared by Allen & Major Associates,
Inc., 10 Main Street, Lakeville, MA, dated October 16, 2024 (13 Sheets)

RECEIVED

FEB 10 2025

Town Clerk
Hingham, MA

“Proposed Office Building, 55 Industrial Park Road, Hingham, MA,” prepared by Allen & Major Associates, Inc., 10 Main Street, Lakeville, MA, dated October 17, 2024 and revised through December 23, 2024 (16 Sheets; Sheets C-103, C-104, and C-506 revised through January 9, 2025)

“Tree Removal Plan and Replacement Count,” prepared by Sean Papich Landscape Architecture, 222 North Street, Hingham, MA, dated October 17, 2024 and revised through January 23, 2025 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the “Board”) on the application of Fifty-Five Saxon Hingham, LLC (the “Applicant”) for a Special Permit A3 parking waiver under § V-A.5.o of the Zoning By-Law (the “By-Law”) to rebuild a two-story office building with associated grading, landscaping, hardscaping, and drainage at 55 Industrial Park Road in the Industrial Park and South Hingham Development Overlay Districts.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on December 2, 2024 without the receipt of testimony, and additional substantive hearings held on January 6, 2025 and January 27, 2025. The Board concurrently opened a hearing on a related application for Site Plan Review. All hearings were held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick. Phil Cordeiro, P.E., Allen & Major Associates, Inc., and Sean Papich, ASLA, Sean Papich Landscape Architecture, presented the application to the Board. The Board was assisted in its review by Patrick Brennan, P.E., PGB Engineering, LLC, P.C. At the conclusion of the review, the Board voted to grant a Special Permit A3 under § V-A of the By-Law with conditions set forth below.

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

BACKGROUND & DISCUSSION

The subject property consists of 145,328± SF improved by an office building, a four-bay garage building, a paved driveway, and parking areas. The proposal calls for razing the existing buildings, removing most of the existing pavement, and constructing a new, two-story office building with associated paved parking, walkways, and landscaping. Total land disturbance consists of 76,500 SF – 54,000 SF of which is already disturbed as part of the existing improvements onsite – for a total of 22,500 SF of disturbance beyond what exists, and a net cut of 1,150 CY. 13,500 SF of this disturbance is proposed to be landscaped.

The existing stormwater infrastructure onsite will be incorporated into the new site design. Additional stormwater system components to be installed include catch basins, manholes,

pipng, proprietary treatment units, a third surface infiltration basin, and expansion of the existing subsurface infiltration system. A new onsite septic system is proposed to serve the building and a new water main will connect to the exiting water main in Industrial Park Road, enter the site, and terminate at a proposed fire hydrant at the east side of the driveway where the parking area begins. Additionally, new service lines for domestic use and fire protection will be connected to the new water main. Proposed electric and communication utilities will connect underground from an existing utility pole on site. An erosion control barrier, consisting of a silt sock and silt fence is proposed along the down-gradient limit of work. Additionally, silt sacks are proposed in catch basins for inlet protection and a stabilized construction entrance will be constructed.

Regarding tree removal, as a property in a non-residential district, any tree on the site that is greater than 6" in caliper, is healthy, non-invasive, and not hazardous is considered a Protected Tree. The Applicant provided a Tree Removal Summary that lists each tree over 6" in caliper onsite and identifies those that are invasive/in poor health and those proposed for removal. In total 134 trees are proposed for removal – 40 of which are not Protected Trees due to their condition or species. Therefore, 94 Protected Trees are proposed to be removed, totaling 1,443 caliper inches and requiring 722 inches of mitigation plantings. The Applicant proposes 121 new trees totaling 333 inches of mitigation plantings in addition to a significant number of other shrubs and plantings.

With respect to parking, 70 parking spaces are required for the proposed use under Section V-A of the By-Law, but the Applicant proposes to construct 59 of those spaces at this time. Through a Special Permit A3, the Applicant requests a waiver under Section V-A.5.o to allow the other 11 required spaces to not be constructed at this time and instead be "landbanked" and only be constructed if they are required/needed in the future. A recommended condition of approval is included with respect to this request in the Special Permit A3 motion. Additionally, the EV charging requirement under Section V-A.5.p requires 15 spaces (25%) to be EV compatible and 6 spaces (10%) to be served by charging stations. The Applicant proposes the requisite number of spaces to comply with these requirements.

In addition to staff, the Board's civil peer review engineer Patrick Brennan, PGB Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Mr. Brennan's report included comments related to the FEMA Flood Map, zoning information, a tree inventory, parking overhang, potential loading spaces, a site lighting plan, parking lot grades, parking lot trees, binder course pavement, infiltration system setback, the HydroCAD analysis, stormwater time of concentration, subsurface infiltration models, spillway curbing, the triangle pond, proprietary treatment, storage volumes, total suspended solids calculations, the construction entrance, erosion control blankets, and the septic system. The Applicant provided responses that address all of Mr. Brennan's comments.

During the course of the hearing, the Board raised questions and comments related to tree removal amounts and species, tree planting species, landbanked parking spaces, traffic analysis, snow storage, building power source, a pending zoning article related to reducing the amount of

Protected Trees on a non-residential property, EV charging parking requirements, septic system location, existing/proposed parking spaces. There was no public comment.

WAIVERS

The Applicant requested a waiver under Section V-A.5.o to allow 11 “landbanked” parking spaces for landscaping in place of physical parking spaces. In accordance with this section of the By-Law, the Site Plan indicates that the physical parking spaces could be constructed if required/needed, but would be proposed to be landscaped until that time comes, if ever. The Applicant maintains that the parking onsite for the reconstructed office building will be ample, even at the proposed reduction to 59 parking spaces. Given the net positive of providing more green space instead of paved surface and with a recommended condition of approval, this appears to be a net positive.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § V-A.6 of the By-Law:

- a. **The parking is sufficient in quantity to meet the needs of the proposed project;**
The Applicant proposes 59 parking spaces where 70 spaces are required for the General Business Office use outlined in the Parking Table in Section V-A of the By-Law. The Applicant demonstrated on the Site Plan that 70 spaces could be constructed if needed, but instead proposes to landbank 11 spaces in favor of landscaped areas. As conditioned by this approval, the Applicant will return to the Board should the landbanked spaces be needed for additional parking spaces.
- b. **Safe pedestrian access and circulation has been provided for;**
The reconstructed parking lot provides internal sidewalks along the perimeter of the building for safe pedestrian access and circulation of the parking area.
- c. **New driveways have been designed to maximize sightline distances to the greatest extent possible;**
No changes to entrances or sight distances are proposed.
- d. **It is impractical to meet a Design Standard under §V-A.5.o and a waiver of such Standard will not result in or worsen parking, traffic, or pedestrian safety problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings;**
A waiver under § V-A.5.o to allow 11 landbanked parking spaces for a total of 59 parking spaces to be constructed where 70 spaces are required will not adversely affect the site. As conditioned by this Approval, the Applicant will return to the Board should the landbanked spaces be needed for additional parking spaces.
- e. **Except as specifically provided under subsection d above, the existing parking areas meet applicable Design Standards; and**

- f. The granting of this Special Permit is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted to GRANT the application of Fifty-Five Saxon Hingham, LLC for a Special Permit A3 with a waiver under § V-A.5.o of the Zoning By-Law to rebuild a two-story office building with associated grading, landscaping, hardscaping, and drainage at 55 Industrial Park Road in the Industrial Park and South Hingham Development Overlay Districts, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. Landbanked Parking Spaces. Upon operation at 75% and 100% tenant occupancy of the building, or upon police reports of on-street parking or queuing of vehicles on adjacent streets, the Applicant shall provide a report to the Community Planning Department outlining parking availability onsite as a result of the landbanked parking spaces. The report shall include a parking count of available spaces during mid-morning (approximately 10 AM) and mid-afternoon (approximately 3 PM) Monday through Friday, for two consecutive weeks. The report shall also include photo evidence to confirm parking availability and any reports of parking complaints, non-compliance, and/or such other issues related to the landbanked parking spaces. If said report notes any issues, the Applicant shall return to the Board to review the identified issues.

For the Planning Board,



Gordon Carr
February 10, 2025

In Favor: Gordon Carr, Rita DaSilva, Kevin Ellis, Tracy Shriver, and Gary Tondorf-Dick
Opposed: None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.