



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### 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 Site Plan Review under § I-I 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 a Special Permit A3 parking waiver. 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 Site Plan Approval under § I-I 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 of a Submittal Requirement under Section I-I, 5.I(iii), Transportation Impact Analysis. Since the use of the proposed structure is the same and of relatively similar size, a waiver of this requirement would be appropriate. The Applicant also provided some information related to traffic impacts for additional context for the Board.

The Applicant also requested a waiver of a Design and Performance Standard under Section I-I, 6.d(ii) to allow 333" of mitigation trees to be planted where 722" is required. This is an increase in both mitigation plantings and tree removal from the previous 276" proposed for planting and the 620" required. While the Applicant now proposes more tree removal and tree planting than previously, the location of trees to be removed and planted was adjusted in order to provide significant screening between the street and structure. Given the pending zoning article related to amendment of the Tree Protection Standards for non-residential properties, as well as significant efforts by the Applicant to replant trees onsite, a waiver of this standard appears appropriate.

Finally, the Applicant requested a waiver of a Design and Performance Standard under Section I-I, 6.i(i)(C) to allow the 64'-wide curb cut to remain where 24' is the limitation.

## **DESIGN AND PERFORMANCE STANDARDS**

### **a. Land Disturbance**

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 proposed work is designed to maintain existing drainage patterns to the greatest extent practicable.

### **b. Site Design**

The proposed work is partially located within previously disturbed areas but with an expanded footprint and expanded parking. An extensive landscape plan is also proposed to enhance the scenic qualities of the site, as well as to provide additional screening for abutters and from the street. Additionally, 11 parking spaces are proposed to be landbanked and serve as additional landscaped areas, unless and until the spaces are eventually needed for parking.

### **c. Character and Scale of Buildings**

The proposed project is larger than the existing office building on the site but is similar in character and scale with other developments in the Industrial Park vicinity.

### **d. Preservation of Existing Vegetation and Protected Trees**

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. As waived by this approval, the Applicant proposes 121 new trees totaling 333 inches of mitigation plantings in addition to a significant number of other shrubs and plantings.

**e. Limit of Clearing**

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. 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.

**f. Finished Grade**

Minor grades are proposed to provide for stability of the new structure and maintain existing patterns onsite.

**g. Stormwater Management**

The existing stormwater infrastructure onsite will be incorporated into the new site design. Additional stormwater system components to be installed include catch basins, manholes, piping, proprietary treatment units, a third surface infiltration basin, and expansion of the existing subsurface infiltration system.

**h. Utilities**

A new onsite septic system is proposed to serve the building and a new water main will connect to the existing 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.

**i. Pedestrian and Vehicular Access; Traffic Management**

The Applicant proposes reuse of the existing curb cut off of Industrial Park Road and portion of the existing driveway to access the site. As reviewed through a Special Permit A3, the parking lot will be reconfigured to conform to the requirements under Section V-A of the By-Law with the exception of a standard under Section V-A.5.o to allow 11 parking spaces to be landbanked. The project also proposes addition of a sidewalk along the perimeter of the building for safe pedestrian access to the building. The Applicant asserts that based upon the limited occupancy of the building, reasonable traffic generation is greatly reduced to approximately 145 trips per day and below the existing building's allowable generation for traffic as office use and the ITE standard of 260 trips per day.

**j. Lighting**

The Applicant provided a site lighting plan which demonstrates compliance with the lighting standards set forth under Sections I-I.6.j and identifies typical commercial lighting proposed with this project.

## **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 § I-I,7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards, with the exception of Standards under § I-I, 6.d(ii) and i(i)(C) requiring 722 caliper inches of mitigation plantings and a 24'-wide curb cut. Waivers of these Standards to allow 333 caliper inches of mitigations plantings and the 64'-wide curb cut to remain will not adversely impact the interests set forth in subsection a. above.

## **MOTION**

Upon a motion made by Gordon Carr and seconded by Kevin Ellis, the Board voted to GRANT the application Fifty-Five Saxon Hingham, LLC for Site Plan Approval under § I-I of the Zoning By-Law, with a waiver of a submittal requirement under Section I-I, 5.I(iii) related to a traffic impact analysis, 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. Proof of Recording. 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. Snow Removal. Prior to issuance of a building permit, the Applicant shall provide a revised copy of the Operation & Maintenance Plan to the Community Planning Department to include the additional snow removal procedures outlined in the letter from the Applicant to the Board dated January 14, 2025.
3. Pre-Construction Meeting. A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
4. Limits of Work; Tree Protection Areas. During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the

site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.

5. Stormwater Pollution Prevention Plan (SWPPP). Since the project will disturb more than one acre, the Applicant shall submit a Stormwater Pollution Prevention Plan to the Community Planning Department a minimum of three weeks prior to the start of any work. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of the SWPPP review.
6. Construction Vehicles. All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
7. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
8. As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner and Community Planning Department prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
9. Maintenance of Protected Trees. Each Protected Tree retained, and all new trees planted to mitigate the removal of Protected Tree(s), shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree or new tree.

For the Planning Board,



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Gordon Carr

February 10, 2025

**In Favor:** Gordon Carr, Rita DaSilva, and Kevin Ellis

**Opposed:** Tracy Shriver and Gary Tondorf-Dick

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.