



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3

IN THE MATTER OF:

Applicant/Owner: Hingham Woods Condominium Association
c/o Robert McBride, the Dartmouth Group
150 Beal Street
Hingham, MA 02043

Agent: Matthew W. Gaines, Esq.
Marcus, Errico, Emmer & Brooks
45 Braintree Hill Office Park
Braintree, MA 02184



Property: Hingham Woods, 150 Beal Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 6488 Page 217

Plan References: "Curb and Structure Repair Plan," prepared by Miller Engineering & Testing, Inc., 100 Sheffield Road, Manchester, NH, dated August 22, 2023 (1 Sheet)

"Hingham Woods Condominium," prepared by Harry R. Feldman, Inc., 112 Shawmut Avenue, Boston, MA, dated November 11, 1985 (16 Sheets)

"Hingham Woods Condominium," prepared by Cavanaro Consulting, 687 Main Street, Norwell, MA, dated June 14, 2023 (8 Sheets)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Hingham Woods Condominium Association (the "Applicant") for a Special Permit A3 parking waiver under § V-A of the Zoning By-Law (the "By-Law") to resurface the streets and parking spaces at Hingham Woods in Residence District E.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 2, 2023, with two additional substantive sessions held on October 30, 2023, and November 13, 2023. 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 concurrently held hearings on a related application for Site Plan Review. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Tracy Shriver. Matthew W. Gaines, Esq., Marcus, Errico, Emmer & Brooks, and Robert McBride, the Dartmouth Group, presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant a Special Permit A3 with waivers 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 277 residential condominium units, originally approved in the 1980s, with construction in 1985, and contains 556 parking spaces. Of the 556 parking spaces, 277 are designated as easements for the exclusive use by the property owners, and the remaining 279 are for handicapped parking, guests, or residents on a first come first served basis. The proposal calls for repaving of all the roads and parking lots within the development.

At the 2023 Annual Town Meeting, a zoning article was approved, as a new subsection V-A.5.p, related to EV charging stations. The new requirement is intended to apply to new or redeveloped parking lots containing 20 or more parking spaces and requires a minimum of 25% of the spaces to be compatible with EV charging infrastructure and a minimum of 10% of the spaces to be equipped with the EV charging stations.

Based upon the total number of parking spaces throughout the development, the required number of compatible spaces (installation of conduits to be EV ready) is 139 and the number of spaces equipped with charging stations is 56. The Applicant proposes 111 (20%) parking spaces to be compatible with conduits and 14 spaces to be equipped with charging stations. The proposed infrastructure would serve the guest spaces only due to parking space ownership limitations. The placement of the infrastructure is based upon the location of the existing transformers in relation to the guest spaces. Therefore, during the hearing process, the Applicant requested that the EV charging requirements under subsection V-A.5.p apply only to the 279 guest parking spaces.

During the course of the hearing, the Board raised questions and comments related to the scope of work, potential compromises and waiver solutions, property paving history, location of proposed conduits and chargers, . There was public comment related to gas line replacement, parking along Beal Street, and chargers for unit owners.

WAIVERS

The Applicant requested the following waivers under § V-A.5.p:

- To apply the standards of § V-A.5.p to the 279 guest parking spaces instead of the total 557 spaces;
- To allow 111 parking spaces to be compatible with conduits where 139 (25%) is required; and
- To allow 14 parking spaces to be equipped with charging stations in the near term where 56 is required (10%).

It should be further noted that the Applicant plans to provide charging stations for 28 parking spaces (10% of guest parking spaces) as owner demand grows in the future.

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 § V-A.6 of the By-Law:

- a. The parking is sufficient in quantity to meet the needs of the proposed project;**
The number of parking spaces is unchanged as a result of this project.
- b. Safe pedestrian access and circulation has been provided for;**
Pedestrian access and circulation is unchanged as a result of this project.
- 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.p 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;**
As conditioned by this Approval, the Board finds that waivers are appropriate under § V-A.5.p to apply the standards of said subsection to the 279 guest parking spaces instead of the total 557 parking spaces, to allow 111 parking spaces to be compatible with conduits and to temporarily allow 14 parking spaces to be equipped with charging stations. The Applicant plans to equip 28 spaces, which equates to 10% of the total guest spaces, with charging stations as owner demand grows in the future.
- 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 Kevin Ellis and seconded by Tracy Shriver, the Board voted unanimously to GRANT the application of the Hingham Woods Condominium Association for a Special Permit A3 with waivers under § V-A of the Zoning By-Law to repave the streets and parking spaces at Hingham Woods in Residence District E, 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. Parking Waiver Contingencies. The Applicant shall submit an annual report to the Community Planning Department, prior to November 1 of each year, to provide an update on the utilization of existing EV charging stations, demand for more charging stations, and any expression of interest from owners to install charging stations in deeded spaces. The waiver granted under § V-A.5.p to allow 14 parking spaces to be equipped with charging stations in the near term where 28 is required shall have a duration of five (5) years from the date on which this decision is filed with the Town Clerk, with the intent being that this temporary waiver is to ensure eventual full compliance with the reduced 28 charger requirement. The Applicant shall return to the Planning Board for a noticed public hearing in five (5) years, prior to November 1, 2028, to provide an update on progress toward reaching the reduced 28 charger requirement, at which time the Board reserves the right to renew this waiver and/or amend this Approval.

For the Planning Board,



Kevin Ellis
November 17, 2023

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, and Tracy Shriver

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.