



# TOWN OF HINGHAM

## Planning Board

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Town Clerk  
Hingham, MA

### NOTICE OF DECISION SPECIAL PERMIT A3 – COMMON DRIVEWAY

#### IN THE MATTER OF:

Applicant/Owner: Black Rock Development Inc  
19 Clubhouse Drive  
Hingham, MA 02043

Agent: Brendan Sullivan, P.E., P.L.S.  
Merrill Engineers & Land Surveyors  
427 Columbia Road  
Hanover, MA 02339

Property: 199-201 Ward Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 42494 Page 115  
Plymouth County Registry of Deeds, Book 43527 Page 336

Plan References: "199 & 201 Ward Street, Flexible Residential Design, Subdivision Plan, Assessors Map 144 Lots 5 and 6, Hingham, Massachusetts," prepared by Merrill Engineers & Land Surveyors, 427 Columbia Road, Hanover, MA, dated December 8, 2023 and revised through April 30, 2024 (9 Sheets)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Black Rock Development (the "Applicant") for a Special Permit A3 under § V-I of the Zoning By-Law (the "By-Law"), for a Common Driveway at 199-201 Ward Street in Residence C District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on January 8, 2024, with additional substantive sessions held on February 5, 2024, February 26, 2024, and May 6, 2024. 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 opened hearings on a related application for modifications of a Site Plan Approval and a Special Permit A3 in connection with the Definitive Flexible

Residential Development Plan Review. The Board panel consisted of regular members Gordon Carr, Clerk, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Brendan Sullivan, P.E., Merrill Engineers and Land Surveyors, 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 unanimously to grant a Special Permit A3 under § V-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 project site consists of two parcels with a total land area of 4.8± acres located off the west side of Ward Street. The parcel at 199 Ward Street is improved by an existing single-family dwelling and a paved driveway. The parcel at 201 Ward Street is undeveloped woodland and wetlands. The wetlands encompass 1.6± acres, or about 33% of the total project site.

The Planning Board granted Site Plan Approval and a Special Permit A3 in September 2023 for a Preliminary Flexible Residential Development (FRD) consisting of three residential lots and one Open Space lot. With the exception of revisions related to the conditions of approval in the Special Permit A3, greater detail related to the Common Driveway and utilities/septic system, and draft easement/legal documentation, the plans are the same as the Preliminary stage. This Definitive FRD is similar to a 2019 approved FRD at 90 Ward Street in that the Applicant intends to file an ANR plan to divide the property rather than a definitive subdivision given the adequate frontage along Ward Street.

The proposal calls for dividing the two parcels into four lots – three residential lots and one Open Space lot. The Conventional Yield Plan (Sheet 3) shows three conforming residential lots with 150' or greater of frontage on Ward Street. Additionally, the Applicant proposes a Common Driveway for the three lots. The proposed Common Driveway is approximately 135' in length and 20' in width and conforms to all aspects of the Construction and Design Standards under § V-I.4. An easement is proposed for the utilities along the Common Driveway.

During the course of the hearing, the Board raised a question related to driveway length, pedestrian access, grading, a bus stop area, snow removal, and guest parking. There was no public comment.

### **FINDING**

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-H.2 of the By-Law:

1. The proposed use is consistent with the following criteria set forth in Section I-H.2.

- a. **Use of the site is in harmony with the general purpose and intent of the By-Law;**  
Consistent with Section I-A.2., permitting the Common Driveway will lessen congestion in the street; prevent overcrowding of land; conserve the value of land and buildings, including the conservation of natural resources; and encourage the most appropriate use of land throughout the Town.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law;**  
Consistent with Section V-I.1, permitting the Common Driveway will reduce the number of access points on Ward Street. Further, the proposed design meets all applicable Construction and Design Standards under Section V-I.4.
- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area;**  
Consistent with Section V-I.2, the Common Driveway is proposed in an appropriate location.
- d. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated;**  
The Common Driveway will reduce the number of curb cuts along Ward Street and minimize additional impervious surface.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians;**  
In accordance with Section V-I.4, the Common Driveway provides the required paved surface width as well as adequate sight distances at the opening along Ward Street. An area for a school bus stop is also provided at the entrance of the Common Driveway for safe pedestrian standing.
- f. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use; and**  
The Common Driveway meets all applicable Construction and Design Standards under Section V-I.4.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.**

**MOTION**

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Black Rock Development for a Special Permit A3 under § V-I of the Zoning By-Law for a Common Driveway to serve three lots at 199-201 Ward Street in Residence C District, subject to the following conditions:

1. **Proof of Recording.** Prior to submission of the Approval Not Required Plan, the Applicant shall file a certified copy of this decision at the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
2. **Common Driveway Easement.** Prior to construction of the Common Driveway, the Applicant shall finalize legal documents, pursuant to Section V-I.5, with Town Special Real Estate Counsel and file the finalized legal documents at the Registry of Deeds and provide evidence of such recording to the Community Planning Department.
3. **As-Built Plan.** The Applicant shall provide an as-built plan to the Community Planning Department upon completion of the Common Driveway construction.

For the Planning Board,



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Gordon Carr  
May 7, 2024

**In Favor:** Gordon Carr, Rita DaSilva, 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.