



**TOWN OF HINGHAM**  
PLANNING BOARD

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**NOTICE OF DECISION**

**Special Permit A3**

Applicant: Falcon LLC.  
88 West Grove Street  
Middleboro, MA 02346

Premises: 45 Industrial Park Road  
Hingham, MA 02043

Date: August 6, 2019

Title Reference: Book 50208, Page 184  
Cert. of Title No. 127364, Book 636, Page 164

**Summary of Proceedings**

The application before the Board is for Site Plan Review in Association with a Special Permit A2 to allow a Health Club under Sections I-G, I-I, and III-A.4.12 A, and a Special Permit A3 Parking Determination under §V-A of the Zoning By-Law, with waivers if necessary, to allow ~4,270 square feet of space to be used as a ballet studio in addition to the other existing uses, property located in the Industrial Park District. The applications were submitted on June 11, 2019, the Board opened the hearings at their duly noticed hearing of July 15, 2019 and then continued the hearings to the meeting of August 5, 2019 at which they deliberated and voted on the proposals.

Planning Board members seated on the application were Gordon Carr, Gary Tondorf-Dick, William Ramsey, Judith Sneath and Kevin Ellis. Judith Sneath was not at the meeting of August 5, 2019 and did not act on the application. The Applicant was represented by Attorney Bruce Isadore, John Cavanaro of Cavanaro Consulting and Matt Falconeri who were all in attendance at both hearings to present the project.

**Project Description**

Attorney Isadore stated that the request is to allow a Health Club use (ballet studio) in the existing building at 45 Industrial Park Road and that use requires a Special Permit A2 from the Board of Appeals as well as a Special Permit A3 parking determination from the Planning Board. The Planning Board completed a site plan review for this site in 2018 for a building addition and that construction work is underway at this time. The intent is to reduce the square foot area of office use to create space for the ballet studio within the approved building envelope. Mr. Cavanaro explained that no new impervious surfaces were being added to the site but that the

parking area was being restriped to create 8 additional spaces to bring the parking count from 29 to 37 spaces. The Board discussed the internal circulation and parking as well as access onto and leaving the site. The northern driveway was modified to more clearly direct vehicles as they exit the site. The Board did note that the edge of pavement was not the property line and as such vehicles would inch into the right of way as they exit the site. The Applicant discussed this curb cut with the Department of Public Works and ultimately determined that additional signage or stop bars were not indicated at this time. The Board was satisfied with the physical modification of the driveway as it would enable vehicles to exit the site more efficiently. The Board discussed the Health Club use and noted that is a broad category of uses. The Applicant stated the use being proposed is a ballet studio and explained the schedule of classes as listed on the revised site plan. The Board then discussed the ballet studio use in particular and how the drop off and pick up would work, and that some students stay for more than one class in a row. The Board discussed the proposed class size of not more than 3 classes with not more than 10 students, and a maximum of 4 teachers. The Applicant explained that this is a drop off use and that parents do not stay to observe the classes. They also noted that there was only a small overlap in hours with the office use so that for the most part this particular tenant and use with the hours of operation as proposed seemed to have access to the entire site during the majority of their business hours.

### **FINDINGS – SPECIAL PERMIT A3**

The Applicant requested a waiver from Section V-A.5.c to eliminate the requirement to provide a loading space. The Board found that the uses on site as proposed indicate a loading space is not needed for their operations. The Board also found that if the tenants on the site change, a new business may require a loading space, which may result in the loss of a parking space. The Board determined a condition would be that if the uses on the site change such that a loading space is needed a modification of this permit shall be required. The Board then reviewed the Special Permit A-3 criteria in Section V-A.6 and made findings, as follows.

*a) The parking is sufficient in quantity to meet the needs of the proposed Project;*

The Board found that the site has 37 spaces total. 15 for the office use and 22 for the dance studio (Health Club use). The hours of operation for the uses as shown on the site plan demonstrate that there is very little overlap in the office use and health club use so that when in operation the health club use effectively has access to all the parking on site. The provision of 22 parking spaces on this site for the health club use as proposed (ballet studio) with the hours of operation as proposed is reasonable because the office use will not be in operation at the same time with the exception of 4 pm – 5 pm on weekdays.

*b) Pedestrian access and circulation has been provided for;*

The Board found in the affirmative, stating yes.

*c) New driveways have been designed to maximize sightline distances to the greatest extent possible;*

The Board found that the driveways are not new but the north entrance has been refined to more clearly direct traffic on site.

*d) It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings; and*

The Board found that this is not applicable.

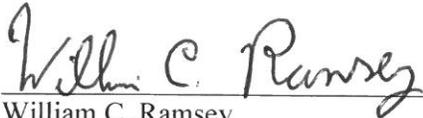
- e) *The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.*

The Board found that this is not applicable.

### **VOTE AND CONDITIONS**

Upon a motion made by William Ramsey and seconded by Kevin Ellis, the Board voted 4-0 to APPROVE the Special Permit A3 Parking Determination for Falcon LLC as presented at the hearings and as shown on the plans titled "Site Plan, 45 Industrial Park Rd., Hingham, Ma" prepared for Falconeri Construction, prepared by Cavanaro Consulting, dated 6/10/19 and revised to 7/26/19, 1 sheet, with the waiver, based on the findings, and subject to the following conditions:

1. If the uses on the site change such that a loading space is needed a modification of this permit shall be required.



William C. Ramsey  
Chairman, Hingham Planning Board  
EXECUTED this 9<sup>th</sup> day of August, 2019

#### Votes:

In favor: Ramsey, Ellis, Carr, Tondorf-Dick,

Opposed: none

Cc: Clerk; ZBA; Fire; Police; Sewer Department; Assessor; DPW; Building; BOH; J. Cavanaro;  
B. Isadore.