



TOWN OF HINGHAM
PLANNING BOARD

NOTICE OF DECISION

Special Permit A3

Applicant: Merhej and Sons Realty, LLC
Premises: 19-27 Whiting Street
Hingham, MA 02043
Date: December 14, 2020



Plan Reference: "Site Development Plans Hingham Gas #19 & 27 Whiting Street Hingham, MA" dated 5/1/2020 last revised 10-30-2020, prepared by CHA, 24 sheets.

Summary of Proceedings:

This matter came before the Planning Board on the application of Merhej and Sons Realty, LLC, for Site Plan Review under §I-G and §I-I of the Zoning By-Law and a Special Permit A3 parking determination, with waivers if necessary, to redevelop and construct as new retail building at the properties located at 19 & 27 Whiting Street, located in the Business B and Accord Pond Watershed and Hingham Aquifer Protection District.

Pursuant to (1) the Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law and applicable provisions of the Open Meeting Law found at 940 CMR 29 et seq., the public meetings of the Planning Board were conducted by remote participation. The application was submitted on May 4, 2020 and the hearing was suspended to July 27, 2020 and suspended again to 9/14/20. The hearing was continued to 9/28/20, then to 11/2/20, then to 11/16/20, and continued to November 30, 2020 when it was acted on. Board members on the panel were Gary Tondorf-Dick, Kevin Ellis, Gordon Carr and Judith Sneath. Kevin Ellis missed the hearing of November 16, 2020 and completed a Mullins Affidavit after listening to the recording of the hearing. The Application was presented by Don Rose, CHA and Jeffrey Tocchio and Scott Golding, of Drohan, Tocchio and Morgan. The project was peer reviewed by John Chessia, Chessia Consulting, and Jeffrey Dirk of Vanasse and Associates.

BACKGROUND AND DISCUSSION

The property consists of .42 acres known as 19 Whiting Street and 1.26 acres of land known as 27 Whiting Street. Nineteen Whiting Street is improved with an automotive filling station and

associated improvements. Twenty-seven Whiting Street is improved with a single family dwelling and attached garage and accessory shed. The application is to allow the redevelopment of the combined properties in order to construct a new retail store of approximately 2,531 square feet, and continue the filling station use. The combined properties will have 1.68 acres in area and 294 linear feet of frontage on Whiting Street. Access to the redeveloped site will be via 3 curb cuts total. One of the two existing curb cuts at 27 Whiting Street will be eliminated and a single westerly curb cut will provide egress from the site as a restricted right turn only for vehicles traveling westerly on Whiting Street. The development of the retail building will extinguish the nonconforming residential use which currently exists at 19 Whiting Street. The applicant will plan an additional 12 trees on the northern side of the site and the stockade fences are to remain. The adjacent properties are in commercial use and as such this project is not expected to result in any negative impacts to the adjacent properties.

The applicant is proposing 16 parking spaces where 15 are required however they expect that a portion of the customer traffic to the retail store will be by persons parked at the gas pumps. So although a one space parking waiver is requested it seems reasonable. The project requires a Notice of Intent from Conservation. The Board reviewed the traffic and circulation patterns and drainage design in depth. The applicant revised the plans to address all the comments raised by Jeffrey Dirk, of Vanasse and Associates.

WAIVERS

The Board discussed the following waivers and made findings:

- a. Waiver of Section V-A.5.1 to allow a slope greater than 4% in the parking lot.
 - i. Finding: The design is reasonable in that it allows for the revision of the slopes on the site and results in a better overall site design.
- b. Parking waiver to allow 15 spaces where 16 are required.
 - i. Finding: The parking calculation of $3209 \text{ sf} * 5/1000 \text{ sf}$ parking spaces equals 16 spaces. It is reasonable to expect that some of the customers at the fueling station will walk over to the retail store leaving their vehicle parked at the pump. For this reason a one space parking waiver is reasonable.

FINDINGS – SPECIAL PERMIT A3

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

The Board found that the parking calculation of $3209 \text{ sf} * 5/1000 \text{ sf}$ parking spaces equals 16 spaces. It is reasonable to expect that some of the customers at the fueling station will walk over to the retail store leaving their vehicle parked at the pump. For this reason a one space parking waiver is reasonable. There is sufficient parking provided on this site.

b) Pedestrian access and circulation has been provided for;

The Board found that yes, pedestrian access and circulation has been provided for.

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

The Board found in the affirmative. The project was peer reviewed by Jeffrey Dirk and revised to address all of his comments during the hearing process. New driveways have been designed to maximize sightline distances to the maximum extent possible.

- 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 yes, the waivers being requested are relatively minor and support the site design.

- 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 concurs that that is the case.

VOTE AND CONDITIONS

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted 4-0 to approve the Special Permit A3 parking determination with the waivers for Merhej and Sons Realty, LLC. for the project at 19-27 Whiting Street based on the presentations made at the hearings and as shown on the plans titled "Site Development Plans Hingham Gas #19 & 27 Whiting Street Hingham, MA" dated 5/1/2020 last revised 10-30-2020, prepared by CHA, 24 sheets, with the findings and the waivers.



Kevin Ellis
Chairman, Hingham Planning Board
EXECUTED this 14 day of December, 2020

Votes:

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

Opposed: none

CC: Town Clerk; Building Department; Assessor; R. Sylvester, DPW; BOH; Don Rose; Scott Golding; Jeff Dirk; Jeff Kilroy, HPD; David Jones, Interim Police Chief; Conservation; J. Chessia; Fire Marshal.