

TOWN OF HINGHAM

SUPPORTING STATEMENT - STATUTORY FINDINGS



FORM 2B VARIANCE

BOARD OF APPEALS

Petitioner Alison Hurley seeks a Variance from Section (s) Resident C

of the Zoning By-Law for property located at 163 Prospect St, Hingham, MA and presents the following findings of fact in accordance with the provisions of M.G. L. 40A, §10:

- 1. The following circumstances relating to the soil conditions, shape, or topography especially affect the land or structure(s) in question, but do not affect generally the zoning district in which the land or structure(s) are located.

This is an existing retaining wall replacement. The wall is structurally deficient and is continuous across 163 and 155 Prospect St. There is a pool/patio on the other side.

The wall is unbalanced with fill on one side. The existing wall separating the driveway from the pool area is structurally deficient and in need of immediate replacement. The wall is exhibiting signs of overturning as well as moderate to heavy sided cracks. The wall was designed as a cantilevered wall, with unbalanced fill on the pool side of 15 ft. The replacement of the wall will not alter, change, or modify the existing topography, and will be rebuilt in kind to the same gates and finish.

- 2. Owing to the circumstances described above, a literal enforcement of the provision of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the undersigned for the following reasons.

The wall is being rebuilt in kind, to the same finished grades, and will not effect the zoning district.

Not granting a variance would cause this structurally deficient wall to be a public safety hazard and accelerate the collapse of the wall, possibly resulting in human and financial losses.

ZBA - 10/2001

Form 2B

3. Relief may be granted without substantial detriment to the public good for the following reasons.

Granting a relief is in the public good since it will allow for the construction of a structurally deficient and unsafe condition to be remedied

4. Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law for the following reasons.

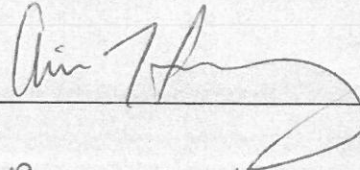
Granting a relief would not substantially derogating from the intent or the purpose of the Zoning By-law since the relief is a public safety issue.

**NOTE: The law does not permit the Board of Appeals to grant a variance unless all of the legal requirements are satisfied. Each one of the above findings must be answered in detail.**

**The rights authorized by a variance expire one year from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G. L. 40A, §10.**

Date 5/17/21

SIGNATURE  
(Petitioner/Agent)



Address 163 Prospect St

Tel. No. 719 337 7302

*Please attach additional sheets if space provided is insufficient*