

TOWN OF HINGHAM

Board of Appeals



210 Central Street, Hingham, MA 02043-2758 • Telephone (781) 741-1494 • Fax (781) 740-0239
• ZBA@hingham-ma.gov •

ZONING APPLICATION CHECKLIST

FORM 1 INSTRUCTIONS

PROPERTY ADDRESS: 266 Whiting Road

OWNER: Isabella Stewart Gardner Museum

If you need assistance with your application, please contact the Zoning Department at least one week prior to the filing deadline.

Per [Zoning Board of Appeals Rules and Regulations](#):

- The Zoning Department Staff will review all applications to determine their completeness.
- Incomplete filings will not be accepted for processing and scheduling.
- Complete applications include:
 - Filing fee; see filing fees chart, below;
 - Form 1 Required Documents; see checklist, below;
 - Application copies:
 - One (1) complete set of documents to be filed with the Town Clerk
 - Four (4) complete set of documents to be filed with the Board of Appeals
 - Digital copy of all application materials emailed to ZBA@hingham-ma.gov

number of copies specified below

	Required	Submitted
This Checklist (Form 1)	1	1
Application for Hearing (Form 2)	5	5
provide one of the following forms:		
Supporting Statements – Requested Findings	5	5
☐ Administrative Appeal (Form 2A)		
☐ Variance / Variance Modification (Form 2B)		
☒ Special Permit A1 / Special Permit A1 Modification (Form 2C)		
☐ Special Permit A2 / Special Permit A2 Modification (Form 2D)		
provide one of the following:		
Evidence of Standing to Seek Relief	5	5
☒ Deed or Certificate of Title		
☐ Signed Option to Purchase		
☐ Lease with Property Owner's Authorization Letter		

TOWN OF HINGHAM

Board of Appeals



Required

Submitted

All plans must be stamped by a registered professional.

Provide all of the following:

Plan(s) of Propose Project

1. **Plot Plan:** Plan shall show scale, north arrow, lot dimensions and area, existing building and structures. Include topography, floodplain, wetlands, and other features as relevant - 2' x 3' format.

5

5

2. **Site Plan:** shall show scale, north arrow, dimensioned location of all improvements, including floor area, and elevations. Include, if applicable, physical features, off-street parking plan, landscape plan, grading, drainage, and lighting plans, Zoning Chart showing the Required, Existing and Proposed Area Regulations - 2' x 3' format.

5

5

3. **Architectural plans and elevations:** shall include sufficient detail to demonstrate dimensions of buildings/structures, square footage, materials, and other details - One (1) 2' x 3' format; five (5) 11" x 17" format, to scale.

5

5

Provide copies, when applicable:

Prior Zoning Relief

Has an application for relief from the Zoning By-Laws ever been filed for this parcel?

Yes



No



If yes provide five (5) copies for each of the following:

Explanation(s) and date(s) of relief(s)

5

5

Prior Zoning decision(s) rendered.

5

5

Provide copies, when applicable:

Other Application Information

Drainage report, if applicable.

5

Traffic report, if applicable.

5

Letter(s) of support; optional.

1

TOWN OF HINGHAM
Board of Appeals



APPLICATION FILING FEES

Residential Variance \$300.00

Commercial Variance \$300.00 for the first 2000 ft²/
\$100.00 for each additional 1,000 ft² or portion thereof

Special Permits \$300.00 for the first 2000 ft²/
\$100.00 for each additional 1,000 ft² or portion thereof

Applications requiring multiple permits... 100% of highest fee required by Board of Appeals
in addition each additional permit 50% of required fee

Special Permit(s) and/or Variances(s) – Signs \$300.00

Comprehensive Permit \$250.00 per units, in addition the Applicant pays
cost of postage associated with abutter notifications
and cost of newspaper legal notice(s)

All Other Applications \$400.00

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APPLICATION FOR ZONING HEARING

FORM 2

Application date: 07/16/2026

The undersigned hereby petitions the Board of Appeals for the following:

- | | | |
|--|--|---|
| ☐ Appeal | ☐ Variance | ☒ Special Permit A1 |
| ☐ Special Permit A2 | ☐ Variance Modification | ☐ Special Permit Modification |

Subject Property: 266 Whiting Road Zoning District: III-A

Applicant's Name: Isabella Stewart Gardner Museum Address: 25 Evans Way, Boston 02115

[REDACTED] Phone: [REDACTED]

Record title to the subject property stands in the name(s):

Isabella Stewart Gardner Museum, Inc.

Address of owner of record: 25 Evans Way, Boston 02115

Title reference:

- ☒ (Unregistered land) Plymouth County Registry of Deeds, Book 58803, Page 239
☐ (Registered land) Land Court Certificate of Title No. _____, Book _____, Page _____

The undersigned is:

- ☒ Owner of subject property ☐ Holder of written option to purchase property
☐ Holder of valid lease to subject property

Written authorization from property owner must be submitted with application documents.

Commercial building of approx 30k sf and greenhouse of approx 10k sf

Change use of existing commercial building to store ISGM supplemental art collection and materials associated with gift shop operated at museum facility in Boston.

Signed as a statement of fact under the pains and penalties of perjury,
this 8th day of July, in the year 2026.

APPLICANTS' NAME: Michael Holland

SIGNATURE: Melvin Roy
(Applicant/Owner)

ADDRESS: 25 Evans Way, Boston 02115

PHONE: _____

CELL: [REDACTED] [REDACTED]

EMAIL:

CHECK ALL THAT APPLY

☒	PROPERTY OWNER
☒	APPLICANT

TOWN OF HINGHAM
Board of Appeals



If you are represented by an agent, please provide information below:

AGENT'S NAME: Johanna Schneider, Hemenway & Barnes
AGENT'S SIGNATURE: 
(Agent)
ADDRESS: 75 State Street Boston 02109
PHONE: 
CELL: 
EMAIL: 

CHECK ALL THAT APPLY

☒	OWNER'S AGENT
☒	APPLICANT'S AGENT

Please attach additional sheets if space provided is insufficient.

Applicants requesting an **Appeal** must also complete **Form 2A**

Applicants requesting a **Variance** or **Variance Modification** must also complete **Form 2B**

Applicants requesting a **Special Permit A1** or **Special Permit A1 Modification** must also complete **Form 2C**

Applicants requesting a **Special Permit A2** or **Special Permit A2 Modification** must also complete **Form 2D**

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**SUPPORTING STATEMENT –
REQUESTED FINDINGS**

**FORM 2C
SPECIAL PERMIT A1**

Applicant Isabella Stewart Gardner Museum seeks
a Special Permit A1 under Section(s) III-A/3-6 - Private nonprofit museum use
of the Zoning By-Law for property located at 266 Whiting Street
and asks the Board of Appeals to make the following findings of fact in accordance with the
provisions of the law:

1. The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:

See accompanying narrative.

2. The proposed use complies with the purposes and standards of the relevant specific sections of the Zoning By-Law, for the following reasons:

See accompanying narrative.

TOWN OF HINGHAM
Board of Appeals



3. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:

See accompanying narrative.

4. The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated, for the following reasons:

See accompanying narrative.

5. There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:

See accompanying narrative.

6. Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:

See accompanying narrative.

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Board of Appeals



7. The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction, for the following reasons:

See accompanying narrative

The rights authorized by a Special Permit expire three years 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, § 9.

Signed as a statement of fact under the pains and penalties of perjury,
this 29th day of June, in the year 2026.

APPLICANTS' NAME: Michael Holland

SIGNATURE: _____

(Applicant/Owner)

ADDRESS: 25 Evans Way, Boston 02115

PHONE: _____

CELL: _____

EMAIL: _____

CHECK ALL THAT APPLY



PROPERTY OWNER



APPLICANT

If you are represented by an agent, please provide information below:

AGENT'S NAME: Johanna Schneider, Hemenway & Barnes

AGENT'S SIGNATURE: _____

(Agent)

ADDRESS: 75 State Street, Boston 02109

PHONE: _____

CELL: _____

EMAIL: _____

CHECK ALL THAT APPLY



OWNER'S AGENT



APPLICANT'S AGENT

Please attach additional sheets if space provided is insufficient.

Introduction

The property at 266 Whiting Street (the “Site”) is currently developed with an approximately 10,000 square foot greenhouse and an approximately 30,000 sf commercial building. Since 2012, pursuant to a long-term lease, the Isabella Stewart Gardner Museum (ISGM) has used the greenhouse at the Site for its horticultural operations and approximately 1500 sf of the commercial building for storage, offices, an employee break room and a potting area. ISGM acquired the Site in 2024 and now seeks approval to use the existing building to store the museum’s supplemental art collection and materials associated with the gift shop operated at the museum facility in Boston. The operations will be “back of house” only; members of the public will not be permitted on the Site. Other than the addition of four new gates for additional security; there are no changes proposed to the existing site plan. All work will be interior to the existing commercial building; there will be no changes to the footprint, building envelope or architecture.

1. The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:

Use of the existing commercial building for museum storage is in harmony with the purpose and intent of the Bylaw. The proposed use is a natural extension of the long-standing horticultural operations at the Site and will not generate significantly more activity on the Site than existing operations. Outside of periodic moving of stored materials (estimated to be fewer than 25 times per year) and occasional building maintenance visits, the proposed use will not require any additional staff to be present at the Site. As such, the proposed use is “quiet” and consistent with the Bylaw’s goals of minimizing overcrowding of land and avoiding undue concentration of population. Moreover, as part of the internal renovation of the existing building, upgraded, state-of-the art fire safety equipment, including alarms and sprinklers, and a 24/7 remote monitored security system will be installed, supporting the Bylaw’s purpose of securing safety from fire and other hazards.

2. The proposed use complies with the purposes and standards of the relevant specific sections of the Zoning By-Law, for the following reasons:

The existing building on the Site was constructed in 2010. Conversion of the building to museum storage requires no changes to the building envelope, footprint or exterior features.

3. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:

The existing commercial building on the Site was constructed in 2010. Since 2012, ISGM has used the greenhouse at the Site for its horticultural operations and approximately 1500 sf of the commercial building for storage, offices, an employee break room and a potting area. Throughout this time, there have been no complaints from the Town or neighbors regarding ISGM's use and occupancy of the Site. Use of the balance of the existing building for museum storage will not materially change Site operations. There are currently an average of 5 employees working each weekday during normal business hours and an average of 2 people working 8am-4pm on weekends; the proposed storage use will not increase the number of regular employees on Site. ISGM employees have always parked proximate to the existing greenhouse facilities and will continue to do so.

4. The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated, for the following reasons:

Converting the interior of the existing commercial building to allow for museum storage will have no adverse impacts on the neighborhood or the Town. Other than periodic moves of museum materials – anticipated to be fewer than 25 times per year – and occasional maintenance visits, the storage use will be fully consistent with long-standing site operations. There will be no increase in regular employees at the Site and there will be no increase in daily vehicle trips. No members of the public will be permitted to visit the Site and as shown on the accompanying Site Plan, new bollards and gates are proposed to ensure that the Site remains secure.

5. There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:

ISGM has been conducting its horticultural operations at the Site consistently since 2012. There currently are an average of 5 employees at the Site on weekdays and an average of 2 employees on weekends, all of whom drive to and park at the Site. Under existing conditions there are between 6-8 regular deliveries to the Site. The proposed storage use will not be a significant change over existing conditions. There will be no increase in regular employees at the Site and there will be no increase in daily vehicle trips. After the initial move of materials into the Site (anticipated to be approximately 2 trucks per day on weekdays for an approximately 7-day period), it is anticipated that on a regular basis there will be only periodic moves of museum materials and occasional maintenance visits. This will not significantly increase vehicular trips to and from the Site. Additionally, ISGM proposes to install new bollards and gates to ensure that no unaffiliated vehicles enter the Site.

6. Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:

The interior of the existing commercial building will be renovated to provide updated systems, including climate control/HVAC equipment, a state-of-the-art fire protection system including full sprinklering (with connection to an existing water main in Whiting Street), 24/7 security, and ADA upgrades including accessible bathrooms on the 1st and 2nd floors, accessible main entrance, accessible route from the parking lot to the 1st floor and from the greenhouse to the 1st floor and ADA-compliant handrails added to stairs. In addition, as shown on the accompanying Site Plan, new bollards and gates are proposed to ensure that the Site remains secure.

7. The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction, for the following reasons:

The existing building on the Site was constructed in 2010. Conversion of the building to museum storage requires no changes to the building envelope, footprint or exterior features. Similarly, there will be no changes to the Site, beyond the installation of bollards and new security gates. All work associated with the renovation will be conducted entirely within the boundaries of the Site. The renovation and change of use will not alter the current stormwater management for the Site.

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 04/08/2024 01:11 PM
Ctrl#
Fee: \$0.00 Cons: \$1.00

CONFIRMATORY QUITCLAIM DEED

Hanna Nessralla, Antoine Nessralla, and Daniel Nessralla, Trustees of the Penniman Hill Nominee Realty Trust u/d/t dated March 15, 2023 and referenced in a Trustee's Certificate recorded with the Plymouth County Registry of Deeds in Book 57754, Page 284, with a mailing address of 272 Whiting Street Hingham, MA, for consideration paid and in full consideration of One Dollar (\$1.00), grant to Isabella Stewart Gardner Museum, Inc., a Massachusetts non-profit corporation, with a principal place of business located at 25 Evans Way, Boston, MA 02115,

with quitclaim covenants,

The land in the Town of Hingham, Plymouth County, Massachusetts, bounded and described as follows:

Parcel 1

A certain parcel of land with the improvements thereon and being shown as proposed Lot 3 on a plan entitled, "Penniman Hill Farms & Garden, Inc. 266 & 276 Whiting Street Lots 2 & 3 Town of Hingham, Plymouth County, Commonwealth of Massachusetts by Control Point Associates, Inc. dated November 6, 2017" recorded at Plymouth Registry of Deeds as Plan Number 105 of 2018 Plan Book 62, Page 57.

Parcel 2

A certain parcel of land situated in Hingham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a point five hundred sixty (560) feet, more or less, northwesterly from Cushing Street at land now or formerly of Allie Z. Wirkala and thence running in a SOUTHWESTERLY direction one hundred eighty (180) feet, more or less, to land now or formerly of Walter S. Bird; thence running NORTHWESTERLY and bounded SOUTHWESTERLY by land now or formerly of Walter S. Bird, four hundred ninety (490) feet, more or less, to land now or formerly of Makinen; thence running NORTHEASTERLY by land now or formerly of Makinen, one hundred forty (140) feet, more or less, thence running EASTERLY or SOUTHEASTERLY, two hundred sixty five (265) feet, more or less, to land now or formerly of Allie Z. Wirkala; and thence running SOUTHEASTERLY two hundred forty (240) feet, more or less, by land now or formerly of said Wirkala to the point of beginning. Containing eighty thousand (80,000) square feet, more or less.

Property Address: 266-276 Whiting Street Hingham, MA

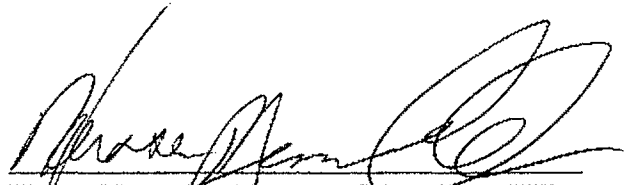
The grantor hereby states that the premises known as and numbered 266-276 Whiting Street and 491R Cushing Street, Hingham, Plymouth County, Massachusetts have never been grantor's primary residence and therefore it never had any homestead rights in said premises by operation of law or by filing.

For grantor's title, see confirmatory deed dated November 29, 2023 and recorded with the Plymouth County Registry of Deeds in Book 58490, Page 19.

The purpose of this deed is to correct the deed recorded with the Plymouth County Registry of Deeds dated January 19, 2024 in Book 58617, Page 335 which by way of scrivener's error inadvertently excluded "Parcel 2" in the description of property.

[Signature Pages Follow]

EXECUTED as a sealed instrument this 4th day of April, 2024.


 Hanna Nessralla; Trustee of Penniman Hill
 Nominee Realty Trust and not individually

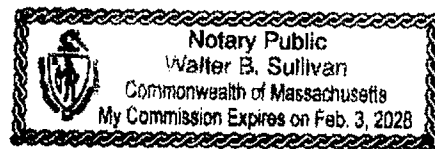
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

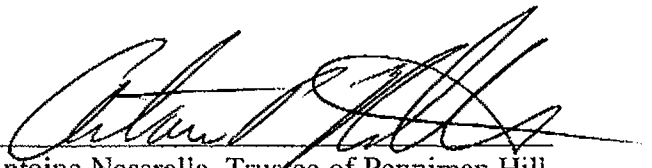
On this 4th day of April, 2024, before me, the undersigned notary public, personally appeared Hanna Nessralla, Trustee, and proved to me through satisfactory evidence of identification, which was a current Driver's License, to be the person whose name is signed on the within document, and acknowledged to me that he signed it voluntarily for its stated purpose.


 Notary Public

My Commission Expires: _____



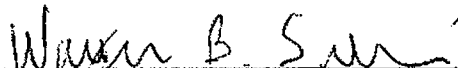
EXECUTED as a sealed instrument this 4th day of April, 2024.


Antoine Nessralla, Trustee of Penniman Hill
Nominee Realty Trust and not individually

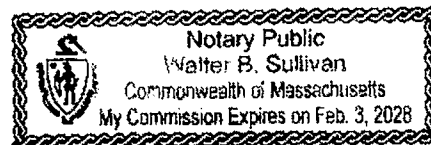
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

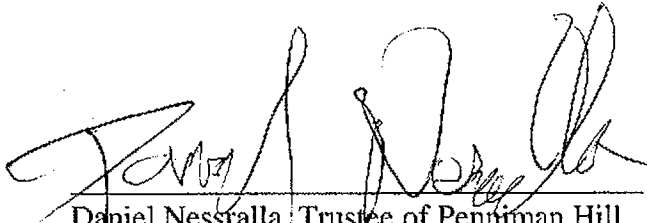
On this 4th day of April, 2024, before me, the undersigned notary public, personally appeared Antoine Nessralla, Trustee, and proved to me through satisfactory evidence of identification, which was a current Driver's License, to be the person whose name is signed on the within document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public

My Commission Expires: _____



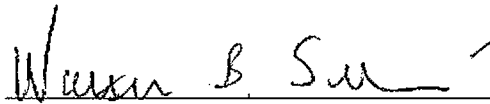
EXECUTED as a sealed instrument this 4th day of April, 2024.


Daniel Nessralla, Trustee of Penniman Hill
Nominee Realty Trust and not individually

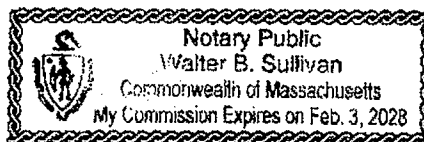
COMMONWEALTH OF MASSACHUSETTS

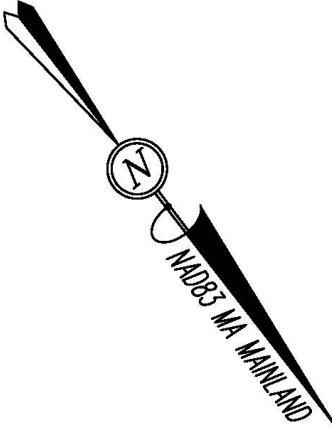
PLYMOUTH, SS

On this 4th day of April, 2024, before me, the undersigned notary public, personally appeared Daniel Nessralla, Trustee, and proved to me through satisfactory evidence of identification, which was a current Driver's License, to be the person whose name is signed on the within document, and acknowledged to me that he signed it voluntarily for its stated purpose.

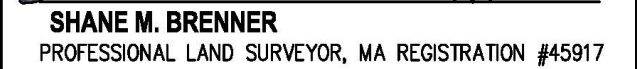

Notary Public

My Commission Expires: _____





Date	Description	No.
Revisions:		



Project

**266 WHITING STREET
487R & 491R CUSHING STREET
HINGHAM, MA**

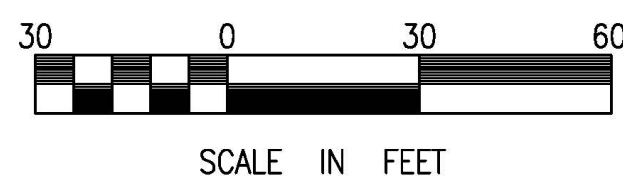
Prepared for

ISABELLA STEWART GARDNER MUSEUM
25 EVANS WAY
BOSTON, MA 02115

Drawing Title

**EXISTING
CONDITIONS
PLAN**

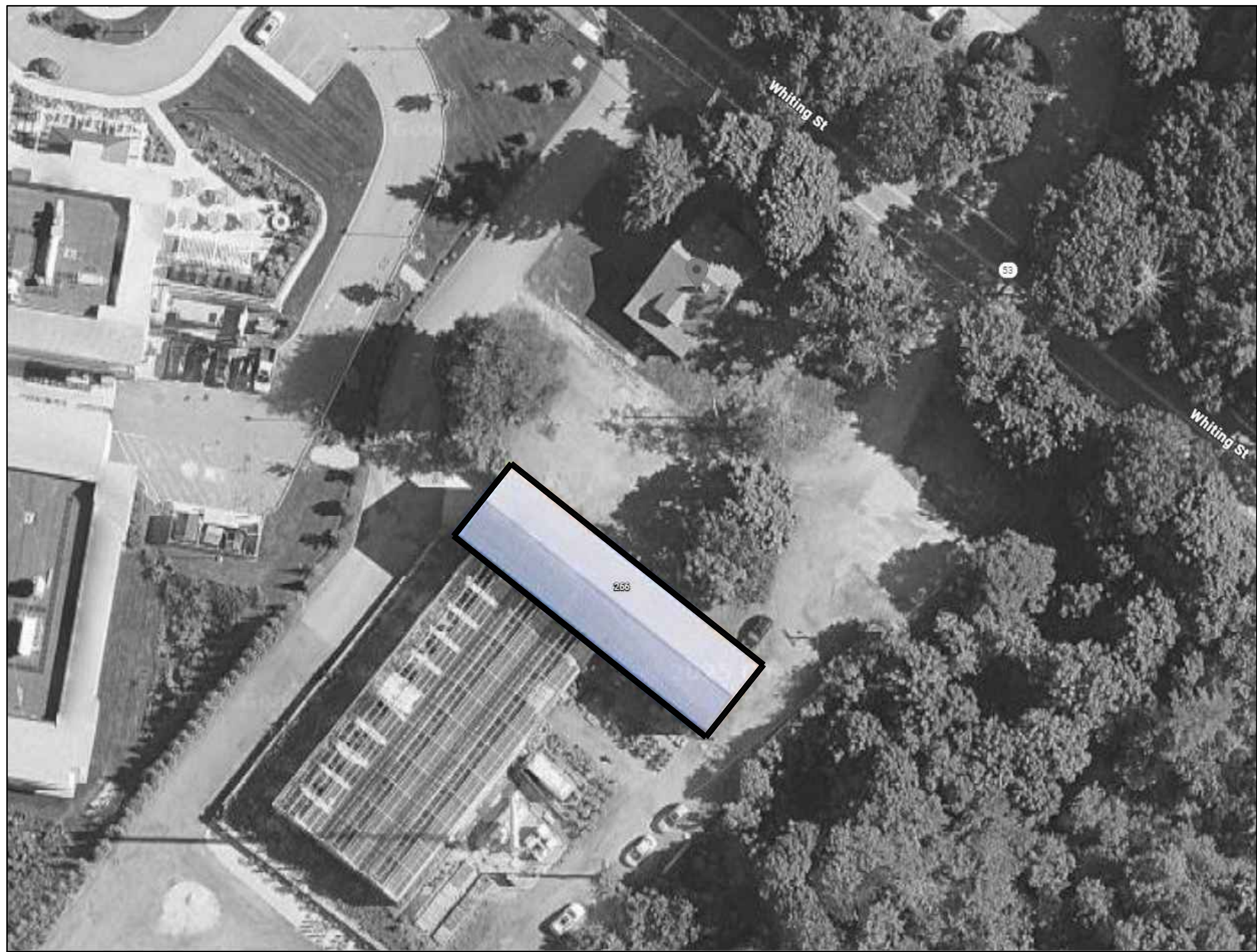
Project No.	100-194	Drawing No.
Date	6/14/2023	
Scale	1"=30'	
Drawn By	SVP	
Approved By	SMB	2 OF 2



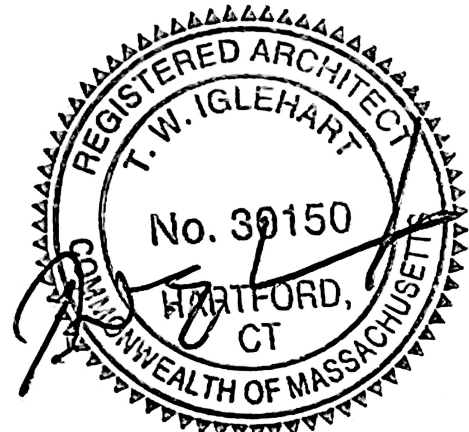
ISGM HINGHAM STORAGE & GREENHOUSE PROJECT

266 WHITING ST.
HINGHAM, MA 02043

JUNE 23, 2026
PERMIT SET



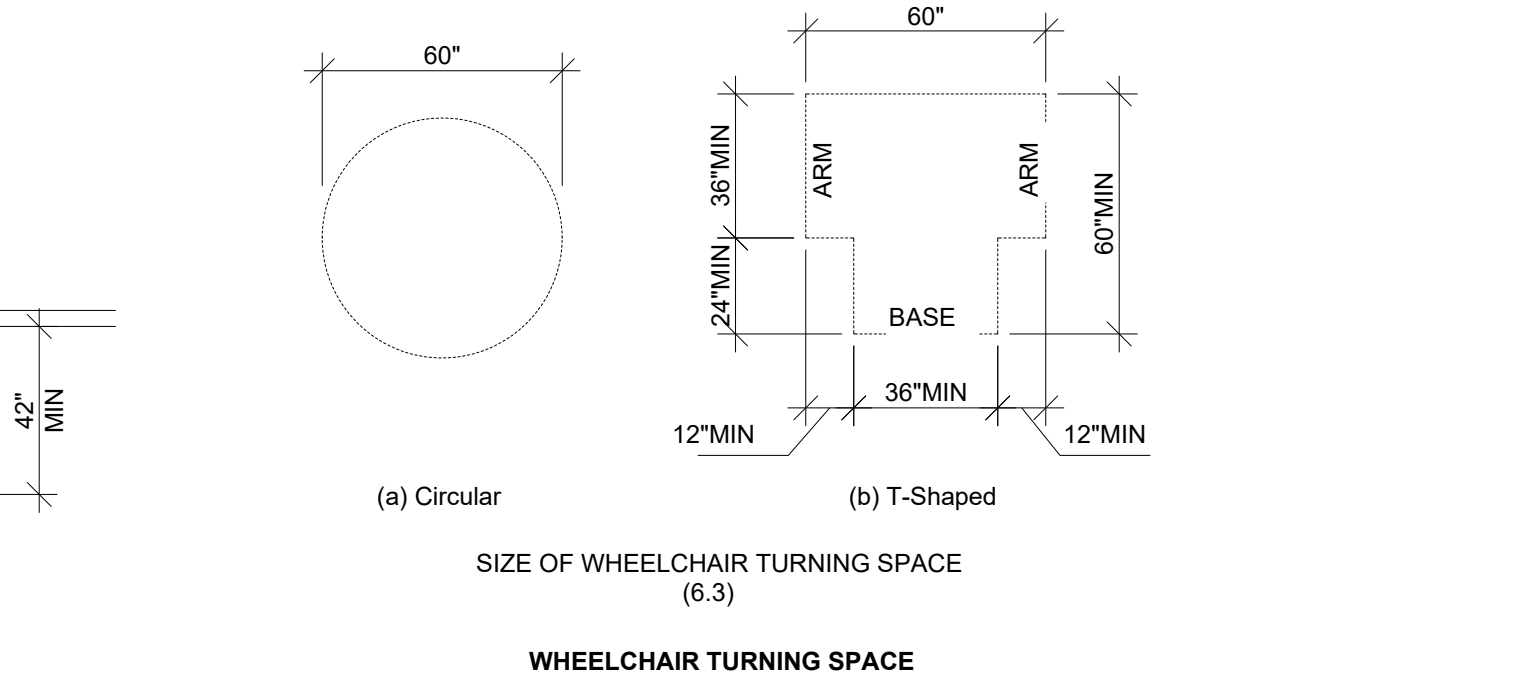
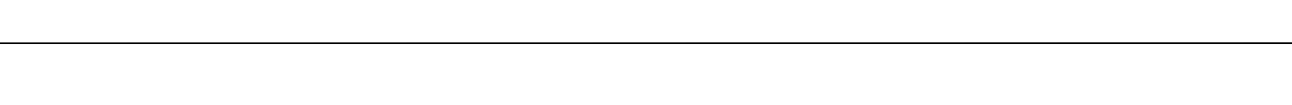
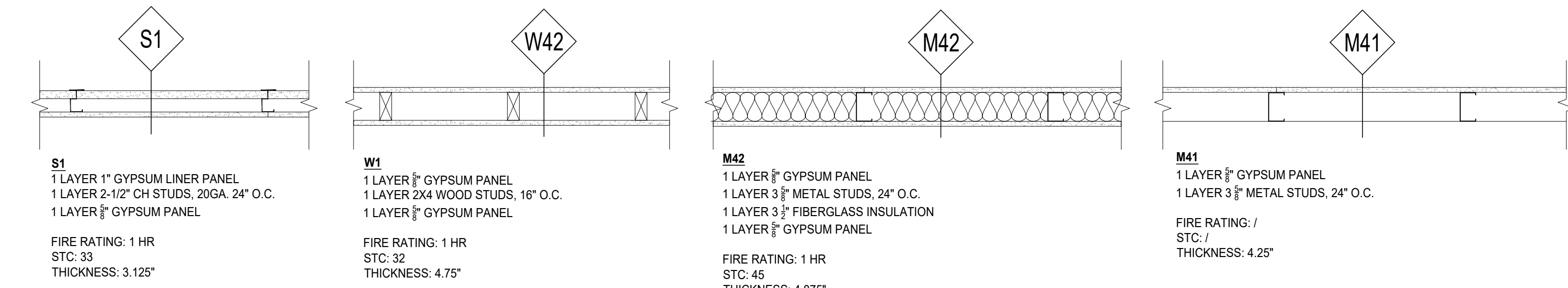
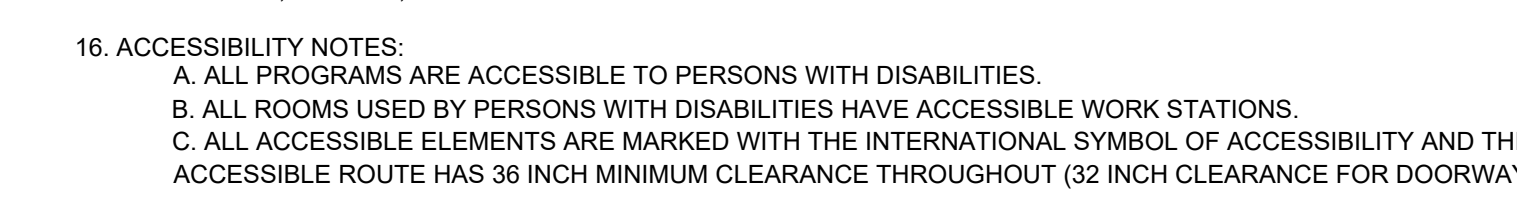
Client
Isabella Stewart Gardner Museum
25 Evans Way
Boston, MA 02021


Prime Designer
TSKP X IKD
17 Hawkins Street
Somerville, MA 02143

Structural Engineer
RFS ENGINEERING
24 Federal St,
Boston, MA 02110

DRAWING LIST

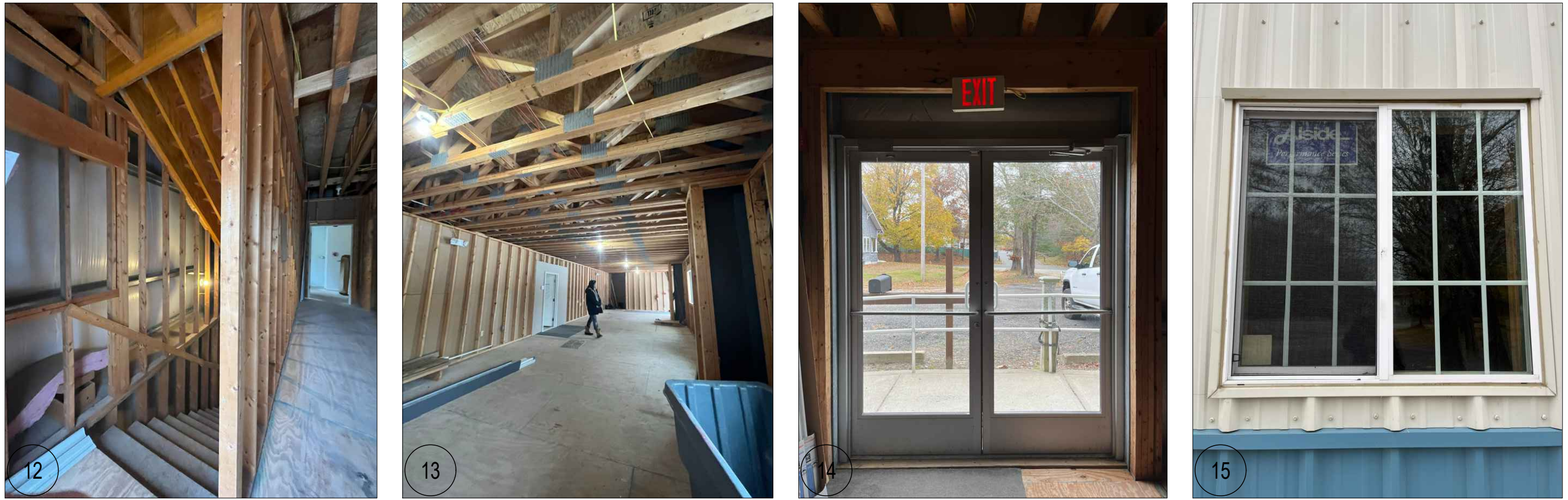
A001	GENERAL NOTES
A002	CODE SHEET
<u>DEMO</u>	
D101	DEMO FLOOR PLANS
<u>STRUCTURAL</u>	
S101	STRUCTURAL DEMO AND NEW CONSTRUCTION PLANS
S301	STRUCTURAL DETAILS & SECTIONS
<u>ARCHITECTURAL</u>	
A100	SITE PLAN
A101	FLOOR PLANS
A201	RCPS
A301	ELEVATIONS 1
A302	ELEVATIONS 2
A401	SECTIONS AND DETAILS
A501	FINISH SCHEDULE & DOOR SCHEDULE



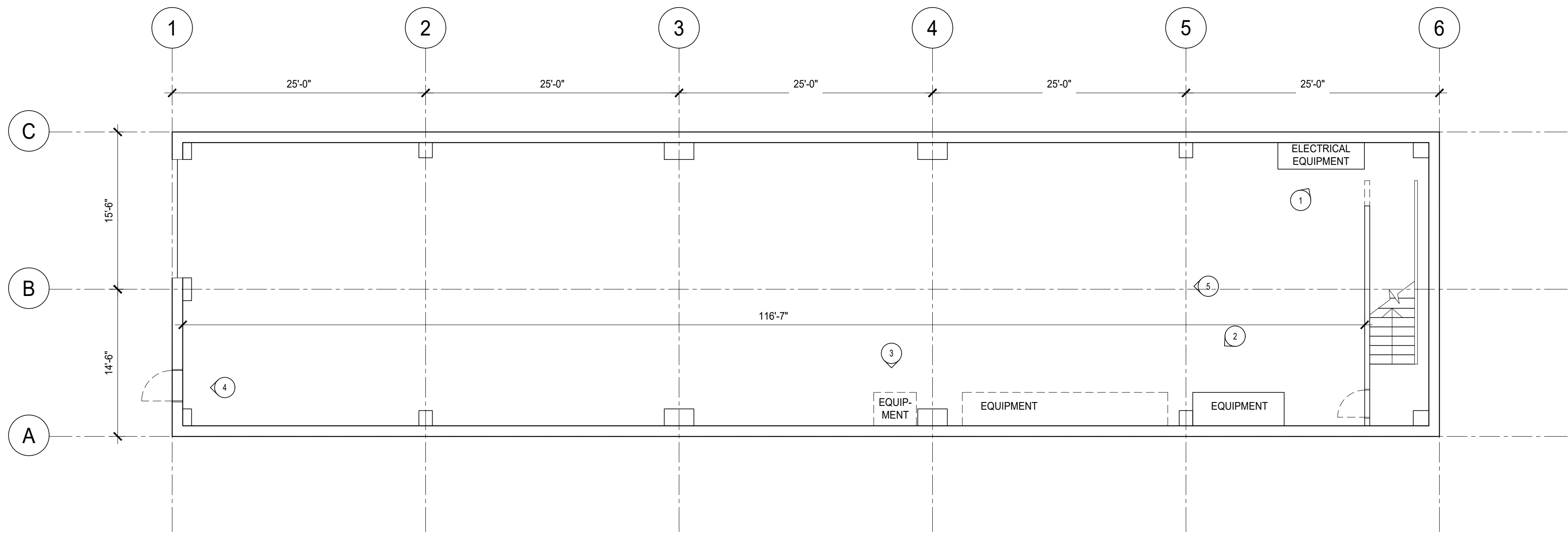


HINGHAM GREENHOUSE AND STORAGE
266 Whiting St,
Hingham, MA 02043

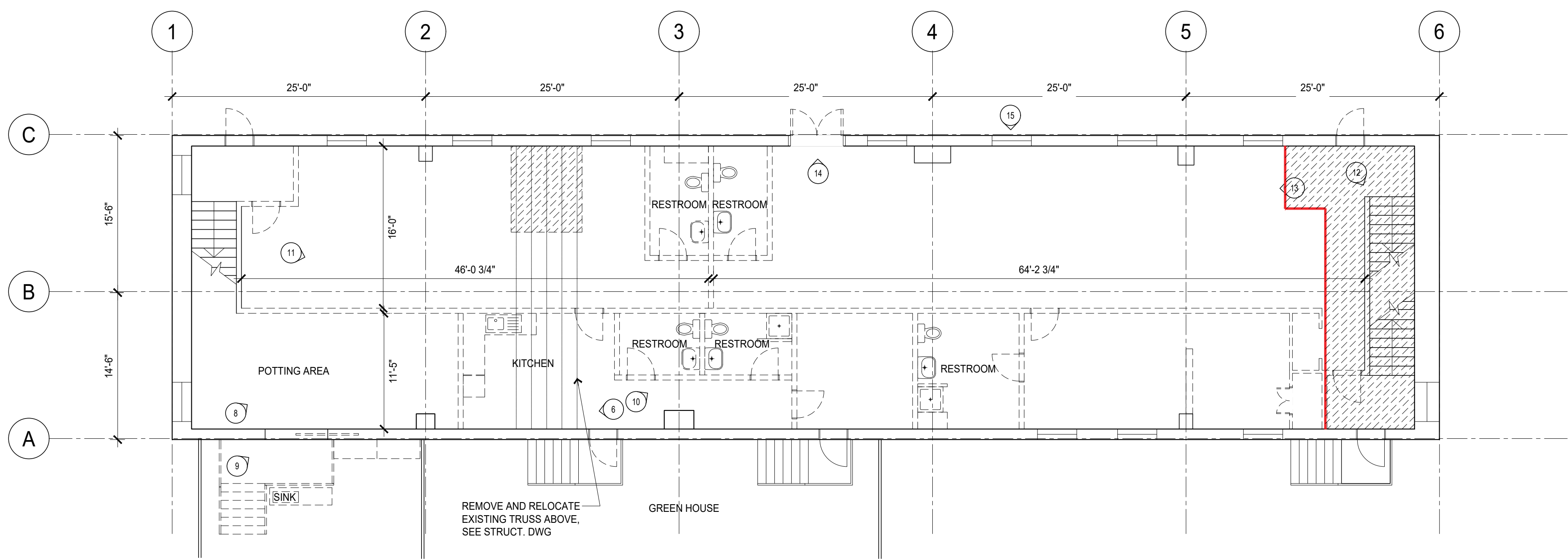
A002



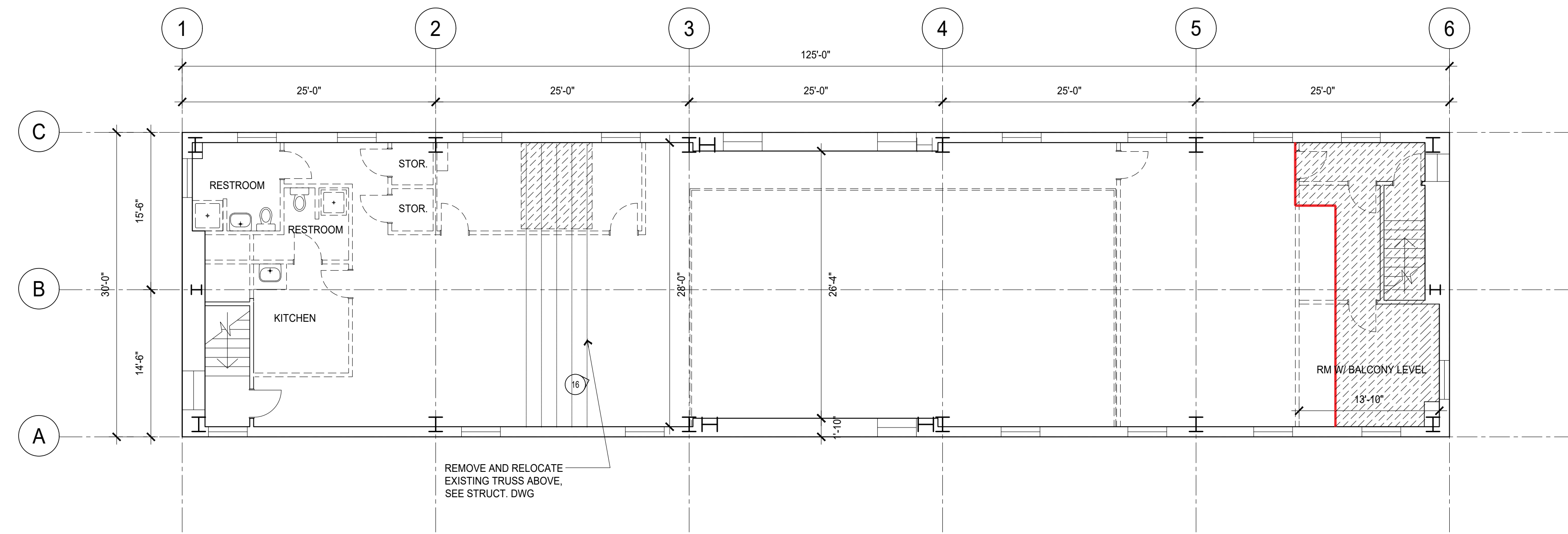
DEMO PLAN KEY		
	EXISTING TO REMAIN	
	DEMOLITION	
	FLOOR DEMO	



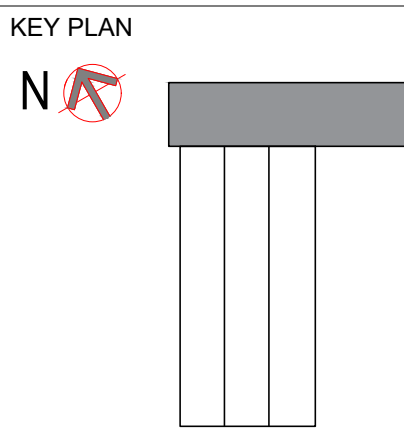
1 BASEMENT PLAN
1/8"=1'-0"



2 1ST FLOOR PLAN
1/8"=1'-0"

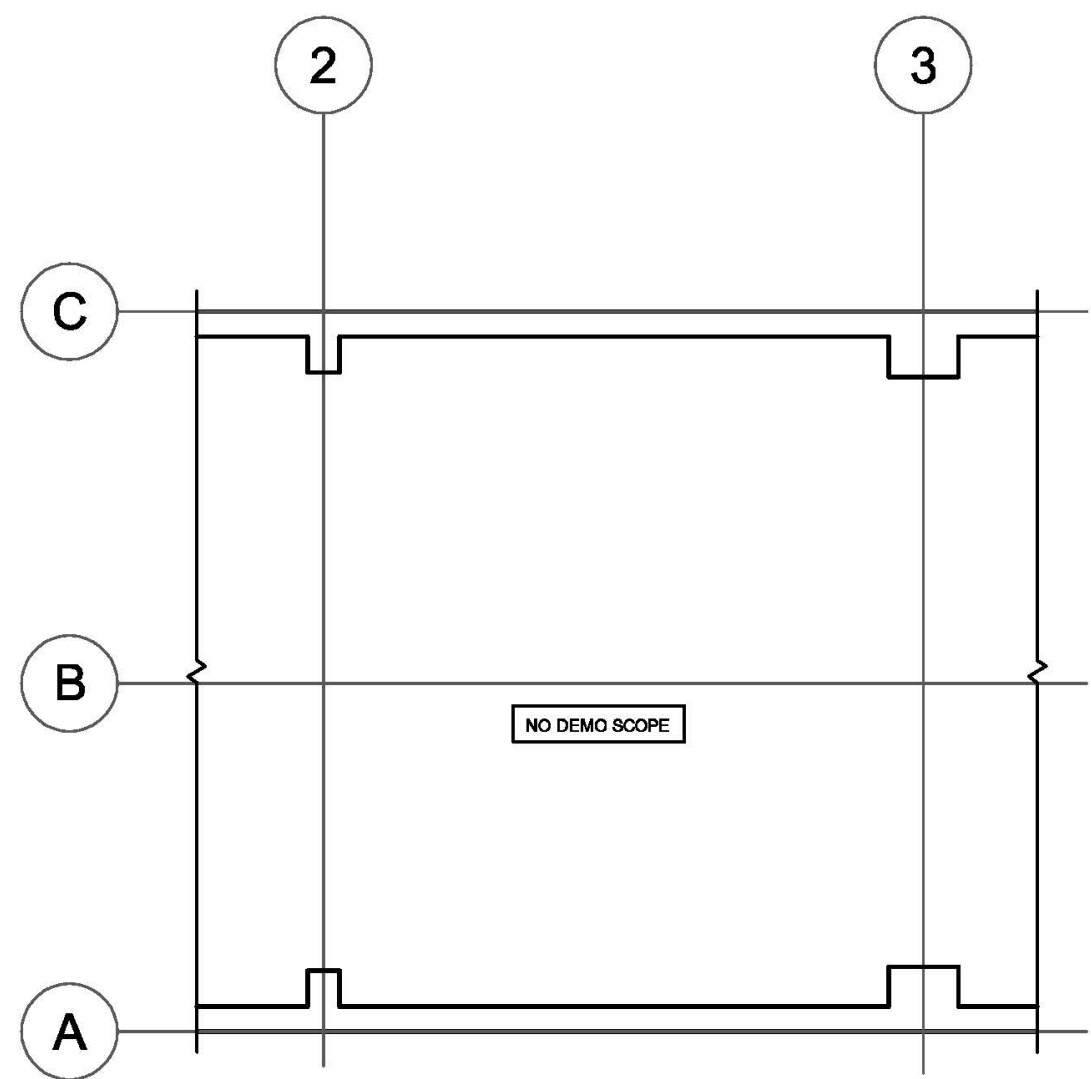


3 2ND FLOOR PLAN
1/8"=1'-0"

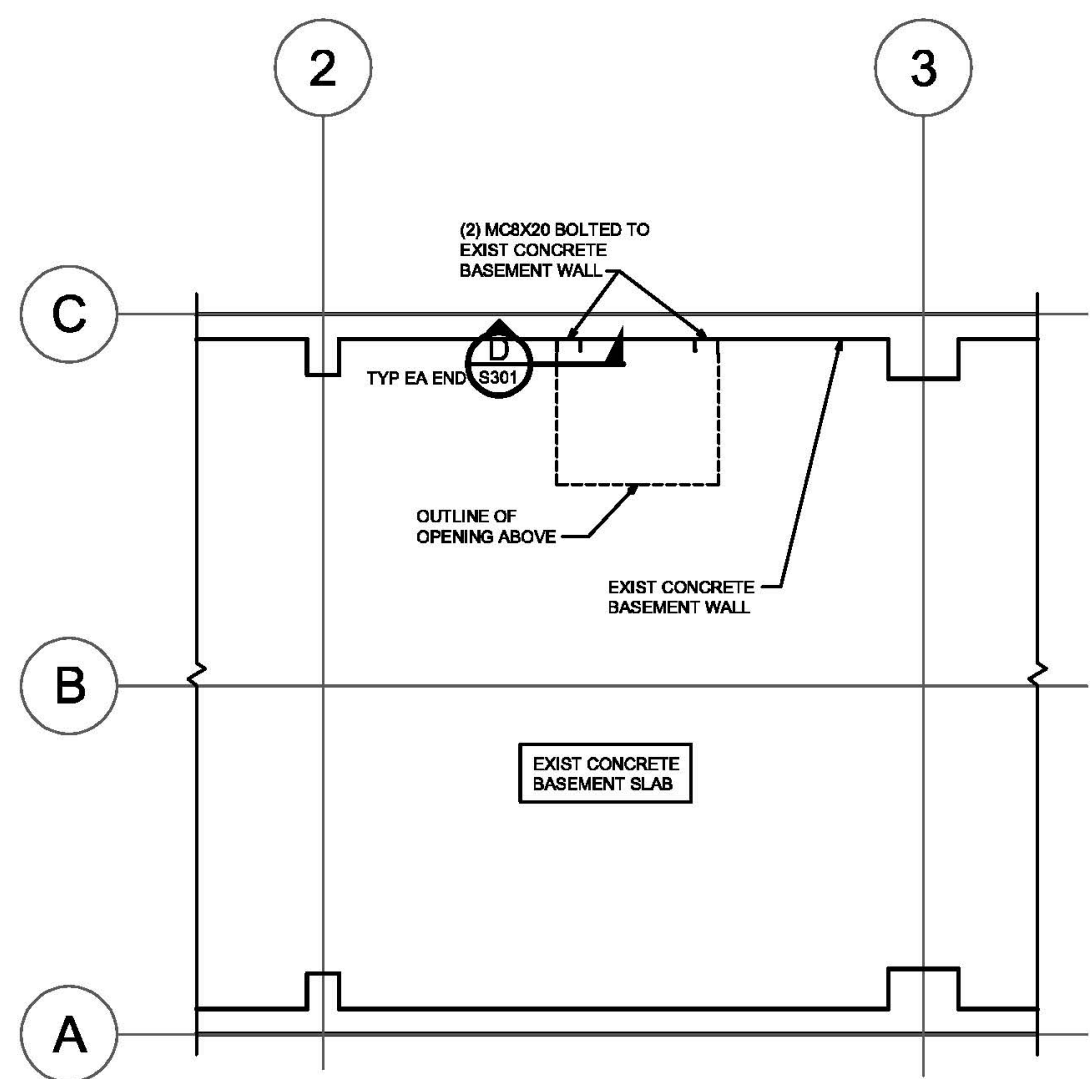


STATE PROJ. NO.	STATE PROJ. #
PROJECT NO.	TSKP PROJ. #
SCALE	AS STATED
DATE	06/23/2026
DRAWN BY:	-
APPROVED BY:	-

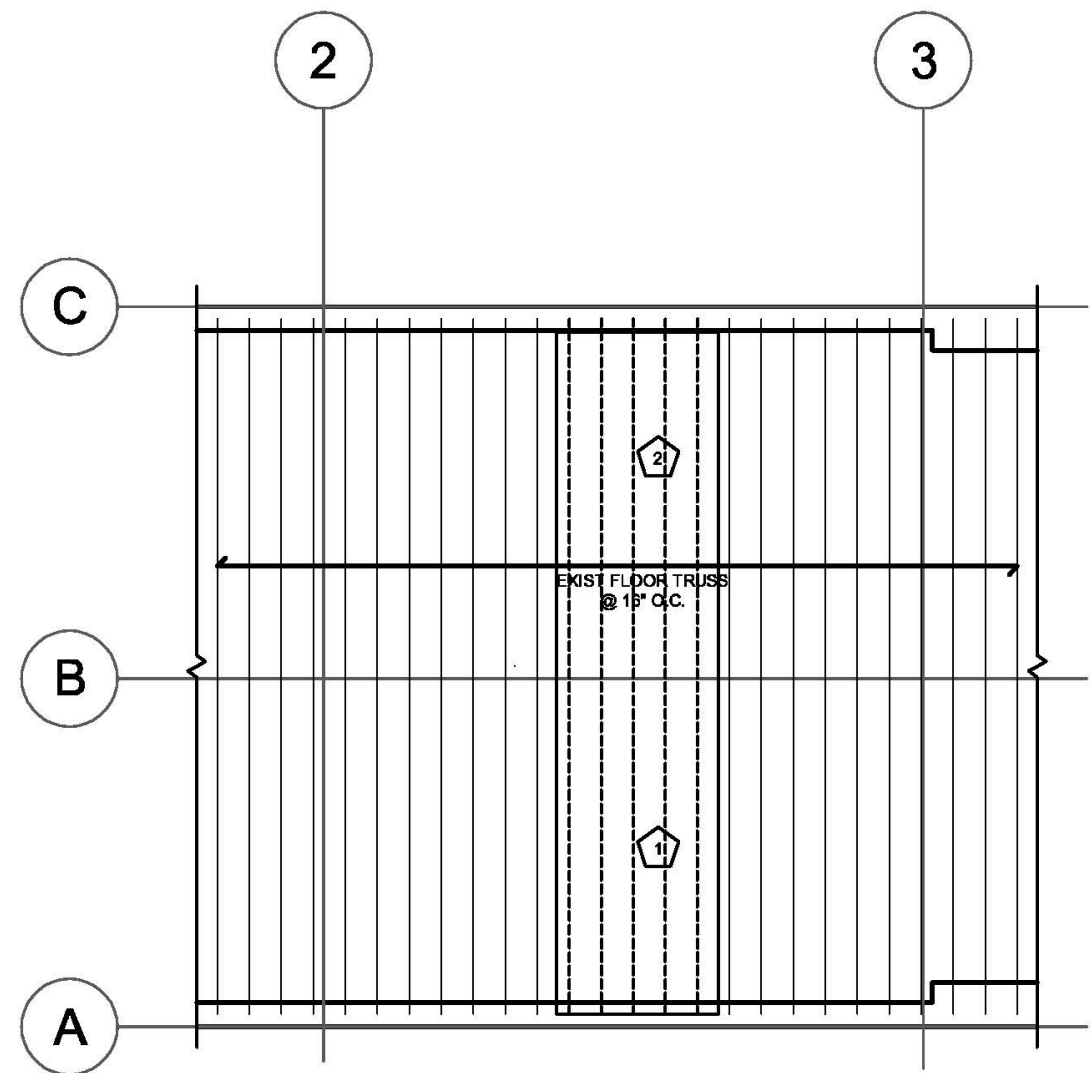
ISSUE DATES		
NO.	DATE	PURPOSE



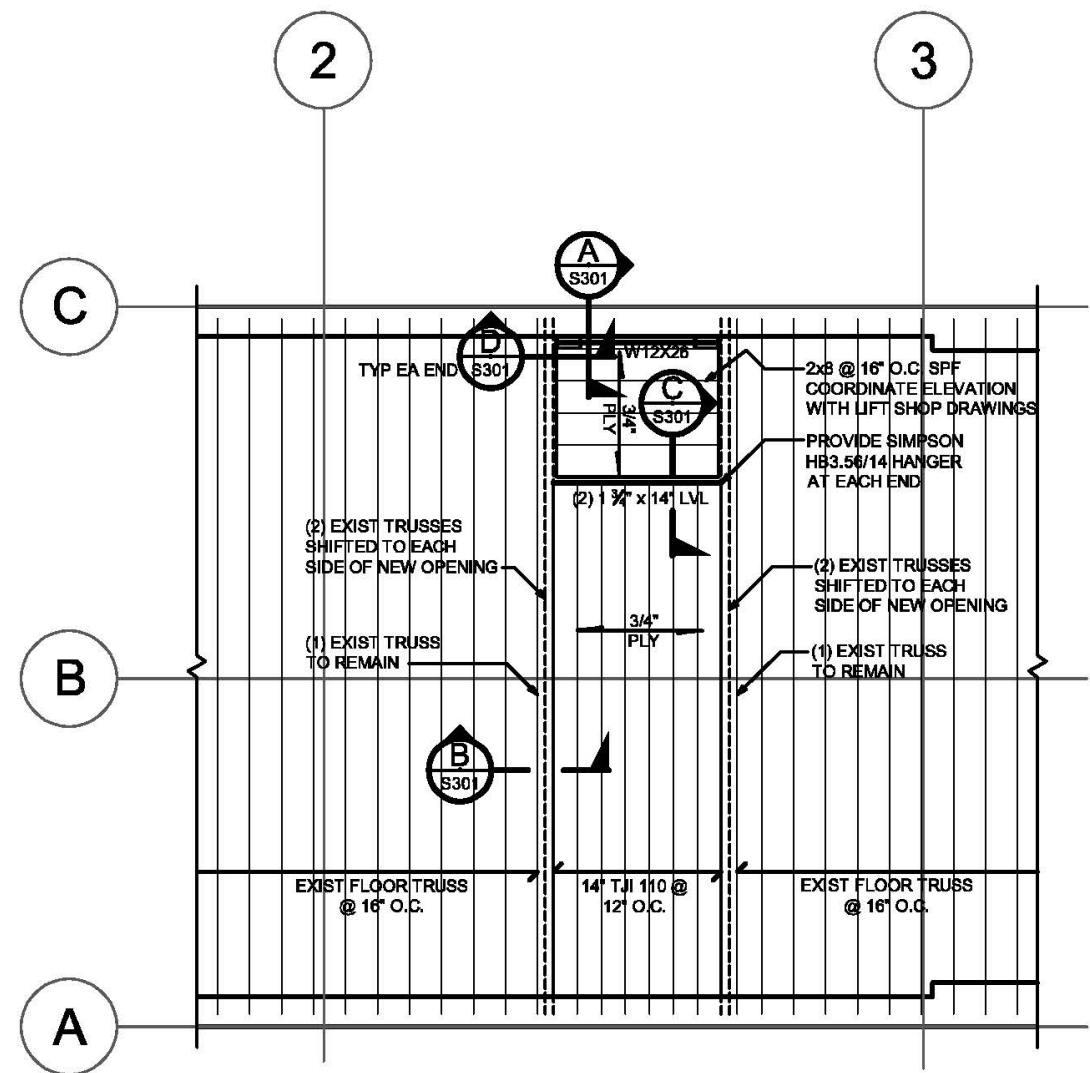
1 DEMOLITION BASEMENT STRUCTURAL PLAN
1/8" = 1'-0"



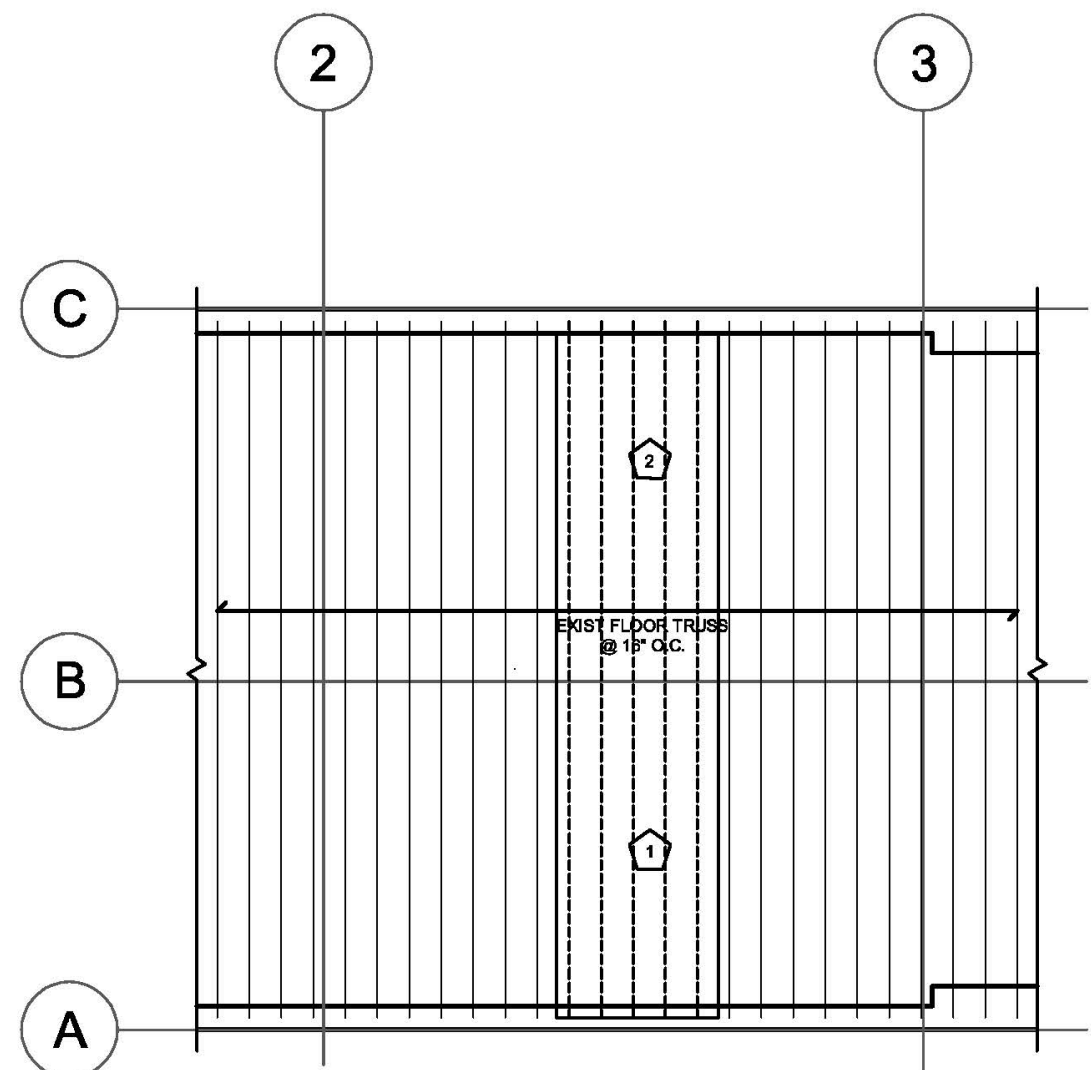
4 NEW CONSTRUCTION BASEMENT STRUCTURAL PLAN
1/8" = 1'-0"



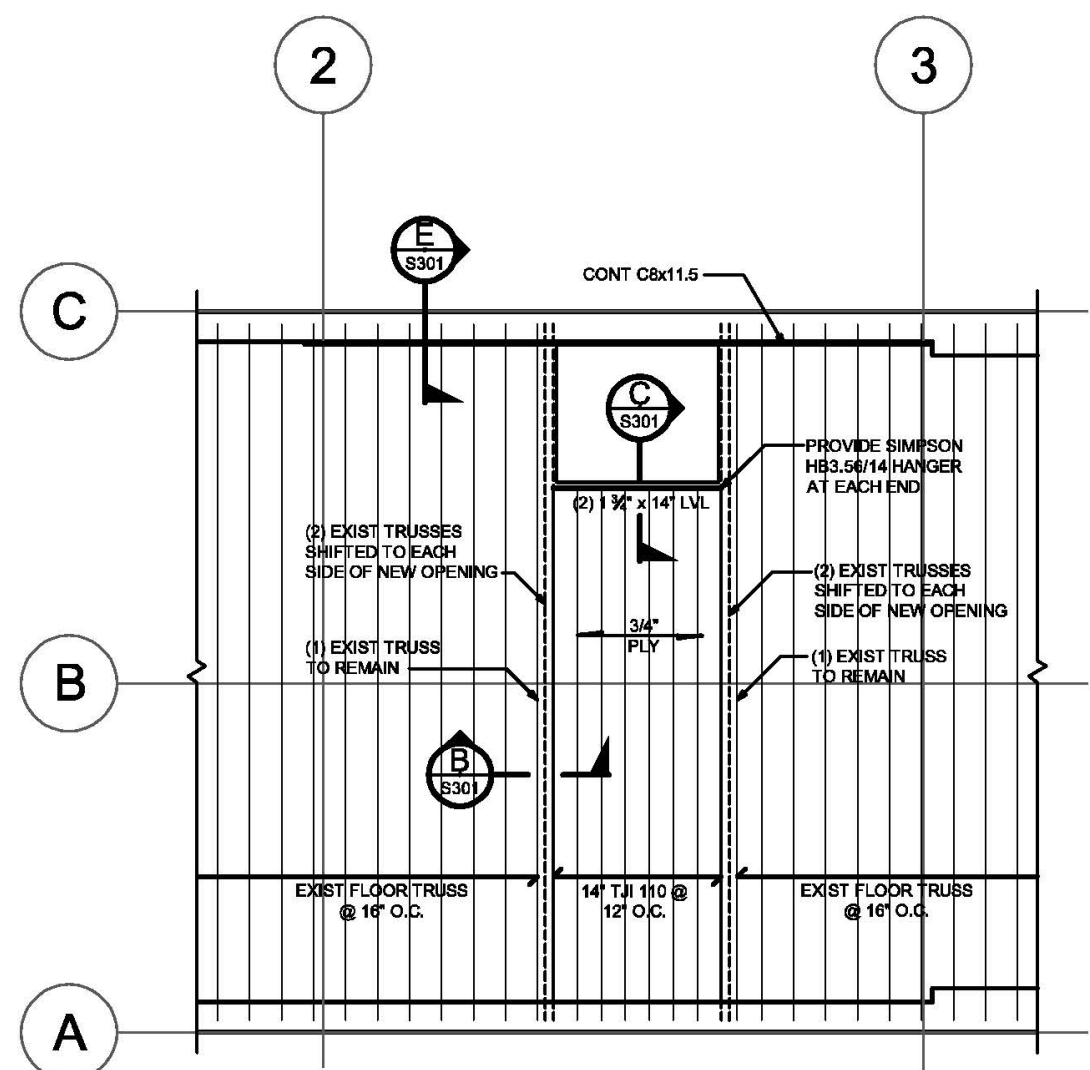
2 DEMOLITION 1ST STRUCTURAL PLAN
1/8" = 1'-0"



5 NEW CONSTRUCTION 1ST STRUCTURAL PLAN
1/8" = 1'-0"



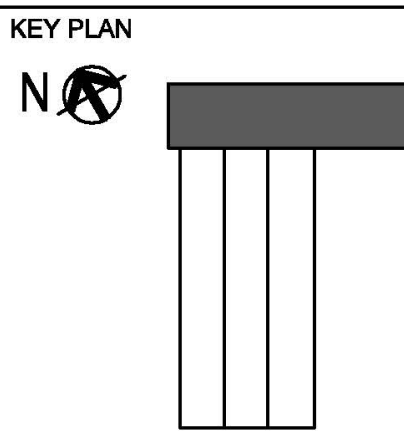
3 DEMOLITION 2ND STRUCTURAL PLAN
1/8" = 1'-0"



6 NEW CONSTRUCTION 2ND STRUCTURAL PLAN
1/8" = 1'-0"

DEMO DRAWING NOTES:
1 REMOVE AND RELOCATE EXIST TRUSS TO EITHER SIDE OF NEW OPENING.
2 REMOVE EXISTING FLOORING AND FLOOR SHEATHING.

DRAWING NOTES:
1. THE FOLLOWING NOTES APPLY TO THIS DRAWING ONLY.
2. COORDINATE STRUCTURAL DRAWINGS WITH ARCHITECTURAL DRAWINGS.
3. COORDINATE SIZE AND LOCATION OF FLOOR OPENING WITH ARCHITECTURAL DRAWINGS.
4. ON PLAN INDICATES NOMINAL 5/8" THICK FLOOR SHEATHING, GUE AND SCREW SHEATHING TO FRAMING WITH STRONG DRIVE N99 BUSHFLOOR SCREWS AT 12" O.C. AT 6" O.C. AT EDGES) x 2" LONG.
5. AT UNHEATED BEARING STUD WALLS, PROVIDE 2X BLOCKING AT THE END HEIGHT OF EXIST STUDS AND PROVIDE 1/2" THICK OPTIGUARD BOARD WITH SCREWS AT 12" O.C.
6. GC TO COORDINATE FINAL LIFT LOADS WITH ENGINEER OF RECORD WITH REGARD TO LIFT SUPPORT STEEL SIZES AND DETAILING IN SECTIONS D501 AND E501.



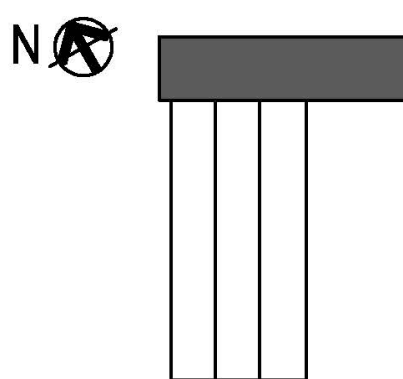
DRAWING TITLE
STRUCTURAL DEMOLITION & NEW CONSTRUCTION PLANS

STATE PROJ. NO.	STATE PROJ. #
PROJECT NO.	TSKP PROJ. #
SCALE	AS NOTED
DATE:	03/11/2025
DRAWN BY:	R. LAISTNER
APPROVED BY:	S. NEWBERT

ISSUE DATES		
NO.	DATE	PURPOSE

HINGHAM GREENHOUSE AND STORAGE
266 Whiting St,
Hingham, MA 02043

KEY PLAN



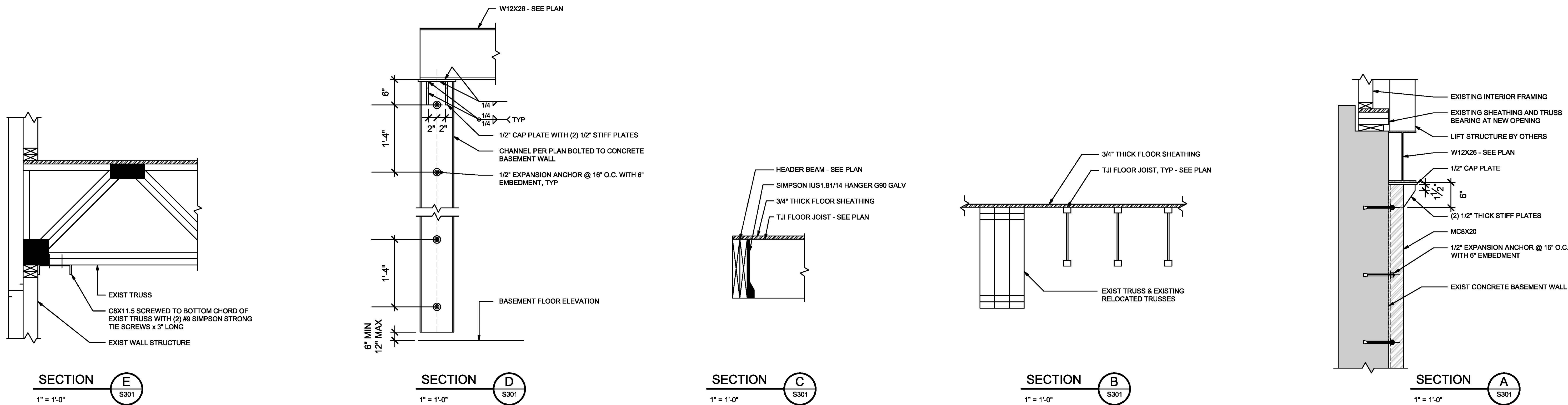
DRAWING TITLE

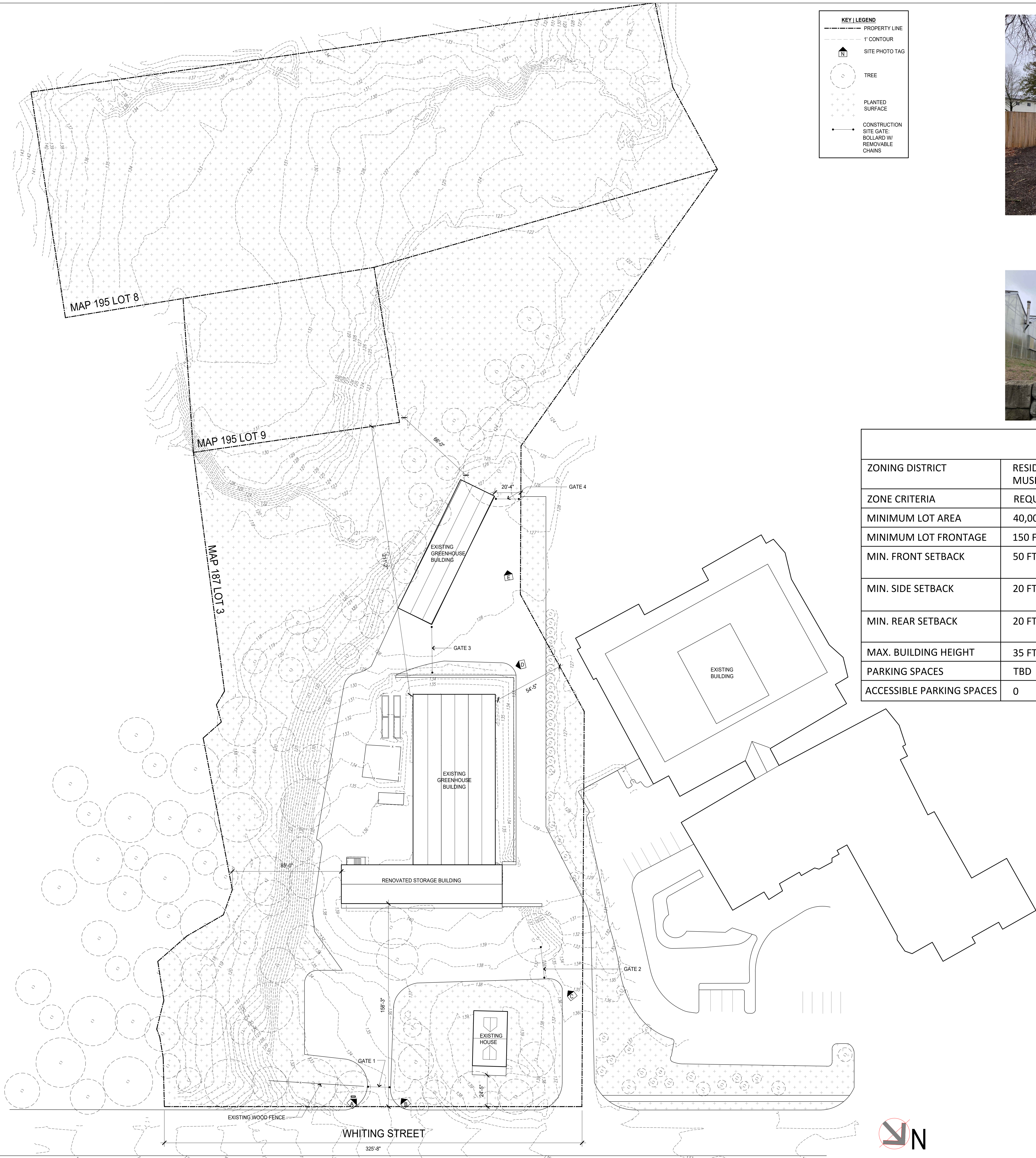
STRUCTURAL DETAILS
& SECTIONS

STATE PROJ. NO.	STATE PROJ. #
PROJECT NO.	TSKP PROJ. #
SCALE	AS NOTED
DATE:	03/11/2025
DRAWN BY:	R. LAISTNER
APPROVED BY:	S. NEWBERT

ISSUE DATES		
NO.	DATE	PURPOSE

S301



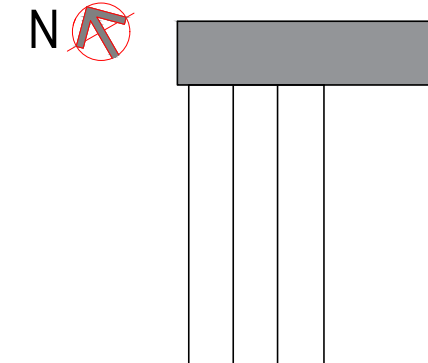
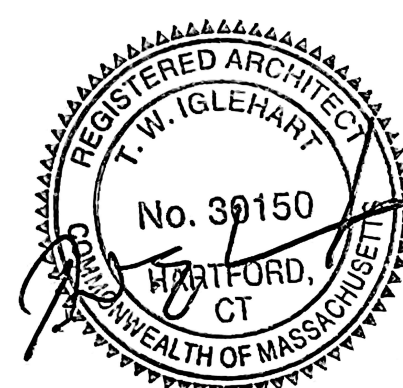
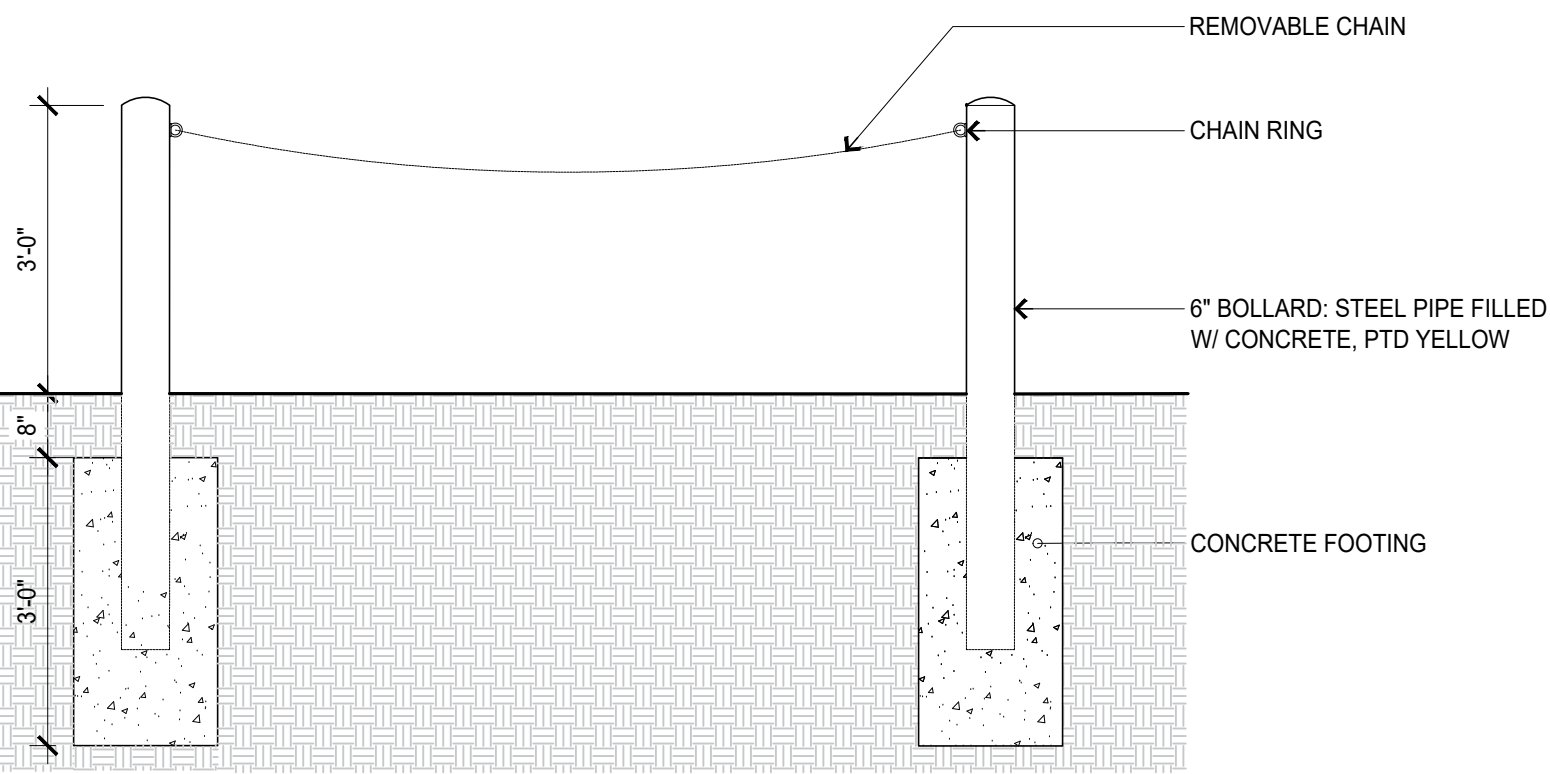
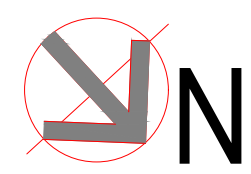


KEY | LEGEND

- PROPERTY LINE
- 1" CONTOUR
- SITE PHOTO TAG
- TREE
- PLANTED SURFACE
- CONSTRUCTION SITE GATE
- BOLLARD W/ REMOVABLE CHAINS

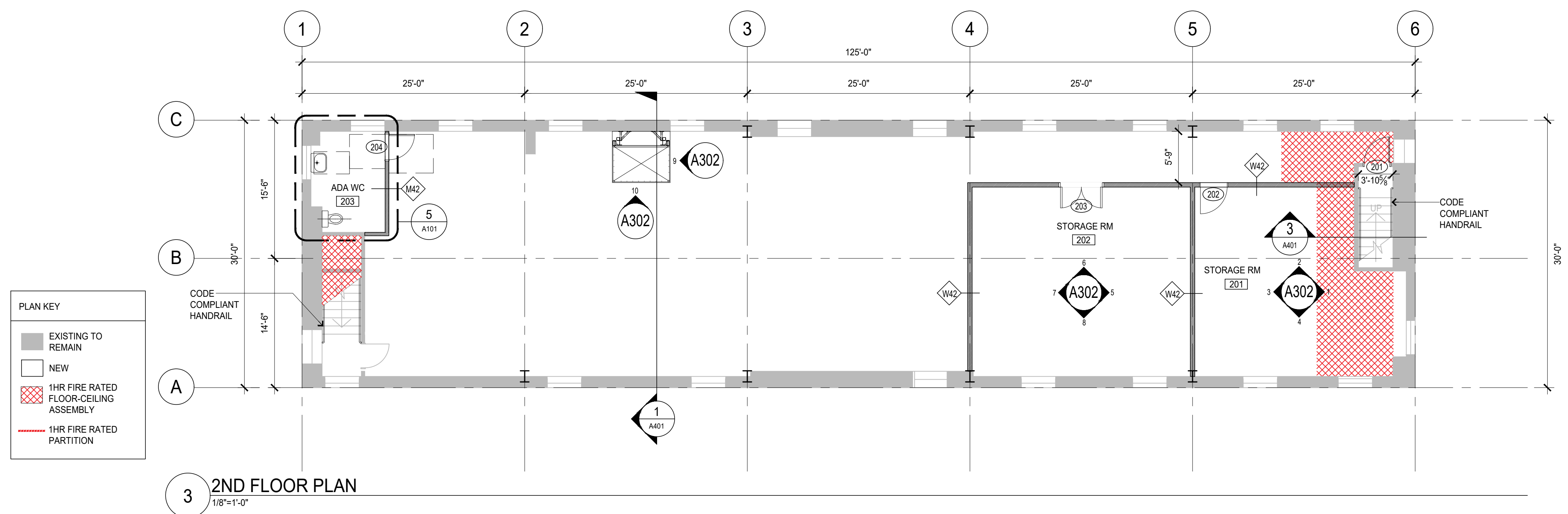
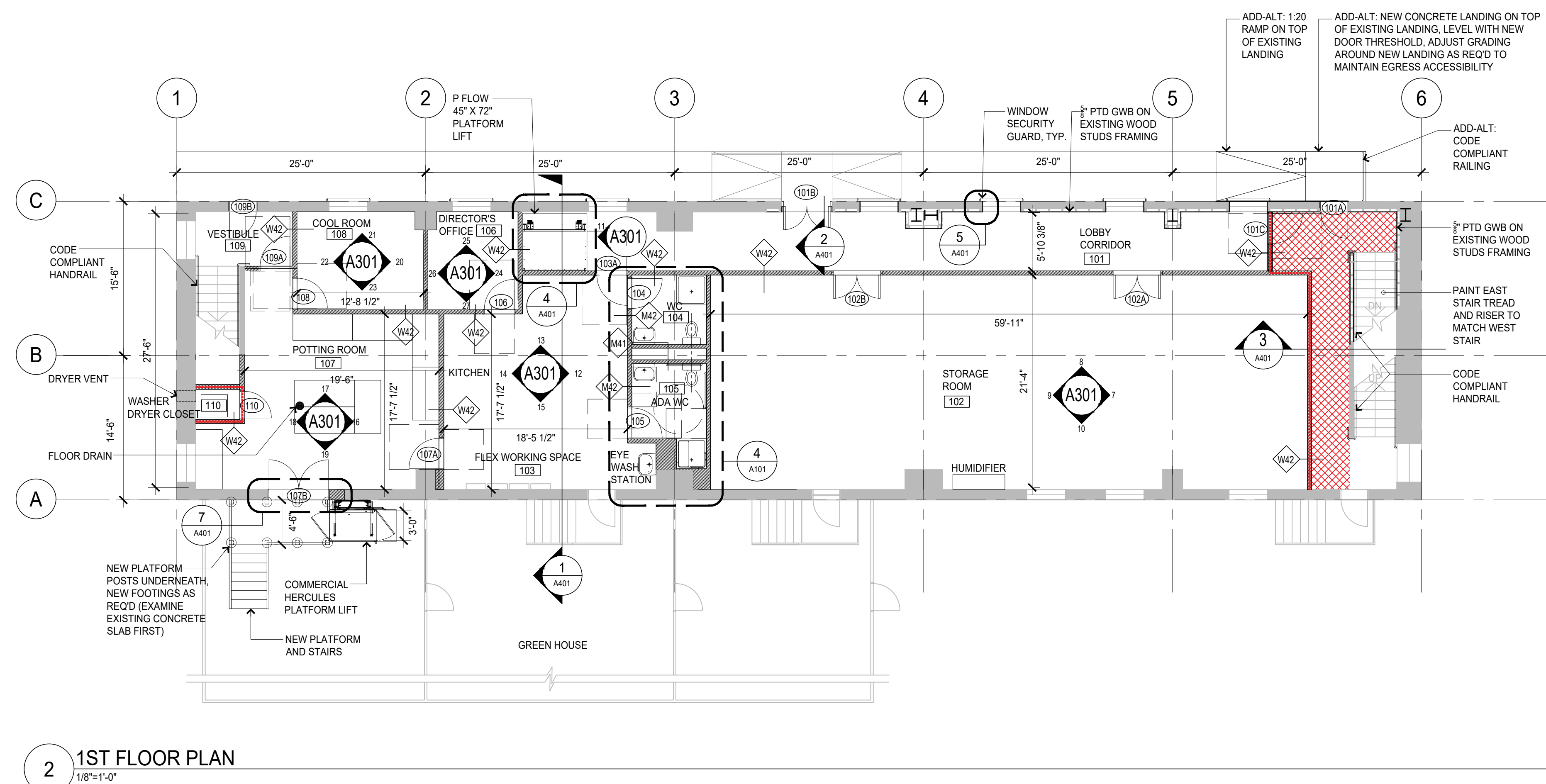
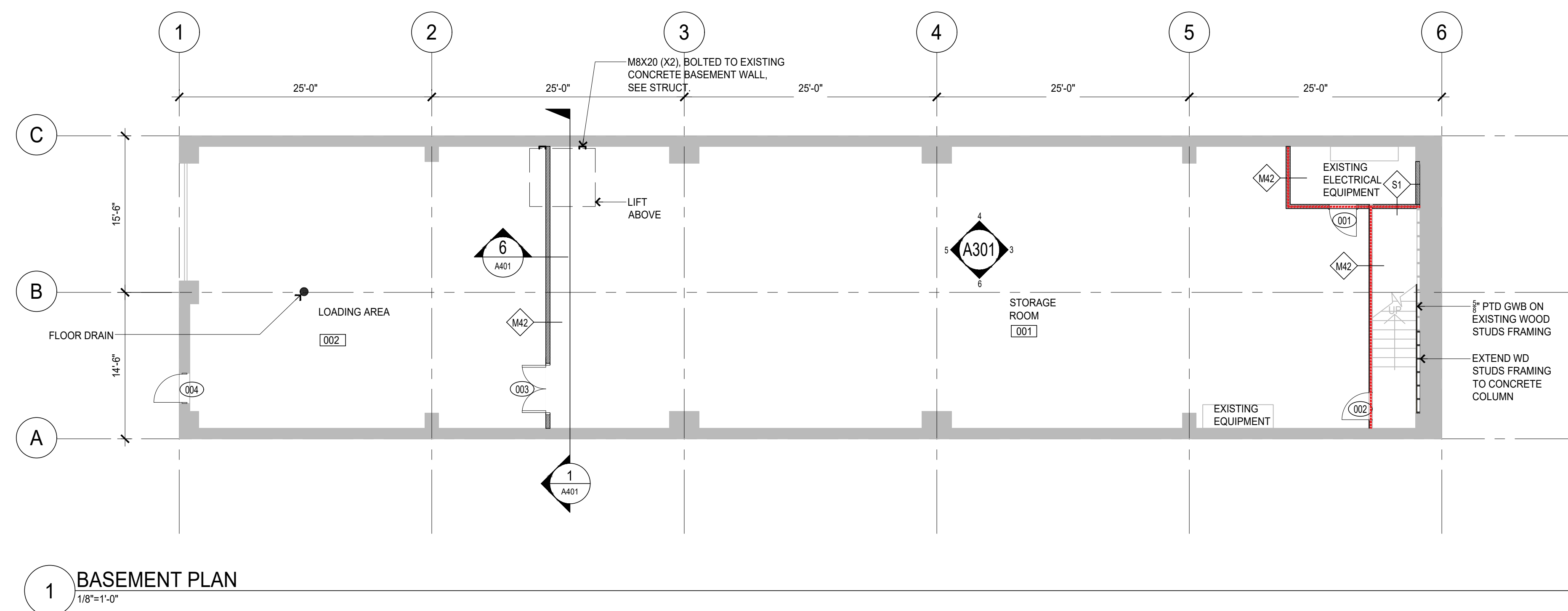
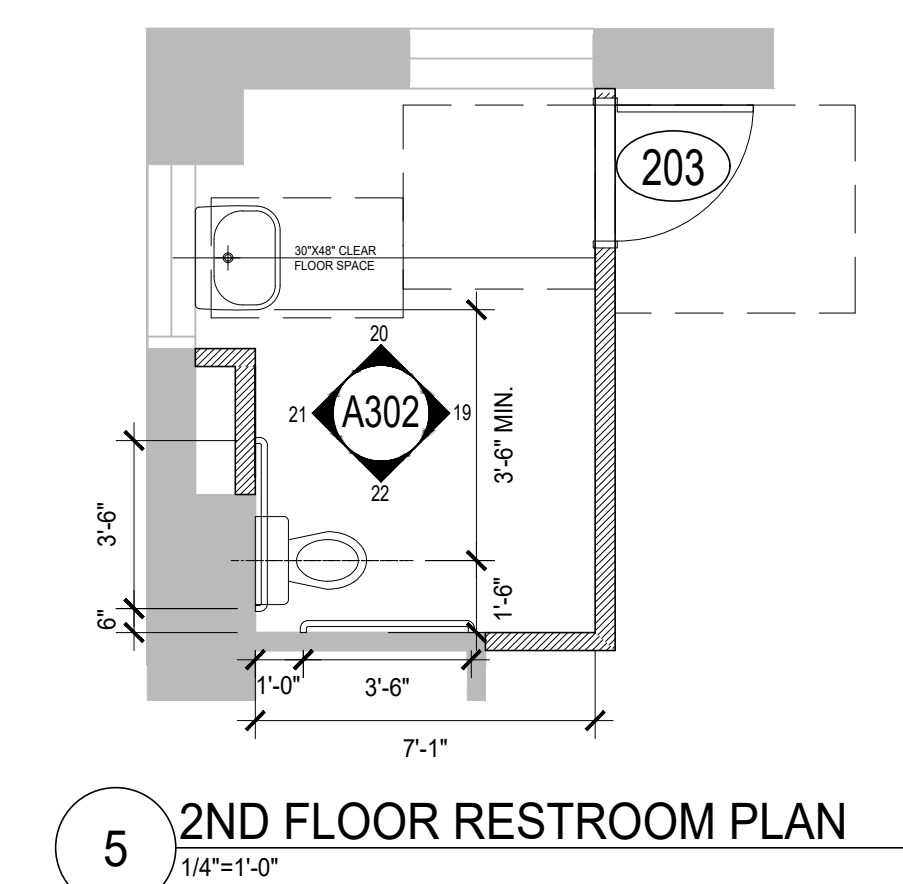
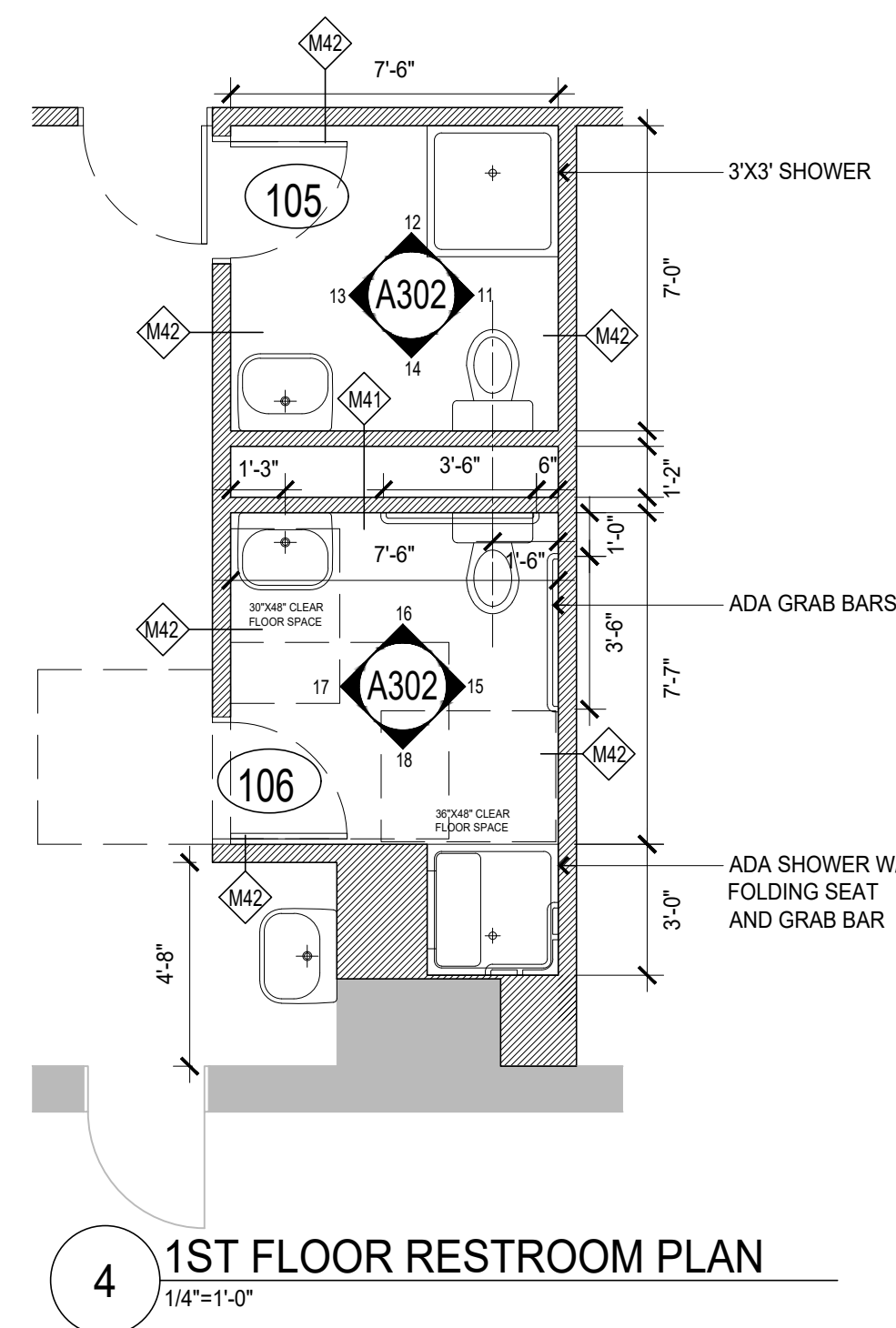


ZONING ANALYSIS TABLE			
ZONING DISTRICT	RESIDENCE C ZONING DISTRICT MUSEUM USE ALLOWED BY SPECIAL PERMIT		
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	40,000 SF	223,463 SF	223,463 SF
MINIMUM LOT FRONTAGE	150 FT	325'-8"	325'-8"
MIN. FRONT SETBACK	50 FT	24' - 5" (EXISTING TO REMAIN BUILDING) 158'-3" (RENOVATION BUILDING)	24' - 5" (EXISTING TO REMAIN BUILDING) 158'-3" (RENOVATION BUILDING)
MIN. SIDE SETBACK	20 FT	20'-4" (EXISTING TO REMAIN BUILDING) 54'-5" (RENOVATION BUILDING)	20'-4" (EXISTING TO REMAIN BUILDING) 54'-5" (RENOVATION BUILDING)
MIN. REAR SETBACK	20 FT	66'-0" (EXISTING TO REMAIN BUILDING) 211'-2" (RENOVATION BUILDING)	66'-0" (EXISTING TO REMAIN BUILDING) 211'-2" (RENOVATION BUILDING)
MAX. BUILDING HEIGHT	35 FT (2.5 STORIES)	31'-4" (2.5 STORIES)	31'-4" (2.5 STORIES)
PARKING SPACES	TBD	17	17
ACCESSIBLE PARKING SPACES	0	0	0



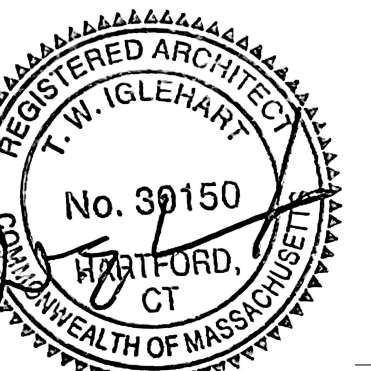
STATE PROJ. NO.	STATE PROJ. #
PROJECT NO.	TSKP PROJ. #
SCALE	AS STATED
DATE:	06/23/2026
DRAWN BY:	-
APPROVED BY:	-

ISSUE DATES		
NO.	DATE	PURPOSE



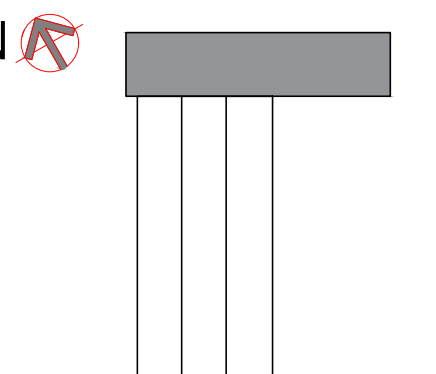
TSKP
X ikd
9 Olive Square,
Somerville, MA 02143
617.987.0179

ARCHITECTURE | PLANNING | INTERIORS



HINGHAM GREENHOUSE AND STORAGE
266 Whiting St,
Hingham, MA 02043

Y PLAN



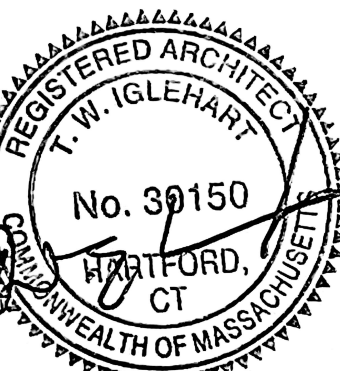
DRAWING TITLE

LOOR PLANS

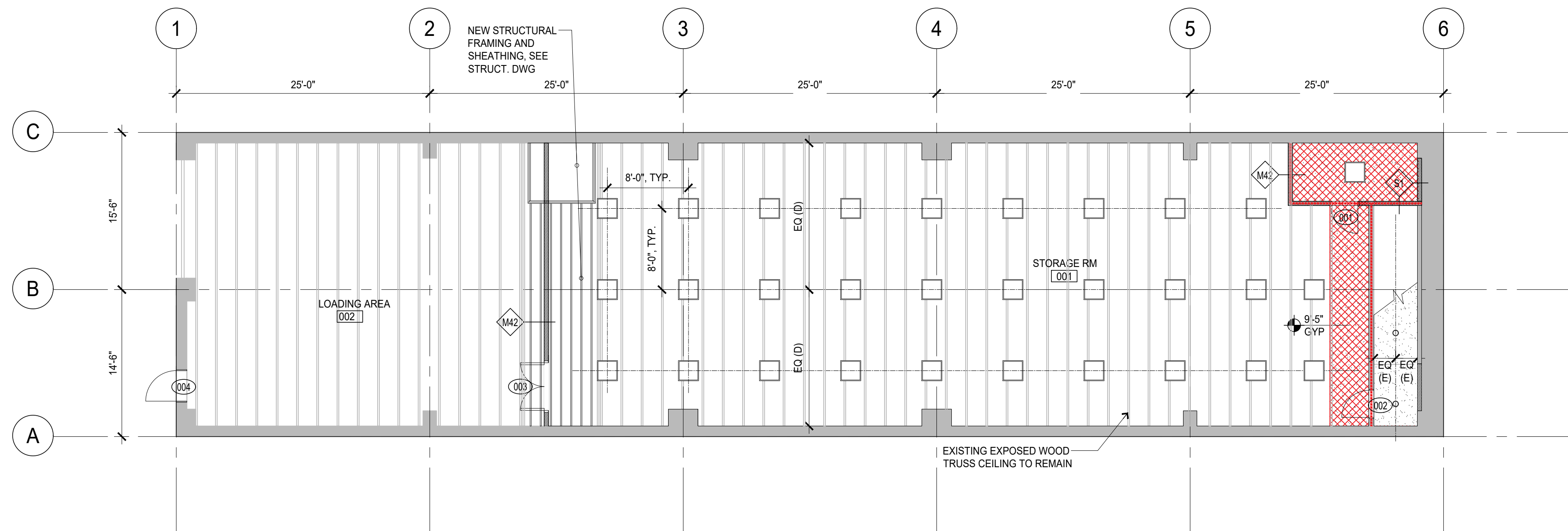
STATE PROJ NO.	STATE PROJ #
PROJECT NO.	TSKP PROJ #
SCALE	AS STATED
DATE:	06/23/2026
DRAWN BY:	-
APPROVED BY:	-

[illegible]

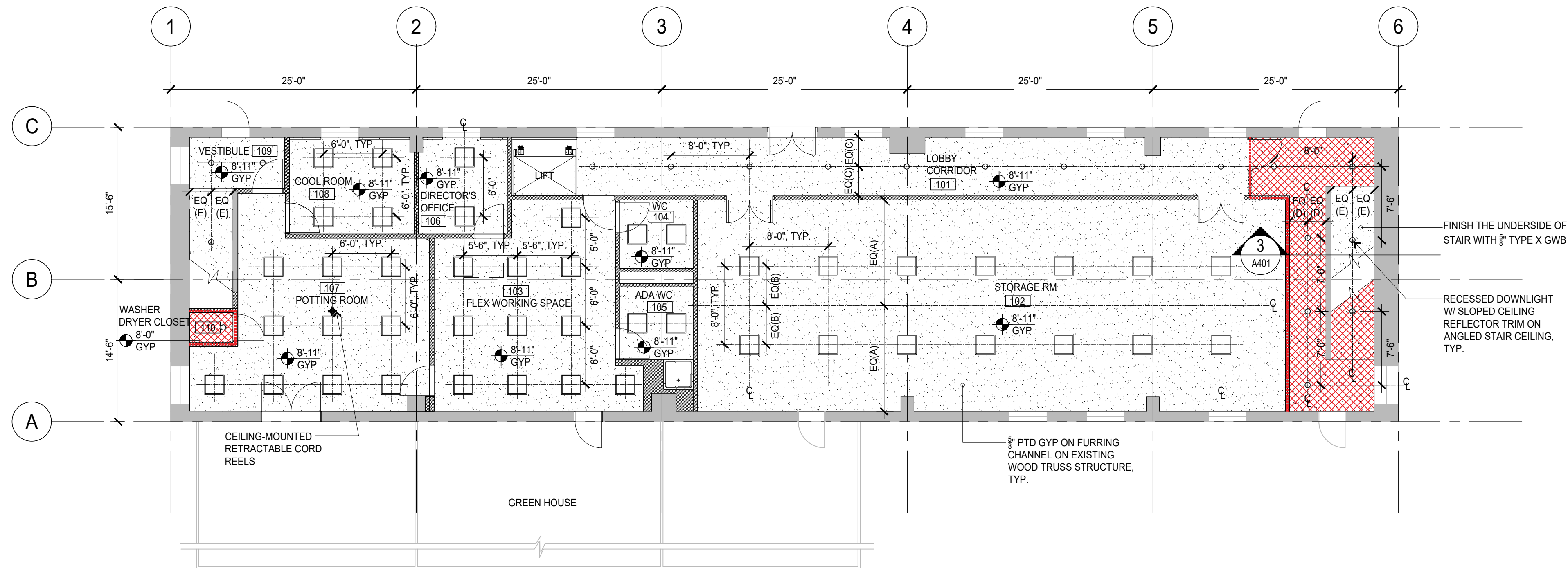
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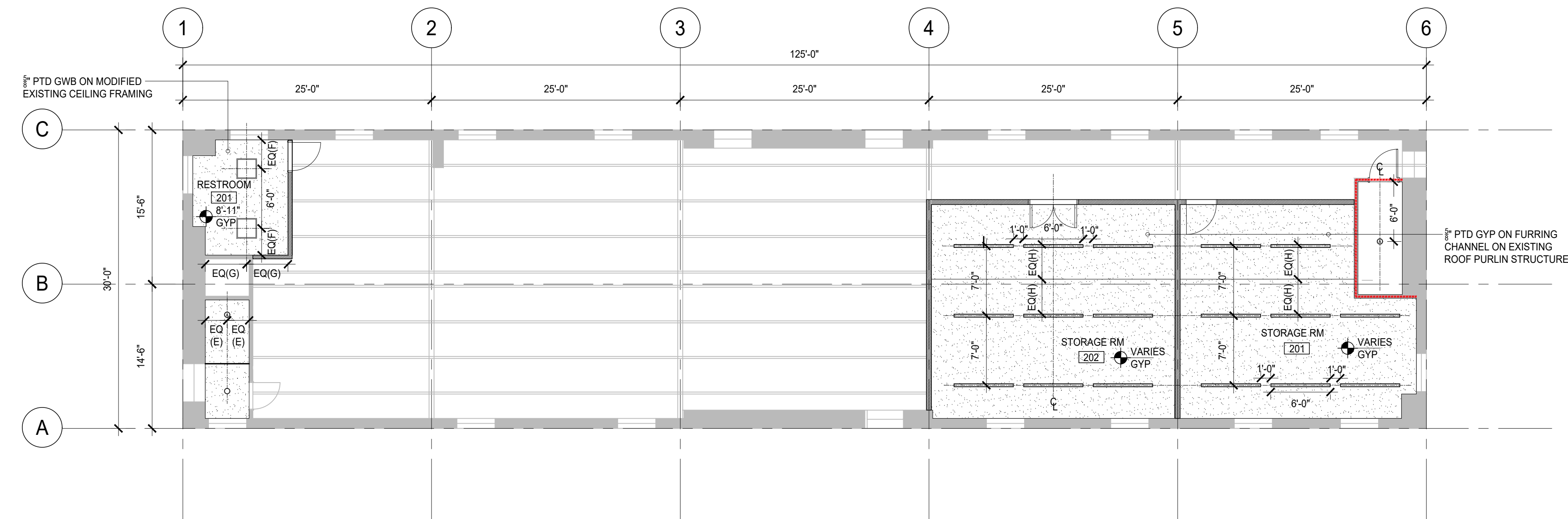
HINGHAM GREENHOUSE AND STORAGE
266 Whiting St,
Hingham, MA 02043



1 BASEMENT RCP
1/8"=1'-0"



2 1ST FLOOR RCP
1/8"=1'-0"



3 2ND FLOOR RCP
1/8"=1'-0"

RCP KEY	
	EXISTING TO REMAIN
	1HR FIRE RATED PARTITION
	1HR FIRE RATED FLOOR-CEILING ASSEMBLY
	GYP CEILING
	RECESSED DOWNLIGHT
	RECESSED DOWNLIGHT W/ SLOPED CEILING REFLECTOR
	2'X2' LED LIGHT
	6" SUSPENDED LINEAR LED LIGHT

KEY PLAN

N

DRAWING TITLE

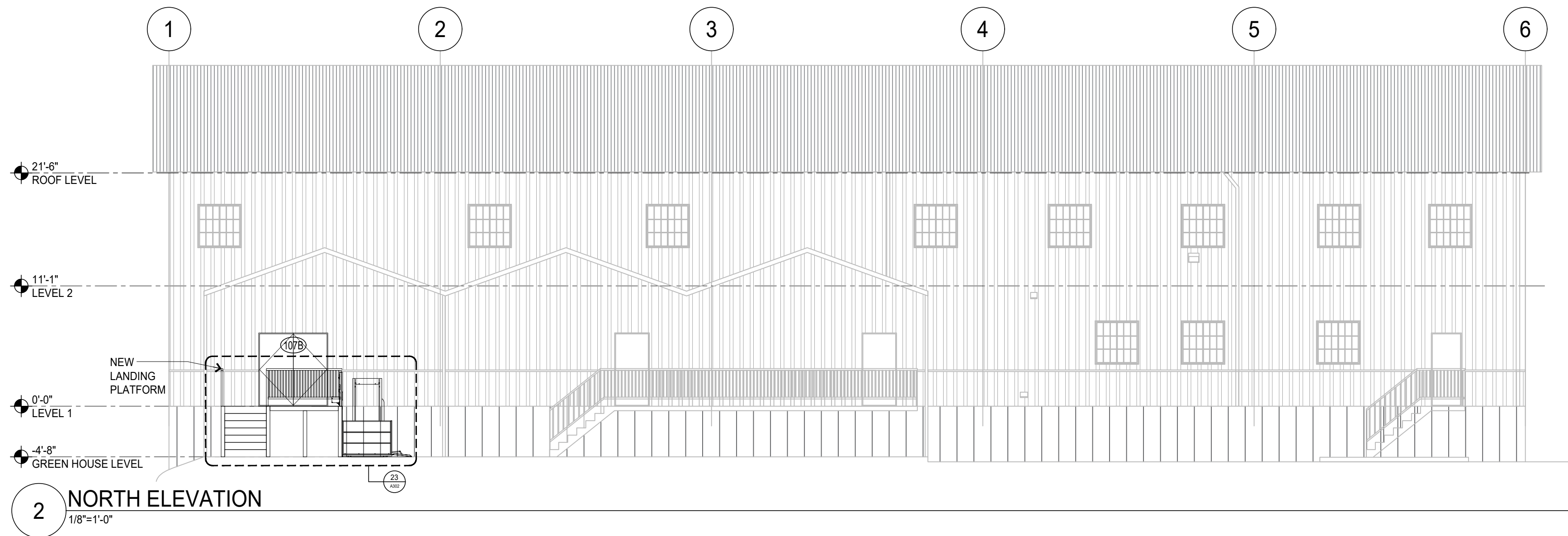
RCPS

STATE PROJ. NO.	STATE PROJ. #
PROJECT NO.	TSKP PROJ. #
SCALE	AS STATED
DATE:	06/23/2026
DRAWN BY:	-
APPROVED BY:	-

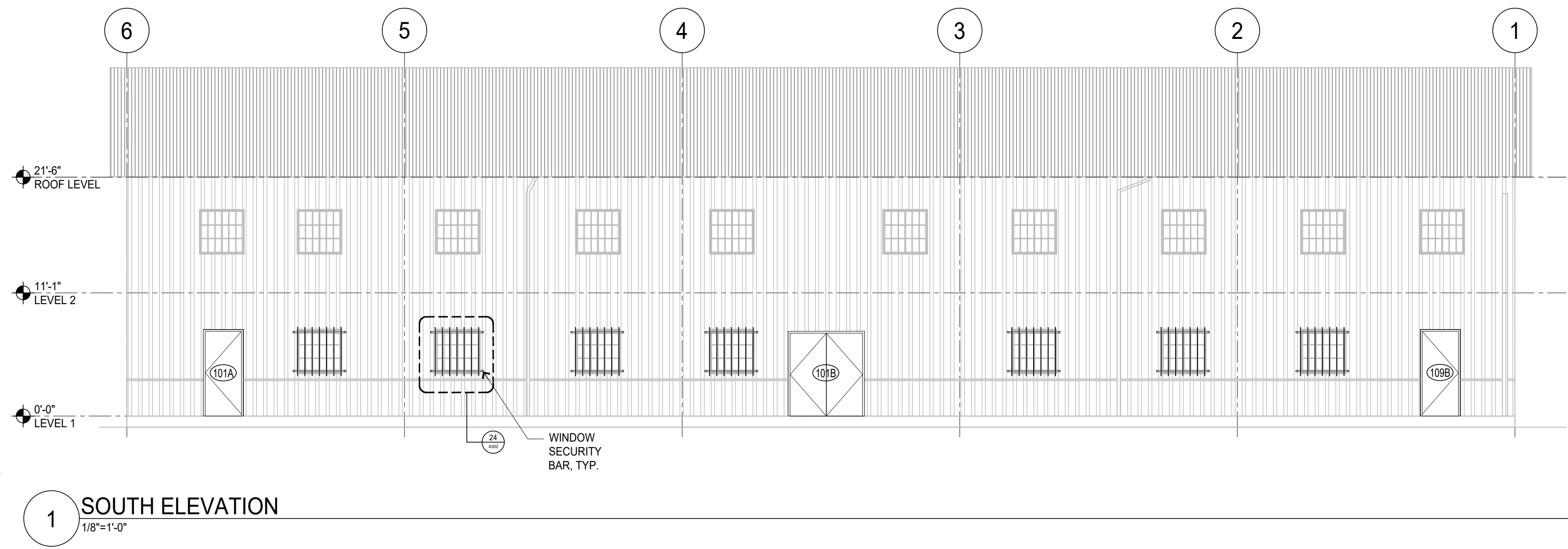
ISSUE DATES

NO.	DATE	PURPOSE

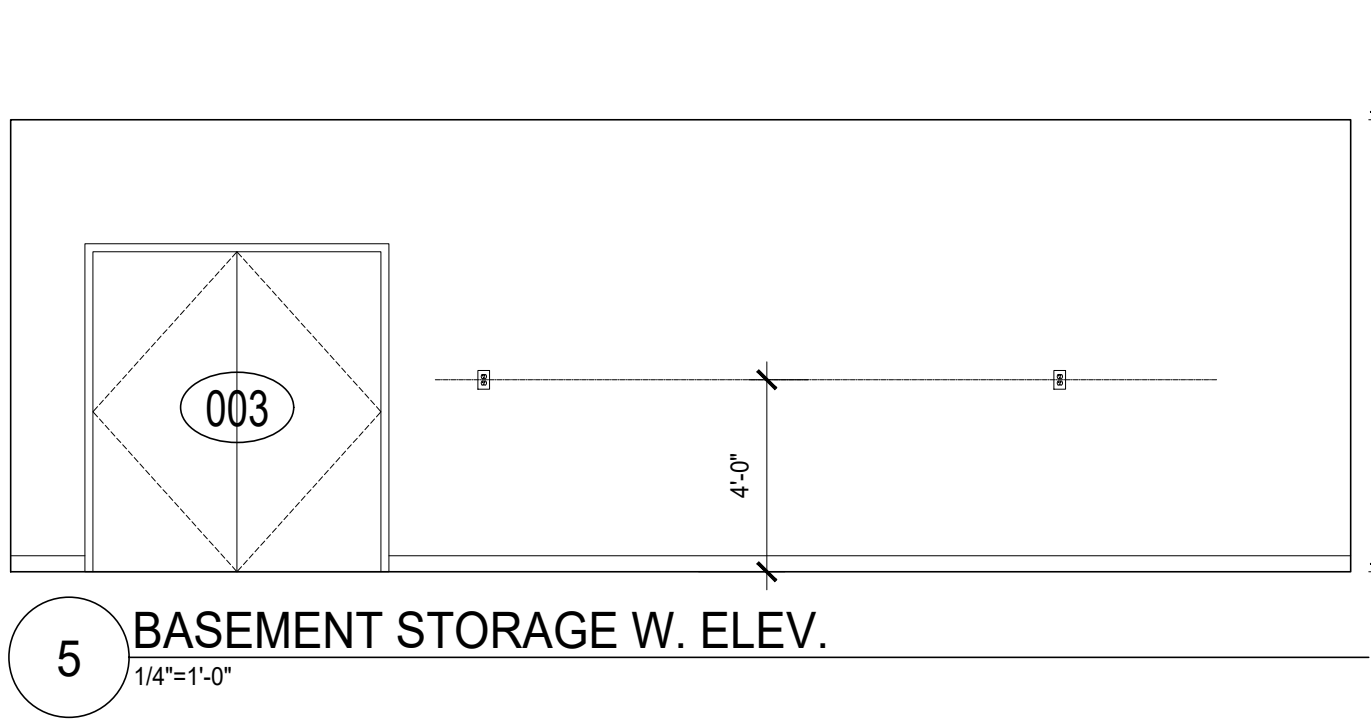
A201



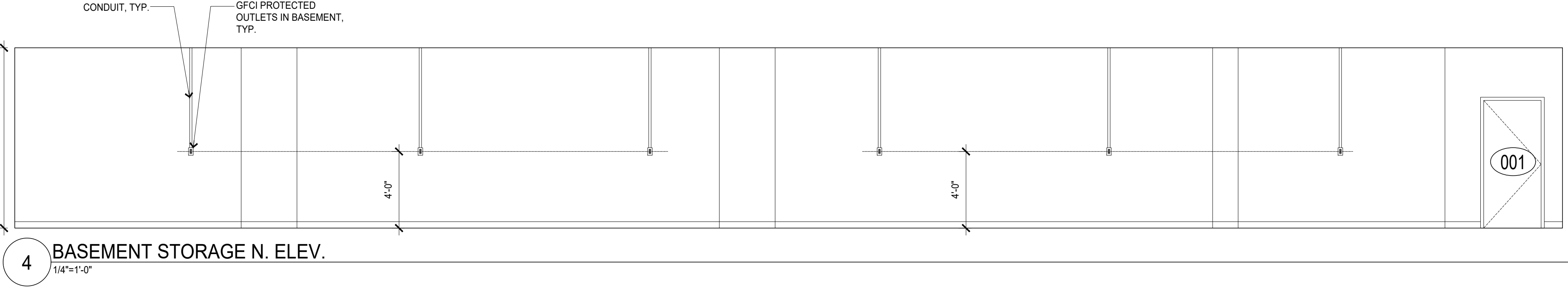
2 NORTH ELEVATION
1/8"=1'-0"



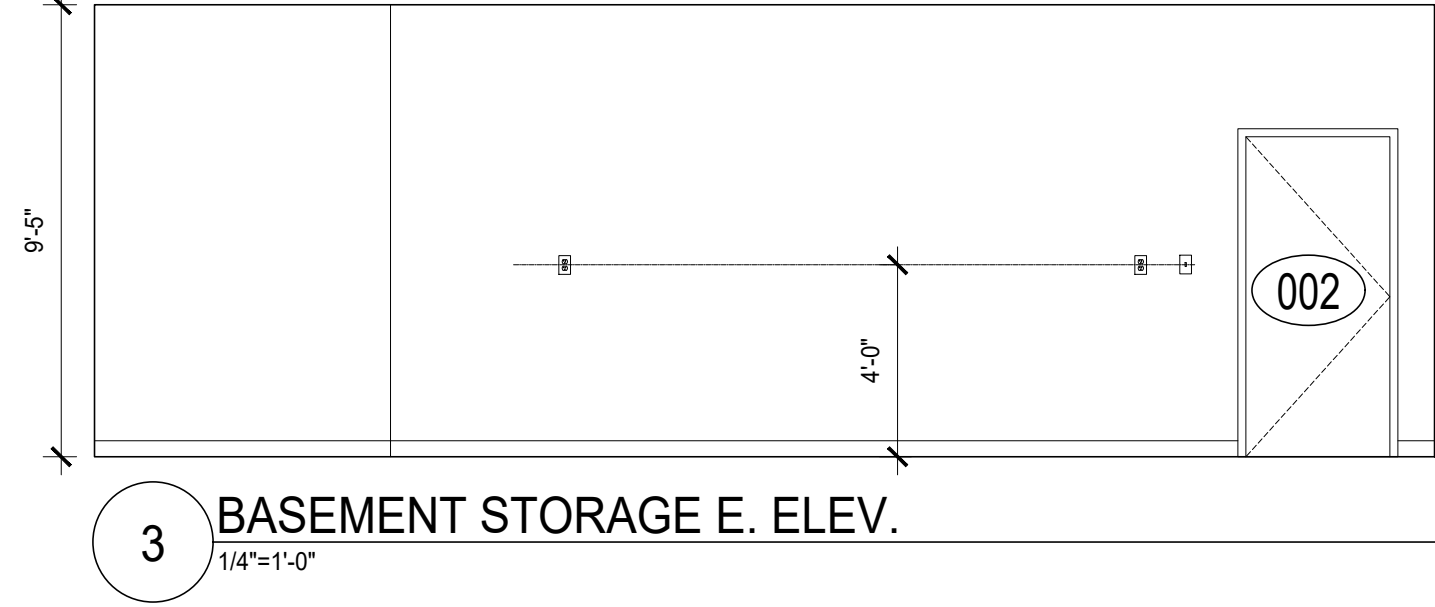
1 SOUTH ELEVATION
1/8"=1'-0"



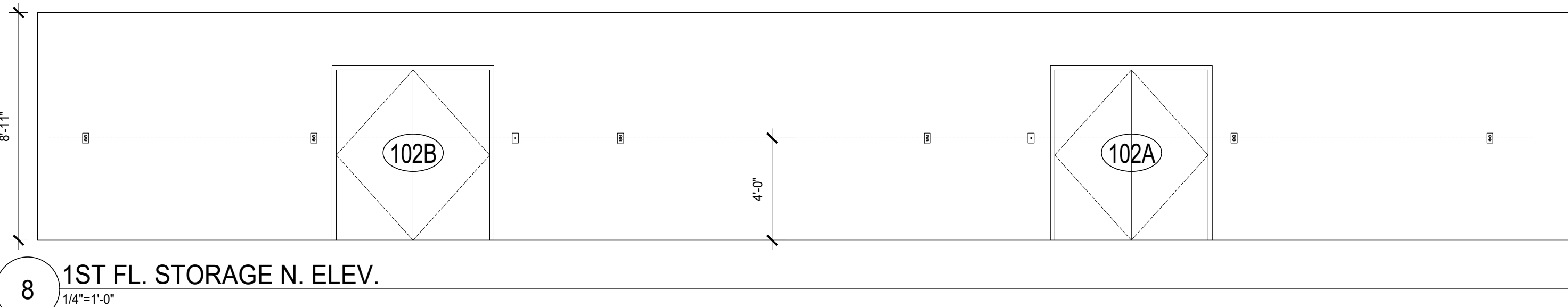
5 BASEMENT STORAGE W. ELEV.
1/4"=1'-0"



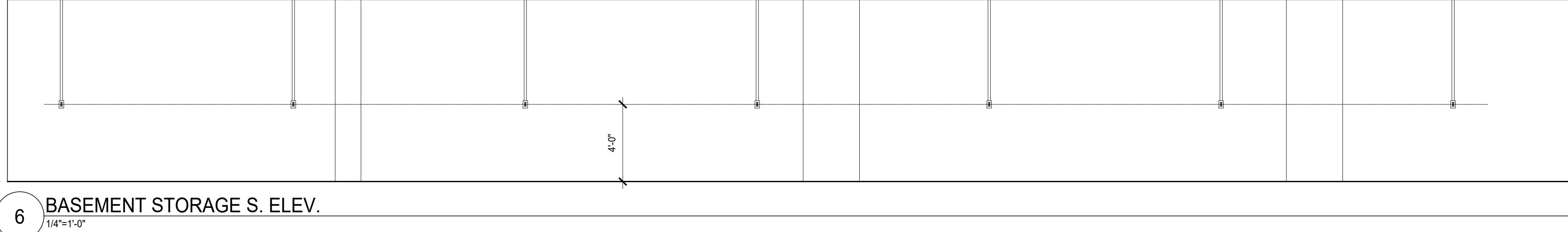
4 BASEMENT STORAGE N. ELEV.
1/4"=1'-0"



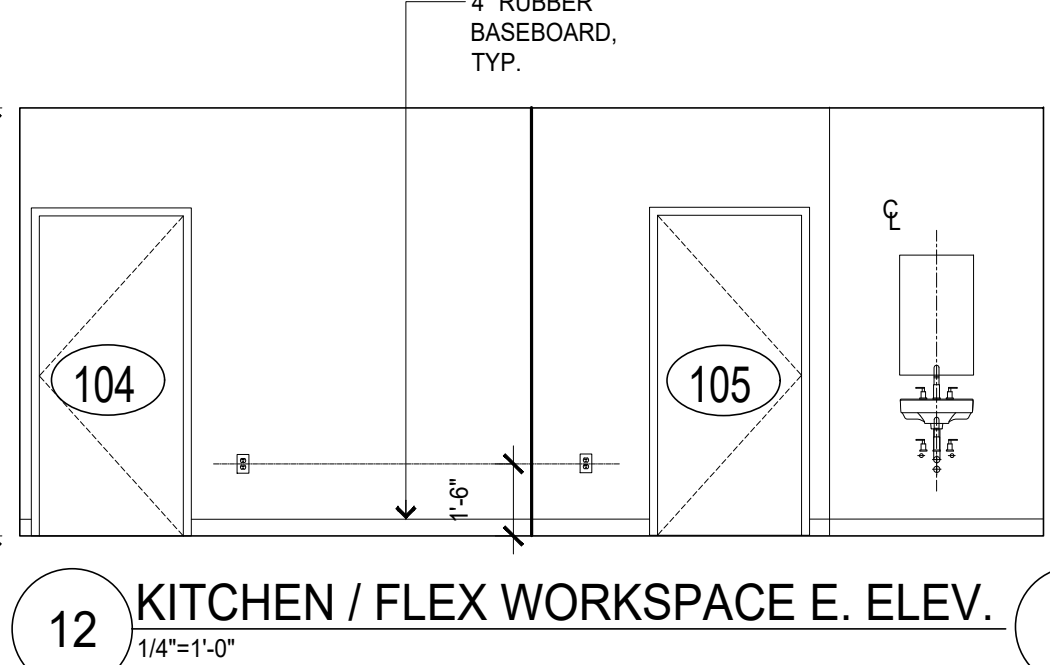
3 BASEMENT STORAGE E. ELEV.
1/4"=1'-0"



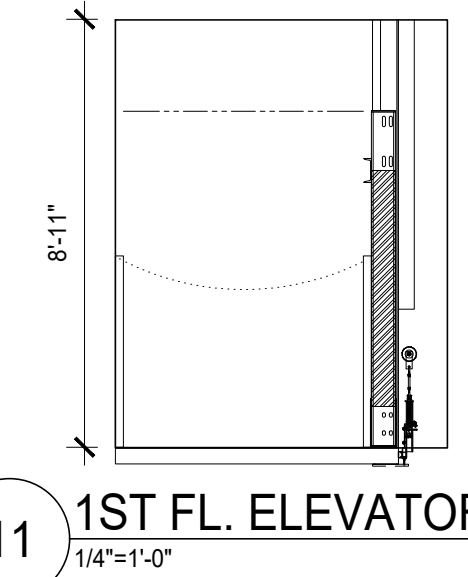
8 1ST FL. STORAGE N. ELEV.
1/4"=1'-0"



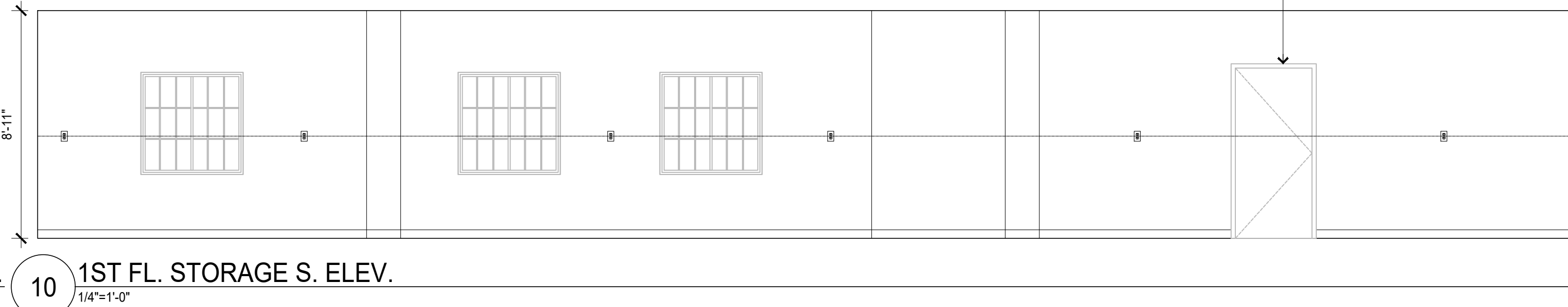
6 BASEMENT STORAGE S. ELEV.
1/4"=1'-0"



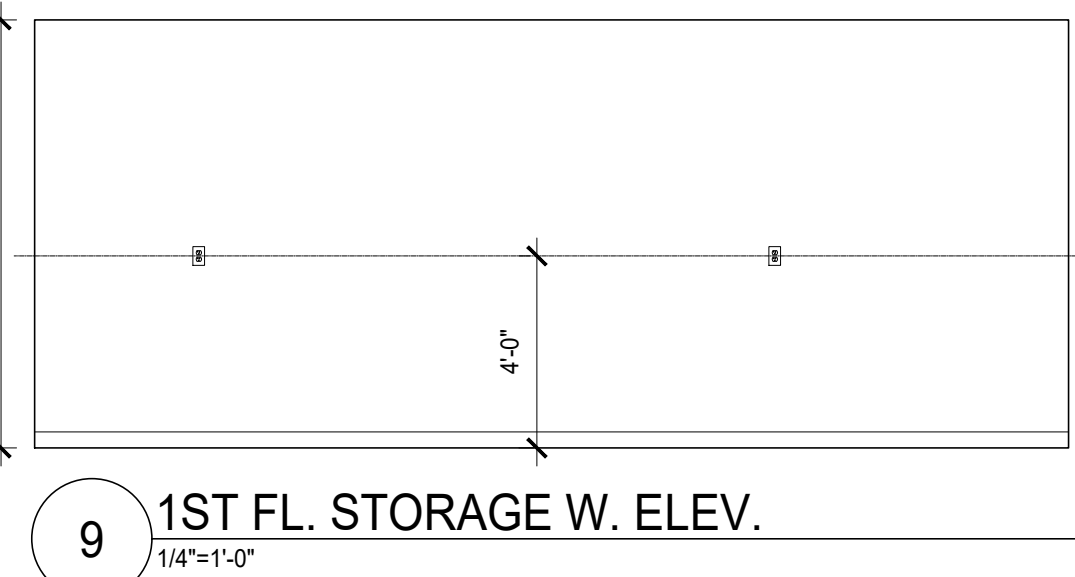
12 KITCHEN / FLEX WORKSPACE E. ELEV.
1/4"=1'-0"



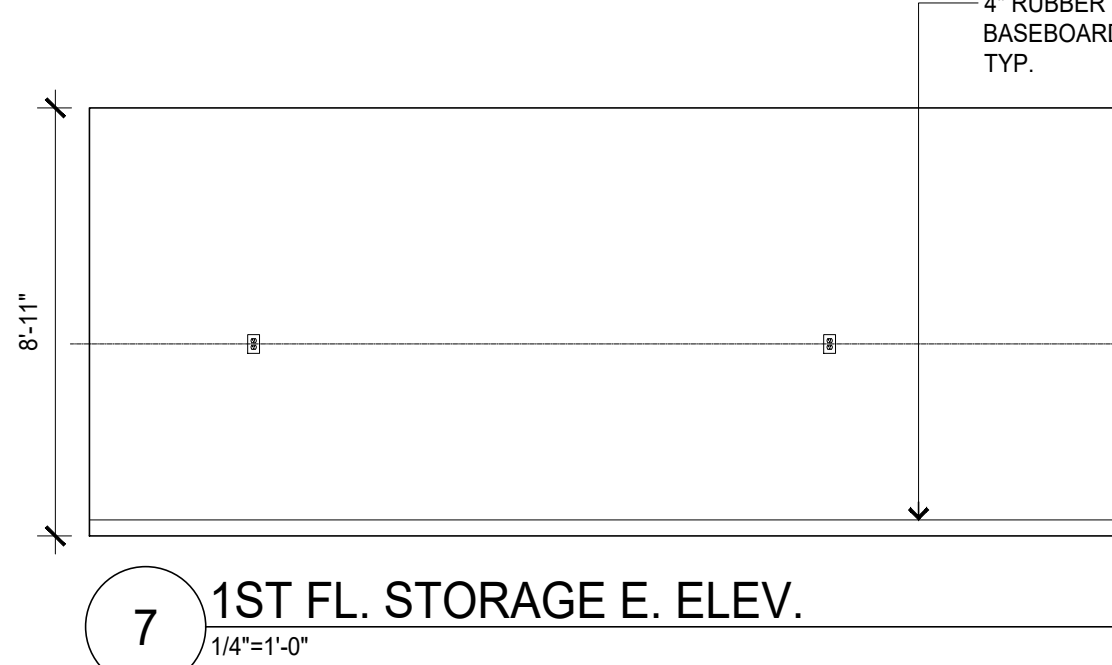
11 1ST FL. ELEVATOR ELEV.
1/4"=1'-0"



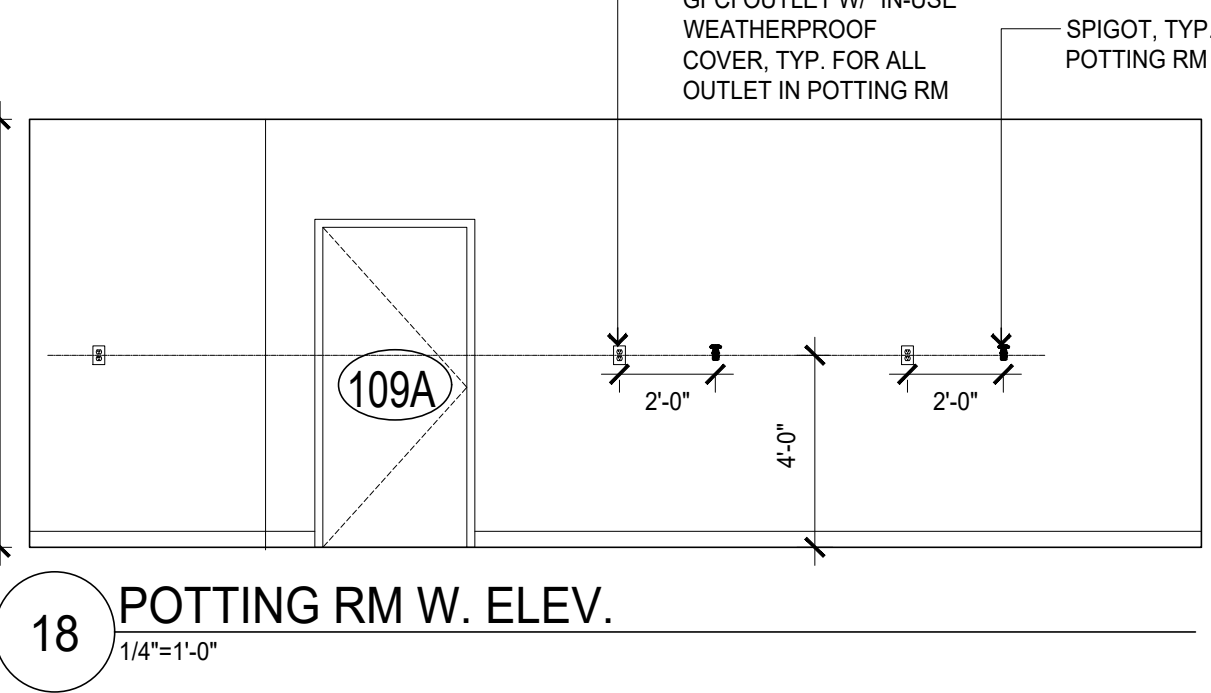
10 1ST FL. STORAGE S. ELEV.
1/4"=1'-0"



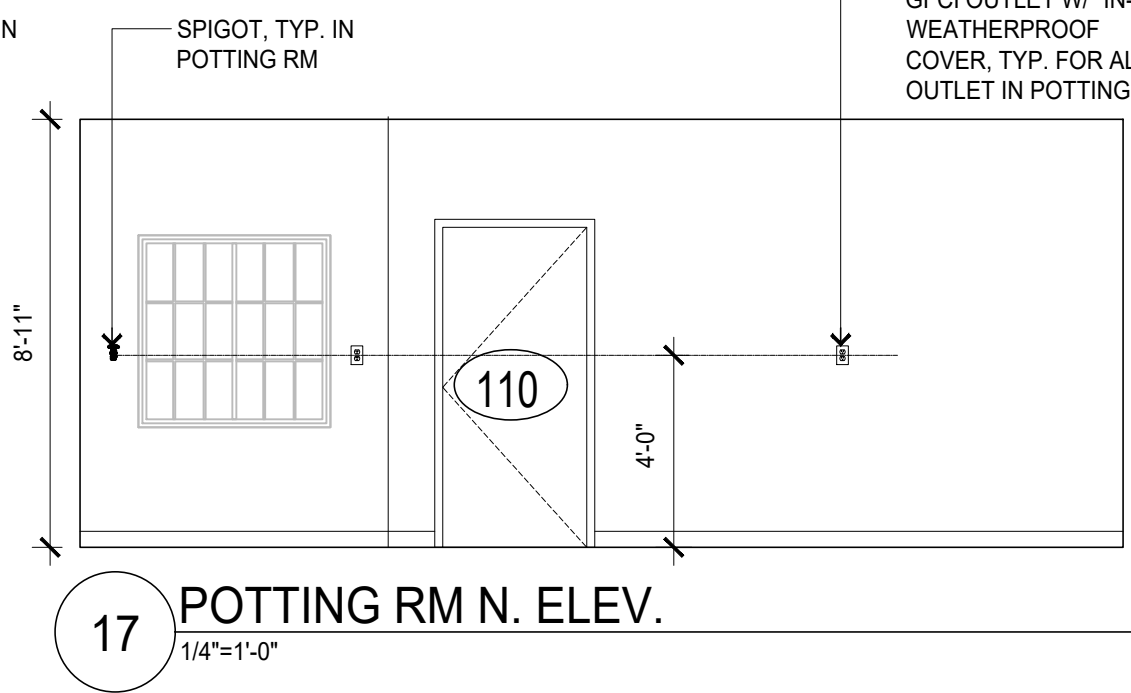
9 1ST FL. STORAGE W. ELEV.
1/4"=1'-0"



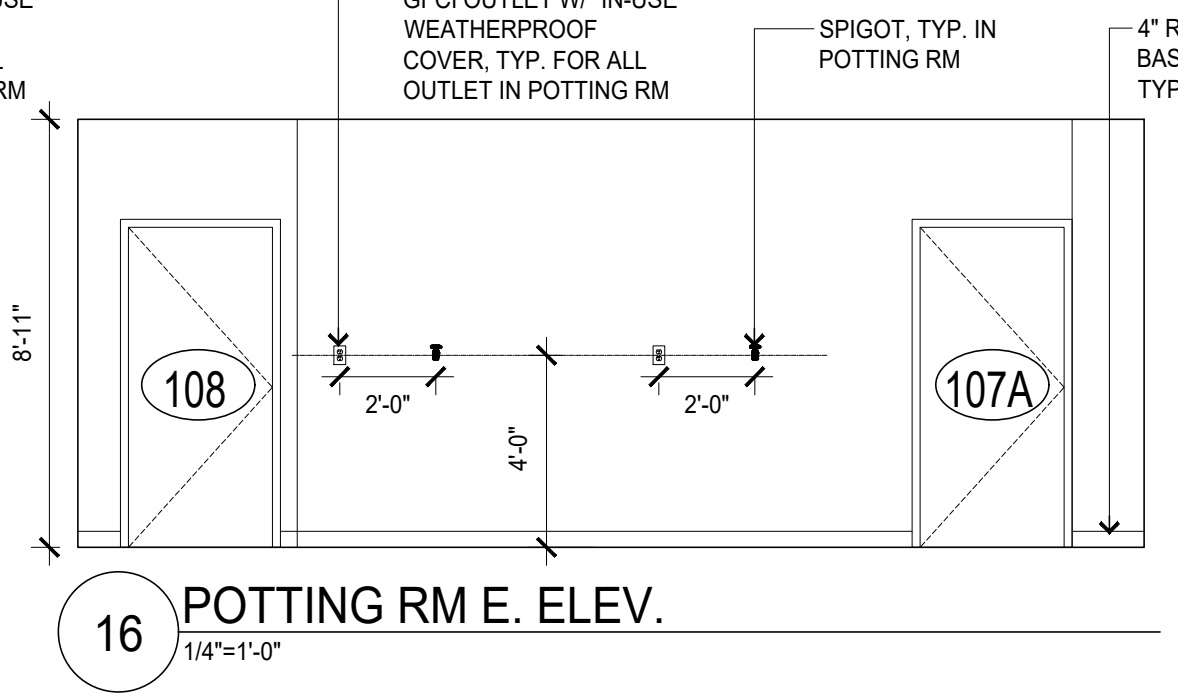
7 1ST FL. STORAGE E. ELEV.
1/4"=1'-0"



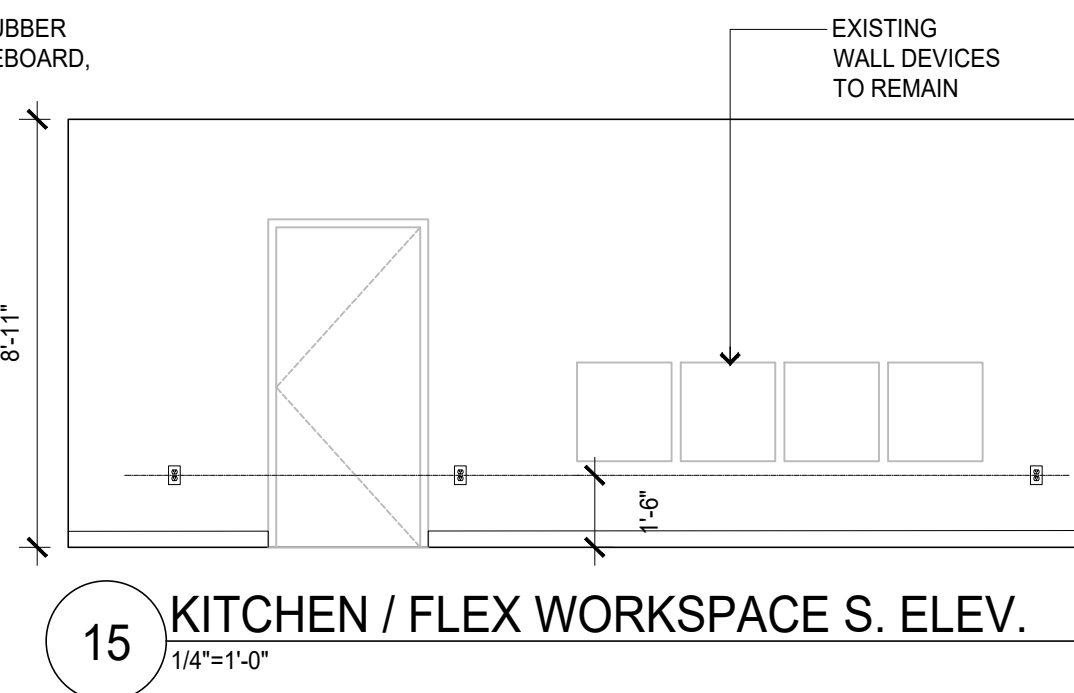
18 POTTING RM W. ELEV.
1/4"=1'-0"



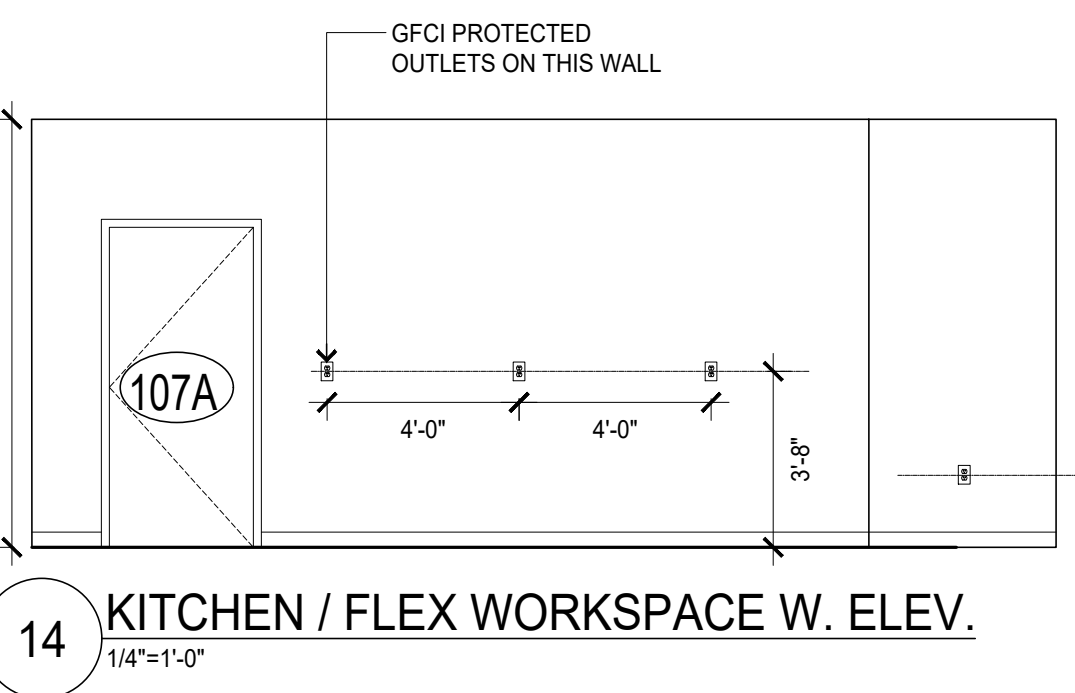
17 POTTING RM N. ELEV.
1/4"=1'-0"



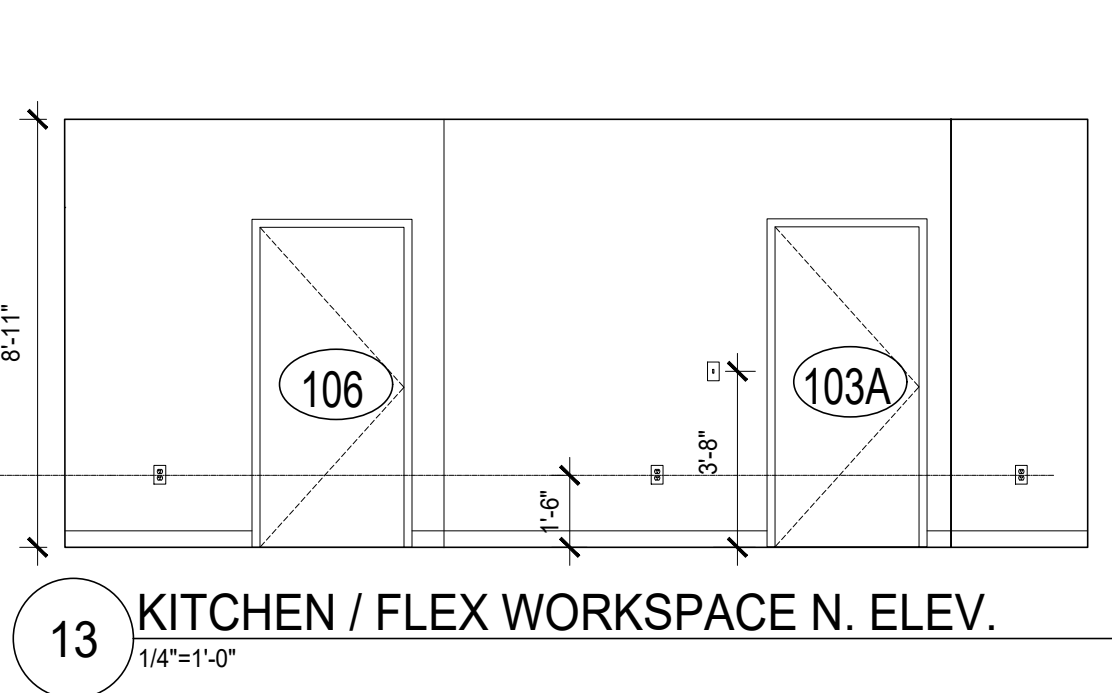
16 POTTING RM E. ELEV.
1/4"=1'-0"



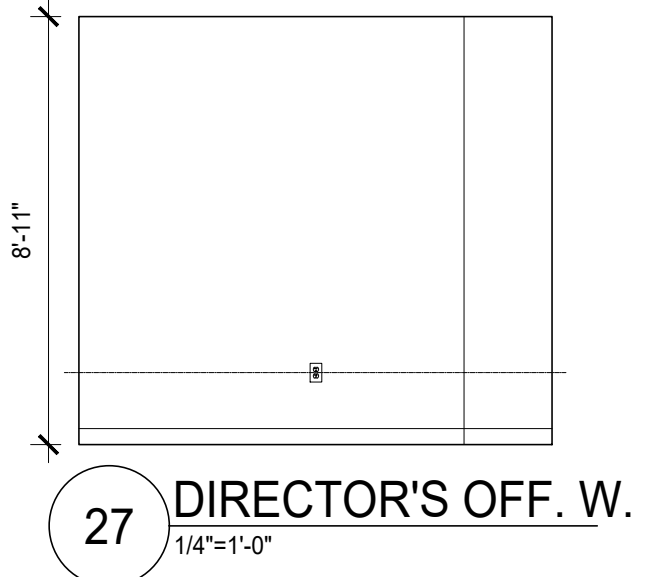
15 KITCHEN / FLEX WORKSPACE S. ELEV.
1/4"=1'-0"



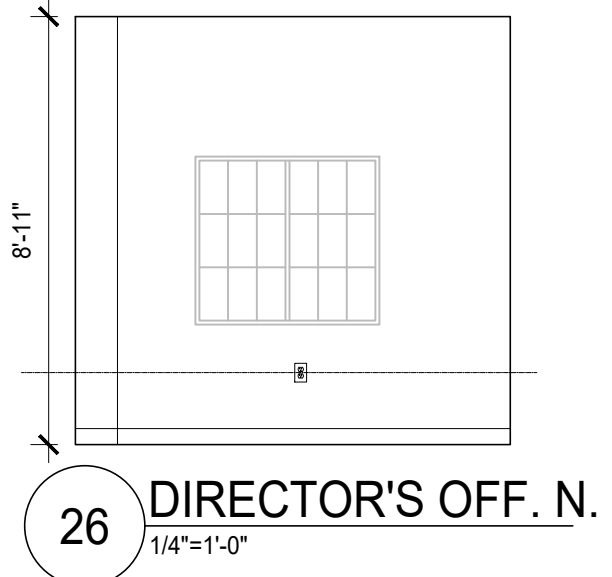
14 KITCHEN / FLEX WORKSPACE W. ELEV.
1/4"=1'-0"



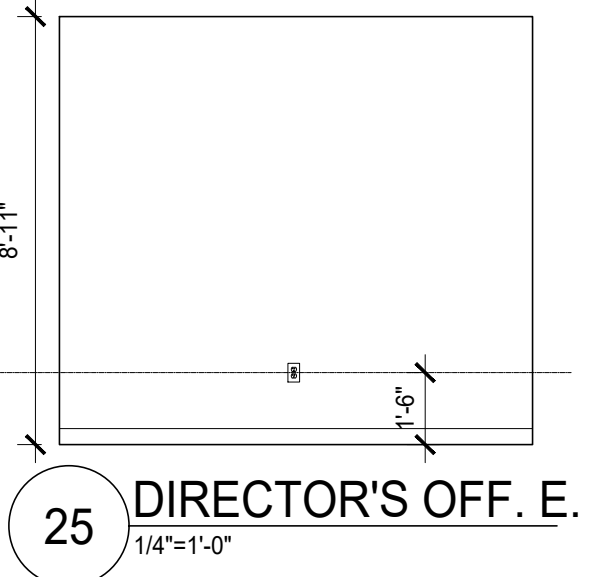
13 KITCHEN / FLEX WORKSPACE N. ELEV.
1/4"=1'-0"



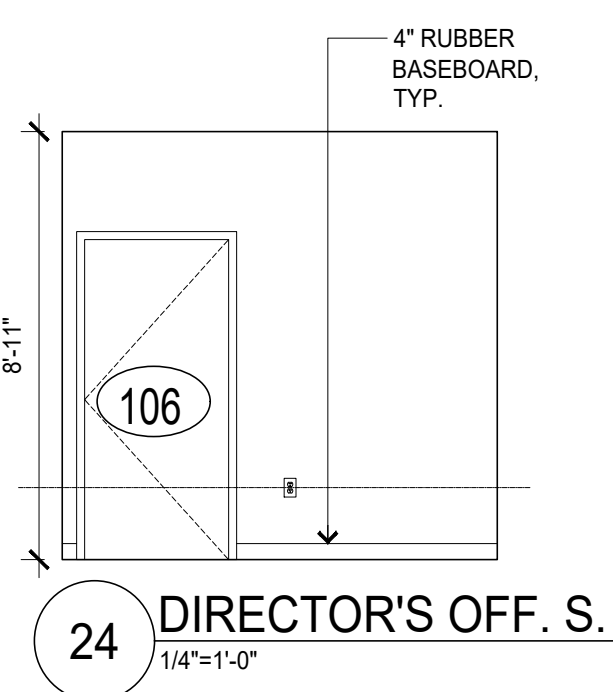
27 DIRECTOR'S OFF. W.
1/4"=1'-0"



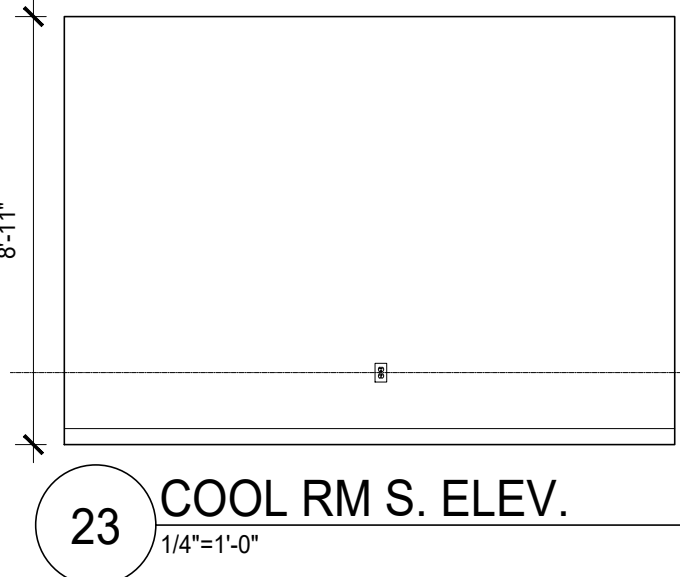
26 DIRECTOR'S OFF. N.
1/4"=1'-0"



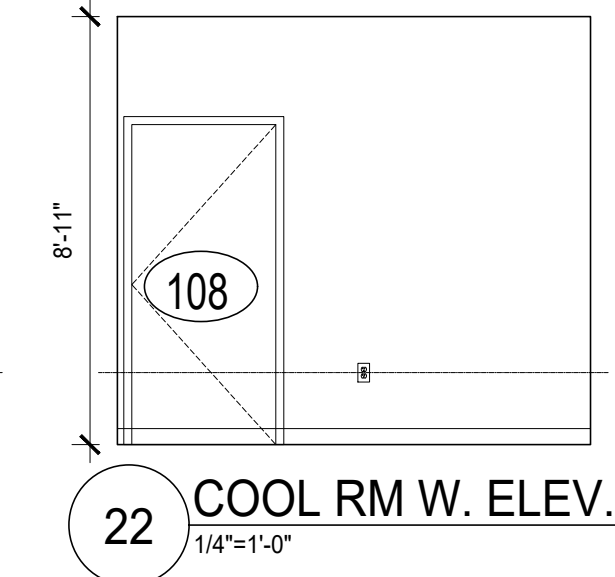
25 DIRECTOR'S OFF. E.
1/4"=1'-0"



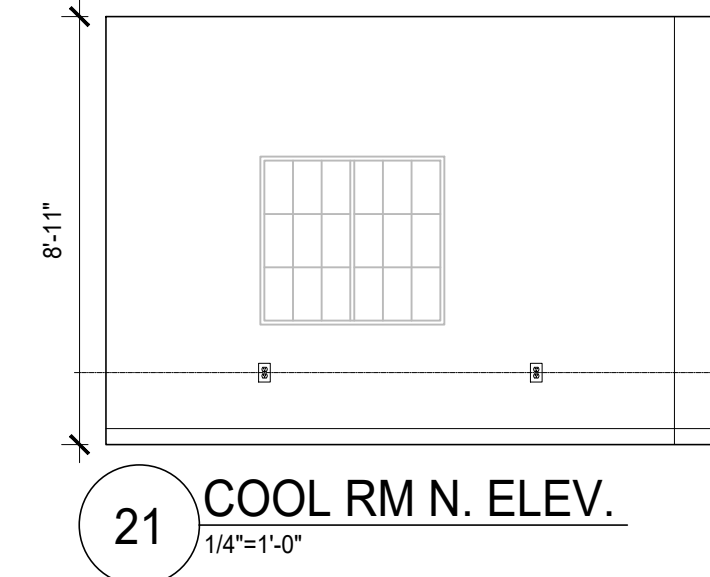
24 DIRECTOR'S OFF. S.
1/4"=1'-0"



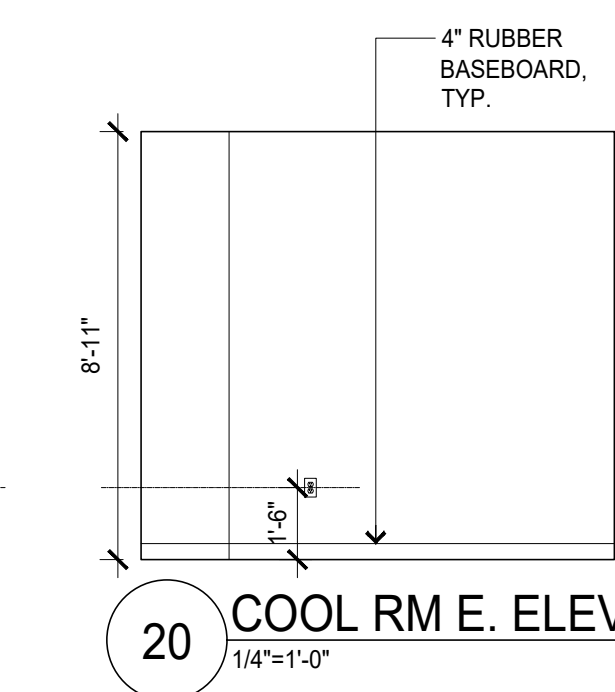
23 COOL RM S. ELEV.
1/4"=1'-0"



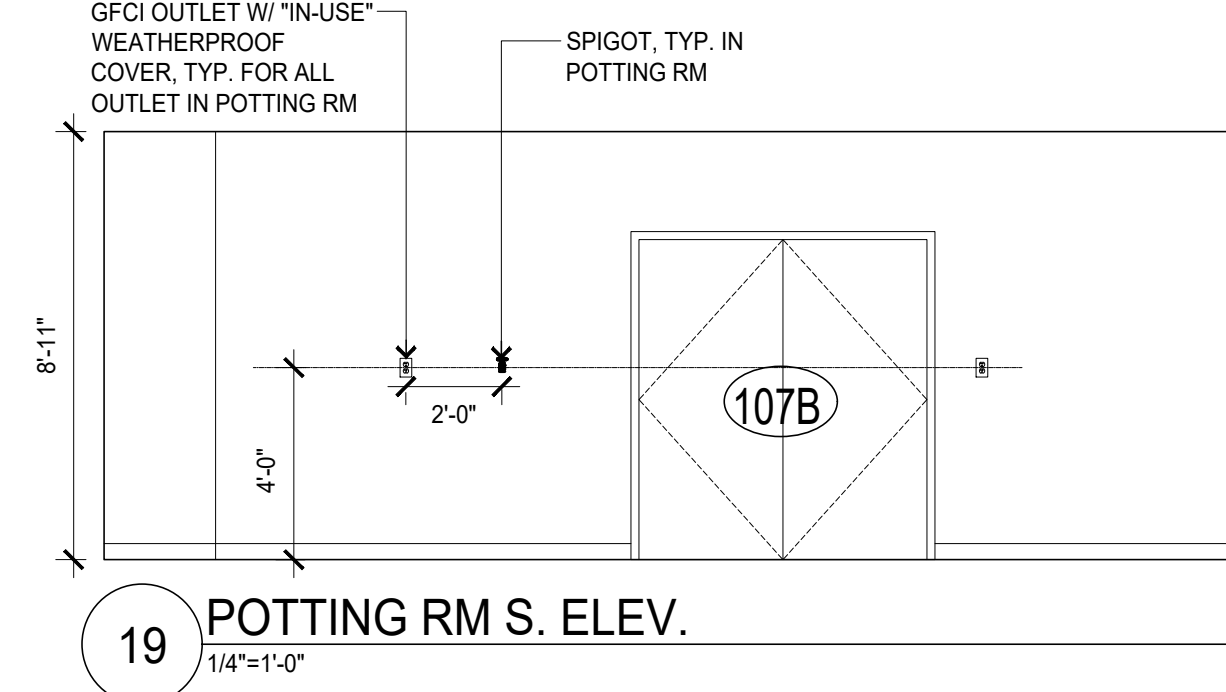
22 COOL RM W. ELEV.
1/4"=1'-0"



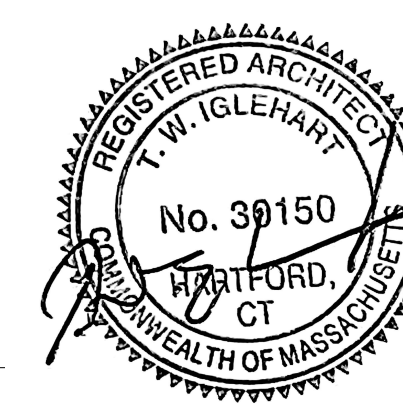
21 COOL RM N. ELEV.
1/4"=1'-0"



20 COOL RM E. ELEV.
1/4"=1'-0"



19 POTTING RM S. ELEV.
1/4"=1'-0"



HINGHAM GREENHOUSE AND STORAGE
266 Whiting St,
Hingham, MA 02043

KEY PLAN



DRAWING TITLE

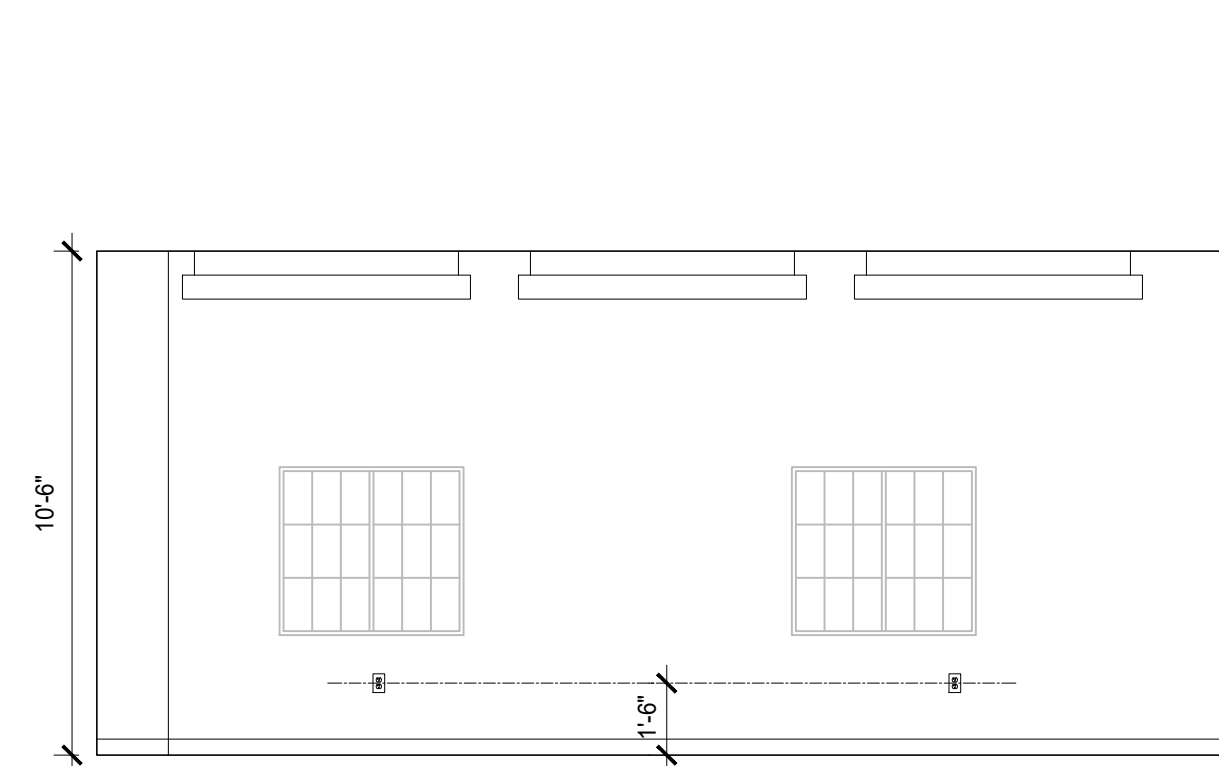
ELEVATIONS 2

STATE PROJ NO.	STATE PROJ #
PROJECT NO.	TSKP PROJ #
SCALE	AS STATED
DATE	06/23/2026
DRAWN BY:	-
APPROVED BY:	-

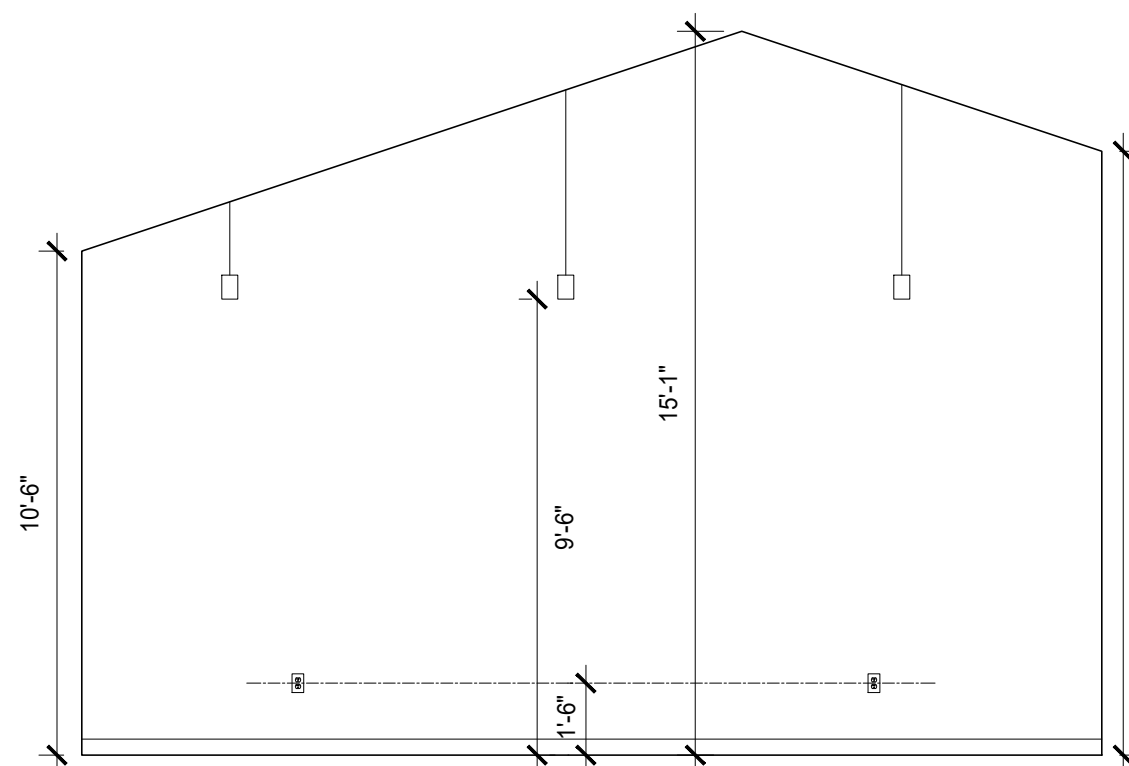
ISSUE DATES

NO.	DATE	PURPOSE

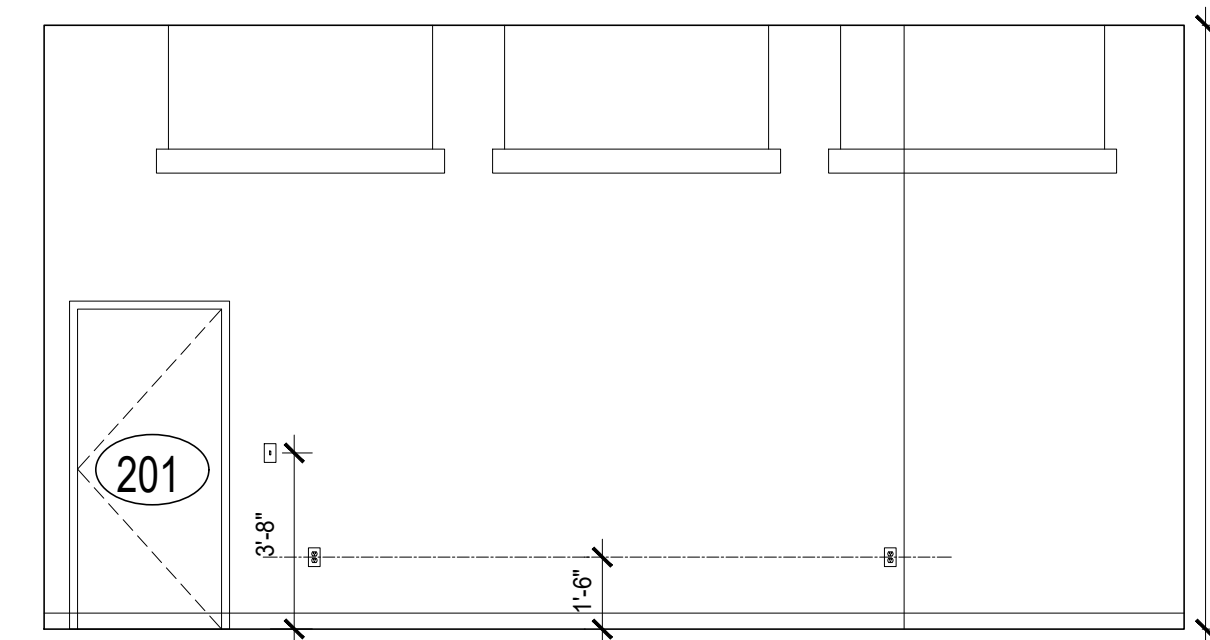
A302



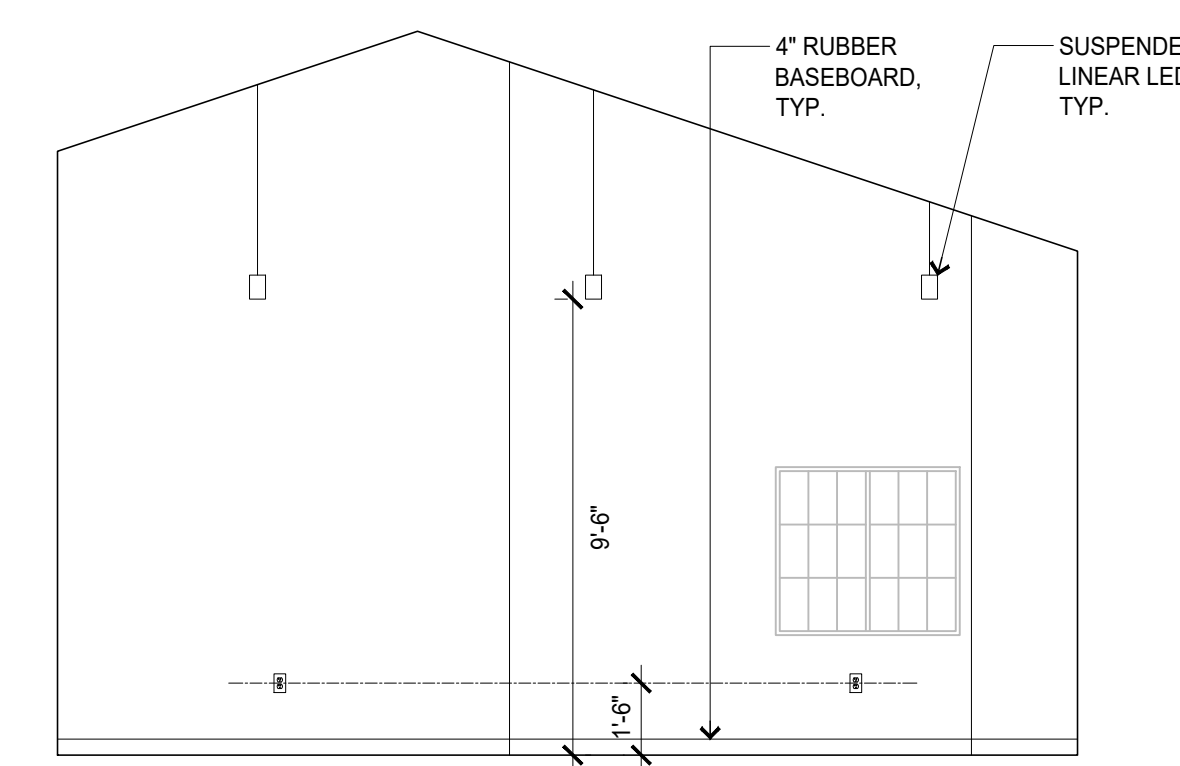
4 2ND FL. STORAGE RM. S. ELEV.
1/4"=1'-0"



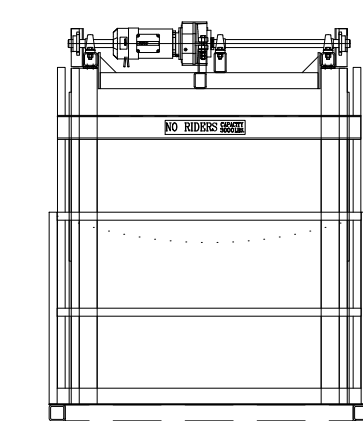
3 2ND FL. STORAGE RM. W. ELEV.
1/4"=1'-0"



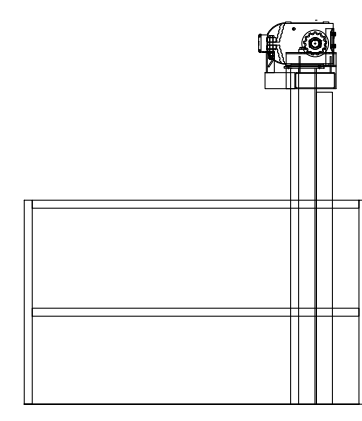
2 2ND FL. STORAGE RM. N. ELEV.
1/4"=1'-0"



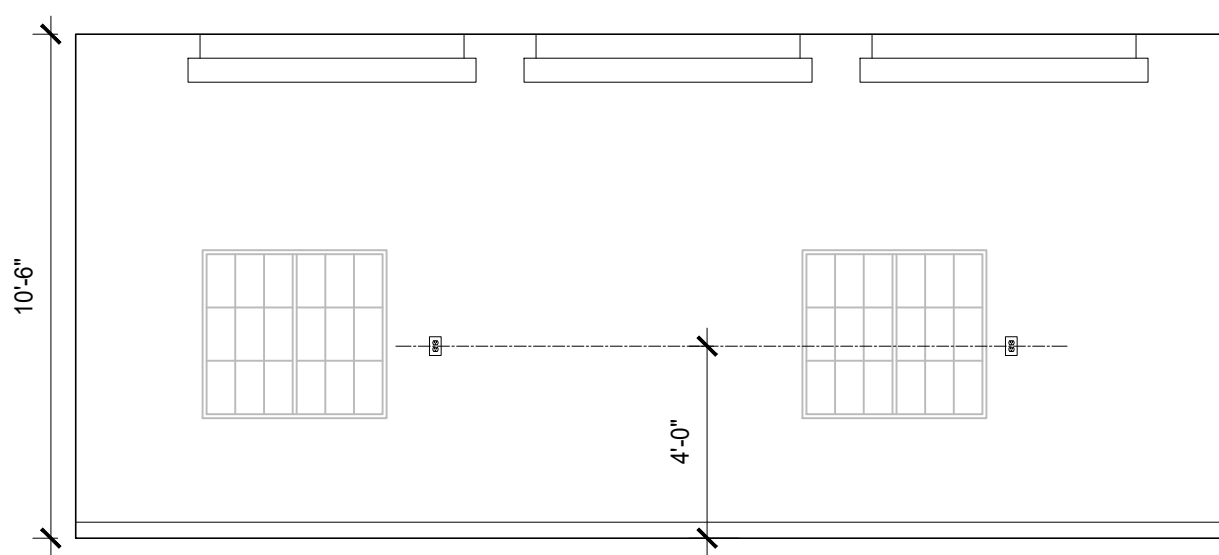
1 2ND FL. STORAGE RM. E. ELEV.
1/4"=1'-0"



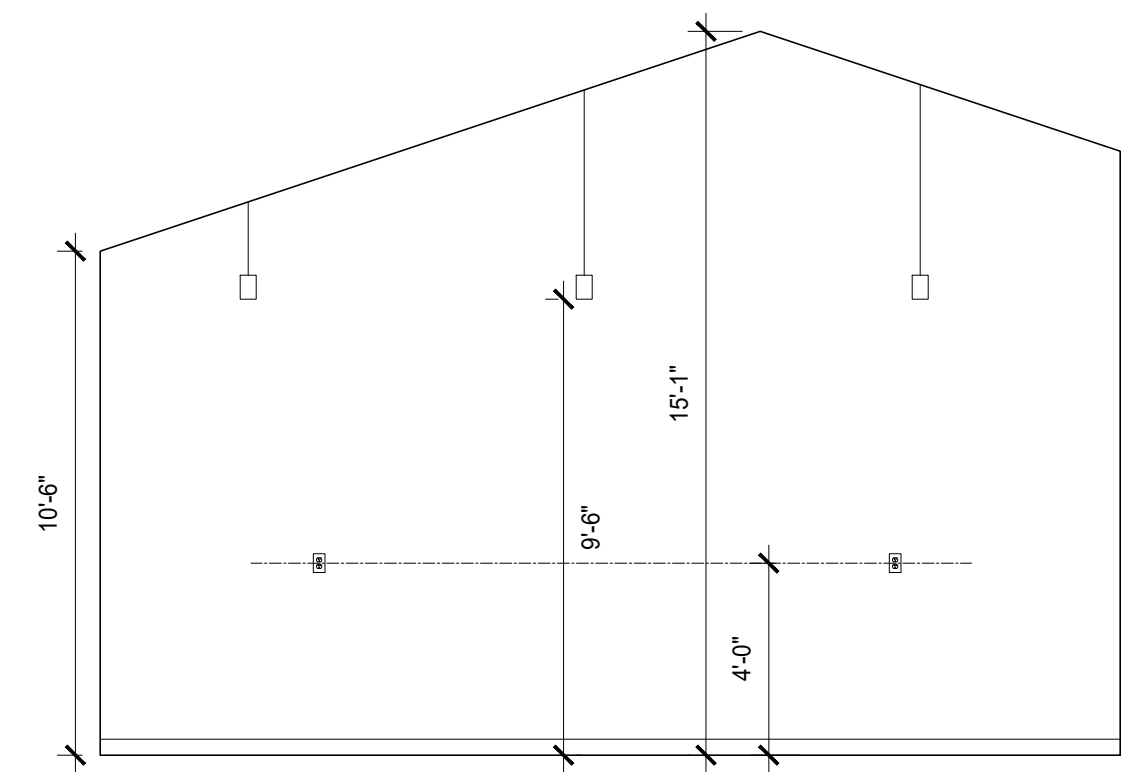
10 2ND FL. ELEVATOR FRONT ELEV.
1/4"=1'-0"



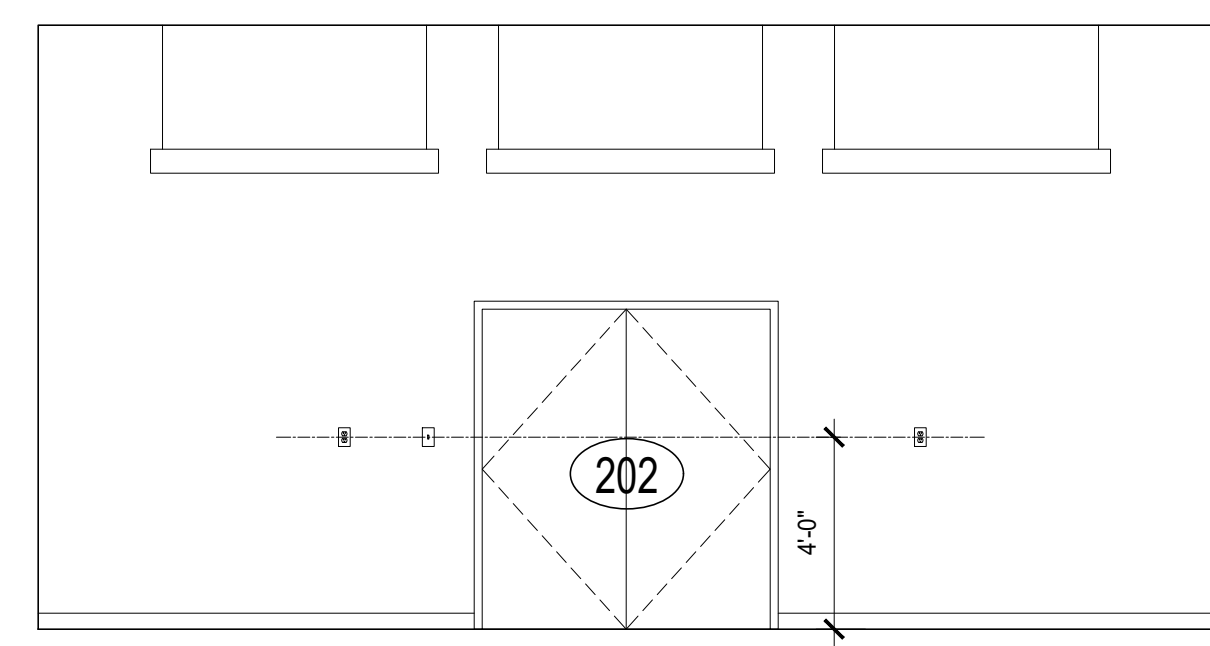
9 2ND FL. ELEVATOR SIDE ELEV.
1/4"=1'-0"



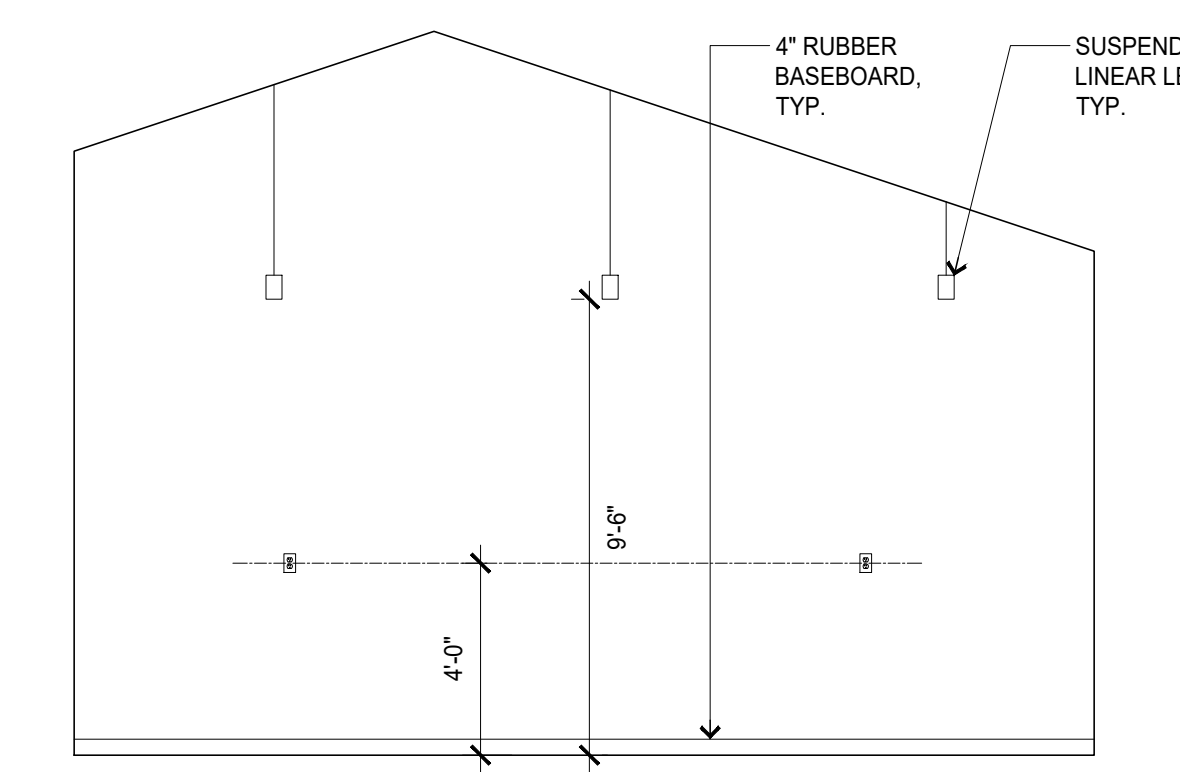
8 2ND FL. STORAGE S. ELEV.
1/4"=1'-0"



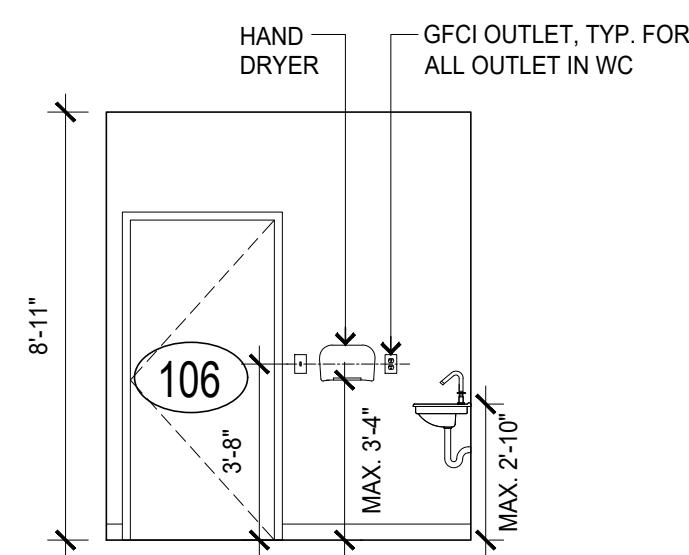
7 2ND FL. STORAGE W. ELEV.
1/4"=1'-0"



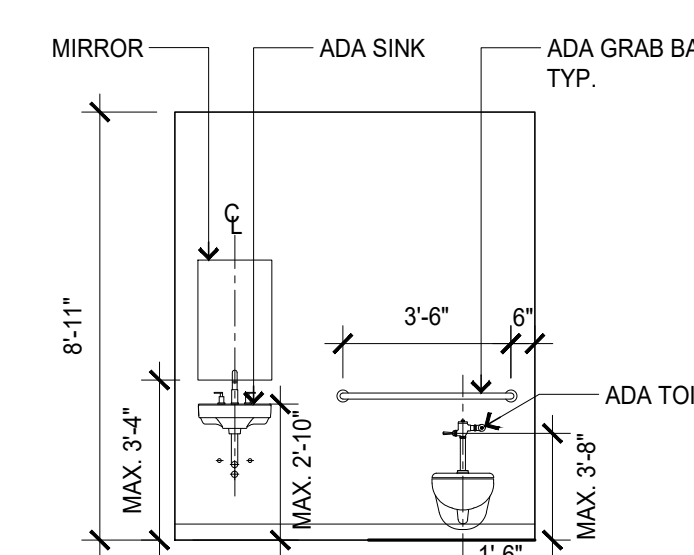
6 2ND FL. STORAGE N. ELEV.
1/4"=1'-0"



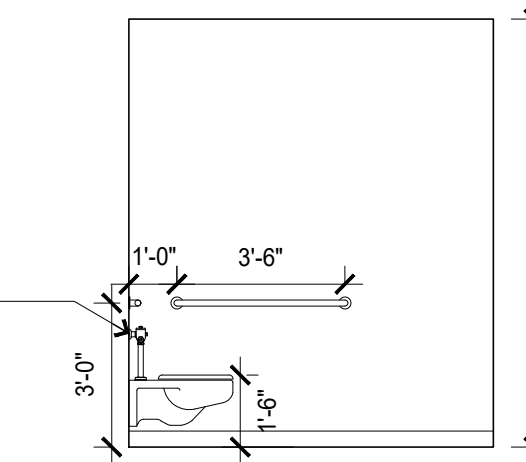
5 2ND FL. STORAGE E. ELEV.
1/4"=1'-0"



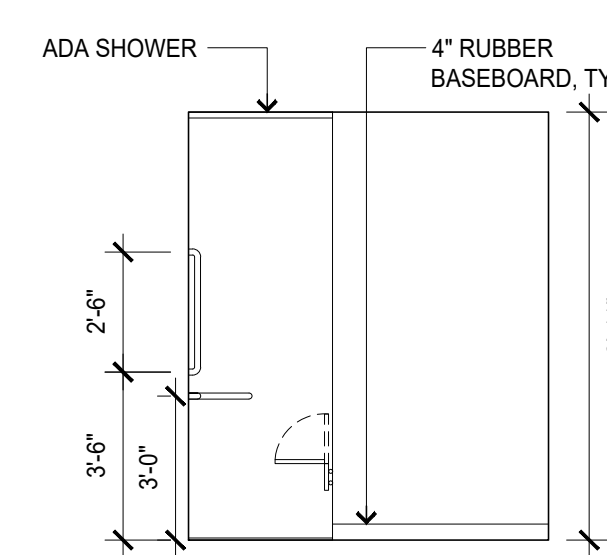
18 1ST FL. ADA WC W. ELEV.
1/4"=1'-0"



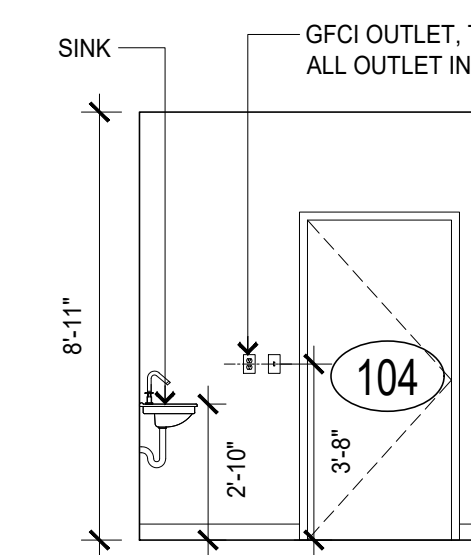
17 1ST FL. ADA WC N. ELEV.
1/4"=1'-0"



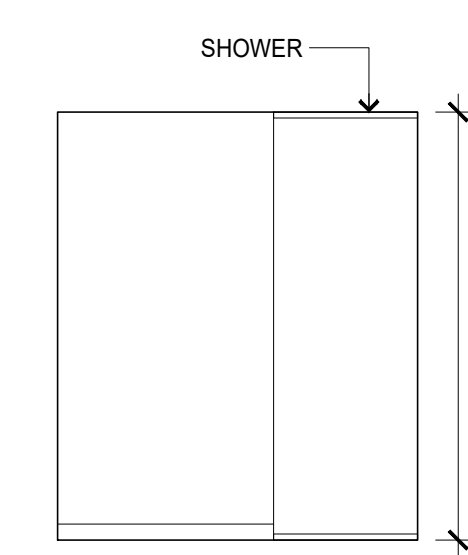
16 1ST FL. ADA WC E. ELEV.
1/4"=1'-0"



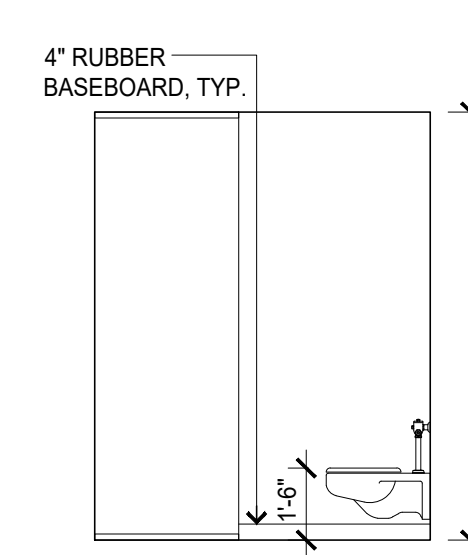
15 1ST FL. ADA WC S. ELEV.
1/4"=1'-0"



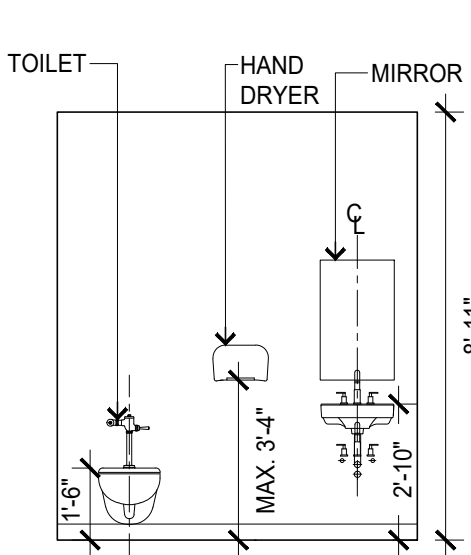
14 1ST FL. WC W. ELEV.
1/4"=1'-0"



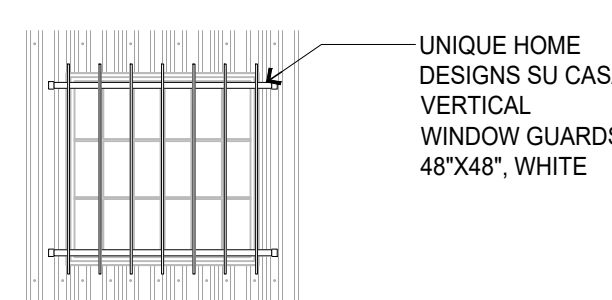
13 1ST FL. WC N. ELEV.
1/4"=1'-0"



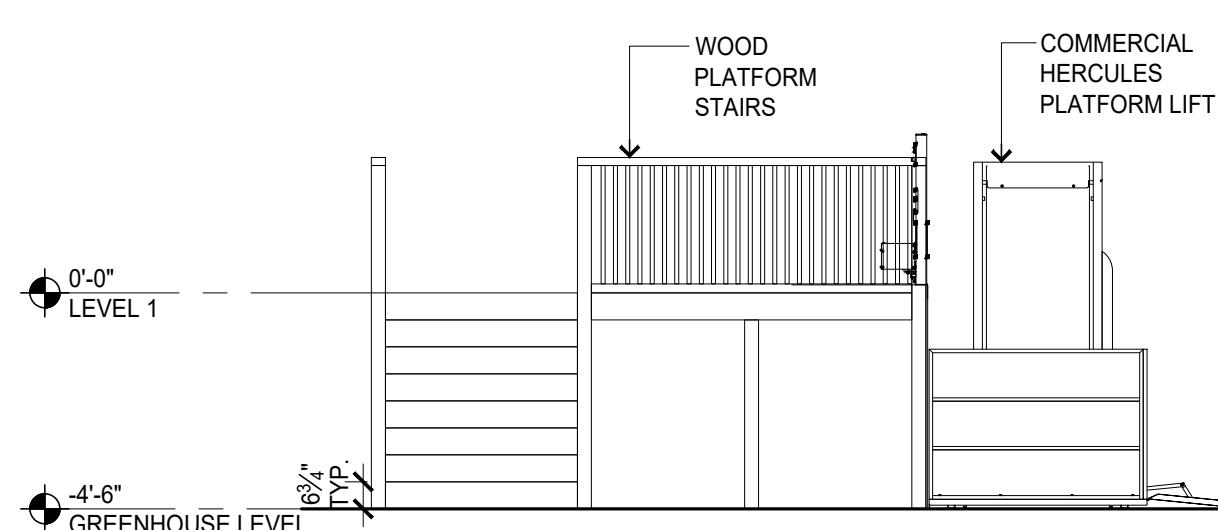
12 1ST FL. WC E. ELEV.
1/4"=1'-0"



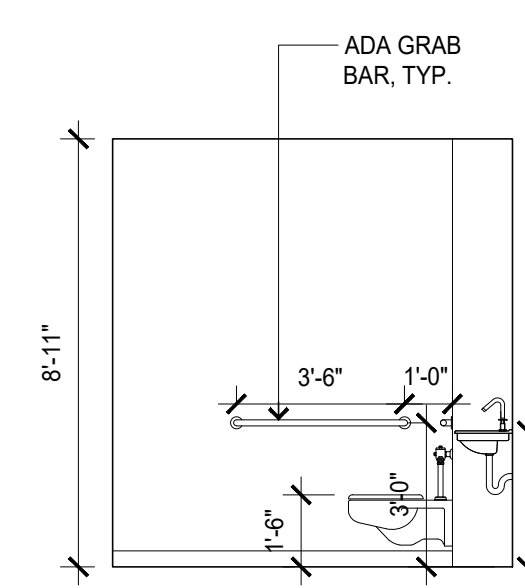
11 1ST FL. WC S. ELEV.
1/4"=1'-0"



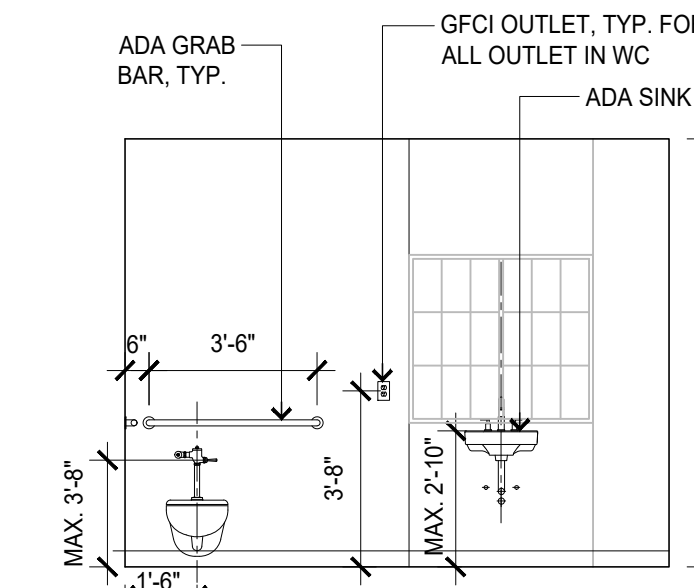
24 WINDOW SECURITY BAR ELEVATION
1/4"=1'-0"



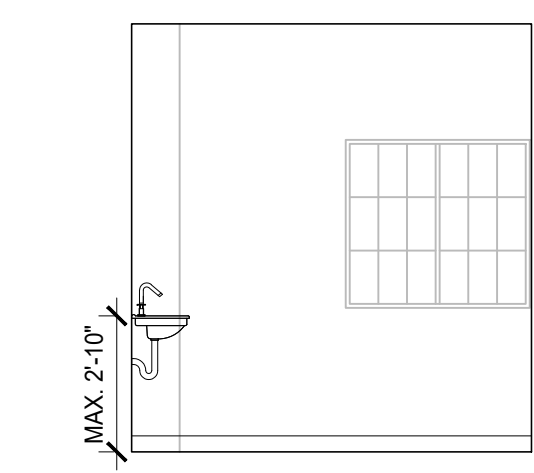
23 POTTING RM ELEVATOR ELEV.
1/4"=1'-0"



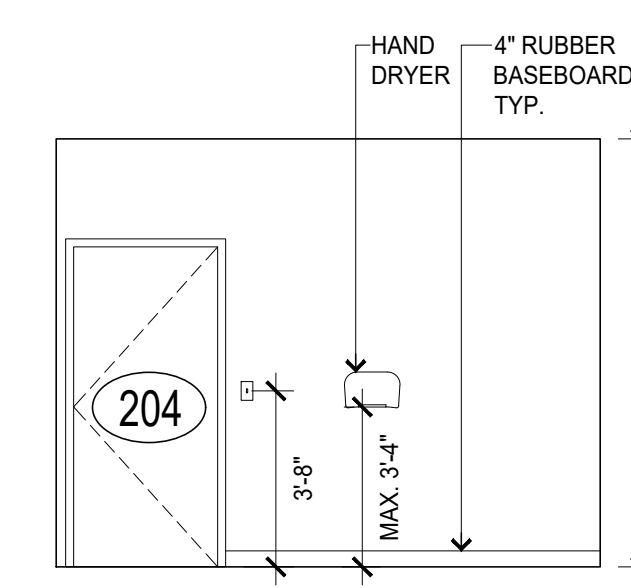
22 2ND FL. ADA WC S. ELEV.
1/4"=1'-0"



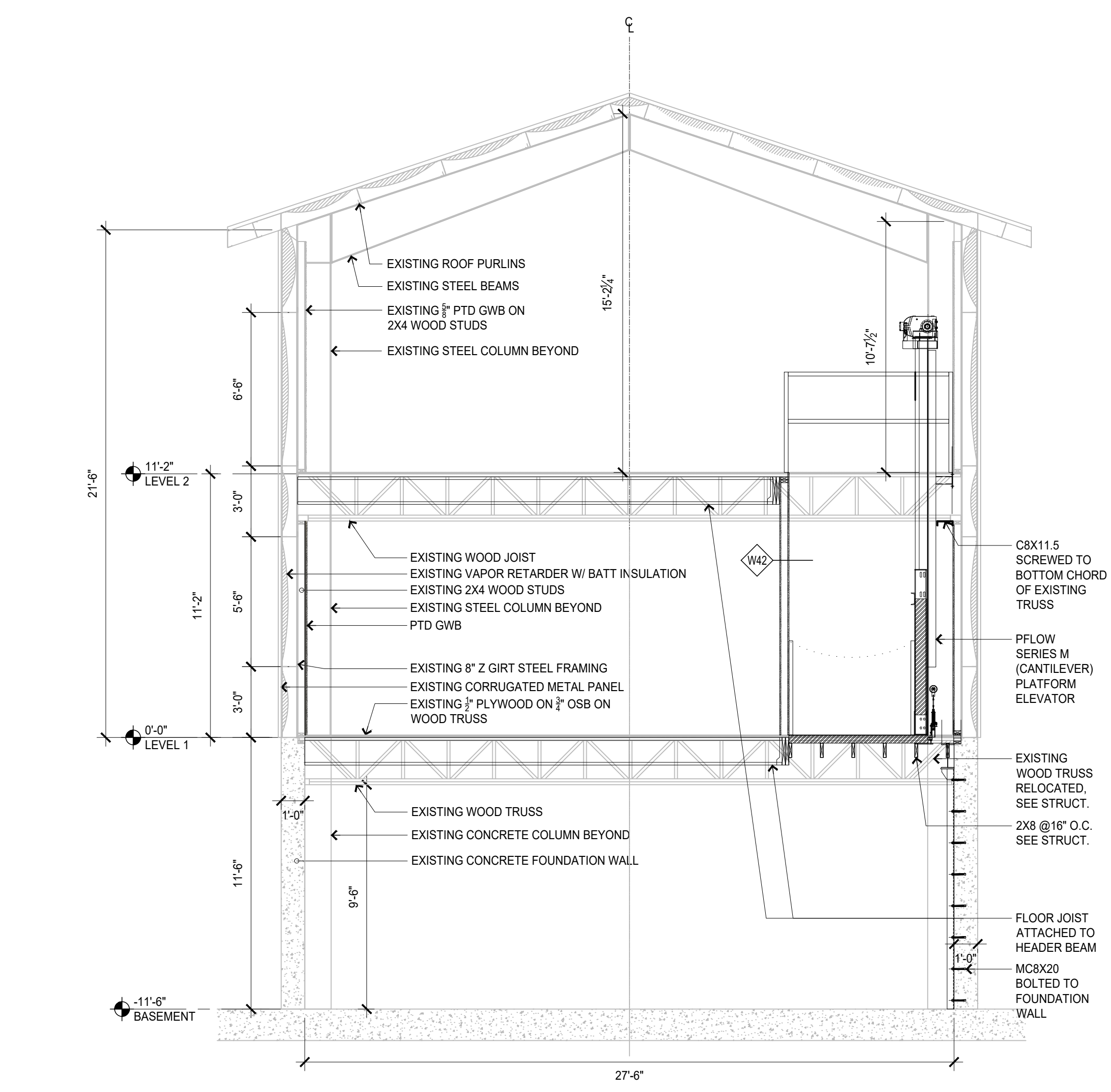
21 2ND FL. ADA WC W. ELEV.
1/4"=1'-0"



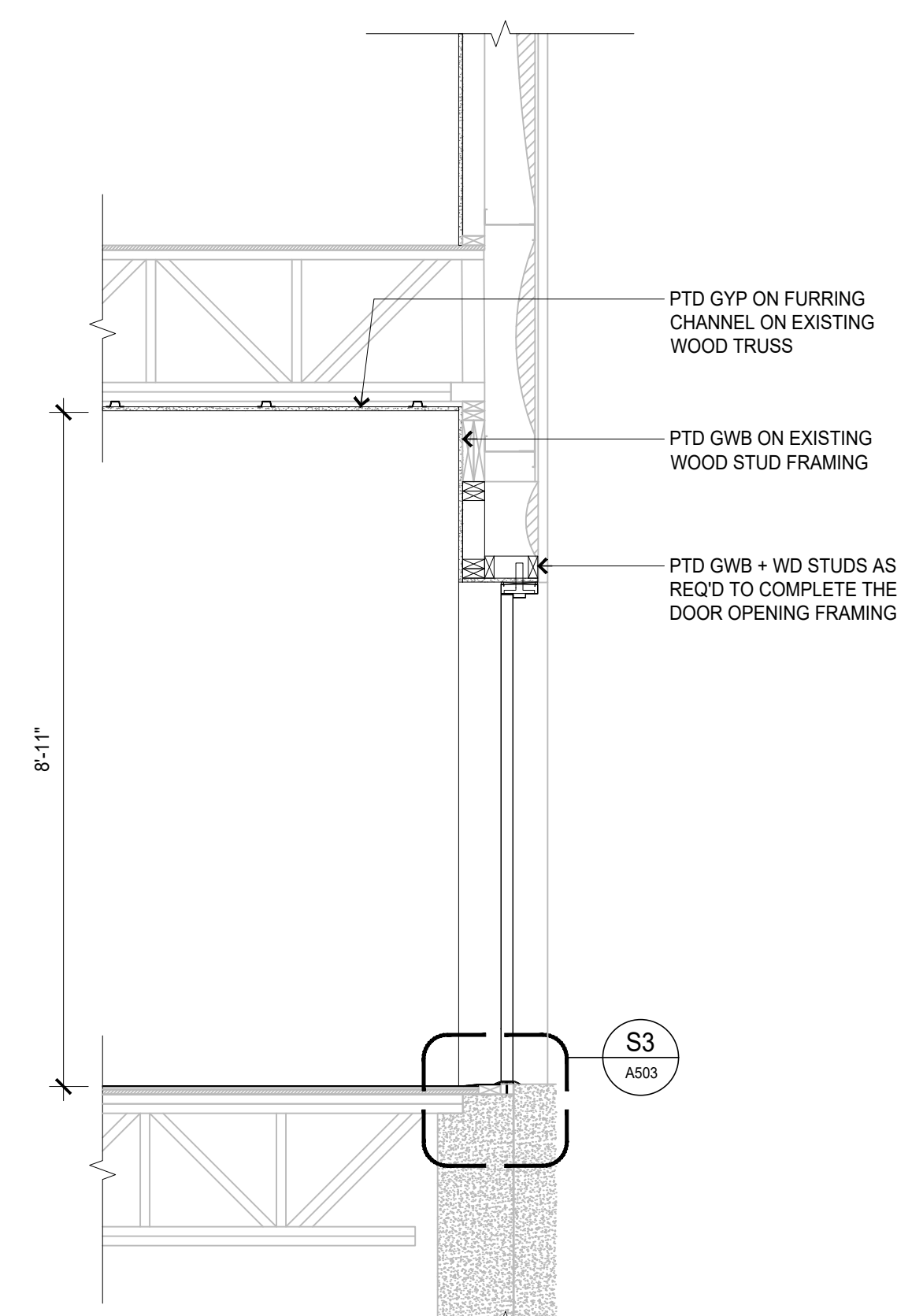
20 2ND FL. ADA WC N. ELEV.
1/4"=1'-0"



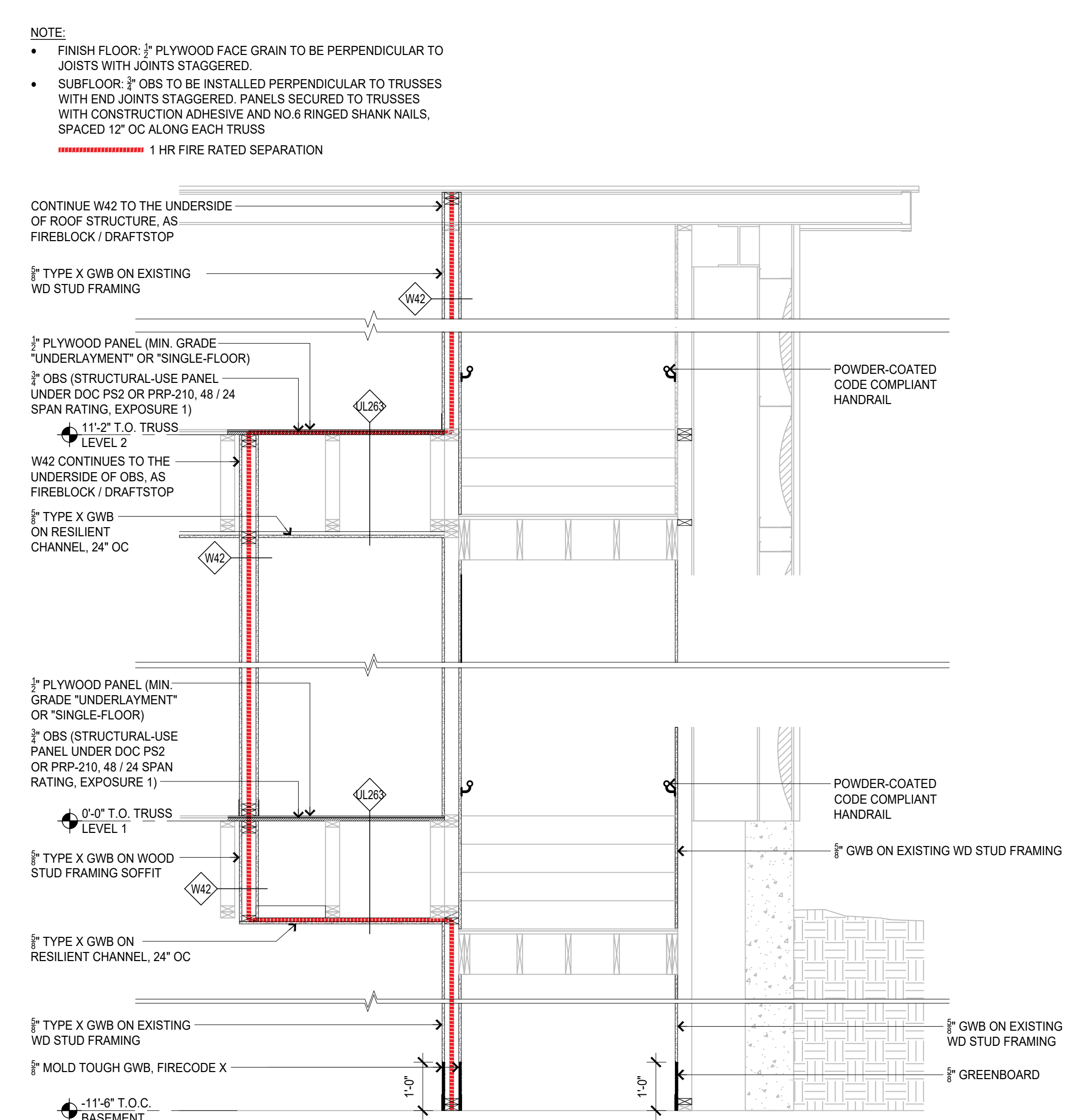
19 2ND FL. ADA WC E. ELEV.
1/4"=1'-0"



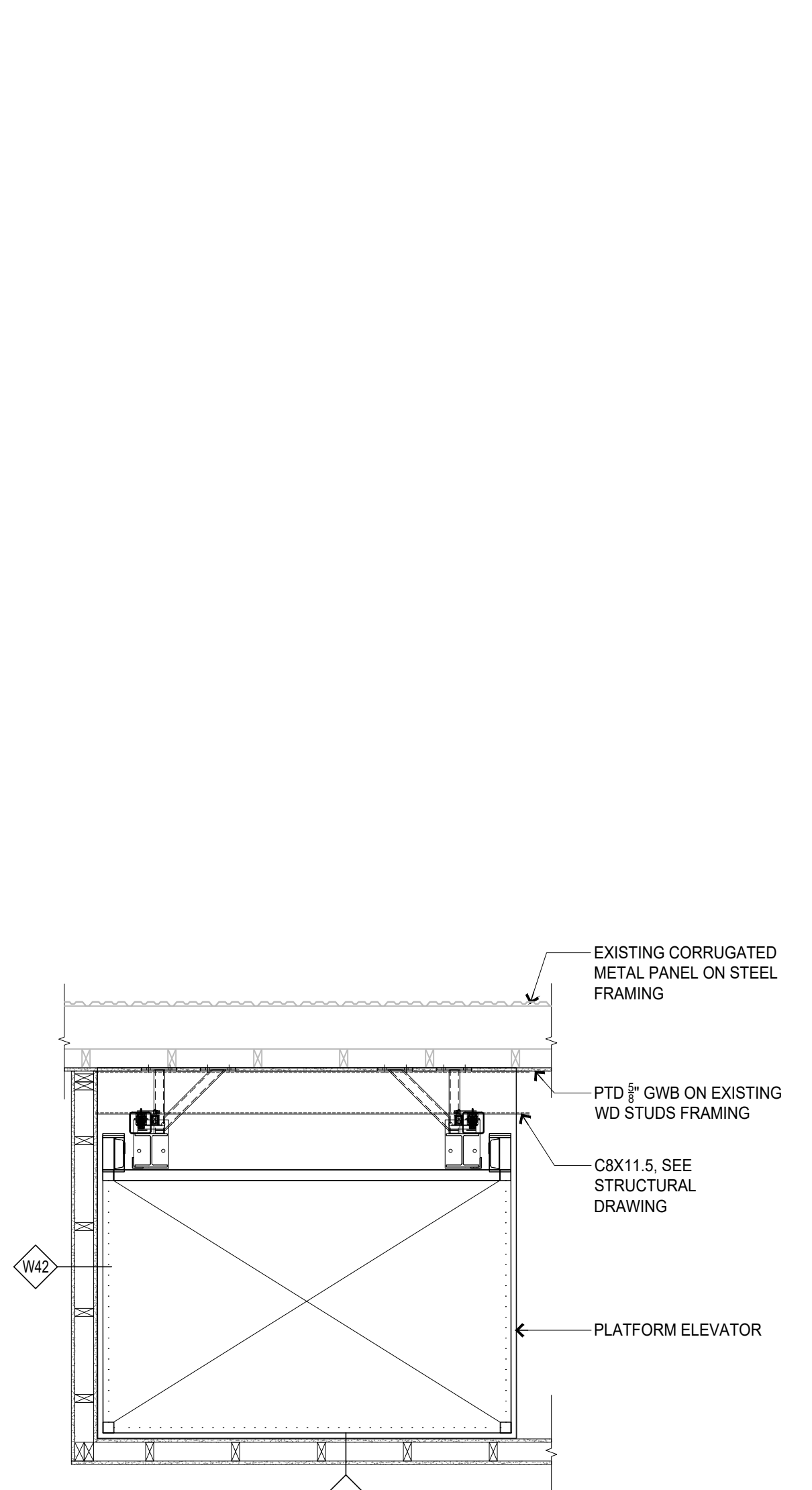
1 BUILDING SECTION
1/4"=1'-0"



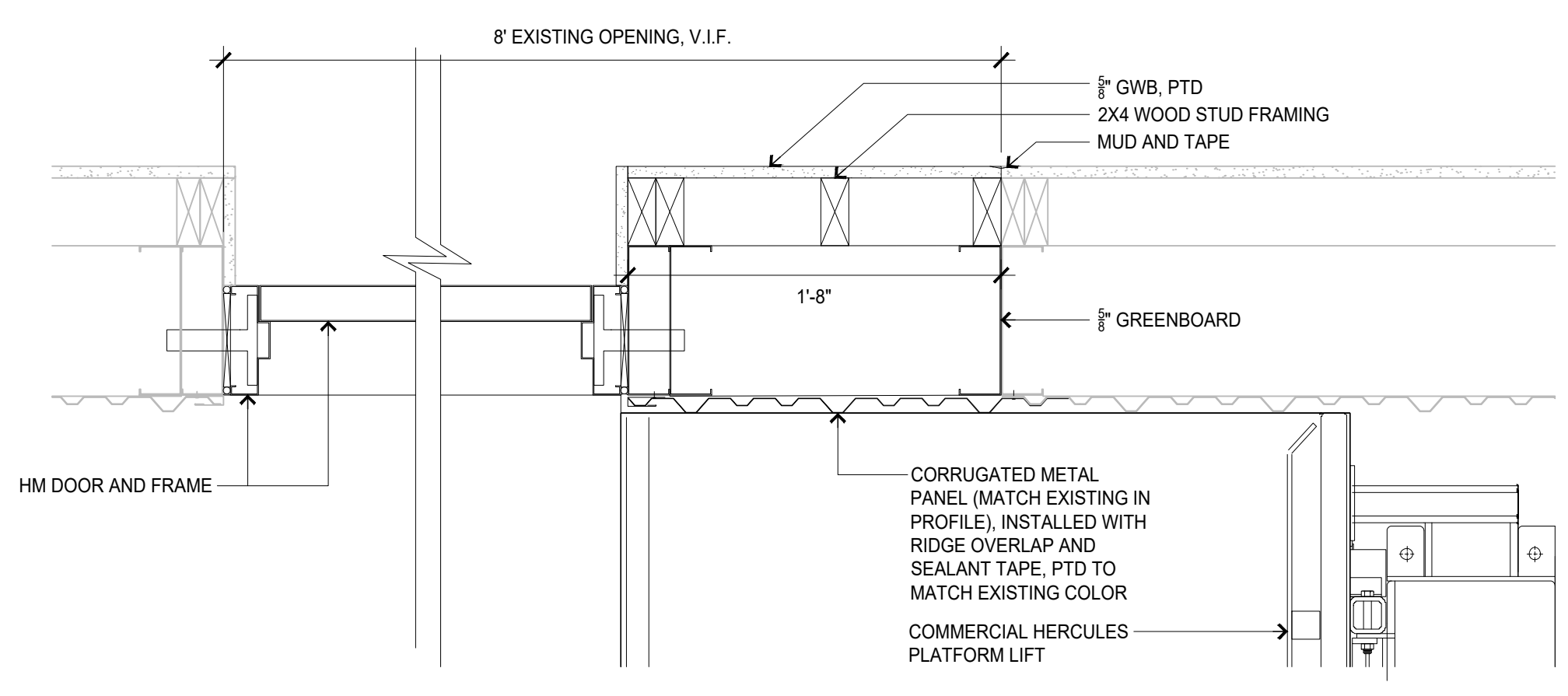
2 SECTION THRU ENTRY DOUBLE DOOR
1/2"=1'-0"



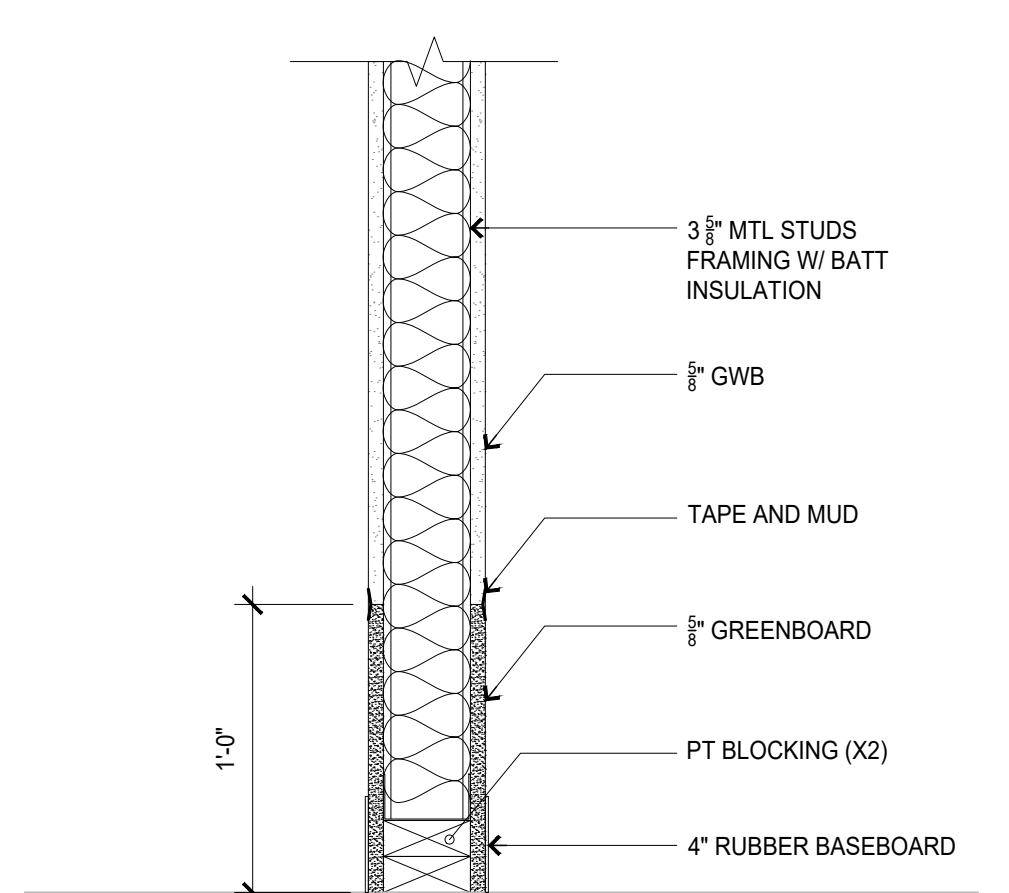
3 EAST STAIR FIRE ENCLOSURE SECTION
1/2"=1'-0"



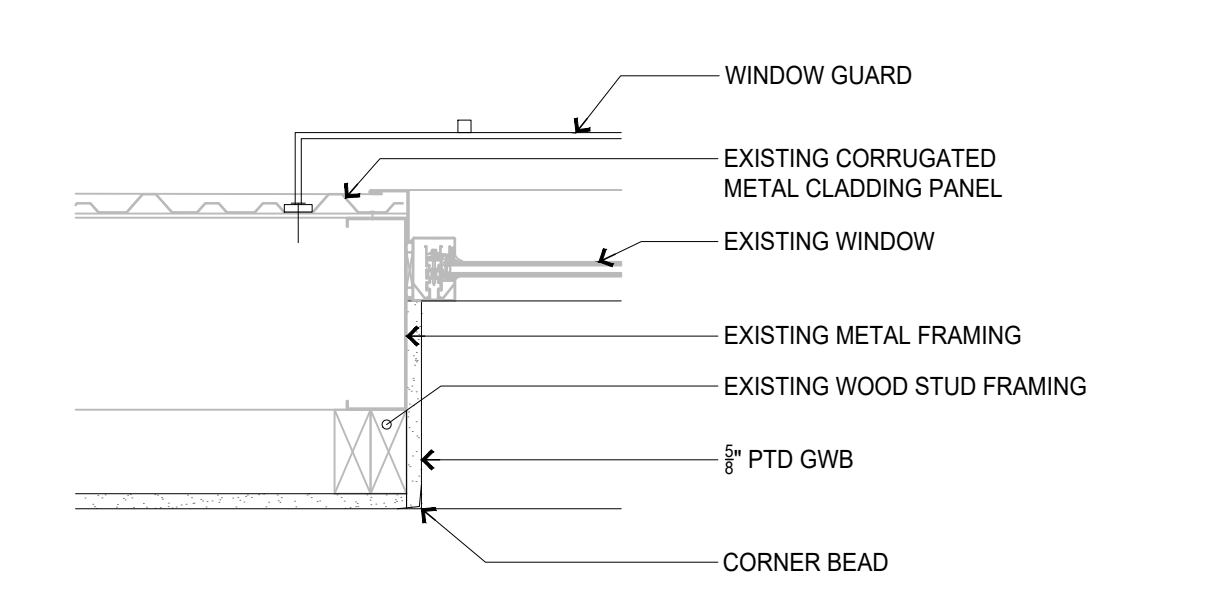
4 ELEVATOR 1ST FLOOR PLAN
1/2"=1'-0"



7 POTTING ROOM WALL INFILL AND DOOR JAMB DETAIL
1 1/2"=1'-0"



6 BASEMENT PARTITION BASE DETAIL
1 1/2"=1'-0"



5 1ST FLOOR FRONT WINDOW JAMB DETAIL
1 1/2"=1'-0"

FINISH SCHEDULE
ABBREVIATION

EXTG: EXISTING
GWB: GYPSUM WALL BOARD
GYP: GYPSUM CEILING
LNT: LINOLEUM TILE
P: PAINTED
RP: RESILIENT FLOOR PAINT
RB: RUBBER BASEBOARD
WD: WOOD

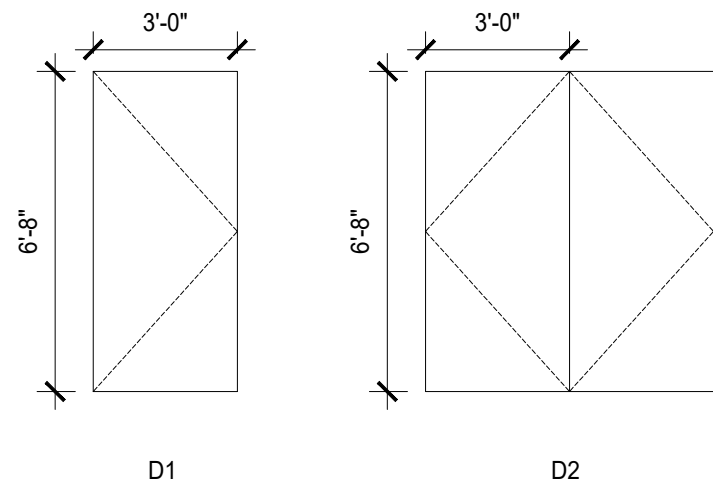
FINISH SCHEDULE
LEGEND

GYPSUM CEILING
TYPE X GYPSUM CEILING

FINISH SCHEDULE

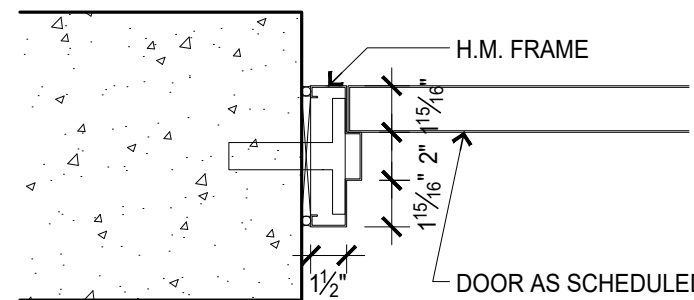
ROOM #	ROOM NAME	FLOOR	BASE				NORTH		EAST		SOUTH		WEST		CEILING		NOTES
			NORTH	EAST	SOUTH	WEST	MAT	FIN	MAT	FIN	MAT	FIN	MAT	FIN	MAT	HGT	
001	STORAGE RM	RP	-	RB	-	RB	EXTG	P	GWB	P	EXTG	P	GWB	P	EXTG	-	
002	GARAGE SPACE	EXTG	EXTG	RB	EXTG	EXTG	EXTG	P	GWB	P	EXTG	P	EXTG	P	EXTG	-	
101	LOBBY CORRIDOR	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
102	STORAGE RM	LNT	RB	RB	RB	RB	GWB	P	GWB	P	EXTG	P	GWB	P	GYP	8'-11"	REPAIR EXISTING GWB WALL AS REQ'D
103	FLEX WORKING SPACE	LNT	RB	RB	RB	RB	GWB	P	GWB	P	EXTG	P	GWB	P	GYP	8'-11"	REPAIR EXISTING GWB WALL AS REQ'D
104	WC	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
105	ADA WC	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
106	DIRECTOR'S OFFICE	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
107	POTTING RM	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
108	COOL RM	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
109	VESTIBULE	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	
110	WASHER & DRYER CLOSET	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	VARIES	
201	STORAGE RM	LNT	RB	RB	RB	RB	GWB	P	EXTG	P	EXTG	P	GWB	P	GYP	VARIES	REPAIR EXISTING GWB WALL AS REQ'D
202	STORAGE RM	LNT	RB	RB	RB	RB	GWB	P	GWB	P	EXTG	P	GWB	P	GYP	VARIES	REPAIR EXISTING GWB WALL AS REQ'D
203	ADA WC	LNT	RB	RB	RB	RB	GWB	P	GWB	P	GWB	P	GWB	P	GYP	8'-11"	

PROPOSED DOOR AND DOOR FRAME TYPES

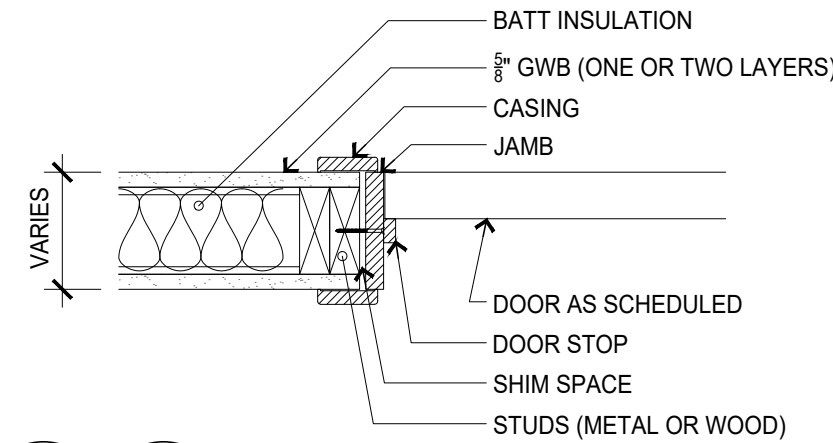


DOOR SCHEDULE

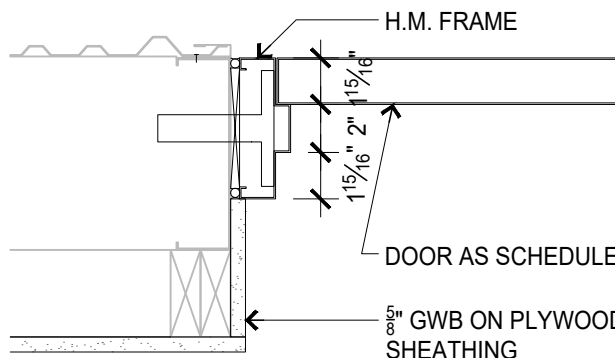
DOOR #	LOCATION	DOOR			FRAME					FIRE RATING	FIRECODE				HARDWARE			SIGNAGE		PUSH / PULL	SECURITY DEVICE	NOTES
		TYPE	SIZE	MATERIAL	TYPE	MATERIAL	HEAD	JAMB	SADDLE		PANIC RELEASE LATCH	POSITIVE LATCHING	AUTOMATIC CLOSER	E-M. HOLD OPEN	DISABLED LEVEL U -HANDLE	ACCESSIBLE THRESHOLD	INTER. SYMBOL OF ACCESSIBILITY	SIGNAGE REQUIRED	TEXT			
001	ELECTRICAL CLOSET	D1	3'-0" X 6'-8"	HM	F1	HM	H4	J4	-		●	●					●	ELECTRICAL CLOSET				
002	STORAGE RM	D1	3'-0" X 6'-8"	HM	F1	HM	H4	J4	-		●	●					●	STORAGE ROOM				
003	GARAGE SPACE	D2	6'-0" X 6'-8"	WD	F3	WD	H2	J2	-					●	●		●	GARAGE				
004	GARAGE EXTERIOR	D1 (DIM. V.I.F.)	3'-0" X 6'-8" (V.I.F.)	HM	F1 (DIM. V.I.F.)	HM	H1	J1						●	●							
101A	ENTRY DOOR 1	D1 (DIM. V.I.F.)	3'-0" X 6'-8" (V.I.F.)	HM	F1 (DIM. V.I.F.)	HM	H3	J3														
101C	ENGRESS DOOR	D1	3'-0" X 6'-8"	HM	F1	HM	H4	J4	S1		●	●		●	●							
101B	ENTRY DOUBLE DOOR	D2	3'-0" X 6'-8" (V.I.F.)	HM	F4	HM	H3	J3	S3					●	●							
102A	STORAGE RM	D2	6'-0" X 6'-8"	WD	F3	WD	H2	J2	S1					●	●		●	STORAGE ROOM				
102B	STORAGE RM	D2	6'-0" X 6'-8"	WD	F3	WD	H2	J2	S1					●	●		●	STORAGE ROOM				
103A	FLEX WORKING RM	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●		●	FLEX WORKING SPACE				
104	WC	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1								●	WC				
105	ADA WC	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●		●	ADA WC				
106	DIRECTOR OFFICE	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●		●	HURICULTURE DIRECTOR'S OFFICE				
107A	POTTING RM	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●		●	POTTING ROOM				
107B	POTTING RM	D2	6'-0" X 6'-8"	HM	F4	HM	7/A401	7/A401 (SIM)	S2					●	●							
108	COOL RM	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●		●	COOL ROOM				
109A	VESTIBULE	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●	●							
109B	ENTRY DOOR 3	D1 (DIM. V.I.F.)	2'-8" X 6'-8" (V.I.F.)	HM	F1 (DIM. V.I.F.)	HM	H3	J3														
110	WASHER & DRYER CLOSET	D1	3'-0" X 6'-8"	HM	F1	HM	H4	J4	S1		●	●					●	WASHER AND DRYER CLOSET				
201	ENGRESS DOOR	D1	3'-0" X 6'-8"	HM	F1	HM	H4	J4	S1		●	●		●								
202	STORAGE RM	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●			●	MEETING ROOM				
203	STORAGE RM	D2	6'-0" X 6'-8"	WD	F3	WD	H2	J2	S1					●			●	STORAGE ROOM				
204	ADA WC	D1	3'-0" X 6'-8"	WD	F2	WD	H2	J2	S1					●			●	ADA WC				



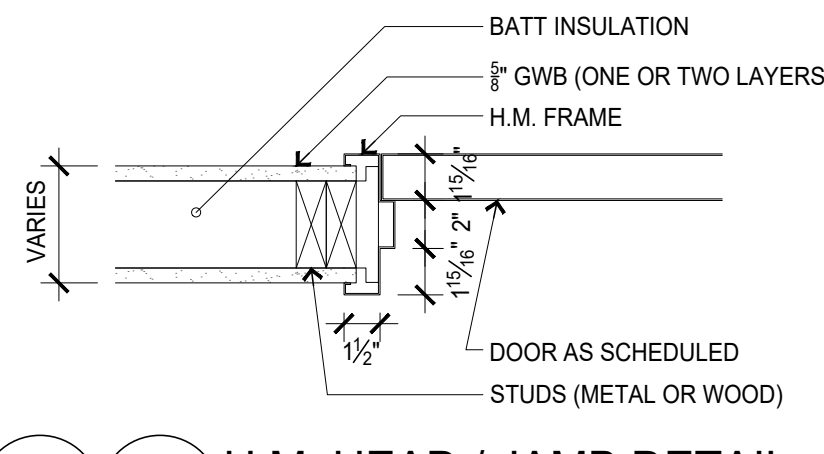
J1 H1 H.M. HEAD / JAMB DETAIL
1 1/2" x 1'-0"



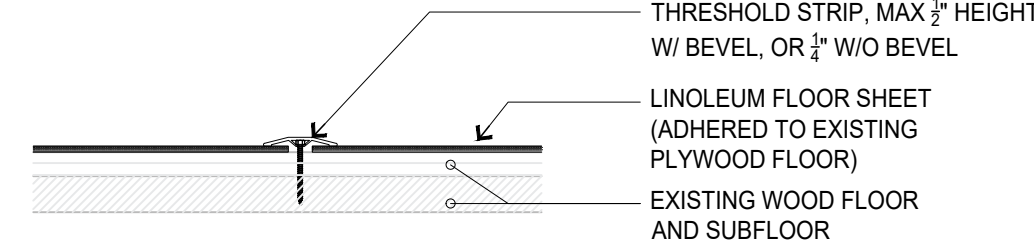
J2 H2 WOOD HEAD / JAMB DETAIL
1 1/2" x 1'-0"



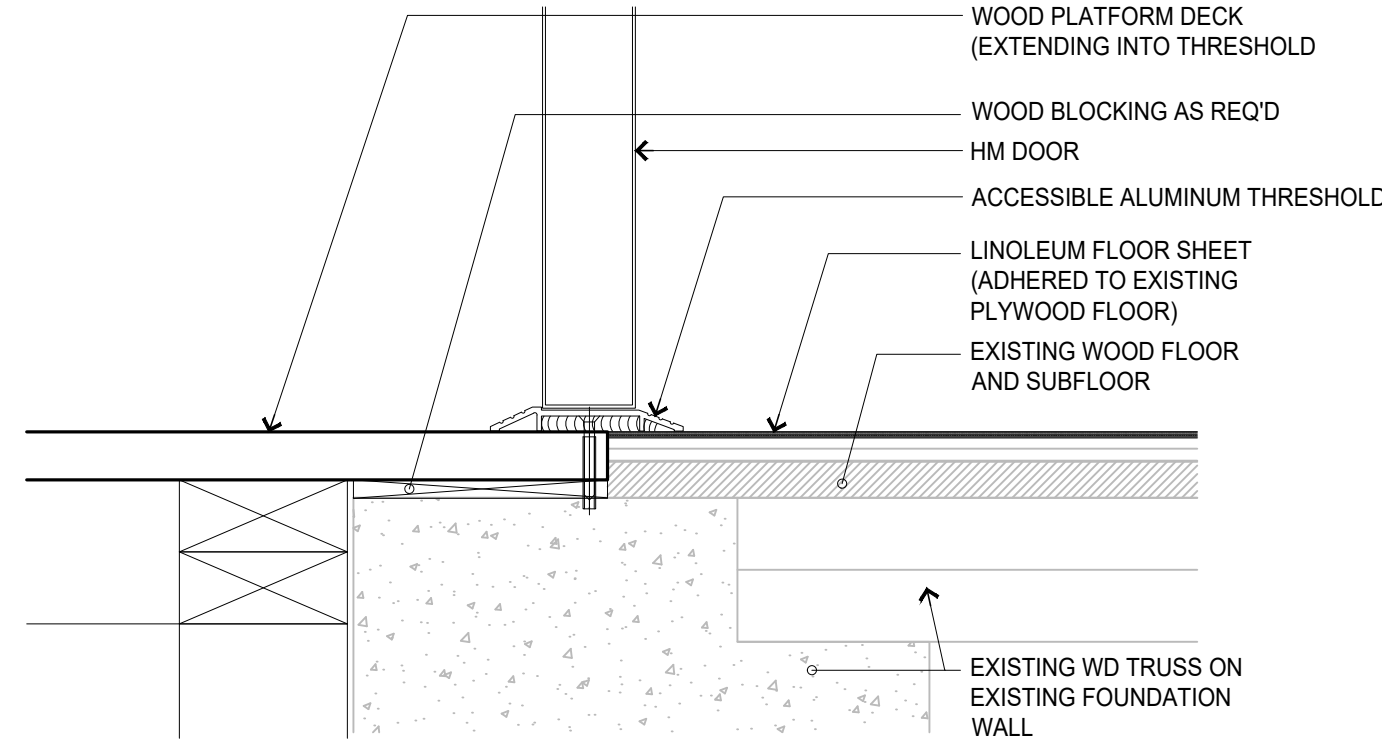
J3 H3 H.M. HEAD / JAMB DETAIL
1 1/2" x 1'-0"



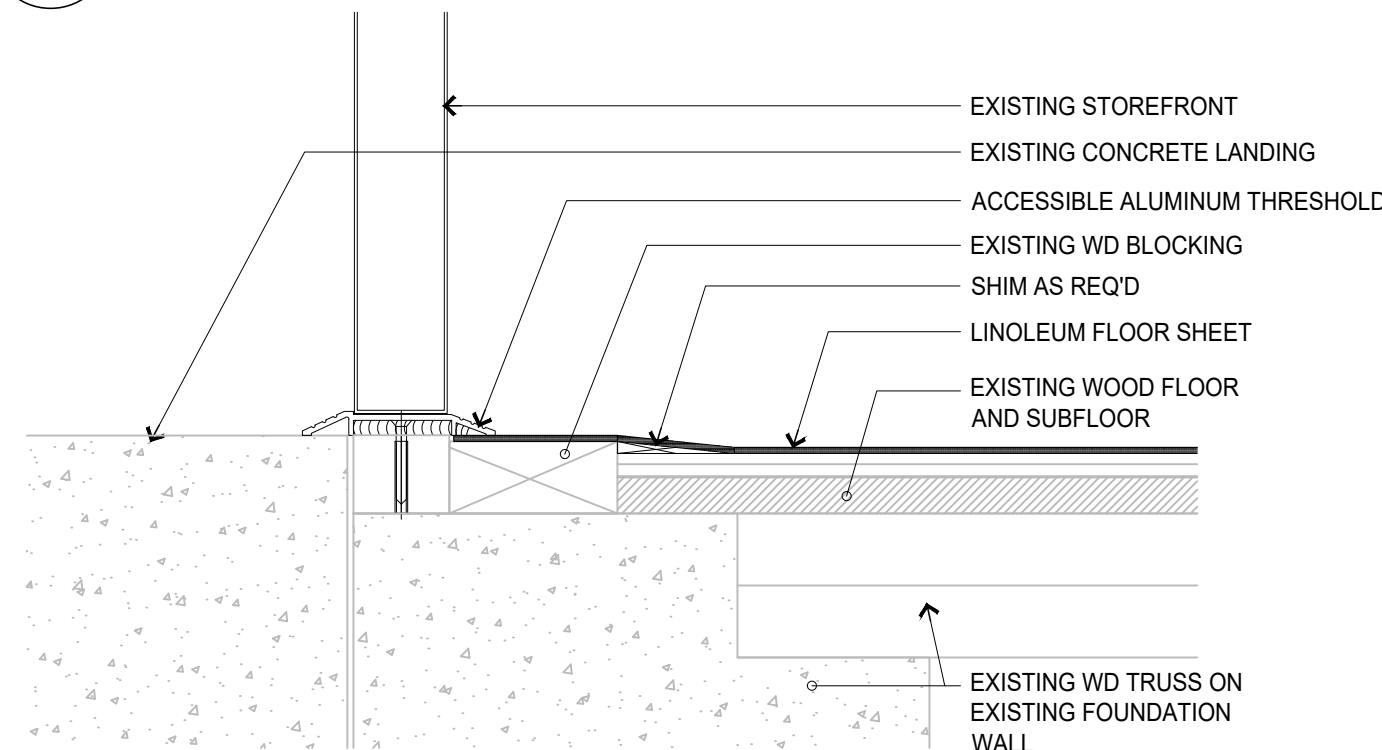
J4 H4 H.M. HEAD / JAMB DETAIL
1 1/2" x 1'-0"



S1 LNT FLOOR THRESHOLD DETAIL
3" x 1'-0"



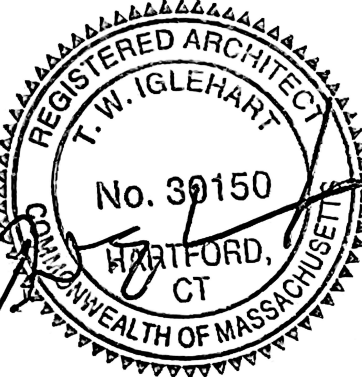
S2 ACCESSIBLE THRESHOLD @ POTTING RM
3" x 1'-0"



S3 ACCESSIBLE THRESHOLD @ 101B
3" x 1'-0"

TSKP
ikd
9 Olive Square,
Somerville, MA 02143
617.587.0175

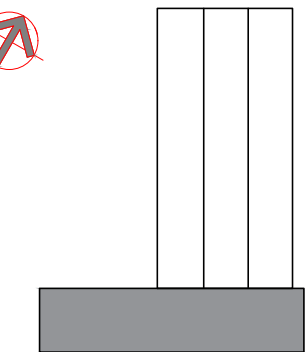
ARCHITECTURE | PLANNING | INTERIORS



HINGHAM GREENHOUSE AND STORAGE
266 Whiting St.,
Hingham, MA 02043

KEY PLAN

N



DRAWING TITLE

FINISH SCHEDULE
DOOR SCHEDULE

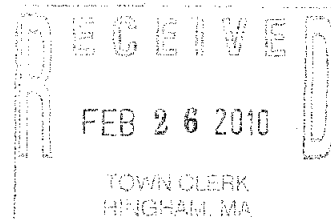
STATE PROJ. NO. STATE PROJ. #
PROJECT NO. TSKP PROJ. #
SCALE AS STATED
DATE: 06/23/2026
DRAWN BY: -
APPROVED BY: -

ISSUE DATES		
NO.	DATE	PURPOSE

A501

Tower Resource Management
 James George
 30 Lyman St #12
 Westborough MA
 01581

mail



Bk: 38347Pg: 221 Page: 1 of 9
 Recorded: 03/23/2010 09:47 AM

NOTICE OF DECISION

You are hereby notified that the Board of Appeals has rendered a decision on the application for

_____ an Appeal
 _____ a Special Permit A1
 X a Special Permit A2 (Site Plan Review)
 _____ a Variance
 _____ a Modification

ATTEST: *John R. Buckley Jr.*
 REGISTER,
 PLYMOUTH COUNTY REGISTRY OF DEEDS

filed by

T-MOBILE NORTHEAST LLC

for relief to construct a 130' Wireless Communications Facility, consisting of the installation of a Unipole (a monopole with interior antennas), on a portion of the land at **Penniman Hill Farms** located at **266 WHITING STREET**

_____ granting
 X granting upon conditions
 _____ denying the relief or other action sought.

The decision is a public document, and may be obtained at the Board of Appeals office, Town Hall, 210 Central Street, Hingham.

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of the General Laws, as inserted by Chapter 808 of the Acts of 1975 and as the same may be amended, and shall be filed within twenty days after the date of filing of the decision in the office of the Town Clerk, which said filing was made on **February 26, 2010.**

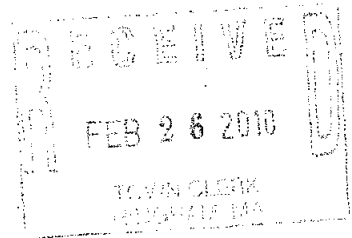
W. God McGrath (kmc)
 Clerk, Board of Appeals

A TRUE COPY
 ATTEST:

February 26, 2010

Tileen A. McCracken
 TOWN CLERK (Date of this Notice)





IN THE MATTER OF:

Applicant: T-Mobile Northeast LLC
c/o Parisi Law Associates, P.C.
202 Broadway
Providence, RI 02903

Property Owner: Penniman Hill Farm Inc.

Premises: 266 Whiting Street
Hingham, MA 02043

Title Reference: Plymouth County Registry of Deeds, Book 22150, Page 293

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals on the application of T-Mobile Northeast LLC (the "Applicant"), c/o Parisi Law Associates, P.C., 202 Broadway, Providence, RI, for a Special Permit A2 under §V-E, use Variances from §III-F and §V-E (4), along with a Variance and/or waiver from §V-E (7. c.) and/or a height Variance from §IV-A of the Zoning By-Law and such other relief as necessary to construct a 130' Wireless Communications Facility, consisting of the installation of a Unipole (a monopole with interior antennas), on a portion of the land at Penniman Hill Farms located at 266 Whiting Street (the "Property"), in Residence District C.

Public Hearings were duly noticed and held before the Board of Appeals at the Hingham Town Hall commencing on August 20, 2009, with continuations thereafter on October 1, 2009, October 29, 2009, December 10, 2009 and December 21, 2009 before a panel consisting of regular members Joseph M. Fisher, Chairman, Joseph W. Freeman and W. Tod McGrath.

Attorney Francis D. Parisi of Parisi Law Associates, P.C, represented the Applicant. Accompanying Mr. Parisi was Don Nguyen, T-Mobile's Radio Frequency Engineer with responsibilities assigned by T-Mobile for radio/personal communication service network design in Massachusetts.

In accordance with the provisions of the Zoning By-Law the Board of Appeals requested an independent review of the Applicant's proposal and related technical data. The Board obtained an independent review from David Maxson, a Municipal Wireless Consultant and Managing Partner of Broadcast Signal Lab, LLP, 503 Main Street, Medfield, MA 02052. Mr. Maxson has managed, leased, and built towers and holds a Massachusetts Contractor's License. Broadcast Signal Lab, LLP provides wireless technology consulting services to municipalities considering wireless facility applications.

By its Decision filed as of December 24, 2009 (the "Phase I Decision"), the Board of Appeals granted, with conditions, the use Variance aspect of the zoning relief sought. This request (the

W. Tod McGrath
TOWN CLERK



Phase II Decision”) addresses the Special Permit A2, with Site Plan Review to be conducted by the Planning Board, which was conducted at a joint public hearing held on December 21, 2009. Planning Board members present were Judy Sneath, Paul Healey, Susan Murphy, Sarah Corey and Gary Tondorf-Dick.

BACKGROUND

The Property consists of approximately 9 acres of land and according to Town records it appears that it has operated as a pre-existing non-conforming use for many years as the use of the property has been primarily agricultural in nature. The Applicant is proposing to lease a portion of the land and construct a 784 sq.ft. compound that will be secured by a six foot (6') chain link fence with barbed wire. Inside the compound will be a one hundred thirty foot (130') “unipole” (a monopole tower with internal antennas), including foundation, base plate and anchor bolts. According to the Applicant’s proposal, inside the unipole at a height of approximately one hundred twenty-seven feet (127') to the center line will be three (3) panel antennas, and another three (3) antennas will be placed approximately one hundred seventeen feet (117'). A total of three (3) base transmission cabinets are proposed to be placed on a concrete pad at the base of the unipole inside the compound.

DISCUSSION

As noted in the Phase I Decision, during the initial hearing held on August 20, 2009 the Applicant gave testimony concerning its need to enhance service coverage in the southern portion of Hingham in and around Routes 3 and 53, Cushing Street, Gardner Street and Ward Street, all as depicted on the coverage maps presented by the Applicant. The Board and the Applicant agreed that a review of the impact of the height of the proposed tower should be conducted in accordance with Section V-E, 7 of the Zoning By-Law. A crane test was duly noticed and held on September 12, 2009. All members of the Board viewed the test on-site and photographs of the crane test were submitted to the Board shortly thereafter.

The Applicant represented that all of its proposed wireless communications equipment would be installed, erected, maintained and operated in compliance with all applicable Federal, State and local regulations. The Board accepted the Applicant’s representation that it has a FCC license to operate a digital personal communications service wireless network and that it provides wireless service to customers through a network of antennae mounted on towers or other structures, referred to as wireless facilities, that broadcast signals between towers and to customers’ wireless phones and devices.

The Board required the Applicant to demonstrate whether a significant gap in coverage exists within its network. In assessing whether the coverage gap is significant, the Board considered the physical size of the gap, the area in which there is a gap, and the number of users the gap affects. The Board examined data about percentages of unsuccessful calls or inadequate service during calls in the gap area. During the hearings the Applicant demonstrated that its need for coverage around the proposed site is significant.

The Town’s consultants also evaluated the possibility of a DAS as an alternative to the Applicant’s proposed tower, with particular attention to whether a DAS would provide telecommunication service as adequately as the Applicant’s proposed facility. The Applicant’s

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Tileen J. McCracken
TOWN CLERK

technical expert exchanged technical information and the capabilities and limitations of existing and available equipment with the Town's consultant. After review the Town's consultant concluded that while a DAS may be a viable option in the future, and perhaps particularly for smaller "gaps" in signal coverage area, the current capabilities and limitations of DAS did not qualify DAS as reasonable alternative to the Applicant's proposal. The Town's consultant, as well as the Applicant's expert, recognized that in certain settings a DAS might be an acceptable alternative, and that with continuing evolution and improvements in the DAS equipment, the DAS may be suitable for future use in any remaining areas of "gaps" in signal coverage.

The Town's consultant reviewed the Applicant's various maps, based upon computer models, which illustrate the estimated improvement in signal strength coverage, and the elimination of "gaps", at alternative locations and various antennae heights of 100 feet, 130 feet, and 150 feet. Also, the consultant assisted the Board in considering the benefits and detriments of alternative designs; "unipole" design with interior mounted antennae, and "monopole" with exterior flush-mounted antennae, were reviewed and discussed. The Town's consultant acknowledged that the information submitted by the Applicant confirmed that there is a realistic need for additional wireless communications facilities in order to remedy the "gaps" in coverage, especially with reference to the Whiting Street/Cushing Street area.

Several abutters and nearby residents attended the hearings and expressed their concerns and objections to the construction of the proposed pole, and concerns with respect to its height and visibility. Concerns were also raised with regard to the potential for future proliferation of poles on the Property or nearby to fill in remaining "gaps" and/or to provide additional telecommunication capacity in the event that the proposed facilities capabilities become overtaxed. The public was reminded of the constraints imposed upon the Board of Appeals by the provisions of the TCA.

The Planning Board members reviewed the project's compliance with the Site Plan Criteria as defined in Section I-I (6) of the Zoning By-Law and voted to approve the Site Plan as presented, subject to the conditions set forth by Board of Appeals in this Phase II Decision. The Hingham Planning Board Site Plan Review dated January 22, 2010 is included in this decision as Exhibit A.

FINDINGS:

Based upon all of the information presented the Board of Appeals makes the following findings:

1. Due to the inadequacies of existing signal strength coverage and "gaps", especially along the Whiting Street/Cushing Street area targeted by the Applicant's proposal, there is a real and legitimate need for an additional telecommunication facility at or near the area as proposed by the Applicant;
2. A DAS would not provide a reasonable alternative method of providing signal coverage because of current limitations with DAS equipment and incompatibility with the Applicant's systems as described at the hearings;
3. A DAS would not adequately address the Town's municipal communication needs at this time;
4. The Applicant's proposed telecommunications systems is consistent with the provisions for the issuance of a Special Permit under the Zoning By-Law provisions for

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ATTEST:
Eileen D. McCracken
TOWN CLERK

- telecommunications facilities, and the proposed site is appropriate for the facility; and
5. The needs of the Applicant as well as the Town's public safety equipment can be adequately met by a pole with a height of 130 feet (with the Town's equipment to be placed above the 130 foot mark). Accordingly, the Board of Appeals grants a waiver from the 100 foot height limitation.

RULINGS AND DECISION

At the conclusion of the public hearing the Board of Appeals voted to GRANT the Special Permit A2 for the use of this location as the site of a Wireless Communications Facility subject to the following conditions:

1. The Wireless Communications Facility (a unipole) is to be constructed in substantial accordance with the plans presented (prepared by T-Mobile Northeast, LLC, 15 Commerce Way, Norton, MA, revised through September 30, 2009 stamped by Paul L. Mucci, Civil RPE and Kevin Blake, PLS) and the representations made at the public hearing.
2. The height of the unipole shall not exceed 130 feet. The Board grants a waiver from §V-E (7. c.) of the Zoning By-Law for the 130 foot height to allow for co-location which will reduce the need for other facilities, which includes the Town's public safety equipment to be mounted above the 130 feet.
3. The Applicant shall provide the space and install, at the Applicant's own cost, the Town's public safety equipment, including a 10' x 10' equipment cabinet, provided that the Town supplies the equipment to the Applicant at the time of the unipole's installation.
4. If the Applicant receives requests from other licensed wireless communication providers to co-locate equipment or systems at the unipole, the Applicant shall promptly provide written notice to the Building Commissioner of such requests and allow such providers to co-locate at commercially reasonable rates and locations on the unipole, provided that all co-locations must be consistent with the terms of this Special Permit A2 and no co-locating provider may claim priority over the Applicant (without the Applicant's consent) for use or position on the unipole.
5. A unipole shall not be erected nearer to any property line than a distance equal to the vertical height of the unipole measured at the mean finished grade of the unipole base as shown on the plans revised through September 30, 2009.
6. Existing on-site vegetation shall be preserved to the maximum extent possible.
7. The unipole shall be painted white and maintained in good condition and no lights are to be installed on the structure.
8. No flag shall be installed on the structure without the written permission of the Building Commissioner.
9. A 6-foot high chain link fence with barbed wire top is to be placed around the equipment cabinets as shown on plans as revised through September 30, 2009.
10. All network interconnections from the unipole shall be via land lines, with no visible additional antennas to be installed.
11. The area surrounding the unipole and accessory equipment cabinets shall be completely secure from trespass or vandalism. A sign not larger than one square foot

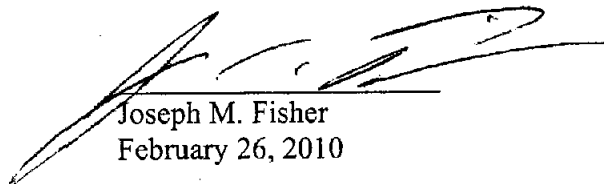
**A TRUE COPY
ATTEST:**

Ellen A. McCracken
TOWN CLERK

- shall be posted adjacent to the entry gate indicating the name of the Facility's owner and a 24-hour emergency telephone number.
12. The unipole or parts thereof which have not been used for two years shall be dismantled and removed at the owner's expense. In order to secure performance of this action the Board requires the Applicant/Owner to secure a bond or other form of security in order to complete the dismantling and removal. Prior to the issuance of the building permit for the unipole the Applicant/Owner shall submit a letter to the Building Official stating the cost of removal; such letter may be updated from time to time to include the cost of inflation.
 13. No commercial signage or advertising may be affixed to the unipole, surrounding fence or equipment cabinets.
 14. This permit shall expire five years from the date of issuance. Prior to expiration the Applicant may apply for successive five-year renewals, subject to the public hearing process. In determining whether the Special Permit shall be renewed, the Board shall take into consideration whether there then exists any structures and/or technology available to the Applicant which would enable the Applicant to provide functionally-equivalent services in a less intrusive manner.
 15. Nothing herein shall be construed as modifying the terms of the Board's Phase I Decision filed as of December 24, 2009.

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.

For the Board of Appeals,



Joseph M. Fisher
February 26, 2010

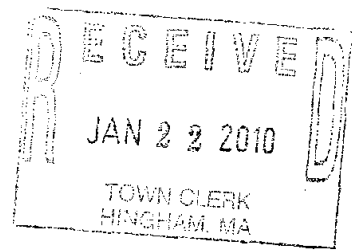
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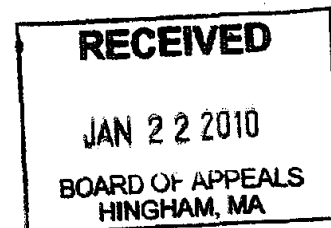
EXHIBIT A

TOWN OF HINGHAM

PLANNING BOARD



HINGHAM PLANNING BOARD SITE PLAN REVIEW



Applicant: T-Mobile Northeast LLC

Property Owner: Penniman Hills Farm

Premises: 266 Whiting Street
Hingham, MA 02043

Date: January 7, 2010

Summary of Proceedings

In accordance with Section I-G of the Zoning By-law, the Hingham Planning Board conducted Site Plan Review relative to the application of T Mobile Northeast LLC ("the Applicant") for a Special Permit A2 under Section V-E of the Hingham Zoning By-Law for a Wireless Communication Facility to be located on a small portion of the land at 266 Whiting Street.

The application for Site Plan Review was filed at the Planning Board on December 11, 2009. Site Plan Review hearings on this matter were duly noted and held at a joint meeting of the Planning Board and Zoning Board of Appeals on December 21 at Hingham Town Hall at 210 Central Street, Hingham. The public hearing and deliberations were conducted by Planning Board members Judy Sneath, Paul Healey, Susan Murphy, Sarah Corey and Gary Tondorf-Dick.

Background and Findings

ZBA Chairman Joseph Fisher explained that his Board had recently voted, after a lengthy hearing process, to issue a use variance to allow the placement of the Wireless Communication Facility in the Residence C District. Mr. Fisher noted that the project did not meet the statutory criteria for a variance as spelled out in MGL 40A such as lot shape, etc, but that in accordance with Federal Communication Commission (F.C.C) rules the use *must* be permitted if the applicant can demonstrate a gap in cellular coverage. The Hingham Zoning-By Law also requires that anyone proposing to develop a personal wireless facility also thoroughly examine the possibility of developing a DAS (Distributed Antenna Service) as an alternative to a traditional cell tower. In the course of the variance hearing the applicant satisfied the ZBA that 1) there was a gap in coverage and 2) that a DAS network was not a feasible alternative to a tower, and thus the variance was granted.

At this hearing the Applicant came before the ZBA and Planning Board to request a Special Permit A2 with Site Plan Review for the proposed Wireless Service Facility.

Page 1

T-Mobile Northeast LLC

1/7/10 210 Central Street, Hingham, MA 02043-2759 • Telephone (781) 741-1419 • Fax (781) 741-0239
www.hingham-ma.com • email: lacyk@hingham-ma.com

A TRUE COPY
ATTEST:

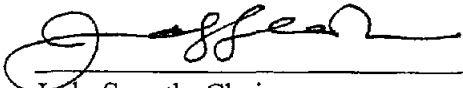
Elizabeth McCracken
TOWN CLERK

for the Applicant, explained that T Mobile is leasing approximately 728 square feet of land at Penniman Hills Farm, 266 Whiting Street. The facility itself will be located within a 28' by 28' compound that will be secured by a fence. Inside the compound will be a 130' "unipole" (a monopole tower with interior antennas) including foundation, base plate, and anchor bolts. Inside the unipole, at a height of approximately 127 feet, there will be three panel antennas, and another three panel antennas will be placed at approximately 117 feet. The compound will be located to the south of the eastern-most greenhouse, with access for service vehicles via Whiting Street.

The Planning Board reviewed the project's compliance with the criteria set forth in Section V-E (7) of the Hingham Zoning By-Law, and determined that, with the conditions suggested by the Zoning Board of Appeals (to be included in the Special Permit Decision) that the project conforms with all of the specific criteria established by the By-Law for such facilities. The Planning Board also determined that the project complied with traditional Site Plan Criteria as set forth in Section I-I (7) of the Zoning By-Law.

Vote

It was moved, seconded and SO VOTED by all members present to approve the Site Plan for the Wireless Service Facility proposed for 266 Whiting Street by T-Mobile Northeast LLC.



Judy Sneath, Chairman
Hingham Planning Board

**A TRUE COPY
ATTEST:**
Eileen A. McCracken
TOWN CLERK

TOWN OF HINGHAM

OFFICE OF TOWN CLERK

EILEEN A. McCracken
TOWN CLERK



RE: T-MOBILE NORTHEAST LLC
266 Whiting Street
Hingham, MA 02043

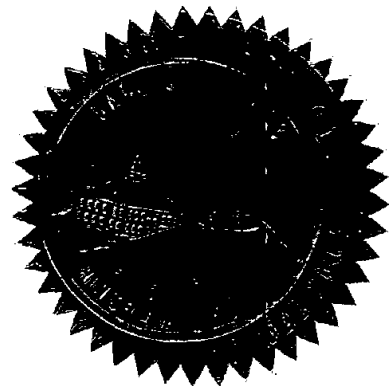
I, Eileen A. McCracken, Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals filed with this office on February 26, 2010.

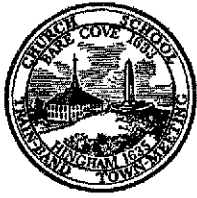
No notice of appeal therefrom was filed with this office within the twenty days next following the date of the filing of this decision, or if such an appeal has been filed, it has been dismissed.

Witness my hand and the seal of the Town of Hingham, this 23rd day of March, 2010.

ATTEST

Eileen A. McCracken
Town Clerk of Hingham





TOWN OF HINGHAM

Board of Appeals

RECEIVED

SEP 30 2025

TOWN CLERK
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant: PTI US Towers II, LLC
999 Yamato Road, Suite 100
Boca Raton, Florida

Owner: Isabella Stewart Gardner Museum, Inc.
25 Evans Way
Boston, MA 02115

Property: 266 Whiting Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 58617, Page 335
Plymouth County Registry of Deeds, Book 58803, Page 239

Plan and Document References:

Prior Zoning Board of Appeals Decisions dated December 24, 2009 and February 26, 2010 (10 Sheets);
ALTA/NSPS Land Title Survey, Prepared by Pro Terra Design Group, LLC, dated Jun 27, 2025 (1 Sheet);
Assignment and Assumption of Ground Lease, dated February 15, 2018 (7 Sheets);
Affidavit of Radio Frequency Engineer, dated May 30, 2025 (10 Sheets);
Tower Mapping Report, prepared by Hightower Solutions, 15225 Hwy 36 Suite 1, Bennington, NE 68007-5163, dated August 13, 2024 (62 Sheets);
Structural Analysis Report prepared by Ronald E. Glover, P.O., S.E. of Tower Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603, dated June 13, 2024 (24 Sheets);
Environmental Sound Assessment, prepared by Modeling Specialties, 30 Maple Road, Westford, MA 01886, dated May 22, 2025 (7 sheets); and
Calculated Radio Frequency Emissions Report, prepared by C Squared Systems, LLC, 65 Dartmouth Drive, Auburn, NH 03032, dated May 29, 2024 (12 sheets).

*** Electronic Recording ***

Doc#: 00070375

Bk: 60466 Pg: 28 Page: 1 of 7

Recorded: 10/23/2025 04:00 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of PTI US Towers II, LLC (the "Applicant") for a Special Permit A2 under Section V-E of the Zoning By-Law (the "By-Law"), and such other relief as necessary, for the continued operation and maintenance of the existing 130' Wireless Communications Facility at 266 Whiting Street, located in Residence District C.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, September 16, 2025, during a meeting held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board of Appeals panel consisted of Robyn S. Maguire, Chair, and Paul K. Healey and Jed Ruccio, Regular Members. The Applicant's representative, Brian Grossman, Esq. of Strang, Scott and Giroux, LLP, made the presentation of this application. At the conclusion of the application review, the Board voted unanimously to grant the requested Special Permit A2 with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, all as made or received at the public hearing.

BACKGROUND

The subject property consists of over six acres of land improved by a 7,000 SF building, a permitted greenhouse agricultural use and a Cellular Tower originally permitted in 2010.

The Applicant submitted an application for a new Special Permit A2 for the existing unipole located on the site. As previously required under §V-E, 7.1, Special Permits issued under this provision of the Zoning By-Law automatically expires five years from the date of the issuance of the permit and required renewal. The previous owner of the property did not seek renewal and thus the permit expired in 2015.

In 2025, Article 45 of the Annual Town Meeting Warrant struck §V-E, 7.1. The new owners of the property submitted an application for a Building Permit and were advised that their Special Permit had lapsed prior to the zoning change; to address this, they filed this application on July 31, 2025.

APPLICATION:

The Applicant submitted extensive updated data to support their application seeking a Special Permit A2 to continue to maintain the existing the 130-foot above ground level ("AGL") unipole currently leased by T-Mobile and Verizon.

The unipole will continue to provide wireless telecommunications carriers including, without

limitation, their associated antennas, radio communications equipment and cabling.

No changes to the existing Facility or fenced compound surrounding the base of the tower and the carriers' ground-based radio communications equipment was proposed as part of the application.

In support of the application, the Applicant filed updated reports, including a 2024 Tower Mapping Report, a 2024 Structural Analysis Report, a 2025 Environmental Sound Assessment, a 2025 Site Plan and a 2025 Calculated Radio Frequency Emissions Report.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2:

- a. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law for the following reasons.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property is in harmony with the general purpose and intent of the Bylaw. The requested re-issuance of the special permit will not alter the existing Facility.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of the By-Law.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property complies with the purposes and standards of the relevant provisions of the Bylaw.
- c. **The specific site is an appropriate location for such, structure, or condition, and is compatible with the characteristics of the surrounding area.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area. The requested reissuance of the special permit will not alter the existing Facility.
- d. **The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated.** For the reasons set forth in the previous ZBA Decisions, the existing Facility will create positive impacts or potential adverse impacts will be mitigated. The renewal of the special permit for the existing Facility will allow the continued provision of personal wireless services in and near this area of Hingham. As set forth in the RF Affidavit, without the Facility there will be a significant gap in wireless network coverage in this area of Hingham. The reissuance of the special permit for the existing Facility will allow the continued provision of personal wireless services to the residential, businesses and visitors within this area of Hingham for their personal, business and emergency communications.

- e. **There will be no nuisance or serious hazard to vehicles or pedestrians. The existing Facility will continue to utilize the existing access.** No changes to the existing access or traffic patterns are proposed as part of this application. On average, only one or two round trip visits per month are required to service and maintain the Facility.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** Adequate and appropriate facilities exist on the Property and are currently utilized for the operation of the existing Facility. No change to the existing utilities or other facilities is proposed as part of the Application. The existing Facility will continue to utilize the existing access.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** As set forth in the previous ZBA Decisions, the use of the existing Facility on the Property meets accepted design standards and criteria for the functional design of facilities, structures, storm water management, and site construction. The requested reissuance of the special permit will not alter the existing Facility nor the approved stormwater management on the Property.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the application of PTI US Towers II, LLC for a Special Permit A2 under § V-E of the Zoning By-Law, and such other relief as necessary, for the continued operation and maintenance of the existing 130' Wireless Communications Facility located at 266 Whiting Street, in Residence District C subject to following conditions:

1. The Wireless Communications Facility (a unipole) is to be constructed in substantial accordance with the plans presented (prepared by T-Mobile Northeast, LLC, and 15 Commerce Way, Norton, MA, revised through September 30, 2009 stamped by Paul L. Mucci, Civil RPE and Kevin Blake, PLS) and the representations made at the public hearing.
2. The height of the unipole shall not exceed 130 feet The Board grants a waiver from §V-E (7. c.) of the Zoning By-Law for the 130 foot height to allow for co-location which will reduce the need for other facilities, which includes the Town's public safety equipment to be mounted above the 130 feet.
3. The Applicant shall provide the space and install, at the Applicant's own cost, the Town's public safety equipment, including a 1.0' x 10' equipment cabinet, provided that the Town supplies the equipment to the Applicant at the time of the unipole's installation.

4. If the Applicant receives requests from other licensed wireless communication providers to co-locate equipment or systems at the unipole, the Applicant shall promptly provide written notice to the Building Commissioner of such requests and allow such providers to co-locate at commercially reasonable rates and locations on the unipole, provided that all co-locations must be consistent with the terms of this Special Permit A2 and no co-locating provider may claim priority over the Applicant (without the Applicant's consent) for use or position on the unipole.
5. A unipole shall not be erected nearer to any property line than a distance equal to the vertical height of the unipole measured at the mean finished grade of the unipole base as shown on the plans revised through September 30, 2009.
6. Existing on-site vegetation shall be preserved to the maximum extent possible.
7. The unipole shall be painted white and maintained in good condition and no lights are to be installed on the structure.
8. A 6-foot high chain link fence with barbed wire top is to be placed around the equipment cabinets as shown on plans as revised through September 30, 2009.
9. All network interconnections from the unipole shall be via land lines, with no visible additional antenna to be installed.
10. The area surrounding the unipole and accessory equipment cabinets shall be completely secure from trespass or vandalism. A sign not larger than one square foot shall be posted adjacent to the entry gate indicating the name of the Facility's owner and a 24-hour emergency telephone number.
11. The unipole or parts thereof which have not been used for two years shall be dismantled and removed at the owner's expense. In order to secure performance of this action the Board requires the Applicant/Owner to secure a bond or other form of security in order to complete the dismantling and removal. Prior to the issuance of the building permit for the unipole the Applicant/Owner shall submit a letter to the Building Official stating the cost of removal; such letter may be updated from time to time to include the cost of inflation.
12. No commercial signage or advertising may be affixed to the unipole, surrounding fence or equipment cabinets.
13. Nothing herein shall be construed as modifying the terms of the Board's Phase I Decision filed as of December 24, 2009.

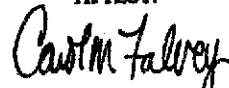
For the Board of Appeals,



Robyn S. Maguire, Chair
September 30, 2025

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.

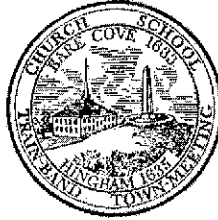
A TRUE COPY
ATTEST:



HINGHAM TOWN CLERK

TOWN OF HINGHAM

OFFICE OF TOWN CLERK



RE: Isabella Stewart Gardner Museum, Inc.
25 Evans Way
Boston, MA 02115

DEED REFERENCES:

Property: 266 Whiting Street
Hingham, MA 0204

BOOK 58617 PAGE 335
BOOK 58803 PAGE 239

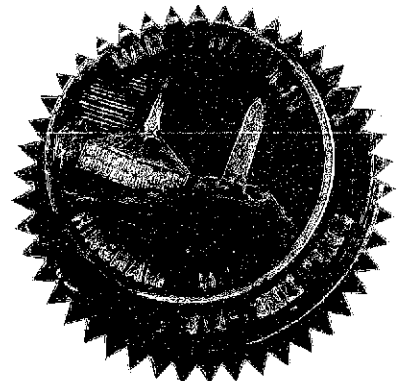
I, Jennifer A. Donnelly, Assistant Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Board of Appeals filed with this office on September 30, 2025.

No notice of appeal therefrom was filed with this office within the twenty days next following the date of the filing of these decision, or if such an appeal has been filed, it has been dismissed.

Witness my hand and the seal of the Town of Hingham, this 21st day of October, 2025.

A T T E S T

Jennifer A. Donnelly
Assistant Town Clerk of Hingham



TOWN OF HINGHAM
PLANNING BOARD

RECEIVED

APR 11 2017

Town Clerk
Hingham, MA

Certified Mail #7014 2120 0003 3809 9768

NOTICE OF DECISION

**Special Permit A3 with Site Plan Review for a Common Driveway
At 266-276 Whiting Street**

Applicant: LCB Berkshire Senior Living Holdings, LLC
3 Edgewater Drive, Suite 101
Norwood, MA 02062

Project Site: 266-276 Whiting Street
Map 187, Lots 2 & 3
Hingham, MA 02043

Registry of Deeds: Book 43665, Page 39

Plan References: “Common Driveway Development Plans for Proposed Penniman Hill Farm & Garden, Inc.”, prepared by Bohler Engineering, dated 12/22/16, revised to 3/28/17, 4 sheets.

“Truck Turn Plan” Prepared for Penniman Hill Farm & Garden, Inc., prepared by Bohler Engineering, dated 3/9/17, 1 sheet.



2018 00035061

Bk: 49782 Pg: 228 Page: 1 of 9

Recorded: 05/10/2018 11:10 AM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

PROCEEDINGS

On March 10, 2017, LCB Berkshire Senior Living Holdings, LLC (the “Applicant”) filed an application (“Application”) for a Special Permit A3 for a Common Driveway, with Site Plan Review pursuant to Section I-G, Section I-I and Section V-A and V-I of the Zoning By-law to create a common driveway for 266-276 Whiting Street. A public hearing of the Planning Board was duly noticed and held on April 3, 2017. The Applicant was represented by Walter Sullivan, Attorney, Jesse Johnson, Bohler Engineering, and Lee Bloom, LCB Senior Living. The Planning Board hearing was conducted by Sarah Corey, Gary Tondorf-Dick, Jennifer Gay Smith and William Ramsey, Acting Chair.

BACKGROUND AND DISCUSSION

Mr. Sullivan, Attorney for the Applicant, introduced Jesse Johnson, PE, from Bohler Engineering, and Lee Bloom, from LCB Senior Living. Mr. Bloom provided some background on LCB Senior Living, stating that they are an owner/operator company and will be proposing a 90 unit assisted living project at this location in the near future. Memory care will account for 26 of those beds. The Common Driveway application under review is presently the pre-cursor to the full project proposal.

Mr. Sullivan then introduced the application for a Special Permit A3 for a Common Driveway proposed at 266-276 Whiting Street to support the existing use at 266 Whiting Street and a future Assisted Living project that will be proposed at 276 Whiting Street. The current use and structures at 276 Whiting Street will be abandoned. An Assisted Living project is currently being designed and scheduled for submission this spring. The Common Driveway will be constructed entirely on a newly created lot (Lot 3A – 266 Whiting Street). An easement will be granted to the abutting property (Lot 3B – 276 Whiting Street) designated for the residential use. The intent of the driveway is to provide access to Lot 3B for emergency vehicles. Primary access for residents, visitors, and employees will be via curb cut(s) along the frontage. Lot 3A will occasionally use the Common Driveway for access to the existing structures at the rear of the lot.

Jesse Johnson, from Bohler Engineering, then reviewed the project design details and answered questions from the Board. He stated that there is a shared driveway in the same location now that is used for the existing uses on the site. The curb cut exists, and the sight line exceeds the minimum requirements. The drainage presently flows in the direction of the future project, and the intent is to collect the storm water and treat it as part of the design of the storm water management for the LCB Senior Living project. The Board heard public comment, and the applicant team responded to the questions as they were received. Mr. Sullivan then stated for the record that the project meets the application criteria for a Common Driveway, and all required information has been submitted for the record and review by the Board.

The Board reviewed the Construction and Design Standards for Common Driveways, made findings and discussed conditions, as follows:

- a) *Common Driveways shall provide the following minimum easement widths and minimum paved surface widths as applicable:*

<i>Use Served</i>	<i>Minimum Easement Width</i>	<i>Minimum Paved Surface Width</i>
<i>Residential</i>	<i>24 Feet</i>	<i>20 Feet</i>
<i>Non-residential</i>	<i>40 Feet</i>	<i>24 Feet</i>

Access roads serving individual lots off of Common Driveways shall comply with 527 CMR 1.00, Chapter 18. The Planning Board may require that the Minimum Paved Surface Width of a Common Driveway serving residential multi-family dwellings, non-residential lots or any combination thereof be increased based on the type and volume of traffic projected to be generated by the proposed development, provided that the Minimum Easement Width must at all times be a least 4' greater than the Minimum Paved Surface Width. If no development is proposed with the application for the Common Driveway, the minimum non-residential standard shall be required. There shall also be provided an 18" cape cod berm on each side of the Common Driveway serving non-residential uses.

The Board found that the minimum paved width and minimum easement width should meet the non-residential standards, and there should be an 18" cape cod berm. This would be a condition. The Board also found that storm water controls will be designed with the LCB Assisted Living project, and that if the LCB project does not advance, the common driveway will not be constructed as proposed. The Applicant said that they do

not intend to construct the driveway without the LCB Assisted Living project. The Board found that they would reconsider the design of the Common Driveway if the overall Assisted Living project analysis provided compelling information supporting a different design for the related to storm water management.

b) Common Driveways shall not exceed 400' in length in residence zoning districts and 800' in all other zoning districts, measured from the street line to the end of the shared portion of the Common Driveway. Where a Common Driveway exceeds 150' in length, turnarounds for emergency vehicles shall be provided in locations approved by the Fire Department. There must be adequate directional signage provided identifying the addresses served by the Common Driveway for emergency vehicle response, as well as routine traffic.

The Board found that the Common Driveway is proposed to be 390' in length. They also found that the fire department signed off on the project in the letter dated 3/27/17.

c) No Common Driveway shall be allowed to be constructed off any cul-de-sac or dead end of a public or private way. No Common Driveway shall be connected or attached to any other Common Driveway. No Common Driveway shall be extended without prior approval of the Planning Board pursuant to this Section V-I.

The Board found that this was not applicable.

d) Sight distances at the entrance of a Common Driveway along the intersecting street shall conform to current American Association of State Highway and Transportation Officials (AASHTO) standards and be indicated on the plan.

The Board found that this criteria was met, as the minimum requirement is 360' and there is in excess of 885' to the south and 700' to the north.

e) To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require Common Driveways to be set back a minimum of 15' from lot lines and/or be screened with a buffer of trees and/or shrubs.

The Board found that this driveway is to be shared by the adjacent lots, and the design is agreed upon as the first step in a more in depth application process. The driveway is existing now in a more informal condition.

f) Common Driveways shall be constructed using a minimum 12" thick sorted gravel sub-base. The base course shall be a minimum of 2" binder and the top course for paved driveways shall each be a minimum 1 ½" thickness. Surfacing with gravel, crushed stone, or another permeable or semi-permeable surface may be proposed, especially for use within one hundred feet of a wetland or in other sensitive areas.

The Board found that this criteria has been satisfied.

g) Runoff draining onto abutting properties shall not exceed that which existed prior to construction of the Common Driveway, or be concentrated at any one point of discharge. Runoff shall not discharge into the public way. The Design Engineer shall provide a

drainage statement and sufficient analysis to support the proposed storm water drainage system, including pre and post construction flows.

The Board found that the existing driveway has existing drainage patterns, and that the LCB Assisted Living Project intends to incorporate drainage from the driveway into the system under design now and treat it prior to discharge, providing a net improvement. The Board found that a condition would be that, if the LCB Assisted Living project does not move forward, the applicant shall provide drainage design for peer review prior to construction of the common driveway.

- h) Common Driveway easements may allow space for installation of water lines and other utilities as needed. Utilities shall be shown on the Common Driveway Plan. The Planning Board may require that utilities be installed underground.*

The Board found that the Common Driveway Agreement has been received. They found that a condition would be that the Common Driveway Agreement must be filed at the Registry.

- i) No portion of a Common Driveway or turning area shall be located above major components of a septic system, including septic tanks, leaching fields, and distribution boxes, except where approved by the Board of Health, and only upon a finding by the Planning Board that there will be no negative impact on access for the lots served by the Common Driveway during future maintenance or replacement of these components.*

The Board found that this was not applicable.

At the conclusion of the hearing, the Board voted 4-0 to Grant a Special Permit A3 under §V-I of the By-Law for a Common Driveway at 266-276 Whiting Street.

FINDINGS - SITE PLAN REVIEW

Based on the information submitted and presented during the hearing, and subject to satisfaction of the conditions set forth below, the Board made the following findings under Section I-I, 6 of the By-Law:

- a. protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.*

The Board found that the proposed Common Driveway is actually the improvement of an existing common driveway in use presently and that the Common Driveway Agreement as submitted provides for maintenance of the storm water drainage infrastructure in perpetuity. In addition, the driveway is located immediately between two properties to serve both properties. There will be no hydrant or lighting associated with construction of the common driveway.

- b. convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and*

the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;

The Board found that the sightlines are indicated and sufficient, as discussed in the McMahon memo dated March 7, 2017, and that a truck turning plan was provided to indicate the sufficiency of the driveway and turn around for emergency vehicles and large trucks. The Fire Department memo of March 27, 2017 notes no further comments on the plans.

- c. *adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;*

The Board found that the Common Driveway has been located where the existing driveway is, which also will support emergency vehicle access to the future development on the adjacent property.

- d. *adequacy of open space and setbacks, including adequacy of landscaping of such areas;*

The Board found that this is not applicable.

- e. *adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site*

The Board found that this is not applicable.

- f. *prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;*

The Board found that this is not applicable.

- g. *assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm Water Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.*

The Board found that the Storm water will flow as it does presently. The design of the adjacent site will collect the drainage and treat it prior to discharge, thus improving water quality. The Board also found that the erosion controls will be as shown on the plans.

- h. *protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;*

The Board found that this is not applicable.

- i. *minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.*

The Board found that this is not applicable.

FINDINGS – SPECIAL PERMIT A3

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

The Board found that this is not applicable.

b) Pedestrian access and circulation has been provided for;

The Board found that this is not applicable.

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

The Board found that the proposed project is an improvement to an existing driveway, and noted that the McMahon Associates memorandum indicates the design meets the minimum sight line requirements for the project.

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.

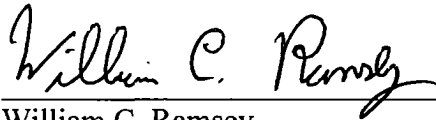
The Board found that this project improves an existing driveway at an existing curb cut and provides for ongoing maintenance.

VOTE AND CONDITIONS

Upon a motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board voted 4-0 to APPROVE the Special Permit A3 with Site Plan Review for the Common Driveway at 266-276 Whiting Street as presented at the hearings and as shown on the plans titled “Common Driveway Development Plans for Proposed Penniman Hill Farm & Garden, Inc.”, prepared by Bohler Engineering, dated 12/22/16, revised to 3/28/17, 4 sheets, incorporated herein by reference, based on the findings, and subject to the following conditions:

1. The Common Driveway Agreement shall be recorded at the Registry with the Notice of Decision. Proof of recording shall be provided to the Planning Board prior to construction.
2. Applicant shall provide, in hardcopy and electronic format, a final as-designed plan prior to the start of work, and a final as-built plan upon completion of the driveway and associated drainage structures, etc.
3. The driveway will be designed to the non-residential standard for minimum paved width and minimum easement width. The cape cod berm shall be 18”.

4. The Applicant shall include screening and buffer plantings on the LCB site along the common driveway, to include a mix of shrubs and trees.
5. Erosion control devices must stay in good repair until the site is stable.
6. Prior to the start of construction or site clearing, there shall be a preconstruction meeting attended by the applicant team, the Conservation Administrator, and the Town Planner to review the installation of the erosion control measures.
7. Police details may be required at the discretion of the Chief of Police to assist in managing construction traffic entering or exiting site and when material is being imported/exported from the site during construction of the driveway or drainage improvements.
8. If the LCB Assisted Living Project does not move forward, the Common Driveway shall not be constructed as proposed. In addition, the applicant shall provide the drainage design for peer review prior to construction of the Common Driveway.
9. The Applicant shall complete all work shown on the Plan, including all ways and drainage facilities, within two years of the date of endorsement of the Plan or the approval of the Plan shall be null and void, unless, at the request of the Applicant, the Planning Board extends the time for performance of such work.



William C. Ramsey

Acting Chairman, Hingham Planning Board

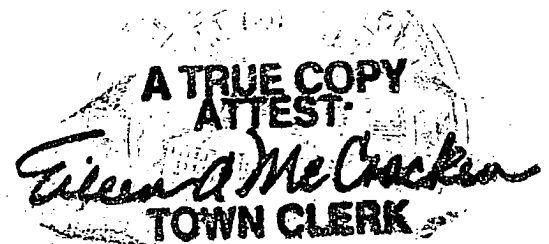
EXECUTED this 10th day of April, 2017

Votes:

In favor: Tondorf-Dick, Corey, Gay-Smith, Ramsey

Opposed: none

Cc: Clerk, ZBA, Fire, Police, Assessor, Conservation, DPW, Building, W. Sullivan, J. Johnson



NOTARIZATION

EXECUTED this 10 th day of April, 2017

COMMONWEALTH OF MASSACHUSETTS

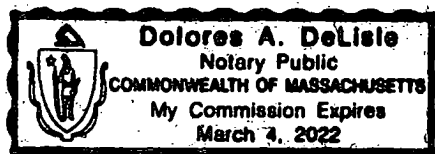
Plymouth, ss

April 10, 2017

Then personally appeared William Ramsey, Acting Chairman of the Hingham Planning Board, and acknowledged the foregoing to be the free act and deed of said Board.

Dolores A. DeLisle
Dolores A. DeLisle, Notary Public

My Commission Expires: 3-4-2022



TOWN OF HINGHAM

OFFICE OF TOWN CLERK



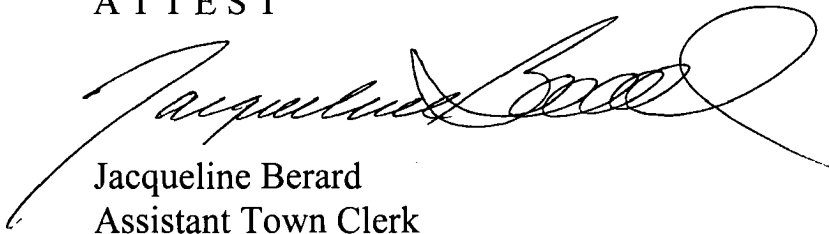
RE: LCB Berkshire Senior Living Holdings, LLC
266-276 Whiting Street, Map 187, Lots 2 & 3
Hingham, MA 02043

I, Jacqueline Berard, Assistant Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Planning Board of Appeals filed with this office on April 11, 2017.

No notice of appeal therefrom was filed with this office within the twenty days next following the date of the filing of these decisions, or if such an appeal has been filed, it has been dismissed.

Witness my hand and the seal of the Town of Hingham, this 23rd day of March, 2018.

A T T E S T


Jacqueline Berard
Assistant Town Clerk

