

DTM LAW, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200
www.dtm-law.com

MARK A. TOCCHIO
mtocchio@dtm-law.com

August 3, 2026

Via Hand-Delivery

Carol M. Falvey, Town Clerk
Town of Hingham
Clerk's Office
210 Central Street
Hingham, MA 02043

RECEIVED
AUG 03 2026
Town Clerk
Hingham, MA

RE: 40A Hersey Street, Hingham, MA

Dear Clerk Falvey:

This office represents Four Sons LLC in connection with its application for modification of a Variance granted by the Zoning Board of Appeals, on June 13, 1963, as well as any additional relief as may be determined by the Board, to allow for the demolition of the existing non-conforming single-family dwelling and reconstruction of a conforming single-family dwelling at the property located at 40A Hersey Street, Hingham (the "Property"). The Property is located within the Residence District A. Enclosed for filing please find the following documents:

1. Application for Zoning Hearing – Form 2;
2. Application for Variance Modification – Form 2B;
3. Supplement to Application;
4. Site Plans; and
5. Architectural plans and elevations.

Thank you for your attention to this matter.

Very truly yours,



Mark A. Tocchio

Enclosures

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 •

APPLICATION FOR ZONING HEARING

FORM 2
RECEIVED

Application date: 08/03/26

AUG 03 2026

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

Town Clerk
Hingham, MA

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

Subject Property: 40A Hersey Street Zoning District: Residence A

Applicant's Name: Four Sons LLC Address: 246 Washington Street, Pembroke, MA

Email: [REDACTED] Phone: [REDACTED]

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

Four Sons LLC

Address of owner of record: 246 Washington Street, Unit 7, Pembroke, MA 02359

Title reference:

☒ (Unregistered land) Plymouth County Registry of Deeds, Book 61088, Page 52

☐ (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.

TOWN OF HINGHAM
Board of Appeals



State briefly what is currently on the premises:

The property is improved with a non-conforming single-family dwelling that was constructed in circa 1965 and detached garage.

Brief description of work:

The Applicant seeks modification of a Variance granted by the Board, on June 13, 1963, as well as any additional relief as may be determined by the Board, to allow for the demolition of the existing non-conforming single-family dwelling and reconstruction of a conforming single-family dwelling at the property.

Signed as a statement of fact under the pains and penalties of perjury,
this 3rd day of August, in the year 2026.

APPLICANTS' NAME: Four Sons LLC

SIGNATURE: _____

[Handwritten Signature]

(Applicant/Owner) *[Handwritten Initials]*

ADDRESS: 246 Washington Street, Unit 7, Pembroke, MA 02359

PHONE: _____

CELL: _____

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: Mark Tocchio / DTM Law, P.C.
AGENT'S SIGNATURE: 
(Agent)
ADDRESS: 175 Derby Street, Suite 30, Hingham, MA 02043
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**

TOWN OF HINGHAM
Board of Appeals



RECEIVED

AUG 03 2026

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

Town Clerk
Hingham, MA

**SUPPORTING STATEMENT –
STATUTORY FINDINGS**

FORM 2B

VARIANCE

RECEIVED

AUG 03 2026

Applicant Four Sons LLC

seeks a Variance from Section(s) * Modification of Prior Varinace of the Zoning By-Law
for property located at 40A Hersey Street and presents
the following findings of facts in accordance with the provisions of M.G. L. 40A, §10:

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

See Supplement to Application submitted herewith.

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

See Supplement to Application submitted herewith.

TOWN OF HINGHAM
Board of Appeals



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

See Supplement to Application submitted herewith.

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

See Supplement to Application submitted herewith.

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

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

Signed as a statement of fact under the pains and penalties of perjury,
this 3rd day of August, in the year 2026.

APPLICANTS' NAME: Four Sons LLC

SIGNATURE: _____

(Applicant/Owner) Consent.

CHECK ALL THAT APPLY



PROPERTY OWNER



APPLICANT

ADDRESS: 246 Washington Street, Unit 7, Pembroke, MA 02359

PHONE: _____

CELL: _____

EMAIL: _____

TOWN OF HINGHAM
Board of Appeals



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

AGENT'S NAME: Mark Tocchie / D.H. Law, P.C.

AGENT'S SIGNATURE: _____

(Agent)

ADDRESS: 175 Derby Street, Suite 30, Hingham, MA 02043

PHONE: _____

CELL: _____

EMAIL: _____

CHECK ALL THAT APPLY



OWNER'S AGENT



APPLICANT'S AGENT

Please attach additional sheets if space provided is insufficient.

RECEIVED

AUG 03 2026

SUPPLEMENT TO APPLICATION
40A HERSEY STREET, HINGHAM

Town Clerk
Hingham, MA

RECEIVED

AUG 03 2026

Town Clerk
Hingham, MA

A. Zoning Relief Sought

The Applicant, Four Sons LLC, seeks modification of a Variance granted by the Board, on June 13, 1963, as well as any additional relief as may be determined by the Board, to allow for the demolition of the existing non-conforming single-family dwelling and reconstruction of a conforming single-family dwelling at the property located at 40A Hersey Street, Hingham (the "Property"). The Property is located within the Residence District A.

B. The Property & Prior Zoning Relief

The Property is approximately 12,063 square feet in area and is improved with a single-family dwelling that was constructed in circa 1965 and detached garage.

The lot that comprises the Property was created pursuant to a Variance granted by the Board, on June 13, 1963 (the "Variance"). The Variance granted a request to divide the then-applicant's 25,600 square foot property into two lots each having an area over 12,000 square feet, with frontage of approximately 94 feet for the westerly lot (the Property) and 105 feet for the easterly lot.¹ The stated reasons for the grant of the Variance included that "Properties in the neighborhood were found to be generally of less area and frontage than either of the two lots to be created" and that the granting of the Variance resulted in "no detriment to the neighborhood or derogation from the general intent of the Zoning By-Law would be effected." See Variance Decision attached hereto as Exhibit 1. At the time (and at present), the minimum lot area was 20,000 square feet and the minimum frontage requirement was 125 feet.

The Hingham Planning Board subsequently endorsed as Approval Under the Subdivision Control Law Not Required, on August 5, 1964, a plan entitled "Plan of Lots Off Hersey Street, Hingham, Mass. Made for Jennie Pugliesi" dated July 20, 1964, Lewis W. Perkins & Son, which is recorded with the Plymouth County Registry of Deeds in Plan Book 3190, Page 14 (the "ANR Plan"). The ANR Plan includes a note that states "Reason: See Board of Appeals decision dated June 13, 1963." A copy of the ANR Plan is attached hereto as Exhibit 2.

The existing dwelling is setback 20.1' from the front property line, 10.6' from the westerly side lot line and 30' from the easterly side lot line, and 109.3' from the rear lot line. At the time that the dwelling was constructed it complied with the setback and other dimensional criteria related to the dwelling. Specifically, at the time that the dwelling was constructed the rear and side setback requirement in the Residence District A was 10 feet, and the front setback requirement was twenty-five feet, but contained the structural averaging provision that remains within the By-Law (the requirement at the time provided that "Where present buildings or structures on adjoining lots are less than twenty-five (25) feet from any street line, new buildings or structures may be erected or placed as near the street line as the average of the buildings or structures on said adjoining lots, and for purposes of this sentence a vacant lot shall be treated as though occupied

¹ At the time, an existing dwelling and garage/barn was located on the easterly lot (now known as 40B Hersey Street).

by a building set back twenty-five (25) feet.” The height requirement at the time was two and one-half stories.

C. Request for Proposed Modification of the Variance Decision

The Applicant proposes to (i) raze the existing non-conforming dwelling and detached garage, and (ii) construct a new dimensionally compliant dwelling with attached garage. See Architectural Plan submitted herewith. Specifically, the single-family dwelling is proposed to be setback 25 feet from the front lot line, 15 feet from the side lot lines and 67 feet from the rear lot line. The single-family dwelling proposed to be constructed has 3,874 square feet of living area and attached garage. The Applicant does not propose any changes to the lot, as shown on the ANR Plan, for which the Variance was granted. The lot and reconstructed single-family dwelling remain consistent with the immediately surrounding area.

As reflected in the plans and submissions, the proposed modification to the Variance Decision to allow for the demolition of the existing non-conforming single-family dwelling and reconstruction of a conforming single-family dwelling at the property at the Property is consistent with the findings of facts made by the Board under the Variance Decision, and is consistent with the general intent of the Zoning By-Laws and M.G.L. c. 40A, §10, as amended. Wherefore, the Applicant hereby requests that the Board allow the modification to the Variance Decision proposed herein.

RECEIVED

AUG 03 2026

Town Clerk
Hingham, MA

EXHIBIT 1

DECISION OF THE BOARD

By unanimous vote the Members of the Board granted the request for a Variance to divide the applicant's property into two lots generally in accordance with the terms of Section IX, Sub-sections 4 and 4 (a).

REASONS FOR THE DECISION

The property involved comprises 25,600 square feet of area and frontage of 199.3 feet on a 25-foot way. The two lots to be created by the requested division would each have an area of 12,000 square feet plus, with a frontage on the way on the westerly lot of 94 feet, plus or minus, and on the easterly lot a frontage on the way of 105 feet, plus or minus. Properties in the neighborhood were found to be generally of less area and frontage than either of the two lots to be created. No hardship, especially affecting the land involved, was submitted as evidence excepting the fact that the house and garage structures existing on the property were located entirely on the easterly lot to be created.

No one appeared or was heard from in opposition to the application and one individual, an abutter, appeared and spoke in favor of the application.

The Board were of the opinion that in granting the Variance requested no detriment to the neighborhood or derogation from the general intent of the Zoning By-law would be affected.

RESTRICTIONS ON THE DECISION

A. An engineer's plot plan indicating the division of the property shall be made a matter of record with all individuals and interested entities.

B. Construction on westerly lot shall be completed within one year after the date of this Decision.

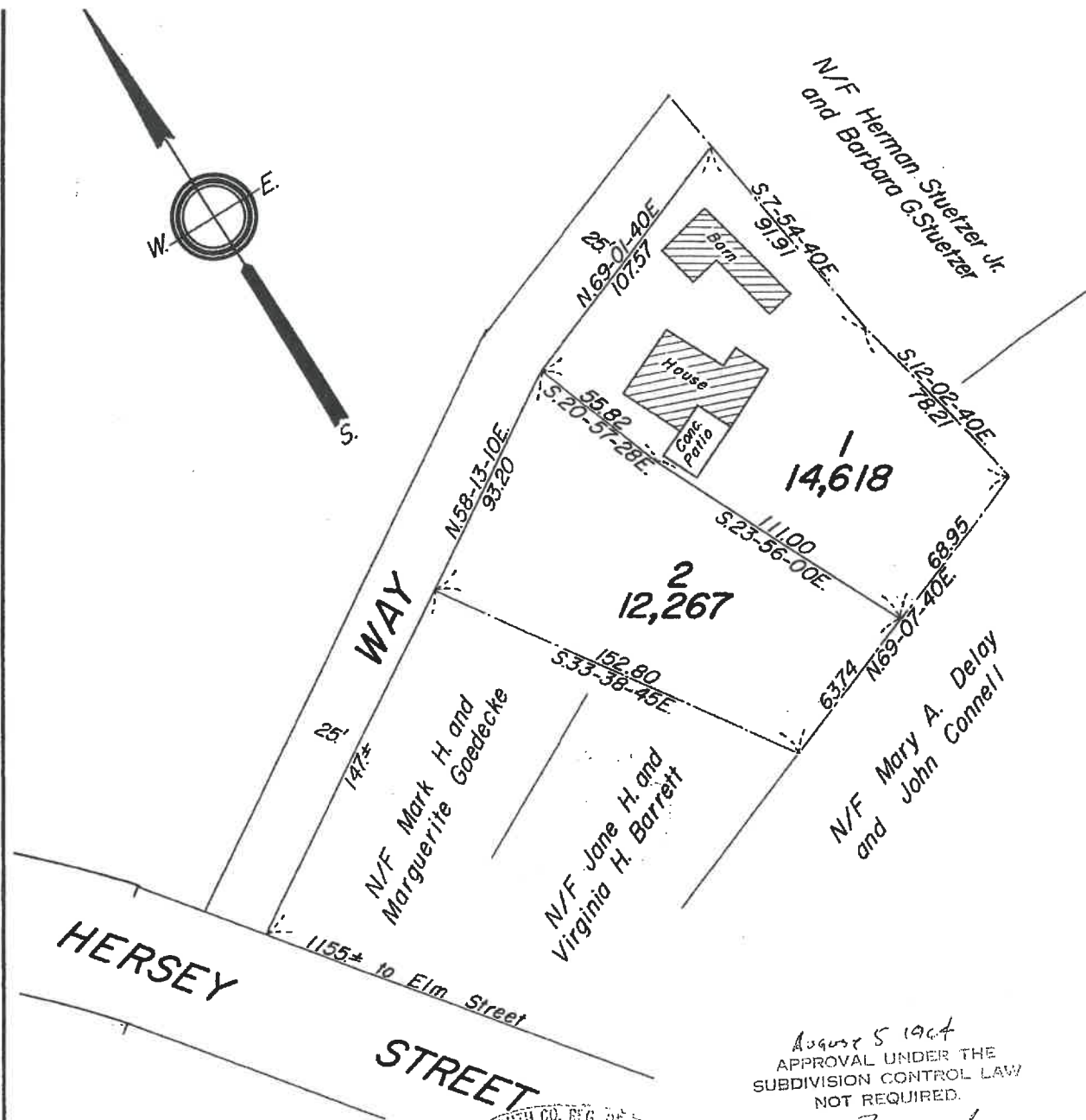
Date: June 13, 1963

James A. Parvill

Theodore B. Hanna

James Ward

EXHIBIT 2



August 5 1964
 APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW
 NOT REQUIRED.
 Hingham Planning Board
Bue W. W. W. W. W.

PLYMOUTH CO. REG. OF DEEDS
 MAR 22 1965
 3-22-65
 RECORDED

PLAN OF LOTS OFF HERSEY STREET HINGHAM, MASS.

PLYMOUTH CO. DEEDS
 Book 3190 Page 14

Made for Jennie Pugliesi
 Scale: 40 feet to an inch July 20, 1964.
 Lewis W. Perkins & Son, Eng'rs., Hingham, Mass.

RECEIVED

AUG 03 2026

Town Clerk
 Hingham, MA



Reason:
 See Board of Appeals
 decision dated June 13, 1963.

65-184

*** Electronic Recording ***

Doc#: 00028969

Bk: 61088 Pg: 52 Page: 1 of 2

Recorded: 05/11/2026 02:11 PM

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

RECEIVED

AUG 03 2026

Town Clerk
Hingham, MA

After Recording Return To:

Four Sons, LLC

40A Hersey Street

Hingham, MA 02043

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 05/11/2026 02:11 PM

Ctrl# 187339 11729

Fee: \$3,648.00 Cons: \$800,000.00

Quitclaim Deed

I, **Joshua Aarons**, being unmarried, of Hingham, MA, for consideration paid and in full consideration of **EIGHT HUNDRED THOUSAND AND 00/100 DOLLARS (\$800,000.00)**, hereby grant to **Four Sons, LLC**, a Massachusetts limited liability company with an address of **246 Washington Street, Unit 7, Pembroke, MA 02359** with **QUITCLAIM COVENANTS**:

The land with the buildings thereon situated on the Southerly side of a passageway running Easterly from Hersey Street in Hingham, Plymouth County, Massachusetts, bounded and described as follows:

NORTHERLY: by the Southerly line of said passageway as shown on the plan hereinafter mentioned ninety-three and 20/100 (93.20) feet;

EASTERLY: by Lot 1 on said plan in two courses measuring fifty- five and 82/100 (55.82) feet and one hundred eleven (111) feet, respectively;

SOUTHERLY: by land now or formerly of Mary A. Daley and John Connell sixty-three and 74/100 (63.74) feet; and

WESTERLY: by land now or formerly of Mark H. and Marguerite Goedecke and of Jane H. and Virginia H. Barrett one hundred fifty-two and 80/100 (152.80) feet.

Being shown as Lot 2 containing 12,267 square feet on a plan entitled "Plan of Lots Off Hersey Street, Hingham, Mass. Made for Jennie Pugliesi" dated July 20, 1964, Lewis W. Perkins & Son; Eng'rs, recorded with Plymouth Deeds on September 8, 1964.

Subject to an easement appurtenant to said Lot 1 to maintain, repair and replace sewer and water lines serving the buildings on said Lot 1 in the location in which they now exist.

For Grantor's title, see deed recorded in the Plymouth County Registry of Deeds at Book 26188, Page 280.

I, the Grantor named herein, do hereby voluntarily release any and all rights of homestead, if any, as set forth in M.G.L. Chapter 188, and state under the penalties of perjury that there are no other persons or person entitled to any homestead rights.

Property Address: 40A Hersey Street, Hingham, MA 02043

Executed under seal this 13 day of April, 2026.

Joshua Aarons
Joshua Aarons

STATE OF MAINE

COUNTY OF Oxford

On this 13 day of April, 2026, before me, the undersigned notary public, personally appeared the above-named, Joshua Aarons, proved to me through satisfactory evidence of identification, which was/were MAID 573716333, to be the person(s) who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Ashley A Campbell
Notary Public Signature

My Commission Expires: May 8 2030

