

August 16, 2016

**BY HAND DELIVERY**

Hingham Zoning Board of Appeals  
Town Hall  
210 Central Street  
Hingham, Massachusetts 02043

Re:

Avalon Hingham Shipyard II, 319 Lincoln Street, Hingham, MA  
(the "Project")  
Comprehensive Permit – Request for Insubstantial Change

Dear Members of the Board:

On behalf of Avalon Hingham Shipyard II, LLC (the "Applicant"), this letter is a request that the Hingham Zoning Board of Appeals (the "Board") determine that the proposed changes described below are insubstantial changes to the Project (as defined below) pursuant to 760 CMR 56.05(11) of the regulations governing comprehensive permits issued under M.G.L. c. 40B. Submitted herewith are plans relative to the proposed changes. Submitted herewith is a revised site plan and a number of new site plan drawings and architectural plans, featuring decreased massing, a reduction in the height of the structures facing USS Amesbury Drive from 4 to 3 stories, an increase in the size of mature trees along the boundary between the Property and USS Amesbury Drive and a relocated pedestrian walkway along USS Amesbury Drive. A complete list of revised site plans and architectural drawings (the "Revised Plans") submitted with this letter is attached hereto as Exhibit A.

Please note that the submission of this letter and the requested changes are without prejudice to the Applicant's rights under the existing comprehensive permit for the Project, all of which the Applicant reserves. Without limiting the generality of the foregoing, the Applicant (i) does not abandon any of its rights under the existing comprehensive permit, and (ii) reserves the right at any time to withdraw the requested changes and to proceed with the Project as set forth in the existing comprehensive permit for whatever reason, including, without limitation, the requested changes are not permitted by the Board, or if an appeal is taken by any party with respect to such changes, or other necessary permits, approvals and consent for the requested changes are not approved or the Applicant does not proceed with the Project.

***I. BACKGROUND***

The background to this request is as follows:

1. The Board opened a public hearing on the Project March 10, 2016 and continued its review of the Project during subsequent public hearings held on March 23, April 6, April 13, April 28, and May 4, at which time the Board closed the public hearing.

2. The Board issued a comprehensive permit pursuant to M.G.L. c. 40B by virtue of a Decision filed with the Hingham Town Clerk on May 17, 2016 (the “Comprehensive Permit”).

3. By this letter, the Applicant requesting as insubstantial changes to the Comprehensive Permit the following changes to the approved plan as reflected on the Revised Plans.

## ***II. PROPOSED MODIFICATIONS***

The Revised Plans include the following minor changes:

- (1) Relocation of the pedestrian sidewalk along USS Amesbury Drive;
- (2) Reduction in the height of the majority of the building wing facing USS Amesbury Drive from 4- to 3-stories; and
- (3) Planting of 4” caliper street trees with an estimated height range of 16’ – 22’ (per American Nursery Standards) along USS Amesbury Drive, instead of the 3” caliper street trees with an estimated height range of 14’ – 18’ originally intended.

The sidewalk is being relocated to prevent encroachment on to an abutting property. The reduction in height along USS Amesbury Drive will provide a good transition in scale from the 5- and 4-story portions of the proposed building to the abutting low-density residential properties, and will reduce the visual impact of the proposed building when viewed from abutting neighboring properties located to the east of the proposed development (“Bradley Woods”). The reduction will cause the proposed building to better integrate with the adjacent existing 3-story Avalon Hingham Shipyard I building in order to reinforce a neighborhood-scale streetscape consistent with the Hingham Shipyard and surrounding area. Finally, the additional height and width of the trees along USS Amesbury Drive will provide the Bradley Woods residents with greater immediate privacy and screening of the proposed Avalon building. The overall Project otherwise remains the same as was approved by the Comprehensive Permit: 190 units in one building with approximately the same layout, and with 25%, or 48, affordable units.

## ***III. DISCUSSION***

760 CMR 56.05(11) provides that after the issuance of a comprehensive permit granted by a zoning board, an applicant desiring to change aspects of its proposal may notify the board in writing.

760 CMR 56.07(4)(c) and (d) describes factors to take into account when determining whether a change is substantial or insubstantial. The proposed modifications to the Project, as described above, clearly do not involve the types of changes set forth in 760 CMR 56.07(4)(c). With regard to the plan changes, we submit that the proposed modifications to the Project are insubstantial changes because:

- (1) there is no increase in the height of the building, rather there is a decrease in the height along USS Amesbury Drive;

- (2) there is no increase in the number of units and overall bedroom count;
- (3) there is no reduction in the size of the site;
- (4) there is no change in the building types; and
- (5) there is no change from rental property to home ownership.

As a result, the revised Project consists of substantially the same Project previously approved, with only very minor changes. Moreover, the revisions will not require any modification to the conditions set forth in the Comprehensive Permit. The Applicant therefore respectfully requests that the Board consider this matter at its next regularly scheduled meeting.

Thank you very much for your consideration.

Very truly yours,



Steven Schwartz  
Attorney for the Applicant

cc: Emily Wentworth – Senior Planner  
Susan Murphy – Special Town Counsel for Real Estate and Land Use  
Michael Roberts and Julia Wynyard – for the Applicant

## **EXHIBIT A**

### LIST OF REVISED PLANS

1. C1.00 – Preliminary Layout and Materials Plan (rev. 8/12/16);
2. C2.00 – Signage and Pavement Marking Plan (rev. 8/12/16);
3. C3.00 – Preliminary Grading and Utility Plan (rev. 8/12/16);
4. Elevation Comparison for Insubstantial Change, dated 8/11/16

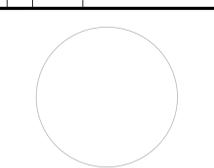


**HOWARD STEIN HUDSON**  
 11 Beacon Street, Suite 1010  
 Boston, MA 02108  
 www.hshassoc.com

PREPARED FOR:  
 HINGHAM SHIPYARD AVALON II INC  
 51 SLEEPER STREET, SUITE 750  
 BOSTON, MA 02210

**AVALON HINGHAM SHIPYARD II**  
 319 LINCOLN STREET  
 HINGHAM, MA 02043  
 PLYMOUTH COUNTY

REVISIONS:			
NO	BY	DATE	DESCRIPTION
1	HH	2/25/16	SUPPLEMENTAL INFO
2	HH	3/30/16	SUPPLEMENTAL INFO
3	HH	4/13/16	SUPPLEMENTAL INFO
4	HH	8/12/16	INSUBSTANTIAL CHANGES

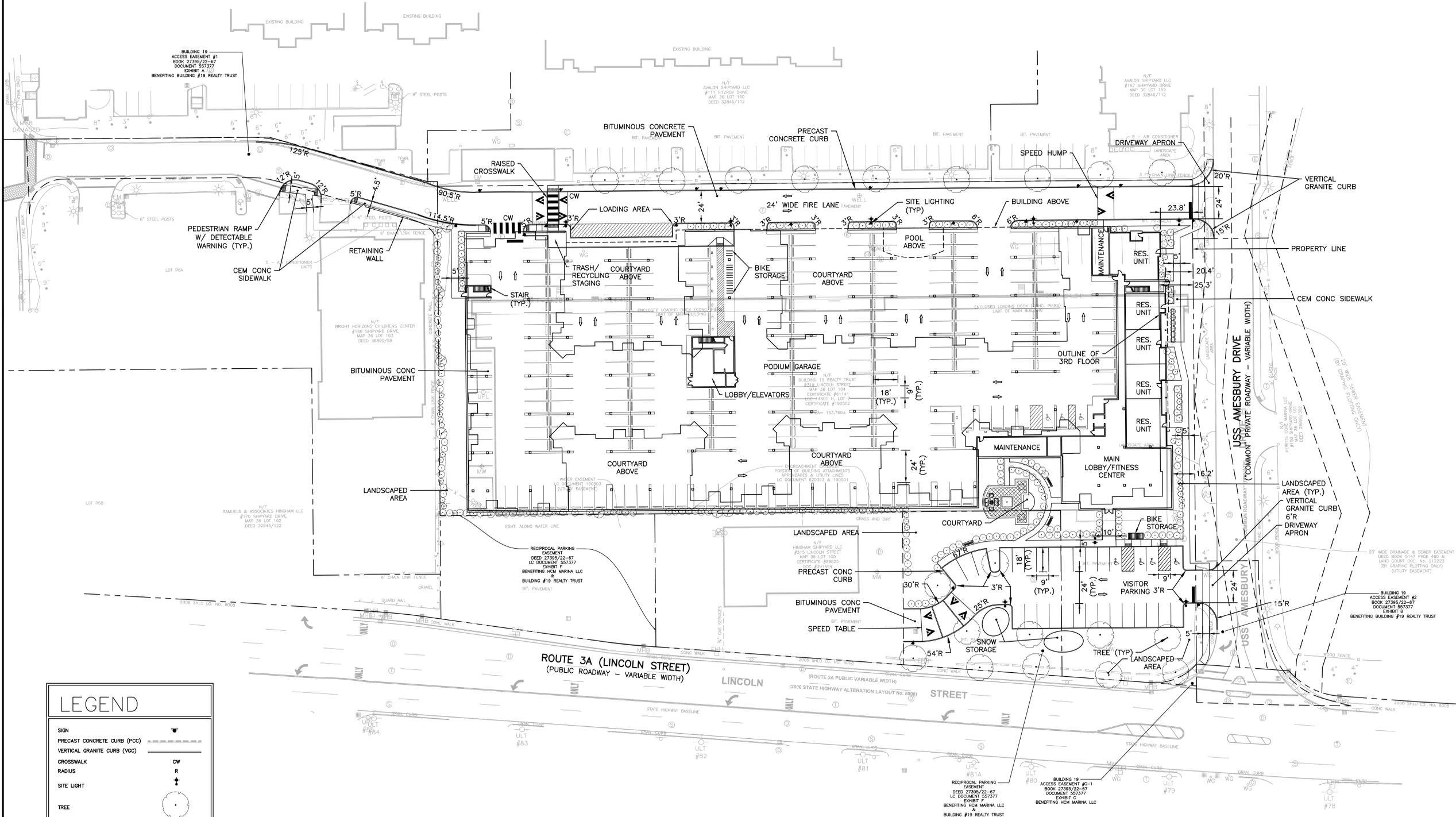


COMPREHENSIVE  
 PERMIT APPLICATION

**PRELIMINARY  
 LAYOUT AND  
 MATERIALS  
 PLAN**

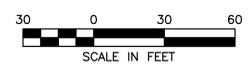
DATE:	2/12/16
PROJECT NUMBER:	2015151
DESIGNED BY:	HH
DRAWN BY:	HH
CHECKED BY:	RL

C1.00



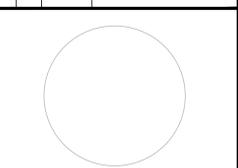
LEGEND	
SIGN	
PRECAST CONCRETE CURB (PCC)	
VERTICAL GRANITE CURB (VGC)	
CROSSWALK	
RADIUS	
SITE LIGHT	
TREE	

NOTES:  
 1. MODIFICATIONS BEYOND PROJECT SITE'S PROPERTY LINE ARE SUBJECT TO MUNICIPAL AND STATE APPROVALS AND AGREEMENTS WITH ADJACENTS.



**AVALON HINGHAM SHIPYARD II**  
 319 LINCOLN STREET  
 HINGHAM, MA 02043  
 PLYMOUTH COUNTY

REVISIONS:			
NO	BY	DATE	DESCRIPTION
1	HH	4/13/16	SUPPLEMENTAL INFO
2	HH	8/12/16	INSUBSTANTIAL CHANGES



COMPREHENSIVE PERMIT APPLICATION

SIGNAGE AND PAVEMENT MARKING PLAN

DATE: 3/30/16

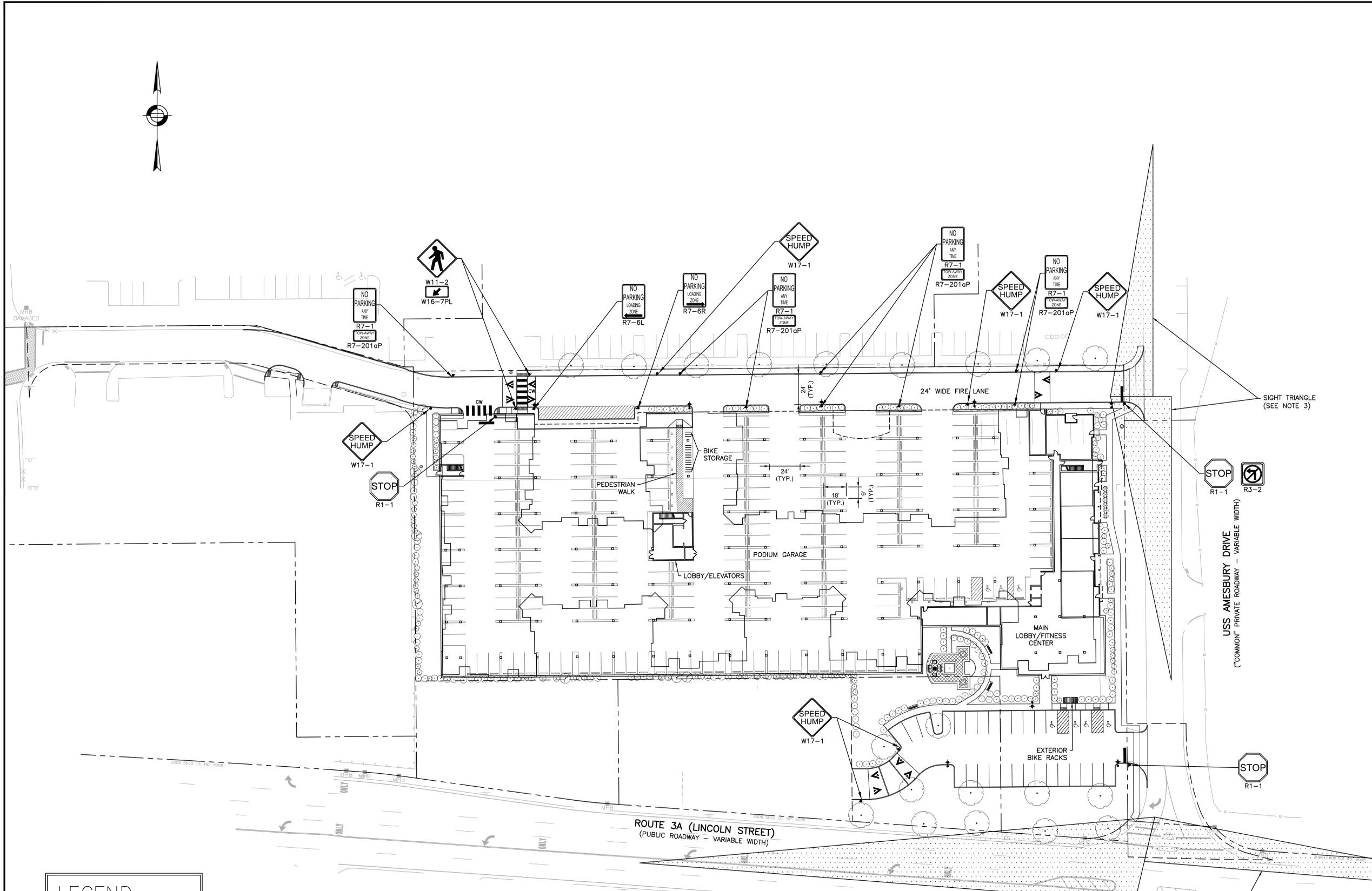
PROJECT NUMBER: 2015151

DESIGNED BY: ML

DRAWN BY: ML

CHECKED BY: RL

C2.00



LEGEND	
SIGN	
VERTICAL GRANITE CURB (VGC)	
CROSSWALK	
SITE LIGHT	
TREE	

- NOTES:**
- MODIFICATIONS BEYOND PROJECT SITE'S PROPERTY LINE ARE SUBJECT TO MUNICIPAL AND STATE APPROVALS AND AGREEMENTS WITH ADJUTERS.
  - ALL SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE APPLICABLE SPECIFICATIONS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
  - NEW SIGNS, LANDSCAPING, AND OTHER FEATURES LOCATED WITHIN THE SIGHT TRIANGLE AREAS SHALL BE DESIGNED, INSTALLED, AND MAINTAINED SO AS NOT TO EXCEED 2'-FEET IN HEIGHT. NEW TREES MAY BE PLANTED WITHIN THIS AREA SO AS LONG AS TREE CANOPIES BE MAINTAINED A MINIMUM OF 7'-FEET FROM THE GROUND. SNOW WINDOWS LOCATED WITHIN THE SIGHT TRIANGLE AREAS THAT EXCEED 2'-FEET IN HEIGHT OR THAT WOULD OTHERWISE INHIBIT SIGHT LINES SHALL BE PROMPTLY REMOVED SUBJECT TO COORDINATION WITH THE ADJUTING PROPERTY OWNERS AND MASSDOT AS NECESSARY.



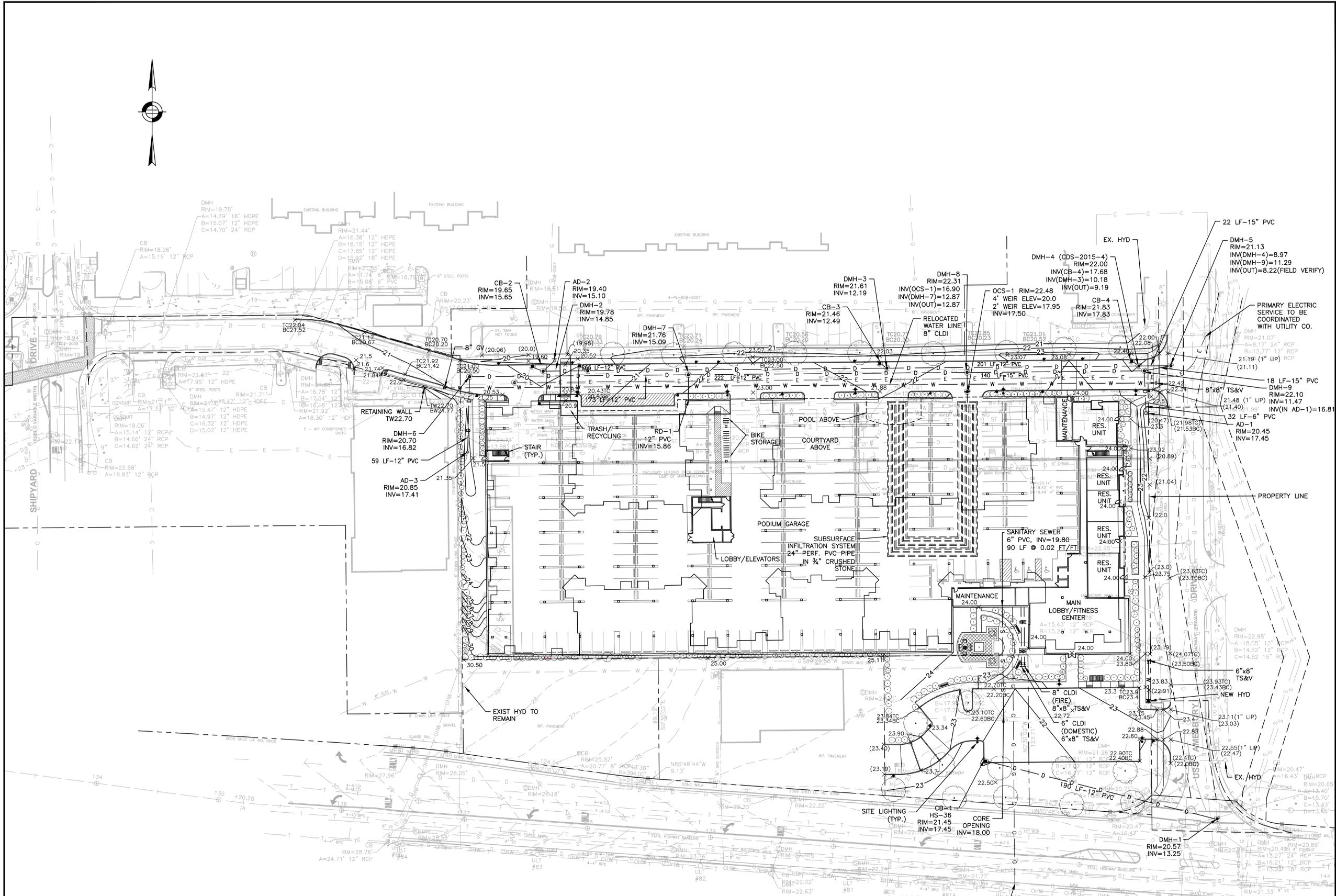
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 HINGHAM, MA 02043  
 PLYMOUTH COUNTY

NO	BY	DATE	DESCRIPTION
1	HH	2/25/16	SUPPLEMENTAL INFO
2	HH	3/30/16	SUPPLEMENTAL INFO
3	HH	8/12/16	INSUBSTANTIAL CHANGES

COMPREHENSIVE PERMIT APPLICATION

PRELIMINARY GRADING AND UTILITY PLAN

DATE:	2/12/16
PROJECT NUMBER:	2015151
DESIGNED BY:	HH
DRAWN BY:	HH
CHECKED BY:	RL
	C3.00



**LEGEND**

POLYVINYL CHLORIDE	PVC
BOTTOM OF CURB	BC
TOP OF CURB	TC
CEMENT-LINED DUCTILE IRON	CLDI
LINEAR FEET	LF
INVERT ELEVATION	INV
VALVE	V
CATCH BASIN	CB
AREA DRAIN	OAD
DRAIN MANHOLE	DMH
GAS LINE	G
DRAIN LINE	D
WATERLINE	W
SEWER LINE	S
ELECTRIC LINE	E





COMPREHENSIVE PERMIT SET ELEVATION - March 30, 2016



EXISTING AVALON I MANOR HOUSE



CURRENT ELEVATION - August 9, 2016



EXISTING AVALON I MANOR HOUSE