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October 11, 2023

## **Via Federal Express and Email**

Meghan Reilly, Chair  
Planning Board  
Town of Hull  
253 Atlantic Avenue  
Hull, MA 02045

**Re: The Procopio Companies  
Paragon Dunes Development  
0 George Washington Boulevard and 189 and 193 Nantasket Avenue  
(Parcels 37-002, 003, 004)  
Letter in Support of NBOD Special Permit and Site Plan Review**

Dear Chair Reilly:

This office represents the Procopio Companies ("Procopio") regarding this matter. We submit this letter in support of Procopio's request for a Nantasket Beach Overlay District ("NBOD") Special Permit and Site Plan Approval pursuant to the Town of Hull Zoning Code, §410-3.12 *et seq.* (the "NBOD Code"), for a mixed-use development (the "Paragon Dunes Development" or the "Project") at 0 George Washington Boulevard and 189 and 193 Nantasket Avenue, Hull, encompassing Assessor's parcels 37-002, 37-003, and 37-004 (collectively the "Site").

## **I. The Project**

### **A. Project Overview**

The Paragon Dunes Development seeks to transform an underutilized portion of Nantasket Avenue with a sustainable mixed-use development. The Project includes 132 multi-family residential units, commercial uses, and public open spaces. There will be garage and surface parking on the Site. The Project is designed to enhance flood protection and serves Town goals relative to climate change and adaptation. Lastly, the project achieves the underlying purpose of the NBOD to preserve and expand commercial uses in the NBOD. The residential uses

will create year-round demand to sustain new commercial uses on the Site and future commercial uses in the neighborhood.

**B. Existing Conditions**

Procopio has site control by virtue of an agreement with Nantasket Dune Holdings, LLC ("Nantasket Dune"), the owner of the Site. Nantasket Dune holds title to the Site by (i) quitclaim deed dated November 20, 2017, recorded with the Plymouth County Registry of Deeds (the "Registry") at Book 49206, Page 250, and (ii) quitclaim deed dated November 20, 2017, recorded with the Registry at Book 49206, Page 253.

The Site is located in the Commercial Recreation B Zoning District, the NBOD, and the Floodplain Zoning District. The table below shows the various dimensional requirements of the NBOD Code and the existing and proposed conditions:

Regulation	CR-B Requirement	NBOD Requirement	Proposed (NBOD)
Min Lot Area	10,000 sf.	None	146,063 sf.
Min Lot Frontage	100 ft.	25 ft.	513 ft. (Nantasket Avenue) 604 ft. (GW Boulevard) 94 ft. (Rockland Circle)
Min Front Setback	25 ft.	10 ft. <sup>1</sup> (1.4 ft.)	1.4 ft.
Min Side Setback	10 ft.	None	n/a
Min Rear Setback	20 ft.	None	n/a
Max Lot Coverage	30%	n/a	n/a
Max Bldg. Height	40 ft.	40/44/46 ft. <sup>2</sup>	40 ft.

The topography of the Site slopes from Nantasket Avenue to George Washington Boulevard. The Site is mapped with two Federal Emergency Management Agency ("FEMA") FIRM floodplains. There is Zone AO depth 3' associated with Massachusetts Bay (ocean) and Zone AE (el. 10) associated with Hingham Bay (bay). There is also a Limit of Moderate Wave Action ("LiMWA") associated with the AO zone.

<sup>1</sup> § 410-3.12G.(1)(C) requires 10 linear ft. from lot line including any right-of-way, provided however if there are already buildings fronting on the same street in the same block, the Planning Board may as an exception by special permit waive this requirement and establish a frontage to conform to the other buildings.

<sup>2</sup> § 410-3.12G.(2) provides that the maximum height shall be 40 ft. plus usual appurtenant structures, with certain exceptions which are not applicable.

## **II. Proposed Conditions**

Procopio proposes to demolish the existing structures on the Site and construct a new, mixed-use building with multi-family residential units and retail space. The building will have four stories with three stories of residential units from the curb grade at Nantasket Avenue and a garage located partially below the Nantasket Avenue street grade. The garage level will consist of approximately 39,000 sf. of enclosed parking and storage areas for residents as well as a trash room and utility spaces. The first floor of the building at curb grade at Nantasket Avenue will have approximately 41,300 sf. of residential units, approximately 700 sf. of balcony space for the residential units, and approximately 7,000 sf. of retail space. Additionally, the first floor will have approximately 6,400 sf. of amenity and lobby space and approximately 10,300 sf. of courtyard area. The second floor will have approximately 49,200 sf. of residential space and approximately 1,000 sf. of balcony space. The third floor will have approximately 46,200 sf. of residential space and approximately 4,000 sf. of balcony space.

The Project proposes a total of 132 residential units as follows: 6 studio units; 57 one-bedroom units; 11 one-bedroom with den units; 13 one-bedroom junior units; 37 two-bedroom units; 7 two-bedroom units with den; and 1 three-bedroom unit. The retail space will be located at curb grade at Nantasket Avenue. The amenities for the Project include lobby space, a private pool area, two private courtyards, and private balcony areas. The public open spaces include two pocket parks (approximately 1,600 sf. and 2,500 sf., totaling approximately 4,100 sf.) and an open corridor (approximately 1,200 sf.) allowing public access through the Site and connecting with the Art Walk on the adjacent property and providing the public access to the DCR parking lots.

The Project is depicted on the following plans and schematic drawings:

1) Site Plans Set prepared by Civil & Environmental Consultants ("CEC") for 0 George Washington Boulevard and 189 and 193 Nantasket Avenue, dated October 10, 2023, including:

- Cover Sheet (C000);
- General Notes (C001);
- Demolition & Erosion Control Plan (C100, C101, C102, C103);
- Layout and Materials Plan (C200, C201, C202, C203);
- Grading and Drainage (C300, C301, C302, C303);
- Utility Plan (C500, C501, C502, C503);
- Landscape Plans (C700, C701, C702, C703, C704, C705);
- Site Details (C800, C801, C802); and
- Existing Conditions Plan (SV01, SV02, SV03, SV04, SV05).

2) Schematic Drawings prepared by Monti French Design Studio (“MFDS”) dated October 10, 2023, including:

- General Sheets (G-003a, G-006);
- Architectural Site Plan (AS002);
- Floor Plans (A-101, A-102a, A-103a, A-104a, A-105);
- Building Elevations (A-220, A-221); and
- Building Height Section (A-300).

Additionally, Procopio submits the following additional documents in support of its application:

- 1) Stormwater Report, Paragon Dunes Mixed-Use Development, 189 and 193 Nantasket Avenue and 0 George Washington Boulevard, Hull, MA, prepared by CEC dated October 2023; and
- 2) Traffic Impact Study, Paragon Dunes Mixed-Use Development, 197 Nantasket Avenue, Hull, MA, prepared by McMahon dated October 2023.

#### **A. Dimensional Requirements**

The existing building at the Property is 15 ft. in height. The height of the proposed, mixed-use building will be 40 ft. measured from the curb grade at Nantasket Avenue and conforms to § 410-3.12G.(2) of the NBOD Code. The existing building is nonconforming with respect to front setback in the NBOD at 1.4 ft. and Procopio proposes to continue the nonconformity by Special Permit under § 410.3.12(G.).

#### **B. Parking**

Procopio proposes a total of 177 on-site parking spaces for the residential units, including 6 handicapped accessible spaces in conformance with the NBOD Code.<sup>3</sup> The garage parking level will provide 92 spaces. There will also be surface parking areas located to the southwest of the building which will provide an additional 81 spaces. Further, four parking spaces are provided near the service entry on the northwest side of the building. Parking for the commercial/retail uses shall be on the street as is typically allowed in this area. § 410-3.12J. requires 177 parking spaces and 177 parking spaces are provided. Two loading spaces are provided; one is located near the southerly entrance to the garage to serve the commercial uses as well as moving

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<sup>3</sup> § 410-3.12J., Table 1, Off-Street Parking Requirements requires 1 space/unit for 1-bedroom residential units and studios, and 2 spaces for 2 and 3 bedroom residential units.

activities for the residents, and a second is located near the service entry at the northwest side of the building to serve the residents and also trash management activities.

Each off-street parking space is at least 180 sf. in area, nine ft. in width, and 20 ft. in length. Each loading space for commercial vehicles is not less than 30 ft. in length, 10 ft. in width, and has a minimum clear height of 14 ft.

Vehicular access is provided from Rockland Circle and George Washington Boulevard only with access to the parking garage as well as the surface parking area. There will be no vehicular access from Nantasket Avenue. Service access for the building and retail spaces will also be provided from Rockland Circle and George Washington Boulevard only. There will be no commercial loading from Nantasket Avenue. The project will improve vehicular access by providing a connection to Rockland Circle, which is fully signalized at the intersection with George Washington Boulevard, and will also provide right-in and right-out access to the garage and parking areas directly from George Washington Boulevard.

Residents and guests will access the building from the garage level and the lobby which can also be accessed from Nantasket Avenue. The public will access the retail spaces from Nantasket Avenue and the open corridor between the retail spaces. The public will have unrestricted access from Nantasket Avenue through the Site to the DCR parking lot adjacent to George Washington Boulevard.

There are 18 bicycle spaces proposed.<sup>4</sup>

### C. Building Length

The proposed building is designed with 3 sections, separated along the frontage on Nantasket Avenue by pocket parks on the ground level and elevated private courtyards. The total length of the building along Nantasket Avenue is approximately 470 ft. but interrupted along this length by the open spaces visually reducing the mass and size of the building. The total length of the building along George Washington Boulevard is approximately 350 ft. and is also visually interrupted by inset balconies.

## III. Special Permit

### A. Uses

Special Permit approval is required for all projects and uses within the NBOD pursuant to

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<sup>4</sup> § 410-3.12J.(3) requires 2 bicycle parking spaces for each 20 off-street parking spaces required, each with a minimum of 2 x 6 ft.

§410-3.12B. The proposed uses are allowed within the NBOD. All uses currently allowed in the underlying zoning are allowed in the NBOD by Special Permit.<sup>5</sup> Residential and commercial/retail allowed uses in the underlying zoning districts.

## **B. Dimensional Relief**

### **Front Yard**

An NBOD Special Permit “may authorize the continuation, extension and/or modification of pre-existing dimensional nonconformities....” § 410-3.12G. Additionally, the Planning Board by Special Permit may waive minimum front yard requirements provided there are existing buildings fronting on the same street and establishing a frontage to conform to the other buildings. § 410-3.12G.(1)(c).

The Project’s front yard of 1.4 ft. on Nantasket Avenue conforms to the neighboring buildings fronting Nantasket Avenue and zoning relief is permissible.

## **C. Design Standards**

### **Building Length**

The NBOD Zoning Code provides “Design Standards” at § 410-3.12K. which the Planning Board shall “consider” when evaluating developments proposed within the NBOD.<sup>6</sup> Pursuant to § 410-3.12K.(2)(b), the length of a building along its front shall not exceed 80 ft. without one or a combination of the following “where deemed appropriate” by the Planning Board: (1) a public walkway appropriately landscaped through the building lot to a public way; (2) a public pocket park or plaza; or (3) the height of the building stepped down to 30 ft. on the front of the building abutting the roadway.

The Project is designed in compliance with § 410-3.12K.(2)(b). The front facade of the building on Nantasket Avenue includes two pocket parks at street level for public use. Further, the front of the building incorporates private courtyards stepped-back from the pocket parks and at a higher elevation than the pocket parks. There is also an open corridor at the southern end of the building at street level to provide access to the rear of the Site. All of this serves to visually reduce the mass of the building on Nantasket Avenue.

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<sup>5</sup> See § 410-3.12B.(1), § 410-3.12E.

<sup>6</sup> The Design Standards also reference the Design Review Board “Design Objectives” at § 127-4 of the Hull General Code and the Site Plan Review “Design Guidelines” at § 410-4.1 which the Planning Board may also consider suggesting that these standards may be discretionary rather than mandatory.

Similarly, on George Washington Boulevard at the rear of the building, there are inset balconies on the first, second and third floors. These balconies visually reduce the mass of the building as seen from George Washington Boulevard. The project is also proposing to construct modifications along and partially within George Washington Boulevard, subject to Massachusetts Department of Transportation review and approval, which are designed to improve the access from the DCR parking lot, and provide additional landscaping and public walkways that will improve the streetscape in this area.

### **Flat Roofs**

The Design Guideline for flat roofs at § 410-3.12K.(2)(c)(4), which “discouraged” the use of flat roofs, was amended at Town Meeting in 2021 to provide:

Flat roofs are discouraged to avoid a box shaped appearance and to create visual breaks in the verticality of the façade of any buildings over 30 feet. Buildings over 30 feet that are proposing flat roofs shall incorporate design features that minimize the box shape. This may be accomplished through the use of (1) a mansard roof, (2) by setting back the top story from perimeter walls a minimum of 5 feet, or (3) by proposing a design alternative that is acceptable to the Planning Board.

The Planning Board has approved design alternatives for other projects in the NBOD which include flat roofs.

The Project utilizes flat roofs but the top story is set back from the perimeter walls on Nantasket Avenue a minimum of ten ft. and there are inset balconies along George Washington Boulevard. The Project has incorporated design features that minimize the box shape of the building in compliance with § 410-3.12K.(2)(c)(4).

### **D. Climate Change and Resiliency**

While Procopio is not seeking climate change incentives under § 410-3.12L. of the Zoning Code, Paragon Dunes is designed to comply with the Floodplain Regulations at § 410-4.2 (Floodplain District use and development) and the Massachusetts Building Code, 780 CMR (9<sup>th</sup> ed.), which incorporates ASCE-24-24. Additionally, Paragon Dunes is designed to withstand increased flood elevations and frequency and intensity of storm events.

More particularly, the ground-floor commercial and lobby spaces located below the base flood elevation will be dry-flood proofed and constructed with water-resistant construction as needed in accordance with applicable code requirements. The lower level garage and storage

spaces will be wet-flood proofed allowing flood waters to enter and recede allowing for equalization of hydrostatic forces. Additionally, the Project has incorporated openings between the commercial spaces allowing flood waters associated with the Zone AO flood zone to pass around the buildings. The Project also proposes to design the garage with openings to allow flood waters to enter the garage and pass through the garage discharging to the George Washington Boulevard side of the Property.

**E. Request for Relief**

Procopio respectfully requests that the Planning Board issue a Special Permit and, in particular, approval of the following relief:

1. NBOD Code § 410-3.12B. for uses.
2. NBOD Code § 410-3.12G.(1)(c) – Minimum Front Yard.
3. NBOD Code § 410-3.12K.(2)(c)(4) for approval of design alternative for roof (if required).

**F. Grounds for Relief**

**The Proposed Development Is Not Substantially More Detrimental to the Established Character of the Neighborhood and the Town and All the Conditions Set Forth in § 410-3.12 Are Satisfactorily Met.**

The Project will stimulate mixed use redevelopment of commercial and multi-family property at scales and densities appropriate for an historic beachfront community in order to revitalize the economy and help balance the commercial and residential tax base while protecting people, property, and resources.

The Project achieves this by:

- Proposing environmentally and commercially sustainable development.
- Promoting a mix of uses and architecture so that commercial, residential, and cultural opportunities may be developed in close proximity to one another in a pedestrian and bicycle friendly community.
- Enhancing the value of land and buildings.
- Providing convenient access through the Site to the Art Walk and DCR parking lots.
- Encouraging a less sprawling and more efficient form of development that consumes less open land and reduces greenhouse gas emissions.



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- Protecting barrier beach and dune systems and their function in providing storm and flood protection and wildlife habitat.
- Designed to withstand sea level rise and increased flooding and frequency and intensity of storms caused by climate change, and thereby protects persons and property from the hazards that may result from unsuitable development in areas subject to flooding, extreme high tides, and rising sea level.


For the reasons set forth herein, Procopio has satisfied each of the elements required for the grant of a Special Permit.

**IV. Site Plan Review**

Pursuant to NBOD Code § 410-3.12C.(8), Procopio seeks streamlined permitting and requests that the Planning Board conduct Site Plan Review concurrently with its application for a Special Permit.

**V. Conclusion**

For all the foregoing reasons, Procopio respectfully requests the Planning Board to issue a Special Permit and Site Plan Approval of the proposed Project. Should you require any additional information, please do not hesitate to contact us. Thank you for your consideration.

Very truly yours,  


Adam J. Brodsky  
Drohan Tocchio & Morgan, P.C.

cc: Lori West, Town Clerk (by hand)  
Jennifer Berardi-Constable, Town Manager (via email)  
Chris Dilorio, Director of Community Development and Planning (via email)  
Bartley Kelly, Building Commissioner (by hand)  
Julia Parker, Co-Chair, Design Review Board (by hand)  
Thomas Burns, Co-Chair, Design Review Board (by hand)