

# INTERIM REPORT OF THE HARBOR PLANNING TASK FORCE

## **Background and Introduction**

This report is intended to provide an overview of the activities of the Harbor Planning Task Force, which was created by a vote of the Board of Selectmen<sup>1</sup> on May 26, 2009 at the request of the Planning Board (see **Appendix A**) as a follow-up to a series of discussions and joint meetings that took place in 2008/2009 between the Planning Board, Harbor Development Committee and Hingham Development and Industrial Commission (HDIC). The Task Force was formed, in part, to follow up on the findings and recommendations of the Master Plan for Hingham Harbor (prepared by the Harbor Development Committee in 2007 using Community Preservation funds), as well as the findings of ad-hoc Harbor Parking Committee, created by the Board of Selectmen in 2008 to review off-street parking regulations in the Harbor (see **Appendix B**).

The Planning Board's proposal was to bring together representatives of the various Town Boards, Committees and Departments that have some oversight of the harbor in order to develop a clear consensus on the most pressing short and long-term goals for the Harbor, as well as identifying any obstacles and opportunities to accomplishing these goals. The Selectmen asked that the Task Force focus, in particular, on the identification of those goals that could result in the generation of additional revenue for the Town.

Jurisdiction and oversight of the various parcels and watershed that make up the Harbor rest with a number of different entities (see **Appendix C**). As created, the Task Force includes a representative from the Selectmen, the Planning Board, the Trustees of the Hingham Bathing Beach, the Harbor Development Committee, and the Hingham Development and Industrial Commission. The Town Planner, the Harbormaster and the Conservation Agent were also asked to participate as ex-officio members. We also acknowledge the participation of many other Town Departments and officials, including the Town Accountant's office, the Animal Control

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<sup>1</sup>From the May 26, 2009 minutes of the Board of Selectmen: Voted - to endorse the creation of a Harbor Planning Task Force to deal with a plan for the harbor with the chair of that group to be the Planning Board representative. The charge would be to create policy recommendations.

Officer, the Department of Public Works and the Advisory Committee, and thank them for their assistance.

### **Role of Task Force**

As an ad-hoc group representing existing elected Boards, standing Town Committees and Town Departments, the Task Force was not formed to replace any of the groups represented or to assume their primary responsibilities. Rather, recognizing that the Town, private land owners and the public each possess diverse, and sometimes divergent, interests in the land and water uses of Hingham's harbor areas, and that divergent interests have often led to stalemate and sometimes to conflict, the value in the Task Force is to bring as many of those parties with varied interests and opinions together on a regular or periodic basis. By doing so, proposed changes along the Harbor and within the watershed have the greatest possible public exposure and input and that, in turn, allows for future decisions to be made in the most open and forthright manner possible.

Between June 2009 and September 2010, the Harbor Task Force met fifteen times at properly posted meetings in Hingham Town Hall. (On June 29, 2009 the group met for a Site Visit and toured the length of the Harbor). Task Force meetings were well attended by the public; regular attendees included representatives from the Lincoln Maritime Center, the owners of the three private parcels, mooring service providers, the Hingham Journal, and interested members of the public. In general, dialogue at the meetings was extremely cordial and productive; members concurred that one of the most important accomplishments of the Task Force was to provide a safe and structured opportunity for open communication and sharing ideas.

### **Study Area and Existing Conditions**

The primary study area is waters of, and the land abutting, the "inner harbor". The land area is approximately three quarters of a mile from east to west, and is bounded by Hingham Harbor to the north and Route 3A to the south. As shown in **Appendix D**, the area includes nine parcels of land. The Bathing Beach, Town Pier and Iron Horse Park, Whitney Wharf, Veterans Park, and the former Mobil Station, Barnes Wharf and Steamboat Wharf are all owned by the Town of Hingham and are controlled by various Boards and Departments. The parcels at 3 Otis Street, 26

Summer Street, and 30 Summer Street are privately owned. The rotary and associated right-of-way is owned by the Commonwealth of Massachusetts. The area is used largely for recreational purposes by walkers, boaters, swimmers, and other waterfront visitors. The area immediately across Route 3A is characterized by older residential development at the western end, and a mix of commercial and services uses characteristic of Hingham's historic downtown area at the eastern end. In addition, the study area includes other waters of Hingham Harbor where the Harbormaster seeks greater optimization and more uniform regulations, such as World's End, the waters off of Crow Point (in proximity to the Hingham Yacht Club) and Hewitts Cove/Back River.

### **Existing and Possible Future Uses of the Inner Harbor**

During its initial meetings the Task Force sought to identify not only all existing but also all desirable future uses at the Harbor. This brainstorming effort also included input from the public attending Task Force meetings.

#### **Existing Uses**

- Boating (moored, docked, car-top)
- Swimming and bath house
- Parkland/passive recreation
- Sailing/rowing lessons (Lincoln Maritime Center)
- Private marinas
- Public and private events (4<sup>th</sup> of July activities, Rotary Club, Touch-a-Truck)
- Farmers' Market
- Commercial uses (other than marina)

#### **Possible Future Uses**

- Public Marina
- Food Services
- Marine-oriented retail and services
- Public bathrooms

### **Restrictions and Limitations on Harbor Parcels**

In an effort to gain a full understanding of the limitations and opportunities of each one of the parcels at the Harbor, Task Force members identified and collected all relevant documents on file in the various offices at Town Hall. An annotated Bibliography of this material can be seen in **Appendix E**. This information was then consolidated into a Table summarizing the legal and regulatory restrictions on each parcel, which is shown in **Appendix F**.

In summary, in addition to by zoning and building code regulations, every parcel in the study area is subject to additional restrictions stemming from state regulations, Town Meeting actions, or deed restrictions.

To start with, all of the parcels at the Harbor are subject to some degree to Massachusetts General Law Chapter 91, which protects the public's interest in waterways of the Commonwealth, and places restrictions on the development of non-water dependant uses in waterfront areas. In order for new uses to be introduced in an area within the jurisdiction of Chapter 91, review and approval by the Department of Environmental Protection is required. Similarly, all of the parcels are subject to the jurisdiction of the Hingham Conservation Commission. The three privately-owned parcels (3 Otis, 26 Summer Street and 30 Summer Street)) are not subject to other restrictions other than the inherent challenges relative to the size, shape, and location of the parcels. Each one of the Town-owned properties, however, is subject to one or more specific restrictions stemming from the terms of their acquisition by the Town. For example, the former Mobile Station Property, purchased by the Town using funds from the Community Preservation Act in 2008, will subject to a recorded restriction limiting its use to open space. Similarly, the terms of the sale of Barnes and Steamboat Wharf to the Town in 1966 require that it serve as a public landing.

All of the Town-owned properties on the Harbor are uniformly subject to Article 97 of the Articles of Amendment to the Massachusetts Constitution, which requires a two-thirds vote of the Massachusetts Legislature if land acquired for park or conservation purposes is (1) used for “other purposes or (2) “otherwise disposed of.”

**Identification of Goals, Accomplishments to Date Matters for Future Discussion and/or Action**

At the initial meeting of the Harbor Planning Task Force on June 15, 2010, members were asked to identify the top priorities (short and long term) for each of the groups being represented. Over the course of the year, additional goals were added. The following list, which varies from broad to extremely targeted, reflects the wide range of goals identified. While not all matters reached a final conclusion, all of these items were discussed over the course of the Task Force's meetings, many were accomplished, and some were deferred.

1. Consolidate Information Related to the Harbor and Identify Goals. **Status: Complete**
  - (a) Generated comprehensive list of shared goals based on wide range of public input;
  - (b) Gathered all Harbor-related material in Town Hall and consolidated in single location; created annotated bibliography.
  
2. Understand and update Harbor policies and regulations.
  - (a) Gain a better understanding of regulations and restrictions governing Harbor parcels  
**Status: Partially Complete.** Revised Harbor Bylaw approved by 2010 Town Meeting and approved by the Attorney General. Updated Regulations awaiting Board of Selectmen vote.
  - (b) Review current zoning applicable to the Harbor and identify appropriate modifications
    - (i) 2010 Town Meeting approved an amendment to the Zoning By-Law developed by the Task Force to create a Harbor Overlay District. **Status: Complete**
    - (ii) Protect views from the Harbor. **Status:** The Harbor Overlay District created flexible setback requirements to allow buildings to be sited in a way to preserve views. Protection of views is an ongoing consideration.
    - (iii) Consider future amendments to the Zoning By-Law to allow for expanded uses in the Harbor Overlay District, including a sit-down restaurant.

3. Increase opportunities for revenue generation on public and private parcels.

- (a) Explore feasibility of Town-owned marina. **Status: Ongoing**
- (b) Explore feasibility of restaurant or concessions on Town-owned parcels.

**Status: Ongoing**

- (c) Explore pros and cons of greater Town control of Mooring Service providers.

**Status: Complete.** Outcome: The majority of the Task Force members felt that the Harbormaster's proposed process of establishing regulations establishing minimum service provider qualifications and an application process was preferable to an RFP process that would allow only one service provider in the inner harbor. The Harbormaster's proposal is set forth in the Regulations prepared by the Harbormaster and reviewed by the Harbor Development Committee, Task Force and discussed at numerous public hearings.

- (d) Support Harbormaster efforts to make Harbor operations self-funding so that costs are covered by revenues.

- (i) Enhanced mooring optimization plans for Inner Harbor and World's End.

**Status: Complete**

- (ii) Establishment of mooring waiting list for World's End. **Status: Complete**

- (iii) Creation of four Town-controlled transient moorings at World's End.

**Status: Complete**

- (iv) Enhanced Mooring Optimization Plan for Back River, and Yacht Club.

**Status: Pending**

- (v) Summary of Harbor-Related Revenue for Current Year:

**Total estimated revenues for this year are at least \$302,000, as follows:**

Vessel excise taxes: Projection is \$87,135 (up slightly from \$85,448 from last year)

Total Fees Collected to Date: \$217,151.48 (up from \$184,000 last year)

Breakdown by Account

Shellfish	\$ 2,776.00
Mooring Rentals	\$ 4,470.00 (up from \$500 last year)
Mooring Permits	\$192,450.48
Float Fees	\$ 15,705.00
Fines	\$ 750.00
Boat Ramp	\$ 1,000.00

- (e) Consider the proposed lease of a portion of the Town parking facility at the Harbor to the owner of 3 Otis Street. **Status: Pending.** Town Meeting authorized a zoning change that will allow cross-parking between Town and private land in the Harbor Overlay District and authorized the Selectmen to enter into a license agreement with the owner of 3 Otis Street for shared parking. The Task Force provided some input on proposed non-monetary conditions to such an agreement, such as reservation of the Town's rights with respect to tidelands. Negotiation of the license is pending with the Board of Selectmen.

4. Provide improved facilities. **Status: Ongoing**

- (a) Provide shore-based pump-out facility (possibly in conjunction with Town marina).  
Note: Engineering plans completed, funds needed, possible funding sources identified.
- (b) Create formal car-top launching facility.
- (c) Provide public restrooms at convenient locations on public parcels (possibly in conjunction with Town marina) or on private parcels through public/private cooperation.
- (d) Improve boat ramp and parking lot. Note: Army Corp permit is now current. Town can apply to Public Access Board for funds for improvements.
- (e) Provide summer office for Harbormaster, possibly in conjunction with development of Town Marina.
- (f) Improve Bath House at Bathing Beach.
- (g) Explore opportunities for food service/concessions on public and/or private parcels.

5. Improve Public Access

- (a) Create continuous pedestrian walkway from one end of the harbor to the other, with a priority on the creation of a footbridge.  
**Status:** A walkway and footbridge was originally studied by the Harbor Development Committee. Any wharf/pier structural issues that may affect creation of a walkway may be considered during the Full Conditions Survey of the inner harbor currently underway (discussed in Paragraph A.1 below). The creation of a footbridge is still considered a priority due to pedestrian safety concerns. The Task Force reviewed possible designs and discussed the possibility of the Town addressing the footbridge in the context of proposed

improvements to Route 3A, however with the delay of that project, funding continues to be an obstacle.

- (b) Provide safe pedestrian access across Route 3A.

**Status:** Existing plans created for the HDIC in connection with the downtown Hingham improvements call for enhancements to the Route 3A/North Street intersection to calm traffic and improve pedestrian safety. It was hoped that this work might be done in connection with improvements to the rotary intersection promised by the Commonwealth but the indefinite delay in the rotary changes has also put these improvements on hold.

- (c) Preserve public access to Town land, particularly Steamboat Wharf and Barnes Wharf

**Status:** As public lands, continued public access to these wharves are required by law. This issue is related to the Selectmen's discussions with the Lincoln Maritime Center with respect to their request for extended leases of the wharves. The structural condition of the public wharves will also be reviewed as part of the Full Conditions Survey.

## 6. Improve Ongoing Maintenance

- (a) Canada Goose Control.

**Status:** The Task Force initiated a privately-funded goose control program for the Canada Goose population along the inner harbor parcels. Based on feedback from the Animal Control Officer and the service provider, the privately funded goose program had some success but was limited by the late start. There is a general consensus that the program, if started earlier in the year would have a greater success rate. In addition, it was known from the outset that this type of goose control requires ongoing maintenance over a number of years. Current discussions include seeking private funding to begin the program in a timely manner in the spring along with potential Town funding for fiscal year 2011-2012 through authorization at the 2011 Town Meeting, with the source of funds to be part of the ongoing discussion. Task Force members also discussed the possible use of lasers for goose control which was used in the past by the School Department.

- (b) Improve ongoing maintenance (trash collection, mowing, etc)

7. Hingham Farmers' Market **Status: Completed for 2010**

The Task Force facilitated communications between the Trustees of the Hingham Bathing Beach and the Hingham Farmer's Market, leading to the creation of a Memorandum of Agreement pursuant to which the Trustees collected an use fee in exchange for the regular use of the parking lot by the Hingham Farmers' Market. This is a year-to-year permit to be overseen by the Trustees.

**In addition to the ongoing matters set forth above, the following additional matters were discussed and identified for further review:**

**A. Harbormaster Matters**

1. Completion of Full Conditions Survey among other initiatives to be funded by approved State waterways funds. Note: The Full Conditions Survey will assist in determining the condition of existing wharf structures, the feasibility of a walkway along the entire inner harbor front, and options for a town marina and other uses along the inner harbor. **Status: Underway**
2. Optimization of Back River mooring field, review of permits in Back River relating to mooring fields, and review of possible car top access locations.
3. Review shellfish regulations and management plan.
4. Feasibility and advisability of creation of an Enterprise Fund for Harbor-generated revenues and expenses.
5. Narrowing of the Weir River channel between Hull and Hingham.
6. Review beach management plan for Harbor beach areas not included in Bathing Beach in coordination with Bathing Beach management plan as applicable.
7. Implement "moorings on-line" mooring management program.
8. Provide public dinghy docks. Possible donation from US Coast Guard.
9. Look at insurance regulations for mooring service providers pertaining to the town being listed as additionally insured.
10. Review permits (Chapter 91 and Army Corp) for Town-owned property, including Barnes and Steamboat Wharf.
11. Study feasibility of providing commercial fishing and lobstering facilities, thus accessing public funding for dredging and facilities.

**B. Other Matters**

1. Rename Mobil Station parcel
2. Study feasibility of providing utilities to Barnes and Steamboat Wharf.

Submitted on behalf of the Harbor Planning Task Force

Susan Murphy, Chair (Planning Board)

John Riley (Board of Selectmen)

Peter Fee (Trustees of the Bathing Beach)

Alan Perrault (Harbor Development Committee)

Ben Wilcox (Hingham Development and Industrial Commission)

Katy Lacy, Director of Community Development and Town Planner

Ken Corson, Harbormaster

Date: October 21, 2010

**Appendix A: Letter to Selectmen Requesting Creation of Committee**

May 26, 2009

To: Board of Selectmen

From: Katy Lacy, Town Planner, on behalf of the Planning Board and others

Re: Request to Create "Joint Harbor Planning Group"

On June 30, 2009 the Planning Board held a "Goal Setting Meeting" to identify projects that they wanted to take on during the upcoming fiscal year. A top-ranking goal identified by the Board was to develop, or support the development of, a long-term plan for Hingham Harbor.\* Cognizant of the fact that they were not working in a vacuum, the Planning Board invited representative from the Harbor Development Committee, the HDIC, the Bathing Beach, the Selectmen, and the ad-hoc Harbor Parking group to review what planning had been done to date, and to identify future planning goals. This blended "Harbor Planning Group" met twice (July 14, 2008 and January 14, 2009) for two very productive sessions at which the following questions and topics were addressed:

1. What is the preferred long-term "Vision" for the Harbor and Bathing Beach area?
2. What are the top priorities in terms of short-term improvements?
3. What potential, appropriate sources of revenue can the Harbor generate for the Town?
4. What regulatory or policy changes will lead to the best possible outcome?

Before proceeding any further with this discussion, however, members of this group concurred that it was important to check in with the entire Board of Selectmen to seek validation before moving forward. To that end, representatives from these groups are requesting that the Selectmen officially sanction the creation of a Joint Harbor Planning Group, with the charge of seeking widespread public input on the questions listed above, and coming back to the Selectmen within one year to report on their findings. A possible interim goal would be to identify potential changes to the Zoning By-Law relative to the Waterfront Business District and Official and Open Space District which could ultimately be brought to the 2010 Town Meeting for consideration.

Ideally this group should include a representative of the Planning Board, Harbor Development Committee, Bathing Beach, Selectman and Hingham Development and Industrial Commission. Staff assistance could be provided by the Town Planner.

*\*A critical premise upon which the discussions were based was that the Master Plan for Hingham Harbor, prepared by the Harbor Development Committee in 2007 using funds from the CPC, represented a significant effort, and included many valuable recommendations. Additionally, the findings of the Ad-Hoc Harbor Parking Group will also prove very useful in understanding the various restrictions in place at the Harbor. That said, the feeling shared by the group was that, due to a variety of constraints, there had not been sufficient, widespread public input on either of these two efforts.*

## **Appendix B: Review of Previous Planning Efforts**

### *1989 Hingham Harbor Management Plan*

1989 Hingham Harbor Management Plan was prepared by the Harbor Development Committee and draws heavily on two earlier planning documents: A “Preliminary Master Plan for Hingham Harbor” prepared in June 1988 by Ann Ludwig, Consultant, and “A Harbor Improvement Strategy for The Town of Hingham” prepared in May 1988 by three graduate students from the Harvard Kennedy School. This report documents harbor information and makes general recommendations for future development. It emphasizes the importance of keeping the area open for Town-owned passive and active recreational uses, and throws out suggestions for a promenade, historical markers, marine research center, harbor museum, and Town recreation facility. It also calls for the creation of a Planning Committee including representation from a wide variety of town boards and committees to move the planning process forward.

### *2006 Hingham Harbor and Tidal Waterways Management Plan*

In 2006 the Harbor Development Committee completed what was referred to as an “ongoing” study of the entirety of Hingham Harbor, broken down by sub-areas in including a historical overview of the harbor, a statement of goals and objectives for the HDC, and fairly detailed action plan for each area. This plan includes a vision of broad-based use of the Harbor by a wide variety of users, and acknowledges the somewhat symbiotic relationship between the Downtown area and the Harbor. It also includes a plea for more authority for the HDC, and an assertion that the Article creating the committee in 1970 requires their inclusion in all harbor planning activities.

### *2007 Master Plan for Hingham Harbor*

In 2007 the Harbor Development Committee, along with two representatives of the Community Preservation Committee, oversaw the efforts of consultant Mark Mazarelli in the preparation of the “Master Plan for Hingham Harbor.” In terms of land use options, this plan basically accepts the status quo. Instead the focus is on how to improve the appearance, safety and utility of existing uses. The plan divides the Harbor into distinct zones, and identifies very specific treatment recommendations (plantings, site furniture, walkways) and cost estimates for implementation.

### *2008 Harbor Parking Committee*

This ad-hoc group met through the spring and summer of 2008 with the goal of investigating the history and status of the Town-owned parking lots near the Harbor, including the identification of any legal or regulatory restrictions on their use.

**Appendix C Boards and Committees Involved with Harbor Planning**

<b><i>Board or Committee</i></b>	<b><i>Role re: Harbor Planning</i></b>
<i>Board of Selectmen</i>	Appointing authority for Harbor Development Committee, Hingham Development and Industrial Commission, Conservation Commission and other ad-hoc Harbor Planning committees. Fiscal Health of Town
<i>Harbor Development Committee</i>	Established by Article 30 of the 1971 Town Meeting to replace the former Harbor Committee to “coordinate the Planning and Development of the Tide Water areas within the Town Boundaries.” Advisory to the Selectmen.
<i>Hingham Development and Industrial Commission</i>	Established in 1956 as the “Desirable Business and Industry Committee” to promote economic development opportunities in all areas of Town. Current plans for Downtown Hingham emphasize links between Downtown Hingham and the Harbor. Advisory to Selectmen.
<i>Planning Board</i>	Charged with the development of Town Master Plan, which addresses Harbor area. Identified as “Party of Interest” in all Chapter 91 applications. Prepares and holds public hearings on all amendments to the Zoning By-Law affecting the land uses in the Harbor. Conducts Site Plan Review and issues Special Permit A3s on proposed applications for Harbor parcels.
<i>Town Meeting</i>	Final approval for legal disposition of Town-owned land (sale or leasing). Final approval for amendments to the Zoning By-law. Final approval for amendments to the Harbor By-Law.
<i>Trustees of the Bathing Beach</i>	Created by an act of the Massachusetts State Legislature in 1934 and Town Meeting Article 22 (1935) to “hold title to, and manage and improve as a park, bathing, beach or playground” the land comprising the Bathing Beach parcel. Trustees elected for life.
<i>Harbormaster</i>	Promulgates and enforces the Town’s Harbor By-Law and state waterways regulations. Serves as Town Shellfish Warden
<i>Conservation Commission</i>	Charged with the enforcement of the Massachusetts Wetlands Protection Act and the Hingham Wetlands By-Law
<i>Massachusetts Department of Environmental Management</i>	Division of Waterways oversees all provisions of Chapter 91

**Appendix D: Inventory of Study Area Parcels**

<b>Name</b>	<b>Parcel #</b>	<b>Address</b>	<b>Parcel Size</b>	<b>Zoning</b>	<b>Owner</b>	<b>Use</b>
Hingham Bathing Beach	Map 50 Lot 51	0 Otis Street	6 acres	Official and Open Space	Trustees of Hingham Bathing Beach	Park/Beach
Town Pier/Iron Horse Park	Map 50 Lot 50	0 Otis Street	5.7 acres	Official and Open Space	Town of Hingham	Park/Marina
Bare Cove Marina	Map 50 Lot 49	3 Otis Street	.21 acres	Waterfront Business	Bare Cove Properties LLC	Marina
Whitney Wharf	Map 51 Lots 1	4 Summer Street	.56 acres	Official and Open Space	Town of Hingham	Park
Veterans Park	Map 51 Lot 2	12 Summer Street	.4 acres	Official and Open Space	Town of Hingham	Park
Mobil Station	Map 51 Lot 3	16 Summer Street	.51 acres	Waterfront Business*	Town of Hingham	Park/Open Space
Hingham Boat Yard	Map 51 Lot 4	26 Summer Street	.54 acres	Waterfront Business	Hingham Boatyard LLC*	Marina
Gallery 360	Map 51 lot 5	30 Summer Street	.2 acres	Waterfront Business	Helm Realty Trust	Realty Office
Barnes Wharf	Map 51 Lot 58	50 Summer Street	.95 acres	Official and Open Space	Town of Hingham	Sailing Center
Steamboat Wharf	Map 51 Lot 59	50 Summer Street	1.8 acres	Official and Open Space	Town of Hingham	Park

## **Appendix E: Annotated Bibliography of Harbor-Related Material in Town Hall**

### **Bathing Beach**

- 2009 Fiscal Year 2010 Budget
- July 29, 2009 Transcript of interview with Peter Fee
- May 29, 1996 Beach Management Plan Prepared by Nucci Vine Associates  
Includes background information on creation of beach (it is basically man-made) and a plan to maintain existing beach conditions.
- July 31, 1998 Cover letter from Charles Cristello to Peg Brady, CZM, re: Final Report for Coastal Pollution Remediation Grant used to fund stormwater remediation project at Bathing Beach parking lot. *This was when the lot was enlarged and improved to accommodate snow storage. Full grant report is located in the Selectmen's files.*
- August 5, 1993 Scope of Work for Beach Management Plan (above)
- Dec.11, 1975 Letter from Laurance Cornwall, Bathing Beach Trustee, to Representative Richard J. Dwinell describing the legal status and current operations at the beach. Reports annual operating budget of \$8,000-\$10,000 (including swimming instruction).
- March 31, 1970 Hearing notice regarding construction of 500' revetment along northern end of Hingham Bathing Beach
- May 18, 1949 Certificate issued by William Howard, Hingham Town Clerk, appointing Edward Lincoln as Trustee of the Hingham Bathing Beach. Includes reference to Registered Land Document 936 (Registry District of Plymouth County) establishing the Trust.
- March 4, 1935 Town Meeting Article 22, acting under Chapter 75 of the Acts of 1934, elects three Trustees of the Bathing Beach for "indeterminate terms" to hold title to and manage the beach.
- March 4, 1933 Town Meeting Article 25 asks Town Meeting to hear a joint report of the Park Committee (Harbor) and Playground Committee (Bathing Beach) on plans for a bathhouse and the development of a park. TM voted NO Action on this.
- March 9, 1934 Chapter 75 of the Acts of 1934 authorizes the inhabitants of the Town of Hingham to elect Trustees for the Bathing Beach to manage all assets held

by the Hingham Village Improvement Society, which was dissolved by Chapter 148 of the Acts of 1933.

- December 12, 1933 Special Town Meeting Article 2 appropriates \$555.00 to develop plans and specifications for a bath house and plans for the entire harbor area.
- March 6, 1933 Article 35 of Town Meeting authorizes the Town to acquire the Iris Property
- April, 1933 Vote of Selectmen to acquire by purchase or eminent domain the Iris Property, which appears to be the northerly portion of the Bathing Beach.
- March 6, 1933 Article 36 Authorizes the Playground Committee to use the land owned by the Village Improvement Society
- March 6, 1933 Article 37 authorizes Town Meeting to elect three Trustees of the Hingham Bathing Beach.
- November 21, 1916 Deed of Trust transferring land from Louis Cornish to the Hingham Village Improvement Society, Inc.

#### **Town Pier/Town Beach/Harbor Parking Lot**

- July 2008 Vote of Hingham Traffic Committee to restrict parking for commercial vehicles at Town Pier parking lot.
- June 20, 2005 Special Permit A1 from Hingham ZBA for construction of 16' by 16' Harbormaster's shed.
- June 15, 2004 Land Management Agreement between Commonwealth of Massachusetts and the Town of Hingham relative to construction of the boat ramp by the Department of Fish and game, and including restrictions placed on the Town relative to the use of the ramp and adjacent parking area.
- January 7, 1987 Letter from Town Counsel, Jim Toomey to Peter Fee with legal opinion "as to potential liability of the Town relative to the placement of lifeguards in the boat ramp area of the Harbor."
- June 20, 1987 Special Permit A1 from the Hingham ZBA from the demolition of existing pier, and construction of new one.
- December 5, 1986 License issued by Commonwealth of Massachusetts to the Town of Hingham to "replace and maintain the existing concrete boat ramp" in accordance with state approved plan. License includes several terms and conditions.

1946	Transfer Certificate of Title for what appears to be northernmost portion of Harbor Park
1927	Town Report includes report from Committee on Soldier's Memorial indicating that in the previous year they had selected the artist and design for the Iron Horse sculpture.
April 29, 1927	Deed transferring land from Leroy and Harriet Lane to the Town of Hingham
January 28, 1927	Report of the Park Commissioners and Planning Board describing all of the progress constructing the park, and conflicts between park construction and the construction of the "New State Highway".
1926/1927?	Vote of the Board of Park Commissioners to purchase the various parcels of land comprising the public park at the Harbor. References a "Plan of Land on Otis Street, Hingham MA" prepared on November 23, 1926 by Walter B. Foster
January 7, 1926	Deed transferring land from James Kimball to the Town of Hingham
March 6, 1926	Deed transferring land from Fannie Nye to the Town of Hingham
October 19, 1925	Special Town Meeting Article 2 authorizes the Town to acquire the area now including Iron Horse Park, and the Town Pier.
July 3, 1925	Deed conveying property owned by Thompson Coal to James Kimball
<b><u>Whitney Wharf</u></b>	
May 4, 2004	Order of Conditions for Whitney Wharf
April 24, 2003	Letter from Terry McSweeney to Harbor Development Committee providing update on environmental investigation of contamination at Whitney Wharf
April 30, 2001	Chapter 91 Waterways License for Whitney Wharf
September 12, 2000	Application for Notice of Intent for Construction of Whitney Wharf
December 1999	Update on Whitney Wharf Construction from Harbor Development Committee
July 1, 1992	Special Permit and variance issued by ZBA for construction of park at Whitney Wharf

June 23, 1989	Deed transferring land from Tom O'Brien Trustee, to Town of Hingham
1988/1989??	Undated, unsigned document transferring Whitney Wharf parcel from Wolff Sullivan to Town of Hingham. Limits use to "conservation, recreation and harbor development purposes."
April 26, 1988	Town Meeting Article 58 authorizing (but not requiring) the Town to transfer two lots (one at Cushing and Derby, and one on Beal Street) for the Whitney wharf property.
February 2, 1985	ZBA denial of application for sign permit.
March 6, 1984	ZBA decision relative to application to use the premises at 2 Summer Street for a marine-oriented retail store.
July 12, 1982	ZBA denial of application for Special Permit A2 to construct apartment building on the parcel
April 28, 2008	Article 20 of Town meeting authorizes the Board of Selectmen to acquire 16 Summer Street (lot 3 on Assessor's Map 51)

### **Mobil Oil and Veterans Park**

September 11, 2008	Order of Taking by the Town of Hingham
July –Sep. 1992	Application and approval of request relative to relocation of 55 gallon steel hazardous waste tank
July 23, 1990	ZBA decisions denying request for setback variance
October 7, 1975	Deed conveying from Mobil Oil to the Town of Hingham the area now occupied by Veterans Park "and to all of the shore and flats appurtenant and adjacent to said premises..as far into the sea as private ownership extends".
Jan. to April 1974	Letters re: acquisition of tidal flats between Whitney Wharf and 26 Summer
June 27, 1974	Letter from Arthur W. Brownell, Commissioner of the Department of Natural Resources to Stuard Debard, Hingham Conservation Commission, approving Hingham Waterfront Acquisition Project No. 25-00015, to acquire Veterans Park and all associated tidal flats.
January 9, 1970	Deed conveying property from James H. Kimball to Mobil Oil

July 31, 1957            Deed showing acquisition of a portion of property owned by Litchfield by Goode Ford Sales.

**Barnes Wharf and Steamboat Wharf**

June 23, 2008            Special Permit A2 from the Zoning Board of Appeals for Modification to the Special Permit to allow for “expansion” of the LMC to include rowing program at Steamboat Wharf.

August 21, 2007        Selectmen’s meeting minutes from August 21, 2007. Harbor Development Committee presents plans for LMC, and Selectmen vote to approve them.

August 2, 2007        Letter to Selectmen from Harbor Development Committee describing proposed use of Steamboat Wharf

May 31, 2007            Memo to Selectmen from LMC showing parking demand and capacity

August 8, 2006        Signed Lease between Town of Hingham and Lincoln Sailing Center for Steamboat Wharf

September 23, 2005    Proposal from Lincoln Sailing Center to lease Steamboat Wharf.

April 25, 2005        Town Meeting Article 55 authorizes Town to issue an RFP to lease Steamboat Wharf

August 5, 2004        Letter from Mike Cataldo to Lissa Tully requesting permission for Lincoln Maritime Center to clear Steamboat Wharf

April 16, 2002        Modification to Special Permit A2 and Variance to construct new building and allow new groups to use the Sailing Center

February 25, 2002     Application for side-yard setback variance for new Lincoln Sailing Center Building, and to Modify Special Permit to allow for introduction of the Rowing Program

February 16, 2001     Letter from Harbor Development Committee to Charles Cristello

December 15, 2000    Letter from Virginia Gray to Bernard McCourt

November 9, 2000     Letter from the ZBA to the Lincoln Sailing Center authorizing construction of new building instead of relocation as minor modification to original Special Permit

June 23, 2000        Modification to Special Permit A2 to relocate Studley Building to Lincoln Sailing, and parking waiver

February 3, 2000	Letter authorizing the LSc to start the permitting process to relocate the “Studley Building” to the Harbor
May 21, 1987	Letter from the Board of Selectmen to the LSC granting permission to construct the structure as approved by ZBA. Includes condition that if the sailing program changes, the Special Permit must be changed as well
May 15, 1987	Letter from Martha Horn to Hingham Light re: wiring at Barnes Wharf
May 11, 1987	Special Permit for construction of building and parking waiver for Lincoln Sailing Center
April 9, 1987	Letter from town Counsel George Ford to ZBA re; ownership and use of Barnes Wharf
April 5, 1987	Notes of conversation with Town Counsel George Ford written by ZBA Chairman Martha Horn
March 10, 1987	Information packet and request for comments from various Town boards and committees regarding the application of Lincoln Sailing Center for a Special Permit from the ZBA.
January 22, 1987	Letter from Board of Selectmen to Virginia Gray authorizing Lincoln sailing Center to use Barnes Wharf
December 17, 1987	Variance application submitted by Lincoln Sailing Center to ZBA for construction of shelter.
December 31, 1986	Letter from Board of Selectmen to Virginia Gary authorizing her to apply to the ZBA for a variance on the Town’s behalf
May 6, 1971	Letter from Harold T. Davis, Town Counsel, to Eugene Bickford, Hingham Board of Selectmen re: insurance policies for Rotary-funded improvements to Barnes Wharf
January 20, 1966	Letter from Charles B. Barnes to Mason A. Foley, Hingham Board of Selectmen, offering to sell Barnes and Steamboat Wharf to the Town for \$250,000
July 18, 1966	Deed transferring Barnes and Steamboat Wharf from Charles P. Barnes and John P. Barnes to the Town of Hingham
February 21, 1967	Order of Taking for Barnes and Steamboat Wharf by the Hingham Selectmen

### **3 Otis Street**

August 15, 2008	Deed transferring property to Bare Cove Properties, LLC (Nick Bonn)
July 29, 2008	ZBA Ruling that 2004 Special Permit A2 was still valid because work had commenced
July 17, 2008	ZBA issues Denial of Appeal of Building Commissioner's Ruling of non-compliance
Feb. 26, 2008	Chapter 91 License for 3 Otis
October 25, 2006	Special Permit A2 for interior modification to accommodate art gallery issued by Board of Appeals
October 10, 2006	Special Permit A-3 (Parking Determination) for interior modification to accommodate art gallery issued by Planning Board
August 17, 2004	Special Permit A1 issued for the installation of timber mooring piles to secure floats at 3 Otis
August 27, 1996	Chapter 91 Amnesty License for Building and Pier at 3 Otis Street
July 5, 1984	Special Permit A2 for addition to existing building at 3 Otis
April 14, 1964	License issued by Massachusetts Department of Public Works to construct "one and one half story frame building...on pile and timber platform."

### **26 Summer Street**

December 19, 2008	Modification to Special Permit A2 for mixed use building and marina issued by ZBA
November 20, 2008	Modification to Approved Site Plan issued by Planning Board
April 16, 2008	Site Plan Review, Hingham Planning Board
October 19, 2006	Letter from Jane Santosuosso to Building Commissioner re: 26 Summer Street
April 10, 2006	Chapter 91 License issued for mixed-use building and marina
April 25, 2005	Notice of Extension of Variance issued by ZBA

April 29, 2004	Special Permit A2 and variance issued by ZBA for mixed use building and marina
May 21, 2003	Chapter 91 License issued to Hingham Cove, LLC
August 1, 2002	Special Permit A-1 to install 8 12” anchor piles to secure existing floats
January 28, 2000	Deed transferring Property from Roger Merrill to Tom Hastings
September 3, 1992	Chapter 91 License to 1 <sup>st</sup> Quality Marine (Roger Merrill)
October 9, 1991	Correspondence from Roger Merrill to John Simpson, Waterways Division, regarding application for amnesty Ch. 91 License. Includes copies of existing state permits for 26 Summer from 1889, 1949 and 1977.
June 24, 1986	Information packet for 26 Summer Street provided to Town Officials by Attorney for owner, Vernon Conlin, in preparation for sale of the property
Nov-Dec., 1984	Correspondence between Town and Quality Fiberglass, Inc. re: request to “drop 50 moorings” in the Harbor. Request ultimately denied y Planner and Harbormaster.
<u>30 Summer Street</u>	
March 7, 1975	Deed from Mobil Oil to Helm Realty Trust (Gallery 360).

**Appendix F Ownership, Legal and Regulatory Restrictions on Each Parcel**

<b>Name</b>	<b>Restrictions</b>
Hingham Bathing Beach	-Subject to Restrictions of Article 97 of Massachusetts -Subject to Provisions of "Hingham Village Improvement Society" Deed of Trust -Zoned Official and Open Space -Within Conservation Commission Jurisdiction -Subject to Chapter 91?
Harbor Park/Town Pier/Iron Horse Park	-Subject to Restrictions of Article 97 of Massachusetts -Boat Launch Parking Area Subject to Restriction associated with 2004 Agreement with Massachusetts Department of Game and Fisheries in exchange for Construction of Boat Ramp, requiring 33 public-access dedicated trailer parking spots -Zoned Official and Open Space -Within Conservation Commission Jurisdiction
Bare Cove Marine	-Zoned for Waterfront Business -Subject to Chapter 91 -Subject to various Special Permits -Within Conservation Commission Jurisdiction
Whitney Wharf	-Subject to Restrictions of Article 97 of Massachusetts-Open Space Protection -Subject to permanent deed restriction per CPA, M.G.L. Ch. 44B, Section 12 Within Conservation Commission Jurisdiction -Subject to Official and Open Space Zoning -Subject to 1992 Special Permit as amended
Veterans Park	-Subject to Restrictions of Article 97 of Massachusetts-Open Space Protection -Subject to 1973 Town Meeting Article 27 restricting use to "conservation, recreation and/or Harbor Development" -Subject to Restrictions relative to receipt of Federal Land and Water Funds, limiting use to park and/or marina -Within Conservation Commission Jurisdiction -Subject to Official and Open Space Zoning
Mobil Station	-Subject to Restrictions of Article 97 of Massachusetts-Open Space Protection (?) -Subject to permanent deed restriction per CPA, M.G.L. Ch. 44B, Section 12 -Within Conservation Commission Jurisdiction -Subject to Chapter 91 -Subject to Waterfront Business Zoning
Hingham Boat Yard	-Within Conservation Commission Jurisdiction -Subject to Waterfront Business District Zoning -Subject to Special Permit -Subject to Chapter 91
Gallery 360	-Within Conservation Commission Jurisdiction -Subject to Waterfront District Zoning -Subject to Chapter 91
Barnes Wharf/Steamboat Wharf	-Within Conservation Commission Jurisdiction -Subject to Official and Open Space Zoning -Subject to Chapter 91 -Subject to Existing Special Permits -Subject to Provisions of 1966 TM Article 15 (limiting use to public landing)