



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Applicant: Hingham Yacht Club
208 Downer Avenue
Hingham, MA 02043

Property: 208 Downer Avenue, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 481, Page 5011

Plan References: "Site Plan, 208 Downer Avenue, Hingham, MA 02043," prepared by Cavanaro Consulting, 687 Main Street, Norwell, MA, dated August 11, 2021 and revised through October 8, 2021 (1 Sheet);
"Hingham Yacht Club, New Boat Barn," prepared by Roundel 47 LLC, 46 Allen Place, Scituate, MA, dated July 26, 2021 and revised through October 25, 2021 (5 Drawings); and
"Proposed Landscape Plan, Hingham Yacht Club," prepared by Environmental Consulting & Restoration, LLC, dated October 5, 2021 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Hingham Yacht Club (the "Applicant") for Site Plan Review under §§ I-G and I-I of the Zoning By-Law (the "By-Law") to replace an existing barn with a new two-story, boat storage barn at 208 Downer Avenue in Residence District A.

The Board opened a noticed public hearing on the application on September 13, 2021 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. Subsequent sessions of the hearing were held remotely during a joint meeting with the Zoning Board of Appeals on October 12, 2021 and

a separate meeting on October 25, 2021. The Board panel consisted of regular members Kevin Ellis, Chair, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. John Cavanaro, P.E., of Cavanaro Consulting, Michael Whitmore of Roundel 47 LLC, and Commodore Christopher Burns appeared to present the application to the Board. The Board was assisted in its review by consulting engineer, Patrick Brennan, P.E., of Amory Engineers. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval with conditions set forth below.

BACKGROUND

The subject property, known as the Hadlock Parcel, consists of 28,458 SF of land bounded by the Harbor to the north, portions of the Downer Avenue right of way to the east, Marion Street to the south, and a single-family property to the west. Significant portions of the property are affected by wetland resource areas, including a coastal bank and floodplain (FEMA Floodzone VE (13-14 ft)). The property serves as accessory parking and boat storage for the Hingham Yacht Club (HYC), which operates directly across Downer Avenue. It is improved by an existing barn that is located entirely within the resource area. The proposed plan would replace this structure with a new 2-story barn located along the south property line shared with Marion Street and within the limited area not impacted by wetland resources. The project would result in an additional 587 SF of impervious area (556 SF existing and 1,143 SF proposed).

The Conservation Officer issued an Administrative Review Decision on August 30, 2021, authorizing the demolition of the existing barn from the property. The Decision notes that the current barn location impedes floodwater, "as it is not elevated, nor does it have breakaway panels or flood vents. Demolition of this structure will improve the existing conditions and benefit the resource area."

Since HYC filed the initial application, a number of residents provided public comments both in support of and in opposition to the project. Concerns related to the application included the originally proposed cut to an existing slope and removal of existing vegetation. In response, the Applicant revised the location of the barn in order to reduce the extent of the proposed cut while also staying outside of the floodplain. HYC also engaged: 1.) an arborist to assess the quality of existing vegetation, which largely consists of invasive Norway Maples (6 mature trees greater than 6" in caliper are identified for removal) and 2.) a landscape designer to develop a proposed plan.

Following the initial hearing before the Board, the Applicant presented a preliminary version of revised plans during a site visit on September 27, 2021. A member of the Planning Board attended the meeting, as did a number of neighbors.

Public comment offered to the Boards from neighbors included suggested conditions of approval related to construction impacts on 208 Downer Avenue resulting from the project. The Board discussed options to mitigate these impacts and committed to impose related conditions.

Abutters also raised parking impacts associated with the primary Yacht Club use located at 211 Downer Avenue, particularly during scheduled events. The Board reviewed the existing and proposed conditions, verifying that the property complies with previously approved parking permits. The Applicant represented to the Board that the proposed barn will be used more or less in the same manner as the existing – as storage for boats. It will not be used for functions or events, so it will not generate a greater parking demand for the Yacht Club. Finally, the Applicant proposed the creation of two additional parking spaces in the approximate location of the existing barn to be removed.

FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the meetings, the Board made the following findings in accordance with the Review Standards under § 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;**

Abutting properties will be protected from stormwater. Roof runoff from the proposed structure will be directed to drywells in compliance with MassDEP Stormwater Standards. Landscaping is designed to partially screen views of the proposed barn by direct abutters and enhance views of the waterfront for others. Finally, safeguards have been included in the conditions to address soil and erosion controls during construction.

- 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 use of the property presently exists and will not be expanded as a result of the project. A new curb cut is proposed on Marion Street to access the second floor of the barn for storage of '420' boats during the offseason. The additional curb cut will not impact pedestrian or vehicular traffic since boats will be loaded and unloaded by hand at the end and beginning of the season.

- 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 existing and proposed use of the subject property as boat storage and parking is accessory to the principal use of the property at 211 Downer Avenue as a yacht club. In connection with the project, the Applicant will provide 2 additional parking spaces for a total of 34 spaces. This is double the minimum number of spaces (17) required by a Board of Appeals Decision, dated April 25, 1986, as amended.

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

The proposed structure complies with all applicable dimensional regulations in Residence District A. Plantings will stabilize the slope to the rear of the barn. The Applicant submitted a landscaping plan that removes existing, invasive vegetation and adds new landscaping to compliment the new building.

e. Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;

The application includes a Construction Period Stormwater Operation and Maintenance Plan and Long Term Pollution Prevention Plan that include measures to prevent impacts from refuse and wastes both during and after construction. A silt sack will be installed and maintained to protect the municipal stormwater system from any washout, refuse or other wastes entering the catch basin at the intersection of Downer Avenue and Marion Street.

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 principal use of the proposed building as boat storage will not negatively affect the Town's resources. The structure does not require water or wastewater or other public facilities.

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 including the Massachusetts Storm Water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;

The proposed stormwater design and calculations were reviewed by the Town's peer review engineer, Patrick Brennan, who verified compliance with the Massachusetts Department of Environmental Protection's Storm Water Management Policy and Standards.

h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites

when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;

Demolition of the existing barn, which is located on a Coastal Bank and in a Floodplain, will benefit the wetland resource and prevent hazards from flooding. In terms of the proposed structure, the Applicant engaged a geotechnical engineer to protect the slope to the rear of the proposed barn both during and after construction. The Applicant additionally prepared a landscape plan intended to restore and stabilize disturbed areas with native species. Best management practices with the stormwater management design are sufficient and inspections required both before and during construction will ensure that the stormwater controls are protected.

- i. 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;**

Proposed construction will result in removal of 6 mature trees and a number of trees less than 6" in caliper. An arborist identified many of these trees as Norway Maples, which is an invasive species. The proposed landscape plan calls for native plantings that will partially screen the accessory structure from a direct abutter and enhance views from surrounding streets. The plantings will additionally stabilize the slope to the rear of the proposed barn.

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

The design of the proposed accessory structure is consistent with the character, scale, and massing of residential structures in the neighborhood.

WAIVERS

Pursuant to § I-I, 5, the Applicant requested the following waivers from Submittal Requirements under § I-I, 4:

- Cross sections of driveways and parking areas;
- Lighting plan;
- Utilities plan; and
- Traffic analysis.

DECISION

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to (1) grant the requested waivers from Submittal Requirements under § I-I, 4. and (2) grant the application of Hingham Yacht Club for Site Plan Approval under §§ I-G and I-I of the By-Law to

replace an existing barn with a new two-story, boat storage barn at 208 Downer Avenue in Residence District A, consistent with the approved plans and subject to the following conditions:

1. Pre-construction conditions:
 - a. As noted on the revised plan, groundwater elevation and soil conditions will be field verified prior to construction. If depth to groundwater and soil texture are not as assumed based on test holes at each proposed drywell, the drywell design shall be modified. The Applicant shall bear the cost of peer review of any modified design.
 - b. The Applicant shall schedule a pre-construction meeting with the Community Planning Director with inspection of erosion control installation and marked limit of work.
 - c. Temporary shoring details shall be included with the foundation design and submitted with the application for a foundation or building permit, whichever is sooner.
2. Conditions in effect during construction:
 - a. Construction of the proposed barn shall occur off-season (November – April), so as to not impact programming or parking for the Hingham Yacht Club.
 - b. All construction vehicles shall be parked onsite.
 - c. Debris, dirt, and mud will be cleared daily from Town roads.
 - d. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the Applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
 - e. Upon project completion, an as-built plan shall be submitted to the Building Commissioner prior to issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.

3. Ongoing conditions:

- a. The accessory structure or barn shall be used primarily for seasonal boat storage and maintenance. No events, functions, or other programming shall be offered in the structure by the Applicant.
- b. Access from Marion Street to the second floor of the structure shall be primarily limited to the manual movement of boats on a periodic basis.

For the Planning Board,



Kevin Ellis, Chair
November 15, 2021

In Favor: Kevin Ellis, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick

Opposed: None