



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION SPECIAL PERMIT MODIFICATION

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 Board of Appeals (the "Board") on the application of the Hingham Yacht Club (the "Applicant") to modify plans approved in connection with a Special Permit A2, issued April 25, 1986, as amended, under § III-A, 3.7 of the Zoning By-Law (the "By-Law") to replace an existing barn with a new (36' x 30') barn to store boats at 208 Downer Avenue in Residence District A. The Applicant simultaneously filed a related application with the Planning Board for Site Plan Review under § I-G and § I-I of the By-Law.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on September 21, 2021 via Zoom as an alternative means of public access pursuant to an Order issued by the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law and applicable provisions of the Open Meeting Law. The initial hearing was continued without the receipt of testimony to subsequent sessions held remotely during a joint meeting with the Planning Board on October 12, 2021 and a separate meeting on

November 16, 2021. The Board panel consisted of regular members Robyn S. Maguire, Chair, and Paul K. Healey, and associate member Jed Ruccio. 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. Patrick G. Brennan, P.E. of Amory Engineers assisted the Board in its review of the application. At the conclusion of the hearing, the Board voted unanimously to grant the requested Special Permit Modification, with conditions set forth below.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION

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.”

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 and 2.) a landscape designer to develop a proposed planting plan.

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 that will be removed. The Board noted that the existing permitted and proposed use of the Hadlock parcel, which consists of parking and storage, is accessory to the principal yacht club use.

Finally, Section I-I, 2.b. of the By-Law prohibits the Board from acting upon certain special permit applications, including modifications thereto, until the Planning Board first issues its Site Plan Approval. The Planning Board filed its Decision with the Town Clerk on November 15, 2021, in advance of the Board's final hearing, held on November 16, 2021, on the special permit modification.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the approval criteria under Section I-F, 2 of the By-Law:

1. **Use of the property is in harmony with the general purpose and intent of the Zoning By-Law.** Social, civic, or recreational clubs, including yacht clubs, are an allowed use by special permit within residential districts. Moreover, the proposed use will not adversely affect the health, safety or welfare of any prospective occupants, customers, neighbors, or the Town.
2. **The proposed use complies with the purposes and standards of the relevant specific sections of the By-Law.** The continued use of the property as storage and parking complies with the conditions of the Special Permit issued by the Board in April 1986, as amended. No other special regulations will be effected by the proposed modifications to the plan for the property.
3. **The specific site is an appropriate location for the proposed use and is compatible with the characteristics of the surrounding area.** The continued use of the property as storage and parking for the Hingham Yacht Club is compatible with the surrounding area. Both properties are bound by the harbor and ideally situated for yacht club programming. The specific site of the proposed building will be partially screened from view by the closest residential abutter by an existing slope and proposed landscaping.
4. **The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated.** The project will result in positive impacts. The existing barn will be removed from the coastal bank and floodplain, reducing potential hazards from flooding.
5. **There will be no nuisance or serious hazard to vehicles or pedestrians.** There will be no nuisance or serious hazard to vehicles or pedestrians resulting from the project. 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 is not expected to impact pedestrian or vehicular traffic since boats will be loaded and unloaded by hand principally at the end and beginning of the season.

6. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** Appropriate facilities exist for the accessory use. Electricity is available on the site. The structure does not require water or wastewater services. The project will also result in two additional parking spaces on the property.
7. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** The proposal meets accepted design standards for an accessory structure. Stormwater from the barn roof will be directed to drywells. The Boards' review engineer verified compliance with the appropriate state and local stormwater regulations. The application includes a Construction Period Stormwater Operation and Maintenance Plan.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the request from the Hingham Yacht Club to Modify plans approved in connection with a Special Permit A2, issued April 25, 1986, as amended, under § III-A, 3.7 of the Zoning By-Law to replace an existing barn with a new (36' x 30') barn to store boats at 208 Downer Avenue in Residence District A, subject to the following conditions:

1. The Applicant shall complete the project and operate the use in a manner consistent with the approved plans and representations made by the Applicant to the Board, including the following representations:
 - a. The accessory structure or barn shall be used primarily for boat storage and maintenance. No events, functions, or other programming shall be offered in the structure by the Applicant; and
 - 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.
2. Construction-related conditions:
 - 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.

3. In accordance with the provisions of the By-Law, the conditions imposed in the Planning Board Site Plan Review Decision, as filed on November 15, 2021, are binding conditions to this decision of the Zoning Board of Appeals.
4. All other conditions imposed by the Board in its Special Permit A2 Decision, originally issued April 25, 1986, as amended, remain in effect unless specifically modified by this Decision.

For the Board of Appeals,

Robyn S. Maguire, Chair
December 17, 2021

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.