



TOWN OF HINGHAM

Board of Appeals



NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant/
Owner: Leonard & Karin Monfredo
14 Seal Cove Road
Hingham, MA 02043

Property: 14 Seal Cove Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 51159, Page 338

Plan References: "Proposed Boat Lift," prepared by Atlantic Coast Engineering, LLC, 88 Front Street, Suite 22, Scituate, MA 02066, dated November 18, 2021 and revised February 16, 2022 (1 Sheet);

"Existing Conditions Plan," prepared by Atlantic Coast Engineering, LLC, 88 Front Street, Suite 22, Scituate, MA 02066, dated October 18, 2021 (1 Sheet);

"Standard Roof Covering for a Boat Lift," unsigned, dated February 16, 2022 (1 Drawing); and

"Hurricane Boat Lifts, Category-5 Vertical Lifts Engineering Specifications," prepared by B&B Engineering, 2237 Woods Edge Circle, Orlando, FL 32817, undated (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Leonard and Karin Monfredo (collectively the "Applicant") for a Special Permit A1 under Section III-C, 4 of the Zoning By-Law (the "By-Law"), and such other relief as necessary, to construct a Boat Lift, with a permanent cover, at 14 Seal Cove Road in Residence District C and the Floodplain Protection Overlay District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 15, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. The Board

panel consisted of regular members Robyn S. Maguire, Chair, and Paul K. Healey, and Jed Ruccio. The project team representing the Applicants included Attorney Walter Sullivan of Sullivan & Comerford, P.C., and Civil Engineer, Joseph E. Hannon, of Atlantic Coast Engineering. A subsequent session was held remotely on March 15, 2022. At the conclusion of the review, the Board voted unanimously to grant the requested Special Permit 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 consists of 42,790 SF of land bound by Seal Cove Road to the northeast and Hingham Bay to the southwest. Approximately half of the lot to the rear of the dwelling is located within the floodplain (FEMA Zone AE 10). Just before an existing seawall, the flood zone designation changes to VE 11.

The property is improved by a single-family dwelling and related accessory structures, including a swimming pool and dock system. The previous owners installed the dock and float system in 2007 pursuant to an Order of Conditions issued by the Conservation Commission and a Special Permit A1 under § III-C, 4 of the By-Law issued by the Board. That project included the following work: replace an existing wooden dock with a wooden deck with a pile supported wooden dock (approximately 86 feet in length), metal gangway and a seasonal float with permanent anchor piles. A Building Permit was issued for this work in 2008 and a Certificate of Compliance was issued for this work by the Conservation Commission in 2012. The Applicant went before the Conservation Commission in 2020 and received an Order of Conditions for seawall restoration, filling, grading and landscaping and replacing the decking and railing on the existing dock. The work also repaired catch basins in the area.

The current application calls for construction of a covered Boat Lift at the end of the existing dock. The lift consists of 4 (10') vertical piles with a 12.5' x 14' footprint. The application describes the covering as 16' x 18' in size. This proposed use is explicitly authorized in residential districts under § III-C, 4.a. of the By-Law upon the issuance of a Special Permit.

In addition, several neighboring properties have docks and piers, though none include a Boat Lift in this area. The Board discussed another nearby pier. In 2001, the then owners of 4 Bare Cove Road applied for and received approval for a pier and float. A specific condition in that decision stated that "No other structures shall be placed upon the pier or float, including, without limitation, dock boxes, flags, **Boat Lifts**." In the September 13, 2007 Decision for the existing Float and Dock System at the subject property (submitted as part of the current application) a similar condition exists, but *Boat Lifts* are not called out as a limitation.

During the initial hearing, Board members raised several questions about the proposed Boat Lift. Members of the Board noted that there are not any Boat Lifts in the Town of Hingham; this one would be the first. They requested additional detail on the proposed Boat Lift, including the roof design, height, and materials.

In advance of the continued hearing on the application, a member reported that he spoke to the Harbormaster about this project. He relayed that the Harbormaster did not have any concerns with the proposed Boat Lift, particularly where it would be built to withstand a Category 5 Hurricane. The Board asked the applicant to address the condition limiting Boat Lifts in the 2007 Special Permit decision for the construction of pier and float system at 4 Bare Cove Road. The Applicant's representative stated that he could not speak to that decision, and that all applications should be considered on their own merit. The Board then committed to review the approval criteria in its assessment of the Special Permit application.

During the hearing, the Board heard favorable comments from two members of the public, including an abutter.

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 approval criteria under § I-F, 2 of the By-Law:

1. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:** The proposed use complies with the purposes and standards of the By-Law. Outdoor recreation, including boating, is a permitted use under the Floodplain Protection Overlay District regulations within residential districts.
2. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:** The proposed Project is a permitted use under § III-C, 4.a. The proposed project is similar to docks, piers, footbridges and boat landings used by boaters as a bridge from land/stationary ground to watercraft.
3. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:** The site is an appropriate location for such use and is compatible with the characteristics of the surrounding area. The property has ocean frontage, making it an appropriate location for recreational boating. This property maintains an existing deck, dock, gangway, and float system that will be modified to include the proposed Boat Lift.
4. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The project will continue an existing outdoor recreational use consistent with the purposes of the By-Law. Additionally, the proposed Boat Lift will be built to withstand Category 5 hurricanes, and will allow water to flow unimpeded, thereby minimizing potential impacts associated with period flooding.
5. **There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** Since the proposed Boat Lift system will be located adjacent to the dock in the water, there will be no impact on land side vehicles. There will be no nuisance or serious

hazard to vehicles or pedestrians. The project will not result in any impediment to navigation of watercraft in this area of the harbor.

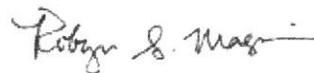
6. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** There is an existing dock and boat landing that will allow access to the Boat Lift on foot.
7. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** Based on the testimony of the applicant's engineering experts, the proposed project will meet all design standards required for this kind of structure and project.

DECISION

Upon a motion made by Jed Ruccio and seconded by Paul K. Healey, the Board voted unanimously to GRANT the application of Leonard & Karin Monfredo for a Special Permit A1 under § III-C, 4 of the By-Law, and any other relief as necessary to construct a Boat Lift, with a permanent cover, at 14 Seal Cove Road in Residence District C and the Floodplain Protection Overlay District, subject to the following conditions:

1. All conditions of the previous Special Permit Decision of September 13, 2001 for the subject Property remain in effect and apply to this application and subsequent decision, unless specifically modified by this Decision.
2. The Applicant shall construct the project in a manner consistent with the approved plans and the representations made at the hearings before the Board.

For the Board of Appeals,



Robyn S. Maguire, Chair
April 7, 2022

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.