



Hingham Planning Board
APPLICATION FOR SITE PLAN APPROVAL
IN ASSOCIATION WITH APPLICATION FOR BUILDING PERMIT

Application Date: March 31, 2021

Applicant: B&K Enterprises, LLC

Contact Information for Applicant or Authorized Agent (Attorney, Contractor, etc.)

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Project Location: 26 Summer Street

Site Plan Review Submittal Requirements

Please provide to the Planning Board office seven (7) hard copies and an electronic file of the Site Plan and submittal materials, except that only two copies of the drainage report are required. Submittal Requirements:

- a. locus plan; diagram and statement of the ownership, area, dimensions, boundaries and principal elevations of the subject property; location of structures within 100 feet of property line;
- b. scaled and dimensioned plan of the location and footprint of existing and proposed buildings and structures; if applicable, building elevations and floor layouts;
- c. if applicable, plan showing proposed circulation of traffic within the development and in all adjacent public ways; dimensioned plan of loading and parking areas, aisles and driveways; plan with detail sheets if appropriate, profile and representative cross sections of proposed driveways and parking areas;
- d. analysis of compliance with all relevant dimensional provisions of this By-Law;
- e. detailed information on utilities, landscaping, refuse storage and removal;
- f. grading plan, estimated net import/export of material, drainage analysis, and traffic analysis, as applicable;
- g. analysis of the capacity of Town soils, water supply, ways and services to absorb the impact of the proposed development;
- h. analysis of compliance of the construction activities and the proposed project, including the extent the project incorporates low impact design and green infrastructure solutions, with the most current

versions of the Massachusetts Department of Environmental Protection Stormwater Management Policy and Standards including (i) the Massachusetts Stormwater Handbook, (ii) Massachusetts Erosion Sediment and Control Guidelines, and (iii) 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 stormwater system;

- i. Site Lighting Plan showing the location, height, photometric, orientation, and specifications for all outdoor site lighting, including information on the intensity and range of illumination for each source of light proposed.
- j. an erosion control plan and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements; and
- k. such other materials necessary to enable Town boards to make a positive determination on the proposed development.

Brief Description of Work:

Petitioner B&K Enterprises, LLC (“B&K Enterprises”) seeks Site Plan Approval under Sections IV-B and I-I of the Zoning Bylaws, and other relief as is necessary, to reconfigure the floating dock system at its marina property located at 26 Summer Street, Assessors’ parcel 51-4 (the “Property”), to add boat slips. Petitioner is the fee owner of the Property and operates the Hingham Harbor Marina (the “Marina”). The proposed expansion of the Marina will address the local need/demand for additional access to the waters of Hingham Harbor by providing additional boat slip capacity at the Marina.

The Property currently consists of a licensed pier, a 2-story mixed-use building, a gravel parking lot on the filled pier on the Property, and a public recreational Marina presently consisting of 32 permanent and 14 temporary slips for recreational vessels. The permanent floats are secured by pilings and the temporary floats are secured by bottom-anchors. The existing dock footprint of the floating dock system is 7,854 +/- square feet.

The proposed reconfiguration of the floating docks will accommodate a total of 82 slips. We enclose a copy of a Marina Reconfiguration Plan prepared by Childs Engineering Corporation dated January 12, 2021 laying out proposed changes. The floats would all be pile-held to better secure the facility, increase public safety, reduce maintenance and provide an environmental improvement over bottom-anchors and chains. Approximately 25 steel guide piles will be installed to secure the floats. The proposed design has a footprint of 13,194 +/-square feet. The usage and function of the new docks will be the same as the existing docks. The proposed reconfiguration would extend the Marina further seaward (northerly) and to the southeast by approximately 60 feet in each direction. The expansion would be located entirely on property owned by B&K Enterprises.

Please also see Supplement to Application attached herewith.

Request for Waiver from Site Plan Review Requirements

Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Section I-I.6 deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of Section I-I, including the requirement for a public hearing, where the Planning Board determines that the project constitutes a minor site plan. In order to constitute a minor site plan, the proposed work must be limited to (i) interior renovations to a building or structure that do not include a change of use or parking demand for which a Special Permit A2 or A3 is required and/or (ii) modifications to the site which, in the Planning Board’s determination, do not materially or adversely affect conditions governed by the site plan review standards set forth in Section I-I.6

Please indicate requested relief (for example, “I request a waiver from the requirement for a public hearing” or “I request a waiver from the requirement to submit a utilities plan and lighting plan”):

Waiver Granted

Waiver NOT Granted

Signature of Authorized Agent (Chairman of the Planning Board or Town Planner)

Date

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Petitioner, B&K Enterprises, LLC, seeks Site Plan Approval, under Sections IV-B and I-I of the Zoning By-Law, in order to reconfigure the floating dock and add boat slips at its marina property located at 26 Summer Street, Hingham (the “Property”). Petitioner is the fee owner of the Property and operates the Hingham Harbor Marina (the “Marina”). The Property is located in the Waterfront Business District, the Floodwater Protection Overlay District and the Hingham Harbor Overlay District. The Marina is a permitted use within the Waterfront Business District under Section III-A5.4 of the Zoning By-Law.

Concurrent with this application, Petitioner is applying for a Special Permit A1 permit for the proposed floating dock expansion at the Property in the Floodwater Protection Overlay District.

I. Background.

B&K Enterprises purchased the Property under a Quitclaim Deed dated August 17, 2009, recorded with the Plymouth County Registry of Deeds at Book 37624, Page 267-273. The Property is in the Waterfront Business District, the Floodplain Protection Overlay District and the Hingham Harbor Overlay District. The Property consists of a licensed pier, a 2-story mixed-use building, a gravel parking lot on the filled pier on the Property, and a public recreational Marina presently consisting of 32 permanent and 14 temporary slips for recreational vessels. The permanent floats are secured by pilings and the temporary floats are secured by bottom-anchors. The existing dock footprint of the floating dock system is 7.854 +/- square feet.

Attached hereto is a plan set entitled “Hingham Marina Reconfiguration, 26 Summer Street, Hingham, MA,” (3 Sheets) prepared by Childs Engineering, January 12, 2021 (the “Reconfiguration Plan”). Sheet 2 of the Reconfiguration Plan depicts existing site conditions at the Property.

The Marina is the subject of a number of zoning permits which were principally issued in connection with a redevelopment project proposed by Hingham Boat Yard, LLC, the prior owner of the Marina. The central component of the redevelopment project was a proposed mixed-use building which was never constructed. The following provides a brief outline of previous zoning permits:

- On August 1, 2002, the Zoning Board of Appeals (“ZBA”) granted a Special Permit A-1 under §III-C (Floodplain District) to secure the then-existing bottom-anchored floats with pilings.
- On April 29, 2004, the ZBA granted a Special Permit A2 under §III-A (Waterfront Business District) for retail, commercial and office uses, A1 (Floodplain District); A2 under §V-A Parking Waiver; and Variance under §IV-A for building height and rear and side setbacks. The permits approved 32-slips and an 8,622 GFA mixed-use building. On April 25, 2005, the ZBA extended the Variance. On October 19, 2006, the ZBA took the position that the permits had lapsed (but later changed its position).

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- On April 16, 2008, the Planning Board conducted Site Plan Review and approved modifications to the project including the expansion of the marina to 46 boats with parking conditions.
- On April 25, 2008, the Planning Board issued a Special Permit A3 Parking Waiver under §§I-J and V-A which was appealed. Thereafter, on November 20, 2008, the Planning Board issued a Modification to the Site Plan Approval modifying the parking conditions.
- On December 19, 2008, the ZBA permitted the withdrawal of certain requested modifications and granted others conditioning the expansion of the marina with a third dock characterized as a “temporary” use regulated under G.L. c. 91, §10A, for a three-year term with a right to renew for a new three-year term.¹
- On May 27, 2009, the Planning Board issued a Minor Modification of the Approved Site Plan incorporating the ZBA’s condition regarding the third dock. The ZBA also issued a Modification of its Special Permit/Variance modifying the Special Permit A1 and A2 to add the third dock area subject to the same condition. Thereafter, the pending appeal was dismissed.
- On June 16, 2016, the Senior Planner confirmed that the third dock may be used for up to 14 slips until May 26, 2019, on account of the Permit Extension Act. Later, Dana Baxter, on behalf of the Marina, requested a further renewal for a new three-year term.

The proposed mixed-use building and pedestrian boardwalk addressed in the above zoning permits were never constructed and have been abandoned.

II. Proposed Project

The proposed project addresses a continuing local need and desire for additional boating capacity in the Hingham Harbor. For the past few years, the capacity at the Marina has not been sufficient to meet the requests and needs of boaters. The Marina has been fully leased during the past seven boating seasons and there is a growing waiting list for vacant slips. The Marina further understands that nearby marinas also have significant waiting lists for slips. The demand for access to the water has exceeded existing capacity. Additionally, waterfront real estate development has reduced the opportunity to construct new facilities. The only way to create new slip capacity is to expand existing marinas. The creation of new slips in Hingham Harbor would provide additional revenue to the Town and promote consumer activity for local merchants.

The Marina proposes to reconfigure its existing float system to provide more boat slips. The reconfiguration of the floating dock system will then accommodate 82 slips. The details of

¹ The use may have been characterized as temporary because there were concerns with the parking demands for the proposed mixed-use building at the time.

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this reconfiguration are depicted on Sheet 3 of the Reconfiguration Plan. The floats would all be pile-held to better secure the facility, increase public safety, reduce maintenance and provide an environmental improvement over bottom-anchors and chains. Approximately 25 steel guide piles will be installed to secure the floats. The proposed design has a footprint of 13,194 +/- square feet. The usage and function of the new docks will be the same as the existing docks.

The proposed reconfiguration would extend the Marina further seaward (northerly) and to the southeast by approximately 60 feet in each direction. The expansion would be located entirely on property owned by B&K Enterprises. The Marina recognizes that the proposed reconfiguration would be located within a portion of the Town's mooring field closest to the Marina. The Marina would work cooperatively with the Town to minimize the conflict and accommodate the two uses.

III. Site Plan Approval in Association with Application for Building Permit.

Petitioner submits the following to the Planning Board for their consideration under Section I-F of the Hingham Zoning 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.**

The project will not alter any landside improvements already existing on the Property and will not change surface water drainage. There is no proposal to alter fire hydrant locations or to change site sound buffers, such as the trees. The design of the proposed floating dock system is aesthetically similar to the existing floating dock. There project does not propose adding any outdoor site lighting.

- 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 proposed project will not alter the safety of vehicular and pedestrian movement within the Property. Access to the site will continue to be through the existing curb opening along highway Route 3A. All proposed parking spaces comply with applicable dimensional requirements, and drive aisles within the site accommodate circulation. Adequate parking is provided onsite, including two (2) van accessible parking spaces.

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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 vehicle parking spaces at the Property are adequate. Petitioner does not anticipate a change in the current traffic pattern by the proposed project.

The Property has a total of 46 existing parking spaces, including two (2) ADA-compliant parking spaces adjacent to the existing building. As reflected on the site plan and the parking table below, the property will provide forty (46) parking spaces for the proposed uses pursuant to Section V-A.

<u>Use</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Required</u>
Office	3.5 spaces/1000 SF of GFA	1,200 SF	4 spaces
Marina	2 spaces per slip	82 slips	41 spaces
		Total Required	45 Spaces
		Total Provided	46 Spaces

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

The proposed project will provide adequate open space and setbacks.

There are no changes to the building or to the parking lot area that impact setbacks at the Property.

e. Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

The Property is connected to the Town of Hingham sewer system via a sewer force main that serves the property/facilities and related permit. The daily design flow of the existing and proposed uses is within the maximum daily design flow permitted under the existing permit. Private trash pickup services the site.

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 proposed project will not have an adverse impact of the Town’s resources. Sanitary waste for the proposed will be handled via the existing sewer connection to the Hingham sewer system. Private trash pickup will continue to service the site.

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- g. Assurances of positive stormwater 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 stormwater 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 Stormwater Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.**

The project does not impact landside facilities and will not increase landside stormwater runoff. Sediment and erosion control measures will be implemented prior to re-construction of the floating dock.

- h. 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.**

The project will have a not impact on the natural and historic features in the area. The configuration of the proposed dock is aesthetically the same, albeit with an expanded footprint, as the configuration of the existing dock. The project does not require any changes to landside development, and thus will not change or impact what is already there.

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

The property presently operates as a marina within the Waterfront Business District, the Hingham Harbor Overlay and the Floodplain Protection Overlay District. Other properties in the immediate vicinity of the project operate have similar marina and/or commercial uses. Such neighboring properties include the Town marina and the Hingham Maritime Center. The project is consistent with the Property’s current use and is compatible with the nature and character of the neighborhood.