

RECEIVED

JUL 08 2024

Town Clerk  
Hingham, MA



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/  
Owner: Town of Hingham  
Hingham Public Schools  
210 Central Street  
Hingham, MA 02043

Agent: Margaret Laracy, P.E.  
Crocker Design Group  
2 Sharp Street, Unit A  
Hingham, MA 02043

Property: 17 Union Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 2185 Page 396

Plan References: "Hingham High School Wellness Facility, 17 Union Street, Hingham, MA 02043," prepared by Crocker Design Group, 2 Sharp Street, Unit A, Hingham, MA, dated May 22, 2024 and revised through June 17, 2024 (5 Sheets)

"The Dock, Hingham Sports Pavilion," prepared by Amenta Emma Architects, 242 Trumbull Street, Hartford, CT, dated April 2, 2024 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Hingham Public Schools (the "Applicant") for Site Plan Review under §§ I-I and III-B, 8.b. of the Zoning By-Law (the "By-Law") to demolish an existing outbuilding adjacent to the Hingham High School Track and construct a new health and wellness facility at 17 Union Street in the Official and Open Space District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on June 24, 2024 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Gordon Carr, Chair, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. Margaret Laracy, P.E., Crocker Design Group, presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant Site Plan Approval under §§ I-I and III-B, 8.b. of the Zoning By-Law with conditions set forth below.

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

### **BACKGROUND & DISCUSSION**

The subject property is the site of Hingham High School and Athletic Complex, which was last reviewed by the Board in 2015 through a Site Plan Review modification in relation to the Athletic Complex redevelopment project. The project proposes to raze an existing 2,500 SF storage/weight training building (formerly a concession stand) constructed in 1985 at the northern edge of track. A new structure is proposed with the exact same footprint and height and will be primarily utilized for the High School gym/health program but will also be used for various after school programs and organizations. The project does not propose any grading, landscaping, or additional drainage infrastructure as the project scope is to replace-in-kind the existing structure. Additionally, there will be no increase in impervious area and the buffer along the property line is already heavily vegetated as a result of the landscaping during the Athletic Complex redevelopment project.

Being a structure with a primarily educational use, this project qualifies for the protection of the Dover Amendment, which provides in part: “No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for...educational purposes...; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

Given that the project proposes a structure with the same height and footprint as the existing structure, and no additional impervious area, stormwater infrastructure, or landscaping, the Board’s review is limited to the bulk and height of the proposed structure and the location of the structure generally. Therefore the findings of the Board for this project will also be limited.

*Building and Site Design:* While this project does not require waivers of submittal requirements or design and performance standards under § III-B, 8.b, the proposed building height of 15’9” is well under the maximum height of 35’ allowed in the Official and Open Space District under § IV-A of the By-Law for nonexempt uses. Additionally, the proposed setback of approximately 68’ from the nearest property is well outside of the minimum setback requirement of 40’ in the Official and Open Space District under § IV-A of the By-Law for nonexempt uses.

During the course of the hearing, the Board raised questions related to where the existing storage will go, stormwater runoff, existing gym space in the school, access to the building from the high school, and driveway/parking circulation. There was public comment during the hearing related to where the existing storage/custodian space will be relocated to.

### **WAIVERS**

While the educational project is exempt from submittal requirement waivers, the Applicant requested waivers of submittal requirements under § I-I.5.a (existing conditions plan), e (zoning analysis), g (landscape plan), h (tree protection and mitigation plan), i (grading and drainage plan), and j (construction schedule). Since submission of the application, the Applicant provided a construction schedule and would no longer require a waiver of that requirement under traditional Site Plan Review. Additionally, given that the work is proposed on public property, the project is not subject to tree protection and mitigation standards and would not require a waiver of this requirement under traditional Site Plan Review either.

Regarding the existing conditions and grading/drainage plans, the Applicant indicated through a revisions memo that the intent is to submit an existing conditions and grading plan at the building permit stage. Since the grading is not proposed to change, the Board considered a condition of approval to require submission of an existing conditions plan and grading plan to the Community Planning Department prior to issuance of a building permit to confirm that grades will remain the same. With respect to the zoning analysis and landscape plan submittal requirement waiver requests, given the limited nature of the project a waiver of these requirements would be appropriate under traditional Site Plan Review.

### **FINDINGS**

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under §§ I-I and III-B.8.b of the By-Law:

- a. The proposed development, inclusive of the use of land and structures for educational purposes on land owned by the Town of Hingham qualifies for limited review pursuant to M.G.L. Chapter 40A, Section 3 and Section III-B.8.b of the Zoning By-Law.
- b. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- c. The proposed development complies with all requirements of the Hingham Zoning By-law including:

Bulk and Height of Structures: The proposed wellness center is 15'9" in height, which is well under the 35' height limitation in the Official and Open Space District under Section

IV-A of the By-Law. Additionally, both the location of the building, as setback from the street and abutting properties, and a heavily vegetated landscaped buffer along the property line will minimize any potential visual impacts of the reconstructed structure.

Setbacks: The proposed wellness center is well outside of the setback requirement, being approximately 68' from the nearest property line where at least 40' is required under Section IV-A of the By-Law.

## **MOTION**

Upon a motion made by Gordon Carr and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Hingham Public Schools for Site Plan Approval under §§ I-I and III-B, 8.b. of the Zoning By-Law to demolish an existing outbuilding adjacent to the Hingham High School Track and construct a new health and wellness facility at 17 Union Street in the Official and Open Space District, subject to the following conditions:

1. **Proof of Recording.** The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. **Plan Revisions.** Prior to issuance of a building permit, the Applicant shall submit a revised existing conditions plan and grading plan to the Community Planning Department to confirm that grades will remain the same.
3. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
4. **Limits of Work.** During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area.
5. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day.
6. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the 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.

For the Planning Board,



---

Gordon Carr

July 8, 2024

**In Favor:** Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick

**Opposed:** None

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.

