



TOWN OF HINGHAM

Land Use & Development

May 11, 2021

Adam J. Brodsky, Esq.
Drohan Tocchio & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043

Re: Zoning Applications for 26 Summer Street

Attorney Brodsky:

This letter acknowledges receipt of applications filed on behalf of B&K Enterprises, LLC for a Special Permit A1 under Section III-C and Site Plan Review under Sections I-I and IV-B, 6. of the Zoning By-Law to expand an existing marina use at 26 Summer Street in the Waterfront Business and Hingham Harbor Overlay Districts. The Applicant proposes to increase the permitted number of boat slips from 46 (32 permanent and 14 temporary) to 82 through a reconfigured, pile-supported float system. In connection with the expanded use, the existing parking lot would likewise be reconfigured.

With the applications, the Boards received the following supporting documentation:

- Board of Appeals and Planning Board Application for Zoning Hearing, Form 2 (2 pages)
- Supporting Statement – Requested Findings, Form 2C Special Permit A1 (3 pages)
- Supplement to Application for Special Permit A1 (5 pages)
- Application for Site Plan Review in Association with a Building Permit (3 pages)
- Supplement to Application for Site Plan Approval (5 Pages)
- Plan set entitled, “Hingham Marina Reconfiguration, 26 Summer Street, Hingham, MA,” prepared by Childs Engineering, 34 William Way, Bellingham, MA, dated January 12, 2021 (3 sheets)
- Quitclaim Deed from Hingham Boatyard to B&K Enterprises, LLC (Book 37624, Page 267)
- Check in the amount of \$1,750 to cover the filing fee

On behalf of the Boards, I offer the following review of completeness of the applications and my initial feedback as staff on the submitted materials.

Prior Permits

The Supplemental Statements to each application include a summary of prior permits issued for the current marina and a proposed mixed-use building and boardwalk. The summary concludes with the following statement: “The proposed mixed-use building and pedestrian boardwalk addressed in the above zoning permits were never constructed and have been abandoned.” Abandonment of rights authorized by zoning permits requires the permit holder to file a notarized affidavit, together with an attorney’s certificate under Chapter 183, Section 5b, at the Registry of Deeds. Please supplement the current applications with evidence

that a clear and unequivocal statement of abandonment has been recorded.

Alternately, the Applicant may submit amended applications requesting that the Boards rescind the prior permits.

Missing Application

This proposed expansion of the marina use will require a Special Permit A3 with Site Plan Review under Sections III-H and V-A of the By-Law for waivers from certain dimensional standards and parking requirements. This application has not been received by the Planning Board.

The proposed plan does not appear to comply with dimensional requirements specified in Section IV-A for properties located in the Waterfront Business District. Since the property is additionally located in the Hingham Harbor Overlay District, the Applicant may file a Special Permit A3 under Section III-H, 6.B for waivers from certain dimensional standards; however, a minimum of 5'-10' must continue to be maintained open and unparked upon along-side and rear property lines. The proposed plan does not appear to comply with these minimum standards. For instance, there is a dumpster located within 5' of the westerly side property line and parking spaces within 5' of the easterly side property line and 10' of mean high water line along the seawall. Public access is required under Section III-H, 6.C. No public access area is shown on the plan and it is unclear how it can be achieved as the site is currently laid out. The proposed plan should be revised to comply with minimum standards and the appropriate waivers should be requested; alternately, a variance would be required.

The By-Law additionally requires a Special Permit A3/Parking Determination for plans that propose any more or less parking spaces than required under Section V-A. According to the submitted parking calculation, 46 spaces are proposed where 45 spaces are required, which requires a waiver. Waivers may also be required from certain parking design standards (drive aisle widths, parking space dimensions, surfacing materials, tree plantings, etc.). All of the required parking design standards are not specifically identified on the submitted plan and the Planning Board will require that information be provided and that a Special Permit A3 application be filed for any and all variations from the design requirements.

Potential Discrepancies

There are several potential discrepancies between the current application and submitted plans. There are also potential conflicts between details shown on the current plans compared to details provided on prior plans on file with various local and state agencies. These are presented below:

- Number of Existing Parking Spaces
The existing conditions plan, prepared by Childs Engineering, and submitted in support of the current application (the "Childs Plan"), depicts 44 parking spaces. The narrative portion of the application states that 46 spaces exist.
- Parking Calculation and Size of Building
Both the current application and proposed plan include the following parking calculation:

Use	Requirement	
Proposed Expanded Marina (82 Slips)	1 Space/2 Berths Spaces	41
Existing General Business Office (1,200 SF)	3.5 Spaces/1,000 SF GFA	4
Total Number of Required Parking Spaces		45

While the calculation itself was completed correctly, the particular inputs may be incorrect. The present application indicates that the existing structure consists of 1,200 SF GFA; however, prior applications described the size of the structure as approximately 1,500 SF. An existing conditions plan, prepared by SITEC, Inc., in 2003 identifies the building as consisting of 1,450 SF. Finally, the reported size of the existing structure based on the Assessor records (<http://gis.vgsi.com/hingham/Parcel.aspx?Pid=1915>) is approximately 1,600 SF. Clarification is required in order to determine the required number of parking spaces.

- Title/Description of Property

Related to the location of Historic LMW, the property bounds depicted on the Childs Plan differ significantly from those shown on prior plans and public records. The Historic Mean Low Water identified on the Childs Plan extends substantially more to the north of the wharf than Historic MLW shown on the plan approved by the Massachusetts Department of Environmental Protection in connection with a Chapter 91 License (No. 11345) and in the prior permitting plans for the project. I understand that the applicant previously asserted this alleged property line and I believe you are aware that it is contested by the Town. There has been no formal determination of this property boundary and I anticipate it will be an issue discussed during the review process.

Requests for Additional Information

The Site Plan Review application is incomplete. The Board has not received following plans and documentation required under Section I-I, 4., nor did the Board receive written waiver requests in accordance with Section I-I, 5.

- Section I-I, 4.c

The plan shows one-way traffic circulation through the property, but no details are included on the signage that would indicate this pattern to motorists. Pavement markings may not be effective since the parking lot is proposed to remain surfaced with crushed gravel.

- Section I-I, 4.d

The application does not include an analysis of compliance with all dimensional provisions of the By-Law.

- Section I-I, 4.e

The application does not include detailed information on utilities (i.e. status of applications filed with the Weir River Water System or Hingham Sewer Department related to the expanded use) or landscaping (landscape plan identifying proposed plantings in islands).

- Section I-I, 4.f

The application does not include grading, drainage, or traffic analyses.

- Section I-I, 4.g
The application does not include an analysis of soils, water supply, ways and services to absorb the impact of the expanded use.
- Section I-I, 4.h
The application does not include an analysis of compliance of construction activities with DEP Stormwater Management Policy and Standards.
- Section I-I, 4.i
The application does not include a photometric plan or lighting specifications.
- Section I-I, 4.j
The application does not include an erosion control plan or Operations and Management Plan.

Peer Review

In accordance with Section I-F, 3, the applicant shall deposit funds to support costs associated with peer review of the plans and materials by professional consultant. The anticipated cost of both civil and traffic peer reviews is \$8,500.

Review Timeline

Under Section I-I, 2., you have 30 days from the receipt of the Site Plan Review Application on April 29, 2021, or until May 29, 2021, to submit the missing materials. If not received by that date, the Board may extend its period of review.

The Zoning Board will schedule a public hearing within 65 days of receipt of the Special Permit A1 application, or in advance of July 3, 2021.

Please do not hesitate to contact me with any questions about this correspondence.

Sincerely,



Emily Wentworth
Senior Planner

Cc: B&K Enterprises, LLC
Planning Board
Zoning Board
Building Commissioner
Conservation Officer
Hingham Harbor Master