

NOTICE OF DECISION
Site Plan Review in Association with a Special Permit A2
and Special Permit A3

IN THE MATTER OF:

Certified #7013 3020 0002 2476 7022

Applicant: The Trustees of Hingham Bathing Beach

Premises: 31 Otis Street
 Hingham, MA 02043

Land Court Title No. 5167

Date: June 21, 2017

Plan References:

“Site Development Plans for Hingham Bathing Beach Waterfront Concessions Building”
31 Otis Street, Hingham, MA, prepared for Trustees of the Bathing Beach, 25 Bare Cove
Park Drive, Hingham, MA 02043, prepared by CHA, 101 Accord Park Drive, Norwell, MA
02061, dated 4/26/17, revised to 6/16/17, 12 sheets.

“Harbor Bath House/Concession Building” Hingham, Massachusetts, prepared by
Strekalovsky Architecture Inc, 47 North Street, Hingham, MA 02041, 4 sheets (Perspective
Views, dated 10/15/16; Interior Rendering, dated 4/20/17; Building Elevations, dated
12/25/16; and, Proposed Floor Plan, dated 12/23/16).

Summary of Proceedings:

This matter came before the Planning Board on the application of the Trustees of the
Bathing Beach for a Special Permit A3 Parking Determination and/or Waivers under § V-
A, along with Site Plan Review in Association with the Special Permit A2 and A3 under §
I-G and § I-I, and such other relief as necessary to construct a bathhouse building with a
snack stand in the Official and Open Space and Hingham Harbor Overlay Districts.

The application was submitted on May 1, 2017 and the Planning Board heard the
application jointly with the Zoning Board of Appeals at a duly noticed public hearing on
May 22, 2017 in the Hingham Town Hall at 210 Central Street. Members of the Planning
Board present were Jennifer Gay Smith, Gary Tondorf-Dick, and Gordon Carr. William
Ramsey and Sarah Corey missed the May 22 hearing, but, subsequently listened to the
recording of the hearing, reviewed the record, and completed a Mullins Affidavit for the
file prior to the June 19, 2017 hearing. Mr. Ramsey and Mrs. Corey stated on the record

at the start of the June 19, 2017 hearing that they had reviewed the record and completed a Mullins Affidavit for the file. The Planning Board applications heard at the May 22, 2017 hearing were continued to the regular meeting of June 19, 2017. All regular members of the Planning Board were in attendance at the June 19, 2017 hearing. Patrick Brennan, Amory Engineering, was present at the May 22, 2017 hearing as the peer review civil engineer for the Board. Jeffrey Dirk, VAI, was present at the June 19, 2017 hearing in his capacity as the peer review traffic engineer for the Board. The Applicant team included Alan Perrault, Trustees of the Bathing Beach; Gabe Crocker, John Morgan and Dani Hazim, CHA; Vcevy Strekalowski, Strekalowski Architects; Roger Fernandes, Town Engineer; and, Tom Molinari, Assistant Town Engineer.

The project site is on Otis Street (Route 3A) and is bordered by the inner harbor to the east and Route 3A to the west. The site includes an existing bathhouse, a parking lot with 177 spaces, landscaping areas, and a boardwalk along the Bathing Beach. The project includes the construction of a 2,700 +/- s.f. bathhouse with concession stand and public meeting room. The bathhouse/concession stand is projected to be open most of the year (February-November), with the public meeting room proposed to be open year round. The site improvements include the construction of the building and associated utility services, modifications to the parking lot and the addition of a pervious parking area to accommodate 36 spaces, and pedestrian connections.

The Building is located in a flood zone where the base flood elevation (BFE) is 10. Originally proposed to have the lowest floor at elevation 10.05, the plans were revised during the review process the elevate the lowest floor to elevation 11.05 which is more than one foot above the 100 year flood elevation. The grading around the building was also raised slightly which allows the grades to tie into the back of sidewalk elevations and then transition down to the parking lot.

The porous parking area will have a filter fabric geogrid with 4" of crushed shells, overlain on a gravel base. This will be aesthetically pleasing and also help prevent rutting from tires. The parking area will be striped, and there will be curb stops added to the plan as required. This pervious parking area will not be used in the winter once there is snow, so it will not be plowed. The intent, to retain parking to support the meeting room in the winter, is to keep the second row of parking adjacent to the building clear, as well as the handicapped parking area. The Applicant also acknowledged that this parking lot becomes a snow storage area in years with excessive snow accumulation. The building elevations, prepared by Strekalovsky Architecture, Inc., were reviewed and the Board noted that the Historic Districts Commission issued a Certificate of Appropriateness on February 27, 2017.

The Board discussed the adequacy of parking at length. Parking will increase from 177 spaces to 211 total spaces. The Board discussed the uses in the proposed building, and the extent that they may be considered accessory to the principal use (beach) and, therefore, not likely to draw additional parking demand (concession stand, public restrooms) and the 500 square foot meeting room, which could draw additional parking demand. The hours of operation for the meeting room are 6 am-10 pm, 7 days a week, and, the concession stand will be open 6 am – 9 pm on Mondays through Thursdays, and 6 am – 10 pm on Friday, Saturday and Sunday. The material submitted indicates the occupancy of the meeting room would be 30 persons per building code. The Applicant explained that possible users of the meeting room might include recreation classes (yoga, exercise), private parties (birthday, retirement parties, etc.), meetings, trainings, and similar uses. The thought is to have a pricing schedule that has varied rates, with lower rates for residents. The Board asked if the meeting room will remain locked except when used for an event, or if customers from the concession stand could enter and use the meeting room for example. The Applicant stated that the concession stand customers would be outside the building primarily, and that the meeting room was most likely going to be secured when not in use for a specific event. If a catered event is held in the meeting room, the food and drinks will be delivered. The Board then considered the loading zone for deliveries and discussed the vehicular circulation associated with deliveries. The Board asked if the deliveries for the concession stand use would be scheduled for off peak times, i.e. early morning hours and not on a Saturday. The Applicant indicated that there was latitude within the language of the lease document with the concessionaire to limit the hours of delivery. The Board discussed waste removal and heard that there was an enclosure for the waste bins, which would be on wheels. The Board asked if the waste bins would be kept out of sight, and the Applicant indicated that the waste bins would be the responsibility of the concessionaire. Within the lease document they could require that the waste bins be kept out of sight except when being emptied. The Board asked how use of the meeting room in winter (and the associated parking needs) might be handled. The Applicant indicated that if the Department of Public Works required the use of the entire lot for snow storage they would not be able to use the meeting room. That has been discussed internally already. Winter parking spaces for the meeting room are intended to be the handicapped spaces and driveway leading to them, and, the paved spaces closest to the building.

The Board discussed the new parking area which is proposed to have a crushed shell (pervious) surface. There will be a structured base to the parking area which will help to avoid rutting conditions. This parking area will not be used during the winter so it won't be disrupted by plowing activities. The Board recognizes the benefit of limiting new impervious surfaces and supports the proposed crushed shell parking area. The Applicant proposes to install timber logs to help demarcate the spaces and serve as curb stops. There is one section of the new parking area (adjacent to the hedgerow) where the plan needs to be revised to show the curb stops. The Applicant intends to stripe the parking spaces with white paint as required. The Board did discuss how well that would work as far as appearance, and, possible need to be repainted regularly. The Board also did discuss that the curb stops would serve as a visual guide for the location of parking

spaces even if the painted lines wore off over time. The Applicant intends to stripe the spaces and see how well the striping holds up over the season. They may seek relief from the requirement to stripe the pervious parking spaces when they come for the lookback if it seems that the paint doesn't show up well, and, the curb stops adequately delineate the parking spaces for drivers.

The pedestrian connection between the beach and bathhouse will be installed as a stone dust walkway now, and, as funding allows will be converted to pavers or concrete in the future. The stone dust will act as the base for any future hardscape installation so the creation of the pedestrian walkway now will support future improvements. The sidewalks around the building are proposed to be concrete. The plans provide a direct sidewalk connection to Route 3A in response to comments from Mr. Dirk. Mr. Crocker reviewed the responses to Mr. Brennan's comments and explained that they have been addressed with plan revisions to show the headwall, drainage details, and grading. A continuous row of northern bayberry has been proposed to screen the headlights from impacting Route 3A to be maintained at 4' in height along the entire length of the parking area.

John Morgan, CHA, presented the new traffic analysis findings as detailed in the June 16, 2017 memo which provided an updated assessment on parking demands and cycles. Jeffrey Dirk, VAI, presented his peer review comments from his memos of June 2 and June 16, 2017, and, the Board discussed the overall operation of the site and the parking demands for the uses at length. The June traffic counts received in the CHA memo of June 15, 2017 from John Morgan were consistent with the original estimates. The Board felt that the observed traffic counts might be higher in July and August when school is out of session, particularly for beach traffic. During the Farmer's Market parking capacity was exceeded and overflow parking was occurring on the grass. At all other times outside of the Farmer's Market there was sufficient parking available. Mr. Dirk stated that the supplemental analysis performed by the Applicant demonstrated that sufficient parking should be available to serve the existing and proposed use of the Bathing Beach with the exception of a 2-hour period on a Saturday when the Farmers Market is open. The Board then discussed how special events (like touch a truck) are scheduled. The Applicant noted that better coordination is needed between the Selectmen's office and the Trustees with regard to scheduling events on the meeting room and events at the Selectmen's property, and the Board agreed. The Board then reviewed the suggestions in Mr. Dirk's June 16th letter regarding opportunities to mitigate the impact of the Farmer's Market on the parking availability, and, the need to be mindful of the parking constraints when scheduling events in the meeting room. The Farmer's Market permit expires in the fall of 2017 and the Applicant noted that the expectation is that the Farmers Market and the Trustees would return to renew and modify the permit taking the comments from Mr. Dirk into consideration. The Board also reviewed the suggested lookback provision, made some edits to the language, after which the Board and the Applicant agreed that it made sense. The lookback would occur after the next season of the Farmer's Market with their revised operations and would be very useful to determine if any changes need to be made. The Board then discussed the pedestrian accommodations including signal upgrades at the entrance drive, and, heard from Mr.

Fernandes that these needs would be reviewed as part of the larger corridor improvement study that is underway. The Board felt that a bike rack should be provided adjacent to the building, and supported the stone dust walkway. The Board also felt that the sidewalk connection from the building to 3A should be angled in the direction of downtown. This would support pedestrian traffic from the downtown, and, would also be less likely to indicate a mid-block crossing location on 3A for pedestrians.

The Board then discussed the site landscaping as a whole and supported the installation of the bayberry shrubs. They also reviewed the proposed removal of two rows of trees and the changes that would make to the aesthetic of the grove and the harbor. The Board asked if 4 trees could be added to supplement the row of tree that is remaining, perhaps in between the existing trees to retain the aesthetic of the row of trees and re-establish the canopy. The Board also asked if some larger trees could be planted along the swale area to re-establish a row of trees and canopy in this area also. The Applicant said that they would be able to. 7 trees are proposed to be planted and 12 trees are being removed. The Board felt that the number of trees to be planted should match the number of trees being removed. The Applicant agreed to a 1:1 tree replacement for all trees removed.

Findings and Decisions:

Board members then reviewed the project in accordance with the Site Plan Review Criteria contained in Section I-I (6) as follows, making findings and identifying conditions:

- 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 Board found that screening of the headlights to prevent glare onto Route 3A was added to the plans with the addition of the row of northern bayberry shrubs to be maintained to 4' in height, and the Applicant agreed to add deciduous trees to recreate the grove. Raising the floor elevation of the building to 11.05 elevation helps with the overall site drainage design, and, a condition would be that “no more lighting than needed for security purposes will be on when the building is not in use”.

- 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 Board found that:

- The Applicant has maintained the distances between the parking spaces to ensure that there is sufficient area for movement of emergency vehicles.
- The Applicant has agreed to provide the stone dust walkway to provide for safe pedestrian movement between the beach and the building

- the Fire Department is satisfied with the location of the fire hydrant and water line extension
 - The sidewalk connection to Route 3A should be angled towards Stars and the downtown because that is where the pedestrian traffic will be coming from, and, it will then not encourage pedestrians to cross 3A.
 - The Applicant will work with the tenant to make sure the use of the loading spaces and deliveries occur outside of peak demand use times.
 - The Applicant will install a bike rack proximate to the building.
 - Plans are in design for improvements to 3A including at the entrance drive, and the suggested improvements to the traffic and accessibility will be handled comprehensively as part of that larger corridor improvement project.
- 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 Board found that:

- The Peer review engineer has confirmed that there is adequacy of arrangement of parking on site and that the traffic and pedestrian circulation patterns are adequate as proposed.
- Given the use restrictions and based on the testimony in the record, there is adequate parking provided and proposed to serve the existing and proposed uses as presented, based on the supplemental traffic data and confirmed by the peer review engineer, with the schedule as proposed.
- The Applicant shall revise the plan to show curb stops where there are 18' spaces with the overhang.
- The meeting room shall not be used during the Farmers Market between 10 am-2 pm.
- The meeting room shall not be used during special events like Touch-a-Boat, Touch-a-Truck, prom night, the night of the fireworks and the 4th of July for non-related activities.
- The Applicant is expected to coordinate with the Board of Selectmen to ensure that the meeting room is not scheduled during any other large events scheduled for the adjacent property.
- To ensure that the site and parking is performing as envisioned the Applicant shall conduct post construction parking monitoring for the Bathing Beach parking lot in order to verify that the available parking supply after the completion of the bathhouse/concessions building project is sufficient to meet the parking demands of the users of the Bathing Beach. The post construction parking monitoring program shall be completed after the completion of the

bathhouse/concessions building project, and shall consist of the following information:

1. Parking demand observations within the Bathing Beach parking lot on a weekday and a Saturday from 9 AM to 4 PM. The demand observations shall be completed under favorable weather conditions between July 15 and August 15, with the Saturday observations to occur on day when the Hingham Farmers Market is open;
2. As-built plans of the parking lot to include the number of parking spaces and any use limitations (i.e., handicapped, etc.);
3. Schedule of events for the season to include public meeting room use (blocks of time available and number of attendees to the extent known); and
4. Number and location of vendor tables and vendor parking within the lot for the Hingham Farmers Market during the observation period.

This information shall be summarized in a letter or memorandum provided to the Planning Board, Zoning Board of Appeals and the Director of Community Planning, within 1-month of the completion of the parking demand observations, and shall include a description of the parking management strategies that have been implemented by the Applicant. To the extent that the results of the parking monitoring program indicate that the parking demands at the Bathing Beach exceed the available parking supply, the Applicant shall undertake corrective actions in consultation with the Police Chief and the Director of Community Planning to reduce parking demands. Such measures may include:

- Requiring vendors to park at the Station Street parking lot
- Consolidating or relocating vendor display areas
- Modifying event scheduling to disperse parking demands
- Increased use of off-site parking
- Additional traffic and parking management (police details supplemented by on-site staff)

The additional parking management strategies, if any, shall be presented for discussion to the Planning Board at a regularly scheduled meeting prior to implementation. To the extent deemed necessary, the Planning Board may require that additional parking demand observations be conducted to document that the additional parking management strategies have been effective in addressing the parking exceedances.

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

The Board found that the Applicant shall submit a revised landscape plan showing the planting of not less than 7 trees, and at least a one-to-one replacement for trees being removed are required. Trees shall be planted as proposed, and in between the existing trees along Route 3A, as well as along the swale to recreate the canopy feeling that is being lost.

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

The Board found that there will not be a dumpster, there will be wheeled trash bins stored in an enclosed area. The Board found that the trash bins shall be kept in the shed except when being emptied.

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 Board found that upgraded utility connections have been provided and presented as part of the plans.

g. *assurance 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 Board found that the plans have been revised to address the comments from the Peer Review Engineer; the erosion controls are shown on the plans; the plans comply with the Storm water Management Policy and Standards; and an Operation and Maintenance Plan has been provided as part of the record.

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 Board found that the Applicant has agreed to plant additional trees to help maintain the canopy and tree lined aesthetic of the area, and, they are replacing the same number of trees being removed.

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

Yes.

DECISION AND VOTE:

It was Moved, Seconded and SO VOTED to Approve Site Plan Review for the Trustees of the Hingham Bathing Beach for property known as 31 Otis Street, as presented within the application materials and at the hearing, and as shown on the plans titled "Site Development Plans for Hingham Bathing Beach Waterfront Concessions Building" 31 Otis Street, Hingham, MA, prepared for Trustees of the Bathing Beach, 25 Bare Cove Park Drive, Hingham, MA 02043, prepared by CHA, 101 Accord Park Drive, Norwell, MA 02061, dated 4/26/17, revised to 6/16/17, 12 sheets, based on the findings and subject to the following conditions:

1. No more lighting than needed for security purposes will be on when the building is not in use.
2. The sidewalk connection to Route 3A shall be angled towards the downtown area.
3. The Applicant will work with the tenant to make sure the use of the loading spaces and deliveries occur outside of peak demand use times.
4. The Applicant will install a bike rack proximate to the building.
5. The Applicant shall revise the plan to show curb stops where there are 18' spaces with the overhang.
6. The meeting room shall not be used during the Farmers Market between 10 am-2 pm.
7. The meeting room shall not be used during special events like Touch-a-Boat, Touch-a-Truck, prom night, the night of the fireworks and the 4th of July for non-related activities.
8. The Applicant is expected to coordinate with the Board of Selectmen to ensure that the meeting room is not scheduled during any other large events scheduled for the adjacent property.
9. The Applicant shall conduct post construction parking monitoring for the Bathing Beach parking lot in order to verify that the available parking supply after the completion of the bathhouse/concessions building project is sufficient to meet the parking demands of the users of the Bathing Beach. The post construction parking monitoring program shall be completed after the completion of the bathhouse/concessions building project, and shall consist of the following information:
 - a. Parking demand observations within the Bathing Beach parking lot on a weekday and a Saturday from 9 AM to 4 PM. The demand observations shall be completed under favorable weather conditions between July 15 and August 15, with the Saturday observations to occur on day when the Hingham Farmers Market is open;
 - b. As-built plans of the parking lot to include the number of parking spaces and any use limitations (i.e., handicapped, etc.).
 - c. Schedule of events for the season to include public meeting room use (blocks of time available and number of attendees to the extent known); and

- d. Number and location of vendor tables and vendor parking within the lot for the Hingham Farmers Market during the observation period.

This information shall be summarized in a letter or memorandum provided to the Planning Board, Zoning Board of Appeals and the Director of Community Planning, within 1-month of the completion of the parking demand observations, and shall include a description of the parking management strategies that have been implemented by the Applicant. To the extent that the results of the parking monitoring program indicate that the parking demands at the Bathing Beach exceed the available parking supply, the Applicant shall undertake corrective actions in consultation with the Police Chief and the Director of Community Planning to reduce parking demands. Such measures may include:

- Requiring vendors to park at the Station Street parking lot
- Consolidating or relocating vendor display areas
- Modifying event scheduling to disperse parking demands
- Increased use of off-site parking
- Additional traffic and parking management (police details supplemented by on-site staff)

The additional parking management strategies, if any, shall be presented for discussion to the Planning Board at a regularly scheduled meeting prior to implementation. To the extent deemed necessary, the Planning Board may require that additional parking demand observations be conducted to document that the additional parking management strategies have been effective in addressing the parking exceedances.

10. The Applicant shall submit a revised landscape plan showing the planting of not less than 7 trees, and at least a one-to-one replacement for trees being removed are required. Trees shall be planted as proposed, and in between the existing trees along Route 3A, as well as along the swale to recreate the canopy feeling that is being lost.

11. The Board found that the trash bins shall be kept in the shed except when being emptied.

Jennifer M. Gay Smith
Chairman, Hingham Planning Board

In favor: Gay Smith, Tondorf-Dick, Ramsey, Corey, Carr
Opposed: none

Cc: Town Clerk; Patrick Brennan, Amory Engineers; Building Department; Assessor; ZBA, Conservation; J. Dirk, VAI; BOH; Gabe Crocker, CHA; R. Fernandes, Town

Engineer; T. Molinari, Engineering; S. Dempsey, Sewer; R. Sylvester; S. Girardi, HMLP;
Police Chief; Selectmen; Fire Chief; Fire Prevention; S. Olson, Aquarion.

NOTARIZATION

EXECUTED this ____ day of July, 2017

Commonwealth of Massachusetts

Plymouth, ss

July ____, 2017

Then personally appeared Jennifer M. Gay Smith, Chairman of the Hingham Planning Board, and acknowledged the foregoing to be the free act and deed of said Board.

Dolores A. DeLisle, Notary Public

My Commission Expires: March 4, 2022