



TOWN OF HINGHAM

Board of Appeals

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MAR 13 2025

Town Clerk
Hingham, MA

NOTICE OF DECISION VARIANCE

IN THE MATTER OF:

Applicant: Board of Water Commissioners
Hingham Town Hall
210 Central Street
Hingham, MA 02043

Owner: Town of Hingham
Acting by and through the Hingham Municipal Light Plant
31 Bare Cove Park Drive
Hingham, MA 02043

Property: 0 Kilby Street, Hingham, MA 02043

Registered Land: Land Court Certificate of Title No. 22301

**Plan and Document
References:** Existing Conditions Plan, C-1, prepared by APEX, dated March 2025 (1 sheet);
Draft Building Layout, C-2, prepared by APEX dated March 2025 (1 sheet);
Draft Elevation Plan, C-3, prepared by APEX, dated March 2025 (1 sheet);
Attachment 1 to Application packet, image of proposed Booster Pump station, date stamped February 13, 2025 (1 sheet).

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of the Hingham Board of Water Commissioners (the "Applicants") for Variances from § IV-A, §IV-B, 2 and §IV-B, 5 of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct a new booster pump station at 0 Kilby Street in the Official and Open Space District.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, March 11, 2025, during a meeting held remotely via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law.

The Board of Appeals panel consisted of Paul K. Healey, Acting Chair, Jed Ruccio, Member and Michael Mercurio, Associate Member. At the conclusion of the hearing, the Board voted unanimously to grant the requested relief.

Throughout the hearing, the Board was 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 30,261 SF of undeveloped land at 0 Kilby Street, which is located in the Official and Open Space District. The Water Commissioners determined that a new booster pump station needed to be installed between the Turkey Hill water storage tank and the new Strawberry Hill water storage tank (located in Hull) to reduce the pressure head required at the water treatment plant to enable them to fill the Strawberry Hill tank. The 0 Kilby Street parcel was identified as the most optimal location for this needed equipment.

In the Official and Open Space District no minimum lot area required, however a 40' setback is required in the front, side and rear setbacks. 0 Kilby Street is irregularly shaped and has significant wetlands in the rear of the property; causing the siting of the pump station to be pushed forward to the front of the parcel, and thus making it difficult to locate the pump station in a conforming location.

The Applicant requested a Variance from section IV-A – Area of Dimensional Requirements of the front yard setback (20' where 40' is required) and the southerly side yard setback (20' where 40' is required), as well as Variances from Section IV-B, 2 and Section IV-B, 5 of the Special Requirements to the Schedule of Dimensional Requirements. In addition, the Applicant requested a Variance from Section IV-B, 2 to allow them to maintain only 1-FT of the required Green or landscaped strip for a portion of the frontage, (where 15-FT is required). This is due to the site constraints noted above. Due to the building envelope being pushed forward, the entrance driveway will need to be used for two parking spaces and for the installation of a security fence.

The Applicant also requested a Variance from two provisions of Section IV-B, 5; the first being a Variance to allow them to maintain a 1-FT green yard along a portion of the frontage where the two parking spaces and security fence will be located (where a 20-FT wide green yard along the frontage of the parcel is required). Second, because the property abuts a residential district on both side yards and the rear yard, Section IV-B, 5 requires a 50' green yard space along such yards in an undisturbed natural condition. The Applicant requested a Variance from this section of the By-Law to allow them to maintain a 20-FT wide green space on the southerly side yard line, (where 50' is required; with the further exception for a security fence and a 3'x3' concrete pad that will be located in this 20' area). A 50-FT green space will be maintained along both the northerly side yard line and the rear yard line.

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-D, 2.c of the By-Law:

- 1. Circumstances related to soil, shape, or topography especially affect the land or structures in question:** The westerly boundary of the property where its frontage is located is 100' while the rear (southerly) boundary with a length of 266' is at a significant angle. The result is an irregular northern boundary with the front third of the parcel being significantly narrower than the rear of the parcel. In addition, the widest portion of the parcel in the rear and to the north has a significant amount of wetlands and is subject to the no-build 50-foot buffer from the wetlands.
- 2. The literal enforcement of the By-Laws would involve substantial hardship financial or otherwise.** A booster pump station is necessary for the health, safety and welfare of the public water supply for the Towns of Hingham and Hull. The pump station will support the new water storage tank that is being constructed in Hull. If the booster pump station is not built it would be detrimental to the new water storage tank filling to its proper level. The requested variances are needed in order to situate the necessary pump station on the site with necessary appurtenances, such as a generator and two parking spaces. The Weir River Water System would be unable to build a booster pump station which is critical to water system operations.
- 3. A Variance may be granted without substantial detriment to the public good.** The booster pump station will support the new water storage tank, significantly improving the water supply for the Hingham and Hull water system. This upgrade is essential for meeting the community's growing needs and ensuring a reliable water source, and adequate fire flow availability to Hull.

The station will be located 20 feet off Kilby Street and designed to the extent possible to resemble a residential structure, ensuring it remains unobtrusive. With minimal daily visitors and low noise levels, the station will not disrupt the daily lives of residents or the surrounding environment.

- 4. A Variance may be granted without nullifying or substantially derogating from the intent or purposes of the By-Law.** The booster pump station and water storage tank are essential infrastructure improvements that support the health, safety and welfare of the public water supply. The pump station building will be designed in a manner to blend in to the extent possible with the nearby residential homes. There will be minimal traffic at the pump station.

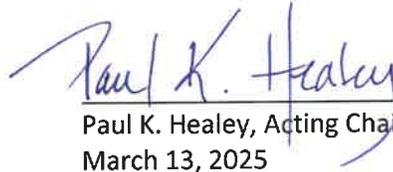
The relief will also allow the project to proceed with minimal environmental disruption to the adjacent wetlands.

DECISION

Upon a motion made by Jed Ruccio and seconded by Michael Mercurio, the Board voted unanimously to grant a Variance from § IV-A; §IV-B, 2; and §IV-B, 5 of the By-Law, and such other relief as necessary, to construct a new booster pump station at 0 Kilby Street in the Official and Open Space District, subject to the following conditions:

- a. Prior to application for a building permit, the Applicant shall submit a plan prepared by a licensed surveyor confirming the location of the pump station and related structures consistent with the project plans submitted with its variance application.
- b. The proposed work shall be completed in a manner consistent with the approved plans and the representations made at the hearing before the Board.
- c. Prior to the issuance of the certificate of occupancy, the Applicants shall submit an as-built plan prepared by a licensed surveyor confirming that the project was constructed in accordance to the approved plans.

For the Board of Appeals,



Paul K. Healey, Acting Chair
March 13, 2025

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.