



# TOWN OF HINGHAM

## Board of Appeals

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Hingham, MA

### NOTICE OF DECISION SPECIAL PERMIT MODIFICATION

#### IN THE MATTER OF:

**Applicant/Owner:** Hingham Yacht Club, Inc.  
211 Downer Avenue  
Hingham, MA 02043

**Agent:** Michael Whitmore  
Roundel 47 LLC  
46 Allen Place  
Scituate, MA 02066

**Subject Property:** 208 Downer Avenue, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 481, Page 5011

**Plan and Document References:** "208 Downer Ave. HYC Boat Barn Construction Schedule," date stamped June 11, 2025 (1 Sheet);  
"208 Downer Avenue August 25, 1993, Zoning Board Decision" (4 Sheets);  
"208 Downer Avenue December 17, 2021, Zoning Board of Appeals, Special Permit Modification, Zoning Board Decision" (5 Sheets);  
Plan – "Previous Boat Storage" (1 Sheet);  
Plan – "Proposed Boat Storage" (1 Sheet).

#### SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of Hingham Yacht Club, Inc. (the "Applicant") for a Modification of a Special Permit A2 under §III-A, 3.7 of the Zoning By-Law (the "By-Law"), issued April 25, 1986, as amended in 1993 and 2021, and such other relief as necessary, to modify condition 2a, to state that construction on the project can begin in October (rather than November), and to temporarily allow the stacking of floats during construction, at 208 Downer Avenue, in Residence District A.

The Applicant additionally filed an application with the Planning Board for a modification of Site Plan Approval under § I-I of the By-Law.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, July 15, 2025, during a meeting held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of Paul K. Healey, Acting Chair, Jed Ruccio, Member and Mario Romania, Associate Member. The Applicant was represented by Michael Whitmore of Roundel 47 LLC. At the conclusion of the July 15, 2025 hearing, the Board voted unanimously to grant the requested Special Permit A2 modification.

Throughout its deliberations, 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:**

The subject property consists of 28,458 SF of land bounded by the Harbor to the north, portions of the Downer Avenue right of way to the east, Marion Street to the south, and a single-family property to the west. Significant portions of the property are affected by wetland resource areas, including a coastal bank and floodplain (FEMA Flood Zone VE (13-14 ft)). The property serves as accessory parking and boat storage for the Hingham Yacht Club, which operates directly across from Downer Avenue.

In 2021, the Hingham Yacht Club, Inc. appeared before the Board to modify plans approved in connection with a Special Permit A2, issued April 25, 1986, as amended in 1993, under § III-A, 3.7 of the Zoning By-Law, to replace an existing barn with a new (36' x 30') barn to store boats at 208 Downer Avenue in Residence District A.

At the end of that public hearing, the Board voted unanimously to grant the request from the Applicant to modify plans approved in connection with a Special Permit A2, issued April 25, 1986, as amended, under § III-A, 3.7 of the Zoning By-Law to replace an existing barn with a new (36' x 30') barn to store boats at 208 Downer Avenue in Residence District A with conditions.

After the Board granted the Special Permit modification, the decision was appealed by a neighbor and construction was put on hold until the parties came to an agreement.

**APPLICATION AND REQUESTED MODIFICATIONS:**

The 2021 decision contained condition 2a that read as follows:

*Construction of the proposed barn shall occur off-season (November – April), so as to not impact programming or parking for the Hingham Yacht Club.*

The Applicant requested that Condition 2a of the Special Permit A2, as approved by the Board on December 17, 2021, be amended to allow the construction of the new barn to occur in the off season between the months of October – April, instead of November – April. The Applicants also requested a temporary modification of Condition 2 of the August 25, 1993 decision prohibits the stacking of floats on the property. They Applicants requested to be allowed to temporarily stack floats, no higher than two floats, during the construction period only.

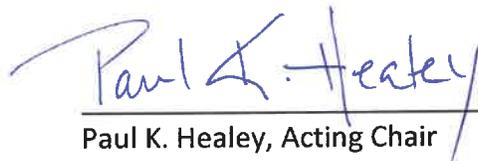
**FINDING AND DECISION:**

Upon a motion made by Jed Ruccio and seconded by Mario Romania, Jr., the Board voted unanimously as follows:

1. That the proposed modifications do not materially affect the findings made in connection with the Special Permit A2 Decision issued April 25, 1986, as amended in 1993 and 2021.
2. To grant the application to modify condition 2a in accordance with the Special Permit A2 issued December 17, 2021 at 208 Downer Avenue, located in Residence District A, to allow construction of the new barn between the months of October through April, and to allow the Applicant to temporarily stack floats, no higher than 2 floats, on their property at 208 Downer Avenue, during the construction of this project for the months of October through April only, in the location shown on the plan submitted on July 10, 2025.

All other conditions imposed by the Board in its Special Permit A2 Decision, originally issued April 25, 1986, as amended, remain in effect unless specifically modified by this Decision.

For the Board of Appeals,



Paul K. Healey, Acting Chair  
July 29, 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.