

PLYMOUTH, ss.

LAND COURT DEPARTMENT
DOCKET NO.

BARRY INVERNIZZI, HEIDI INVERNIZZI,
BRENDAN CLANCY GALGAY, AMANDA
GALGAY, CHRISTOPHER JONES,
STEPHANIE JONES, JOHN SMALLCOMB, and
KELLY SMALLCOMB,

Plaintiffs,

v.

PLANNING BOARD OF THE TOWN OF
HINGHAM; KEVIN ELLIS, GORDON CARR,
RITA DaSILVA, JUDITH SNEATH, AND
GARY TONDORF-DICK,
as members of the Planning Board of the
Town of Hingham; and TOWN OF HIGHAM,

Defendants.

**Complaint Pursuant to
G.L. c. 40A, § 17 and Prayer
for Declaratory Judgment**

Nature of Action

1. This is an appeal, pursuant to G.L. c. 40A, § 17, from two decisions of the Hingham Planning Board, filed with the Town Clerk on August 19, 2022, approving an application made by the Town of Hingham for Site Plan Approval and a Special Permit to construct a massive new pool complex, including a 5,000+ square foot bathhouse, filtration structure, equipment storage building, equipment pad, and other improvements at the South Shore Country Club in Hingham, Massachusetts. True and accurate copies of the Site Plan Decision and Special Permit Decision (collectively, the "Board Decisions") are attached hereto as *Exhibit A* and *Exhibit B*.

Parties

2. The Plaintiffs, Barry Invernizzi and Heidi Invernizzi (the “Invernizzis”) are the owners of land located at 266 South Street, Hingham, Massachusetts, as more particularly described in a deed dated August 13, 1992, recorded with the Plymouth County Registry of Deeds in Book 10434, Page 212.

3. The Plaintiffs Brendan Clancy Galgay and Amanda Galgay are the owners of land located at 264 South Street, Hingham, Massachusetts (the “Galgays”), as more particularly described in a deed dated October 13, 2016, and recorded with the Plymouth County Registry of Deeds in Book 47595 and Page 43.

4. The Plaintiffs Christopher Jones and Stephanie Jones are the owners of land located at 20 Del Prete Drive, Hingham, Massachusetts (the “Joneses”), as more particularly described in a deed dated September 3, 2008, and recorded with the Plymouth County Registry of Deeds in Book 36327 and Page 83.

5. The Plaintiffs John Smallcomb and Kelly Smallcomb are the owners of land located at 18 Del Prete Drive, Hingham Massachusetts (the “Smallcombs”), as more particularly described in a deed dated May 2, 2014, and recorded with the Plymouth County Registry of Deeds in Book 44285 and Page 155.

6. The Invernizzis, Galgays, Joneses, and Smallcombs shall be referred to collectively as the “Plaintiffs.”

7. The Defendant, the Town of Hingham Planning Board (the “Board”), is a duly constituted board within the municipality of the Town of Hingham, Plymouth County, Massachusetts, with business offices at 210 Central Street Hingham, Massachusetts, 02043.

8. Kevin Ellis is a member of the Board and at all relevant times served as the Acting Chair of the Board. Mr. Ellis resides at 7 Hersey Street, Hingham, Massachusetts.

9. Judith Sneath is a member of the Board and resides at 89 North St, Hingham, Massachusetts.

10. Gordon Carr is a member of the Board and resides at 962 Main Street, Hingham, Massachusetts.

11. Gary Tondorf-Dick is a member of the Board and resides at 1029 Main Street, Hingham, Massachusetts.

12. Rita DaSliva is a member of the Board and resides at 5 Taurasi Road, Hingham, Massachusetts.

13. Defendant, the Town of Hingham (the "Town"), is a duly organized municipal corporation under the laws of the Commonwealth of Massachusetts with its principal office located at 210 Central Street Hingham, Massachusetts, 02043.

Statement of Facts

14. The Town owns land located at 274 South Street, Hingham, Massachusetts, recorded with the Plymouth County Registry of Deeds, in Book 8357, Page 277 (the "Property").

15. The Town owns and operates the South Shore Country Club ("SSCC"), which it purchased in 1988 by eminent domain. SSCC is located on the Property.

16. SSCC consists of an 18-hole golf course, driving range, golf simulators, a golf pro shop, tennis courts, restaurants, banquet and conference facilities, and a bowling alley, all of which are located on the Property.

17. SSCC is a busy, heavily used golf course, which hosts many corporate outings and fund-raising events annually.

18. SSCC is home to an upscale, busy tavern which is open daily and serves lunch and dinner in a bar and dining room.

19. SSCC hosts year-round private functions for various social and corporate events, including weddings and other large events at its banquet and conference facilities.

20. In addition, SSCC has a ten-lane bowling alley which has hosted hundreds of parties over the last several years.

21. The Plaintiffs are all abutters to the Property.

22. On March 31, 2022, the Town submitted an application for Site Plan Approval under Section I-I of the Hingham Zoning By-Law (the "By-Law") related to the Project described below.

23. On April 28, 2022, the Town submitted an Application for Special Permit A-3 for parking determination under Section V-A of the By-Law, seeking approval to construct a new pool complex consisting of two pools, including a six-lane competition lap pool, a 5,000+ SF bathhouse, splash pad, fenced pool area, filtration building, equipment storage building, equipment pad, and other improvements to the SSCC (the "Project").

24. On May 23, 2022, The Board simultaneously opened a hearing on the Site Plan approval and Special Permit A-3 applications.

25. Not all abutters received proper notice of the hearing.

26. Subsequent Board hearings were held in June, July and August, 2022. The Plaintiffs sounded their objections to the Project and raised many questions and concerns that the Board did not address.

27. Indeed, in violation of public meeting laws, some of the Plaintiffs were silenced during the public meetings and were not permitted to voice their concerns.

28. On August 19, 2022, over strong objections from many neighbors and abutting property owners, the Board granted the Town's applications for Site Plan Approval and Special Permit A-3 Parking Determination for the Project. *See Board Decisions attached hereto as Exhibits A and B.*

The Project Has Insufficient Parking.

29. The Town's parking plan is grossly insufficient and does not support the Project.

30. Due to the mix of uses located within SSCC, many of which will occur simultaneously, the Project requires 438 parking spaces to meet the parking requirements of Section V-A for the By-Law.

31. According to the plans submitted by the Town, on-site parking will be provided for only 235 vehicles, leaving them over 200 spaces short of the required amount under the By-Law.

32. To skirt this requirement, the Town manufactured 56 overflow parking spaces onsite, including 36 spaces located in a grass-covered area, which is not suitable for parking, particularly after periods of heavy rain.

33. Further, the aforementioned "overflow" parking area is located in the 50 foot and 100 foot wetland buffer zone. Environmental concerns were raised by the Plaintiffs and other concerned residents, but their concerns appear to have been brushed aside by the Board.

34. The Town also proposed 331 offsite, satellite parking options at the adjacent MBTA parking lot and an athletic field complex which is approximately .3 miles away.

35. The Board improperly considered the offsite parking options even though the Town does not have the requisite permission from the applicable property owners to park in those locations.

36. Further, under Section V-A.2. of the Bylaw, parking areas for the Project must be located on the Property, or on contiguous parcel, or a parcel across the street with a Special A3 permit granted by the Planning Board. The athletic field complex does not meet this standard and should not be considered as a parking alternative.

The Project Encroaches On The Invernizzi and Galgay's Easement.

37. The proposed onsite parking plan for the Project encroaches on the Invernizzi and Galgay's easement rights.

38. The Invernizzi and Galgays have the right and easement to use "Country Club Road" for purposes of affording frontage to their respective properties (the "Easement"). Country Club Road is located on the Property.

39. The Town's deed includes a restrictive covenant stating that no building, fence, wall, paving or other structure or improvement shall be commenced, erected or maintained on the Premises that would interview with the Easement. *See* Deed dated March 28, 1988, recorded with the Plymouth County Registry of Deeds in Book 8358, Page 062.

40. The Town's proposed parking plan contemplates installing approximately 30 parking spaces, electric-car charging stations, crosswalks, curbs, grass, trees and other vegetation in the Easement. Doing so will encroach upon the Easement and infringe upon the Plaintiffs' rights.

41. Without the parking spaces in the Easement, and without the untenable overflow parking, the Town only has space available onsite for approximately 205 spaces, which falls well below the 438 parking spaces required to meet the parking requirements of the By-Law.

42. In 2005, the Invernizzis and Galgays permitted the Town to use a portion of the Easement area for parking after the Town excavated grass and vegetation and paved the area

without their consent. However, the Town's current proposed use exceeds the scope of the revocable license granted by the Invernizzis and Galgays.

43. Accordingly, the Invernizzis and Galgays have notified the Town and the Board in writing that the Town does not have their permission to use the Easement for parking in connection with the Project.

44. Specifically, by letter dated July 25, 2022, the Invernizzi's attorney advised the Town and the Board that the Plaintiff had revoked any prior permission granted by the Plaintiffs to use the Easement. The letter further demanded that the Town refrain from paving or performing any construction-related activities within the Easement.

45. The Town and the Board ignored the Invernizzis and Galgays and, despite clearly inadequate parking, the Board approved the Project.

The Project Will Have Significant Adverse Effects on The Plaintiffs.

46. The character and scale of the project and the building are excessive. The proposed pool complex, which includes two pools, is significantly larger and in a much different location than the pool that was previously located on the Property.

47. The proposed pool complex is capable of handling over 400 projected guests.

48. The proposed plan for the Project lacks sufficient protocols to maintain privacy between the Property and abutters. As a result, the Project adversely impacts the Plaintiffs' privacy and presents security risks.

49. The Project lacks reasonable noise mitigation protocols. The proposed Project will consist of a six-lane lap pool, a family pool, a spray deck, a mechanical storage and filtration room, and a large bath house among other improvements.

50. The Project will be elevated 52 feet above grade. The intended use of the Project, increased vehicular and foot traffic, and the overall elevation of the Project will result in excess noise propagation from the site, and excess noise disturbance in violation of the Town of Hingham General By-Laws.

51. The Plaintiffs raised specific concerns about excessive noise emanating from the Property and asked for reasonable mitigation measures, such as adequate sound barriers, to be installed. Their concerns were ignored by the Board.

COUNT I
Appeal from Special Permit Decision
(G.L. c. 40A, § 17)

52. The Plaintiffs repeat and incorporate by reference the foregoing paragraphs as if each were fully set forth herein.

53. The Board's decision approving the Town's application for Special Permit A-3 was arbitrary and capricious, exceeds the authority of the Board, is based upon legally untenable grounds, and was not supported by substantial evidence at the hearings.

54. The Property is not an appropriate location for a large-scale pool complex and the Project is not compatible with the characteristics of the surrounding area.

55. The potential adverse effects of the Project on the Plaintiffs have not mitigated.

56. Adequate and appropriate facilities are not in place to allow for the proper operation of the proposed Project without significant impact on the neighbors.

57. The Plaintiffs, who own abutting and adjacent land to the Property, are aggrieved and will suffer substantial injury as a result of the legal errors, abuses of discretion and/or arbitrary and capricious actions by the Board.

COUNT II
Appeal from Site Plan Approval
(G.L. c. 40A, § 17)

58. The Plaintiffs repeat and incorporate by reference the foregoing paragraphs as if each were fully set forth herein.

59. The Board's decision approving the Town's application for Site Plan Approval was arbitrary and capricious, exceeds the authority of the Board, is based upon legally untenable grounds, and is not supported by substantial evidence at the hearings.

60. The Project is not in harmony with the surrounding area.

61. The Project adversely impacts adjoining properties.

62. The design of the Project is an unreasonable departure from the character and scale of the buildings as previously existing on the Property.

63. The parking and traffic management design for the Project is inadequate.

64. The Plaintiffs, who own abutting and adjacent property, are aggrieved and will suffer substantial injury as a result of the legal errors, abuses of discretion and/or arbitrary and capricious actions by the Board.

65. The By-Law provides for a G. L. c. 40A, § 17 appeal directly from the decision of the Board.

COUNT III
DECLARATORY JUDGMENT (G.L. c. 240, § 14A)

66. The Plaintiffs repeat and incorporate by reference the foregoing paragraphs as if each were fully set forth herein.

67. An actual and present controversy exists between the Plaintiffs and Defendants, including whether the Board's decision was arbitrary and capricious and whether the Town is encroaching on the Easement.

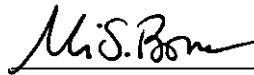
PRAYERS FOR RELIEF

WHEREFORE, the Plaintiffs request that this Honorable Court enter judgment in their favor and:

1. Annul the Special Permit Decision;
2. Annul the Board's Site Plan Approval Decision;
3. Grant the Plaintiff such other relief as it deems just and proper.

Respectfully submitted,

Plaintiffs,
By their attorneys,



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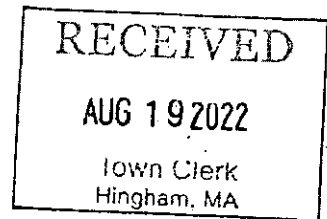
Date: September 7, 2021

A



TOWN OF HINGHAM

Planning Board



NOTICE OF DECISION SITE PLAN REVIEW

IN THE MATTER OF:

Owner/Applicant: Town of Hingham Country Club Management Committee
 Tom Mayo, Town Administrator Kevin Whalen, Executive Director
 210 Central Street 274 South Street
 Hingham, MA, 02043 Hingham, MA 02043

Property: South Shore Country Club, 274 South Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 8357, Page 277

Plan References: "South Shore Country Club, Outdoor Pool Complex, 274 South Street, Hingham, MA, 02043," prepared by Pare Corporation, 10 Lincoln Road, Suite 210, Foxboro, MA, dated May 20, 2022 (20 sheets; sheets C2.0, C2.1, and C5.4 revised through June 9, 2022 and revised sheet L1.0 dated June 29, 2022)

 "Existing Tree Plan," prepared by RMD Collaborative, 685 Centre Street, Jamaica Plain, MA 02130, dated February 25, 2022 (1 sheet)

 "Vehicle Turning Movements," prepared by RMD Collaborative, 685 Centre Street, Jamaica Plain, MA 02130, dated March 17, 2022 (4 sheets)

 "South Shore County Club's Traffic and Parking Management Plan," dated July 6, 2022

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Town of Hingham (the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct a new pool complex including a 5,000+ SF bathhouse, fenced pool area, filtration structure, equipment storage building, equipment pad and other improvements at the South Shore Country Club, 274 South Street, in the Business Recreation District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 23, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 (as extended pursuant to Chapter 107 of the Acts of 2022) temporarily suspending certain provisions of the Open Meeting Law. The Board simultaneously opened a hearing on a related application for a Special Permit A3 under § V-A of the By-Law. Subsequent substantive hearings were concurrently held on June 13, 2022, July 11, 2022, and August 8, 2022. The Board panel consisted of regular members Kevin Ellis, Acting Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Kevin Whalen, South Shore Country Club Executive Director, presented the application to the Board along with project representatives including James Jackson, P.E., of Pare Corporation and Chris Rotti, AIA, of RMD. The Board was assisted in its review by Patrick Brennan, P.E., of Amory Engineers and Jeffery Dirk, P.E., PTOE, FITE, of Vanasse & Associates. At the conclusion of the review, the Board voted to grant Site Plan Approval under § I-I of the 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

The subject property consists of approximately 154 acres of land located at 274 South Street, which is currently occupied by the South Shore Country Club (SSCC). The property is bound by South Street and the MBTA commuter rail to the west, New Bridge Street to the south, and residential properties to the east and north. The property maintains frontage on South Street, which provides access to the premises. The driveway leads to three parking areas adjacent to the existing tennis courts, pool, banquet and conference hall, restaurant, bowling alley, and Golf Pro shop. The golf course occupies the area to the south of these buildings and covers the majority of the property.

The SSCC proposes to construct a new pool complex, including a 5,000+ SF bathhouse, fenced-in pool area, filtration structure and equipment storage building, equipment pad, and related site improvements. The proposed pool area will displace the existing tennis courts and replace the existing pool, which is no longer operational, to the west of the club house building. The project site (the "Site") consists of 1.24 acres of land bound by a wooded area to the north and east, and the existing parking areas to the south and west.

With respect to existing stormwater patterns and management, runoff currently generated from the Site flows overland to the west where most of the runoff is captured in a catch basin east of the large concrete retaining wall. The remaining runoff from the Site flows overland into one of two wetland locations at either the entrance drive or the northeast of the Site. The existing Site contains approximately 0.75 acres of impervious area, which consists of paved parking areas and 2 tennis courts. The remaining portions of the Site are grass and woods.

The proposed grading scheme is designed to shed water to match the existing conditions to the maximum extent possible and generally slope away from the pool complex so as to protect the

complex from stormwater runoff. Stormwater is proposed to be conveyed in accordance with best management practices (BMP's) via overland flow and a stormwater conveyance system consisting of area drains, manholes, and HDPE piping. Additionally, post-development runoff rates are proposed to be maintained or reduced from the pre-development condition and released into existing drainage paths downstream of the proposed improvements. Proposed impervious areas will be treated prior to leaving the Site in accordance with the Massachusetts Stormwater Handbook. Finally, the proposed drainage system is designed to include source control and maintenance, such as removal of sediment buildup from best management practices, and an underground infiltration system. Runoff from the Site is proposed to flow overland into catch basins and the pool complex's drainage system into the underground infiltration system. Overflow from the infiltration system is proposed to be connected via a pipe outlet discharging to the existing wetlands. After limited revisions, the Board's consulting civil engineer confirmed that the subsurface infiltration system, erosion controls, and test holes were correctly designed as depicted on the plans.

The project proposes 234 parking spaces to support the existing uses, including the reconstructed pool complex, with an opportunity shown on the Site Plans to provide an additional 56 overflow parking spaces onsite, including 36 parking spaces in a grass area along the south side of the driveway, 4 parking spaces along the east side of the drive to the west of the clubhouse building, and 16 tandem parking spaces for employees in the paved area to the south of the maintenance facility that is currently under construction, for limited events. The plans also note the availability of offsite overflow parking in the area at the MBTA lot (up to 149 spaces) and Carlson Field (up to 182 spaces), subject to authorization by the applicable property owner. While the Applicant noted that the mix of uses that will be located within the South Shore Country Club at the completion of the Project would technically require 438 parking spaces to meet the parking requirements of Section V-A, the Board's traffic engineer confirmed that the By-Law's requirements far exceed the standards provided by the Institute of Transportation Engineers for a golf course and typical accessory uses. He confirmed that the available parking supply was sufficient based on the submitted Traffic and Parking Management Plan (TMP). In addition, the traffic engineering peer review of this project addressed issues related to vehicle and pedestrian access and circulation, Massachusetts Department of Transportation (MassDOT) design standards, Town zoning requirements as they relate to access, parking and circulation, and accepted Traffic Engineering and Transportation Planning practices.

As a result of peer review comments, satisfactory revisions were provided by the Applicant, including the TMP for event conditions and for those occasions when the demand for parking may exceed the available parking supply. The TMP includes a strategy to schedule events so as not to overlap with the peak-use periods of other facilities within the South Shore Country Club or other events.

During the course of the hearing, the Board raised numerous questions and provided extensive comments pertaining to the proposed drainage system, grading, parking, traffic, vehicle and pedestrian access and circulation, noise generation, additional tree plantings, hours of operation, and potential effects on abutters. Several abutters and members of the public raised questions and provided comments both during the public hearings as well as in writing. The Board took into

consideration questions and comments raised and included conditions where appropriate to address some of the abutter concerns.

One abutter concern the Board considered at length relates to projected noise generation by users of the pool. Ultimately, members opted not to impose a condition related to noise mitigation, noting that the intermittent and random sound of children and adults using outdoor recreational facilities is not regulated under the Zoning By-Law. The Board noted that it had in prior applications regulated only amplified sound at outdoor venues and the South Shore Country Club would not use amplification in connection with the pool facility. Additionally, the pool was an existing use of the property and reconstruction would eliminate sound generated by the displaced tennis courts. Finally, the Applicant committed to pursuing optional measures to reduce potential sound as possible.

DESIGN AND PERFORMANCE STANDARDS

a. Land Disturbance

The project proposes disturbance in the area of the former tennis court and its immediate wooded surroundings, allowing for minimal changes to natural topography or disturbance to undeveloped land, and minimal changes outside of an overall minor grade change.

b. Site Design

The proposed project is limited to the bounds of the former tennis court and its immediate wooded surroundings. The proposed project provides additional trees and plantings to blend with the natural landscape to the greatest extent practicable.

c. Character and Scale of Buildings

The new pool complex has been designed to remain consistent with the recreational use of the property. Additionally, the proposed bath house has been designed to maintain as low a profile to the greatest extent practicable, while also housing the programmatic needs of the complex.

d. Preservation of Existing Vegetation and Protected Trees

While technically none of the existing trees are considered Protected Trees as defined under Section VI and regulated under Section I-I of the By-Law, the Applicant proposes the planting of 29 trees, and numerous shrubs and other perennials to replace those trees to be removed.

e. Limit of Clearing

Clearing and grading will be limited to the wooded area directly surrounding the proposed pool, as much of the area is already cleared for the existing tennis court. Additionally, erosion controls have been clearly marked on the plan.

f. Finished Grade

Minor grading changes are proposed as a result of this project, as the proposed site is already level due to the existing tennis court. The proposed grading scheme is designed

to shed water to match the existing conditions to the maximum extent possible and generally slope away from the pool complex so as to protect the complex from stormwater runoff. Finally, the proposed drainage system is designed to include source control and maintenance from best management practices, such as removal of sediment buildup and an underground infiltration system.

g. Stormwater Management

Stormwater is proposed to be conveyed to best management practices (BMP's) via overland flow and a stormwater conveyance system consisting of area drains, manholes, and HDPE piping. Additionally, post-development runoff rates are proposed to be maintained or reduced from the pre-development condition and released into existing drainage paths downstream of the proposed improvements. Proposed impervious areas will be treated prior to leaving the Site in accordance with the Massachusetts Stormwater Handbook. Finally, the proposed drainage system is designed to include source control and maintenance, such as removal of sediment buildup from best management practices, and an underground infiltration system. Runoff from the Site is proposed to flow overland into catch basins and the pool complex's drainage system into the underground infiltration system. Overflow from the infiltration system is proposed to be connected via a pipe outlet discharging to the existing wetlands.

h. Utilities

All utilities required for the proposed project are existing onsite and will be extended to the pool complex.

i. Pedestrian and Vehicular Access; Traffic Management

The project proposes 234 parking spaces to support the existing uses and the proposed pool complex, with an opportunity shown on the Site Plans to provide an additional 56 overflow parking spaces onsite, including 36 parking spaces in a grass area along the south side of the driveway, 4 parking spaces along the east side of the drive to the west of the clubhouse building, and 16 tandem parking spaces for employees in the paved area to the south of the maintenance facility that is currently under construction, for limited events. The plans also note the potential availability of offsite overflow parking in the area at the MBTA lot (up to 149 spaces) and Carlson Field (up to 182 spaces) subject to authorization by the respective land owners. The mix of uses that will be located within the South Shore Country Club at the completion of the Project would, if simultaneously conducted at maximum capacity, require 438 parking spaces to meet the parking requirements under Section V-A; however, the property will be managed by the Applicant to minimize coincident uses that would generate parking demand in excess of supply. The Board's traffic engineer also confirmed that the By-Law's requirements far exceed the standards provided by the Institute of Transportation Engineers. Various improvements to the Country Club entrance and pedestrian crosswalks throughout the parking lot are also proposed as a result of this project.

j. Lighting

The proposed lighting is limited to downward facing emergency/security lighting, as the facility will not be utilized outside of daylight hours. Additionally, all lighting is limited to 0.0 foot-candles before reaching the property line.

FINDINGS

- a. 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.
- b. The proposed development meets all applicable Design and Performance Standards.

MOTION

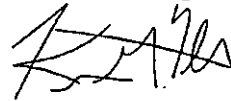
Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted to GRANT the application of the Town of Hingham for Site Plan Approval under § I-I of the Zoning By-Law to construct a new pool complex including a 5,000± SF bathhouse, fenced pool area, filtration structure, equipment storage building, equipment pad and other improvements at the South Shore Country Club, 274 South Street, in the Business Recreation District subject to the following conditions:

1. Recording of Decision. 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. 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.
3. 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.
4. Construction Hours. Construction shall not take place before 7:00 AM or after 6:00 PM Monday through Saturday. No construction shall take place on Sundays unless authorized by the Building Commissioner on an emergency basis.
5. Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the

establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.

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.
7. **Hours of Operation.** Hours of operation for the pool complex shall be 7:00 AM to 7:30 PM Monday through Friday and 10:00 AM to 7:00 PM Saturday and Sunday.
8. **Site Cleanup.** Trash barrels shall be placed in the parking lot outside of the pool complex and emptied on a nightly basis. There shall be regular cleaning of the parking lots to ensure cleanliness of the site and abutting properties.
9. **Plan Changes.** The installation of a bubble or other enclosure over the facility shall be considered a major modification of the Site Plan to be reviewed by the Board through a noticed public hearing so that impacts on the Site Plan Review Design and Performance Standards may be considered.

For the Planning Board,



Kevin Ellis

August 19, 2022

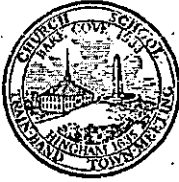
In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, and Judith Sneath

Abstentions: 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.

B



TOWN OF HINGHAM

Planning Board

RECEIVED

AUG 19 2022

Town Clerk
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Owner/Applicant: Town of Hingham Country Club Management Committee
Tom Mayo, Town Administrator Kevin Whalen, Executive Director
210 Central Street 274 South Street
Hingham, MA, 02043 Hingham, MA 02043

Property: South Shore Country Club, 274 South Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 8357, Page 277

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"South Shore County Club's Traffic and Parking Management Plan," dated July 6, 2022

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Town of Hingham (the "Applicant") for a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law (the "By-Law") and such other relief as necessary to construct a new pool complex including a 5,000+ SF bathhouse, fenced pool area, filtration structure, equipment storage building, equipment pad and other improvements at the South Shore Country Club, 274 South Street, in the Business Recreation District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 23, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 (as extended pursuant to Chapter 107 of the Acts of 2022) temporarily suspending certain provisions of the Open Meeting Law. The Board simultaneously opened a hearing on a related application for Site Plan Review under § I-I of the By-Law. Subsequent substantive hearings were concurrently held on June 13, 2022, July 11, 2022, and August 8, 2022. The Board panel consisted of regular members Kevin Ellis, Acting Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Kevin Whalen, South Shore Country Club Executive Director, presented the application to the Board along with project representatives including James Jackson, P.E., of Pare Corporation and Chris Rotti, AIA, of RMD. The Board was assisted in its review by Patrick Brennan, P.E., of Amory Engineers and Jeffery Dirk, P.E., PTOE, FITE, of Vanasse & Associates. At the conclusion of the review, the Board voted to grant the Special Permit A3 Parking Determination under Section V-A of the 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

The subject property consists of approximately 154 acres of land located at 274 South Street, which is currently occupied by the South Shore Country Club (SSCC). The property is bound by South Street and the MBTA commuter rail to the west, New Bridge Street to the south, and residential properties to the east and north. The property maintains frontage on South Street, which provides access to the premises. The driveway leads to three parking areas adjacent to the existing tennis courts, pool, banquet and conference hall, restaurant, bowling alley, and Golf Pro shop. The golf course occupies the area to the south of these buildings and covers the majority of the property.

The SSCC proposes to construct a new pool complex, including a 5,000+ SF bathhouse, fenced-in pool area, filtration structure and equipment storage building, equipment pad, and related site improvements. The proposed pool area will displace the existing tennis courts and replace the existing pool, which is no longer operational, to the west of the club house building. The project site (the "Site") consists of 1.24 acres of land bound by a wooded area to the north and east, and the existing parking areas to the south and west.

With respect to existing stormwater patterns and management, runoff currently generated from the Site flows overland to the west where most of the runoff is captured in a catch basin east of the large concrete retaining wall. The remaining runoff from the Site flows overland into one of two wetland locations at either the entrance drive or the northeast of the Site. The existing Site contains approximately 0.75 acres of impervious area, which consists of paved parking areas and 2 tennis courts. The remaining portions of the Site are grass and woods.

The proposed grading scheme is designed to shed water to match the existing conditions to the maximum extent possible and generally slope away from the pool complex so as to protect the

complex from stormwater runoff. Stormwater is proposed to be conveyed in accordance with best management practices (BMP's) via overland flow and a stormwater conveyance system consisting of area drains, manholes, and HDPE piping. Additionally, post-development runoff rates are proposed to be maintained or reduced from the pre-development condition and released into existing drainage paths downstream of the proposed improvements. Proposed impervious areas will be treated prior to leaving the Site in accordance with the Massachusetts Stormwater Handbook. Finally, the proposed drainage system is designed to include source control and maintenance, such as removal of sediment buildup from best management practices, and an underground infiltration system. Runoff from the Site is proposed to flow overland into catch basins and the pool complex's drainage system into the underground infiltration system. Overflow from the infiltration system is proposed to be connected via a pipe outlet discharging to the existing wetlands.

The project proposes 234 parking spaces to support the existing uses, including the reconstructed pool complex, with an opportunity shown on the Site Plans to provide an additional 56 overflow parking spaces onsite, including 36 parking spaces in a grass area along the south side of the driveway, 4 parking spaces along the east side of the drive to the west of the clubhouse building, and 16 tandem parking spaces for employees in the paved area to the south of the maintenance facility that is currently under construction, for limited events. The plans also note the availability of offsite overflow parking in the area at the MBTA lot (up to 149 spaces) and Carlson Field (up to 182 spaces), subject to authorization by the applicable property owner. While the Applicant noted that the mix of uses that will be located within the South Shore Country Club at the completion of the Project would technically require 438 parking spaces to meet the parking requirements of Section V-A, the Board's traffic engineer confirmed that the By-Law's requirements far exceed the standards provided by the Institute of Transportation Engineers for a golf course and typical accessory uses. He confirmed that the available parking supply was sufficient based on the submitted Traffic and Parking Management Plan (TMP). In addition, the traffic engineering peer review of this project addressed issues related to vehicle and pedestrian access and circulation, Massachusetts Department of Transportation (MassDOT) design standards, Town Zoning requirements as they relate to access, parking and circulation, and accepted Traffic Engineering and Transportation Planning practices.

As a result of peer review comments, satisfactory revisions were provided by the Applicant, including the TMP for event conditions and for those occasions when the demand for parking may exceed the available parking supply. The TMP includes a strategy to schedule events so as not to overlap with the peak-use periods of other facilities within the South Shore Country Club or other events.

During the course of the hearing, the Board raised numerous questions and provided extensive comments pertaining to the proposed drainage system, grading, parking, traffic, vehicle and pedestrian access and circulation, noise generation, additional tree plantings, hours of operation, and potential effects on abutters. Several abutters and members of the public raised questions and provided comments both during the public hearings as well as in writing. The Board took into consideration questions and comments raised and included conditions to address some of the abutter concerns.

FINDINGS

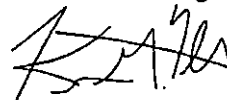
- a. **The parking is sufficient in quantity to meet the needs of the proposed project;**
The project proposes 234 parking spaces to support the existing uses and the proposed pool complex, with an opportunity shown on the Site Plans to provide an additional 56 overflow parking spaces onsite, including 36 parking spaces in a grass area along the south side of the driveway, 4 parking spaces along the east side of the drive to the west of the clubhouse building, and 16 tandem parking spaces for employees in the paved area to the south of the maintenance facility that is currently under construction, for limited events. The plans also note the potential availability of offsite overflow parking in the area at the MBTA lot (up to 149 spaces) and Carlson Field (up to 182 spaces) subject to authorization by the respective land owners. The mix of uses that will be located within the South Shore Country Club at the completion of the Project would, if simultaneously conducted at maximum capacity, require 438 parking spaces to meet the parking requirements under Section V-A; however, the property will be managed by the Applicant to minimize coincident uses that would generate parking demand in excess of supply. The Board's traffic engineer also confirmed that the By-Law's requirements far exceed the standards provided by the Institute of Transportation Engineers. Thus, the proposed parking is sufficient.
- b. **Pedestrian access and circulation has been provided for;**
Various improvements to the South Shore Country Club entrance and pedestrian crosswalks throughout the parking lot are proposed as a result of this project.
- c. **New driveways have been designed to maximize sightline distances to the greatest extent possible;**
Striping and signage improvements are proposed at the entrance of the South Shore Country Club as a result of this project. Additionally, driveway improvements near the project site have been included to allow for better fire apparatus and vehicle turning onsite.
- d. **It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings; and**
No waivers are requested of these regulations and the proposed traffic and parking management plan has been designed to minimize adverse impacts on the parking and traffic on-site.
- e. **The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**
No relief is requested as a result of this project.

MOTION

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of the Town of Hingham for a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law to construct a new pool complex including a 5,000± SF bathhouse, fenced pool area, filtration structure, equipment storage building, equipment pad and other improvements at the South Shore Country Club, 274 South Street, in the Business Recreation District subject to the following conditions:

1. Sight Lines. The landscaped island within the driveway approaching South Street shall be maintained to ensure that the requisite sight lines are provided.
2. Traffic and Parking Management Plan. The Applicant shall review the proposed Traffic and Parking Management Plan with the Police Chief and Community Planning Department following one full season of operation, or more frequently, and annually thereafter, or upon police reports of parking complaints of on street overflow parking generated at the property. As part of said review, the Applicant shall include any reports of noncompliance with the approved TMP. This review of the TMP shall also include data related to tracking of a parking counts and parking availability onsite to demonstrate adequacy of parking during any given pool season. After one season of operation, and thereafter should it be determined that additional Board review is required by the Police Chief and Community Planning Department, a noticed public meeting shall take place and the Board may modify the permit to address any identified issues.
3. Overflow Parking Lot. Seasonal or permanent markers shall be installed at intervals along the 50ft wetland buffer to the overflow parking area to prevent overflow encroachment into said buffer. Examples of markers include signs or posts. A revised site plan and specifications shall be submitted to the Community Planning Department and Conservation Office for approval prior to issuance of a building permit. The Applicant shall install the markers prior to issuance of a certificate of occupancy. Thereafter, the Applicant shall restore the grass if disturbed by overflow parking.
4. Hours of Operation. Hours of operation for the pool complex shall be 7:00 AM to 7:30 PM seasonally and on weekends 10:00 AM to 7:00 PM seasonally.
5. Plan Changes. The installation of a bubble or other enclosure over the facility shall be considered a major modification of this Special Permit to be reviewed by the Board through a noticed public hearing so that impacts to traffic and parking associated with the conversion of the facility from seasonal to year round may be considered.

For the Planning Board,



Kevin Ellis

August 19, 2022

In Favor: Kevin Ellis; Gordon Carr, Rita DaSilva, Judith Sneath, 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.