



Town of Hingham, Massachusetts

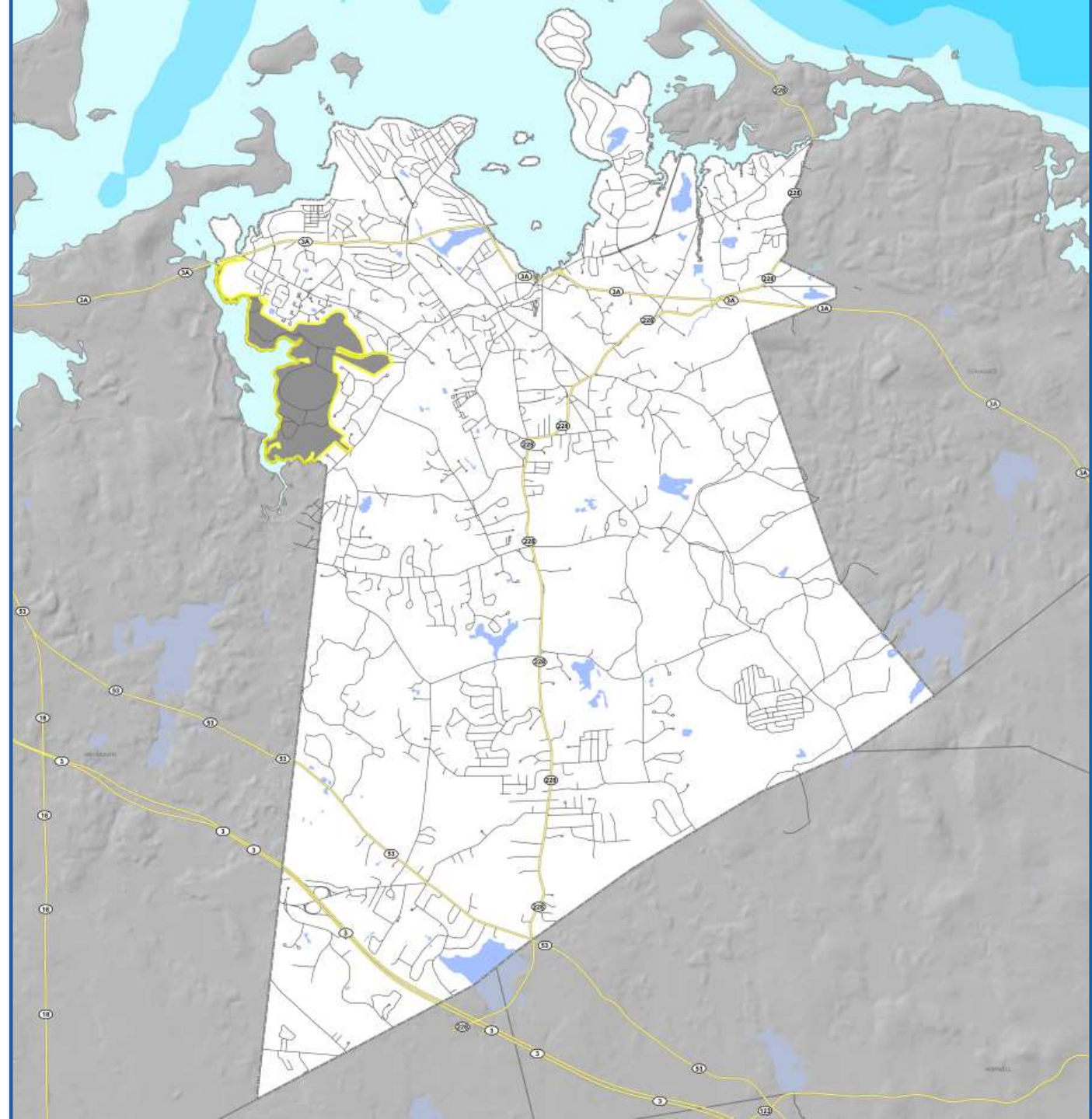
Hingham Center for Active Living

Article 97 Discussion with EOEEA

December 16, 2024

Site Background

TOWN OF HINGHAM



Center for Active Living

Formerly referred to as the Hingham Senior Center:

- Opened in 1997 in a part of the Town Hall complex on Center Street.
- Approximately 5,500 sq. ft.
- At that time, Hingham's residents over 60 comprised 17% of the town population. In 2010, residents over 60 comprised 26% of the population and projections estimate that by 2035 residents over 60 will comprise 39% of the population.
- The current Senior Center space is grossly inadequate for the services and programming needs of this varied group of residents.

Feasibility study authorized by the 2020 Annual Town Meeting began with Town Hall options and was expanded to include numerous alternative locations over the past four years which included multiple options at and around Town Hall and on both unrestricted land and within Article 97 acquired and used for recreational purposes.

Led by a Center For Active Living Building Committee, the process included detailed alternatives analysis and substantial public process.

The proposed location is within the area designated for passive and active recreation with the 467 acres of Hingham's Federal Lands to Parks (FLP) Land



Federal Lands to Parks (FLP) Land

- 1903-1961: Hingham Naval Ammunition Depot & training station occupied 990 acres on the Weymouth Back River in Hingham & Weymouth.
Decommissioned in 1961, declared surplus and conveyed in parts by Department of the Interior.
- Hingham FLP Lands currently total approximately 467 acres:
 - 460 acres of former naval depot acquired from the federal government under the Federal Land to Parks (FLP) program in **1972*** for “public park or public recreation purposes”
 - An additional 7 acres were later added by the Town to include the Carlson Fields recreational area.
- The land was conveyed to the Town with a number of the original naval depot buildings.
- Under care, custody and control of the Select Board

*Article 97 adopted in 1972; EOEEA Article 97 Policy adopted in 1998



Surrounding Land



Town (acquired from Commonwealth)

MA Fisheries & Wildlife

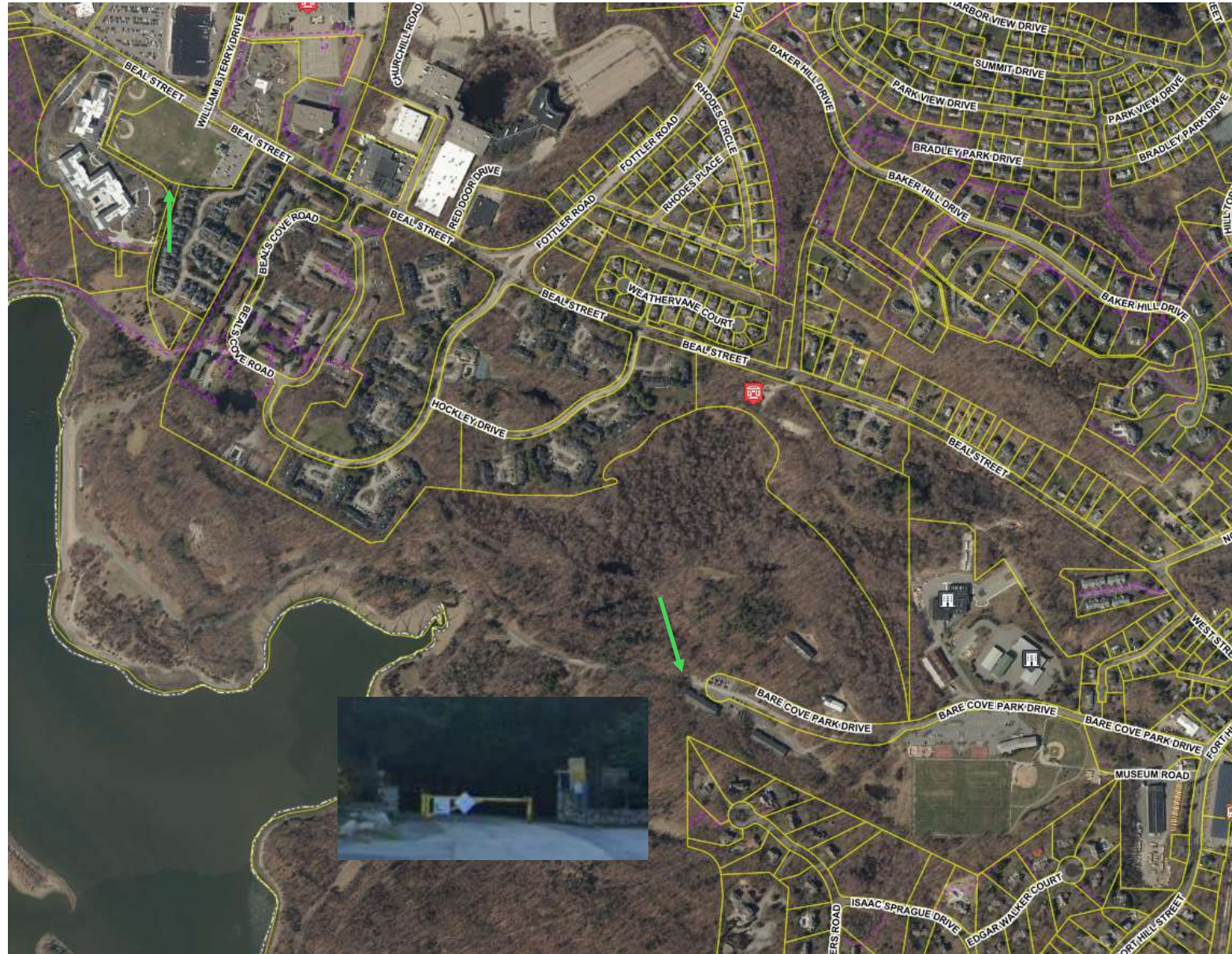
Owned by Hingham Housing Authority

Hingham DPW & Light Plant Complex

Town-owned South Shore Country Club

Public Park and Public Recreation Uses

- The “public park” portion is located between entrances at Sheltry Path off Beal Street and the gate at the end of Bare Cove Park Drive is recognized as Bare Cove Park.
- The remaining portions of the FLP Lands (to the northwest and east), including the proposed Center for Active Living site, are located outside of Bare Cove Park and are used for “public recreation” (active and passive recreational activities).
- The use of all of the FLP land & buildings is subject to oversight by the National Park Service.

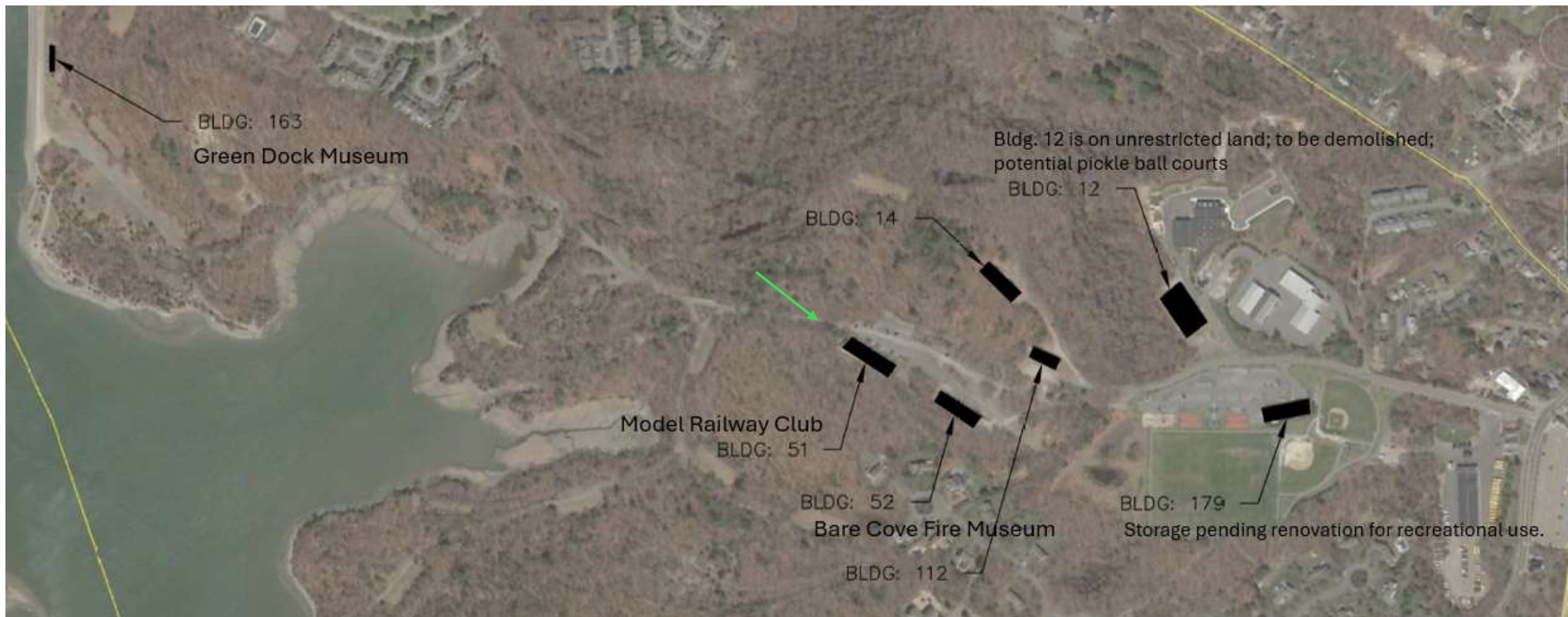


FLP Land - Athletic Fields

Lynch Field and Carlson Athletic Fields Complexes



Hingham's FLP Land Buildings



- On the remaining FLP land outside of the Park, a handful had to be removed for various reasons including environmental conditions, public hazards (trespassing) and the creation of the recreational complex known as "Carlson Field".
- Since its acquisition, the Town has spent substantial town taxpayer funds in environmental remediation related to the operations on the site and the Army Corps has surveyed the site for unexploded ordinance.

Naval Ammunition Depot Buildings

The land was conveyed to the Town with a number of the original naval depot buildings.

The NPS has encouraged the Town to utilize/renovate remaining buildings for active recreational use and supported passive recreational use (such as museums).



Original Depot Buildings



Examples of some existing unimproved buildings

NPS Approved Uses of Hingham's FLP Land Buildings

1972 - Land conveyed to the Town with remaining naval depot buildings.

“Green dock” building converted to museum

1981 – License of former depot Building #112 to the Bare Cove Fire Museum (non-profit that displays historic Hingham fire trucks and equipment (Bldg #52 used for museum archives)

1991 – License of former depot Building #51 to the South Shore Model Railway Club (non-profit that displays operating model railway equipment)

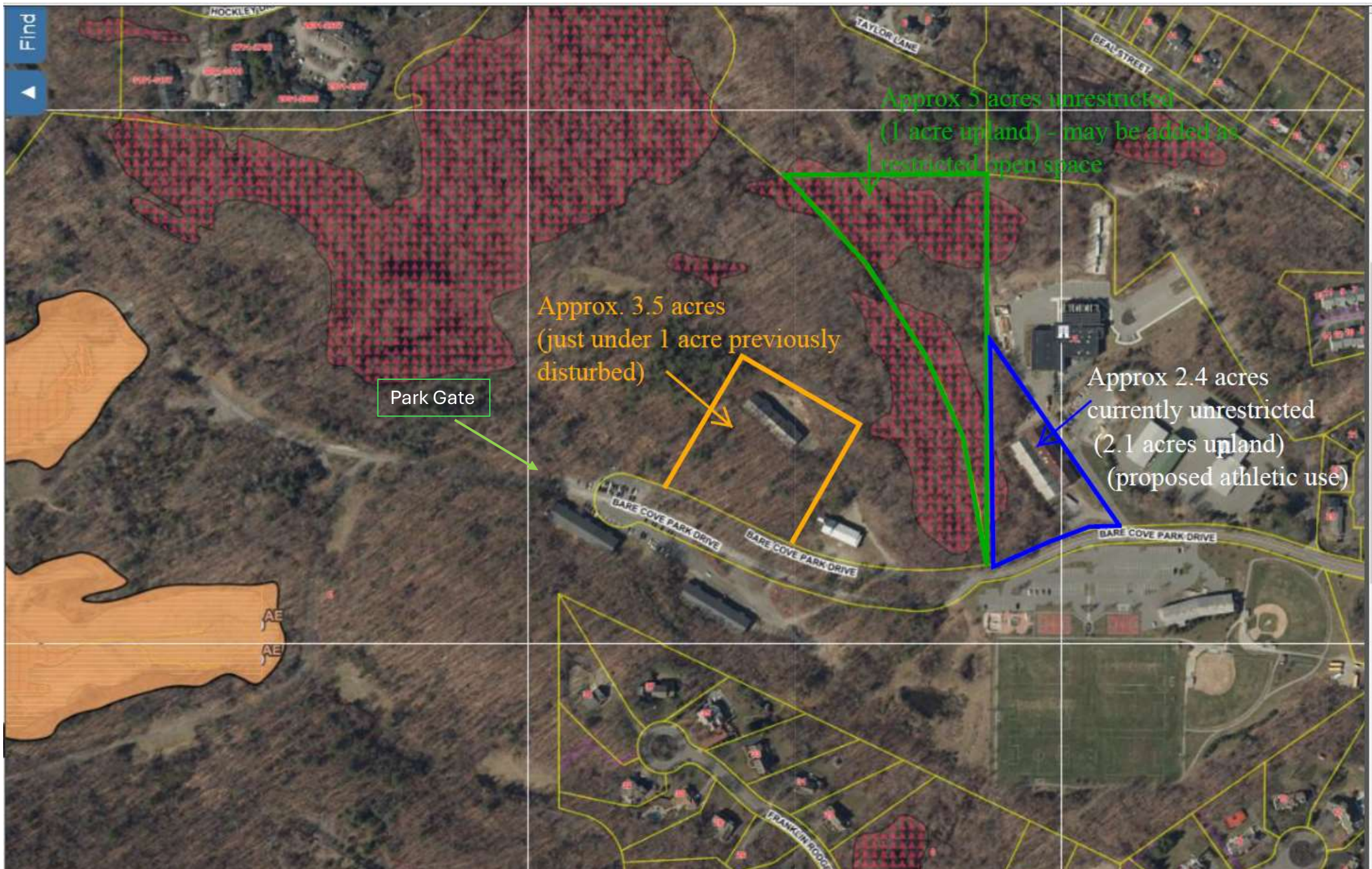
2007 – License of field house at Lynch Field (public restrooms, concession stand and sports equipment storage) to non-profit youth sport organizations

*Licenses were updated in 2015 at NPS request to standard form of NPS Concession Agreement

2024 – Preliminary discussions with NPS regarding proposed CAL location. NPS indicated that senior centers have been permitted on other FLP lands and was conceptually supportive subject to full DOI/NPS project review.

These are examples of the Town's investments to enhance use of the FLP Land







Building 14 Existing Conditions



Park Gate

PROPOSED PROJECT

- Replace Building 14 with Center for Active Living with indoor/outdoor recreational services for seniors
- Remove/remediate existing conditions
- Improve/expand parking for Bare Cove Park and passive/active recreation users

Legal Review

- Article 97 of the Amendments to the Massachusetts Constitution
 - MGL Chapter 3, Section 5A (Open Space Act): Governs use for another purpose or otherwise dispose of land, an easement or other real property interest subject to Article 97
 - Draft Regulations 301 CMR 52.00
- MGL Chapter 45, Section 7 (Parks) and Section 14 (Playgrounds and Recreation)
- Mahajan v. Dept. of Environmental Protection, 464 Mass. 604 (2013) – Boston Urban Renewal Plan for Long Wharf
“The critical question to be answered is not whether the use of the land incidentally serves purposes consistent with art. 97, or whether the land displays some attributes of art. 97 land, but whether the land was *taken for those purposes*, or subsequent to the taking was designated for those purposes in a manner sufficient to invoke the protection of art. 97.”
- Nickolas v. City of Marlborough, Middlesex Superior Court (MICV201305608, 2014) – Construction of a Senior Center
“The Court further concludes..[t]he City took the Ward Park land “for the purpose of a public playground or recreation center” as defined in G.L.c. 45, § 14...[A]s provided in § 14 the City may use the Ward Park land for a range of uses that includes constructing buildings for any public, recreational, social or educational purposes that the City Council deems proper. Since the proposed senior center would not be a change in use from the broad purposes for which the land was originally taken, the City may construct the senior center without having to get over any of the legal hurdles cited by Plaintiffs.”
- Smith v. City of Westfield, 478 Mass. 49 (2017) – City desired to build a school on a playground
The main focus of this case was how a land may become Article 97 land. In this case, the City accepted Federal funds made available by the Land and Water Conservation Fund Act of 1965. The Act “mandated that ‘[n]o property acquired or developed with assistance under this section shall ... be converted to other than public outdoor recreation uses’ without the approval of the United States Secretary of the Interior.”