



# TOWN OF HINGHAM

## Planning Board



### NOTICE OF DECISION SPECIAL PERMIT A3

#### IN THE MATTER OF:

Applicant/  
Owners: 185-193 Lincoln Street LLC  
Six Crow Point Realty LLC  
45 Braintree Hill Office Park, Suite 203  
Braintree, MA 02184

Agent: Jeffery A. Tocchio, Esq.  
Drohan, Tocchio, and Morgan P.C.  
175 Derby Street, Suite 30  
Hingham, MA 02043

Property: 185-193 Lincoln Street, Hingham, MA 02043  
6 Crow Point Lane, Hingham, MA 02043

Deed Reference: Certificate of Title No. 128686 issued by the Plymouth County Registry  
District of the Land Court  
  
Plymouth County Registry of Deeds, Book 52012, Page 143

Plan References: "Seasonal Seating Plan, 6 Crow Point Lane, Hingham, MA 02043," prepared  
by Cavanaro Consulting, 687 Main Street, P.O. Box 5175, Norwell, MA,  
dated January 21, 2022 and revised through February 3, 2022 (1 sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of 185-193 Lincoln Street LLC and 6 Crow Point Realty LLC (collectively, the "Applicant") for Modification of a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law (the "By-Law") and such other relief as necessary to allow an existing restaurant tenant (Localés Taco) to flex permitted interior restaurant seats to designated outdoor table service areas, displacing eight parking spaces adjacent to the restaurant located at 6 Crow Point Lane in Business District B.

The Applicant additionally filed a related application with the Planning Board for Site Plan Review with Waivers under §§ I-G and I-I of the By-Law, along with an application submitted to the Zoning Board of Appeals for a modification of a Special Permit A2 under § III-A, 4.9A of the By-Law.

The Board opened a duly noticed public hearing on its Special Permit A3 Modification application concurrently with a hearing on the Site Plan Review application at a meeting held remotely on February 7, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. Subsequent sessions were held by remote participation on February 14, 2022 and March 7, 2022. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, and Judith Sneath. Jeffery Tocchio, Esq., of Drohan, Tocchio, and Morgan P.C., appeared to present the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the requested modification with conditions set forth below.

Throughout its deliberations, the Board has been 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 is currently improved by mixed commercial uses at 185-193 Lincoln Street, commonly known as Crow Point Village, and Localés Taco at 6 Crow Point Lane. Both parcels are held in common ownership. The Applicant is seeking approval to allow Localés Taco to seasonally flex up to 48 of its currently permitted 54 indoor seats outdoors. Specifically, the Applicant requested a modification of a Special Permit A3, issued August 13, 2020, to allow for the seasonal elimination of 8 parking spaces located to the immediate west of the restaurant. These 8 parking spaces will serve as the outdoor table seating area.

By way of background, the Board issued Site Plan Approval and a Special Permit A3 Parking Determination in August of 2020 in connection with a redevelopment of the site. The Special Permit A3 in particular permitted a 10% reduction in parking spaces from the required 100 spaces to 90. Furthermore, the Board requested the elimination of 4 spaces to the north of the site to eliminate dead end parking and 1 space was eliminated to the west of 6 Crow Point Lane. The current parking total is 85 spaces with an additional parking space to be added to the southeastern bank of spaces adjacent to Crow Point Lane upon relocation of a transformer – bringing the parking total to 86 spaces. The elimination of 8 parking spaces seasonally would yield 78 spaces on a seasonal basis. In 2020, the Board’s traffic engineer, Jeffrey Dirk, indicated that a range of 65-85 parking spaces would be required for the property based on Institute of Transportation Engineers (ITE) standards. The proposed year round number of parking spaces is greater than the midpoint of this range.

The Select Board approved an outdoor dining area for Localés Taco in June 2021, pursuant to the Town of Hingham COVID-19 Temporary Policy for Outdoor Table Service (OTS) adopted pursuant to COVID-19 Order No. 35 and extended to April 1, 2022 by Order No. 50. The Applicant represented to the Board that customers reacted positively to the outdoor dining option. In addition, the Applicant confirmed that there remained ample parking for all businesses on site –

noting a diverse peak parking demand for existing businesses. Various businesses within Crow Point Village provided written support for this application, citing only positive impacts to the site.

During the hearing, Board members expressed general support for the application along with specific concerns about parking. The Board then committed to review of the approval criteria and imposition of appropriate safeguards through conditions.

## **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 § V-A, 6 of the By-Law:

- a. The parking is sufficient in quantity to meet the needs of the proposed project;**  
Based upon the 2021 seasonal operation of the outdoor area pursuant to the OTS approval, there is ample shared parking on the premises due to the varying hourly peaks for the businesses on-site. The 78 “in-season” parking spaces are sufficient in quantity to meet the needs of the existing mixture of diverse and non-coincident uses at the properties, as outlined in the permit approved August 13, 2020, and will not adversely affect the businesses on-site or the surrounding streets.
- b. Pedestrian access and circulation has been provided for;**  
Pedestrian access and circulation is unchanged as a result of this project.
- c. New driveways have been designed to maximize sightline distances to the greatest extent possible;**  
No changes to entrances or sight distances are proposed.
- 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**  
The seasonal flex of seating into the parking spaces adjacent to the west of Localés Taco will not result in or worsen parking or traffic on-site or the surrounding streets.
- 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.**  
The proposed seasonal flex of parking will not increase the likelihood of accident or impair access and circulation.

## **DECISION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of 185-193 Lincoln Street, LLC and 6 Crow Point Realty, LLC for Modification of a Special Permit A3 Parking Determination, dated August 13, 2020, to allow an existing restaurant tenant (Localés Taco) to flex existing interior restaurant seats to a designated

outdoor dining area, consisting of eight parking spaces adjacent to the restaurant located at 6 Crow Point Lane in Business District B, subject to the following conditions:

1. All ongoing conditions set forth in the Planning Board Special Permit A3 decision of August 13, 2020 shall remain in full force and effect.
2. The Applicant shall submit a request to the Board, following one year of operation of the outdoor dining area, or upon police reports of on-street parking or queuing of vehicles on adjacent streets, to review project impacts on parking availability. With the request, the Applicant shall include any reports of parking or pedestrian complaints, non-compliance, and/or such other issues related to the outdoor dining area, including summary data on usage of the outdoor dining area. The review shall take place during a noticed public meeting and the Board may modify the permit to address any identified issues.
3. The permit will be limited to the current restaurant and will expire in the event that Localés Taco is no longer operating from this property.
4. The permit grants seasonal displacement of 8 parking spaces for outdoor dining. The restaurant use shall not exceed 54 seats overall and 48 seats outdoors, so as to not overburden available parking on the property. Flexed interior seats shall be clearly identified as not in use when outdoor dining is in place.
5. Patrons waiting for tables shall not be seated at the outdoor dining tables.

For the Planning Board,



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Kevin Ellis, Chair

April 7, 2022

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

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.