



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicants/  
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 Site Plan Review with Waivers under §§ I-G and I-I 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 a designated outdoor table service area, 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 a Modification of a Special Permit A3 Parking Determination under § V-A 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 Site Plan Review application concurrently with a hearing on the Special Permit A3 Modification 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 Waivers of certain submittal requirements and Site Plan Approval under § I-G of the By-Law 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 Site Plan Approval to allow Localés Taco to seasonally flex up to 48 of its currently permitted 54 indoor seats outdoors. Specifically, the Applicant requests approval 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 Regarding 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.

Pursuant to § I-I, 5 of the By-Law, the Applicant requested waivers of certain submittal requirements under § I-I, 4 of the By-Law since the proposed seasonal "flex" would not affect the following:

- d. Analysis of compliance with all relevant dimensional provisions of the By-Law;
- e. Detailed information on utilities, landscaping, refuse storage and removal;
- f. Grading plan, net import/export of material, drainage and traffic analyses;
- g. Analysis of capacity of Town soils, water supply, ways and services
- h. Analysis of compliance of construction activities
- i. Site lighting plan
- j. Erosion control and Operations & Management plans

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 the Review Standards under § I-I, 6 of the By-Law:

- a. **Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.**

No changes are proposed to drainage, fire hydrant locations, sound and site buffers, or preservation of views, light and air. Additional artificial lighting in the form of overhead string lighting for the proposed outdoor seating area will be present on a seasonal basis and cause little to no impact on abutting properties.

- b. **Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles.**

No changes to vehicular and pedestrian movement, location of driveway openings, or access for service, utility and emergency vehicles are proposed.

- c. **Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law.**

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 and will not adversely affect the businesses on-site or the surrounding streets.

- d. **Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**

No changes to open space, setbacks, or landscaping are proposed.

- e. **Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal stormwater system shall be expressly prohibited;**

No construction is proposed for this project.

- f. **Prevention or mitigation of adverse impacts on the Town’s resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources.**

No changes to the prevention or mitigation of adverse impacts on the Town’s resources are proposed.

- g. **Assurances of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection’s Stormwater Management Policy and Standards including the Massachusetts Stormwater Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town’s municipal stormwater system.**

No changes to drainage systems or patterns are proposed.

- h. **Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site**

entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of stormwater controls at consistent intervals.

No disturbance to land or natural resources are proposed.

- i. **Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations.**

No changes to natural or historic features are proposed.

- j. **Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.**

No changes to the existing structures are proposed. The proposed project is limited to 8 parking spaces.

### **DECISION**

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of 185-193 Lincoln Street, LLC and 6 Crow Point Realty, LLC to waive certain submittal requirements and for Site Plan Approval, to allow an existing restaurant tenant (Localés Taco) to flex existing interior restaurant seats to a designated outdoor table service 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 Site Plan Review decision of August 13, 2020 shall remain in full force and effect.
2. The Applicant shall be responsible for regular cleaning of trash and food in the outdoor dining area and shall not allow trash, food or other nutrients to accumulate or be deposited (intentionally or unintentionally) into storm drains.

For the Planning Board,



---

Kevin Ellis, Chair

April 7, 2022

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

