



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT A3

#### IN THE MATTER OF:

Applicant/  
Owner: Cayton 140-150 North Street, LLC  
4 Baker Hill Drive  
Hingham, MA 02043

Property: 150 North Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 50922, Page 189

Plan References: "Plot Plan Outdoor Seating," prepared by Sara Foley, 489 Center Street, Hanover, MA, dated May 22, 2020 and revised through March 4, 2022 (1 sheet)

RECEIVED

APR 07 2022

Town Clerk  
Hingham, MA

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Cayton 140-150 North Street, LLC (the "Applicant") for a Special Permit A3/Parking Determination under §§ V-A and I-J of the Zoning By-Law (the "By-Law") and such other relief as necessary to allow the Square Café restaurant to continue having outdoor seating, permanently, on the sidewalk located along the front of the restaurant at 150 North Street in the Business A and Downtown Hingham Overlay Districts.

The Applicant simultaneously filed a related application with the Planning Board for Site Plan Review 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 the application concurrently with a hearing on the Site Plan Review application at a meeting held remotely on February 14, 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. A subsequent session was held by remote participation on March 7, 2022. The Board panel consisted of regular members Kevin

Ellis, Chair, Gordon Carr, Rita DaSilva, and Judith Sneath. At the conclusion of the review, the Board voted unanimously to grant a Waiver of the parking requirements under §§ V-A and I-J of the By-Law with a condition 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 located in Downtown Hingham at the southeast corner of North Street and Central Street. The Applicant received approval from the Select Board in June 2020 to allow outdoor dining consisting of 30 seats, in addition to its existing 75 interior restaurant seats, on the Town-owned sidewalk along North Street under the Town of Hingham COVID-19 Temporary Policy for Outdoor Table Seating (OTS) adopted pursuant to COVID-19 Order No. 35 and extended to April 1, 2022 by Order No. 50. The Applicant now seeks approval to maintain this outdoor dining area following the anticipated expiration of the OTS allowances.

By way of background, the Planning Board issued a favorable Site Plan Review recommendation for the restaurant use of the property on July 23, 2001. The Zoning Board then granted a Special Permit A2 Parking Waiver for the use pursuant to § V-A of the By-Law on August 9, 2001, and amended through December 19, 2002. The decision noted that the physical layout of the property did not allow for onsite parking. The Board waived the parking requirement, calculated to be 19 spaces, outright. The present application increases the restaurant's parking demand by 8 spaces (1 space/3 seats, reduced by 25%).

During the hearings, Board members expressed general support for the outdoor dining area along with specific concerns about parking, pedestrian access on the remaining sidewalk, and accessible paths between the tables and stanchions. Additional comments concerned the need for bollards or pylons to replace the existing jersey barriers. 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:**  
There appears to be sufficient public parking available offsite to provide for the expansion of the restaurant seating onto the North Street sidewalk. In addition to on street parking spaces along North Street and the surrounding roads, there are nearby off street public parking lots that include 11 spaces within the small lot on the opposite side of Central Street and 63 spaces within the Merchant's Lot at 25 Main Street/22 & 24R Central Street. As a condition of this decision, the Board will review parking impacts associated with the outdoor dining area.

- b. **Pedestrian access and circulation has been provided for:**  
As conditioned by this approval, customer and employee circulation through the outdoor dining area and pedestrian access through the remaining portion of North Street will be subject to period inspection to ensure compliance with accessibility requirements.
- c. **New driveways have been designed to maximize sightline distances to the greatest extent possible:**  
No new driveways 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:**  
The subject property is occupied in its entirety by the building footprint, so there is no opportunity to add parking onsite. The applicant has demonstrated that in the last 2 years of Temporary Outdoor Table Service, there have been no negative effects resulting from the outdoor dining area.
- 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.**  
Relief supports a use allowed by special permit in the Business A District. Numerous accounts by patrons of the Town and Square Café that outdoor table seating on the premises has significantly preserved and enhanced the Downtown as a mixed-use pedestrian-oriented district and is consistent with the purpose and objectives of the Overlay District. Use of the existing sidewalk will not increase the likelihood of vehicular and/or pedestrian conflicts.

## **DECISION**

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Cayton 140-150 North Street, LLC for a Waiver of parking requirements under §§ V-A and I-J of the By-Law, to allow Square Cafe restaurant to continue having outdoor seating permanently on the sidewalk located along the front the restaurant at 150 North Street in the Business A and Downtown Hingham Overlay Districts, subject to the following condition:

1. The Applicant shall submit a request to the Board, following one year of operation of the outdoor dining area, to review project impacts on parking availability in Hingham Square and pedestrian access along the remaining sidewalk. 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. The review shall take place during a noticed public meeting and the Board may modify the permit to address any identified issues.

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.