



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### 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)



#### 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 Site Plan Review in Association with a Special Permit A2 under §§ I-G and I-I 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 additionally filed a related application with the Planning Board for a Special Permit A3/Parking Determination under §§ V-A and I-J 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 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 Site Plan Approval in association with a Special Permit A2 under §§ I-G and I-I 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 located in Downtown Hingham at the southeast corner of North Street and Central Street. The Applicant received approval from the Select Board in 2020 to allow outdoor dining consisting of 30 seats, in addition to the existing 75 interior seats, on the Town-owned sidewalk along North Street under 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 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 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, preservation of views, light and air, or protection of abutting properties from negative impacts from artificial outdoor site lighting.

- 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.**  
There is no onsite parking or traffic.
- 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.**  
There is no onsite parking or traffic and parking requirements have been waived pursuant to § III-G, 7.c. No changes to loading spaces are proposed.
- d. Adequacy of open space and setbacks, including adequacy of landscaping of such areas.**  
There is no open space or landscaping onsite. The proposed outdoor seating is on the Town-owned sidewalk and has been given special permission by the Select Board for use of this space.
- 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.

## **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 Site Plan Approval in association with a Special Permit A2 under §§ I-G and I-I of the By-Law to allow the Square Cafe restaurant to operate outdoor dining 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 conditions:

1. Prior to starting operation of the outdoor dining area, the applicant shall have obtained a license from the Town for use of the public sidewalk. Operation of the outdoor dining area may only continue so long as such license remains in full force and effect.
2. After expiration of the current Outdoor Table Service Permit on April 1, 2022 and prior to operation of the outdoor dining area, the Applicant shall submit a revised plan for review and approval by the Community Planning Director and the Building Commissioner to demonstrate that a minimum of 3' is provided between tables and stanchions and that a minimum of 4' remains beyond the stanchions for an unobstructed public sidewalk.
3. 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.
4. The establishment may be subject to periodic inspection for compliance with this Approval.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Kevin Ellis", written over a horizontal line.

Kevin Ellis, Chair

April 7, 2022

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