



TOWN OF HINGHAM

Board of Appeals



NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Owner: 185-193 Lincoln Street, LLC
Applicants: Six Crow Point Realty, LLC

Property: 185-193 Lincoln Street and 6 Crow Pont Lane

Deed Reference: Plymouth County Registry of Deeds, Book 18552, Page 280

Plan References: "Seasonal Seating Plan, 6 Crow Point Lane, Hingham, MA 02043", prepared by Cavanaro Consulting, 687 Main Street, Norwell, MA 02061.

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of 185-193 Lincoln Street, LLC and Six Crow Point Realty (collectively the "Applicant") for a Special Permit A2, under Section III-A, 4.9A of the Zoning By-Law (the "By-Law"), and such other relief as necessary, to allow the existing restaurant, Localés Taco, LLC d/b/a Localés Tacos Tequila, to seasonally "flex" existing interior restaurant seats within a designated outdoor table service area, that includes eight (8) parking spaces, immediately adjacent to the restaurant located at 185 – 193 Lincoln Street & 6 Crow Point Lane in the Business B District.

The Applicants simultaneously filed an application with the Planning Board for Site Plan Review in association with a Special Permit A2 under §§ I-G and I-I and a Special Permit A3/Parking Determination under § V-A and I-J of the By-Law. The Boards' proceedings took place separately.

The Zoning Board opened a duly noticed public hearing on its Special Permit A2 on February 15, 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. The Board opened the hearing on this matter on February 15, 2022, but continued without the receipt of testimony to allow time for the Planning Board to first issue its related Site Plan Approval. The hearing was continued to a subsequent session that was also held by remote participation on March 15, 2022. The Board panel consisted of regular members Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. The project team representing the Applicant included Jeffrey Tocchio, Esq. and Scott

Goulding, Esq. of Drohan Tocchio & Morgan, PCA. At the conclusion of the review, the Board voted unanimously to grant the requested Special Permit 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 permits to allow Localés Taco to seasonally flex up to 48 of its currently permitted 54 indoor seats outdoors. Additionally, the Applicant is seeking a modification to an existing 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.

The hearing before the Planning Board was opened on Monday, February 14, 2021 and continued to Monday, March 7, 2021, at which time the Planning Board approved their applications for Site Plan Review with Waivers under §§ I-G and I-I and Modification of a Special Permit A3 Parking Determination under § V-A of the By-Law.

The Planning Board approved the following conditions for this application:

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.

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 approval criteria under § I-F, 2 of the By-Law:

1. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:** Sit-down restaurants are allowed by Special Permit A2 under Section III-A, 4.9A within Business District B. The outdoor seating area is an appropriate expansion of the existing sit-down restaurant.
2. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:** The patio area complies with the specific standards of the By-Law as evidenced by the Site Plan Approval and Special Permit

A3 (Parking Determination) issued by the Planning Board and that will be filed with the Town Clerk.

3. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:** The specific parcel has supported a restaurant use for various restaurants since 1989. The patio area itself will be located adjacent to the building using eight existing parking spaces.
4. **The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The restaurant and patio area are set back from 3A and are located in an area with many other businesses. They will be maintaining their existing allowed occupancy that will “flex” in between the indoors and outdoors depending on the weather and thus will not impact traffic or the neighborhood in an adverse way.
5. **There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** Though located in the parking lot, the area is marked off and delineated by various barriers to mark its location and protect the diners in the space.
6. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** Due to the approval of use of the eight parking spaces on a flex basis by the Planning Board, adequate facilities exist for the expansion of the existing restaurant use. And as an existing restaurant, utility connections for water, sanitary sewer, gas, and electrical services and an enclosed service area will house dumpsters for solid waste disposal.
7. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** The patio will not impact stormwater as all of the items in the patio (tables, chairs, lanterns and planters) are temporary, moveable items and thus will not affect stormwater runoff.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board moved to GRANT a Special Permit A2, under Section III-A, 4.9A of the By-Law, to allow the existing restaurant, Localés Taco, LLC d/b/a Localés Tacos Tequila, to seasonally “flex” existing interior restaurant seats within a designated outdoor table service area, that includes eight (8) parking spaces, immediately adjacent to the restaurant located at 185 – 193 Lincoln Street & 6 Crow Point Lane in the Business B District, subject to the following:

1. The proposed work shall be completed and operated in accordance with the approved plans and representations made at the hearings before the Board.
2. All patrons shall vacate the patio by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday, and Saturday, and the evening before legal holidays.

3. Any outside music shall be kept at a low level appropriate as background for pleasurable dining.
4. In accordance with the provisions of the By-Law, the conditions imposed in the Planning Board Site Plan Review Decision, as voted on March 7, 2022, are binding conditions to this decision of the Board.

For the Board of Appeals,



Robyn S. Maguire, Chair
April 5, 2022

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.