



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant: Hingham Farmers Market, Inc.
c/o Mark Cullings, President
44 Spring Street
Hingham, MA 02043

Owner: Town of Hingham
c/o Board of Selectmen
210 Central Street
Hingham, MA 02043

Property: 0 Station Street, Map 61 Lot 91, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 2003, Page 364

Plan Reference: Layout diagram entitled "HFM Station St. Market Footprint," unsigned and received December 20, 2022 (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Hingham Farmers Market, Inc. (the "Applicant") for modification of a Special Permit A3, originally issued April 21, 2021, under § V-A of the Zoning By-Law (the "By-Law"), and such other relief as necessary to increase the footprint and number of vendors for the seasonal Farmers Market at 0 Station Street in the Official and Open Space District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on February 13, 2023 via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 temporarily suspending certain provisions of the Open Meeting Law. The Board concurrently opened a hearing on a related application for modification of the Site Plan Approval, originally issued April 21, 2021. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick. Mark Cullings,

Hingham Farmers Market, Inc., presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the Special Permit A3 modification under § V-A of the By-Law with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The Planning Board issued a Special Permit A3 Parking Determination and Site Plan Approval in 2021 for the Hingham Farmers Market to operate from May through November in a portion of the Station Street parking lot. The Board reviewed plans for both a market footprint during COVID and that of the post-COVID world. The post-COVID approvals permitted the market to allow 34 vendors. With respect to parking, the previous approval was based upon an incorrect count of 198 total parking spaces in the Station Street parking area. The approval allowed for approximately 36 parking spaces to be occupied for the market, exit lane, and vendor vehicle perimeter and approximately 30 additional spaces along the southerly-most row of parking for other vendors and staff. This allowed for a remainder of approximately 132 parking spaces available for the public.

The Applicant now proposes to increase the number of vendors to “up to 50”. The Station Street parking area (inclusive of the southerly lot, northerly lot, and Town-owned parking along Station Street) has a total of 267 parking spaces based upon the plan from the Station Street redevelopment project. The proposed modification of the market footprint, including exit lane and vendor perimeter parking, would displace approximately 57 spaces. The plan also designates approximately 42 spaces in the southerly-most parking row for vendor and staff parking. As a result, approximately 168 parking spaces would remain available for the public to visit the Farmers Market and other area businesses. This is an increase of 36 available parking spaces from what was believed to be available in 2021. Given the accurate parking count now and the excess in public parking available, the increase to 50 vendors appears to be a modest request.

Hingham Traffic Sergeant, Sgt. Kilroy, confirmed that he has no issues with the proposed plan and reports no issues or complaints during the Farmers Market operations thus far.

During the course of the hearing, the Board raised questions and comments related to the available remaining parking, parking for vendors, and number of vendors. No public comment was received prior to or during the public hearing.

SPECIAL PERMIT A3 FINDINGS

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § V-A, 6. of the By-Law:

- a. **The parking is sufficient in quantity to meet the needs of the proposed project;**
The Station Street parking area (inclusive of the southerly lot, northerly lot, and Town-owned parking along Station Street) has a total of 267 parking spaces based upon the plan from the Station Street redevelopment project. The proposed modification provides approximately 57 spaces to be utilized for the market, exit lane, and vendor vehicle perimeter and approximately 42 spaces available in the southerly-most parking row for the remainder of the vendors and staff. This allows for a remainder of approximately 168 parking spaces available for the public to access the public parking area. Because the Farmer's Market will operate for limited hours one day a week and will only overlap with downtown business hours for a few hours each market day, sufficient parking area will remain for market customers and visitors to the nearby downtown area. The number of vendors shall not exceed fifty (50) at any given time.
- b. **Safe pedestrian access and circulation has been provided for;**
The proposed layout plans depict the pedestrian movements within the Farmer's Market. The location of the Farmers Market in the rear of the Station Street parking lot is situated away from traffic within the parking lot in order to provide for safe access and operations for the vendors and attendees. The large vendor vehicles surrounding the perimeter of the market will adequately protect both vendors and attendees.
- c. **New driveways have been designed to maximize sightline distances to the greatest extent possible;**
No new driveways are proposed in connection with the temporary seasonal use.
- e. **The existing parking area meets applicable Design Standards, and**
- f. **The granting of this Special Permit is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**

MOTION

Upon a motion made by Gary Tondorf-Dick and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of Hingham Farmers Market, Inc. for modification of a Special Permit A3, issued April 21, 2021, under § V-A of the Zoning By-Law to increase the footprint and number of vendors for the seasonal Farmers Market at 0 Station Street, Map 61 Lot 91, in the Official and Open Space District, subject to the following conditions:

1. Recording of Decision. The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording prior to commencement of 2023 operations.
2. Amended License Agreement. The Applicant shall provide to the Community Planning Department a copy of the fully executed amended license agreement with the Town prior commencement of 2023 operations.

3. Ongoing Conditions. All ongoing conditions of the April 21, 2021 Site Plan Approval and Special Permit A3 decision shall remain in full force and effect, unless otherwise modified by this Approval.

For the Planning Board,



Judith Sneath
March 6, 2023

In Favor: Judith Sneath, Gordon Carr, Rita DaSilva, Kevin Ellis, and Gary Tondorf-Dick

Opposed: None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.