



# TOWN OF HINGHAM

## Board of Appeals



### 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

**Property Owner:** Town of Hingham  
C/O Board of Selectmen  
210 Central Street  
Hingham, MA 02043

**Subject Property:** 0 Station Street (Assessors Map 61/Lot 91)  
Hingham, MA 02043

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

**Plan References:** GIS maps showing HFM Market layout entitled "0 Station Street- Hingham Farmer's Market Plan 2021" and "HFM Market Proposed Footprint 2023," both unsigned and received January 10, 2023.

#### SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of Hingham Farmers Market, Inc. (the "Applicant") for a modification of a Special Permit A2 under § III-A, 4.24 of the Zoning By-Law (the "By-Law"), originally issued May 4, 2021, and such other relief as necessary to operate a farmers market at 0 Station Street (Map 61/Lot 91) in the Official and Open Space District.

The Applicant also filed related applications for modifications to their Site Plan Approval and Special Permit A3/Parking Determination, originally issued on April 21, 2021, with the Planning Board. The Zoning and Planning Board proceedings took place separately. On February 13, 2023, the Planning Board opened both applications concurrently. At the conclusion of the hearing(s), the Planning Board voted unanimously to conditionally approve both modifications.

The Zoning Board opened a duly noticed public hearing on the Special Permit modification application at a meeting held remotely on February 28, 2023, via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022, and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board consisted of its regular members, Robyn S. Maguire, Chair, Paul K. Healey, and Jed Ruccio. The application was presented by Mark Cullings, President of Hingham Farmers Market, Inc. At the conclusion of the hearing, the Board granted the requested Special Permit modification, with conditions as set forth below.

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

**BACKGROUND AND DISCUSSION:**

In 2020, the Hingham Farmers Market (HFM) received temporary approval from the Board to relocate the seasonal market from their permitted location at the Hingham Bathing Beach to O Station Street. This allowed them to operate as a pre-order drive through market during the Covid-19 Pandemic. In the spring of 2020, the State issued Covid-19 guidelines that allowed for in person, open air markets. The HFM filed an amendment with the Board requesting at that time to allow for an in person, open air market, and to also extend the market dates through the remainder of the 2020 season. The Board extended the permit to include dates into December 2020, but all approvals thereafter expired.

In March of 2021, the HFM filed for a new Special Permit A2 under § III-A, 4.24 of the Zoning By-Law. The Board issued this permit on May 4, 2021 allowing for the HFM to operate from May through November in a portion of the Station Street parking lot. At that hearing, the Board reviewed plans for both a market footprint during COVID, and also under the lens of a post-COVID world. The post-COVID approvals permitted the market to allow 34 vendors with a market footprint of 140' x 75'.

The present application of the HFM requests a modification of the Special Permit A2 to expand both the presently permitted footprint from 140' x 75' to 150' x 130' and the number of vendors from 34 to 50.

**FINDING:**

Based upon the information submitted and received, and the deliberations and discussions of the Board members during the hearing, the Board determined that the proposed modifications do not materially or adversely affect the findings made in connection with the Special Permit A2 Decision, originally issued on May 4, 2021, under § III-A, 4.24 of the Zoning By-Law

**DECISION:**

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the request from Hingham Farmers Market Inc. to modify the Special Permit A2, issued May 4, 2021, under § III-A, 4.24 of the Zoning By-Law, to increase the footprint of the market to 150' by 130' and to increase the number of vendors to no more than 50, for the seasonal Farmer's Market at 0 Station Street (Map 61/Lot 91) in the Official and Open Space District, subject to the following conditions:

1. The use shall be operated in accordance with the approved plans and representations made to the Board.
2. The Applicant shall provide to the Zoning Administrator a copy of the fully executed, amended license agreement with the Town prior commencement of 2023 operations.
3. All ongoing conditions of the March 4, 2021 Special Permit A2 decision shall remain in full force and effect, unless otherwise modified by this Approval.

For the Board of Appeals,



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Robyn S. Maguire, Chair  
March 13, 2023

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.