



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT A3

IN THE MATTER OF:

Applicant: Joseph D. Rosano
48 Howe Road
Cohasset, MA 02025

Owner: Lincoln Plaza Realty Trust
1900 Crown Colony Drive, Suite 405
Quincy, MA 02169

Agent: John F. Danehey, Esq.
Danehey & Osterberg, P.C.
5 Old Country Way
Scituate, MA 02066

Property: 400 Lincoln Street, Suite 1, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 57933 Page 1

Plan References: "ALTA/NSPS Plan of Land," prepared by VHB, 101 Walnut Street, P.O. Box 9151, Watertown, MA, dated January 12, 2017 (2 Sheets)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Joseph Rosano (the "Applicant") for a Special Permit A3 under § V-A of the Zoning By-Law to open a karate/martial arts school in an existing vacant commercial unit at 400 Lincoln Street in the Industrial District.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on December 11, 2023 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board concurrently opened a request on a related application for a waiver of Site Plan Review. The

Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Tracy Shriver, and Gary Tondorf-Dick. John Danehey, Esq., of Danehey & Osterberg, P.C., presented the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the Special Permit A3 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 AND DISCUSSION

The subject premises, known as Lincoln Plaza, is a 10.26± acre parcel of land consisting of several commercial and restaurant establishments at 400 and 428 Lincoln Street, and contains a total of 608 parking spaces where 607 is currently required. The Applicant proposes a karate/martial arts school in the former Weight Watchers space, which consists of 1,480 SF of Gross Floor Area (GFA). The Board's most recent review of a parking table for this shopping center was in 2021 for Jersey Mike's, which is included in the application materials in the Parking Letter as well as the Previous Decision from 2021.

Where there are no changes to the site itself and all work will be interior to the space, the Board's review is limited to parking. A karate/martial arts school is not explicitly identified in the parking table under Section V-A of the Zoning By-Law, so the intent of this application is for the Board to make a determination as to the number of parking spaces required for the use. The proposed use is considered a Health Club under Section III-A, 4.17 (Shopping Center) of the By-Law. In recent similar applications, the Board applied the parking standard for a Health Club as recommended by the Institute of Transportation Engineers (ITE), which is 7 parking spaces per 1,000 SF of GFA. At 1,480 SF of GFA in the proposed space, the required number of parking spaces for the karate/martial arts school would be 10. This brings the total number of parking spaces required for the entire property to 610 – necessitating a waiver of 2 parking spaces to allow the existing 608 spaces.

As a point of information, the parking standard for a Shopping Center as recommended by the ITE requires 4 parking spaces per 1,000 SF of GFA. At 140,123 SF of GFA throughout the entire Shopping Center, this would bring the required number of parking spaces to 560.

Given that this ITE standard for a Shopping Center would require 48 parking spaces less than the existing 608 and the property consistently has a significant number of vacant parking spaces, there appears to be adequate parking onsite. Therefore, a waiver of 2 parking spaces to allow 608 spaces where 610 is required would not adversely affect available parking onsite.

During the course of the hearing, the Board raised questions and comments related to the previous use and parking count. There was no public comment.

WAIVERS

If the parking standard of 7 spaces per 1,000 SF of GFA is applied to the Health Club use, at 1,480 SF of GFA in the proposed space, the required number of parking spaces for the karate/martial arts school would be 10. This brings the total number of parking spaces required for the entire property to 610 – necessitating a waiver of 2 parking spaces to allow the existing 608 spaces.

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;**
The 1,480 SF of GFA of the proposed karate/martial arts school requires 10 parking spaces when applying the Health Club parking standard of 7 spaces per 1,000 SF of GFA, as recommended by the Institute of Transportation Engineers (ITE). When applying this standard, the total number of parking spaces required for the entire property is 610 spaces. A waiver of 2 parking spaces to allow the existing 608 spaces will not adversely affect available parking onsite.
- b. **Safe pedestrian access and circulation has been provided for;**
Pedestrian access and circulation is unchanged as a result of this project.
- c. **New driveways have been designed to maximize sightline distances to the greatest extent possible;**
No changes to entrances or sight distances are proposed.
- e. **The existing parking areas meet 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 Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the application of Joseph Rosano for a Special Permit A3 under § V-A of the Zoning By-Law to open a karate/martial arts school in an existing vacant commercial unit at 400 Lincoln Street in the Industrial District, subject to the following conditions:

1. **Proof of Recording.** The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. **Parking Table.** Prior to issuance of a certificate of occupancy, the Applicant shall submit a revised parking table for the premises to the Community Planning Department to reflect the Board's parking determination for the karate/martial arts school.

For the Planning Board,



Kevin Ellis

December 18, 2023

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, Tracy Shriver, 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.