



TOWN OF HINGHAM
PLANNING BOARD

NOTICE OF DECISION
Site Plan Review in Association with a Special Permit A2

Certified Mail # 7017 1000 0000 1995 8596

Applicant: Panek Donuts, LLC.
Premises: 315 Lincoln Street
Hingham, MA 02043
Date: August 6, 2019
Title Reference: Book 14476, Pages 005



Summary of Proceedings

The application before the Board is for Request for Site Plan Review under Section I-G and I-I in association with a Special Permit A2, and a Special Permit A3 Parking Determination and/or Waivers under Section V-A, and such other relief as necessary to construct a 2,070 SF Dunkin Donuts take out restaurant located in the Industrial District.

The applications were submitted on February 19, 2019 and the Board opened the hearings at their duly noticed hearing of March 25, 2019. The Board continued the hearing to their meeting of May 21, 2019 at which no testimony was heard and the hearings were further continued for substantive hearings on June 18, 2019, July 22, 2019 and August 5, 2019 at which time the Board deliberated and voted on the applications.

Planning Board members seated on the applications were Gordon Carr, Gary Tondorf-Dick, William Ramsey, and Judith Sneath. Associate Member Ted Matthews was seated on the Special Permit A3. Judith Sneath was not at the meeting of August 5, 2019 and did not act on the applications. The Applicant was represented by Attorney Jeffrey Tocchio, Drohan Tocchio and Morgan, P.C.; Victor Carvalho, Manager, Panek Donuts; Jackie Brousseau, Ahorian Associates Architecture; Gabe Crocker, P.E., Crocker Design Group; and the traffic report was prepared by MDM Associates, Transportation Consultants. The Planning Board consulted with Patrick Brennan, Amory Engineers (civil engineering) and Jeffrey Dirk, Vanasse and Associates, (traffic engineer) who acted as a consultants to the Planning Board pursuant to Section I-I (2) of the Zoning By-Law.

Project Description

The project as proposed is the redevelopment of property known as 315 Lincoln Street which is a parcel of approximately 33,406 square feet in the Industrial District that presently has a 3,400 square foot garage and a storage use of ~1,920 square feet. The proposed Dunkin take out

restaurant has ~2,070 square feet and 24 parking spaces associated with it. There is no drive through window associated with the project. Fourteen interior seats and 10 exterior seats are proposed. A take-out restaurant is required to have 1 parking space for each 3 seats therefore the site is providing more parking than required and a Special Permit A3 is required. The site is not providing a year round landscape screen on the northern edge of the parking lot and as such a partial waiver of Section V-A.5.m is required, or landscaping needs to be provided in this location. The landscape plan as submitted was prepared by the same landscape designer that handled the plantings on the adjacent development and the intent is to have a consistent streetscape with regard to plant material and landscape treatment. A lighting plan was provided in the plan set and access to the project site will be provided by two driveways which are proposed to be restricted to "right turn only" operations both entering and leaving the site. The Board discussed the access to the site as well as the parking at great length. The Board and Police Chief expressed concerns regarding vehicles potentially stopped in 3A to turn into the site. Mr. Dirk stated that the site as designed would facilitate vehicles entering the site and there was sufficient parking provided to serve the use as well. The sightline is adequate. The Police Chief noted that any traffic signage regarding the no left turn restriction should be discussed and vetted with MassDOT so that they would be enforceable by the Hingham Police Department. Despite the traffic analysis the Board was concerned about their ability to mitigate traffic concerns post occupancy and the Applicant stated that they wanted the site to be safe also. The Board then discussed placing a condition on the project requiring a lookback. The Board asked Mr. Dirk what options might be available to them for mitigation if traffic seemed to be queuing into 3A at peak times. Mr. Dirk stated that changing the parking at the front of the site to angled parking instead of the perpendicular parking spaces proposed would enable cars to enter the site more freely because the parking at the front of the store would require less of a space for vehicles to back up and exit those parking spaces, thus they would be less likely to contribute to vehicle delays. The angled parking would result in the loss of one parking space which is why the Applicant is not proposing that design. The Board felt that having the additional parking on site was important to get the cars off of the roadway and because this use can have peak customer demand during peak morning travel times. The Applicant stated a willingness to switch to angled parking at the front of the site in the future if needed to mitigate documented traffic concerns. The Applicant submitted for the record the angled parking design as part of the discussion of the lookback and the Boards' concerns, and, so there would be a design ready in the event that the parking was modified in the future. The Board discussed the history of the Shipyard and the visibility of this location approaching the Shipyard. The Applicant agreed to add a flagpole to the site, and ultimately building elevations with a flat roof and room for historic image panels to be installed on the south and west elevations received support from the Board.

Findings

After discussion, the Planning Board reviewed the Site Plan Review Criteria, and made the following findings:

- 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.*

Findings: The Board found that the site is very small and immediately adjacent to a large residential building. There is no screening shown along the rear property line, and there is a fence for screening along the western property line.

- 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;*

Findings: The Board found that the Fire Department correspondence of May 23, 2019 states they are satisfied with the plans submitted regarding emergency access and turning radiuses. The Board found that this construction will result in the temporary removal of the sidewalk along the property frontage and it is important to minimize the disruption to the pedestrian movement (sidewalk). The sight distance is adequate. The Board has reviewed an alternate plan depicting angled parking in front of the building instead of the perpendicular parking as proposed. The angled parking would result in a reduction of parking spaces on site but the Traffic Engineer noted that if traffic was found to be queuing into Route 3A an option for mitigation would be to require the implementation of the angled parking scheme. The Board found that given the location of this use and the concerns regarding traffic flow on site and on Route 3A, a traffic lookback should be required so that the Boards can mitigate any traffic related concerns identified post construction.

- 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;*

Findings: The Board found that the site design triggers a Special Permit A3 because it exceeds the requirements in the By-law which are 1 space for 3 seats and there are 24 seats which would require 8 spaces. There are 24 spaces proposed. In addition, a partial waiver of Section V-A.5.m is required relative to the requirement to provide a year round landscape screening effect to residential zones or uses. The Board found that the applicant has agreed to implement a Traffic Demand Management (TDM) program as part of the project. The Board found that the Applicant has indicated that the maximum size of delivery vehicles to the Project site will be small delivery truck with a 40-foot wheel base (WB-40 design vehicle). The Board found that in his letter of May 22, 2019 Jeff Dirk states that in his opinion sufficient parking is afforded to accommodate the project as currently designed. The Board also found that frequent queuing of vehicles on Lincoln Street waiting to enter the site is an undesirable condition. If this is documented as occurring, at the time of the required Traffic Monitoring Lookback the Boards may require physical changes to the site to mitigate the condition.

- d. adequacy of open space and setbacks, including adequacy of landscaping of such areas;*

Finding: A comprehensive landscape plan was submitted for the project. It shows the required parking lot trees with all other proposed landscape features.

- e. *adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site*

Finding: Dumpster is proposed.

- 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;*

Finding: The Board found that A Mass DOT permit is required and per the Police Chief's request, all restrictive traffic movements need to be properly vetted through the DOT so they are enforceable by the Hingham Police Department.

- g. *assurance of positive storm water 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 storm water 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 Storm Water Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.*

Findings: The Board found that there is a light pole shown in the center of the proposed subsurface infiltration system. Final design of this feature cannot be determined until the building is demolished and additional test pits are completed. The Board found that the O&M plan states that in the event of a large snow event that exceeds snow storage on the site, snow will be removed and hauled off site. The Board found that Pat Brennan's June 12, 2019 peer review report letter that the proposed work as specified on the revised plans, in accordance with the implementation of the Long Term Storm water Pollution Prevention and Operation & Maintenance Plan" in the Storm water Report revised to May 2019 will result in a site that is in full compliance with the Ma. Storm water Standards. Further, that the Erosion & Sediment Control Plan and details will adequately mitigate potential erosion of the site during construction activities.

- h. *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;*

Finding: The Board found that this is a redevelopment project.

- i. *minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.*

Finding: This is a redevelopment of the site and the proposed building has been designed to complement the existing development and provide Historic Panels on the west and south walls which highlight the history of the Shipyard.

Decision

With a Motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board then voted to Approve Site Plan Review in Association with a Special Permit A2 for the redevelopment of 315 Lincoln Street for a Dunkin' restaurant as presented at the hearings and as shown on the plans titled "Site Development Plans for Dunkin', 315 Lincoln Street, Hingham, MA", prepared by CHA, prepared for Panek Donuts, LLC., 15 Ralston Road, Weymouth, MA 02190, dated 2/19/19, revised to 7/31/19, 20 sheets, based on the findings, and subject to the following conditions:

1. The contractor shall coordinate pedestrian access across the frontage of the site (existing sidewalk) during construction and limit, to the extent practicable, the time for which no sidewalk or pedestrian access is available.
2. Traffic Monitoring and Reporting Program

The Applicant shall conduct a post-development traffic monitoring program in order to validate the trip projections and parking demands for the Project, and to document operating conditions and safety at the site driveways. The monitoring program is to be undertaken in consultation with the Hingham Police Department and shall incorporate traffic data from the HPD into the overall analysis. The monitoring program shall include the following:

- i) Obtaining traffic volume information over a continuous seven day, weeklong period at the driveways serving the Project site;
- ii) Performing manual turning movement and vehicle classification counts at the Project site driveway intersections during the weekday morning (6:00 to 9:00 AM), weekday evening (4:00 to 6:00 PM) and Saturday midday (11:00 AM to 2:00 PM) peak periods;
- iii) Obtaining parking demand observations within the Project site on a weekday and a Saturday from 6:00 to 9:00 AM; and
- iv) Evaluating motor vehicle crash data at the Project site driveways intersections with Route 3A.

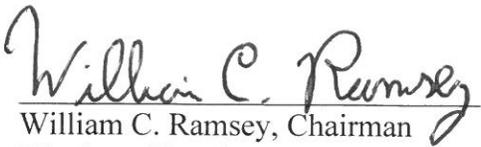
The monitoring program shall be performed 30-days after the issuance of the Certificate of Occupancy for the Project and at 6 months thereafter (two occurrences), the results of which shall be summarized in a report to be provided to the Building Commissioner the Director of Community Planning, and the Zoning Administrator within 30-days after the completion of the data collection effort that forms the basis of the monitoring program. The report shall document: i) traffic volumes associated with the Project; ii) motorist delays, vehicle queuing, crash severity and calculated crash rates at the Project site driveway intersections; and iii) parking demands. If no problems or concerns are identified in the 30 day analysis in the opinion of the traffic engineer and Police Chief, the Planning Board in its discretion may waive the requirement for a duly noticed public hearing presentation of the 30 day analysis. The report shall also be presented by the Applicant to the Planning Board and the Zoning Board of Appeals at a duly noticed public meeting within thirty (30) days after delivery of the report, unless such later meeting date is designated by the Boards, and if

corrective action is identified, apply for a modification to the approved site plan and existing permits. Such report shall be subject to peer review by the Planning Board's traffic engineer at the Applicant's expense.

If any of the following conditions are documented as a part of the monitoring program: i) the measured traffic volumes exceed the traffic volume projections for the Project by more than 10 percent; ii) there is a material increase in the number of motor vehicle crashes occurring at or in immediate vicinity of the Project site driveway intersections that are attributable to the Project as defined by an exceedance of the published MassDOT statewide or District 5 average motor vehicle crash rate for an unsignalized intersection; iii) the parking demands exceed the available parking supply; iv) left-turn movements are observed entering or exiting the Project site; or v) observation of vehicles on Lincoln Street waiting to enter the site; the report shall identify and propose for approval corrective measures to address the noted conditions. Said measures may include physical site modifications such as the restriping of the parking spaces along the front of the restaurant from perpendicular to angled parking to improve traffic flow as depicted on the plan titled "SITE PLAN WITH ANGLED PARKING", dated 5/20/19, revised to 7/31/19, prepared by CHA, prepared for Panek Donuts, LLC, Sheet C-101A.

3. A Transportation Demand Management (TDM) program should be developed and implemented as a part of the Project. At a minimum, the TDM program should include the following elements:
 - The Applicant or property manager should become a MassRIDES employer partner to facilitate and encourage healthy transportation options for employees of the Project, and to coordinate a carpool/vanpool matching program;
 - A packet should be provided to new employees detailing available public transportation services, bicycle and walking alternatives, and commuter options available through MassRIDES and their Bay State Commute program which rewards individuals that choose to walk, bicycle, carpool, vanpool or that use public transportation to travel to and from work;
 - Information regarding public transportation services, maps, schedules and fare information should be posted in a central location and/or otherwise made available to employees;
 - Employees should be made aware of the Emergency Ride Home (ERH) program available through MassRIDES, which reimburses employees of a participating MassRIDES employer partner worksite that is registered for ERH and that carpool, take transit, bicycle, walk or vanpool to work;
 - Direct deposit of employee pay checks should be offered; and
 - Bicycle parking should be provided at an appropriate location that is accessible to employees and customers.
4. The maximum size of delivery vehicles to the Project site shall be a small delivery truck with a 40-foot wheel base (WB-40 design vehicle).
5. All restrictive traffic movements proposed shall be properly vetted through the DOT so they are enforceable by the Hingham Police Department.

6. The Applicant shall provide copies of all plans and correspondence relating to the State Highway Access Permit to the attention of the Hingham Police Chief, the Planning Board and the Board of Appeals so that town staff are sure that the left-turn restriction is approved by MassDOT.
7. Upon demolition of the existing building a test pit shall be excavated to determine the soil characteristics and seasonal high groundwater level beneath the western portion of the building. The test pit shall be witnessed by an agent of the Town. If the soil is determined to be suitable for infiltration and there is adequate separation from seasonal high groundwater, then the proposed subsurface infiltration system shall be moved east to eliminate the conflict with the proposed light pole. If the soil is not suitable for infiltration and/or separation from seasonal high groundwater level cannot be provided, then the four western rows of the subsurface infiltration system shall be moved west approximately 4 to 5 feet to eliminate the conflict with the proposed light pole. The area between the four western rows and three eastern rows shall be backfilled with crushed stone to allow for hydraulic continuity in the system.
8. In the event of a large snow event that exceeds snow storage on the site, snow will be removed and hauled off site.
9. A pre-construction review meeting with Town staff and public safety officials is required not less than two weeks prior to the start of work.
10. Inspections are required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction and the approved drainage and storm water system installed for the project.
11. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the storm water system design and performance standards of the approved project plans.
12. The final images as selected for the west and south walls will be provided for the Planning and ZBA files prior to the start of construction.


William C. Ramsey, Chairman

Hingham Planning Board

EXECUTED this 9th day of August, 2019

Votes:

In favor: Ramsey, Carr, Tondorf-Dick

Opposed: none

Cc: Town Clerk; J. Tocchio; G. Crocker; J. Dirk; P. Brennan; Building Department; Fire; Health; Assessors; G. Olsson; J. Kilroy; ZBA; Sewer.