



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT

#### IN THE MATTER OF:

Applicant: Grossman Development Group  
c/o Jamie Anderson  
405 Cochituate Road, Suite 302  
Framingham, MA 01701

Owner: CPT Lincoln Plaza LLC  
c/o Grossman Development Group  
405 Cochituate Road, Suite 302  
Framingham, MA 01701

Property: 400 Lincoln Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 48078, Page 39

Plan References: "Grease Trap Plan," prepared by Civil Design Group, LLC, 21 High Street, North Andover, MA, Site Plan, 181 North Street - Hingham," dated November 6, 2020 and revised through November 25, 2020 (1 Sheet) and "Preliminary Floor Plan, Not For Construction," prepared by , dated September 10, 2020



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Grossman Development Group (the "Applicant") for a Special Permit A3 Parking Determination and/or waivers under § V-A of the Zoning By-Law (the "By-Law") and such other relief as necessary to allow more parking spaces than required in conjunction with a change of use in the Industrial District.

The Applicant simultaneously filed a related application with the Zoning Board of Appeals for a Special Permit A2 under §§ III-A, 4.9B and 4.17 of the By-Law and such other relief as necessary to locate a fast-food/take-out restaurant within an existing tenant space consisting of approximately 2,300 SF GFA within the Lincoln Plaza shopping center on the Property. In connection with the Special Permit A2 and A3, the Applicant additionally filed a request with the Board for Site Plan Review under §§ I-G and I-I of the By-Law.

The Board concurrently opened the initial, duly noticed public hearings on the applications within its jurisdiction during a meeting held on January 4, 2021 via Zoom as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts, dated March 12, 2020, Suspending Certain Provisions of the Open Meeting Law. A subsequent session of the Special Permit hearing was held by remote participation on January 11, 2021. The Board panel consisted of regular members Kevin Ellis, Chair,

Judith Sneath, Rita DaSilva, Gordon Carr, and Gary Tondof-Dick. The Applicant was represented during the hearings by Jamie Anderson, Grossman Development, Phil Henry and Peter Engran. During the initial hearing, the Board voted to waive site plan review in connection with both Special Permits. At the conclusion of the second hearing, 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 AND DISCUSSION**

The subject property consists of approximately 504,000 SF or 11.56 acres of land located on the south side of Lincoln Street/Route 3A, north side of Beal Street, and west side of Sgt. William B. Terry Drive. It is previously developed by a shopping center, commonly referred to as Lincoln Plaza, that includes more than 140,000 SF GFA with multiple tenants. The proposed plan calls for the conversion of an existing retail space within the principal structure to a Jersey Mike’s restaurant. The restaurant would include a maximum of 24 seats within the space.

As noted in the Summary of Proceedings, the Board voted to waive Site Plan Review in connection with the change of use since the application is predominately limited to interior work within an existing tenant space. Members then continued the Special Permit A3 hearing to January 11, 2021 in order to clarify the parking demand for the overall center, including Stop & Shop and the 99 Restaurant. The Applicant provided the requested clarification, noting that there would remain an excess of 1 parking space on the property overall after accounting for corral and grocery pick-up spaces. The By-Law (Section V-A, 2.) requires that provision of more or less than the projected demand of parking requires a Special Permit.

Tenant Name	Lincoln Plaza Parking Requirements			Parking Required
	Proposed Area	Parking requirement per Hingham Code	Units	
Vacuum House	1,188	5/1000	1,188	6
Verizon	2,000	5/1000	2,000	10
Jersey Mikes	2,255	1 space/3 seats	24	8
Spa	3,810	5/1000	3,810	19
Marshalls	26,882	5/1000	26,882	134
Marshalls Receiving/storage <sup>1</sup>	5,000	1/1000	5,000	5
Marshalls Mezzanine	4,200	1/1000	4,200	4
Shoe Store Outlet	3,440	5/1000	3,440	17
Open Doors Power Yoga Studio	1,600	5/1000	1,600	8

Evergrin Dental	1,600	1/175	1,600	9
Weight Watchers	1,480	5/1000	1,480	7
Get in Shape for Women	1,360	5/1000	1,360	7
Stop & Shop	53,527	5/1000	53,527	268
Stop & Shop Storage/Receiving <sup>1</sup>	14,560	1/1000	14,560	15
99 Restaurant (212 seats)	7,000	1 space/3 seats	212	71
Rockland Trust	2,500	4/1000	2,500	10
2nd Level mezzanine storage	1,771	1/1000	1,771	2
Back Hallways & Storage	3,330	1/1000	3,330	3
Mall Corridor	2,360	1/1000	2,360	2
Mall Vestibule	260	1/1000	260	1
<b>Required</b>	<b>140,123</b>			<b>607</b>
<b>Provided <sup>2</sup></b>				<b>608</b>

Footnotes:

1) Estimated

2) 5 Stop & Shop online pickup spaces are not counted in provided total parking

## **FINDINGS**

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the meeting, the Board made the following findings in accordance with the Special Permit 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 property is previously developed and supports multiple tenants. The specific tenant space for the proposed restaurant was previously occupied by a retail use. Based on the number of proposed seats (24), the parking requirement will be 8 spaces, compared to the prior retail requirement of 12 spaces. There is sufficient parking onsite, even when shopping cart corrals and online order pick up spaces are excluded from the calculation based on the information provided by the applicant to provide for the needs of the proposed use.

**b. Pedestrian access and circulation has been provided for:**

No alterations are proposed to pedestrian access or circulation for the proposed use. The existing shopping center adequately addresses pedestrian access and circulation.

**c. New driveways have been designed to maximize sightline distances to the greatest extent possible:**

No new driveways are proposed. Existing driveways meet the expected needs of the proposed use.

- d. **It is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on-site or on the surrounding streets, or adversely affect the value of abutting lands and buildings:**

While the existing site is over-parked by 1 spaces based on exclusion of dedicated Stop & Shop spaces, it would be impractical to remove existing parking spaces that remain in good condition. A Parking Determination that allows for the continuation of more than the required number of spaces for the shopping center will not adversely affect the surrounding area or the property.

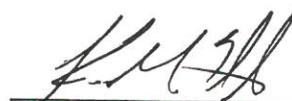
- e. **The granting of relief is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.**

The continued allowance of additional spaces on the property will not increase the likelihood of vehicular and/or pedestrian conflicts.

#### **DECISION**

Upon a motion made by Kevin Ellis and seconded by Rita DaSilva, the Board voted unanimously to GRANT the requested Special Permit A3 Parking Determination for a change of use (from retail to restaurant) to allow more parking spaces than required on the property at 400 Lincoln Street in the Industrial District.

For the Planning Board,



Kevin Ellis, Chair

January 29, 2021

In favor: Carr, Sneath, Tondorf-Dick, Ellis, DaSilva  
Opposed: None