



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SPECIAL PERMIT A3 (PARKING DETERMINATION) WITH SITE PLAN REVIEW

#### **IN THE MATTER OF:**

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

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

Property: 0 Station Street, Hingham, MA 02043;

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

#### **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the "Board") on the application of Hingham Farmers Market, Inc. (the "Applicant") for Site Plan Review under Section §§ I-G, I-H and I-I of the Zoning By-Law (the "By-Law") and a Special Permit A3 Parking Determination and/or waivers under § V-A of the By-Law, to operate a local seasonal Farmer' Market at the property located at 0 Station Street, in an Official and Open Space zoning district.

The Board opened the initial, duly noticed public hearing on the application during a meeting held on March 15, 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 hearing was held on March 15, 2021 by remote participation. The Board panel consisted of regular members Kevin Ellis, Chair, Judith Sneath, Rita DaSilva, Gordon Carr, and Gary Tondorf-Dick.

The Applicant was represented during the hearings by Mr. Mark Cullings, President of the Hingham Farmer's Market, Inc. The Board was assisted in its review by Susan Murphy, Special Town Counsel.

At the conclusion of the hearing, the Board voted unanimously to grant Site Plan Review approval and 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 4.18 acres of land in total located off O Station Street owned by the Town of Hingham. The site is a municipal parking lot with 200 parking spaces on a 4.18 acres adjacent to the Greenbush Commuter railway tracks.

The plan proposes to allow the Hingham Farmer's Market to occupy approximately 10,500 SF (140'x 75') of existing paved area within the parking lot for vendor booths and tables. The Hingham Farmer's Market is held from May to November outdoors on Saturdays rain or shine. In past years the market has had as many as 40 vendors participate however the recent Covid Pandemic has required less vendors in accordance with directive from the Hingham Board of Health. Under Section III A4.24 a Farmer's Market in the Official and Open Space zone requires an A2- Special Permit from the Zoning Board of Appeals to operate. Under Section V (Special Regulations) the Farmer's Market use does not have an assigned parking requirement and is subject to an A3 Special Permit for the parking to be established by the Planning Board acting as the Special Permit Granting Authority. In addition a waiver from Site Plan Review for parking is necessary to address the use of some 50 parking spaces dedicated to other business uses for a one day event of approximately 7 hours from set up to closure.

### **FINDINGS:**

#### Site Plan Review 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 Site Plan Approval Criteria under § I-I, 6 of the By-Law:

- 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;

Due to the seasonal nature and short duration weekly of the Farmer's Market, there is no permanent construction or installation of buildings or structures that would result in detrimental impacts to the abutting properties. The portable bathroom facility that will be required by the health department shall be located away from Water Street so as not to create an adverse visual impact on the public way and adjoining properties. The use of the

existing parking lot during daylight hours once a week seasonally will not result in any negative permanent impact to the abutting properties.

- 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;

The layout of the Farmer's Market will not alter access to the site for motorists or emergency vehicles through the existing curb cuts off Station Street. So long as covid-19 restrictions remain in effect, the applicant has provided a designated waiting area for pedestrians. Safe pedestrian circulation, away from traffic within the parking lot, is provided within the Farmer's Market.

- 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;

The layout of the Farmer's Market at the easterly end of the parking lot does not negatively affect traffic patterns in the lot and there is sufficient parking for all uses exists. In addition, assigned parking has been designated for vendors. The remaining parking spaces will provide sufficient parking on site for the customers attending the Farmer's Market and surrounding businesses for the limited hours the Farmer's Market is in operation each Saturday.

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

The Farmer's Market is located in an existing municipal parking lot with no permanent structures. The existing landscaping and open space within the parking lot is not modified by the proposed use, however some of the perimeter grassed areas will be utilized by vendors during the Farmer's Market hours. In addition, the portable bathroom facility will be temporarily located on the grassed area during the term of the Farmer's Market, but will be adjacent to the railroad right of way and not affect abutting properties.

- e. Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;

No trash and other waste may be left on site by vendors. Each vendor is responsible for bringing all their goods and displays in their own vehicles and at the end of the Farmer's Market they are responsible for cleaning up their areas.

- 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;

The Farmer's Market will be responsible for providing a portable restroom for vendors, making no demand on the Town's wastewater facilities. Vendors provide their own electricity. Arrangements for a police detail will be as directed by the Hingham Police Chief.

- 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 including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;

No discharges into the public drainage system from the Farmer's Market operations are proposed and none shall be permitted.

- h. Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;

No constructions nor storm water controls are proposed or required for the site for the proposed use.

- i. 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;

The operation and temporary occupation of the site will not affect any of the natural and historic features of the general area.

- j. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;

No new buildings are contemplated for the site.

#### Special Permit 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 Farmer's Market will occupy approximately 34 parking spaces for the market area and vendor and personnel parking. 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.

- b. Pedestrian access and circulation has been provided for.

The proposed layout plans depict the pedestrian movements within the Farmer's Market for both covid layout and post-covid layout. The seasonal one day operation of the Farmer's Market will not alter the overall general safety of pedestrian movements within and around the existing parking lot. So long as covid-19 restrictions remain in effect, the applicant has provided a designated waiting area for pedestrians. Safe pedestrian circulation, away from traffic within the parking lot, is provided within the Farmer's Market.

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

Access to the site will continue to be through the existing curb openings from Station Street and no new driveway openings are proposed.

- 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.

No waivers are proposed.

- 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.

As set forth in the above findings, the granting of relief pursuant to the application is consistent with the intent of this By-Law and will not increase the likelihood of accident or impair access and circulation.

Motion: Gordon Carr made a motion to grant Site Plan Approval under Section §§ I-G, I-H and I-I of the Zoning By-Law and a Special Permit A3 Parking Determination under § V-A of the By-Law, to operate a local seasonal Farmer's Market at the property located at 0 Station Street, in the Official and Open Space zoning district, with the following waivers and subject to the following conditions:

Waivers:

1. The submission of a site plan prepared by a registered engineer and other materials required pursuant to Section I-I,4 are hereby waived and the two aerial plans depicting the so-called "covid" market layout and proposed full market layout are accepted as the "site plans" in lieu thereof, subject to the conditions set forth below.

Conditions:

1. Prior to commencing operations of the Farmer's Market, the site plans shall be revised as follows and submitted to the Building Commission and town planner for approval:
  - (a) The Station Street CV-19 Market Footprint Plan shall be revised as follows:
    - i. The legend shall be revised to be fully legible.
    - i. Vendor booth #3 shall be relocated from the grassed area along the railroad right of way west of the tree near Water Street and the portable restroom facility shall be shown in that location.
  - (b) The Station Street Post-COVID Market Footprint Plan shall be revised as follows:
    - i. Vendor booth #4 shall be relocated from the grassed area along the railroad right of way west of the tree near Water Street and the portable restroom facility shall be relocated to that location.
2. Prior to starting operation of the Farmer's Market, the applicant shall have obtained a license from the Town for use of the site. Operation of the Farmer's Market may only continue for so long as such license remains in full force and effect.
3. The layout of the Farmer's Market shall be in the area depicted on the Site Plans, and the total number of vendor booths shall not exceed 34 vendor booths and two administrative booths as shown on the Post-COVID Market Footprint Plan.
4. The perimeter of the Farmer's Market shall be secured by vendor vehicles, tents, cones and cording for market safety and to direct all visitors to the designated entrance.
5. Parking of vendors and HFM personnel shall be in designated areas as depicted on site plans.
6. A police detail shall be on-site during the Farmer's Market operating hours to the extent required by the license with the Town and/or the Hingham Police Chief.
7. Applicant shall inform all Vendors and Personnel in writing that that shall be no discharges into the public storm water system.

Second: Rita Da Silva

In Favor: Rita Da Silva, Kevin Ellis, Gary Tondorf-Dick, Judy Sneath, Gordon Carr

Opposed: None

For the Planning Board,



Kevin Ellis, Chair

April 21, 2021

SPA3/SPR – O Station Street  
Hingham Farmer's Market

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.