



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SPECIAL PERMIT and SITE PLAN APPROVAL

IN THE MATTER OF:

Applicant/Owner: Hingham Launch Property, LLC and Hingham Shipyard Hospitality, Inc.
c/o Michael Fitzpatrick, Senior Vice President
136 Brookline Avenue
Boston, MA 02215

Agent: Jeffrey A. Tocchio, Esq.
DTM Law, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043

RECEIVED
FEB 04 2026
Town Clerk
Hingham, MA

Property: 18 Shipyard Drive, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 45655 Page 274

Plan Reference: Site Plan Exhibit entitled, "The Beth Patio Expansion," dated March 14, 2025 (1 Sheet)

Drawing entitled, "Proposed Floor Plan and Inspiration Images," prepared by Defy Architecture, dated March 13, 2025 (1 Sheet)

Landscape Exhibit entitled, "Waterfront Park and Plaza – Landscape Plan, Hingham Shipyard," prepared by Defy Architecture and Halvorson Design, dated November 24, 2025 (1 Sheet)

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Hingham Launch Property, LLC and Hingham Shipyard Hospitality, Inc. (collectively, the "Applicant") for Site Plan Review under § I-I of the Zoning By-Law (the "By-Law") and such other relief as necessary to seasonally flex restaurant seats to an expanded patio within a designated Open Space area located at 18 Shipyard Drive in the Industrial District.

In connection with the proposed use, the Applicant simultaneously filed a related application with the Zoning Board of Appeals for a Major Modification of the Hingham Shipyard Mixed-Use Special Permit, originally issued May 12, 2003, as amended, under § IV-G of By-Law. The Boards opened duly noticed public hearings on these applications during a joint meeting held remotely on January 13, 2026 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 temporarily suspending certain provisions of the Open Meeting Law.

The Board panel consisted of its regular members Kevin Ellis, Acting-Chair, Gordon Carr, Crystal Kelly, and Gary Tondorf-Dick. The Applicant and Applicant's Agent appeared to present the requests. At the conclusion of the hearing, the Board voted unanimously to issue a Site Plan Approval 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

The Beth restaurant occupies 9,000± square feet of interior space within the 45,000± square foot commercial building at 18 Shipyard Drive, as well as an adjacent outdoor patio seating area for seasonal use, within the Hingham Shipyard development. The restaurant has a total of 303 seats. The Beth seasonally "flexes" ninety-two (92) seats to the existing patio seating area during warmer months and reduces the number of interior seats to two-hundred and eleven (211) seats.

The Beth proposes to (i) expand its existing outdoor patio seating area and (ii) to increase the number of seasonal "flex" outdoor restaurant seats by fifty-eight (58) to a total of one-hundred and fifty (150) seasonal patio seats, reducing the number of seasonally retained interior seats to one hundred and fifty-three (153) seats. As reflected on the submitted plan, The Beth proposes to reduce the number of seats within the existing outdoor dining area to fifty-eight (58) seats and provide ninety-two (92) seats within a new patio area to the north of the existing outdoor patio area and opposite that of the Alma Nove restaurant. The overall number of seats maintained by The Beth will not exceed 303 at any time.

The new patio area will include a modular bar (which can be removed in the offseason) and a mix of low-top and high-top tables with umbrellas. The new patio area is proposed to be enclosed with a combination of stone retaining walls, planters and stanchions. A new opening in the existing low patio wall will provide direct access from the new patio area to the interior of the restaurant. A removable canopy is proposed to provide protection from the elements in the area of the modular bar and proximate table seating. The patio surfacing will consist of a combination of pervious artificial turf, pervious pavers, retaining wall, and concrete pad - resulting in a net increase of impervious area of just 125 square feet. The modest nature of the change will not adversely affect stormwater management on the property. Additionally, since the Applicant intends to flex previously approved seating from the inside of the restaurant to the outside patio, the modification will not impact water or sewer use or the shared parking plan for the overall Shipyard Development.

The dimensional standards for Mixed-Use Developments in an Industrial District under Section IV-G.9.c include a requirement that "at least 15% of the land shall be set aside as permanent usable open space..." The Original Special Permit for the Shipyard Redevelopment Area, dated May 12, 2003, designated 22.12 acres or 17% of the total project area as usable open space. The Permit has been modified a number of times in ways that effect the open space ratio. This application seeks to update the approvals to reflect these changes and to demonstrate continued compliance with minimum open space requirements of the By-Law.

Additionally, the Applicant requests modification of a condition that affects the proposed expanded patio area. The Planning Board issued a Site Plan Approval, dated June 6, 2007, that includes the following condition (Condition B.5): "The Waterfront Park shown on the Open Space plan, dated May 9, 2007, shall be maintained in perpetuity for public access and enjoyment and shall include an amphitheater with electrical service sufficient for public performances, provided that all such uses of the Waterfront Park shall be subject to reasonable rules and regulations established by the Land Owner." Additionally, Condition 1 of the ZBA's 2007 Special Permit A2 Modification decision incorporates by reference all the conditions, including B.5, imposed by the Planning Board. The proposed plan would modify the bounds of the Waterfront Park by seasonally dedicating a portion to operation of a commercial use, while also maintaining public access and views of the water and use of the outdoor amphitheater. The Applicant indicated that customers prefer outdoor seating in the warmer months and that the modification will enhance commercial activity in the Shipyard.

During the hearing, residents of the Mixed-Use Redevelopment Area expressed support for the modification and raised questions about pedestrian access to the public walkway bisecting the new patio area and the main restaurant and noise generated within the patio. The Applicant confirmed that existing sidewalks and crosswalks could be used to enter and exit the expanded outdoor seating area and, as to concerns about pedestrian and vehicle traffic on the roadway facing the site, offered to explore enhance safety measures such as signage to minimize the risk of potential conflicts between pedestrians and vehicles. The Applicant also confirmed that any amplified sound or live entertainment would maintain similar hours and levels to those of the existing patio area.

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 the Approval Criteria under § I-I,7 of the By-Law:

- a. The proposed development, as conditioned by this Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards, in addition to the Open Space Requirements under § IV-G.9.c of the By-Law. The

development will continue to maintain 22.875-acres of open space overall, which is in excess of the required 19.452-acres or 15-percent.

- c. The proposed modifications do not materially affect the findings made in connection with the Hingham Shipyard Redevelopment Area Site Plan Approval, issued June 6, 2007, as amended, under § I-I of the By-Law.

DECISION

Upon a motion made by Kevin Ellis and seconded by Crystal Kelly the Board voted unanimously to GRANT the application of Hingham Launch Property, LLC and Hingham Shipyard Hospitality, Inc. for Site Plan Review under § I-I of the By-Law, and such other relief as necessary to seasonally flex restaurant seats to an expanded patio within a designated Open Space area located at 18 Shipyard Drive in the Industrial District, subject to the following condition:

1. Condition B.5 of the Site Plan Approval, dated June 6, 2007, is amended as follows: “The remainder of the Waterfront Park shown on the Open Space plan, dated May 9, 2007, as amended by this Approval to remove 3,180 SF as shown on the exhibit entitled, “The Beth Patio Expansion,” dated March 14, 2025, shall be maintained in perpetuity for public access and enjoyment and shall include an amphitheater with electrical service sufficient for public performances, provided that all such uses of the Waterfront Park shall be subject to reasonable rules and regulations established by the Land Owner.”
2. Prior to the commencement of work on the enlarged outdoor table seating area, the Applicant shall submit to the Community Planning Department and Land Use and Development Department a revised Open Space Plan for the Hingham Shipyard Redevelopment Area that reflects all changes to the designated open space made since the Plan was last comprehensively approved by the Board in June 2007.
3. 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.

For the Planning Board,



Kevin Ellis, Acting-Chair
February 4, 2026

In Favor: Gordon Carr, Kevin Ellis, Crystal Kelly, and Gary Tondorf-Dick

Opposed: None

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.