



TOWN OF HINGHAM

PLANNING BOARD

Certified Mail # 7017 1000 0000 1995 8602

NOTICE OF DECISION

Special Permit A3

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 – SPECIAL PERMIT A3

The Applicant requested a partial waiver of Section V-A.5.m because there is not a year round landscape screen abutting the residential use to the rear (north). The Board found that while some plantings are proposed along the western property line this site primarily abuts the parking structure for the adjacent property which has a 3 ½ foot tall wall providing screening. The Board also found that the lack of additional screening here will not impact adjacent residents.

The Board then reviewed the Special Permit A-3 criteria in Section V-A.6 and made findings, as follows.

- a) The parking is sufficient in quantity to meet the needs of the proposed Project;*

The Board found that Yes, the parking is sufficient in quantity. The parking actually 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. The Board found that it is reasonable to exceed the parking requirement in the By-law for this use on this site because there is a compelling public safety interest in ensuring vehicles enter the site and do not queue in Rt. 3A. The Board also found that a post development traffic monitoring program shall occur to validate the trip projections and parking demands for the project.

b) Pedestrian access and circulation has been provided for;

The Board found in the affirmative, stating yes. The site is served by sidewalks and new pedestrian walks are being installed. The applicant is asked to limit the duration of disruption to the pedestrian sidewalk along Lincoln Street.

c) New driveways have been designed to maximize sightline distances to the greatest extent possible;

The Board found that the sightlines are adequate. State permits are required.

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; and

The Board found that appropriate conditions have been considered to mitigate any impacts associated with the waivers.

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 Board in the affirmative, stating yes.

VOTE AND CONDITIONS

Upon a motion made by William Ramsey and seconded by Gary Tondorf-Dick, the Board voted 4-0 to APPROVE the Special Permit A3 for the development of 24 parking spaces where 8 are required, and the partial waiver of Section V-A.5.m 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. 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:

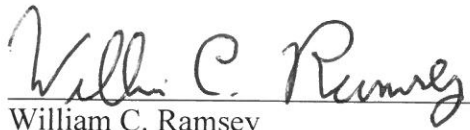
- i) Obtaining traffic volume information over a continuous seven day, weeklong period at the driveways serving the Project site;
- ii) Performing manual turning movement and vehicle classification counts at the Project site driveway intersections during the weekday morning (6:00 to 9:00 AM), weekday 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.

2. 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.
3. Any modification to the site as proposed shall require modification of permits and further review of the traffic engineering.



William C. Ramsey

Chairman, Hingham Planning Board

EXECUTED this 9th day of August, 2019

Votes:

In favor: Ramsey, Carr, Tondorf-Dick, Matthews

Opposed: none

Cc: Clerk; ZBA; Fire; Sewer Department; Assessor; DPW; Building; BOH; J. Tocchio; J. Dirk; P. Brennan; Police Chief; J. Kilroy, HPD;