

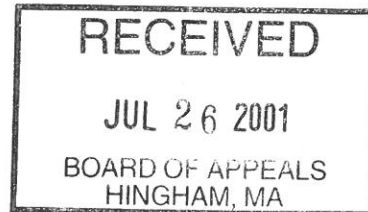
TOWN OF HINGHAM
PLANNING BOARD

210 Central Street
Hingham, MA 02043-2759

Phone (781) 741-1419
Fax (781) 740-0239

July 25, 2001

Mr. Jerry Seelen, Chairman
Zoning Board of Appeals
210 Central Street
Hingham, MA 02043

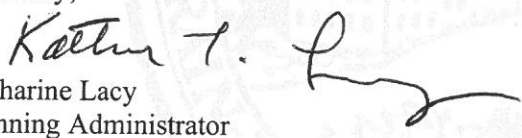


Re: 140-152 North Street – Special Permit A-2

Dear Mr. Chairman:

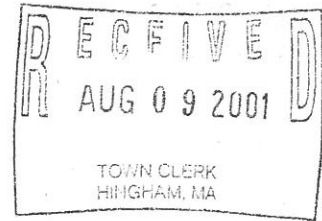
At the Planning Board's meeting of July 23, 2001, the Board voted unanimously to recommend the granting of a Special Permit A-2 for the proposed conversion of a portion of the Bowl and Board and the current site of the British Relief to a new 75-seat restaurant, and for a waiver of the off-street parking requirement.

Sincerely,


Katharine Lacy
Planning Administrator



**TOWN OF HINGHAM
BOARD OF APPEALS**



IN THE MATTER OF:

APPLICANTS: William Giarrusso, Mark Giarrusso, and Patti Kane

PREMISES: 140-152 North Street, Hingham MA 02043 in Business District A.
Deed Reference: Plymouth County Registry of Deeds, Book 7821,
Page 342.

RELIEF REQUESTED: For a Special Permit A2 under Section III-A 4.9A and 4.9D of the Zoning By-Law to operate a 75 seat sit-down/take-out restaurant at 140-152 North Street in Business District A, along with a waiver of the off-street parking requirement under Section V-A.

This matter was duly advertised and noticed and came before the Zoning Board of Appeals on July 26, 2001 at the North Meeting Room in the Town Hall, 210 Central Street, Hingham.

Victor Baltera, Acting Chairman
Robert Bersani, Associate Member
Bruce Rabuffo, Associate Member

FINDINGS OF FACT:

1. The applicants William and Mark Giarrusso are owners of the subject property on which is a commercial building housing two businesses, the Bowl and Board and The British Relief Society.
2. The subject property is located in Business District A.
3. The applicant Patti Kane, who will manage the proposed restaurant, has entered into a 20-year lease agreement with the applicants William and Mark Giarrusso. They in turn have invested monies and other physical assets into the proposed use of the subject property as a sit-down/take-out restaurant to be named "The Square Café".
4. The current occupants of the subject property-"The British Relief Society"- have vacated the premises. The operated as a sit-down/take-out restaurant of 54 seats. There is no off-street parking on the premises.
5. The applicants/property owners propose to expand the restaurant into 1000 square feet of the adjacent retail space and add 21 seats, a total of 75 seats.
6. If the application were for a new restaurant where a nonconforming parking situation did not pre-exist, the Zoning By-Law would require the allocation of 25 off-street parking spaces. However, the physical layout of the area in Business District A does not allow for such compliance to occur. Moreover, the nonconforming nature exists today and has existed for an extended period of time.



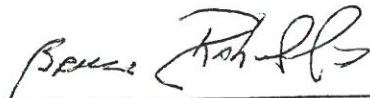
7. The applicants plan to operate the subject property as a family restaurant seven days per week, closing no later than 10 P.M. Sunday through Thursday and 11 P.M. on Friday and Saturday, (The initial intent is to close at 3:00 P.M. on Sundays.). In addition, the applicant Patti Kane has filed for a beer/wine license and not for a full liquor license.
8. Abutters to the subject property have expressed no objections to the proposed use as a restaurant.
9. The applicants presented plans to improve the subject property such that health, waste disposal and other facilities would not only meet the codes of the Building and Health Departments of the Town of Hingham but present an attractive setting designed to improve the overall appearance of this area of Business District A.
10. The applicants and the Zoning Board could not at this time ascertain the impact on the subject property of the proposed Greenbush Line restoration.
11. The proposed application has received the favorable recommendation and endorsement of the Hingham Planning Board.
12. There were no objections recorded by other parties who might have interest in this matter.

DECISION:

Based on the above findings, upon a motion duly made and seconded, the Board voted unanimously to grant the Special Permit A2 under Section III-A 4.9A and 4.9D of the Zoning By-Law and the other relief as necessary to operate a 75 seat sit-down/take-out restaurant at 140-152 North Street in Business District A, and to grant a waiver to the off-street parking requirement of Section V-A, subject to the following conditions:

- a. The applicants will apply for a beer/wine license only. If the applicants were to apply in the future for a full liquor license, and thereby change the potential use of the subject property, the applicant must resubmit their application for reconsideration by the Board.
- b. The applicants will arrange for screening of the subject property and secure the approval of the Zoning Board Administrator and the Building Inspector for such screening.
- c. The applicants may operate the restaurant under the closing hours discussed at the hearing (10P.M Sunday to Thursday; 11 P.M. Friday and Saturday). If the proposed restaurant were to serve exclusively private parties any days during the week, the closing hours may be extended to 11P.M.

FOR THE ZONING BOARD OF APPEALS:

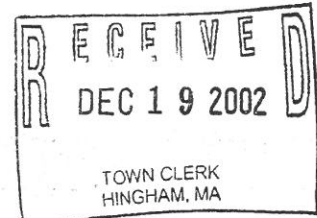


Bruce Rabuffo

Dated: August 1, 2001

210 Central Street
Hingham, MA 02043-2759

**TOWN OF HINGHAM
BOARD OF APPEALS**



Telephone: (781) 741-1494
FAX: (781) 740-0239

IN THE MATTER OF:

APPLICANTS: William and Mark Guarrusso and Patricia Libby

PREMISES: 140-152 North Street, in Business District A.

Deed Reference: Plymouth County Registry of Deeds, Book 7821, Page 342.

RELIEF REQUESTED: For modification of the Special Permit A2 dated 8/9/01 to change the beer and wine license to a full liquor license at the restaurant known as The Square Café located at 140-152 North Street, Hingham MA 02043 in Business District A.

The matter came before the Board on the application of William and Mark Giarrusso, property owners, and Patricia Libby, tenant. A public hearing was duly held on December 12, 2002 in the North Meeting Room in the Town Hall, 210 Central Street, Hingham, MA before a panel consisting of Mario Romania, Jr., Chairman, Stephen J. McLaughlin and Bruce Rabuffo, Associate Member.

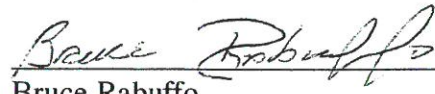
FINDINGS OF FACT:

1. The applicants William and Mark Giarrusso are owners of the subject property, which houses the restaurant known as The Square Café.
2. The applicant Patricia Libby manages the restaurant. The Square Café. Mrs. Libby is the former Patricia Kane who with the owners appeared before the Board on July 26 2001.
3. The Board decision of July 26, 2001 and promulgated on August 9, 2001 granted a Special Permit A2 under Section III-A 4.9A and 4.9D of the Zoning By-Law to the applicants subject to a condition (a.) whereby the applicants would apply for a beer/wine license only.
4. The condition (a.) of that decision further required the applicants to resubmit their application for the Special Permit A2 if they changed the potential use of the subject property to a restaurant with a full liquor license.
5. The Board in 2001 was concerned that the primary focus of the premises be as a restaurant, not as a bar, in response to concerns raised at the time by certain abutters.
6. The applicants have kept all of their commitments to the Town and abutters since the restaurant The Square Café opened. Furthermore, The Square Café operates primarily as a restaurant, primarily serving drinks with meals.
7. There has been no change in the parking situation in the area adjacent to The Square Café since the 7/26/01 decision by the Board. It is not thought that the change in license will cause a change in the parking situation.
8. There were no objections at the meeting recorded by other parties who might have interest in this matter. One abutter, Saint Paul's Catholic Church, has written a letter to the Town Selectmen expressing a neutral position on this application before the Board.

DECISION:

Based on the above findings, upon a motion duly made and seconded, the Board voted to modify the Zoning Board of Appeal decision of 8/9/01. The Board voted to modify the Special Permit A2 by eliminating the condition (a.) restricting operations to a beer/wine license only and to permit The Square Café to operate as a full liquor licensed establishment. The Board took no action on its decision of 8/9/01 concerning any change to the condition (c.) regarding hours of operation.

For the Zoning Board of Appeals:



Bruce Rabuffo

Dated: December 19, 2002