

TOWN OF HINGHAM

**SUPPORTING STATEMENT -
REQUESTED FINDINGS**

**FORM 2D
SPECIAL PERMIT A2
SITE PLAN REVIEW**



BOARD OF APPEALS

Petitioner, **Panek Donuts, LLC** (“**Petitioner**” or “**Panek**”), seeks a Special Permit A2 under the Zoning By-Law, and such other relief as necessary, to substantially reduce and redevelop an existing 5,320± square foot commercial boat sales and service building to a 2,070± square foot Dunkin take-out restaurant and complete related parking and site improvements at 315 Lincoln Street, Hingham (“**Property**”), in the Industrial District. Such use is permitted in the Industrial District pursuant to a Special Permit A-2 under Section III-A (4.9B). Petitioner has also requested a Special Permit A3 Parking Determination from the Planning Board in conjunction with their review under Section I-G.

The Property is located on the north side of Lincoln Street (Route 3A) between Shipyard Drive and USS Amesbury Drive. The property contains 33,406± s.f. of area, and is improved by a one-story metal building, with a 3,400 s.f. pre-engineered three bay garage and 1,920 s.f. storage display/office space. The existing building, constructed in 1970, is pre-existing and non-conforming, with regard to setbacks (front and rear) and lot area. Nearly all of the Property is improved with building and impervious pavement, with no stormwater treatment at this time. A portion of the Property is subject to an easement to the owner of 319 Lincoln Street, Hingham Shipyard Avalon 2, Inc., and improved with associated parking and landscaping as part of its abutting large-scale residential development at that site.

Petitioner plans to redevelop the site. The proposed project consists of substantially reducing the existing commercial boat sales and service building and associated parking to include a Dunkin restaurant with associated parking, drainage, landscaping, and utilities. The site, currently consisting of impervious building and pavement areas, will be reworked to contain a 50-percent smaller building footprint and significantly less impervious area for the proposed associated parking. The building is proposed to be a 2,070± square foot, one-story building, with fourteen (14) interior seats and ten (10) exterior seats, with parking for twelve (12) vehicles and landscaped areas. Existing nonconformities related to front and rear yard setbacks from Lincoln Street will be eliminated. Access to and vehicular circulation through the site will also be improved by adding two curb-cuts to the easterly and westerly points of the proposed building. Finally, the proposed reduction in lot coverage will result in vastly improved landscaping and stormwater management.

Petitioner respectfully requests that the Board of Appeals make the following findings of fact in accordance with the provisions of law and Sections I-G and I-I of the Hingham Zoning By-Law:

1. The proposed use is consistent with the general purposes of this By-Law and will not adversely affect the health, safety or welfare of the prospective occupants, neighbors, or the Town generally, for the following reasons:

Petitioner's proposed uses are in harmony with the general purposes of the By-Law. A take-out restaurant is an allowed use by special permit in the Industrial District. The proposed use will not adversely affect the health, safety or welfare of any prospective occupants, neighbors or the Town as the site currently consists of impervious building and pavement areas and will be reworked to contain a 50-percent smaller building and less coverage for associated parking with enhanced landscaping. The proposed redevelopment will eliminate existing nonconformities related to front and rear yard setbacks from Lincoln Street, and the proposed reduction in lot coverage will result in improved landscaping and stormwater management.

The Property is an appropriate location for the proposed use as a Dunkin take-out restaurant, as it is located on the north side of Lincoln Street (Route 3A) in close proximity to the Hingham Shipyard, and surrounded by large-scale commercial, industrial and residential development and uses. The proposed plan is consistent with the general purposes of the By-Law in that it will: improve the physical and aesthetic qualities of the Industrial District and eliminate existing dimensional nonconformities.

2. The proposed [re]development meets accepted design standards and criteria for the functional design of facilities, structures and site construction, in the following way(s):

The proposed use will eliminate existing front and rear yard setback nonconformities, and the proposed reduction in lot coverage will result in improved landscaping and stormwater management. Access to and vehicular circulation through the site will also be improved by adding two curb-cuts to the easterly and westerly points of the proposed building.

3. The proposed [re]development will not create adverse impacts, or such potential adverse impacts will be mitigated, so that [re]development will be compatible with the surrounding area, in the following way(s):

The proposed redevelopment will not create adverse impacts. The proposed use will eliminate existing front and rear yard setback nonconformities, and the proposed reduction in lot coverage will result in improved landscaping and stormwater management. Access to and vehicular circulation through the site will also be improved by adding two curb-cuts to the easterly and westerly points of the proposed building. The Property is an appropriate location for the proposed use as a Dunkin take-out restaurant, as it is located on the north side of Lincoln Street (Route 3A) in close proximity to the Hingham Shipyard, and surrounded by large-scale residential development and commercial/industrial uses. The proposed redevelopment of the site and building is compatible with the surrounding area.

4. The proposed use provides safe access and circulation, taking into account driveways, entrances and exits, nearby intersections, sight distances and grades, in the following way(s):

The proposed drive aisle is continuous from the entrance to the exit and the proposed aisle width is greater than the minimum required width, enhancing vehicle circulation through the site. All walkways and driveways for the site are designed to be ADA compliant.

5. a) Off-street parking in compliance with Section V-A of the By-Law is provided as follows:

The proposed redevelopment includes off-street parking that complies with requirements related to number of parking spaces, parking space and driveway dimensions, grading, and landscaping. The proposed project includes 12 parking spaces to serve the 24-seat take-out restaurant; with 8 parking spaces required based on the number of seats and four (4) additional parking spaces for Dunkin's On-The-Go ordering (pre-ordering and no-wait pick-up at the counter).

b) Safe and adequate off-street loading and delivery areas for materials and customers as well as sufficient access for service, utility and emergency vehicles, in the following way(s):

The proposed redevelopment will provide an off-street loading/delivery area at the west side of the building. In addition, the site has been designed to accommodate the Hingham Fire Department's 100 ft. Aerial Platform Truck.

6. The proposed use provides safe and adequate means of waste disposal – sanitary, solid and storm water drainage – in the following way(s):

The proposed redevelopment has been designed to significantly improve handling of waste. The current site has no stormwater treatment at this time, and the redevelopment will convey stormwater runoff to infiltration structures via roof drains and catch basins, with surface runoff primarily directed away from the right-of-way. Private trash pickup will be scheduled for the site, and there is a proposed exterior screened trash enclosure to support the use at the site. A proposed grease trap will collect kitchen waste, and grease trap effluent and sanitary waste will be conveyed to an existing sewer manhole on the abutting site through the use of proposed piping and sewer manholes.

7. Please indicate areas of compliance or noncompliance with all other applicable sections of the Hingham Zoning By-Law, or additional zoning relief sought.

The existing building, constructed in 1970, and Property are pre-existing and non-conforming, with regard to setbacks (front and rear) and lot area. The proposed redevelopment will eliminate existing nonconformities related to front and rear yard setbacks from Lincoln Street. The proposed use and Property are in compliance with all other applicable sections of the By-Law, and therefore the Petitioner does not seek any additional zoning relief.

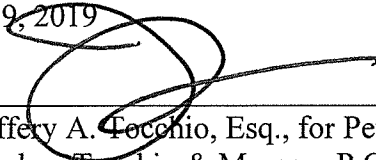
8. Please indicate other regulatory permits and/or licenses (local, state and federal) required for [re]development of this project.

The proposed project will require the issuance of a Building Permit and a State Highway Access Permit from MassDOT.

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G. L. 40A, §9.

Date: February 19, 2019

SIGNATURE: _____



Jeffery A. Focchio, Esq., for Petitioner
Address Drohan Focchio & Morgan, P.C.
175 Derby Street, Suite 30, Hingham, MA
Tel. No. (781) 749-7200

Please attach additional sheets if space provided is insufficient.