



TOWN OF HINGHAM

Board of Appeals

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NOTICE OF DECISION SPECIAL PERMIT - MAJOR MODIFICATION

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 02115

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

Subject Property: 18 Shipyard Drive, Hingham, MA 02043

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

Plan References: 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 Architects, dated March 13, 2025 (1 Sheet); and

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

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Hingham Launch Property, LLC and Hingham Shipyard Hospitality, Inc. (the "Applicants") for a Major Modification of the Hingham Shipyard Mixed-Use Special Permit originally issued under § IV-G of the Zoning By-Law (the "By-Law") on May 12, 2003, as amended, to seasonally flex restaurant seats to an expanded patio within a designated Open Space area located at 18 Shipyard Drive in the Industrial District.

The Applicants simultaneously filed an application for Site Plan Review under § I-I of the Zoning By-Law with the Planning Board. 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, Robyn Maguire, Chair, Paul Healey and Jed Ruccio. At the conclusion of the hearing, the Board voted unanimously to grant the requested relief with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicants and the comments of the general public, all as made or received at the public meeting.

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 new patio area will include a modular bar (which can be removed in the off season) 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 reflect these changes and to demonstrate continued compliance with minimum open space requirements of the By-Law.

Additionally, the Applicants requested a modification of a condition that effects 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."

Condition 1 of the ZBA's 2007 Special Permit A2 Modification decision incorporates by reference all of 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 the operation of a commercial use, while also maintaining public access and views of the water and use of the outdoor amphitheater.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2:

- a. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:** The proposed changes are consistent with the purpose and intent of Section IV-G of the Zoning By-Law. The proposed uses are allowed and meet with also meet the intent of public activation of the proposed location.

- b. The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:** The proposed use complies with the restaurant and dining uses allowed under the Mixed-Use Special Permit.
- c. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:** The proposed location is adjacent to the dining areas of two restaurants, which meets the characteristics of the surrounding area.
- d. The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The proposed patio expansion will not increase restaurant seating in the area as the Applicants are flexing seats from other portions of the restaurant.
- e. There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** There is no change in the number of seats for the restaurant, so there would be no additional demand on parking or increase in vehicle traffic.
- f. Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** All utilities required for the operation of the patio exist on site.
- g. The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction, for the following reasons:** The patio area causes a slight increase in pervious area, but will not impact the area as the majority of the site will remain as it is today with grass and plantings similar to what is in the area now.

DECISION

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to grant the Major Modification of the Hingham Shipyard Mixed-Use Special Permit originally issued May 12, 2003, as amended, 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 conditions:

1. The work shall be completed in accordance with the application and approved plans, any other applicable provisions of the Zoning By-Law, and the representations made during the public hearing.

2. That the Applicants will receive the proper Liquor License Amendments for the property and provide the Zoning Administrator with copy of the plan showing the updated licensed area.
3. That the Planning Board approves a modification of Condition B.5 of the decision dated June 6, 2007, as subsequently amended.

For The Board of Appeals,



Robyn S. Maguire, Chair
January 22, 2026

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.