

May 12, 2023

Re: Public Comments on Proposed 16 & 0 Bishops Lane Definitive Subdivision Application

Dear Members of Hingham Planning Board,

We were recently made aware of the proposed subdivision project on Bishops Lane and are writing to express our strong opposition to the proposed subdivision. We thank you for the opportunity to voice our concerns, and would also like to thank the town's peer review team for their thoughtful review of the project. As an initial matter, we wanted to note certain concerns which have already been shown in the record:

**The proposed access road presents dangers which cannot be sufficiently addressed and therefore additional homes and traffic should not be allowed.**

As noted in the peer review report issued by Jeffrey Dirk, the proposed project presents many safety concerns, including the grading of the proposed road, the lack of sidewalks, and inadequate sight distance. This is especially concerning because, as noted by the residents of Bishops Lane, the project would bring 40 trips a day frighteningly close to their historic homes, which were set within a few feet of the road at a time when cars did not exist. Although the "right of way" is documented in town maps as being 40 feet wide, the reality is that the improved part of this road is no more than 12 feet in width, and the distance between certain of the historic structures on opposite sides of the road is no more than 47 feet. It is simply not physically possible to have a 46 foot way, and a sidewalk, for the length of the road, in this location, given the placement of the existing homes.

Not having a continuous sidewalk for the full length of the road puts the residents of all of the homes at risk as there would be no safe way for them to walk down the road, such as to get to the bus stop, without being in the road itself. When you consider the finding that the proposed grade of the extended road "impacts the ability of vehicles to stop under all weather conditions before entering the traveled way at South Street," that there are houses and structures incredibly close to the road, and that the road cannot be widened to modern standards, it is easy to see how this is a recipe for disaster.

**The project would have significant impact on protected wetlands .**

As noted by Loni Fournier, the project abuts a protected vernal pool, and directly impacts another wetland area to the north. We note that by definition, vernal pools grow and shrink from year to year and in certain years can dry almost or completely. This is what prevents a fish population from becoming permanently established in the pool and allows protected species of amphibians and invertebrates to breed in the pond without natural predators. When measuring the no disturb zone, it must be measured from the point when the pond is at its maximum width, which we do not believe was done here. We have attached a map that was part of the original application submission to have this vernal pool certified. You can see in this map that the bounds of the vernal pool have at times come very close to the perimeter of this project. Moreover, there has been no information provided on the impact the drastic change in topography proposed would

have on drainage patterns that fill the vernal pool. The vernal pool, which lies partially on our property, is a treasure. It is a water source and food source for wildlife, and in the winter provides recreational opportunities for children from all over. We strongly oppose any construction that would put this pool at risk of permanently drying out, and we believe re-grading the area and directing stormwater runoff to drain into the drainage lot, which is in the opposite direction of the vernal pool, has the potential to do that.

We also see no reference in the plans to the northern wetland, and the buffer zones around it. We believe that this second wetland area may also qualify as a vernal pool as it shares many of the same characteristics.

Additionally, we'd like to flag a few points which we have not yet seen raised.

1. Mr. Young does not own the private way or the adjacent parcels which would be developed to expand the road at the beginning of the street. Even if Mr. Young somehow has the right to improve the entrance of Bishops Lane, which is not clear based on our research, his rights certainly do not extend beyond the 40 foot way. Therefore he cannot meet the requirement that the right of way be 46 feet and include a sidewalk for the full length of the road as he has no ownership rights to the parcels adjacent to the right of way which would be burdened by these improvements.
2. Bishops Lane appears on the "Lincoln-Local-Historic-Districts-Extension-Phase-II" historic district map. The project could not proceed without disturbing the historic lane, surrounding landscape and historic features, including stone walls and historic granite posts that mark the entrance to the lane. We see no indication that the Historic District Commission has been consulted on these matters.
3. We note that in Mr. Brennan's peer review report, he indicated that "There are a lot of ledge outcroppings shown on the plans. There will be extensive ledge removal required for roadway construction and utility installation, especially for the deep drain lines and structures." We urge the Planning Board to carefully consider the potential impact that the significant amount of ledge removal/blasting would have on the existing antique homes which were built 200+ years ago.
4. These acres along with the land owned by neighboring properties and the country club provide acres of habitat to a diverse population of wildlife, including protected species. Sitting on our back deck and walking in the woods, we have seen and heard turkeys, frogs, turtles, snakes, coyotes, fisher cats, opossums, racoons, skunks, bats, and too many pollinators and birds, including hawks and owls, to possibly list. We commonly hear and see owls, falcons and hawks hunting rabbits and chipmunks in late winter months in our yard and note that several species of these birds are protected by the state. The massive clearing of trees and development of this land would not only cause the permanent destruction of acres of habitat, but would also interrupt the continuous nature of the habitat that currently exists by separating the wooded lands to south/east of Bishops Lane from the Country Club land.
5. This development requires the destruction of a massive number of mature, and healthy trees, which currently provide privacy between the homes on South St., Bishops Lane, and Del Prete, and important habitat for wildlife. I have attached a photo from our yard to show you the healthy green forest that the Young Family Trust would raze for the purpose of creating a new subdivision. We couldn't even count the trees if we tried right now--it would be hundreds at least. In addition, Mr. Young has recently cut down what

appears to be dozens of very large trees around the perimeter of his pool, which should be considered to have been removed in anticipation of this project.

In reviewing any application which requires a waiver, the Planning Board must make findings that granting a waiver would provide substantially the same level of safety and convenience to the public that strict adherence to the regulation would provide. The Planning Board has discretion in this regard and may consider all of the factors that have been raised. In reviewing the peer report issued by Mr. Dirk, which Mr. Brennan concurred with, it is difficult to imagine how that standard has been satisfied.

Mr. Young is not just requesting that he be allowed to build on a narrow road, or that he be allowed to omit a sidewalk, or that he be allowed to deviate from the maximum allowable grade, or that he be allowed to provide shorter line of sight, but he is requesting that all of these waivers be granted together on a historic lane that turns out onto a highly trafficked street. The granting of all of these waivers together could not be considered to provide the same level of safety that strict adherence to the regulation would provide, and we are grateful that the town's peer reviewers have noted in their respective reports that they do not support granting the requested waivers.

The Planning Board must also make a determination that granting the waivers would not be inconsistent with the purposes set out in Section I.B. We struggle to see how the applicant can demonstrate that the multitude of waivers this project requires is consistent with each of these purposes. Section I.B. states that the subdivision rules have been enacted to ensure the safety, convenience and welfare of the inhabitants of Hingham. We do not believe any of the abutters view this project as improving the safety, convenience or welfare of the inhabitants of Hingham. On the contrary, the abutters are deeply concerned about the impact this project will have both during and after construction on their safety, convenience and welfare.

We would love for the Planning Board to consider making a site visit to the subject lane as well as the end of the Del Prete as, when viewing the property solely on paper, it is difficult to really grasp the steep grade, the lush natural surroundings, and the quaint historic charm, all of which would be irreparably harmed if this project continues. Thank you again for your time and dedication to the town.

Sincerely,

Priya and Peter Howell  
26 Del Prete Dr.