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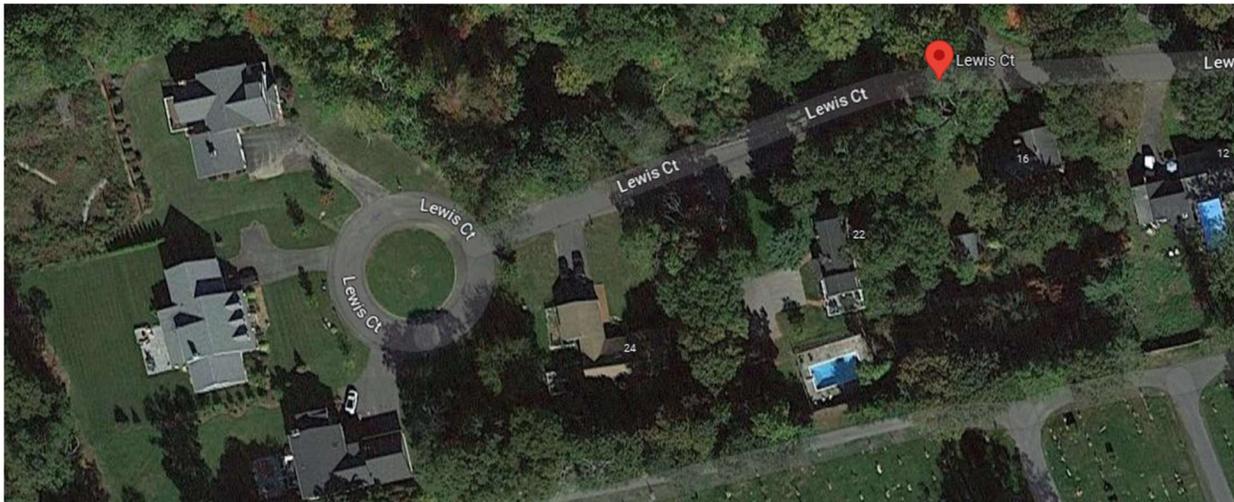
Re: Public Comments on Proposed 16 & 0 Bishops Lane Definitive Subdivision Application

Dear Members of Hingham Planning Board,

Thank you for the opportunity to express our concerns with the proposed Bishops Lane Subdivision. We have reviewed Mr. Young's revised plans and continue to have significant questions and concerns about the project, which we outline below.

25 Lewis Court does not have a similar topography and is inapplicable as precedent

Mr. Young suggests that because one time in 2015, 3 houses were permitted to be built without a sidewalk that the Board must allow him to do so here as well. However, each project and waiver is specific to the facts and circumstances of the project. Below are pictures of Lewis Ct. It is flat. It had more homes on it to begin with than Bishops Lane. It is not in a historic district. The paved part is wider than the paved portion of Bishops Lane. The new homes have no existing homes behind them. The layout is a typical layout with the turnaround in front of the newly constructed homes, and existing homes on either side of the street, with a clear place for removed snow to be deposited. And Lewis Ct. is not a privately owned road which has different design standards applicable to it.





As you can see, the projects are completely different and present drastically different safety concerns. The Planning Board should not feel compelled to grant any waivers in this situation merely because both projects sought to add 3 new homes.

Design standards apply to the existing portion of Bishops Lane

We would like to clarify for the Board that Mr. Young's statement (which we do not see was provided by any counsel) that a waiver from Section 4.B(3)(a) is not required since the subdivision roadway (his proposed extension of Bishops Lane) will comply with the Hingham Subdivision Rules and Regulations (the "Rules"), is nothing more than what Mr. Young would like the facts to be.

We strongly disagree with his reading of the Rules which provide in numerous places that there should be consistency between new roads and existing roads, and that developers may be required to improve existing roads to ensure such conformity. Additionally, the rules say:

"The intersection of proposed streets of the subdivision with existing private or public ways must conform to all design standards of these Rules as if the intersection were entirely within the subdivision."
- Section 4(b)(2)(g)

According to Mr. Young's own application, the existing portion of Bishops Lane is effectively the intersection between the proposed new portion that he would like to build and South St. As such, it is treated as if it is part of the subdivision, and therefore waivers must be sought and approved. As we will discuss next, we do not believe these waivers should be granted.

Any expansion of the right of way endangers existing homes

We thank Mr. Dirk for his updated report and his recognition that this project is unsafe without a sidewalk. However, the heart of the matter is that this project should not proceed because any expansion of the existing right of way will encroach upon the existing homes in a very invasive way. The expansion of the paved portion of the road to 22 or 24 feet, plus 5 feet for a sidewalk would eliminate a

driveway and side yards that have been used by the existing homes for decades if not longer. This will also bring traffic dangerously close to the existing homes. As previously mentioned in the record, the distance between buildings on either of the road is a mere 47 feet.

To the extent Mr. Young has the right to improve the road, his right is limited to no more than the 40-foot right of way. The Board is not obligated to grant these waivers, and we believe it should not grant these waivers because the street design presents dangers to the existing homes from the operation of motor vehicles. The reason roadways are 46 feet, while the paved portion is only 22 or 24 feet is meant to among other things ensure a safe distance between structures and the road. Here, where the normal front setbacks have not been observed because of the historical setting, granting a waiver presents real dangers to the residents of the neighborhood.

This is not hyperbole. We all remember two years ago how another historic home was crashed into by a car just up the road from Bishops Lane. The residents were lucky that the car didn't strike the other section of the home where they were asleep. On North St. there is a sidewalk but the proximity of the home to the road still presents real dangers. Mr. Young's proposed project would create this same danger for his neighbors as cars coming down a narrow and steep grade could have difficulty stopping, especially in weather conditions.



This project is not about fire safety

As abutters who will be deeply impacted by this project, we had a conversation with Mr. Young about his plans before they were submitted. At that time, we expressed our interest in buying the subject land from Mr. Young, and placing a deed restriction on it so that both parties knew it wouldn't be developed. Mr. Young, in no uncertain terms, told us that he intends to make so much money on this project, we wouldn't be able to offer an amount at which he would be willing to sell. He indicated his plan was to:

- 1) Build a single house.
- 2) Sell his current home once the first new home was built. Selling his current home, which has been his primary residence for more than 2 years, instead of the newly built home would allow him to keep the gains from the sale of his current home without paying capital gains taxes under federal tax rules.
- 3) Build the next home over the next two years while he lives in his new home (in order to satisfy the income tax requirements described above).
- 4) Repeat the above steps of selling the house he is living in, and moving into the newly constructed home, until he has built all of the new homes.

This plan will disturb all of the abutters peaceful enjoyment of their own properties for 6 years or longer. It is clear that the true motivation is nothing more than making money. If Mr. Young truly had concerns about a ladder truck reaching his home, he could seek permission to put a turnaround in front of his house, without creating any new subdivision. One simply has nothing to do with the other.

The drainage design should be revised to be maintainable by a homeowners' association

We had the opportunity to review the feedback submitted by the town engineer on Friday, May 12th. We note that Mr. Frey opposes approval of this subdivision as designed, and in particular that his notes highlight a comment from Mr. Brennan's original report:

The drainage design proposes infrastructure constructed >10' below grade; The complexity and expense of operating and maintaining deep stormwater infrastructure is outside the capability of most homeowner or landowner associations. A failure of this infrastructure would make the roadway impassable. - Mr. Frey's Letter of May 12

*Much of the proposed drainage will be very deep, with depths of **over twenty feet**. Installation of the drainage as well as future maintenance will be difficult, especially with the ledge on the property. - Mr. Brennan's Letter of May 10*

The proposed subdivision is on a private way and the maintenance, repair and improvement will in the future be the responsibility of the Applicant and/or the owners of the lots within the subdivision, and yet, based on the experience of the Messrs. Frey and Brennan, the proposed infrastructure will be difficult to maintain and beyond the capability of most associations to do so.

While Mr. Young may feel that he is up to the task, Mr. Young may or may not be living in this neighborhood once he has completed his project and, indeed, houses generally outlast the people who live in them. Approvals for the drainage design should not be granted based on the capabilities of current residents, but rather should only be approved if your average future residents would be able to

handle maintenance, which Mr. Frey and Mr. Brennan have already noted would be difficult, particularly when you consider there would be only 3 homes contributing to the maintenance costs of the drainage systems.

The proposed drainage pond presents hazards to the residents on Del Prete

Another concern that we have is that the plans submitted indicate that the newly created drainage pond would only be drained "when necessary." The homes on Del Prete are set close to the purported property line as you can see from the plans. These homes have been located where they are since being built in 1985. As designed, it appears the subdivision would create a drainage pond of standing water a mere few feet from the backyard of the residents living at 25 and 26 Del Prete (our home). There is no buffer (unlike the vernal pool and other wetlands which are safe distances away and separated by tree buffers) between our backyard and this drainage pond. This presents safety dangers to small children and pets, as well as the nuisances that come from having standing water behind your home.

Public comments from Mr. Young's family friends should be given limited weight

We also note that Mr. Young has asked several of his family friends to voice their support of this project. We appreciate that in a small town like Hingham, it is difficult to turn down a request from a friend, and that many people may in fact believe that if development of this parcel is inevitable, it would be best if a local Hingham resident undertook the project. Of course, development of this land is not inevitable if development cannot be done responsibly and in conformity with the local ordinances. While we could also go and ask our friends to write letters in opposition to this development, we have not done so because planning decisions are not intended to be based on the results of a popularity contest and we believe the substantive issues raised by this project speak for themselves.

We also repeat our previous comments about the dangers of the extensive ledge removal, the impact of the project on the vernal pool and other wetlands, the extensive removal of trees and destruction of wildlife habitat, the impact of the project on the historic setting which the Historic District Commission has not had an opportunity to weigh in on, and the other comments and concerns raised by other abutters to the project.

We thank you again for your time and consideration of our concerns.

Priya and Peter Howell

26 Del Prete Dr.