

Young Realty Trust Response to Priya and Peter Howell's Concern Letters dated 5/12/23 & 7/26/23

Bishops Lane - Hingham, MA – September 5, 2023

After careful review of the matters raised in written comments submitted to the Planning Board by Priya and Peter Howell (abutters at 26 Del Prete Drive), the Applicant respectfully submits the following response with the objective of providing the Board further insight into those matters.

Initially, it is significant to note that as part of preliminary steps to seeking approval from the Planning Board under the Subdivision Control Law the Applicant met with Ms. Howell and her husband on February 10, 2022, to hear their concerns regarding the proposed development.

The Applicant understood the Howells' concerns were particularly focused on the rear of the project and how it would affect their "view of the woods". Ms. Howell then stated "the realtor told us this was conservation land". The Applicant understands Ms. Howell also made this "conservation" point to the Advisory Committee during the Committee's hearing on Ms. Howell's proposed Tree By-law for consideration at the 2020 Annual Town Meeting which would have had a consequential impact on the proposed development; if adopted.

It would seem that the Howell's lot of 1.48 acres already allows them to enjoy a substantial area of a dwelling lot nearly three times the minimum 20,000 square feet of area required by Residence A zoning. Of note, Ms. Howell proposed at the 2023 Annual Town meeting warrant article to increase that minimum to 30,000 square feet with the Residence A minimum setbacks which inherently address privacy expectations. That article did not pass.

The February 10th, 2022 conversation then shifted topics including but not limited to:

- Wetlands,
- view easements (or lack thereof);
- potential purchase of a view easement;
- potential purchase of one of the proposed three new lots by the Howell's, and
- the placement of a future home on said home site.

The Applicant understood the Howells were concerned about privacy for their young children and the proximity of a future new home, particularly where their house was intentionally sited by the original builder in a location at or near the minimum 15-foot rear and side yard setbacks.

The Applicant informed the Howell's that the location, lot size, and placement of the home was not a result of simple 'developer greed' but rather a compilation of engineering, design, and most importantly, compliance with setback standards dictated by the Town of Hingham's Subdivision Control Rules and Regulations, Wetlands regulations and Zoning by-laws.

The Applicant further informed the Howell's their home's very existence was a result of the Applicant's predecessor-in-title conveying land to the original Del Prete Drive Subdivision developer in 1984, and respectfully notes that the Howell's home is essentially the same sized home the Howells seems to be objecting to for the proposed development.

Reasonably viewed, it seems contradictory to the Applicant that an abutter can enjoy the benefit of the same Subdivision Control Law Rules and Regulations (including waivers) wetland regulations, and zoning provisions pertaining to their own property; yet not when it's in their *perceived* backyard.

The Applicant further informed the Howell's of the results of the recent land instrument survey (2022) performed by Merrill Engineering. The survey results established what seems to be the Howell's perceived backyard was not where they assumed it was as suggested by evidence of location of a

playground set, area of lawn maintenance, and Ms. Howell telling the Merrill Engineering field crew they were trespassing when, in fact, they were not. The establishment of the property line on the ground raised an alarming concern to the Applicant where the historical aerials of this area of the boundary line suggest that at some point in 2015-2016 (prior to Applicant's purchase of the Bishops Lane property) significant vegetation was removed from this area.

See supplemental photos documenting the rear yard of 26 Del Prete Drive since the Howell's 2012 purchase, and note existing and removed neighboring trees relative to the Bishops Lane property line.

Thereafter and in attempting to work within reason to hear and mitigate abutter concerns, the Applicant informed the Howells that, without giving up any portion of land or waiving property rights, within reason the placement of that future home on the Applicant's proposed abutting lot *could* be placed with consideration of the play area assuming cooperation by the Howells.

The above items (loss of wooded view and incorrect property line assumption) are the root of the Howell's opposition. In both letters, Ms. Howell brings up a myriad of concerns with the application. In an attempt to respond to each concern, they will be listed here in no particular order and focus on her most recent opposition letter dated July 26th, 2023.

- Ms. Howell responds to the applicant's analogy of the Lewis Court sub-division recently approved by the Board and states, "**25 Lewis Court does not have a similar topography and is inapplicable as precedent**". Ms. Howell then provides a 2019 photo of Lewis Court and states, "**the projects are completely different and present drastically different safety concerns**". The photo of Lewis Court Ms. Howell is providing appears to be from Google circa 2019 which is misleading. The photo was taken **after** the Lewis Ct subdivision approval - the Town apparently made improvements **after** the Planning Board approved the definitive subdivision application and before that picture (including widening the paved surface and building a retaining wall). A more accurate photo would be circa June of 2014 from Bing, and is shown here.



Using the "nearest through way" Design Standards measurement, the overall length of the Lewis Court (subdivision way to the through way of Hersey Street) was approximately 850 feet

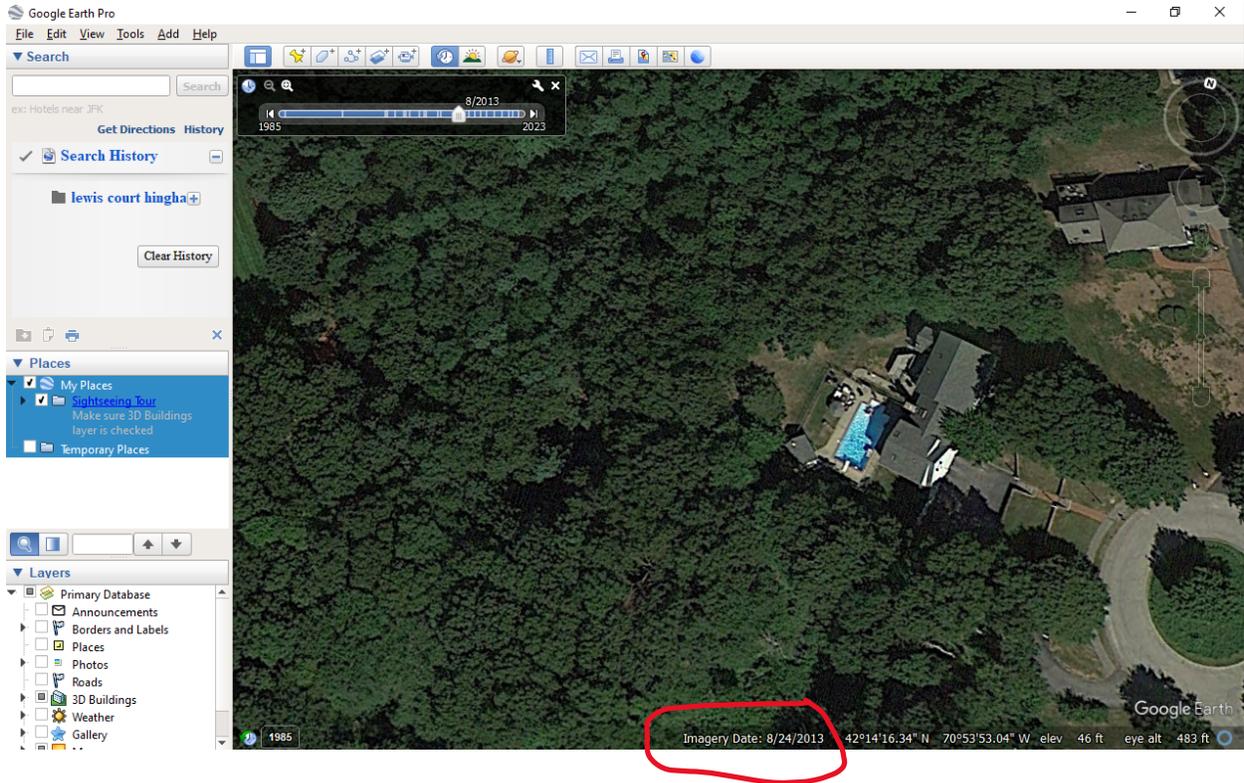
(necessitating the granted waiver of cul-de-sac length) used for access by 11 residences and a layout width of only 31.42 feet at the Hersey Street intersection; noting the intersection being at a substantial curve point in Hersey Street.

- Please note the vicinity of the adjacent buildings at Lewis Court. Ms. Howell states this concern as well later in her 7/26/23 opposition letter; **“We all remember two years ago how another historic home was crashed into by a car just up the road from Bishops Lane”**. Presumably, this refers to the unfortunate accident involving the house on the property located at 186 North Street - approximately one-half mile distant - that has effectively zero setback from the (public) North Street layout. Of note, North Street qualifies as either a Major or Secondary Street under the Board's Subdivision Design Standards based on traffic and for which the Town has, to date, not deemed necessary to address with remedial alterations to the public way. In a Town with 18th and 19th century homes, it is commonplace to have homes close to the road as many homes pre-date Town zoning laws. This is out of control of the applicant.
- Notably, the Board's review consultant noted the increase in traffic trips would be minimal (40 total, 20 in/out, per day). The proposed subdivision would be categorized as the even less intense Limited Residential Street rather than the current categorization of the less intense Minor Street under the Design Standards but for the length of road exceeds the 400 foot maximum for Limited Residential.
- Ms. Howell states, **“This project is not about fire safety”**. Please see Hingham Fire Department's comments letter dated July 17, 2023, supporting the project design. Of note, this project will add 2 new fire hydrants, and provide turn around capability for a ladder truck (not currently possible). See Emergency Vehicle Turning Sketch dated July 28, 2023. The applicant firmly believes that they possess an equal entitlement to emergency services, like any other Town resident.
- Ms. Howell states, **“The drainage design should be revised to be maintainable by a homeowners' association”**. The drainage design has been through multiple design modifications and all open concerns, by the Town's peer engineer Pat Brennan, have been addressed via the 9/01/23 engineering design.
- Ms. Howell has additional comments including but not limited to: sidewalk, ledge, extensive tree removal, wildlife habitat, and Historic District concerns. The ledge and tree removal will be as limited as possible relative to the implementation of the development. Ledge and trees are an integral part of any development in Hingham and the applicant looks forward to addressing any concerns at Conservation Commission, Site Plan review, and Historic Districts jurisdictional review. A previously omitted sidewalk is now included as part of the 9/01/23 design after hearing concerns of the Board and abutters alike.

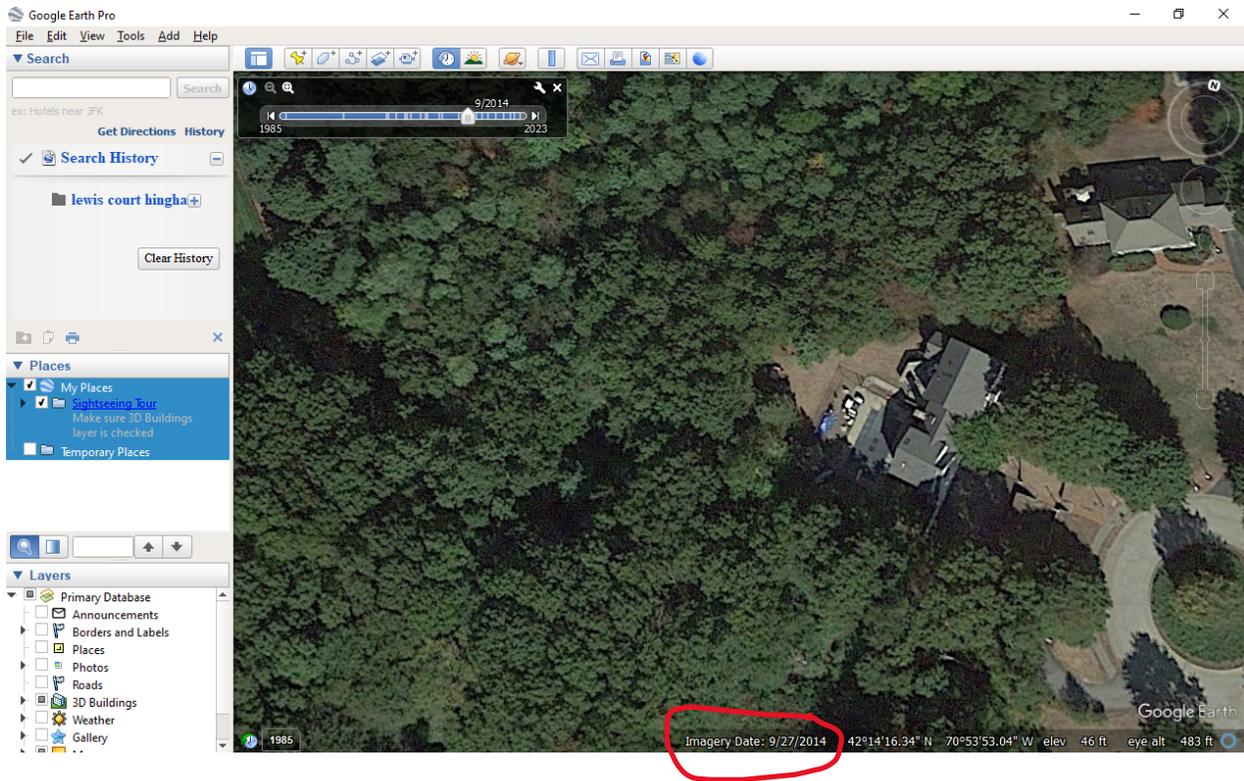
The applicant reserves the right to provide further responses to Ms. Howell's once they've had the opportunity to further digest.

GOOGLE EARTH AERIAL PHOTOS

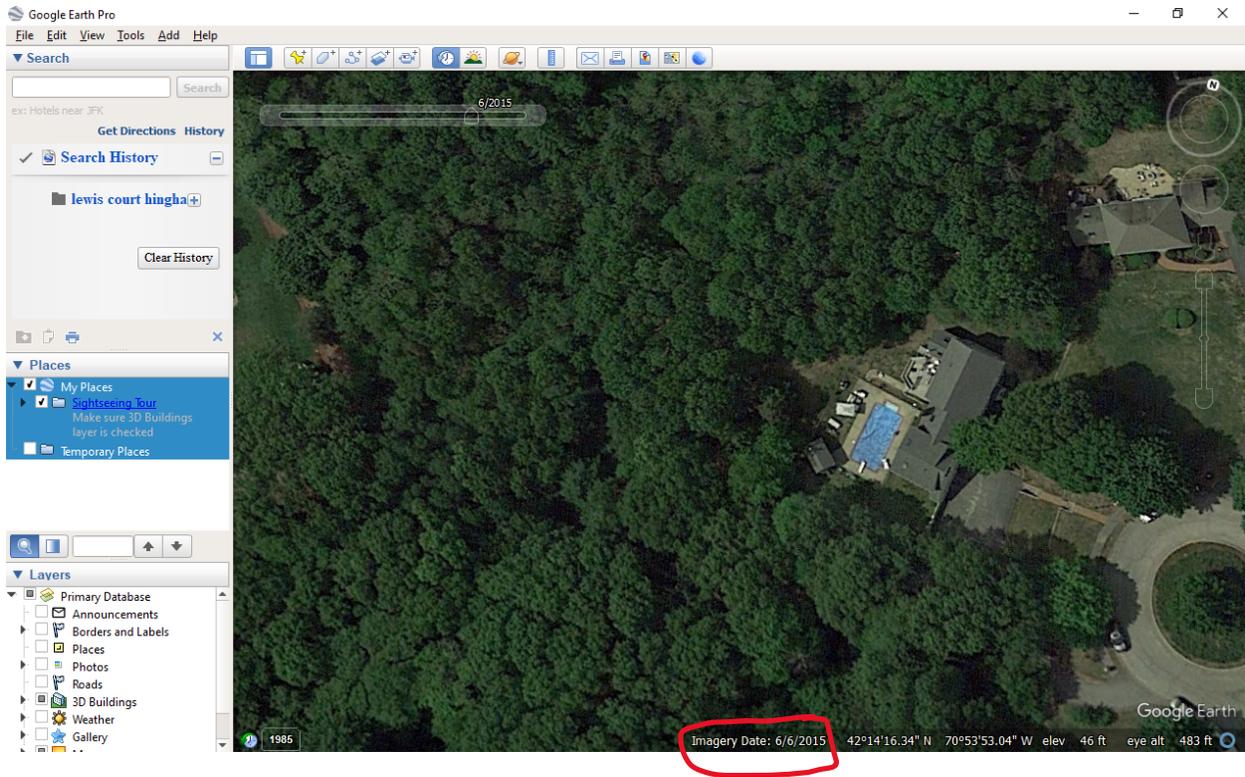
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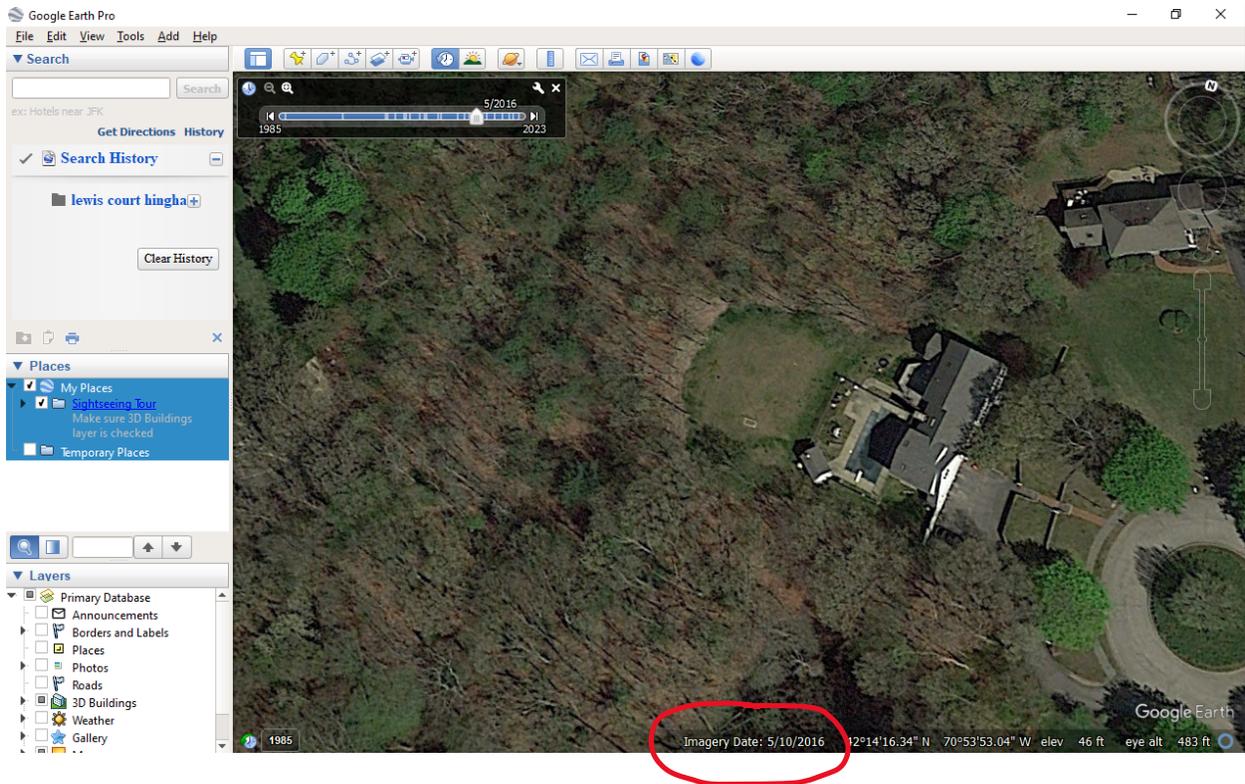
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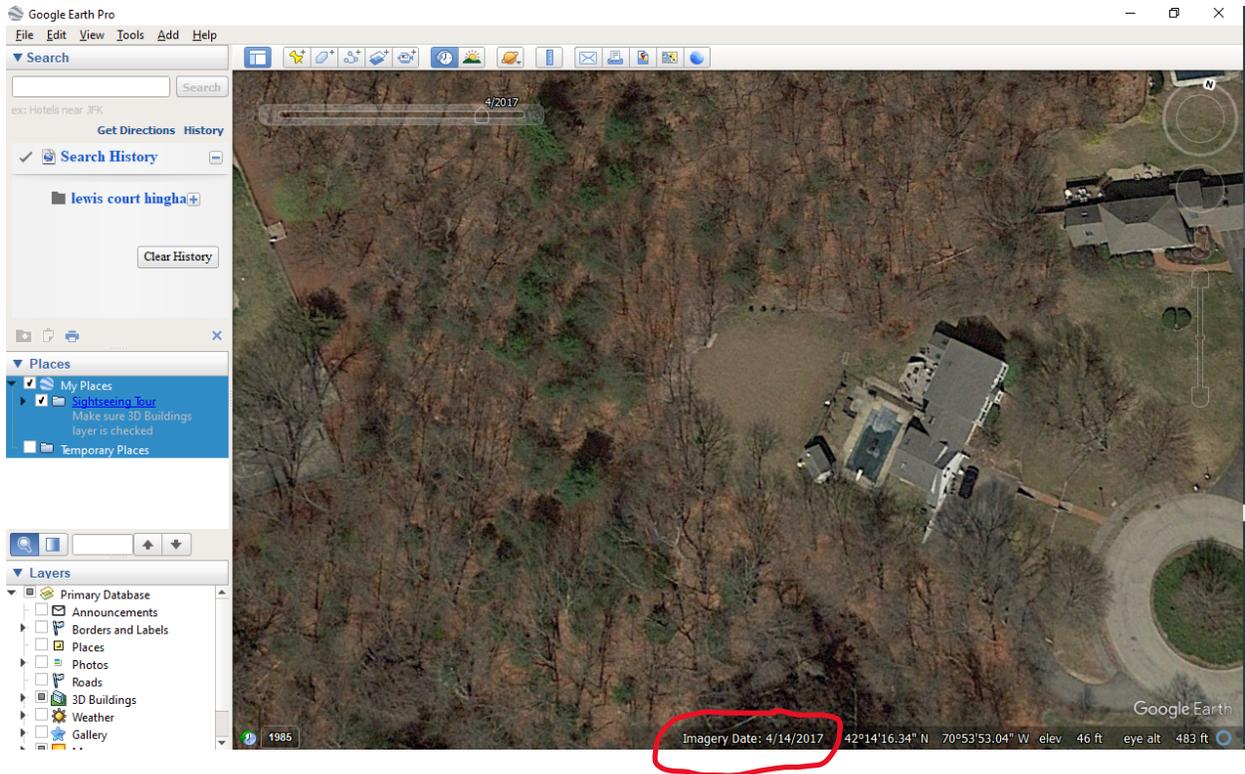
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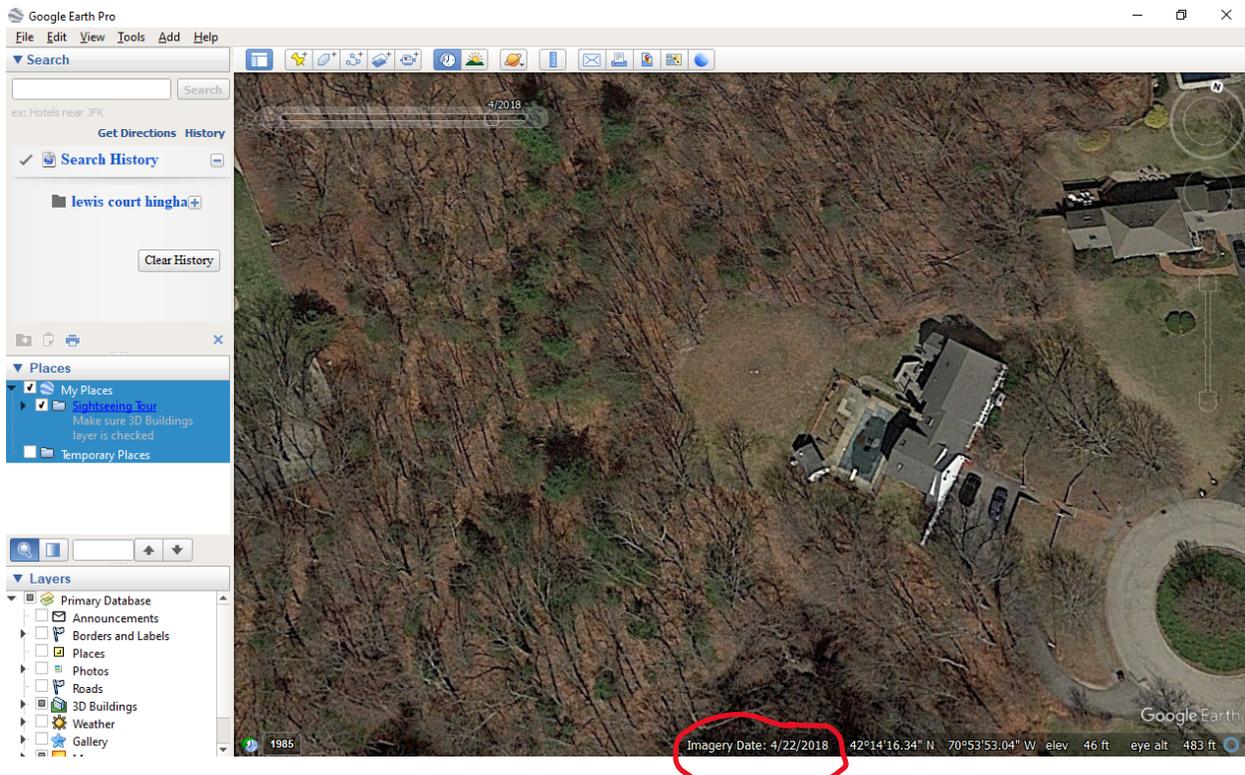
5/2016



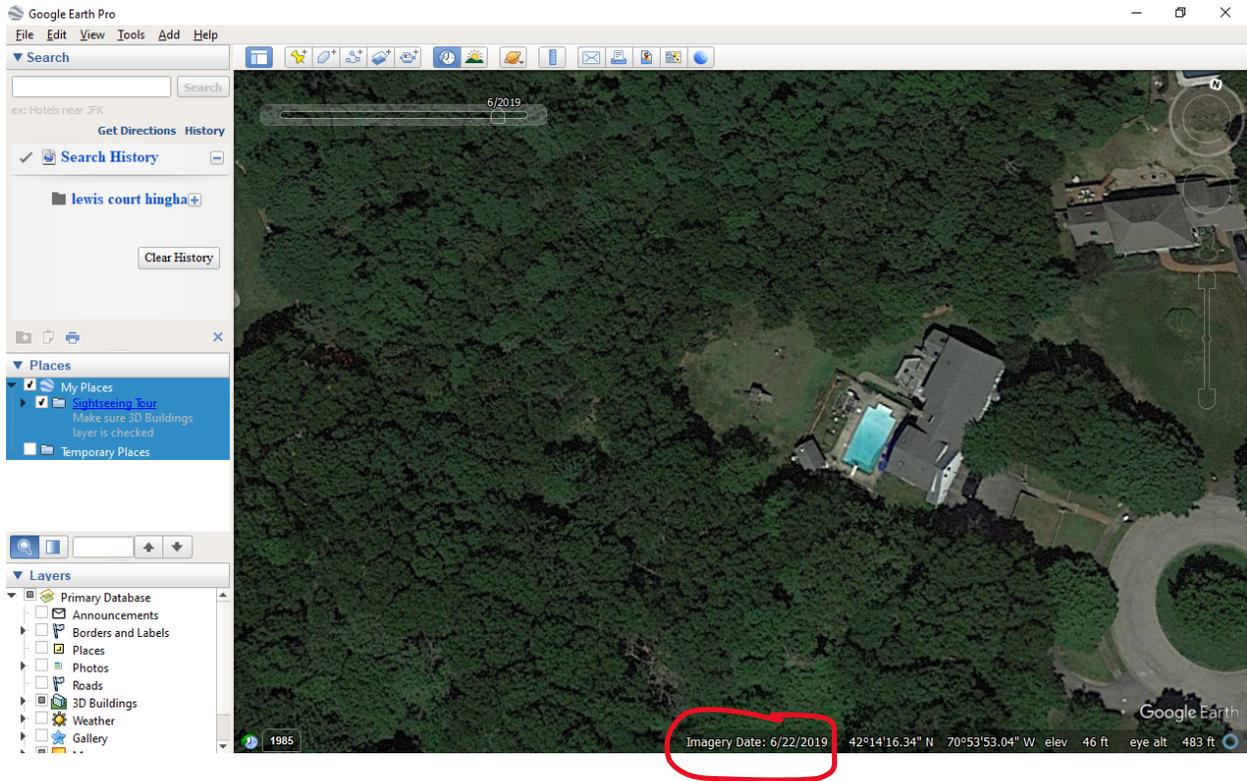
4/2017



4/2018



6/2019



NAIP Imagery 2019

Massachusetts Interactive Property Map



Hingham Muni-Mapper 2018

MuniMapper: Hingham, MA
[Town of Hingham Web Site](#)
[Disclaimer](#)

MUNICIPAL MAPPER

26 del prete

16 Bishops Lane

26 Del Prete Drive

23 DEL PRETE DRIVE

28 DEL PRETE DRIVE

210 SO STRE

10 m
50 ft
Scale = 1:1,128
249,806.24m 887,660.25m

Google
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