

Young Realty Trust Response to Opposition and Support Letters

Bishops Lane - Hingham, MA – September 7, 2023

After careful review of the matters raised in written comments submitted to the Planning Board by various parties, the Applicant respectfully submits the following responses with the objective of providing the Board further insight into those matters.

In chronological order, the Applicant will respond to the substantive portion of the comments.

1. [Public Comment from N. Makela](#), dated April 30, 2023
 - a. Response filed 8/14/23
2. [Public Comment from K. and D. Fickes](#), dated May 8, 2023
 - a. Ms. Fickes states the plan *is “at odds with the Planning Board Rules & Regulations section 4-B.1.e Private Local Roadway”*. Ms. Fickes’ statement is incorrect. The portion of Bishops Lane (lying within the Applicant’s property) has been designed as a ‘Minor Street’ and is defined as such in section 4-B.1.c. In fact, the only portion of the design that directs this towards is the road length, currently calculated to be over 400 ft. Otherwise, the next minor category ‘Limited Residential Street’, allows 40 foot right of way width, 18 foot paved width, and “may never serve more than 7 lots”, among other factors.
 - b. Ms. Fickes, then states a myriad of concerns including but not limited to:
 - i. *‘children running from property to property without fear of steady traffic or construction vehicles’*. Whether the Fickes’ were aware of their lot line locations or not, there is a 40 foot right of way separating their home at 2 Bishops Lane, and their neighbors across Bishops Lane at 248 South Street which has existed since 1926; modified in 1944. The Applicant has no intentions of changing this, and is designing the new road to be safer as outlined in the Town’s Planning Board Rules & Regulations. The Applicant also has young children and is eager to bring the dilapidated way to modern safety standards set forth by the Town. Additionally, after input from the Board and abutters alike, the Applicant has now included a sidewalk the entirety of Bishops Lane to South Street. There currently is no sidewalk. The ‘quiet lane’ Ms. Fickes speaks of is single wide and poses significant safety concerns should emergency vehicles need to arrive simultaneously as other vehicles are leaving. See the Town’s Fire Prevention comments dated 7/17/23 and the Emergency Vehicle Turning Sketch dated 7/28/23.
 - ii. *‘We respectfully request that any variances or waivers required for the subdivision to move forward be rejected’*. The project currently does not require any variances (nor are any currently foreseen), and the three requested waivers are: minor, in the public interest, and not inconsistent with the intent and purpose of the subdivision control law.
3. [Public Comment from K. and C. Shames](#), dated May 8, 2023
 - i. Ms. Shames and her husband reside at 6 Bishops Lane, and states her concern for her *two toddler boys to freely run to play in neighbor’s yards*. Again as stated above, there is a 40 foot right of way separating their home at 6 Bishops Lane, and their neighbors across Bishops Lane. The Applicant is not proposing to change this, and is designing the new road to be safer as outlined in the Town’s Planning Board Rules & Regulations. The Applicant also has young children and is eager to bring the dilapidated way to modern safety standards set forth by the Town. Additionally, after input from the Board and abutters alike, the Applicant has now included a sidewalk the entirety of Bishops Lane to South Street for the benefit of all Bishops Lane residents, existing and proposed.

13. [Public Comment from S. Clark and C. Whitlock](#), received May 16, 2023

- a. Ms. Whitlock no longer resides at 248 South Street and is not a direct abutter to the project. Her concerns include but are not limited to:
 - i. Proximity to Vernal Ponds. The Applicant's Project is in compliance with wetlands and vernal pool setbacks as designed by Merrill Engineering.
 - ii. Large road dumping onto South Street and Scale of development The word 'large' is relative. The scale of the project includes three new, single-family homes, and was determined by the regulations and limitations set forth in the Town's Planning Board's Rules and Regulations.
 - iii. Taking a good portion of a historic stone wall down on a historic street. The applicant looks forward to addressing any historic district concerns with the Town's Historic Preservation Department, if applicable.

14. [Public Comment from J. and C. Gilfoy](#), received May 16, 2023

- a. Ms. Gilfoy states, "a two lane road would drastically change our peaceful and beloved neighborhood". This is subjective. The Applicant looks forward to increasing the qualities and attributes of their peaceful and beloved neighborhood.
- b. Ms. Gilfoy resides near the project on South Street but it not a direct abutter. Her concerns include "substantial changes to the roadway will have a negative impact to the other residents of Bishops Lane and surrounding area". The Applicant looks forward to make substantial SAFETY changes for both the Applicant and abutters alike while maintaining the road's current charm.

15. [Public Comment from E. Cornetta](#), received May 16, 2023

- a. Mr. Cornetta resides at 204 South Street which is 9 homes northeast on South Street and is not a direct abutter to the project.
- b. Mr. Cornetta states 3 reasons for opposing the project.
 - i. He maintains a cross-country ski trail for the last 23 years. The property owned by the Applicant is private property.
 - ii. His neighbor Buzz Coulon at 210 South Street says he used to walk to the South Shore Country Club and would sign an affidavit. Mr. Coulon's wife publicly stated at the initial Planning Board meeting in May 2023, that this was un-true and that Mr. Cornetta did not speak for her husband.
 - iii. Wetlands and vernal pools. The Applicant's Project is in compliance with Wetlands and vernal pool setbacks as designed by Merrill Engineering.

16. [Public Comment from A. and M. Bucceri](#), dated May 24, 2023

- a. Letter of support emphasizing the Applicant resides on the property, his professional credentials as both an architect and builder, and tasteful design.
- b. Additionally, Mr. Bucceri noted the unsafe condition of Bishops Lane with the gravel and potholes.

17. [Public Comment from B. and H. Invernizzi](#), dated June 14, 2023

- a. Mr. and Ms. Invernizzi's concerns include:
 - i. Grading Waiver - No longer sought
 - ii. Buffer for snow- Project is designed in accordance with Town guidelines for such items
 - iii. Blasting- The ledge removal will be as limited as possible relative to the implementation of the development to comply with the Planning Board's Rules & Regulations. *See additional drilling and blasting comments at the summation of this document.*

- iv. Block Retaining Wall - See Merrill Engineering's latest 9/1/23 design specifying construction details for the retaining wall on sheet C7.1
 - v. Drainage – Town Peer Reviewer, Pat Brennan, has no drainage concerns with Merrill Engineering's latest 9/1/23 design,
 - vi. Private Road repairs financial responsibility – The new home owners will share in the expense to maintain the new road. Further details will be discussed prior to the sale of the first newly constructed home with all affected parties.
 - vii. Historic Lincoln Rock Wall - The applicant looks forward to addressing any historic district concerns with the Town's Historic Preservation Department, if applicable
 - viii. Roadway -See Merrill Engineering's latest 9/1/23 design specifying construction details for the roadway
 - ix. Landscape Plan – See sheet C5.2 in Merrill Engineering's latest 9/1/23 design.
 - x. Mature Trees - See sheet C5.2 in Merrill Engineering's latest 9/1/23 design for affected street trees. Further tree discussions will be at the time of the Town's Site Plan Review process.
 - xi. Catch Basins - See sheet C5.2 in Merrill Engineering's latest 9/1/23 catch basin design
 - xii. Sidewalk Waiver – After input from the Board and abutters alike, the applicant now is including a sidewalk in the latest 9/1/23 design.
- b. The Invernizzi property which previously submitted aerial photographs show as a heavily wooded property immediately prior to construction of their home in ~1990 has no sidewalk, no frontage, or vital access on an actual road meeting subdivision road construction standards. Instead access is through a newly constructed common driveway (with no drainage infrastructure) to South St. Additionally, portions of the Invernizzi property appear to lay within either the Town Brook wetlands buffer or wetlands in the portion of the driveway as it meets South Street. Unlike Invernizzi's property the Applicant's lots will have actual frontage and vital access on an actual constructed subdivision road with proper infrastructure and drainage.

18. [Public Comment from P. Howell](#), dated July 26, 2023

- a. 26 Del Prete Drive was built in early 1980s on a vacant wooded parcel of land. If objections stated by Ms. Howell were sufficient basis to preclude development, then the very house they live in would not exist.
- b. Additional response filed 9/5/23.

19. [Public Comment from N. Makela](#), dated July 31, 2023

- a. Response filed 8/14/23

20. [Public Comment from P. and D. Amster](#), received August 14, 2023

- a. Mr. Amster lives 237/239 South Street, across the street from the existing entrance of Bishops Lane. Mr. Amster's primary concern as discussed at the 8/14/23 Planning Board meeting was the amount of rainwater runoff shown on the existing Bishops Lane and onto South Street. Mr. Amster submitted a video of rainwater runoff. The Applicant respected the video, and shares Mr. Amster's concern on this matter. The Applicant has gone to great lengths to ensure coordination between Deb Keller at Merrill Engineers, and the Towns Peer Review Engineer, Pat Brennan. Mr. Brennan spoke at length about the calculations Merrill Engineering provided and does not have drainage/ rainwater run-off concerns with the latest 9/1/23 design. See Merrill's Stormwater Report dated 9/1/23.
- b. Mr. Amster states, "We are opposed to this development and we thank the DPW for its opposition as well". This statement is misleading. The Applicant is not aware of any opposition by the DPW and would gladly address any concerns the DPW may have.

- c. Major construction, safety concerns, blasting. As a licensed architect and licensed construction supervisor with the Commonwealth, the Applicant takes life safety concerns seriously. All work performed will be in accordance with all applicable building codes, laws & ordinances. Blasting will be kept to a minimum as much as possible relative to the implementation of the development to comply with the Planning Board's Rules & Regulations. See *additional drilling and blasting comments at the summation of this document.*
 - d. Environmental, vegetation, trees, wildlife. The applicant has shown required street trees on the latest drawings and looks forward to discussing further at Site Plan Review. Environmental, vegetation, and wildlife will be discussed at the Conservation Commission.
21. Video from P. and D. Amster, received August 14, 2023
- a. See item 20a above.
22. Public Comment from V. and K. Winslow, received August 14, 2023
- a. Ms. Winslow no longer lives near the project and therefore will not be affected. She offered her history as a prior owner of 248 South Street 30 years ago. Ms. Winslow stated "she felt so badly for the neighborhood now that the (Applicants) are trying to do the same thing" regarding a predecessor in title to the Applicant applying previously. As far as the Applicant is aware, no decision was made with that last 'Robinson' application, and the design Ms. Winslow is speaking of is substantively different from the current design.
23. Additional Public Comment from V. and K. Winslow, received August 14, 2023
- a. The Winslows offer additional comments including their 20-year version of Bishops Lane's history from 30 years ago. Bikes, skateboarding, basketball equating to 'neighborhood feel'. Simply put, there is no way these could occur today with the state of the road. The Applicant also calls Bishops Lane their home, has children of their own, and wants nothing but safety for all residents of Bishops Lane. An improved road design in coordination with the Planning Board's Rules & Regulation does not have to mean the loss of the 'Hingham Pride' Ms. Winslow speaks of. If anything, it's the opposite.
 - b. Roads are not playgrounds. Ms. Winslow's comments call into question the reasonableness and judgment lacking in viewing roads otherwise. There is plenty of area available on the respective properties for play areas that belie any compelling need to use the Bishops Lane layout/road for play areas. Nothing in Subdivision Control Law or the Planning Board's Subdivision Rules and Regulations or Town's Zoning Bylaws, state that roads are supposed to be used for, or be viewed as play areas for children.
 - c. They then state, "Widening the road to 40' and the possibility of a sidewalk makes no sense - except for the enrichment of the (Applicant's) Family". The road is not 40 feet wide and never has been. It is 22 feet wide as required by the Planning Board's Rules & Regulations. The Right of Way is 40 feet wide and has been since 1926. The now incorporated sidewalk will benefit all walkers of all ages on Bishops Lane, not just the applicant.
 - d. Historic character/ Granite Entrance – The applicant looks forward to addressing any historic concerns with the Town's Historic Preservation Department, if applicable.
24. Public Comment from D. Amster, received August 23, 2023
- a. Mr. Amster raised specific questions regarding blasting, the schedule, processing, and general concern with the ledge. The applicant looks forward to addressing these concerns at the next Planning Board hearing.
25. Public Comment from A. Ramirez-Jacobs, received August 28, 2023
- a. Ms. Ramirez-Jacobs lives across South Street and 4 homes to the northeast from the entrance of Bishops Lane.
 - b. Concerns of floodplain impact/ rainwater runoff. The Town's peer review engineer, Mr. Brennan, spoke at length about the calculations Merrill Engineering provided and does not

have drainage/ rainwater run-off concerns with the latest 9/1/23 design. See Merrill's Stormwater Report dated 9/1/23.

- c. Mr. Ramirez-Jacobs states the development will be "Out of proportion". Ms. Ramirez-Jacobs' property is a 2-family property; a denser use than the single family residential use the Applicant is proposing. The lot and home size are consistent with surrounding homes, and are dictated by the Town's Zoning Bylaws for the Residence A district.

26. Public Comment from C. Lynch, dated August 31, 2023

- a. Mr. Lynch resides at 224 South Street, approximately 4 houses northeast on South Street and is not a direct abutter to the project.
- b. Mr. Lynch expresses, "I am shocked that the proposal to blast -intermittently, and for a duration of years- in this historically-protected neighborhood did not immediately end all serious consideration of this project". The Applicant is not sure where Mr. Lynch received the information of blasting for a duration of years. The local contractor C.Spirito, Inc. has provided a preliminary construction schedule dated 8/4/23 with the ledge removal portions totaling 34 days. See *additional drilling and blasting comments at the summation of this document*.
- c. Mr. Lynch is concerned with his fieldstone and granite foundation of his 1805 home and its vulnerable nature. The ledge removal contractor has a weighty history of working in historic districts and will perform pre-removal and post-removal ledge surveys where applicable. See *additional drilling and blasting comments at the summation of this document*.
- d. Mr. Lynch is concerned with 'deforestation', wetlands, and vernal pools. The Applicant's Project is in compliance with wetlands and vernal pool setbacks as designed by Merrill Engineering. Wildlife concerns will be heard and addressed at the Town's Conservation Commission. Tree removal will be minimal as possible, and concerns will be addressed at the Town's Site Plan Review process.

Historic Comments: The Lincoln Local Historic District Extension Phase 2 demarcation line is at the rear of 248 South and at the rear of 2 Bishops Lane. The remainder of the existing and proposed Bishops Lane homes lie outside of the District. Hingham Historic Districts Commission is the reviewing authority.

- The Applicant's predecessor in title 'Whitney' purchased the Bishop Estate in 1925 and then proceeded to develop it, and
- The Applicant has found no evidence of any Way in existence prior to 1925, and no evidence of a date of creation of the granite wall and posts - e.g., no evidence existed prior to 1944 revision of the Bishops Lane layout.

Roads as playgrounds: Again, **roads are not playgrounds**. A common theme of abutters has been with regard for the safety of their playing children. Again, the Applicant has 3 young children as well residing on Bishops Lane. There is plenty of area available on the respective properties for play areas that belie any compelling need to use the Bishops Lane layout/road for play areas. Nothing in Subdivision Control Law or the Planning Board's Subdivision Rules and Regulations or Town's Zoning Bylaws, state that roads are supposed to be used for, or be viewed as play areas for children.

40-foot-wide Right of Way: 40-foot-wide Bishops Lane Right of Way is a matter of public record at Plymouth Registry of Deeds and Hingham Assessor Maps. As previously noted there is nothing of record limiting the use (or future improvement) of the 1944 Bishops Lane Right of Way, that would otherwise legally preclude this Project, or mandating the state of use and/or improvements demanded by those opposing the Project.

Density & Size of Development: The Project's frontage and lot area conforms to the as-of-right requirements of zoning bylaw adopted by Town Meeting. Many of the opposition's homes, exist on

undersized lots in terms of area and/or frontage (less than 20,000 square feet area or 125-foot frontage), or are multifamily properties. The proposed project is of less density than that resulting from those properties. Notably, the proposed Project is same density as abutting Del Prete subdivision (single family, min 20k lot area sq ft and 125 ft frontage).

Drilling and Blasting Notes: The ledge removal will be as limited as possible relative to the implementation of the development to comply with the Planning Board's Rules & Regulations. Ledge removal is an integral part of nearly every development in Hingham.

Massachusetts has some of the strictest blasting regulations in the Country. The drilling and blasting permit will be pulled through the Hingham Fire Department while overseen by the State. Vibration thresholds/ limitations are imposed by the State and detailed out in the MA Building Code, 527 CMR 1.00 Chp 65. Should blasting be warranted, a Hingham Fire Marshall is required to be present. Andrew Dufore, with Maine Drilling and Blasting, will be available to address any drilling and blasting concerns at the next Planning Board meeting. Maine Drilling and Blasting is the exclusive drilling contractor for C. Spirito, Inc. out of Hingham, MA. Mr. Dufore's company performs approximately \$15 million in annual sales in Massachusetts alone.

The Applicant reserves the right to provide further responses once they've had the opportunity to further digest.