

# **B** Baker, Braverman & Barbadoro, P.C.

ATTORNEYS AND COUNSELORS AT LAW  
300 CROWN COLONY DRIVE  
SUITE 500  
QUINCY, MASSACHUSETTS 02169-9126

WARREN F. BAKER  
JONATHAN BRAVERMAN  
PAUL N. BARBADORO  
GENE J. GUIMOND  
CHRISTOPHER J. SULLIVAN  
LISA BOND  
GARY M. HOGAN\*

LAWRENCE A. DINARDO  
SUSAN M. MOLINARI  
THERESA BARBADORO KOPPANATI\*\*

ELIZABETH A. CARUSO  
KIMBERLY K. KROHA\*\*\*  
THOMAS P. O'NEILL, III  
MICHAEL N. BARBADORO

\*ALSO ADMITTED IN RI  
\*\*ALSO ADMITTED IN NY & CA  
\*\*\*ALSO ADMITTED IN FL

TELEPHONE  
(781) 848-9610

TELECOPIER  
(781) 848-9790

INTERNET ADDRESS  
WWW.BBB-LAWFIRM.COM

OF COUNSEL  
WILLIAM B. GOLDEN  
DOUGLAS C. PURDY (1943-2016)  
DOROTHY O'FLAHERTY NEDELMAN

January 19, 2018

*Via E-Mail: [wentworthe@hingham-ma.gov](mailto:wentworthe@hingham-ma.gov)*  
*And First Class Mail*

Emily Wentworth, Senior Planner / Zoning Administrator  
Town of Hingham  
210 Central Street  
Hingham, MA 02043

**Re: River Stone - Viking Lane, off of Ward Street, Hingham, MA**

Dear Ms. Wentworth:

As a follow up to the January 11, 2018 hearing of the Zoning Board of Appeals, we wanted to address a question that arose pertaining to my letter dated January 5, 2018.

Specifically, my letter discussed the drainage shown on the Site Plan as follows:

“The Site Plan depicts a connection to public drainage infrastructure in the Ward Street layout. This drainage connection has been in existence since the 1970s and was connected to Ward Street in connection with the Town’s approval of the Plan of Lots Viking Lane by vote at a Town Meeting held August 17, 1970. The drainage ultimately drains into land controlled by the Applicant. The Applicant disagrees that an easement is required for this existing drainage connection, but the Board could issue the applicable approvals if deemed necessary by the Board. The regulations grant the Board authority to issue all approvals, consents, or affirmative actions that would be available from a Local Board, which includes the Board of Selectmen. See 760 C.M.R. 56.05(10)(a) and 56.02.”

Emily Wentworth  
Senior Planner: Zoning/Special Projects  
January 19, 2018  
Page 2

As you corrected during the hearing, the meeting on August 17, 1970 was a meeting of the Planning Board for the Town of Hingham, not a "Town Meeting" as that phrase is typically understood. Accordingly, "Town Meeting" should not have been capitalized and should have referenced Planning Board. At that meeting, the Planning Board approved a Plan of Lots that shows anticipated drainage in Ward Street. The approved Plan is recorded at the Plymouth County Registry of Deeds in Plan Book 15, at Page 869.

During this drainage discussion, I informed the Board that the drainage in Ward Street was installed in the early 2000s, which updates the information in my letter as to timing of the installation. The installed drainage includes piping under Ward Street and a connection to Viking Lane. The majority of Viking Lane currently drains into the Ward Street piping and continues to property located on the other side of Ward Street, where it flows into a drainage easement located on land controlled by the Applicant. The installation occurred in accordance with a drainage easement, drainage easement plan, and subdivision plans all dated March 2000.

William J. Murphy, Jr., as Trustee of XERXES Realty Trust, granted a drainage easement dated March 24, 2000 to the Town of Hingham over the area shown on a drainage easement plan, entitled and Plan of Land dated March 10, 2000, which is recorded in Plan Book 43, at Page 227. The easement is recorded in Book 18378, at Page 144.

On June 8, 2000, the Planning Board approved a six-lot subdivision over the land that is the subject of this pending application. The approved plans, dated March 24, 2000 and entitled "Definitive Subdivision Viking Lane at Ward Street in Hingham, MA", were recorded at the Plymouth County Registry of Deeds in Plan Book 45, at Page 802 on July 8, 2002. The then-proposed drainage improvements were detailed in those recorded plans, and the drainage under Ward Street was installed thereafter. Viking Lane has been and is serviced by those drainage improvements. The Current 40B application is designed to not exceed the capacity of the improvements and more importantly is designed to reduce the any flow through those existing improvements.

Respectfully yours,

RIVER STONE, LLC  
By its Attorney,

  
WARREN F. BAKER

WFB:amg  
Enclosures

Cc: Susan Murphy, Esq.

Joseph M. Fisher, Vice-Chair, and members of the Zoning Board of Appeals