

Savage-Dunham, Mary

From: Harry Wheeler <harry@grouponeinc.com>
Sent: Thursday, May 16, 2019 10:40 AM
To: Savage-Dunham, Mary
Cc: Mary Faria
Subject: 11 Bank Ave Project
Attachments: Wentworth letter 2019 final.pdf

Good morning Mary,

My name is Harry Wheeler and I am aa resident at 18 Bank Ave in Hingham. As you may know there is a proposed development at 11 Bank Ave for 8 new residential units with retail and parking below. Although this project has come a long way, we still feel very strongly that it is oversized and too large (as large as the Lincoln Building) on a very small neighborhood. On that note, I wanted to make sure you had the attached letter. Although this letter dies not pertain to the project specifically, it speaks to the ownership of Bank Ave (as it is a private way) and who has access. What is very interesting is that in the research provided, it shows clearly that the 4 houses on Bank Ave 10, 12, 16 and 18 are the only houses that have legal rights and access to the road. We feel this is an important point to make sure the proposed project complies with this and that they do not have any access.

I have also sent the same letter to Bill Ramsey for his information as well as Emily Wentworth.

Thank you for your consideration.

Harry Wheeler, AIA
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May 13, 2019

Emily Wentworth
Hingham Zoning Board of Appeals
210 Central Street
Hingham, MA 02043

RE: Access to Bank Avenue

Dear Emily:

As you are aware, Bank Avenue in downtown Hingham is a private way running alongside 115 North Street towards Cottage Street, but stopping short. Bank Avenue is accessed by 115 North Street, 10 Bank Avenue, 12 Bank Avenue, 16 Bank Avenue and 18 Bank Avenue, by ownership or easement described below.

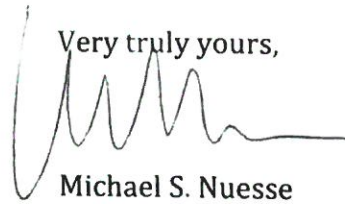
Because of past and current development proposals, the right of access of 105 North Street, the empty lot at 11 Bank Avenue and even the premises at 52 Cottage Street has come into question in at least some people's minds. To shed some light on these questions it may be useful to do a brief review of the history of Bank Avenue.

1. Title work presented by Attorney Robert Devin to the Board in 2015 references a deed recorded on June 10, 1833 dated November 5, 1832 wherein Leavitt Souther inherited a parcel of land of approximately 2 acres located on North Street in Hingham.
2. Bank Avenue is created by deed from Leavitt Souther to Hingham Bank, which was located at 115 North Street, dated May 23, 1833. The "right of way", which is Bank Avenue is reserved by the grantor for the benefit of himself and the subsequent owners of "my land in the rear of the premises of twelve feet in width over the Eastern side of the premises."
3. From this description it is clear that Bank Avenue was created for the benefit of the remaining land owned by Leavitt Souther, which included the properties located at 10, 12, 16, and 18 Bank Avenue.

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4. The properties at 105 North Street and at 11 Bank Avenue and 52 Cottage Street were at the time of the creation of Bank Avenue owned by others, including Charles Lane, who owned 105 North Street.
5. In 1969, the heirs of 105 North Street which included the lot now known as 11 Bank Avenue agreed on a property line between the now 11 Bank Avenue and 105 North Street.
6. From this albeit incomplete title information, it appears that 105 North Street (which lot included 11 Bank Avenue) was not owned by Leavitt Souther when he created the Bank Avenue easement.
7. It also has not been confirmed that Leavitt Souther's property included the house lot at 52 Cottage Street.
8. What is clear is that Leavitt Souther reserved a right of way (easement) for the subsequent owners of his property located behind 115 North Street.
9. Susan Murphy, Esq., attorney for the Town of Hingham, asks whether the owners of 11 Bank Avenue have any right to use the full length of Bank Avenue given that the original land area benefitted by the grant did not include the land located at 11 Bank Avenue.
10. Given the current information before the Board, the full length of Bank Avenue cannot lawfully be accessed by the owner of 11 Bank Avenue or by the owner of 52 Cottage Street.

Thank you.

Very truly yours,

Michael S. Nuesse

Cc by email: Mary Faria

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