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**Via Electronic Mail – silveiram@hingham-ma.gov**

Hingham Planning Board  
210 Central Street  
Hingham, MA 02043

**Re: 213 and 215 Cushing Street, Hingham, MA  
Bristol Bros. Development Corp.**

Dear Members:

As you are aware, this office represents Bristol Bros. Development Corp. (“Bristol Bros.”) with respect to its proposed Definitive Flexible Residential Development located at 213 and 215 Cushing Street, Hingham. We write to provide the Board with documentation of the proposed form of provisions to be incorporated with the master documents for the condominium association related to the maintenance and access to the Open Space areas of the Flexible Residential Development, pursuant to Section IV-D, 8.b the Zoning By-Law and as required by Condition 2(v) of the Special Permit A3.

In accordance with the foregoing, Bristol Bros. proposes to include within the master documents for the condominium association language similar to the following, to be approved by the Planning Department prior to finalization and recording:

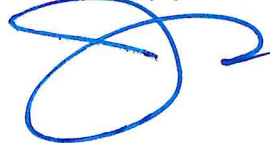
- **Open Space:** “All areas shown as or designated as Open Space on the FRD Plans shall be subject to a restriction in perpetuity, and enforceable by the Town of Hingham to ensure compliance therewith that such designated Open Space shall perpetually be kept in an open or natural state consistent with the requirements set forth in the Hingham Zoning By-Law. The areas shown or designated as Open Space on the FRD Plans shall be prohibited from development and shall remain undisturbed, except as depicted on the FRD Plans. Passive public recreational use consistent with land held by the Hingham Conservation Commission for such purposes, such as walking and natural study, shall be permitted along the designated trail depicted as ‘Proposed Natural Open Space Trail’ on the FRD Plans (the “Natural Trail”). The Trust shall maintain the Natural Trail by removing obstructions to access such as downed trees and brush, and shall maintain wayfinding markers along the Natural Trail, where necessary and appropriate. Notwithstanding the foregoing, the areas within the Open Space depicted therefor on the FRD Plans may be utilized for the construction, maintenance and operation of the subsurface disposal system and stormwater management structures.”

- Easement: “Declarant hereby grants to the Town of Hingham, acting by and through its Select Board, for the benefit of its inhabitants, a perpetual, non-exclusive easement over and upon land areas shown as or designated as Open Space on the FRD Plans for purposes of conservation and engaging in passive recreational activity. Declarant reserves the right to make reasonable rules and regulations as to the method, time and manner by which access on and over the Open Space may be achieved.”
- Town of Hingham Enforcement: “The Town of Hingham is hereby deemed to be a third party beneficiary of the Trust for the purpose of enforcing, in law or equity, any provision of this Trust that is expressly required pursuant to the Hingham Zoning By-Law or any decision, permit or approval issued by any permit granting authority, which shall include the right to receive reimbursement from the Trust for the cost of work performed by the Town; provided, however, that the Town of Hingham shall have no obligation to so enforce any provision of this Trust or undertake any obligations hereunder, and neither the Town of Hingham, nor any board, committee, agency, elected official, officer, or municipal employee of the Town shall be liable for any default or obligation of any party subject to this Trust.”

In addition, Bristol Bros. requests that the Board include as special conditions that (i) use of the Natural Trail within the Open Space shall be at the sole risk of the persons availing themselves of the recreational use of the property, in accordance with M.G.L. c. 21, § 17C, and (ii) that the Natural Trail within the Open Space may only be open to the general public from dawn to dusk.

Thank you for your attention to this matter.

Very truly yours,



Jeffery A. Tocchio, Esq.