

Roger Marquis, Chairman
Donald Keller - Member
James Carty - Member
Patrick Guertin - Alternate
Brian Lord - Alternate



TOWN OF MENDON
ZONING BOARD OF APPEALS
Mendon Town Hall
20 Main Street
Mendon, Massachusetts 01756

August 16, 2007

Bridlewood Public Hearing, Town Hall 7:30 PM

ZBA Attendees:

Roger Marquis, Chairman
Don Keller
Jim Carty
Patrick Guertin
Jay Talerman, ZBA Counsel

Applicant Attendees:

Mujeeb Ahmed
Chris Agostino, Applicant Counsel

7:42 PM Roger Marquis opens the hearing by reading the public hearing notice with applicant's intent.

Chris Agostino legal counsel for Mujeeb Ahmed/Bridlewood explains reasons for public hearing and changes that have been made to the Bridlewood development. He states that the original application had (44) units, now down to (20), which was submitted to HAC (Housing Appeals Committee). Attorney Agostino explains to the board that drainage, water flow and drinking water wells were the main concern with original application. Two engineers disagreed and had major conflicts with the water flow on the property as well as the wetlands crossing. The ZBA engineer particularly was concerned with the wetlands crossing. Attorney Agostino explains that there has been changes made to the proposal & detention basin and that HAC remanded Bridlewood back to the ZBA board to consider changes. Three major changes consisted of the entranceway (wetlands crossing), detention basin & lot changes.

8:02 Attorney Talerman, ZBA counsel, states that his opinions are different than Attorney Agostino's. Talerman states that after meeting with Bridlewood; they made changes due to the then known deficiencies. Talerman explains reasons for remand back to the ZBA. He explains Storm Water Management guidelines and how Mendon Conservation Commission (concom) only approved (6) house lots. Talerman also explains at the hearing how peer review was denied by the applicant. Talerman continues explanations of original denial that pertained to single access entryway, safety issues and how there was no approval by a funding agency (expired funding). He explains on how the preceding issues should be cleared up. Talerman also explains that due to Bridlewood and other property owned in Mendon being in Tax Title that Mujeeb does not have full control of premise due to this issue. Talerman explains that Mendon's local by-law state that

an application can be denied to be accepted due to delinquent taxes and suggests an escrow account.

8:15PM Attorney Agostino states that Mujeeb tried to cure tax delinquencies. Agostino submits to ZBA board a letter from the Tax Collections department that he was there trying to do so but due to Christine Kupstas being in classes all week, he could not pay because she is the only one to give the amount owed when property is in Tax Title. Mujeeb explained that he would be in on Monday (August 20th) to resolve the delinquent taxes. Agostino then continues to explain to the board that the new Bridlewood plans have not changed enough for a peer review. He directs the board to review exhibit B (plan with changes) & C (wetlands crossing) and to note changes and note deficiencies.

Talerman and Agostino in conversation disagree with who regulates water protection and storm management. Agostino states that the disagreement is a technical engineering dispute.

Roger breaks and introduces the board to the hearing audience and explains who will be voting on any issues.

Attorney Talerman explains how the Conservation Commission should have a review of the (6) lots to (20) and Attorney Agostino agrees. Also Talerman states that a local protection by-law should be adopted.

8:23PM Kathy Coffey-Daniels, 124 North Avenue of the Mendon Planning Board speaks of the wetlands crossing and questions if Bridlewood will be using the same design previously for crossing. She continues to speak about public safety issues and protection of wetlands. Concom approved crossing with waivers and that a review will need to be done with new design. She also explains that a waiver was given on the width of the road only for (6) homes, not (20).

Attorney Talerman agrees that the road has changed and that public safety is a big issue. He also continues to board that the Wetlands Protection Act should be looked at and that he is not sure if the drainage is adequate now.

Attorney Agostino states that there are no new issues and asks that the ZBA acknowledge the changes and allow professional engineers to go before HAC. He also states that Bridlewood/Mujeeb will not fund an expert because he feels that are no changes.

Roger questions if a facilitator will be funded and Agostino states that Bridlewood/Mujeeb will not fund legal fees. Talerman states that the board is looking for technical advice not adversarial advice and believes at this point it should be fundable.

Tom, Lane, 38 Vincent Rd, speaks of March expiration.

Deb Lane, 38 Vincent Rd, requests that the ZBA not make any decisions tonight and states that she is concerned about the aquifer.

Philip Runci, 21 Ashkins Drive, States that he wants this project denied and deemed unbuildable.

Brett Thibault, 28 Vincent, believes that the issues were not just about two engineers disagreeing and that nothing should be built there due to the wetlands.

Attorney Agostino states that Bridlewood's/Mujeeb's engineer agreed that the property was buildable at 44 and at 20 homes.

Nancy Macari, 5 Blueberry Drive, states trouble with her well and also questions safety concerns and septic.

Ellen Oronato, Grafton Resident, states their town lost with HAC.

Attorney Agostino explains that the septic will be in the same location and does not have map with him. Also states that the engineer passed off on the septic plan

Roger Marquis explains that the septic must be at least 100 feet away.

Kathy Coffey Daniels, Planning Board, submits to the board the 8/25/05 planning board decision.

Jay Talerma states that engineering reports can go stale and that they should be updated.

Magaret Hartwig, 6 Butler Road, asks is plan went before the HAC and if Bridlewood can make changes once submitted?

Attorney Agostino explains that the plans are now before the ZBA and that plans may change before the HAC. He states that plans are a "floating target" and "evolve over time". He reiterates that HAC asked the parties to cooperate and states that the board should just deny the project if the board does not find new changes acceptable. He states again that no engineer is needed because the plans have not changed and that the dispute is between the experts. Agostino asks the board to acknowledge the changes and review and that funding is not required.

Alan Tetreault, Highway Surveyor, 28 Asylum Street, states that only (6) lots were approved by concom not (20).

Mike Ammendolia, selectman, 186 Blackstone Street, explains how he was on the concom before and that the wetland crossing was not approved for a larger sub-division.

Shirley Smith, 188 Providence Street, reads "Thompson-Liston Associates copies letter to Conservation Commission that says: "The applicant proposes the construction of a total of twenty (20) single family homes. Eleven (11) homes are partly or wholly within the buffer zone to the Bordering Vegetated Wetland. Ch. 40 law (Of which 40b is a part) says that any changes over 10% are considered substantial. A change from 6 houses to 20 houses, 11 of which are within the buffer zone, is large enough and substantial. This is a 300% change and far exceeds the 10%."

Lawney Tinio, Chairman, Selectman, 52 Milford Street, asks if the plans presented are new plans and Attorney Agostino answers yes.

Don Keller, ZBA board member, 10 Cape Road, believes that Bridlewood should test now that there are well problems in the area. Mr. Keller also speaks of the wildlife issues and how the stream is a cold-water fishery (only 20 in the state). The original application said that there were none but now it is a confirmed yes.

9:10 PM Jim Carty makes motion to close hearing and continue September 20th at 7:30PM on the grounds that the board does not have enough information to make a decision.

Don Keller, 2nd the motion and motion carried by voting members.