



# Town of Abington

500 GLINIEWICZ WAY  
ABINGTON, MA 02351

## Zoning Board of Appeals 781-982-2100

### Minutes

September 11, 2014

Cotter Room

7:00 p.m.

**Members Present:** James Haney, Lisa Bezanson, John Shepard, Sean Reynolds, Marshall Adams, Building Inspector/Zoning Enforcement Officer  
**Absent:** William Mullen

Mr. Haney opened the meeting with a moment of silence for the innocent people who died thirteen years ago today.

**Minutes:** August 14, 2014 – motion to approve made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

7:05 p.m. **Continued hearing, petition of Estate of Francis and Wilhelmina Messier, c/o Patricia Louis, 902 Main Street, Hanson, for: a special permit to construct a single family home in the Floodplain and Wetlands Protection District on Lot 1, 899 Washington Street, under Abington Zoning By-Laws Sec. 175-35. The property is located on Assessors Plan 39, Plot 47, 46 & 45, in the R-30 Zone.** Voting members: James Haney, Sean Reynolds, Lisa Bezanson (for Mr. Mullen). Mrs. Bezanson made the disclosure that she, her husband and their company have done business with the Russell Wheatley Co. in the past, but has nothing to do with this petition.

Sewer advisory – there is a limit of 250 gallons per day, if capacity is available at the time of connection. Russ Wheatley and John Cotter gave presentation. They have moved the swale. Footprint of building got reduced in size and moved forward to be 40' from street. Driveway moved to front entry into proposed garage, which allowed drainage swale on this property along proposed property line, so that water will stay on this lot and move easterly to rear of property. Not bringing water onto neighbor's property. A copy of Order of Conditions was received from the Conservation Commission. Nothing has changed on the impact statement. They felt they had addressed board's concerns. Opened to floor, with no comments and brought back to the table.

Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Reynolds, unanimous.

7:10 p.m. **Continued hearing, petition of John Wieliczki, Jean Bumpus, Peter Wells & Paul Wieliczki, 5 Dale Street, for: a variance to create two residential house lots requiring relief from the minimum lot width on Lots 1 and 2, 5 Dale Street, under Abington Zoning By-Laws Sec. 175-29. The property is located on Assessors Plan 64, Plot 6, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, John Shepard for Mr. Mullen.

Sewer advisory – capacity does not exist at the present time. John Cotter and Russ Wheatley gave presentation. Frontage was issue at previous meeting. There is frontage on Dale Street and Vineyard Road; they were short on lot width. The plans were revised. They are requesting variance for lot width. Mr. Wheatley – as far as Lot 1 for lot width variance, the house would still conform to minimum side setbacks. Mr. Cotter - sewer pipe comes from Dale Street. There is a connection already on Dale Street. The other lot comes in off of Vineyard Road. They are before Conservation also.

They adjusted property lines on plan. It actually forms two Form A lots and lot width variance is not required. They would rather go with lot width variance plan, but they wanted to run this by the board. It could be a conditional approval that no commercial vehicles would be parked on the residential lots. They will have to go to Planning Board. Mr. Haney - didn't know if board could restrict parking a commercial vehicle on their property. Mr. Cotter – they suggested that to make the neighbors more secure that if and when this is approved, they wouldn't have the same situation tomorrow that they have today. The existing house is to be removed, and two houses to be built and sold. Arrangements have been made to move equipment off site when he receives approvals. Revised plan didn't show a garage, but it doesn't mean one can't be built according to setback requirements, 10' off the property line.

John Shepard - asked about DEP cease and desist. Peter Wells, one of the owners – DEP heard from the neighbors that the wetlands were being filled, and cease and desist was put on the property. Conservation did site walk. First plan submitted to ZBA would allow decision with conditions, second plan would not. Russ Wheatley was involved back in 2001 to assist Peter in pulling everything back. He was trying to compost and some of the material went down into the wetlands. He was given a limit and everything was moved back and removed. To his knowledge, DEP was satisfied with everything that was done at that time. Mr. Shepard – was concerned that there was something additional going on. Mr. Cotter – they were before Conservation two weeks ago, and site walk was done. They go back to Conservation on 9/23. They will address any and all concerns on the property.

Opened to floor:

Atty. Kenneth DiFazio, representing David and Dorie Hall who were on vacation. He had a professional surveyor engineer go out and take a look at the lot. After review, he has four issues that he'd like the board to consider before making its decision. Submitted letter to board. Hadn't seen revised plan. Letter attached. Wasn't convinced after looking at the Conservation record and this board's record that the accurate wetlands line has been determined. Cease and desist hasn't been completed and lifted. Wetlands line changed from years ago due to dumping materials. Questioned 15,000 s.f. calculation of upland because the determination of where the wetlands line would dictate how the 15,000 s.f. is calculated. There isn't a calculation on the plan shown. Mr. Wheatley – wetlands have been flagged by a qualified botanist and complies with bylaws. Mr. DiFazio – there is a cease and desist on the property due to Conservation; it is important that the line is accurate. Mr. Wheatley – it has been flagged by a botanist. Mr. DiFazio – wants the board to make sure that there is 15,000 s.f. of upland. Mrs. Bezanson – the square footage of upland for both lots is listed on the plan. Mr. DiFazio wanted to see calculation; questioned accuracy of wetlands line. His clients think there is a vernal pool at back of property. Thinks Conservation should determine whether there is a vernal pool or not,

because the wetlands line could change again because there is a 100' buffer from a vernal pool. Please confirm this before making a decision.

Mr. DiFazio had an issue with #8 on Dimensional Chart re – minimum front lot depth is 35' on Lot 1. The minimum lot width on this lot should be 110'. The revised plan deals with that issue. Mr. Haney explained that with the revised plan, they would not need relief. The original plan would require relief and would be more attractive and conditions could be added. Mr. DiFazio requested a continuation due to new proposal. Mrs. Bezanson – the applicant complied with what the board asked them at the last hearing. Mr. Cotter - revised plan was presented at Conservation on 8/26 and Mr. DiFazio's clients did see it. Mr. DiFazio just asked the board to consider the points that he brought up. His client objects to this due to the nature of the neighborhood. Doesn't feel it meets the criteria for variance. It would be making a pork chop lot, isn't conducive to neighborhood. Mr. Haney – the new plan complies with the frontage and width, although original plan was more desirable. If he were in this neighborhood, he would prefer the plan with the variance which could be conditioned.

Maureen Delsignore, 6 Beaver Lane - is road being extended on Vineyard Road? Mr. Cotter - there are no plans to continue the road.

Dennis Delsignore, 6 Beaver Lane - are they filling in? Mr. Cotter – yes, but not very much. He was concerned that the runoff would be in his backyard if fill is brought in. Mr. Cotter – the runoff doesn't flow against the contours. There is already a swale that goes to the wetlands. There will be about 1 ft. of fill at front of house to be brought in and a couple of feet at back. They aren't changing the direction of runoff. Everything coming off this lot will be caught in the swale and go into the wetlands, which it is doing already. They are working in the 100' buffer zone, but not filling in the wetlands.

Richard Curtin, 16 Beaver Lane – which plan are they asking for? The revised plan wouldn't require relief, but they would prefer the first plan requiring variance. Mr. Reynolds – the second plan would be in full compliance. The plan that requires the variance could be conditioned and would lock in R-30 and hopefully eliminate the commercial use. Mr. Cotter – they still have to go to Conservation with either plan.

Motion by Mrs. Bezanson for a variance to create two residential house lots requiring relief from the minimum lot width on Lots 1 and 2, 5 Dale Street, be approved with the stipulation that the newly created properties will not encompass vehicle storage that does not comply with the existing bylaws, seconded by Mr. Shepard. Mr. Reynolds wanted the plans entered into record that plan marked Exhibit A is approved, and Exhibit B is for reference, not requiring Zoning relief. Unanimous.

7:15 p.m. **Petition of Nicholas & Kathleen Marzocca, 76 East Street, Abington, for: variances for frontage, lot width, area and front setback for Lot 1; variances for lot width, area and front and rear setback for Lot 2, to subdivide the property into two residential house lots consistent with the neighborhood at 76 East Street, under Abington Zoning By-Laws Sec. 175-29. The property is located on Assessors Plan 65, Plot 110, in the R-20 Zone.** Voting members: Lisa Bezanson, John Shepard, Sean Reynolds. Mrs. Bezanson made the

disclosure that she, her husband and their company have done business with the Russell Wheatley Co., but have no interest in this petition.

Sewer advisory - system development fees to be paid prior to building permit sign off. Email received from Mary Elloyan, 2 Colantoni Way, in objection (copy attached).

John Cotter and Russ Wheatley gave the presentation. Petition is for variances to create a single family house lot on corner of East Street and Savine Street. They feel granting the variances would be consistent with allowances in neighborhood. Supplied locus map showing size of neighboring lots that shows a number of lots that do not conform to the requirements that are in this area. These lots would be consistent with the neighborhood. Would be configured so that existing house would have conforming setbacks for sides and rear. It does not conform to the front setback requirements. Recently there have been lots in this area that received relief. Mr. Wheatley pointed out that the lots in yellow on locus map do not conform to current requirements. House proposed is 30' x 50', similar to houses constructed across the street (26' x 44). Mr. Wheatley - argument would be that they would be held at higher standard. Mr. Haney - the email mentioned commercial vehicles parked there. Where would parking go for 76? That portion of the driveway would be eliminated. Marzocca son-in-law explained the commercial vehicles that were there are gone now, won't be back. Email from Troy Wood received in support.

Open to floor:

Glenn LaPointe - abutter across the street - in favor.

Closed and brought back to table. Mr. Shepard - what are their plans? Existing house would be sold, and the Marzoccas would live in the new house with their daughter and son-in-law. Mr. Shepard felt they made a good argument for this proposal, and it is in character with the neighborhood.

Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Reynolds, unanimous.

**7:20 p.m. Petition of Gosselin Home Builders LLC, 1540 Bedford Street, Abington, for: special permit and variances to construct a residential dwelling consisting of ten 1-bedroom units at 154 Bedford Street, under Abington Zoning By-Laws Sec. 175-21A(4), 175-40C(4), 175-40B(1), 175-66A, and 175-43A(1). The property is located on Assessors Plan 23, Plot 18, in the Transitional Commercial Zone.**

Voting members: James Haney, Lisa Bezanson, John Shepard. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly and Gosselin Home Builders, but have no interest in this petition.

Sewer advisory - capacity doesn't exist at the time. Letters received from Debra Tower, 20 Block Street and Bill Mullen, 25 Block Street in opposition (read and attached).

Atty. Shawn Reilly, Steve Gosselin and Paul Mirabito, Ross Engineering gave presentation. House is in bad shape. Mr. Gosselin purchased property and has started cleaning it up (took 26 tires out of the backyard and 256 tires out of the house). Building will be torn down and what is

proposed will have smaller footprint than existing building and will have stormwater management system that present house doesn't. Water currently flows right to left. They will be redirecting water from Abington Woods property, collecting it and channeling it to right side of property. Water from the roofs will be collected and channeled to the right, and everything that hits the parking lot will be directed to the right.

Proposing 10 one-bedroom apartments, similar to 262 Adams Street. Will have same layout, 23 parking spaces, will be well-maintained property. They are looking for special permit for multifamily. Will have town water and sewer, but will have to wait for sewer. They still have to go through Planning Board. Footprint will be smaller than existing house and barn now. Will be residential lighting fixtures, no spotlights. Nine foot parking spaces decrease impervious surface and increases grass and landscaping, making it a much nicer looking property, better design. Fence - they are required to put 6' tall fence on 3 sides. There is an existing fence along Mr. DePeiza's property, and they are going to replace that with a 6' tall fence. They are asking for a variance for the back lot line which is existing forest. It's the Abington Woods property. There are a ton of trees right now and a fence won't do much. If they need a fence, that's fine, but they are asking for a variance because that seems like a waste. On right side there is stone wall. Topography right now is that their parking lot will be lower than stone wall; headlights would be shining into stone wall. They don't want to hide stone wall. They are looking to esthetics. Parking is on rear and side, but in TC there is no parking in the front yard area.

They can fit 10' spaces, but that will be more paving, and less landscaping. Dumpster - location pointed out and will be screened. They will put the fence up if there are concerns. Mr. Reynolds - had concerns re 9' parking space request. Atty. Reilly - the parking lot at 262 Adams Street is never full. There is very little going in and out. They think it's a better design. There is no delegated handicap space, and is not a handicap accessible building. They looked into fewer apartments with two bedrooms, but that would require more parking spaces. One bedrooms attract single people, not people with children. This a nice style building.

Mr. Haney - question re water. Mr. Mirabeto - they did test pits. Based on pits, they would use underground infiltrators on right hand side of lot. Roof drains would go underground. Will be part of site plan with Planning Board. Would be less impact to abutters than exists. He has been in industry since 1971 and has had his own business since 1985. Never had a project that they have had a problem with. Mr. Haney - where will snow go? Nine foot parking spaces would give them a little more room for this. For a large storm, they would have to hire someone, or use a backhoe.

Opened to floor:

Edwin DePeiza - 136 Bedford Street - has big barn and has had frequent problems with runoff. Has put in extra sump pump, and in summer is still pumping. Concerned with melting snow. Water goes from barn into basement of house. Mr. Haney - this design looks like it will help his property. They will have to go through Planning Board. Water is being put under the parking lot to go into natural ground water. Atty. Reilly - right now, everything flows towards Mr. DePeiza's property. Encouraged Mr. DePeiza to attend the Planning Board meetings when they are scheduled. Won't alleviate his problems, but should help because there is no control of the water now. Mr. Reynolds - how often does an underground system get checked? They would

have maintenance schedule and will follow stormwater guidelines. Mr. Shepard – is concerned with so much development on so little land, but felt this proposal does preserve the look of residential.

Mr. DePeiza - as far as fence, concerned with lights from traffic. Atty. Reilly - they are planting evergreens in addition to 6' fence so headlights should be blocked. They will put new fence on property line. Mr. Haney – variance to be revised, to reflect no fence on north side of property to preserve the stone wall, and 6' solid fence along southerly and westerly property line.

Motion by Mrs. Bezanson to approve the project revising variance with 6' solid fence along southerly and westerly property lines and no fence on north side of property to preserve the stone wall, seconded by Mr. Shepard, unanimous.

**7:25 p.m. Petition of David Harris, 622 Richard Fitts Drive, Abington, for: special permit to construct a second garage (24' x 32') on the lot at 622 Richard Fitts Drive (aka 622 Randolph Street), under Abington Zoning By-Laws Sec. 175-26C. The property is located on Assessors Plan 57, Plot 82, in the R-30 Zone. Voting members: James Haney, John Shepard, Sean Reynolds.**

Mr. Harris would like to extend existing driveway and construct a second garage 24' x 32'. Garage will be strictly for cars. Board felt it was consistent with neighborhood and did not have any issues. There was no one in the audience.

Motion to approve made by Mr. Reynolds, seconded by Mr. Shepard, unanimous.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

  
Nancy Hurst

THE LAW OFFICE  
OF  
**KENNETH J. DIFAZIO, ESQ.**  
119 BROAD STREET  
P.O. BOX 422  
WEYMOUTH, MASSACHUSETTS 02188  
TELEPHONE: 781.335.2121 • FAX: 781.331.9471  
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September 10, 2014

Town of Abington  
Zoning Board of Appeals  
500 Gliniewicz Way  
Abington, MA 02351

RE: Application for Zoning Relief of Jean Bumpus dated 07/17/14 (5 Dale Street)

Dear Sir/Madams;

This Law Office represents the interests of Mr. David Hall and Mrs. Dorie Hall who, as you know from appearing at previous meetings, are abutters to the subject property 5 Dale Street. Mr. & Mrs. Hall have requested that I appear on their behalf at the September 11, 2014 meeting of the Board.

I have discussed the case with my clients and reviewed the Petitioner's application for relief as well as an ongoing Conservation Commission filing and DEP file No. 084-0487 and respectfully bring to the board's attention the following:

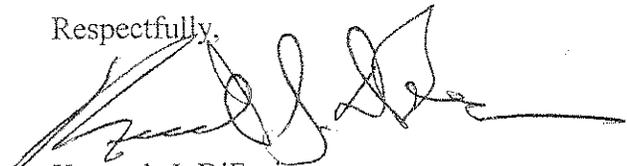
1. The subject property is currently under an enforcement order issued by the Abington Conservation Commission. The order is in place demanding a cease and desist. The issue before that board is the ability to establish a Wetlands Buffer Zone due to past filling of landscape materials in the buffer zone. To date, the Wetlands line and the buffer zone have not been determined by the commission. Without this determination the Board of Appeals is unable to insure that the Petitioner's application complies with the dimensional and density regulations set forth in the zoning by-law. Specifically, footnote (9) of the Table 175: A11 cannot be determined at this time.
2. The wetlands directly behind the proposed buildings potentially include a vernal pool within the resource area. Pursuant to the Abington Wetland Bylaw Chapter 171 the term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. If it is determined by the commission that a vernal pool

exists the wetlands line will be adjusted to comply with the 100 ft. boundary and thereby adversely affect the upland lot area for both proposed lots resulting in non-compliance with the dimensional and density requirements of the zoning regulations. Until the determination of the location of the wetland line and the determination of whether a vernal pool exists on the property compliance with this board's regulations may be impossible and I respectfully request that the board stay any proceedings before the Board until both matters are resolved by the Conservation Commission.

3. The plans currently submitted by the applicant do not include a calculation of the upland lot areas for each of the two lots. Therefore, the board is unable to determine compliance with footnote (9) of the density and dimensional regulation table 175: A11. After resolution of the issues in number 1 and 2 above the applicant should be required to accurately delineate the wetland boundaries and provide upon the plan the required calculation of the upland area for both lots.
4. The current plan indicates a minimum front yard depth of 35 feet on Lot No. 1. The minimum lot width is 110 feet pursuant to the dimensional table. Pursuant to footnote (8) of the dimensional table the minimum front yard depth of 35 feet is required for a distance of 110 feet as it relates to the street line. Complying with this requirement will require a change to the current plan and this change may adversely affect the upland square footage of Lot No. 2.

In closing, I submit attached to this letter a copy of Mr. Stephen P. DesRoche, P.I.S of Neponset Valley Survey Associates letter dated September 10, 2014 which outlines his review of the application and I respectfully request that each of the above issues presented be deliberated by the board and conclusively resolved on the record.

Respectfully,



Kenneth J. DiFazio

NEPONSET VALLEY SURVEY ASSOCIATES, INC.  
65 WHITE STREET • QUINCY, MA 02169  
TEL. 617-472-4867 • FAX 617-472-2582

STEPHEN P. DesROCHE, P.L.S., PRESIDENT

ASSOCIATES  
Edward J. Farrell, P.L.S.  
Shawn Hardy, P.E.  
David D. Lonata, P.L.S.  
James L. Nahstedt, P.L.S.  
Hiram H. Sletman, P.E.  
Ronald P. Thumberg, P.L.S.  
Wynne Pitts, P.E.  
Paul Tyrell, P.E., P.L.S.

September 10, 2014

Mr. & Mrs. David Hall  
29 Dale Street  
Abington, MA 02351

Re: Proposed 2 lot subdivision  
Dale Street  
Abington

Dear Mr. & Mrs. Hall

Pursuant to your request, we have reviewed the plans for the proposed two lot subdivision at 5 Hall Street and have the following comments.

1. The engineered site plan has neither elevations nor details given for the proposed retaining wall.
2. The Shumatuscacant River is shown running in a southeast to northwest flow. We believe this to be incorrect as to location and we believe it runs approximately south to north. There is no North arrow indicated on the drawing although we believe that Dale Street runs approx. south to north.
3. The applicant is supposed to have 15,000 S.F. of contiguous upland per zoning for lot 1. We believe Lot 1 to have slightly over 11,000 S.F. of contiguous upland.
4. We concur with Attorney DeFazio's written comments regarding the potential of a vernal pool to the rear of Lots 1 & 2 thus changing the potential layout of the proposed houses on Lots 1 & 2.
5. Lot 1 does not have the minimum lot width according to the zoning regulations of the Town.

These are our review comments based upon only reviewing the one copy of the site plan furnished.

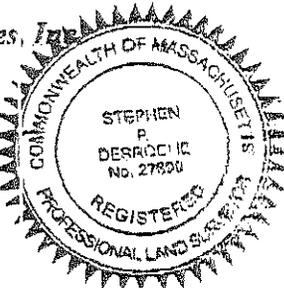
Should you have any further question or comment, please call.

Very Truly Yours;

Neponset Valley Survey Associates,



Stephen P. DesRoche, P.L.S.  
President



76 East Street

Nancy Hurst

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From: Mary Elloyan [mcepost@hotmail.com]  
Sent: Thursday, September 11, 2014 1:58 PM  
To: Nancy Hurst  
Subject: Petition for variance of Nicholas & Kathleen Marzocca

Hi,

I am unable to make the meeting tonight due to work. But I was in today and picked up the plans where the Marzocca's wish to obtain a variance to build their home. I studied the plan and looked at the property. It seems to me that the house they wish to build may be too large for the lot, not enough frontage. It will sit very close to the neighboring garage. It sits very close to the street at 25' and there is no area on the plan that shows where the garage/parking will be. Presently I note that there are commercial vehicles parked in the driveway at 76 East Street. Where are they to be parked if not there in the driveway that is there presently? I think if they park on the street the neighborhood will look more like a city than the small town we live and it will become very tight. I also feel that aesthetically speaking, the size of home they wish to build is not in keeping with "that area". And I wonder how that will affect the value of my home. Will things look too cramped? Up the street, I'm not sure of the address, but the house is red (on East Street), the gentleman tried to sell his home this past year, but could not...he had another house in his backyard. On East and Savine Streets, the homes are of an older style... "smaller" ranches or capes.

On the plan, I see that the corner will be built out more into the road than where it visibly looks like it ends presently. Another concern I have had since I've lived here this past year is that when people come down East Street, they miss the turn onto Pine Street to detour out to 58. Myself and other neighbors have commented on the fact that they come to a sudden stop (driving 40 mph) or go into a large circle at the end of East and Savine Streets to turn around without stopping because of speed. Children on bicycles and pedestrians are regulars in the area and I worry for their safety as well as my own. There should be a 3 way stop sign at East and Pine Streets so people have a minute to realize that the detour sign shows 58 takes a left on Pine Street. This is a huge safety issue. If the prospective owners put up a fence on the corner it will be a blind spot to the neighbors and cars that miss the Rte 58 detour sign.

Thank you for your attention.

Mary Elloyan  
[mcepost@hotmail.com](mailto:mcepost@hotmail.com)  
617-823-7775

To: Abington Zoning Board of Appeals  
Mr. Jim Haney Chairman et al  
Re: Proposal for 154 Bedford st

I apologize for not being able to attend tonight but I am obliged to attend a wake for the father of a good friend.

I look forward to the property on 154 Bedford being developed. I do however have some serious concerns regarding this particular proposal

My main objection to this proposed project is the following. This property resides at nearly the bottom a half mile long hill. As you know the top of the hill starts up at the oil change place next to Lowes. Once you reach Block st the terrain proceeds back up hill. Rain water and run off flow down the entire hill through the Abington Woods (Avana) property and forms into a stream that comes down and crosses the Abington Woods emergency access road (behind my house @ 25 Block). Most of the water flows to a pond off Rockland st but a percentage of it during heavy rains and springtime melt, turns towards Bedford st and travels down around the access road and into the backyards of 154 Bedford as well as the property next to it. Looking at the topography you can see the low point of 154 in the rear corner of this lot.

This makes 154 Bedford st and Edwin Depeiza's red house next door the defacto catch basin of the neighborhood. Often in the spring I have witnessed up to a foot of water in these back yards during the spring rains.

To put a project such as this in with a proposed 65% lot coverage would certainly flood out my neighbor Edwin at his property on the corner of Bedford and Block. I snapped a photo of the back yard dated, May 2<sup>nd</sup> 2014 the weather records indicate two days of light showers yet in this photo you can see evidence of standing water in the lower portion of the yard. Allowing a project of this size would create an extreme hardship for the houses downhill.

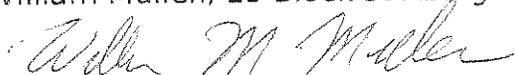
Regarding 175-66A the request to waive the fence. 175-66A states that this type of property needs either a solid type screen 6' high complemented by suitable plantings or "residential properties being buffered by a strip at least 20' wide of natural growth trees, if existing, or a natural growth of trees and thick planting. Or a double row of evergreen trees no more than 20' apart." If you view the plans Gosselin builders is proposing is to not only waive the fence requirement but also waive the 20' buffer, as clearly the plan only shows a line of two or three feet. My objection is that as an abutter the barrier would only be a couple feet of deciduous trees and bushes which lose their leaves in October and do not re-leaf until May. Thus for seven months a year I have headlights shining into my property.

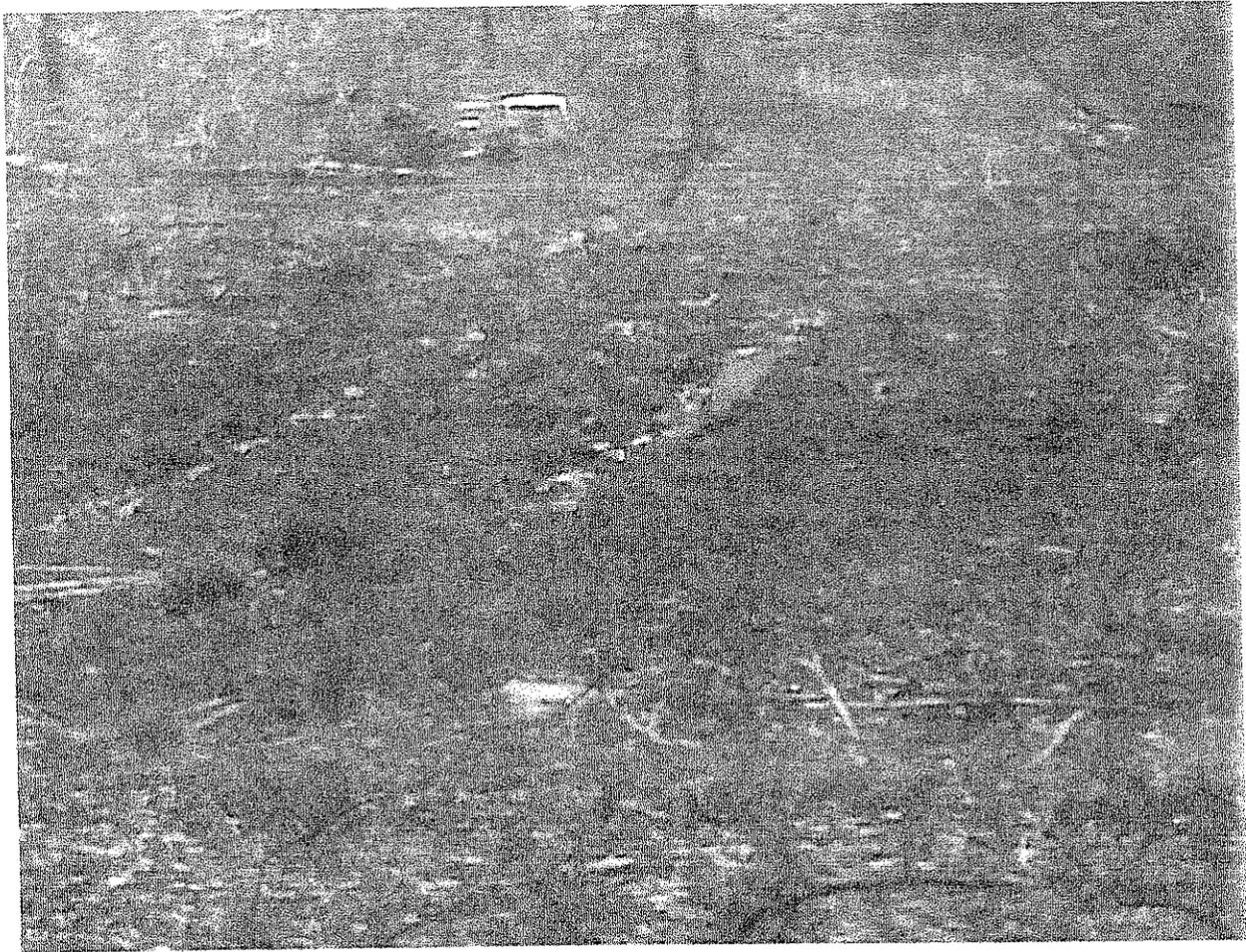
Additionally not fencing in the property exposes the neighborhood to an infestation from animals accessing the dumpster.

In reference to the petition of the relief from 175-66A I ask that it be denied.

Regards,

William Mullen, 25 Block st Abington Ma





Picture of 154 Bedford st. Taken May 2<sup>nd</sup> 2014 @ 8:32 am. Taken from the Abington Woods access Road facing Bedford Street. Edwin Depeiza's property on immediate right.

104 Deborah A. Tower

RECEIVED

SEP - 3 2014

BOARD OF SELECTMEN  
TOWN OF ABINGTON

Deborah A. Tower  
20 Block Street  
Abington, MA 02351

Town of Abington  
500 Gliniewicz Way  
Abington, MA 02351

To: Zoning Board of Appeal  
James Haney, Chairman

Dear Mr. Haney,

I'm writing this to you in regards to the construction that is planned at 1540 Bedford Street (Assessors Plan 23, Plot 18) by Gosselin Home Builders, LLC. My concerns stem from my past experience with the construction that took place some years ago to develop Abington Woods. I don't believe enough planning was pursued by the contractors of that property to consider the underground water and it's drainage that existed on that property . As a result of that construction because of the geography of the area my basement at 20 Block Street has become unusable for remodel OR storage. Even with the installation of a French drain and three (3) sump pumps I still have been unable to control the flooding on a consistent basic to feel secure enough to utilized the space except as a mechanical room. And if any of the sump pimps fail, the basement floods putting the heating systems and hot water heaters at risk for failure and need for replacement. This has happened twice in the last ten years as a result of overworking the three sump pumps to failure.

We have barely been able to keep the flooding under control and now more construction is being planned that will again affect the flow of underground water in this area. I would appreciate it if the board would look closely at the drainage in this area before allowing this new construction of 10 one bedroom units to proceed. Please consider the impact it will have on my house and others that are affected by this drainage pattern.

With sincere respect,



Deborah A. Tower



# Town of Abington

500 GLINIEWICZ WAY  
ABINGTON, MA 02351

## Zoning Board of Appeals 781-982-2100

Minutes  
September 11, 2014  
Cotter Room  
7:00 p.m.

**Members Present:** James Haney, Lisa Bezanson, John Shepard, Sean Reynolds, Marshall Adams, Building Inspector/Zoning Enforcement Officer  
**Absent:** William Mullen

Mr. Haney opened the meeting with a moment of silence for the innocent people who died thirteen years ago today.

**Minutes:** August 14, 2014 – motion to approve made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

7:05 p.m. **Continued hearing, petition of Estate of Francis and Wilhelmina Messier, c/o Patricia Louis, 902 Main Street, Hanson, for: a special permit to construct a single family home in the Floodplain and Wetlands Protection District on Lot 1, 899 Washington Street, under Abington Zoning By-Laws Sec. 175-35. The property is located on Assessors Plan 39, Plot 47, 46 & 45, in the R-30 Zone.** Voting members: James Haney, Sean Reynolds, Lisa Bezanson (for Mr. Mullen). Mrs. Bezanson made the disclosure that she, her husband and their company have done business with the Russell Wheatley Co. in the past, but has nothing to do with this petition.

Sewer advisory – there is a limit of 250 gallons per day, if capacity is available at the time of connection. Russ Wheatley and John Cotter gave presentation. They have moved the swale. Footprint of building got reduced in size and moved forward to be 40' from street. Driveway moved to front entry into proposed garage, which allowed drainage swale on this property along proposed property line, so that water will stay on this lot and move easterly to rear of property. Not bringing water onto neighbor's property. A copy of Order of Conditions was received from the Conservation Commission. Nothing has changed on the impact statement. They felt they had addressed board's concerns. Opened to floor, with no comments and brought back to the table.

Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Reynolds, unanimous.

7:10 p.m. **Continued hearing, petition of John Wieliczki, Jean Bumpus, Peter Wells & Paul Wieliczki, 5 Dale Street, for: a variance to create two residential house lots requiring relief from the minimum lot width on Lots 1 and 2, 5 Dale Street, under Abington Zoning By-Laws Sec. 175-29. The property is located on Assessors Plan 64, Plot 6, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, John Shepard for Mr. Mullen.

Sewer advisory – capacity does not exist at the present time. John Cotter and Russ Wheatley gave presentation. Frontage was issue at previous meeting. There is frontage on Dale Street and Vineyard Road; they were short on lot width. The plans were revised. They are requesting variance for lot width. Mr. Wheatley – as far as Lot 1 for lot width variance, the house would still conform to minimum side setbacks. Mr. Cotter - sewer pipe comes from Dale Street. There is a connection already on Dale Street. The other lot comes in off of Vineyard Road. They are before Conservation also.

They adjusted property lines on plan. It actually forms two Form A lots and lot width variance is not required. They would rather go with lot width variance plan, but they wanted to run this by the board. It could be a conditional approval that no commercial vehicles would be parked on the residential lots. They will have to go to Planning Board. Mr. Haney - didn't know if board could restrict parking a commercial vehicle on their property. Mr. Cotter – they suggested that to make the neighbors more secure that if and when this is approved, they wouldn't have the same situation tomorrow that they have today. The existing house is to be removed, and two houses to be built and sold. Arrangements have been made to move equipment off site when he receives approvals. Revised plan didn't show a garage, but it doesn't mean one can't be built according to setback requirements, 10' off the property line.

John Shepard - asked about DEP cease and desist. Peter Wells, one of the owners – DEP heard from the neighbors that the wetlands were being filled, and cease and desist was put on the property. Conservation did site walk. First plan submitted to ZBA would allow decision with conditions, second plan would not. Russ Wheatley was involved back in 2001 to assist Peter in pulling everything back. He was trying to compost and some of the material went down into the wetlands. He was given a limit and everything was moved back and removed. To his knowledge, DEP was satisfied with everything that was done at that time. Mr. Shepard – was concerned that there was something additional going on. Mr. Cotter – they were before Conservation two weeks ago, and site walk was done. They go back to Conservation on 9/23. They will address any and all concerns on the property.

Opened to floor:

Atty. Kenneth DiFazio, representing David and Dorie Hall who were on vacation. He had a professional surveyor engineer go out and take a look at the lot. After review, he has four issues that he'd like the board to consider before making its decision. Submitted letter to board. Hadn't seen revised plan. Letter attached. Wasn't convinced after looking at the Conservation record and this board's record that the accurate wetlands line has been determined. Cease and desist hasn't been completed and lifted. Wetlands line changed from years ago due to dumping materials. Questioned 15,000 s.f. calculation of upland because the determination of where the wetlands line would dictate how the 15,000 s.f. is calculated. There isn't a calculation on the plan shown. Mr. Wheatley – wetlands have been flagged by a qualified botanist and complies with bylaws. Mr. DiFazio – there is a cease and desist on the property due to Conservation; it is important that the line is accurate. Mr. Wheatley – it has been flagged by a botanist. Mr. DiFazio – wants the board to make sure that there is 15,000 s.f. of upland. Mrs. Bezanson – the square footage of upland for both lots is listed on the plan. Mr. DiFazio wanted to see calculation; questioned accuracy of wetlands line. His clients think there is a vernal pool at back of property. Thinks Conservation should determine whether there is a vernal pool or not,

because the wetlands line could change again because there is a 100' buffer from a vernal pool. Please confirm this before making a decision.

Mr. DiFazio had an issue with #8 on Dimensional Chart re – minimum front lot depth is 35' on Lot 1. The minimum lot width on this lot should be 110'. The revised plan deals with that issue. Mr. Haney explained that with the revised plan, they would not need relief. The original plan would require relief and would be more attractive and conditions could be added. Mr. DiFazio requested a continuation due to new proposal. Mrs. Bezanson – the applicant complied with what the board asked them at the last hearing. Mr. Cotter - revised plan was presented at Conservation on 8/26 and Mr. DiFazio's clients did see it. Mr. DiFazio just asked the board to consider the points that he brought up. His client objects to this due to the nature of the neighborhood. Doesn't feel it meets the criteria for variance. It would be making a pork chop lot, isn't conducive to neighborhood. Mr. Haney – the new plan complies with the frontage and width, although original plan was more desirable. If he were in this neighborhood, he would prefer the plan with the variance which could be conditioned.

Maureen Delsignore, 6 Beaver Lane - is road being extended on Vineyard Road? Mr. Cotter - there are no plans to continue the road.

Dennis Delsignore, 6 Beaver Lane - are they filling in? Mr. Cotter – yes, but not very much. He was concerned that the runoff would be in his backyard if fill is brought in. Mr. Cotter – the runoff doesn't flow against the contours. There is already a swale that goes to the wetlands. There will be about 1 ft. of fill at front of house to be brought in and a couple of feet at back. They aren't changing the direction of runoff. Everything coming off this lot will be caught in the swale and go into the wetlands, which it is doing already. They are working in the 100' buffer zone, but not filling in the wetlands.

Richard Curtin, 16 Beaver Lane – which plan are they asking for? The revised plan wouldn't require relief, but they would prefer the first plan requiring variance. Mr. Reynolds – the second plan would be in full compliance. The plan that requires the variance could be conditioned and would lock in R-30 and hopefully eliminate the commercial use. Mr. Cotter – they still have to go to Conservation with either plan.

Motion by Mrs. Bezanson for a variance to create two residential house lots requiring relief from the minimum lot width on Lots 1 and 2, 5 Dale Street, be approved with the stipulation that the newly created properties will not encompass vehicle storage that does not comply with the existing bylaws, seconded by Mr. Shepard. Mr. Reynolds wanted the plans entered into record that plan marked Exhibit A is approved, and Exhibit B is for reference, not requiring Zoning relief. Unanimous.

7:15 p.m. **Petition of Nicholas & Kathleen Marzocca, 76 East Street, Abington, for: variances for frontage, lot width, area and front setback for Lot 1; variances for lot width, area and front and rear setback for Lot 2, to subdivide the property into two residential house lots consistent with the neighborhood at 76 East Street, under Abington Zoning By-Laws Sec. 175-29. The property is located on Assessors Plan 65, Plot 110, in the R-20 Zone.** Voting members: Lisa Bezanson, John Shepard, Sean Reynolds. Mrs. Bezanson made the

disclosure that she, her husband and their company have done business with the Russell Wheatley Co., but have no interest in this petition.

Sewer advisory - system development fees to be paid prior to building permit sign off. Email received from Mary Elloyan, 2 Colantoni Way, in objection (copy attached).

John Cotter and Russ Wheatley gave the presentation. Petition is for variances to create a single family house lot on corner of East Street and Savine Street. They feel granting the variances would be consistent with allowances in neighborhood. Supplied locus map showing size of neighboring lots that shows a number of lots that do not conform to the requirements that are in this area. These lots would be consistent with the neighborhood. Would be configured so that existing house would have conforming setbacks for sides and rear. It does not conform to the front setback requirements. Recently there have been lots in this area that received relief. Mr. Wheatley pointed out that the lots in yellow on locus map do not conform to current requirements. House proposed is 30' x 50', similar to houses constructed across the street (26' x 44). Mr. Wheatley - argument would be that they would be held at higher standard. Mr. Haney - the email mentioned commercial vehicles parked there. Where would parking go for 76? That portion of the driveway would be eliminated. Marzocca son-in-law explained the commercial vehicles that were there are gone now, won't be back. Email from Troy Wood received in support.

Open to floor:

Glenn LaPointe - abutter across the street - in favor.

Closed and brought back to table. Mr. Shepard - what are their plans? Existing house would be sold, and the Marzoccas would live in the new house with their daughter and son-in-law. Mr. Shepard felt they made a good argument for this proposal, and it is in character with the neighborhood.

Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Reynolds, unanimous.

**7:20 p.m. Petition of Gosselin Home Builders LLC, 1540 Bedford Street, Abington, for: special permit and variances to construct a residential dwelling consisting of ten 1-bedroom units at 154 Bedford Street, under Abington Zoning By-Laws Sec. 175-21A(4), 175-40C(4), 175-40B(1), 175-66A, and 175-43A(1). The property is located on Assessors Plan 23, Plot 18, in the Transitional Commercial Zone.**

Voting members: James Haney, Lisa Bezanson, John Shepard. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly and Gosselin Home Builders, but have no interest in this petition.

Sewer advisory - capacity doesn't exist at the time. Letters received from Debra Tower, 20 Block Street and Bill Mullen, 25 Block Street in opposition (read and attached).

Atty. Shawn Reilly, Steve Gosselin and Paul Mirabito, Ross Engineering gave presentation. House is in bad shape. Mr. Gosselin purchased property and has started cleaning it up (took 26 tires out of the backyard and 256 tires out of the house). Building will be torn down and what is

proposed will have smaller footprint than existing building and will have stormwater management system that present house doesn't. Water currently flows right to left. They will be redirecting water from Abington Woods property, collecting it and channeling it to right side of property. Water from the roofs will be collected and channeled to the right, and everything that hits the parking lot will be directed to the right.

Proposing 10 one-bedroom apartments, similar to 262 Adams Street. Will have same layout, 23 parking spaces, will be well-maintained property. They are looking for special permit for multifamily. Will have town water and sewer, but will have to wait for sewer. They still have to go through Planning Board. Footprint will be smaller than existing house and barn now. Will be residential lighting fixtures, no spotlights. Nine foot parking spaces decrease impervious surface and increases grass and landscaping, making it a much nicer looking property, better design. Fence - they are required to put 6' tall fence on 3 sides. There is an existing fence along Mr. DePeiza's property, and they are going to replace that with a 6' tall fence. They are asking for a variance for the back lot line which is existing forest. It's the Abington Woods property. There are a ton of trees right now and a fence won't do much. If they need a fence, that's fine, but they are asking for a variance because that seems like a waste. On right side there is stone wall. Topography right now is that their parking lot will be lower than stone wall; headlights would be shining into stone wall. They don't want to hide stone wall. They are looking to esthetics. Parking is on rear and side, but in TC there is no parking in the front yard area.

They can fit 10' spaces, but that will be more paving, and less landscaping. Dumpster - location pointed out and will be screened. They will put the fence up if there are concerns. Mr. Reynolds - had concerns re 9' parking space request. Atty. Reilly - the parking lot at 262 Adams Street is never full. There is very little going in and out. They think it's a better design. There is no delegated handicap space, and is not a handicap accessible building. They looked into fewer apartments with two bedrooms, but that would require more parking spaces. One bedrooms attract single people, not people with children. This a nice style building.

Mr. Haney - question re water. Mr. Mirabeto - they did test pits. Based on pits, they would use underground infiltrators on right hand side of lot. Roof drains would go underground. Will be part of site plan with Planning Board. Would be less impact to abutters than exists. He has been in industry since 1971 and has had his own business since 1985. Never had a project that they have had a problem with. Mr. Haney - where will snow go? Nine foot parking spaces would give them a little more room for this. For a large storm, they would have to hire someone, or use a backhoe.

Opened to floor:

Edwin DePeiza - 136 Bedford Street - has big barn and has had frequent problems with runoff. Has put in extra sump pump, and in summer is still pumping. Concerned with melting snow. Water goes from barn into basement of house. Mr. Haney - this design looks like it will help his property. They will have to go through Planning Board. Water is being put under the parking lot to go into natural ground water. Atty. Reilly - right now, everything flows towards Mr. DePeiza's property. Encouraged Mr. DePeiza to attend the Planning Board meetings when they are scheduled. Won't alleviate his problems, but should help because there is no control of the water now. Mr. Reynolds - how often does an underground system get checked? They would

have maintenance schedule and will follow stormwater guidelines. Mr. Shepard – is concerned with so much development on so little land, but felt this proposal does preserve the look of residential.

Mr. DePeiza - as far as fence, concerned with lights from traffic. Atty. Reilly - they are planting evergreens in addition to 6' fence so headlights should be blocked. They will put new fence on property line. Mr. Haney – variance to be revised, to reflect no fence on north side of property to preserve the stone wall, and 6' solid fence along southerly and westerly property line.

Motion by Mrs. Bezanson to approve the project revising variance with 6' solid fence along southerly and westerly property lines and no fence on north side of property to preserve the stone wall, seconded by Mr. Shepard, unanimous.

7:25 p.m. **Petition of David Harris, 622 Richard Fitts Drive, Abington, for: special permit to construct a second garage (24' x 32') on the lot at 622 Richard Fitts Drive (aka 622 Randolph Street), under Abington Zoning By-Laws Sec. 175-26C. The property is located on Assessors Plan 57, Plot 82, in the R-30 Zone.** Voting members: James Haney, John Shepard, Sean Reynolds.

Mr. Harris would like to extend existing driveway and construct a second garage 24' x 32'. Garage will be strictly for cars. Board felt it was consistent with neighborhood and did not have any issues. There was no one in the audience.

Motion to approve made by Mr. Reynolds, seconded by Mr. Shepard, unanimous.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

  
Nancy Hurst

THE LAW OFFICE  
OF  
**KENNETH J. DIFAZIO, ESQ.**  
119 BROAD STREET  
P.O. BOX 422  
WEYMOUTH, MASSACHUSETTS 02188  
TELEPHONE: 781.335.2121 • FAX: 781.331.9471  
E-MAIL: KDIFAZIO.LAW@VERIZON.NET

September 10, 2014

Town of Abington  
Zoning Board of Appeals  
500 Gliniewicz Way  
Abington, MA 02351

RE: Application for Zoning Relief of Jean Bumpus dated 07/17/14 (5 Dale Street)

Dear Sir/Madams;

This Law Office represents the interests of Mr. David Hall and Mrs. Dorie Hall who, as you know from appearing at previous meetings, are abutters to the subject property 5 Dale Street. Mr. & Mrs. Hall have requested that I appear on their behalf at the September 11, 2014 meeting of the Board.

I have discussed the case with my clients and reviewed the Petitioner's application for relief as well as an ongoing Conservation Commission filing and DEP file No. 084-0487 and respectfully bring to the board's attention the following:

1. The subject property is currently under an enforcement order issued by the Abington Conservation Commission. The order is in place demanding a cease and desist. The issue before that board is the ability to establish a Wetlands Buffer Zone due to past filling of landscape materials in the buffer zone. To date, the Wetlands line and the buffer zone have not been determined by the commission. Without this determination the Board of Appeals is unable to insure that the Petitioner's application complies with the dimensional and density regulations set forth in the zoning by-law. Specifically, footnote (9) of the Table 175: A11 cannot be determined at this time.
2. The wetlands directly behind the proposed buildings potentially include a vernal pool within the resource area. Pursuant to the Abington Wetland Bylaw Chapter 171 the term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. If it is determined by the commission that a vernal pool

exists the wetlands line will be adjusted to comply with the 100 ft. boundary and thereby adversely affect the upland lot area for both proposed lots resulting in non-compliance with the dimensional and density requirements of the zoning regulations. Until the determination of the location of the wetland line and the determination of whether a vernal pool exists on the property compliance with this board's regulations may be impossible and I respectfully request that the board stay any proceedings before the Board until both matters are resolved by the Conservation Commission.

3. The plans currently submitted by the applicant do not include a calculation of the upland lot areas for each of the two lots. Therefore, the board is unable to determine compliance with footnote (9) of the density and dimensional regulation table 175: A11. After resolution of the issues in number 1 and 2 above the applicant should be required to accurately delineate the wetland boundaries and provide upon the plan the required calculation of the upland area for both lots.
4. The current plan indicates a minimum front yard depth of 35 feet on Lot No. 1. The minimum lot width is 110 feet pursuant to the dimensional table. Pursuant to footnote (8) of the dimensional table the minimum front yard depth of 35 feet is required for a distance of 110 feet as it relates to the street line. Complying with this requirement will require a change to the current plan and this change may adversely affect the upland square footage of Lot No. 2.

In closing, I submit attached to this letter a copy of Mr. Stephen P. DesRoche, P.I.S of Neponset Valley Survey Associates letter dated September 10, 2014 which outlines his review of the application and I respectfully request that each of the above issues presented be deliberated by the board and conclusively resolved on the record.

Respectfully,



Kenneth J. DiFazio

NEPONSET VALLEY SURVEY ASSOCIATES, INC.  
65 WHITE STREET • QUINCY, MA 02169  
TEL. 617-472-4867 • FAX 617-472-2582

STEPHEN P. DESROCHE, P.L.S., PRESIDENT

ASSOCIATES  
Edward J. Farrell, P.L.S.  
Shaun Hardy, P.E.  
David D. Lanata, P.L.S.  
James L. Nabschied, P.L.S.  
Houssem H. Sletman, P.E.  
Ronald P. Thunberg, P.L.S.  
Wayne Pitts, P.E.  
Paul Tyrrell, P.E., P.L.S.

September 10, 2014

Mr. & Mrs. David Hall  
29 Dale Street  
Abington, MA 02351

Re: Proposed 2 lot subdivision  
Dale Street  
Abington

Dear Mr. & Mrs. Hall

Pursuant to your request, we have reviewed the plans for the proposed two lot subdivision at 5 Hall Street and have the following comments.

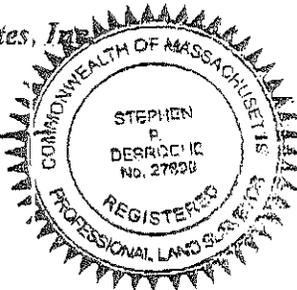
1. The engineered site plan has neither elevations nor details given for the proposed retaining wall.
2. The Shumatuscancant River is shown running in a southeast to northwest flow. We believe this to be incorrect as to location and we believe it runs approximately south to north. There is no North arrow indicated on the drawing although we believe that Dale Street runs approx. south to north.
3. The applicant is supposed to have 15,000 S.F. of contiguous upland per zoning for lot 1. We believe Lot 1 to have slightly over 11,000 S.F. of contiguous upland.
4. We concur with Attorney DeFazio's written comments regarding the potential of a vernal pool to the rear of Lots 1 & 2 thus changing the potential layout of the proposed houses on Lots 1 & 2.
5. Lot 1 does not have the minimum lot width according to the zoning regulations of the Town.

These are our review comments based upon only reviewing the one copy of the site plan furnished.

Should you have any further question or comment, please call.

Very Truly Yours;  
*Neponset Valley Survey Associates, Inc.*

*Stephen P. DesRoche*  
Stephen P. DesRoche, P.L.S.  
President



16 Oak Street

Nancy Hurst

---

From: Mary Elloyan [mcepost@hotmail.com]  
Sent: Thursday, September 11, 2014 1:58 PM  
To: Nancy Hurst  
Subject: Petition for variance of Nicholas & Kathleen Marzocca

Hi,

I am unable to make the meeting tonight due to work. But I was in today and picked up the plans where the Marzocca's wish to obtain a variance to build their home. I studied the plan and looked at the property. It seems to me that the house they wish to build may be too large for the lot, not enough frontage. It will sit very close to the neighboring garage. It sits very close to the street at 25' and there is no area on the plan that shows where the garage/parking will be. Presently I note that there are commercial vehicles parked in the driveway at 76 East Street. Where are they to be parked if not there in the driveway that is there presently? I think if they park on the street the neighborhood will look more like a city than the small town we live in and it will become very tight. I also feel that aesthetically speaking, the size of home they wish to build is not in keeping with "that area". And I wonder how that will affect the value of my home. Will things look too cramped? Up the street, I'm not sure of the address, but the house is red (on East Street), the gentleman tried to sell his home this past year, but could not...he had another house in his backyard. On East and Savine Streets, the homes are of an older style..."smaller" ranches or capes.

On the plan, I see that the corner will be built out more into the road than where it visibly looks like it ends presently. Another concern I have had since I've lived here this past year is that when people come down East Street, they miss the turn onto Pine Street to detour out to 58. Myself and other neighbors have commented on the fact that they come to a sudden stop (driving 40 mph) or go into a large circle at the end of East and Savine Streets to turn around without stopping because of speed. Children on bicycles and pedestrians are regulars in the area and I worry for their safety as well as my own. There should be a 3 way stop sign at East and Pine Streets so people have a minute to realize that the detour sign shows 58 takes a left on Pine Street. This is a huge safety issue. If the prospective owners put up a fence on the corner it will be a blind spot to the neighbors and cars that miss the Rte 58 detour sign.

Thank you for your attention.

Mary Elloyan  
[mcepost@hotmail.com](mailto:mcepost@hotmail.com)  
617-823-7775

To: Abington Zoning Board of Appeals  
Mr. Jim Haney Chairman et al  
Re: Proposal for 154 Bedford st

I apologize for not being able to attend tonight but I am obliged to attend a wake for the father of a good friend.

I look forward to the property on 154 Bedford being developed. I do however have some serious concerns regarding this particular proposal

My main objection to this proposed project is the following. This property resides at nearly the bottom a half mile long hill. As you know the top of the hill starts up at the oil change place next to Lowes. Once you reach Block st the terrain proceeds back up hill. Rain water and run off flow down the entire hill through the Abington Woods (Avana) property and forms into a stream that comes down and crosses the Abington Woods emergency access road (behind my house @ 25 Block). Most of the water flows to a pond off Rockland st but a percentage of it during heavy rains and springtime melt, turns towards Bedford st and travels down around the access road and into the backyards of 154 Bedford as well as the property next to it. Looking at the topography you can see the low point of 154 in the rear corner of this lot.

This makes 154 Bedford st and Edwin Depeiza's red house next door the defacto catch basin of the neighborhood. Often in the spring I have witnessed up to a foot of water in these back yards during the spring rains.

To put a project such as this in with a proposed 65% lot coverage would certainly flood out my neighbor Edwin at his property on the corner of Bedford and Block. I snapped a photo of the back yard dated, May 2<sup>nd</sup> 2014 the weather records indicate two days of light showers yet in this photo you can see evidence of standing water in the lower portion of the yard. Allowing a project of this size would create an extreme hardship for the houses downhill.

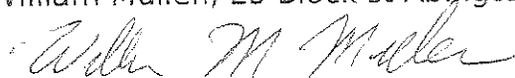
Regarding 175-66A the request to waive the fence. 175-66A states that this type of property needs either a solid type screen 6' high complemented by suitable plantings or "residential properties being buffered by a strip at least 20' wide of natural growth trees, if existing, or a natural growth of trees and thick planting. Or a double row of evergreen trees no more than 20' apart." If you view the plans Gosselin builders is proposing is to not only waive the fence requirement but also waive the 20' buffer, as clearly the plan only shows a line of two or three feet. My objection is that as an abutter the barrier would only be a couple feet of deciduous trees and bushes which lose their leaves in October and do not re-leaf until May. Thus for seven months a year I have headlights shining into my property.

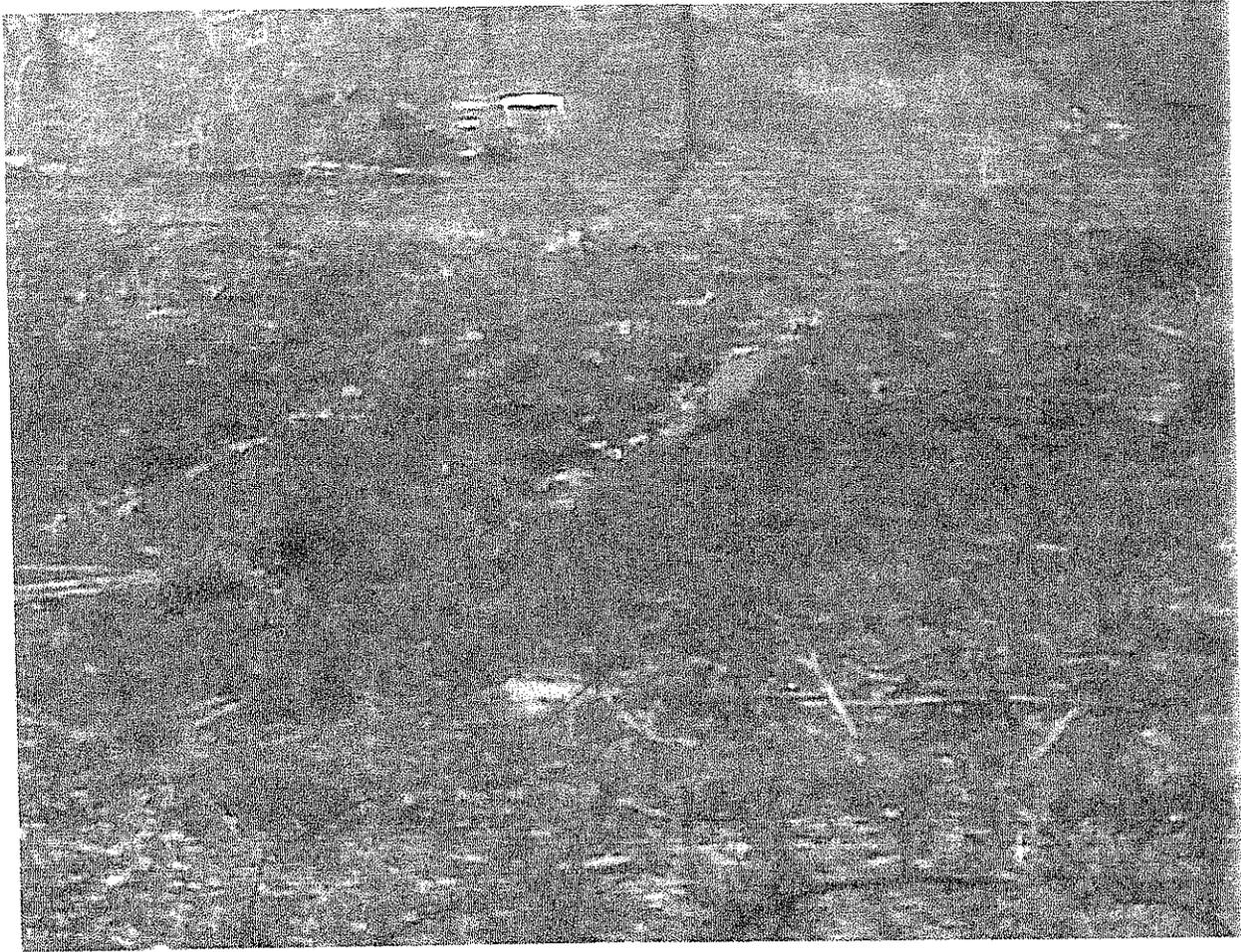
Additionally not fencing in the property exposes the neighborhood to an infestation from animals accessing the dumpster.

In reference to the petition of the relief from 175-66A I ask that it be denied.

Regards,

William Mullen, 25 Block st Abington Ma





Picture of 154 Bedford st. Taken May 2<sup>nd</sup> 2014 @ 8:32 am. Taken from the Abington Woods access Road facing Bedford Street. Edwin Depeiza's property on immediate right.

154 Bedford St.

RECEIVED

SEP - 3 2014

BOARD OF SELECTMEN  
TOWN OF ABINGTON

Deborah A. Tower  
20 Block Street  
Abington, MA 02351

Town of Abington  
500 Gliniewicz Way  
Abington, MA 02351

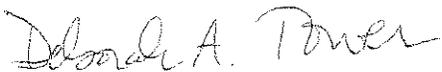
To: Zoning Board of Appeal  
James Haney, Chairman

Dear Mr. Haney,

I'm writing this to you in regards to the construction that is planned at 1540 Bedford Street (Assessors Plan 23, Plot 18) by Gosselin Home Builders, LLC. My concerns stem from my past experience with the construction that took place some years ago to develop Abington Woods. I don't believe enough planning was pursued by the contractors of that property to consider the underground water and it's drainage that existed on that property . As a result of that construction because of the geography of the area my basement at 20 Block Street has become unusable for remodel OR storage. Even with the installation of a French drain and three (3) sump pumps I still have been unable to control the flooding on a consistent basic to feel secure enough to utilized the space except as a mechanical room. And if any of the sump pimps fail, the basement floods putting the heating systems and hot water heaters at risk for failure and need for replacement. This has happened twice in the last ten years as a result of overworking the three sump pumps to failure.

We have barely been able to keep the flooding under control and now more construction is being planned that will again affect the flow of underground water in this area. I would appreciate it if the board would look closely at the drainage in this area before allowing this new construction of 10 one bedroom units to proceed. Please consider the impact it will have on my house and others that are affected by this drainage pattern.

With sincere respect,



Deborah A. Tower