Zoning Board Meeting  6/21/2016

1. Environmental
   a. Land was used as an apple orchard from 1917-1970's-est. Construction can release DDT, arsenic and other pollutants into the waterway.
   b. Said property is a direct tributary to the Scituate Reservoir and has a brook running under and through it (see GIS Tax Assessor’s Map AP45 Lot 17).
   c. Roadside drainage runoff from Chopmist Hill currently runs (since 1925) into the property by a state deeded culvert, releasing hazardous materials into contested property for 91 years (see State Board of Public Roads Agreement).
   d. Potential for 8 neighboring family wells (within an 100‘-est of property line) to be contaminated by construction, 60-80 resident septic system(s), and potentially 36 automobiles.
   e. A 60-80 resident septic system output will release unprecedented amounts of sewage and resulting nitrogen into the neighborhood environment, then the critical resource area and watershed surrounding the Scituate Reservoir system (see Gregory Reynolds versus Zoning Board of Appeals of Stow & another).
   f. 4 wells on abutting properties went dry and several had to be re-dug in 2015. Installing additional wells will adversely affect these taxed wells, potentially causing water supply issues like at the Rockland Oaks Housing Complex on Rockland Road.
   g. A recent court judgement with very similar circumstances—developer wanting to build condos on watershed with neighboring wells, causing a potential for elevated nitrogen levels—was blocked by the State of Massachusetts Superior Court citing Environmental Law.
   h. There’s a barrel of contaminates still on site – visible from other property)

2. Social & Economical
   a. The property is zoned as residential. Current zoning requirements dictate a minimum 3 acres per single family home, 18.37 acres per every 16-20 units in a multi-family dwelling, and it is against zoning ordinance to have any multifamily dwelling in this area.
   b. Light and sound pollution, including the potential for increased crime from 18 condos on 8 acres of land would ruin the rural characteristic of the Chopmist area and adversely affect the lives of area residents. Many of us moved here to escape the hustle and bustle of densely populated areas.
   c. Investments in homes will be devalued, utilities and public services will be stressed, including local police, rescue and fire department (already burdened), and schools. Moreover, the Chopmist Fire Department may have to go from volunteer to a manned station.
d. This builder is looking for numerous variances and special permissions to zoning ordinances, water protection acts, and far reaching accommodations, in order to build a housing complex that is not suitable or appropriate for this rural, environmentally sensitive historic area.

e. The surrounding land owners have a reasonable expectation that the town would require the builder to follow the same zoning and environmental laws they had to follow when building on their lands.

f. Has the Board contacted PWSB/DEM/The Conservation Committee/EPA for opinions?
   - The PWSB is already trying to close down roads in the town to prevent contamination of the Scituate Reservoir.
   - Why would the Board allow a significant increase in pollution in such close proximity to the state’s most precious resource for public drinking water?
   - It is pre-mature to approve such a plan without the opinion or guarantees from outside stakeholders.

g. Will the town require an environmental impact study to be done? The size of this development and its location would warrant such a study. The Board has a responsibility to protect the rights of other residents and our drinking water as well.

h. To that point, well water is not sufficient for current homes in the area. The Board should require an independent study of the site/surrounding area to determine if the drinking water supply can support this many homes.

3. Building Conditions & Builder’s Intention

a. It is obvious to anyone that this property is unsuitable for building such a complex. There are numerous visual outcroppings of ledge, obvious wetlands, a low lying drainage area, and is currently being used by the state to capture route 102 runoff. Where would all this water go if this land were developed—downhill to the neighbors?
   - Lot 105 already floods during heavy rains.
   - All of these natural features are specifically listed as obstacles to a safe septic system as outlined in the Scituate/Foster “Onsite Wastewater Management Plan” (see Onsite Wastewater Management Plan)

b. Are there approved septic plan that can be reviewed for this large project?

c. The current approved lot survey for this property shows two proposed homes in close proximity to the road due to these unsuitable building conditions present on the remainder of the lot.
   - The developer purchased this site from the property owner (a senior citizen) promising to build ONLY two single family homes. (Affidavit A, Sales Agreement, ISDS Permit).
   - He signed a sales agreement contingent upon approvals for two single family home ISDS permits and driveway applications.
   - Developer misrepresented his intentions to the seller. He lied to her and her realtor during the entire negotiation for the purchase of this property. Developer
even showed the seller/realtor the blueprints of the 2 homes he was planning to build (See Relator’s Affidavit).

- How do you know for sure that Mr. Mahoney will build what he shows on this new proposal?
- How do you know if the septic systems will be maintained/pumped and at whose expense?

d. Scituate’s *Low and Moderate Income Housing Plan* shows designated areas suitable for development. It does not include critical resource areas related to the Scituate reservoir/watershed, such as this proposed site (see Low and Moderate Income Housing Plan Redevelopment Site Map).

- Most of the designated sites in the Plan have public water/sewer and natural gas accessible to them. **AGAIN – this property is not suitable for this type of development**

e. Are federal funds going to be used to fund this project?

f. Neighboring land owners are prepared to hire legal opposition if builder gets approval to build his complex.