

Karen Kelleher

From: Jonathan Mascia <jmmascia@gmail.com>
Sent: Thursday, February 2, 2023 7:53 PM
To: Karen Kelleher
Subject: Re: Lot 2 Harvard Road Public Hearing
Attachments: Letter to Zoning Board of Appeals February 1, 2023i.pdf

Karen,

Thanks for letting me know. I appreciate your dedication, but please don't take time out of your evening to email me. Let me know if you think it is enough time, or if there will be another continuance so I can let the other neighbors know as well. I sent the letter attached to the ZBA today, and it should arrive tomorrow.

With regards to the maps I am not familiar with what you are referencing. If you could send a copy I would appreciate it. The map attached seems to show something starting behind Lot 2 and terminating into Lot 2 and I believe was from the June 1, 2021 hearing the Conservation Commission conducted. Since the work began on Lot 2 we have more water coming onto our property from new sources on that side of the property, and the lot was listed as having easements under the Property Information sections at the links below.

<https://www.compass.com/listing/0-harvard-road-stow-ma-01775/115843722129777873/>

<https://www.redfin.com/MA/STOW/HARVARD-RD-01775/home/67987070>

We are asking that this be properly investigated to determine the source of the new water coming onto our property since 2021 because as mentioned we do not know if this is contributing to our PFAS contamination in our well water or potentially having impacts on other homeowners wells as well.

Below is a link to a video of the flooding and run off from January 26, 2023. The board will be able to see it is coming from both the Lot 2 side as well as its original path. The original path is much deeper. We have had water continuously running through our property since December 15th or 16th. It only stopped going into the road and icing over the past day or 2. In the videos you will also see that we are still receiving flooding and run off from up the road from Lot 2 and 137 Harvard Road.

<https://photos.app.goo.gl/yEC63tsQmUNarMgMA>

Please let me know if you need any other videos, or if the board has any other questions.

Thank you again for your time.

Best,

Jon

On Thu, Feb 2, 2023 at 12:46 PM Karen Kelleher <kkelleher@stow-ma.gov> wrote:

Hi Jonathan,

I received your voice mail this morning. The Public Hearing for Lot 2 Harvard road is still on the schedule for February 6th. I don't have the peer review letter yet, but hoping to have it by the end of the day.

If you have anything you want added to the members packets, it would be helpful if you could send it today.

To the Stow MA Zoning Board of Appeals:

Our position remains unchanged that Lot 2 is not a buildable lot. Prior to purchasing our home at 153 Harvard Road we checked with the town of Stow and were informed the lot adjacent to ours, Lot 2, was a non-buildable lot which influenced our decision to purchase our home. We were not duly notified by the town from the time of purchase to the point at which Lot 2 was listed for sale that it may be a buildable lot. We also determined through FEMA maps, our insurance agent, and the town that our property did not have any wetlands, and did not abut any, and that our property did not have any bodies of water (rivers, streams, brooks, etc) on it, or require flood insurance.

In addition to this we are still unclear as to why this is not three separate hearings

1. Determine whether it is a buildable lot.
2. If it is for some reason deemed buildable then to have a separate set of hearings to determine whether it should be granted permits and what restrictions would need to be placed on it.
3. Given the fact that neighbors spent a number of years going through an Erosion Control Special Permit hearing with the Planning Board. We are not clear as to why they would not be involved since the two properties that were on that special permit are now under two separate ownerships.

Again we are requesting that this process be broken into three separate hearings.

As you were aware, there are certain upgradient concerns that we have advised the town of for a number of years now. The situation has become far worse since the clearing of Lot 2, and we now have a new source of water coming onto our property. We do not know if this is contributing to the PFAS in our well water, or if it may have increased our families risk or exposure to it and other chemicals.

When Mr. Harrington first introduced himself to our family and our neighbors, he said he wanted to work together to solve the problems. Unfortunately this has not been our experience, and we have found out during the ZBA hearings he took it upon himself to come onto our property without us. We are asking the town to request the dates and times that he was on our property along with any photos or videos he may have taken while on our property. We are concerned about our family's privacy.

We are also asking that the ZBA reach out to Scott Hayes to see who and why his firm moved the property pin because the individual was on our property when they did it. We still do not understand why the pin was moved prior to the site visit with the ZBA.

We understand that Mr. Harrington has stated that the property will be resurveyed. We are asking what bearing that has on the site visit that was given to the Zoning Board. We still do not know what happened to our property pin only that somebody spray painted it bright orange prior to the lot selling. We still have not been informed by Mr. Giordano or anyone who is

representing him that the property line has moved or what they believe to be the property line since the original pin went missing.

Due to the late start of the Planning Board site visit during the Erosion Control Special Permit hearings, we feel Lot 2 was largely overlooked. We were told by Jessie Stedman to hold our comments till the end of the meeting, and were not able to correct misinformation at that time. We were also not able to speak with the engineer who was hired to discuss the issues our property was facing, and still have not been able. We do not know if Sue Carter has visited Lot 2 or not and would like clarification, and for her to see the impact the work on Lot 2 has had on our property.

We are asking that the board members have time to review this letter and acknowledge its receipt. We were not able to find out who the town's legal council is when we called the Town Hall, and are asking this letter be forwarded onto them as well.

Thank you for your time.

Jonathan Mascia
153 Harvard Road
Stow, MA 01775

Cc:
Town Administrator
Planning Board
Town attorney

ZBA letter send certified

Send a certified letter to the ZBA planning board town administrator and 10 representative council legal counsel

Mentioned the fact that we are unclear as to this process and they appears to be three processes rolled into one offer. Suggestion for solution listed below.

State that in our opinion it is not buildable lot. That's what we're told. One we were doing research and a contact of the town prior to the purchase of our home.

The clearing of the trees has had negative impact on our property and we do not feel it's been fully investigated by the town.

If there's top graphical map that which would it submitted? Could you please tell us what's referenced off of it? Looks to us that's residential map that had something drawn on it

Richard Harrington, as mentioned during the meetings that he has been on our property and has seen the various sources of water. We have never given him permission to be on our property and are asking the board request copies of any videos or photographs they have been taken while we were on our property and the dates he was on our property.

We are asking for equal access to the process. Because the site visit started late during the erosion control special permit hearing, we were not able or given time to speak with Sue during that process and members. The planning board had left prior to visiting my property and seeing the issues that we had had including the new sources of water that were coming onto our property.

It is our understanding they Sue has not been on Lot 2, and she has not seen the new areas our property is receiving water from.

We do not know if the new sources of water coming from the lot 2 side has increased the PFAS in our well, or if other water diversions up the road from us may have had a similar effect.