

Zoning Board of Appeals – Minutes

March 16, 2021

Location: Town Hall Annex Conference Room

Time: 7:00 to 8:00pm

**Board Member Attendees:** Marcus Baptiste Chairman, James King Member, Tony Carmo Alt Member & Jeanne Russo Alt Member

**Board Member Out:** None - **The board had a quorum.**

**Attendees:** Huntern Shu, Nicholas Tan, & Atty. Mark Bobrowski-via phone

Topic	Discussion:
Mail & Minutes	<p><b>7:05pm-</b> M. Baptiste opened the meeting by introducing the Board and himself.</p> <p>The meeting minutes, bills, and correspondence were moved to the end of the hearings. J. Russo made a motion. T. Carmo seconded</p> <p><b>Meeting Minutes: 8:15pm-</b> The meeting minutes from 3/2/21 were reviewed. T. Carmo made a motion to accept as read. J. King Seconded.</p> <p><b>Bills:</b> None at this time</p> <p><b>Correspondence:</b> The secretary reviewed with the Board and discussed the ZBA's account and the audit that had been done on their accounts. J. King made a motion to request from the Town Accountant a copy of the full audit on all the accounts in the "red" they would like a detail of what was found and any documentations and copies of the audit that was done. J. Russo seconded.</p> <p><b>No other New Business came in front of the board at this time.</b></p>



Riverbend Estates/  
Berkley Fine Homes  
Huntern Shu &  
Nicholas Tan  
Map 2 off Berkey St.  
To Discuss the 40B  
Project

**7:05pm-** The Chairman stated Riverbend Estates would be discussed with the Board and Atty. Mark Bobrowski who was on the phone. Mr. Shu was present at the meeting and had his phone on as well (857-689-1107) as a 3 way call. Mr. Shu explained to the Board and Atty. Bobrowski he met with the Board almost 3 yrs. ago and an amendment to the Comprehensive Permit was made in 2016. Atty. Bobrowski told Mr. Shu and the Board he remembers meeting with Mr. Muhammed Mushtaq to reconfigure the Comp. Permit so everyone was on the same page with everything. This should have been done last time but Mr. Mushtaq never agreed on it. The permit included a Senior Center and \$3,000.00 per unit sold would be paid to the Town. Chairman also stated Atty. Bobrowski was also going to put language in to the new standards of the rules and regulations. M. Baptiste also explained to everyone the Biggest Issue in the original decision that was never enforced was #8 in the Comp Permit the Covenant. A bond was never created for roads finished and town standards. Atty Bobrowski said subdivision/condo- no bldg. permits and or lots sold, they all further discussed the covenant. The bond is just for the top coat of the road. Atty. Bobrowski asked about the road. M. Baptiste told everyone he went and looked at the road it is in good condition but there is a lot of cracking, it is 15 yrs. old, there is only a base coat no top coat was ever done. Mr. Shu explained to everyone only at Stage 1 – he was given 3 bldg. permits 3 yrs. ago. The building did not happen, he would have to ask the interested party he has in the property how to precede. Atty. Mark Bobrowski stated they would have to expand the road. Mr. Shu told everyone all the roads are built for Stage 1. The current construction sites have a road, no need to build a new road. Atty. Bobrowski then asked about drainage on the property. M. Baptiste stated all 4 building permits for the property have expired. He also stated no permits should have been issued with- out any bonds. Atty. Bobrowski then asked about any wetlands with the new construction. M. Baptiste told Atty. Bobrowski the wetlands markings are new now. Mr. Shu told Atty. Bobrowski and the Board that there were no wetlands, wetlands are not an issue.

Atty Bobrowski then outlined the issues:

Bond Issue

Wetlands- have or have not changed Order of Conditions?


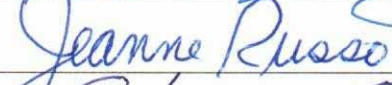
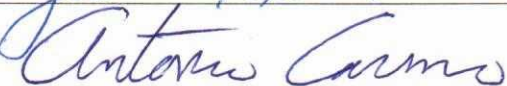
Someone needs to look at the Road. – M. Baptiste stated he agreed

Mr. Shu then told everyone he is not looking to do Phase 2 & 3 right now, he is only looking to finish Phase 1. He then told the Board he only purchased Phase 1

Atty. Mark Bobrowski & M. Baptiste both told Mr. Shu he purchased the whole project, not just Phase 1. Everyone further discussed the road situation. M. Baptiste stated a top coat is needed, the sidewalk is in bad condition, cracks in the road, catch basins into the drainage basins look ok, and the condition of the asphalt is Not good. Atty. Bobrowski asked about the Consulting Engineer on the project, he believed to be Byron Holmes at the time. He told the Board he deals a lot with Zach Gless- Douglas, MA the Planning Board is using him and it is working out well. J. King talked about the sidewalks. It was also stated prior to the Bond amount a Review Engineer account will also be needed.

Mr. Shu asked if the top coat was applied does the ZBA still need a bond to issue a building permit. M. Baptiste answered Yes a bond will still be needed, the original road is part of Phase 1 and was never approved. That should have been Step #1 and things need to start being done in order. Mr. Shu asked about a New construction Permit/ Building Permit to be issued he needs to have the road reviewed and get a bond. Everyone further discussed the road, everything needs to be evaluated. M. Baptiste explained when the issue was brought up in 2016 about the Bond that is when things broke down and Muhammed rejected it all. All the permits that were issued, were issued in error. A Bond needs to be issued. Mr. Shu then asked the Board how much money they were talking about? Atty. Bobrowski stated a Peer Review Escrow Account of about \$10,000.00 he asked how much was in escrow account now. The secretary responded \$2,000.00. M. Baptiste stated \$5,000.00 additional should be ok for Peer Review Escrow Account and there is only 1,000 ft. of pavement.



Riverbend Estates Cont.	<p>In the original permit the road will remain a private way, there was previous discussion for the town to take over the road. The Board asked if AZ built plans were ever done? Mr. Shu said they were not done. M. Baptiste said the Review Engineer will need them to do his job, Mr. Shu was told he will need to hire an engineer. Atty. Bobrowski mentioned again the Comp Permit should be rewritten, in 2016 things should have been added and housekeeping should have been done, but an agreement was never made. Mr. Shu asked about hiring an engineer and then his plans will be reviewed by the ZBA engineer and it all will need to pass. M. Baptiste told Mr. Shu work needs to be done. J. King asked Mr. Shu if he had any engineered documents, Mr. Shu stated No. Atty. Bobrowski told the Board he will pull the 5 previous recorded documents and review them. He will create a New Decision to review in 1 document. Once this is done he will email mail it to M. Baptiste for review. He then said Step 1 – Mr. Shu to hire his engineer and provide the Board w/ AZ Built plans. T. Carmo asked if the road should be completed before the houses are built. Atty. Bobrowski and M. Baptiste both stated the Bond is to protect the Town. And the people living there. All further discussed. Mr. Shu asked when he had to put out the Bond. M. Baptiste explained the process to Mr. Shu, after he hires an engineer and submits plans, then our engineer and his engineer prepare a cost estimate for the bond that we vote on. Once the Bond amount is approved he places the Bond and then can obtain Building Permits.</p> <p>Atty. Bobrowski also stated a deadline needs to be set of work completed, there needs to be time limits. M. Baptiste also stated a cost estimate is produced after both engineers review. Then there will be an agreement on the Bond, then can get building permits with a time frame in place. Mr. Shu then asked if the work is not finished by the deadline, then the Town gets the Bond. M. Baptiste told Mr. Shu the Bond should have been done a long time ago, the people living there have lived in an unfinished project for years. Everyone further discussed. J. King stated there was a snow removal issue at one time and that is the owner of the property's responsibility. He also told Mr. Shu he needs to give everyone that lives in that development his phone number so they can reach him with any issues. Mr. Shu introduced Nick Tran who was there to build the units.</p> <p>T. Carmo made a motion to request \$5,000.00 to adjust the escrow balance. J. King seconded. Mr. Shu will pay if he decides to move on with the project. Atty. Bobrowski stated he would not do any further work until the \$5,000.00 to escrow is paid.</p> <p>Mr. Shu asked the Board about duplexes, can he merge to 1 home. M. Baptiste told Mr. Shu it is not requested under this Comp Permit but can get a modification. He would need a formal application and Public Hearing to modify the Comp Permit. He said the Board will be waiting on the additional \$5,000.00 for the Peer Review Escrow account to do any more work.</p> <p>8:15pm: Atty. Bobrowski ended his 3 way call. M. Baptiste told the Board and Mr. Shu he will write and email w/ all of the steps to continue further and will email to Mr. Shu and the secretary to get out to all the Board members.</p> <p>All Motioned the next meeting date to be determined</p> <p>Motion to adjourn was made by T. Carmo @ 8:28pm</p>
Signatures	<p>1. </p> <p>2.  Jeanne Russo</p>
	<p>3.  Antonio Carmo</p>