

TO: Ara Yogurtian and the members of the Zoning Board of Appeals

We write this letter in strong opposition to the requested special permits for 231 Orchard Street. We are the neighbors at 225, the abutting property on the side where the setback requirement is not met.

It's clear that the intention of the current owner of the house is to flip it. Nothing wrong with that, however they have repeatedly shown a pattern of ignoring the rules and attempting to get away with violating the by-laws in order to generate as much value as possible in reselling the property.

The neighborhood and abutting neighbors would be left with the ongoing impact of the changes while they reap the benefit and move on.

One of the many instances of neglecting the: the builders have already built the side addition well over the setbacks—different from what's shown in their original permit application.

We contacted the town inspectors office back in December '21 to raise the issue of the permit inconsistencies. This was early in the project before the siding and painting was finished and where it would have been quicker and cheaper to fix the incorrect setbacks. The developer decided to move forward and finish the work despite this.

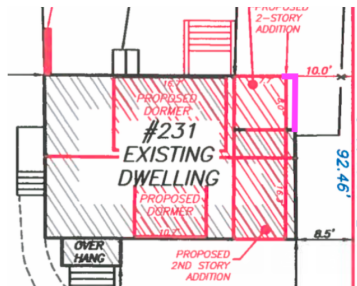


Brian Muse <[REDACTED]>
to Kevin, Ara ▾

Mon, Dec 20, 2021, 2:54 PM ☆ ↩ ⋮

Hi Kevin, just wanted to shoot you an note on the developer project at 231 Orchard.

I wanted to confirm that this surveyor plan (attached) is still accurate. I noticed that when they built the addition on the right side of the house, they kept and extended the old structure, instead of pulling it back 1.5'. (see pink line) I'm not 100% sure, but this might put the new addition ~1.5' over the 10' setbacks.



They also seem to be gearing up for a large patio in the middle of the back yard, which I didn't see reflected in the plot plan. They're digging a big trench from the house to the patio, so I wasn't sure if they were running a natural gas line out there for a firepit or BBQ or whatever. Mostly just a curiosity, but didn't see it reflected in the plans or lot coverages, so thought I'd mention.

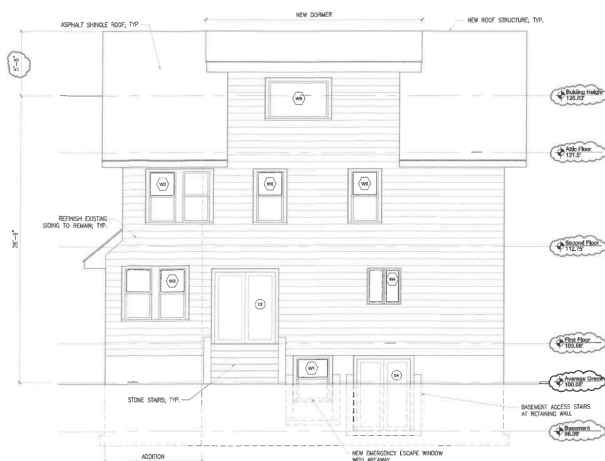
Hope you have a lovely holiday, and thank you as always!!!!

Brian

Another example: the roof was originally built ~5 feet higher than it is even today—in direct conflict with the plans they had submitted to the town. They ultimately lowered it only after we sent the below photo to the inspector's office. Again, this demonstrates a pattern of ignoring the rules and "do first, ask for forgiveness later." The house still towers over the houses in the neighborhood.



Furthermore, we still see existing issues after their application for special permits. The plan proposes stone steps directly from the back door to the ground. The image below shows steps that appear to be ~3.5' tall, but in reality they are ~5' tall and they are instead a full wood deck, which is not shown in the application.



The grade would have to be brought up significantly from where it is today in order to meet what is described in the plans. It is unclear how this might affect drainage and neighboring yards. And even then we lack trust that the top floor meets the requirements for a half-story (It clearly towers above the neighboring homes and has two giant dormers on the front and back).

In addition to repeatedly building beyond what was approved in their permit, they have demonstrated a pattern of negligence and violations of town rules and regulations.

Some of the other issues include:

- Workers have come onto our property to set up ladders and equipment without asking permission, blocking our driveway (even after we requested multiple times that they ask first). On multiple occasions we were unable to pull in or out of our own driveway. The contractor has made no apparent effort to gather contact information before start of work or after these instances.
- We've had plenty of litter come over to our yard and have found stainless steel nails in our grass where our young children play.
- There have been multiple Sundays where they've been over there doing work.
- As recently as last week, June 30th, we came home to a giant crane in the street with no notice, once again completely blocking our driveway for several hours while they unload sheetrock—another example of this project proceeding even despite the lack of approvals of the new plans.



Photo taken June 30th, 2022

It's unfortunate that the project has gotten as far as it's gotten, however the responsibility and burden falls back to the developers and their disregard for the rules of our town and brazenly moving forward with the structure in hopes that no one would notice or care.

It's clear that the developer has taken an "ask forgiveness rather than permission" approach—constantly attempting to build beyond what was approved in their original permit application. They are now hoping that they can retroactively push for approval of what they've already built.

It's our strong viewpoint that this structure be brought to full compliance and that the special permits are denied. The builder should be held to the same standards and process that we all abide by.

Thank you for your consideration,

Brian and Julia Muse
225 Orchard Street