

Dear Zoning Board,

The following paragraph is copied from Tetra Tech's report. It shows that the issue has been resolved but we do not believe that it has been. During your zoom meeting on Monday, February 21st, 2021, Mr. Hale mirrored most of the contents of this report. However we object to most of its content. I know you are all very busy so will try to be as brief as possible but also providing you with the detailed information that you need to understand why we are objecting.

Feb. 18, 2021 Update – The applicant has met with the abutting owners of 91 Summer Street to review the plans and has offered to provide planting for screening upon their request. The home at 91 Summer is situated at a higher elevation than the project and is densely wooded minimizing visibility. In addition, its attached garage faces the project and provides additional screening of the closest units. In the absence of comments from homeowners at 91 Summer Street we have no additional concerns but recommend any decision approving a comprehensive permit include a condition Cedar Crossing Apartments/Cedar Edge Condominiums Comprehensive Permit Peer Review (February 18, 2021 Update) TETRA TECH 14 Infrastructure Northeast requiring the Project to obtain rights of access for work proposed on any property outside its control and that any mitigation requested by the abutter be shown on the Final Plans. Resolved

The applicants (David Hale & Mark Brooks) did not meet with us to review the plans until yesterday 2/26/2021. This is the first time we were shown and given paper plans for the project by any member of the Omni Group. Mr. Hale said he sent an email to us of the plans back in November 14th, 2019 which we did not receive and were not expecting and Mr. Hale did not follow-up after sending the email, so we were totally unaware of even ever receiving such an email. We were never contacted by phone or any other method by any member of their group until this week after your zoom meeting and only contacted by them by phone at that point because we emailed them complaining about the inaccurate content of the Zoom meeting we had just seen on Television.

I actually had phoned Mark Brooks on Friday January 29th, 2021 just 4 weeks ago, to discuss fencing on the project. He never mentioned anything about the 10 feet minimum waiver. My reason for the call was to let him know that I was very concerned about keeping the residents of his proposed community out of our woods. I told him that I was very concerned about them clearing the lot and did not want our woods to be used for dumping, people using it to walk through, hanging out (drinking, smoking and such) and I told him that children need to be kept out for their safety due to the swamps, wetlands, coyotes and other animals as I don't want any accidents or to be held responsible or accountable for mishaps in our wetlands due to children or adults for that matter wondering onto our wetlands due to there being no restricted access to it from the Omni development. He told me that they would construct a fence and put signage up stating that no trespassing was allowed if we wished, however that was not in their initial plans. He also said he would plant trees as a buffer to give us more privacy. He did suggest the fence could be put on our side of the property line but I refused and said that it needed to be on theirs so that they were responsible for it.

We only became aware of the 10 ft setback waiver on Monday last on your zoom meeting as this had never been discussed before. We were shocked to say the least and did not agree with this waiver request whatsoever. We were told by Mark Brooks in October 2019 on the first day we found out about their project that they would give us a much better setback than we were given by a house (also abutting us) that was near completion on Delapa Circle at the time. We were never actually told the exact number of feet they would be building from our property line but just as already stated that it would be more than Delapa had given us. We also thought that the town would have guidelines to follow and abide by anyway, and that this would just be going by the town's regulations. A waiver had never been discussed with us and a 10 feet setback is not acceptable to us and never will be. The plans we had seen to date did not show clearly the setback in number of feet.

The second photo is important as it shows the building to the right of our house is clearly not a garage. We already have a three-car garage attached to the main building of our house. The garage that is mentioned in the report is not a garage but a separate 2 level building with a finished upper level. It has a half bathroom, heating, cooling, flooring, alarm, balcony and garage. It has a locked and alarmed front door, garage door, rear door, upstairs glass sliding door to allow entrance to a balcony which overlooks our entire property. It also has windows on the front and sides as well as a sky light; It is a 1200 square foot building with 3 rooms not including the bathroom. It has a wooden spiral staircase going to the upper floor. The upstairs window overlooks the Omni project. The land is not at a higher elevation or densely wooded as is also stated in the report. I am attaching a photo (first photo) that I took yesterday to demonstrate this. You will see in this photo that the first line of trees is actually the property line so the woods are all on Omni's side. If Omni were to construct buildings a minimum of 10 feet away from that tree-line they would be 100% visible from our property. It also shows the elevation of the land there so you can clearly see it for yourselves and be your own judge as to what the elevation is. I also don't understand how there would be space there to create a buffer given that it would be only 10 feet distance from our property line. Moreover, if the residents of the new property were grilling on their back decks 10 feet away with trees from the buffer created in between this 10 feet-distance, surely that would create a fire hazard which would deeply impact the safety of our property and theirs.

On the Tetra Tech report it also states they "obtain rights of access for work proposed on any property outside its control". This is another statement that has never been discussed and would not be acceptable to us, allowing Omni to work from our property. It is unbelievable that this was stated in a report with no approval or mention to us whatsoever.

To Mr. Hale and Mr. Brooks' credit, after emailing them to complain about the accuracy of the statements that we saw on TV about us and our property, they were extremely apologetic and immediately set up an in-person meeting with us to show us plans (also enclosed) of an agreement he wants to set up with us where his project would now be increased to a 15 feet minimum setback from our property line with some of the buildings being setback as far as 25 feet from our property line.

We have not agreed to these new plans as we told Mr. Hale we would be reaching out to you first to obviously let you know we were objecting to the original plans and also ask your advice as to what the town's requirement is for the distance from the Omni project to our property line. We do not want to agree to anything that is less than the town's legal distance requirement between property lines which is also why we are reaching out to you and why the answer to that question is very important to us.

We certainly want to go on record as saying that we do not approve of the Omni project or feel this is in the town's best interest whatsoever; but if it is going to get approved then we certainly would not be looking for this huge project which directly joins our property line as the biggest abutters to it, to be any closer to our property line than the town's legal requirement. There is simply no benefit to us whatsoever to agree to anything closer than this.

I appreciate your time in reviewing our email and really wanted to just set the record straight feeling that you should just hear from both parties this directly involves rather than just one, which has been the case so far.

We really appreciate all the hard work, effort and long hours that you are putting into all of this. It is not easy!

Kindest regards.

Victor and Brenda Muller