

William and Rebecca Zitomer
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Wrentham, MA 02093
508-384-7192

July 11, 2022

Chairman Leo Immonen
Town of Wrentham Conservation Commission
79 South Street
Wrentham, MA 02093

RE: Sheldon Meadows and Sheldon West (20 Hancock Street and 1139 West Street)

Dear Chairman Immonen and honorable members of the board,

We are providing the following supplemental information in response to the PSC Storm Water Review for the SLC projects at 1139 West Street and 20 Hancock Street, that was conducted at the BOH meeting of July 11, 2022. We live on Hancock Street across from the project and as several residents stressed during the hearing, we are extremely concerned about the potential for these projects to cause flooding and damage our properties. As Chairman of the Conservation Commission, you noted in a prior hearing that we are in a basin and water from the surrounding hills—as high as the Big Apple Farm—runs down and collects in our area. The potential for this project to cause massive water backup and displacement onto our properties cannot be overstated. Our homes could be destroyed.

We've written to the boards previously about two cases—one in North Attleboro and one in North Smithfield—where construction projects were approved and neighboring homes ruined. We are enclosing new information about the North Attleboro site (21 East Apartments) which shows how badly the situation has turned out for the neighboring residents and illustrates our fears of what could easily happen to us here in Sheldonville.

Throughout the years of planning for 21 East, residents repeatedly petitioned the planning board and expressed their concerns about the projects and potential flooding. The planning board with their engineers reviewed the plans and approved the project over their objections. By the time the project was nearing completion, homes were already being flooded regularly with some homes left with standing water as high as 3 feet. The town turned off the electricity in one house due to safety concerns after rising storm water came in contact with the electrical service, and the elderly couple living there is now using a generator for power. They have mold growing in their house and they are out of money. The residents have hired an attorney and an engineer and have pleaded their case through multiple planning board hearings but to no avail. The planning board maintains that it's not their responsibility, it's a civil matter which the residents must pursue on their own. Full occupancy was granted last November and yet the flooding continues.

Please carefully review the attached material in the pages that follow. This is just one horror story. The developer walked away. The planning board claims no responsibility. The residents are left holding the bag. We sincerely hope this is not our future fate and the boards in Wrentham will take enough care to ensure that our properties are protected.

Thank you and respectfully,

William and Rebecca Zitomer

North Attleboro family takes flooding plight to social media

By Tom Reillytreilly@thesunchronicle.com

Jul 7, 2022



A home at 16 Holbrook Ave. in North Attleboro has had a flooded basement since the construction of the new 21 East deep and owners say trees in the backyard have died due to root rot from too much water seeping onto the property. Also the home does not have electricity (except from a portable generator) or hot water. Shown above are the contents of the basement ruined by flooding. MARK STOCKWELL/THE SUN CHRONICLE

NORTH ATTLEBORO — A couple who say their home has been made all but unlivable by flooding have taken their plight to social media.

Steven Banks and Katherine Dorothy have sued the developer of a nearby apartment complex and say the town shares blame for a rising water table that has filled their cellar with water and left them without heat or electricity through last winter.

Heather Marderosian has posted on Facebook a video of water in the basement of her mother and stepfather's home at 16 Holbrook Ave. In it, she says the home is "unsafe due to the fire hazards and lack of power and MOLD, they have no money to relocate and their credit is ruined." She has set up a GoFundMe page to help them with expenses.

Marderosian, 42, formerly lived in a basement apartment in the home, which is on a cul-de-sac with the Ten Mile River running nearby. She says she now has to go to the YMCA to shower. Her mother, 65, is in chronic pain. Banks, 75, is retired.

"Everybody is passing the buck," she told The Sun Chronicle this week.

The family's complaints against the developers of the 21 East Street apartment complex go back over a year.

The development was the site of a former L.G. Balfour jewelry plant that had sat abandoned, and often vandalized, for years until it was razed in 2017. When apartment construction finally began in 2018 after a series of delays (the project is now on its third owner), it was touted as a means of broadening the tax base and bringing more people and business to the downtown area.

It was last June that Boston-based developer Jones Street Residential (its parent company is Jones Street Investment Partners, or JSIP) appeared before the town's planning board to plead its case for a "temporary occupancy permit" for at least a portion of the units so it could show income to its lenders.

At the time, attorney Steven Clapp of North Attleboro, who is representing the family in its lawsuit, said they had seen their basement flood and the furnace die because runoff from the development, which abuts their backyard, raised the water table in the area. He complained that the drainage system that the town had allowed was inadequate to handle rain runoff from the parking lot and roofs of the buildings of the complex.

In a subsequent meeting he told the board, "This is not good for North Attleboro. How do you spend \$44 million on a project and not have a working drainage system?"

Company representatives denied at the time its actions were responsible for the issues at 16 Holbrook. Representatives from Jones Street did not return an email this week seeking comment.

The town granted the occupancy permits in September, conditional on the developers complying with a number of specifications.

Clapp says his clients' situation has not improved. He filed the family's lawsuit against JSIP in January in New Bedford Superior Court "seeking to have them fix their drain so it will not continue to raise the water level." The suit is currently in the discovery phase, Clapp said. The company's attorney of record in the case did not return a phone call seeking comment.

Meanwhile, Clapp approached the town in June as "a necessary party," claiming that officials "approved an improper design in the beginning" for the drainage system. North officials have six months to respond.

Michael Borg, town manager, said the matter "is now with our lawyers."

"We wish they didn't have the problem," Borg said. "We have offered to go over and assess the situation, but we were denied entry."

Maderosian said her parents fear that if they allow the house to be inspected in its present condition, officials will condemn it.

"They asked, 'Will you give us a place to live?' They said no," she said.

https://www.thesunchronicle.com/news/local_news/north-attleboro-family-takes-ooding-plight-to-socialmedia/article_980a6013-7db4-5c8f-8b26-01f4aa84ee09.html

North Attleboro Planning Board Meetings

Through a series of planning board meetings from June through November of 2021, which can be viewed in highlight videos posted to North TV's YouTube page (links below), the developer is seeking permits for full occupancy while the flooding problems persist and neighboring homes are continually flooded. Residents have hired an attorney and an engineer and repeatedly plead their case to the board. By November full occupancy is granted. The flooding problems are not resolved, and the planning board absolves itself of all responsibility, informing residents that it's a civil matter for them to pursue on their own.

June 17, 2021: <https://northtv.net/watch/blog/21-east-st/>

The developer is asking for occupancy permits, blames the water issues on the river and says it needs to be dredged.

July 2, 2021: <https://northtv.net/watch/blog/planning-board-votes-on-21-east-permit/>

The developer is again seeking occupancy permits. The planning board refuses to hear from an engineer hired by the residents: "The issue of flooding with the neighbors is considered a civil matter. It is not considered under purview of the planning board to determine that is the case."

August 19, 2021: https://www.youtube.com/watch?v=lgoRrsSVB9s&ab_channel=NorthTV

September 9, 2021: https://www.youtube.com/watch?v=B8V-OnGE8ik&ab_channel=NorthTV

Again the planning board says it is not their purview.

November 4, 2021: https://www.youtube.com/watch?v=3tGfU0IUg2I&ab_channel=NorthTV

In this video the North Attleboro planning board is ready to grant full occupancy permits to 21 East. Residents and their attorney are appealing to them to hold the permit as incentive for the developer to fix the drainage problems. The board refuses, saying their hands are tied and it's now a civil matter for the residents to pursue on their own.

"Our peer review says that they installed their drainage system per plan. Their engineers say that they installed their drainage system per plan."

"From our point of view I don't think we have the ability to tell them to do anything about it."

"Planning board is like a horrible name for an actual planning board because most people tend to think it's like planning Sim City....We decide whether or not it meets the requirements. There's a packet of zoning ordinances that says all of the requirements to build all of these things....if you legally meet all of those requirements I legally have to say yes. The experts in this scenario are Beals and Thomas and their engineers are the experts and the attorneys who review it are the experts. If they come back and tell us everything is kosher, we have to go with what they say."

"Your remedy at this point is the civil part."

References on the Internet

This information posted in a North Attleboro Facebook group on 6/23/2022 describes how badly neighboring residents have been impacted.

<https://www.facebook.com/groups/517806975045948/posts/2135013886658574/>

Everything North Attleboro

Private group · 10.3K members



About Discussion Featured Topics Members Events Media Files Qu



Katherine Dorothy shared a post. ▶ Everything North Attleboro

Yesterday at 2:03 PM · 🌐



Heather Lynn

Yesterday at 12:07 PM · 🌐

My elderly parents home has been flooded out due to an ENORMOUS apartment complex recently built behind their home. Poor drainage(21inch pipe to a 6 inch pipe) and poor oversight from the town of North Attleboro Massachusetts have allowed this development to use their HOME as compensatory water storage. This poor drainage system installed by the town of NA and permitted by Beals and Thomas (the towns surveyors and engineering co) and the planning board of NA has cause the ground water level to increase over 3FT!!! 2 1/2 FT above their basement floor. During a significant rain event last summer August of 2021 the water in the basement nearly hit the fuse box the town came out and removed the power meter from their home for safety reasons, they have been without power since August of 2021, there is no where to pump the water out because the ground water level has risen and consistently stays so high, the mold that has begun to form in the home is a health hazard for both of them my stepfather who is a senior citizen as well as my mother who is a senior citizen and disabled. They have been operating their home under limited power of a generator the fuel costs of running a generator full-time has drained their savings as they have a very limited income. This tragic event has ruined their credit it has ruined their retirement and their ability to live peacefully as with such limited power even taking a shower is a chore, your hot water heater will not work under 3 ft of water.

While this may take the next 5 years to go through Court, we have an attorney who represents the home as well as an engineer who has formulated a report that has been submitted to the court and a second engineer from FEMA hired by our flood insurance, there is a current lawsuit in Massachusetts against JSIP developers and the town of North Attleboro ([massachusetts.gov](https://www.massachusetts.gov)) ..court records can be reviewed there. The home is unsafe due to the fire hazards and lack of power and MOLD, they have no money to relocate and their credit is ruined. All funds raised from this project will go directly to finding them a safe place to land

where they can once again shower in peace and breathe without fear. Thank you again for your kindness and your time❤️

NBC 10 WJAR WPRI 12 Melissa WBZ Nick Giovanni CNN MSNBC WCVB Channel 5 Boston Chronicle on WCVB Channel 5 Cindy Fitzgibbon WCVB Maria Stephanos WCVB Barbara Morse WJAR Mario Hilario WJAR Patrice Wood WJAR Steph Machado WPRI WBZ Weather NorthAttleboro HousingAuthority Massachusetts Constitutional Grassroots Page WGBH Kim Kalunian - WPRI Wfxt TV Fox 25 WLVI-TV Alumni WMFP-TV SunChronicle TravelClub #GovernorBaker #ElizabethWarren #massachusetts #NorthAttleboro #EdMarkey #adamscanlon #NAPPlanningboard #JSIP #commonwealthofmass #WJAR10 #elderly <https://gofund.me/2c0e7e87> — with Katherine Dorothy and 30 others in North Attleboro, Massachusetts.



GOFUNDME.COM

A Safe Place to Land, organized by Heather Marderosian

Hi, firstly I'd like to thank you for your kindness and for being here.. My name is Heathe... Heather Marderosian needs your support for A Safe Place to Land

👍🥰🥰 4

17 Comments

👍 Like

💬 Comment

💬 Send

Top comments ▾



Write a comment...



Marty Kelley

If the town has \$50,000 to waste on a stupid and needless sign then it certainly has the money to take care of your parents!

Like Reply 7h Edited



Katherine Dorothy Author

Marty Kelley thank you.. that is exactly how we felt when we saw it.. The The cherry on the cake is that they are still looking for property taxes when we can't use over half of our home we can't even mow our lawn because the grass is so saturated

Like Reply 7h

A GoFundMe was created on 6/23/2022: <https://gofund.me/82676ea3>

A Safe Place to Land



Heather Marderosian is organizing this fundraiser.

Created 1 day ago •  [Emergencies](#)

Hi, firstly I'd like to thank you for your kindness and for being here.. My name is Heather Marderosian. My elderly parents home has been flooded out due to an ENORMOUS apartment complex recently built behind their home. Poor drainage(21inch pipe to a 6 inch pipe) and poor over sight from the town of North Attleboro Massachusetts have allowed this development to use their HOME as compensatory water storage. This poor drainage system installed by the town of NA and permitted by Beals and Thomas (the towns surveyors and engineering co) and the planning board of NA has cause the ground water level to increase over 3FT!!! 2 1/2 FT above their basement floor. During a significant rain

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Updates (3)

Yesterday by Heather Lynn Marderosian, Organizer

This is a YouTube video I made showing more of the damage.. growing up Mom and Steve always gave our friends a safe place to stay, i remember rescuing my friend Beth who was going through a domestic violence situation, she stayed in my room that used to be in the basement, we've had several of my brother's friends whose parents have kicked them out and they had nowhere to go.. but Mom and Steve gave them a place it wasn't much but anything they had to offer they have and it's awful to watch them go through this I hope that somehow we can help them together. These funds will go to securing

them a new place to be and helping to finance the move ❤️

https://youtube.com/shorts/339_QZFaVEQ?feature=share

[See older updates](#)

Donate

Share

Organizer



Heather Marderosian

Organizer

North Attleborough, MA

Contact

Link to the video in the GoFundMe page:

https://www.youtube.com/shorts/339_QZFaVEQ?&ab_channel=RHODS123

Earlier News Articles About 21 East

North Attleboro board still not satisfied with 21 East St. project

By Tom Reillytreilly@thesunchronicle.com
Sep 8, 2021



The 21 East St. apartments in North Attleboro. MARK STOCKWELL/THE SUN CHRONICLE

NORTH ATTLEBORO — While the town’s engineers say there’s been progress on the apartment complex at 21 East St., planning board members say the owners still have more to do to meet their commitments.

And Chairwoman Marie Clarner is reiterating that neighbors who have complained that drainage from the three-building project is flooding their property need to seek relief from the courts, not the town.

The development, on the site of a former L.G. Balfour jewelry plant, was granted a temporary permit to allow tenants to move into some of the buildings in June, conditional on the developers meeting a list of board conditions.

Matt Cote of Beales +Thomas, the board's engineers, told the planning board at its regular meeting last week that "a lot of progress has been made" on the property but members of the board still had a laundry list of issues — from lighting to plantings to drainage — for the developers to tackle.

David Andronico of Boston-based Jones Street Residential, owners of the development, told the board that many of the still-outstanding issues were in the process of being fixed.

Attorney Steven Clapp, who represents some of the neighbors of the site, repeated to the board that even moderate rainstorms cause the parking lot of the complex to flood and claimed that the project has caused basement flooding of his clients' home on Holbrook Street.

"The house has no heat or hot water or electricity," he said.

"This is not good for North Attleboro," he said. "How do you spend \$44 million on a project" and not have a working drainage system? he asked.

Clarner reminded Clapp, however, that "those issues are not in the purview of the town or the planning board," but are a matter for civil court.

The planning board will draft a memorandum listing the items still to be addressed, Clarner said. It will give the developers an opportunity to respond and certify the development has been built as specified, "to plan," in the language of the board, within 60 days, she added.

On one of the other major items on the agenda, Green Leaf Health, which is seeking to open what could be the town's first legal marijuana dispensary at 91 George Leven Drive, sought a continuance for the planned public hearing on some of the required permits.

https://www.thesunchronicle.com/news/local_news/north-attleboro-board-still-not-satisfied-with-21-east-stproject/article_66a0303c-2b29-5bb7-9aa3-0797e6f1b796.html

Abutters call for review of drainage for 21 East St. project

By **Max Bowen** -September 9, 2021



A 193-

unit mixed-use project at 21 East St. has received a Temporary Certificate of Occupancy, but neighbors allege that the work done has drastically increased flooding in their homes. Staff Photo/Max Bowen

max.bowen@northstarreporter.com

Abutters opposed to the 193-unit apartment complex at 21 East St. spoke of the need for a detailed study of the project's drainage system, saying it's insufficient for the amount of water it takes in.

The project came before the Planning Board at its Sept. 2 meeting. The discussion began with a review of several items that had yet to be completed as per a report issued on Sept. 1 by Beals and Thomas. This included plantings on the site, making the three buildings fully compliant with the Americans with Disabilities Act, and addressing an issue with the lights shining on neighbor's properties. David Andronico of Jones Street Residential—the third developer of the site in five years—took questions on these items and said that most had been resolved or would be soon.

Matt Cote, a civil engineer with Beals and Thomas, said that past hydraulic modeling for the site hasn't included a section of piping that contains a Downstream Defender, a hydrodynamic vortex separator that captures and retains sediments. He said not including this in the reviews makes the final analysis unreliable.

"If they model it without taking into account the impacts of the river the it won't show what will happen," said Cote. "When the plans were made, they knew the river would be an issue."

Cote said that the developer will need to show proof that the drainage system will perform as the plans show. Typically a certification from the engineer of record is requested that the system was installed. Andronico said this could be done.

During the public comment portion of the meeting, Attorney Steven Clapp—representing the Banks family, who live on Holbrook Avenue and abut the mixed-use complex—said the family’s home has sustained considerable damage due to the Ten Mile River overflowing into the parking lot. He said that the stormwater system at the site cannot handle the water, which then goes into the backyards and homes of nearby residents. The river overflows frequently and the town is in the process of getting federal funding to dredge it.

The attorney spoke of the town’s recently-adopted stormwater bylaw and how the Planning Board plays an important role in its enforcement. In the case of the Banks home, Clapp said the flooding has resulted in the loss of electricity and the furnace and has caused mold and mildew to grow in the home. He added that there is two feet of water in the basement that the family cannot get rid of.

“A stormwater system should not cause the area to flood every time it rains,” said Clapp.

Clapp called for the system to be tested to ensure it can handle repeated rainstorms. He acknowledged that the Ten Mile River has been a problem for years, but that the system isn’t helping the situation.

“The system should be draining water,” he said. “It just isn’t working.”

Heather Mardarosian of Holbrook Avenue raised a number of inconsistencies between the plan and the final project, but was told these had either been addressed or had little impact on the site. She too encouraged a more complete hydraulic test.

“We need to test the whole system,” she said.

During the meeting Board Chair Marie Clarner said that issues between the neighbors and the developer were under the purview of civil court, not the Planning Board.

The board gave the developer until Nov. 1 to resolve any outstanding issues raised in the Beals and Thomas report. They also requested that the developer submit the engineer’s certification that the project had been built according to plan.

Currently the developer has a Temporary Certificate of Occupancy which allows people to move in to two of the three buildings. When Andronico asked if resolving these issues could lead to the third building being opened to tenants, he was advised to not “press his luck.”

<https://www.northstarreporter.com/2021/09/09/abutters-call-for-review-of-drainage-for-21-east-st-project/>

Earlier news articles for reference:

https://www.thesunchronicle.com/news/local_news/north-attleboro-apartment-complex-stuck-without-occupancypermits/article_172ac6a2-f539-5380-80a5-f18605c1b7a9.html

<https://www.northstarreporter.com/2021/07/02/occupancy-certificate-conditionally-approved-for-21-east-st/>