

CITIZEN PETITION

TO: Southborough Board of Selectmen

FROM: Southborough Residents

SUBJECT: Second Request for Removal of Leo F. Bartolini, Jr. From The ZBA

DATE: September 1, 2016

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2016 SEP 29 P 1:43

SOUTHBOROUGH, MA

We thank the Southborough Board of Selectmen for the opportunity to reinforce and expand on our previously stated issues and concerns regarding the ZBA's handling of citizen/voter/taxpayer issues generally and specifically the failures of ZBA's now former chairman Leo F. Bartolini, Jr.—particularly relative to the questionable handling of matters and process regarding the Park Central Drive development (in total, including the 40B, the residential and the commercial components). We appreciate the Selectmen's first step of removal of Mr. Bartolini as chairman of the ZBA, but we continue believe that Mr. Bartolini's ongoing failings as a ZBA member confirm that he is unfit for a position on the ZBA and warrant his complete removal from the ZBA—and we strongly urge the Selectmen to act on this as soon as possible.

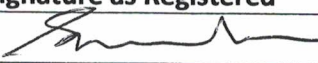
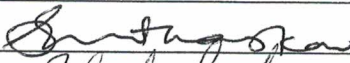
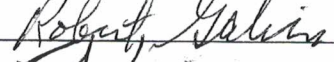


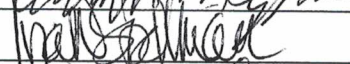
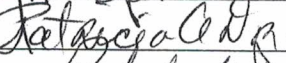
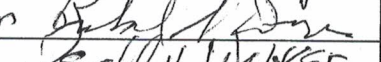


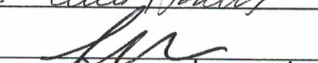
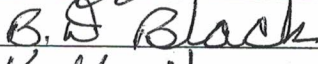

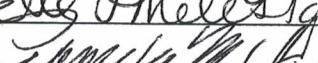



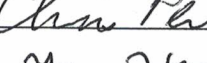
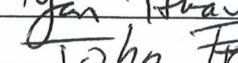
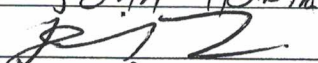

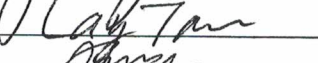








The undersigned registered voters in the Town of Southborough hereby request that the Board of Selectman **REMOVE MR. LEO F. BARTOLINI, JR. FROM THE ZONING BOARD OF APPEALS, EFFECTIVE IMMEDIATELY.**

The reasons for this request include, but are not limited to, the following:

- **Continued loss of public confidence in the adequacy of Mr. Bartolini's judgment and temperament for a ZBA role, especially relative to the Park Central site development and ZBA process.** This lack of public confidence is reinforced by the fact that the Selectmen who initially appointed Mr. Bartolini as an alternate ZBA member expressed concern about Mr. Bartolini's fitness for the position, and appointed him with the unusual qualification that he was not initially eligible to serve as a regular ZBA member.
- **Continued loss of public confidence in Mr. Bartolini's concern for public safety and welfare,** as demonstrated by his disregard for public comments and lack of concern for the public safety impact of adding Park Central traffic to Flagg Road.
- **Mr. Bartolini's ongoing general disrespect for the citizen / voter / taxpayers opinions** expressed at ZBA hearings, as confirmed by various video recordings of ZBA hearings.
- **Mr. Bartolini's sexist and appalling treatment of women who comment at ZBA hearings—at a recent hearing he referred to a resident, a 35 year old woman, as "that girl". We most strongly request that the Selectmen require that Mr. Bartolini issue a written apology to this woman/taxpayer immediately and that the Selectmen publicly admonish Mr. Bartolini for this appalling behavior.**
- **Mr. Bartolini's ongoing erroneous statements of fact during public hearings, on video recordings, which continuously have to be corrected by Town Counsel and others,** confirm that he does not have sufficient grasp of the issues before the ZBA or the permitting process to be an effective ZBA member.
- **Mr. Bartolini's long record of process missteps** during the time he has been ZBA chairman (including his **lack of oversight of the Safe Harbor process** related to the Madison Place subsidized housing credit, his failure to properly continue the Park Central 40B hearing this past June and his role in initially denying the Park Central permit application).
- **Mr. Bartolini's continuing failure to adhere to common sense (and in some cases, required) practices and protocols** with respect to other boards and committees, including most recently the Planning Board and the Conservation Commission.
- **Continued loss of public confidence in Mr. Bartolini's ability or desire to follow due process in zoning permitting.**

We express our thanks to the Southborough Board of Selectmen for considering our issues and concerns. Please contact Attila Herzog (508-229-8997) with any questions related to this CITIZEN PETITION.

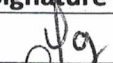
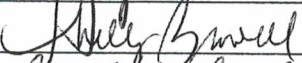
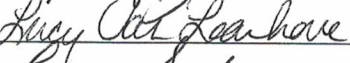





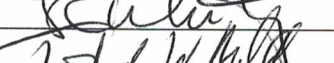
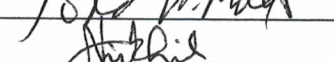
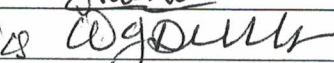
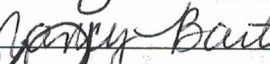
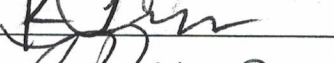
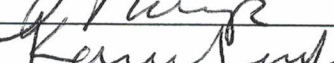
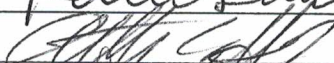
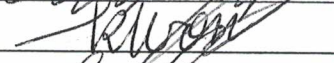



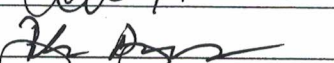
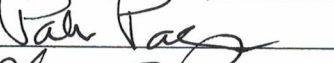
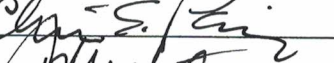








SECOND PETITION TO REMOVE LEO F. BARTOLINI, JR. FROM THE ZONING BOARD OF APPEALS

	Print Name as Registered	Signature as Registered	Street Address
1	SANGHETA MAUSKAR		1 BARN LANE
2	SUMANT MAUSKAR		1 BARN LANE
3	ROBERT GALVIN		11 SUMMIT RD
4	Pam Bunsen		2 PLEASANT ST
5	Jim Blackburn		8 Tod Lane
6	Chris Spellman		58 Pine Hill
7	Lisa Spellman		58 Pine Hill
8	PATRICIA A. DRAPER		187 Middle Road
9	Richard A. Draper		187 Middle Rd
10	Sally Walker		81 William Onthank Ln.
11	PETER WHITE		508-624-0085 15 Overlook Dr.
12	ALICE HANCOCK-WHITE		508-624-0085 15 Overlook Dr.
13	Mila Hentuff		774-292-2036 20 General Henry Kn
14	BARBARA BLACK		508-624-12 HICKORY
15	Kelly Hays		508-624-14 Latisquama
16	Melissa Tokey LaBelle		27 Main St.
17	PAZSHA McDONALD		20 Rockpoint RD
18	Jim Foster		12 Blackthorn Dr
19	Bob Ryan		11 Central St
20	LINDA PERKINS		1 TARA RD
21	CHRIS PERKINS		1 TARA RD
22	Yan Huang		75 Flagg Rd
23	John Tobin		6 Stockell
24	David Ficene		45 Richards Rd
25	Janet Johnston		1 Banfill Lane
26	Lan Tan		65 Richards Rd.
27	Fong Phang		65 Richards Rd
28	Jim McParony		14 Secrewing Way
29	Andrew Linsman		104 Marlboro Rd
30	LEAH SCHWARTZ		35 Constitution Dr

SECOND PETITION TO REMOVE LEO F. BARTOLINI, JR. FROM THE ZONING BOARD OF APPEALS

	Print Name as Registered	Signature as Registered	Street Address
1	Rebel Smith-Coffy	Rebel Smith-Coffy	24 Woodbury Rd.
2	Marnie Hoolahan	Marnie L Hoolahan	26 Clifford St
3	Kevin J Hoolahan	Kevin J Hoolahan	26 Clifford St
4	Erin Wheatley	Erin M Wheatley	22 Clifford St
5	Napoleon R DePina	Napoleon R DePina	20 Clifford St
6	Desiree Azzalina	Desiree Azzalina	15 Clifford St.
7	Robert Azzalina	Robert Azzalina	15 Clifford St.
8	EDWARD C. Davis	Edward C Davis	11 Clifford St.
9	Sara M. Davis	Sara M Davis	11 Clifford Rd.
10	Amy Richardson	Amy Richardson	6 Clifford
11	James Richardson	James Richardson	6 Clifford
12	Kayla Monrack	Kayla Monrack	4 Clifford
13	Michele Hart	Michele Hart	60 Deerfoot
14	Victor Hart	Victor Hart	60 Deerfoot
15	Ellen Joyce	Ellen Joyce	54 Deerfoot
16	Michael Joyce	Michael Joyce	54 Deerfoot
17	NAMES DENIED	NAMES DENIED	12 Clifford St
18	Nicole Homblower	Nicole Homblower	12 Clifford Street
19	Margaret Hart	Margaret Hart	7 Clifford Rd.
20	Kristin Szeklas	Kristin Szeklas	8 Vickery Hill Lane
21	Benjamin D. Keyes	Benjamin Keyes	43 Lovers Lane
22	NICKAELA FROSE-KEYES	NICKAELA FROSE-KEYES	43 Lovers Lane
23	Mary Frances Giles	Mary Frances Giles	49 Lyubbrook Road
24	Janet Sussman	Janet Sussman	1 Flagg Road
25	Norman Sussman	Norman Sussman	1 Flagg Road
26	Laurie Bouzan	Laurie Bouzan	36 Bigelow Rd
27	Scott P. Anderson	Scott P. Anderson	10 Nathan Street Ln
28	Brooke Anderson	Brooke Anderson	10 Nathan Street Ln
29	DAVID KLEIN	DAVID KLEIN	18 Middle Rd
30	WILLIAM SINES	William Sines	12 HICKORY RD

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	Print Name as Registered	Signature as Registered	Street Address
1	Hulton Southey		14 Strawberry Hill Rd
2	Shelly Brownell		8 Jacobs Lane
3	Lucy Van Laarhoven		4 Tara Rd
4	Fran Schiebe		24 Cluffed Rd
5	MATTHEW YAZMANI		16A Bantrey Rd.
6	Mike Blaz		13 Strawberry Hill Rd
7	Brendwynn Kluge		51 Deerfoot Rd
8	Lisa Gehmari		18 Deerfoot Rd
9	Shayin Alavi		8 Strawberry Hill Rd
10	Whitney		23 Blackthorn Rd.
11	Jodd W. Miller		8 Hickory Rd.
12	NIKHIL SATRA		34 LOVERS LANE
13	Wendy Demichaelis		15 Bantrey Rd.
14	Nancy Barton		16 STRAWBERRY HILL RD
15	Kurt Thorpe		23 LOVERS Ln.
16	Lise Thorpe		23 Lovers Lane
17	Karen Sambrook		7 Hickory Rd
18	Attila HERCZEG		4 JACOBS LANE
19	Christina Knott		12 Thayer Ln
20	Inho Lee		12 Thayer Ln.
21	Sue Baust		28 Latisguana Rd.
22	Nancy Langway		13 Ledge Hill Rd Southborough
23	Ann Debrocey		2 Wyeck Circle South
24	Peter Debrocey		2 Wyeck Circle
25	Patricia Pacewicz		55 Breakneck Hill Rd.
26	Christopher Pacewicz		55 Breakneck Hill Rd.
27	Bharat Khataw		79 Pine Hill Rd
28	John Palmer		131 Parkerville Rd
29	MIKE FALLON		4 North St.
30	John Doy		7 Candlewood Lane

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	Print Name as Registered	Signature as Registered	Street Address
1	Kristine Dameri	Kristine Dameri	18 Flagg Rd
2	Malissa Cunningham	Malissa Cunningham	12 Tara Rd
3	Jonathan Green	Jonathan Green	10 Tara Rd
4	Penny Green	Penny Green	10 Tara Rd
5	Emily Gifford	Emily Gifford	27 Flagg
6	Ben Burt	Ben Burt	27 Flagg Rd
7	Mattie L. Cummings	Mattie L. Cummings	20 Flagg Rd
8	Michael Austin	Michael Austin	36 Flagg Rd
9	Monica Austin	Monica Austin	36 Flagg Rd
10	Susan Bragoni	Susan Bragoni	45 Flagg Rd
11	Jonas Linden	Jonas Linden	39 Flagg Rd
12	Gloria Linden	Gloria Linden	39 Flagg Rd
13	Kirsten Farn	Kirsten Farn	23 Flagg Rd
14	Eric Zilinsky	Eric Zilinsky	6 Redgate 01772
15	Saura Butterfield	Saura Butterfield	15 Redgate Ln.
16	Mike Dameri	Mike Dameri	18 Flagg Rd.
17	PAULA JOHNSON	PAULA JOHNSON	25 Flagg Rd
18	Morten Jorgensen	Morten Jorgensen	25 Flagg
19	Carrie J. DeBilis-Mello	Carrie J. DeBilis-Mello	21 Flagg Rd
20	Robert M. Mello, Jr.	Robert M. Mello, Jr.	21 Flagg Rd.
21	Deborah DeMuria	Deborah DeMuria	58 Flagg Rd.
22	Kevin Farmington	Kevin Farmington	58 Flagg Rd
23	Peter Bauer	Peter Bauer	78 Flagg Street
24	Chuck Genesi	Chuck Genesi	21 Blackthorn Dr.
25	Tanya Bengt	Tanya Bengt	21 Blackthorn Dr.
26	Howard Rose	Howard Rose	2 Bentry Rd
27	JOHN REILLY	John Reilly	49 Deerfoot
28	DAVID COTE	David Cote	4 FLA66 RD
29	Allan Bezanson	Allan Bezanson	20 Peertate Rd
30	Karen Hanta (Graham)	Karen Hanta	8 Lynbrook Rd

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	Print Name as Registered	Signature as Registered	Street Address
1	K.J. Sanginario	K.J. Sanginario	21 Lynbrook Rd.
2	Jen Martin	Jen Martin	23 Lynbrook Rd.
3	Monica Grehoski	M Grehoski	39 Lynbrook Rd.
4	William Ruffo	William Ruffo	33 Lovers Ln
5	Heather Ruffo	Heather Ruffo	33 Lovers Lane
6	Bimal Patel	Bimal Patel	10 Jacobs Lane
7	MATT BROWNEIL	Matt Browneil	8 Jacobs Lane
8	JOSHUA W. CHESTNUT	Joshua W. Chestnut	49 LYNBROOK RD.
9	SARAH CHESTNUT	Sarah Chestnut	49 Lynbrook Rd.
10	ATTILA HERCEY	Attila Hercy	4 JACOBS LANE
11	Emily A Smith	Emily A Smith	72 Flagg Road Apt B
12	Whitney A. Beals	Whitney A. Beals	10 Chestnut Hill Road
13	Anne Muirhead	Anne Muirhead	35 Lovers Lane
14	Tina Higgins	Tina Higgins	31 Lovers Ln
15	Danielle Beauchase	Danielle Beauchase	40 Lovers Ln 8B
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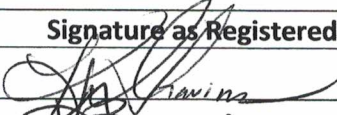
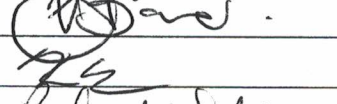


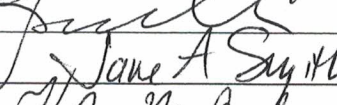
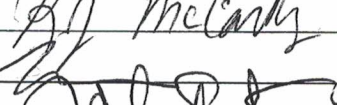


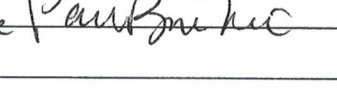


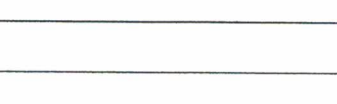

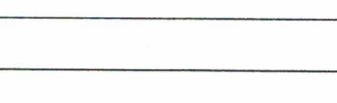
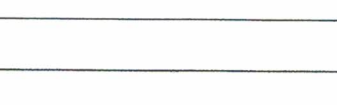

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1	THOMAS BEAUMONT	Thomas Beaumont	49 FLAGG RD
2	Catherine Klebb	Catherine Klebb	1 Deerfoot Rd
3	David Schmonz	David Schmonz	53 Flagg Rd
4	Aline Chleapaz	Aline Chleapaz	20 Red Gate Lane
5	Maura Walsh	Maura Walsh	4 Hickory Rd
6	Sant DeMichaelis	Sant DeMichaelis	15 Bantury Rd.
7	Marybeth Philbin Hannigan	Marybeth Philbin Hannigan	33 Flagg Rd.
8	Kelly A. Winand	Kelly A. Winand	18 Bantury Rd.
9	David Winand	David Winand	18 Bantury Rd.
10	Alice White	Alice M. White	18 Bantury Rd.
11	Jeffrey Hannigan	Jeffrey Hannigan	33 Flagg Rd.
12	LORETTA MCANARD	Loretta McAnard	3 Hickory Rd.
13	BEN INFANTINO	Ben Infantino	249 PARKERVILLE RD.
14	Sohn Labarre	Sohn Labarre	6 Upland Rd
15	Marybeth Blair	Marybeth Blair	6 Walker St.
16	Jeffrey Cullen	Jeffrey Cullen	7 Heather
17	Carol Cullen	Carol Cullen	7 Heather
18	MARIE OSULYVAN	Marie Osulvan	57 CONSTITUTION ST
19	Marc Belan	Marc Belan	20 Skyles Dr.
20	Suzanne Chutcheon	Suzanne Chutcheon	65 Oak Hill Rd.
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	Print Name as Registered	Signature as Registered	Street Address
1	Karen Travins		59 Flagg Rd
2	VICKI BAMEL		78 Plain Rd
3	Kevin Poulthney		20 Strawberry Hill Rd.
4	Richard Wallace		18 Cliff Rd
5	Ken Duffy		37 Flagg Rd,
6	Connie Duffy		37 Flagg Rd.
7	BRIAN VAN LAARHOVEN		4 TARA RD, S-BURY, MA
8	Lawrence Spezzano		12 Bantary Rd
9	JANE A SMITH		49 Deerfoot Rd
10	Karen McCarthy		54 Flagg Rd
11	Karen Curtkovic		22 Deerfoot Rd
12	Jeff Schieff		24 Cliff Road Rd
13	Charles Gennari		18 Deerfoot Rd
14	Aron Jacobson		10 Bantary Rd
15	Kaori Dence		6 Flagg Rd.
16	Patrias Burnstine		10 Winter St.
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Supporting Materials for the Citizen Petition to the Board of Selectmen to Remove Leo F. Bartolini, Jr. from the Zoning Board of Appeals

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The attached materials are provided in support of the Citizen Petition to the Board of Selectmen to remove Leo F. Bartolini, Jr. from the Zoning Board of Appeals. This removal can be done by the ZBA's appointing authority (i.e., the Board of Selectmen), pursuant to MGL Chapter 40A Section 12 (which states "Any member may be removed for cause by the appointing authority upon written charges and after a public hearing.").

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There is precedent in Southborough for such a situation. In 2006, a ZBA member behaved disrespectfully toward members of the public and toward his ZBA colleagues—in ways that were very similar to Mr. Bartolini's behavior. This ZBA member was prohibited from participating in ZBA matters for a period of six months, at which time his status was to be re-evaluated. He was not reinstated to the ZBA after this restriction period, and he was eventually removed from the ZBA.

Mr. Bartolini's recent "resignation" of his position as Chairman of the ZBA, after Mr. Bartolini met with the Board of Selectmen executive session after receipt of the first Citizen Petition for Mr. Bartolini's removal from the ZBA, strongly suggests that the Board of Selectmen also has concerns about, if not substantial loss of confidence in, Mr. Bartolini's ability to serve as a ZBA member. However, this reorganization has also led to a serious on-going public concern about tainting of process.

The attached public documents reinforce the following points:

- Mr. Bartolini was initially appointed to the ZBA in 2007 despite the Selectmen's "reservations" about his temperament and comments about prior "contentious behavior" with the ZBA (per the attached Selectmen's minutes of 11/20/07);
- With Mr. Bartolini's initial appointment as an alternate ZBA member, the Selectmen were apparently so concerned about Mr. Bartolini's fitness to serve that they took the unusual step (not done previously in recent memory or since for any other ZBA appointment) that he was not eligible during his initial term for appointment to a position of full ZBA member; (per the attached Selectmen's minutes of 11/20/07)
- Mr. Bartolini's behavior relative to his fellow ZBA members and to the public at ZBA meetings in July and September of 2010 produced three letters of complaint (as attached, dated 7/22/10, 9/21/10, 9/21/10 (and updated 9/23/10); and
- In response to these complaint letters, Mr. Bartolini was required to write the attached letters of apology to the writers of these complaint letters.
- Mr. Bartolini's continued behavior toward the public reinforces the fact that he has not corrected his unacceptable behavior—particularly as reflected in the attached complaint letter about his appalling disrespectful and sexist treatment of a 35 year old woman as she commented at a recent ZBA hearing.
- The continued disregard and disrespect for the public as evident above, public opinion, public safety, as well as an apparent bias in procedure and process as evident during recent hearings and on tape reinforces the necessity of Mr. Bartolini's removal.

The most serious concerns reflected in these materials involve evidence of disrespect, bias and advocacy—all behaviors that are entirely inappropriate for anyone serving on the ZBA.

Mrs. Nancy Buck
7 Oregon Road
Southborough, MA 01772

July 22, 2010

Town of Southborough
Board of Selectmen, Mrs. Bonnie Phaneuf, Chair
17 Common Street
Southborough, MA 01772

Dear Mrs. Phaneuf,

On Tuesday evening, I attended the Zoning Board hearing for the proposed 40B project on Oregon Road, Stonebrook Village. It was one of many meetings that I have attended over the last several months on this project with others from our neighborhood group. I attend these meetings in order to be informed and to hear what others have to say about the project – for and against. Each meeting, I've marveled at the professionalism displayed by board members during most all of these sessions.

However, it was during a quite long meeting on Tuesday night that I witnessed what I can only term inappropriate behavior by a sitting board member. Namely, Mr. Leo Bartolini made comments that quite strongly voiced and displayed favoritism for the applicant.

At the beginning of the meeting, Mr. Sam Stivers, of whom I have the utmost respect, discussed several letters that each board member had been given in their packets. This was when Mr. Bartolini first started his disruptive behavior. Mr. Stivers had set a letter or letter(s) for later discussion and Mr. Bartolini kept insisting, to the point of creating an awkward situation, that they read the letter or letter(s) first. Mr. Stivers held his ground.

The hearing continued and letters from abutters and others were discussed and the applicant was addressing the issues raised. It was during the applicant's explanations that Mr. Bartolini chimed in to offer more detailed explanations.

Once the meeting opened for public comment, Mr. Bartolini felt compelled to answer all questions from the assembly, rambled several times in defense of the applicant's project, often speaking out of turn. He used facial expression and body language to show his displeasure with questions / comments made by the assembly. At one point, he even flustered fellow board member Mr. Estrella by making Mr. Estrella repeat himself.

One resident spoke (during the meeting) of his obvious advocacy, interlacing the comment with humor during comments in support of the neighborhood, so I'm not certain it was on record.

Mr. Stivers several times had to redirect Mr. Bartolini to get the meeting back on track, and there were points where I think he was on the brink of losing control of the meeting. It was clearly the worst behavior I've witnessed by a board member during a public meeting – it was an embarrassment.

I write as a concerned individual taxpaying resident of the Town of Southborough. This letter expresses only my opinion of the meeting on Tuesday night and not that of the neighborhood group (mentioned earlier). I felt someone needed to raise this issue and even slept on the thought for a couple of nights. But after two nights, I feel as strongly as I did sitting through Tuesday's meeting that Mr. Bartolini was out of control. Given his term runs through 2013, it would appear he needs some level of coaching on appropriate behavior for a public board member.

Regards,

Nancy E. Buck

cc: Mr. Sam Stivers, Zoning Board Chairman

TOWN OF SOUTHBOROUGH



BOARD OF SELECTMEN

TOWN HOUSE • 17 COMMON STREET • SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 • FAX (508) 480-0161 • selectmen@southboroughma.com

- via email
To: Sam Stivers, Lee Bartolini *- via email*

From: Jean Kitchen, Town Administrator

Re: Second complaint from Ms. Nancy Buck

Date: September 22, 2010

Attached please find a second complaint from Ms. Nancy Buck regarding the behavior of Mr. Bartolini at a recent ZBA hearing. Chairman Phaneuf requests that each of you give the Selectmen a written response to this complaint by Monday Sept. 27, 2010. Ms. Phaneuf has noted that she spoke to each of you after the Selectmen received the first complaint of Ms. Buck's (which denoted Mr. Bartolini's behavior from a previous ZBA hearing) and was assured that the matter would be taken care of. Thank you for your prompt attention to this matter.

Mrs. Nancy Buck
7 Oregon Road
Southborough, MA 01772

September 21, 2010

Town of Southborough
Board of Selectmen, Mrs. Bonnie Phaneuf, Chair
17 Common Street
Southborough, MA 01772

Dear Mrs. Phaneuf,

I am writing in follow up to my letter of July 22, 2010 (attached) regarding the inappropriate behavior of Mr. Leo Bartolini, a member of the Zoning Board, during a hearing on July 19, 2010.

While I never received a direct response to my letter, I did hear 2nd hand from my husband that you ran into him and assured him the situation had been handled, and I could call you if I had further questions.

It's 10:28 PM on Tuesday evening and I wish I could call you.

I've just returned home from another lengthy Zoning Board hearing for the same project. Once again, Mr. Leo Bartolini showed how he can disrespect an entire room full of people with inappropriate behavior.

During Mr. Estrella's questioning of the applicant's engineer, Mr. Bartolini was whispering to his fellow board member, and laughing as if to dismiss the importance of Mr. Estrella's point. This behavior proved distracting to those of us who were interested in what Mr. Estrella was uncovering that had been unknown until tonight.

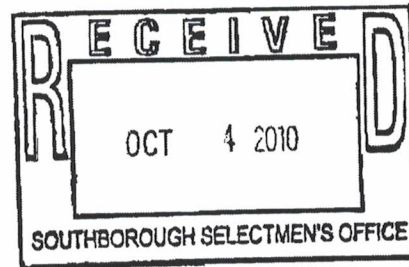
During a subsequent conversation related to Mr. Estrella's point, when a gentleman from the Southborough Open Land Foundation spoke in frustration over the applicant's and Mr. Bartolini's perceived dismissal of using dual-walled vs. single walled oil tanks on land so imbedded in wetlands, Mr. Bartolini felt compelled to dismiss the gentleman's comments by making blasphemous reference to another abutter's property on public record, knowing the individual was present at the hearing and knowing the individual has spoken against the density of the project at Zoning Board hearings. In my opinion, this was an attack without warrant on that individual and should not be taken lightly.

His behavior is inappropriate, unprofessional, and disruptive. His permanent dismissal from the board should be strongly considered given unrelenting behavior issues and deeply biased views.

Regards,

Nancy E. Buck

Cc: Sam Stivers, Jean Kitchen



October 4, 2010

Dear Chairman of the Board of Selectman:

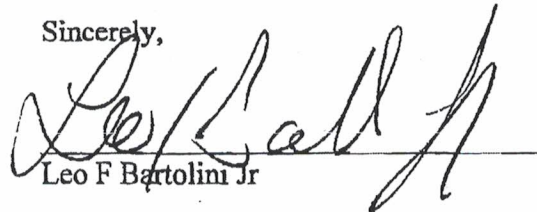
This is my response to the letter from Ms. Buck.

I am writing in response to your Sept. 21st letter to the Board of Selectmen regarding my conduct at the last ZBA meeting for the Stonebrook Village project. I have been a member of the Southborough Board of Appeals for two and a half years, and have attended over 30 meetings and have not received any complaints about my behavior until the Stonebrook Village project. If it appeared that I wasn't taking Mr. Estella seriously, it was because his presentation (well over an hour) mostly covered areas that had either been discussed previously, or were outside the jurisdiction of the Board. In particular, his insistence on discussing the pro forma, despite repeated statements by the chairman that it was not under the Board's authority was a bit frustrating.

As for the charge that I have somehow been "advocating" for the developer, this is not the case. On the Oak Hill Road 40B project, I have sided with the neighbors. The difference between the two projects is that the Stonebrook Village project was better engineered and the developer made a better case for approval of his project, as you can see from the unanimous vote by the Board.

Regarding your complaint about my reference to the condition of Lisa Braccio's property, I have thought about the matter and I agree that it was inappropriate, and I have sent a letter apologizing for the comment.

Sincerely,


Leo F Bartolini Jr

TOWN OF SOUTHBOROUGH



October 27, 2010

BOARD OF SELECTMEN

TOWN HOUSE • 17 COMMON STREET • SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 • FAX (508) 480-0161 • selectmen@southboroughma.com

Mrs. Nancy Buck
7 Oregon Rd.
Southborough, MA 01772

Dear Ms. Buck:

Thank you for your letters to the Board of Selectmen regarding your recent experiences at hearings in front of the Zoning Board of Appeals.

Upon receipt of your concerns, Selectman John Rooney was asked to meet with specific members of the Zoning Board of Appeals. In his discussions, Selectman Rooney went over the issues raised in your correspondence, and made it very clear that courtesy, respect and open dialogue are absolute prerequisites for continued membership on the Zoning Board of Appeals. There is no room for compromise on these conditions. A basic principle of our Town philosophy is to encourage volunteerism and participation. Anything that is done to infringe on those ideals will not be tolerated.

Mr. Bartolini has written a letter of apology to you and a copy of that correspondence is attached.


Additionally, all members of the Zoning Board of Appeals will be required to attend mandatory training sessions that address, among other matters, professional courtesies, demeanor and the promotion of open and free discussion.

Finally, the Board of Selectmen will closely monitor the meetings of the Zoning Board of Appeals to ensure compliance with the Town's philosophy in the future.

Please do not hesitate to contact us if you have any further questions or concerns. Again, thank you for your commitment to this Town and your willingness to reach out to the Board of Selectmen.


Bonnie J. Phaneuf, Chairman


William J. Boland


John F. Rooney
Southborough Board of Selectmen

**Lisa M. Braccio
13 Oregon Rd.
Southboro, MA 01772
508-481-9939**

September 21, 2010

Board of Selectman
Town of Southboro
17 Common St.
Southboro, MA 01772

RE: ZBA/Leo Bartolini

Dear Board of Selectman,

I find myself in a position that I never thought I would be in and am deeply troubled by the actions of a sitting member of the Zoning Board. Through all the meetings that I have attended I have been appalled by the lack of respect and unprofessional behavior shown by Mr. Leo Bartolini to both the public and his own Board.

While there are transcripts of the meetings unfortunately they will now show the distraction of repeatedly rolling of eyes while other members are speaking, cutting them off and even laughing with other Members as they are speaking. His seemingly lack of patience for the Public and their opinion is also troubling. Most troubling is his advocating for the project before the Board. I would have hoped that Mr. Bartolini could remain impartial as other members of the Board clearly appeared to be to get the best project for our Town. Last night as Mr. Estella asked questions of the Proponent it was Mr. Bartolini who answered as it seemed an advocate of the Proponent.

At last night's meeting it was taken a step too far and became personal to which I am offended, angry and believe the time has come for the Selectman to take action on this behavior. I am aware that another letter was written in July and to date has yet to be addressed. I would hope that this matter will be cleared up in a more expedited manner.

At the meeting when a SOLF representative, Bill Sines, was discussing the benefits to the project, the Wetlands and the SOLF property of using a dual-walled versus single walled oil tank and the potential for leakage. Mr. Bartolini

referenced my property in the respect that he said he would be more concerned about a direct abutter (to the project not SOLF) and their 2 snowmobiles and a bus in their driveway contaminating the wetland than this project. This was totally inappropriate and not the venue for this. My understanding was this meeting was about Stonebrook Village a proposed 40B and not an attack on an abutter. I don't quite understand what my driveway, which has been here for over 50 years, as well as what is in my driveway has to do with this project. For the record, our Motorcoach was issued a special permit by ZBA in 2005 and is only home 5 months out of the year. The implication that I can't be a proponent of the Wetlands because I have a bus and snowmobiles in my Driveway is ludicrous, rude as well as potentially slanderous.

As upset as I was I chose to not address this at the meeting as it was not what the meeting was about and what we were all there to discuss. I did something I have never done, I walked out of a meeting before a decision which will greatly affect my property was resolved. And worse was followed by another person. I was sickened by what I had witnessed. I have served Southboro for over 5 years on the Open Space Preservation Commission and in all the meetings I have attended have never seen anything as inappropriate.

Another example at the September 7th meeting I was told by Mr. Bartolini that my lighting issues had been addressed, I replied they had not and again was told they had, to which I again replied again they hadn't. Low and behold I was approached by Capital Group the next day wanting to meet with me to discuss and resolve the outstanding issue.

I would hope that this is not the example we are trying to set with those who wish to Volunteer of themselves to make our Town a better place to live. I really wish a Member of the Selectman had taken the time to attend one of these meetings to see this first hand.

As a tax paying citizen of the Town of Southboro I have a right to my opinion, whether anyone agrees or not and I expect to have a member of any Board/Commission/Committee that represents our Town treat me with respect as well as their own members. I have utmost respect for the balance of the Board.

I look forward to a response as this is a very serious matter.

Regards,

Lisa M. Braccio
Lisa M. Braccio

Jean Kitchen

From: LadyLisa30@aol.com
Sent: Thursday, September 23, 2010 12:55 PM
To: Jean Kitchen
Cc: b_boland@verizon.net; Bonnymac@aol.com; jrooney@melicklaw.com
Subject: Re: Issue

Dear Jean and Selectman,

I imagine if the Selectman will be addressing this it will be done at a public meeting and I would like to be notified when this will be scheduled.

In addition to the points I raised in my letter dated 9/21/2010, I believe for the Selectman to have a comprehensive understanding of the situation they need to review the transcribed meeting minutes unfortunately the September minutes for the 7th nor the 21 are available yet but prior meetings are available in the Zoning Department. But again, eye rolling, tone and gestures are not available on transcript.

Additionally, I believe this is not an isolated situation and you should refer to your own meeting minutes from November 20, 2007 in which Mr. Bartolini's, and I quote, "contentious behavior" were addressed repeatedly. See below:

November 20, 2007 Selectman Minutes

ZBA Interviews and Appointment. The Board interviewed the following candidates:

- **Leo Bartolini.** Mr. Giorlandino disclosed that he rents a storage unit from Mr. Bartolini's company. Mrs. Phaneuf disclosed that her son occasionally rents equipment from Mr. Bartolini's company. Mr. Bartolini has previously served on the Planning Board and SHOPC and owns and operates several businesses and is not a developer. He feels that good temperament is a necessary character trait. The Board had some reservations about Mr. Bartolini due to his previous behavior before the Selectmen, where he disparaged members of the ZBA. When asked by Mr. Giorlandino if any member of the ZBA acted inappropriately, his response was that they had not. Mr. Boland feels that Mr. Bartolini is knowledgeable and capable and would bring a lot to the Board, but he is not sure why he would want to be on the Board given his previous issues with them. Mr. Bartolini stated that he does not have a problem with any members of the ZBA, that he has to respect the Chairman and his decisions, and can debate the decisions without confrontation. He has no personal agenda and doesn't see any conflict of interest, and would recuse himself if he felt there might be. Mrs. Phaneuf stated that she, at one time, had a heated discussion with Mr. Bartolini and that it was taken care of that evening. Mr. Bartolini informed the Board that he will recuse himself from any hearings with family members or Peter Bemis, who has worked for him.
-
- Sam Stivers, Chairman of the ZBA, said that he is interested in getting the best team and understands that it is the Board of Selectmen's decision. He would like the ZBA to have good representation of legal skills and, since they are losing a lawyer, he would choose Mr. Kolenda, who is a lawyer. He is troubled by Mr. Bartolini's temperament as he has had a history of contentious behavior before the ZBA. Given all that, and the qualifications of the other candidates, he would not support Mr. Bartolini's application. However, he would give Mr. Bartolini a second chance if he could demonstrate a constructive approach on another board before coming to the ZBA. Mrs. Phaneuf stated that she has not seen a repeat of Mr. Bartolini's previous behavior. Charles Gaffney, Chairman of the Planning Board, stated that Mr. Bartolini was a benefit 80% of the time but contentious the other 20% that he was on the Planning Board. He would like to see a way that Mr. Bartolini can show that he can be in control of his temperament. Mr. Giorlandino said that Mr. Bartolini brought a lot to the Planning Board but that his bad experience while on the Board was scary, and he had been ready to resign. He would hate to give someone the benefit of the doubt to have it blow up in their faces. He is in a quandary because of this.
-
- Mr. Boland thought that both members had valid points and that all the candidates have good qualifications. He would like to see Mr. Piandes stay on SHOPC, and reminded the candidates that more openings may be coming up in the next year. Mr. Boland was very impressed by Mr. Kolenda but had concerns about Mr. Bartolini, although he has a history with the Town and is capable. Mr. Boland was torn, as he would like to give Mr. Bartolini a chance.

- Mr. Bartolini said that he would like the opportunity to prove that he can do it and that he would not embarrass the Board. He said that he made a mistake and would like the chance to correct that. The Board voted unanimously to appoint Leo Bartolini as the Alternate Member to the ZBA, with a term to expire 6/30/08, with the understanding that if full membership becomes available before then he will not be eligible for that position. It was also stipulated that Mr. Bartolini would not participate in any matters before the ZBA pertaining to any members of his family, nor would he participate in any matters presented by Mr. Peter Bernis. Mr. Bartolini agreed to the conditions as stated by Mrs. Phaneuf

I feel that the situation that happened recently with my hearings are not unique and points to an ongoing problem that dates back from at least 2007.

Finally, I would like to add which I meant to in my letter, that the Town is very lucky to have Chairman Sam Stivers give his time and volunteer to make our Town a better place. He did a commendable job and I am very grateful for the time and effort he made on this project, he took the time to explain to the public the process and the thought behind it. While some may not have appreciated his thorough approach it meant a lot to me on a project that will have huge impacts on family and home. For that I am thankful.

Thank you and I look forward to your response.

Lisa Braccio

In a message dated 9/23/2010 8:17:59 A.M. Eastern Daylight Time, jkitchen@southboroughma.com writes:

Lisa,

Please be assured that the Selectmen will address your concerns.

Jean Kitchen

Southborough Town Administrator

From: LadyLisa30@aol.com [mailto:LadyLisa30@aol.com]

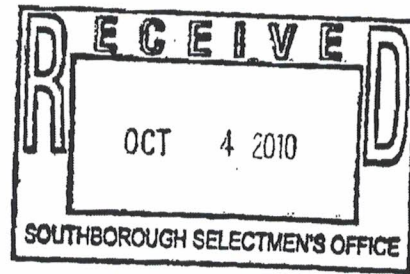
Sent: Wednesday, September 22, 2010 1:48 PM

To: Jean Kitchen

Subject: Issue

Selectman,

Thank you for your attention to the attached letter and I look forward to your response.



October 4, 2010

Dear Chairman of the Board of Selectman:

This is my response to the letter from Ms. Braccio.

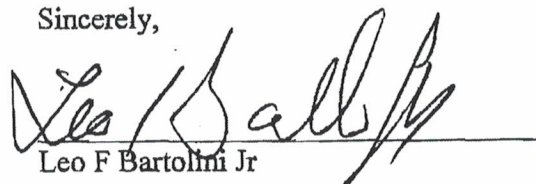
I am writing in response to your Sept. 21st letter to the Board of Selectmen regarding my conduct at the last ZBA meeting for the Stonebrook Village project. I have been a member of the Southborough Board of Appeals for two and a half years, and have attended over 30 meetings and have not received any complaints about my behavior until the Stonebrook Village project. If it appeared that I wasn't taking Mr. Estella seriously, it was because his presentation (well over an hour) mostly covered areas that had either been discussed previously, or were outside the jurisdiction of the Board. In particular, his insistence on discussing the pro forma, despite repeated statements by the chairman that it was not under the Board's authority was a bit frustrating.

As for the charge that I have somehow been "advocating" for the developer, this is not the case. On the Oak Hill Road 40B project, I have sided with the neighbors. The difference between the two projects is that the Stonebrook Village project was better engineered and the developer made a better case for approval of his project, as you can see from the unanimous vote by the Board.

I remember stating that your lighting issues had been addressed, but if the developer felt he could do more to screen your property, then that was his decision to make, and I'm glad you were able to come to an agreement.

Regarding your complaint about my reference to the condition of your property, I have thought about the matter and I agree that it was inappropriate, and I apologize for the comment.

Sincerely,


Leo F Bartolini Jr

10/5/10 (co)
CC: BOS

TOWN OF SOUTHBOROUGH

FILE 0071



BOARD OF SELECTMEN

October 27, 2010

TOWN HOUSE • 17 COMMON STREET • SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 • FAX (508) 480-0161 • selectmen@southboroughma.com

Lisa M. Braccio
13 Oregon Rd.
Southborough, MA 01772

Dear Ms. Braccio:

Thank you for your letter to the Board of Selectmen regarding your recent experience at hearings in front of the Zoning Board of Appeals.

Upon receipt of your concerns, Selectman John Rooney was asked to meet with specific members of the Zoning Board of Appeals. In his discussions, Selectman Rooney went over the issues raised in your correspondence, and made it very clear that courtesy, respect and open dialogue are absolute prerequisites for continued membership on the Zoning Board of Appeals. There is no room for compromise on these conditions. A basic principle of our Town philosophy is to encourage volunteerism and participation. Anything that is done to infringe on those ideals will not be tolerated.

Mr. Bartolini has written a letter of apology to you and a copy of that correspondence is attached.

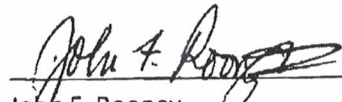
Additionally, all members of the Zoning Board of Appeals will be required to attend mandatory training sessions that address, among other matters, professional courtesies, demeanor and the promotion of open and free discussion.

Finally, the Board of Selectmen will closely monitor the meetings of the Zoning Board of Appeals to ensure compliance with the Town's philosophy in the future.

Please do not hesitate to contact us if you have any further questions or concerns. Again, thank you for your commitment to this Town and your willingness to reach out to the Board of Selectmen.


Bonnie J. Phaneuf, Chairman


William J. Boland


John F. Rooney
Southborough Board of Selectmen

Re: Resident complaint re: ZBA

Marnie Hoolahan <marniehoolahan@gmail.com>

Tue, Jul 26, 2016 at 9:12 AM

To: Mark Purple <mpurple@southboroughma.com>

Cc: John Rooney <jrooney@melicklaw.com>, Kevin Hoolahan <kevinhoolahan@gmail.com>

Mark, John,

Given the circulating petition, I thought I would ask how my complaint was handled if at all. I was provided some assurance that it would be addressed but I never did hear if it was addressed directly with Mr. Bartolini.

Thank you,

Marnie Hoolahan
26 Clifford

On Thu, Mar 24, 2016 at 12:26 PM, Marnie Hoolahan <marniehoolahan@gmail.com> wrote:

Thank you for handling this promptly Mark.

Marnie

On Thu, Mar 24, 2016 at 12:20 PM, Mark Purple <mpurple@southboroughma.com> wrote:

Marnie:

Thank you for bringing this to my attention. I have passed this along to the Board of Selectmen, as the appointing authority for the Zoning Board of Appeals, for their consideration.

Mark

Mark J. Purple

Town Administrator

Town of Southborough

P: 508-485-0710

F: 508-480-1061

From: Marnie Hoolahan [mailto:marniehoolahan@gmail.com]

Sent: Thursday, March 24, 2016 11:29 AM

To: Mark Purple <mpurple@southboroughma.com>; John Rooney <jrooney@melicklaw.com>

Cc: Kevin Hoolahan <kevinhoolahan@gmail.com>

Subject: Resident complaint re: ZBA

Marnie L. Hoolahan

Sincerely,

Marnie L. Hoolahan

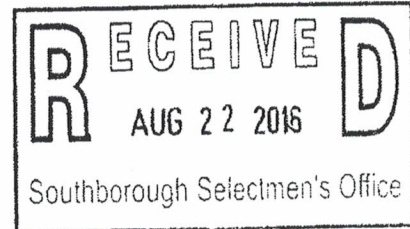
Resident

my copy

Carrie J. DeBlois-Mello
21 Flagg Road
Southborough, MA 01772

August 22, 2016

Southborough Board of Selectmen
Southborough Zoning Board of Appeals
Town of Southborough
17 Common Street
Southborough, MA 01772



To Whom It May Concern:

I recently attended the Zoning Board of Appeals meeting held on August 8, 2016 and spoke during the meeting to express my concerns regarding the impact of the proposed Park Central housing development on the safety of Flagg Road.

At the conclusion of my remarks, Zoning Board of Appeals member Leo Bartolini addressed some of my concerns. Halfway through his remarks Mr. Bartolini stated "...as far as what *the girl* had said..." I found his way of addressing me to be incredibly disrespectful, especially considering that I highly doubt that Mr. Bartolini would ever address a male member of the community who is my age as "the boy." Although I find it difficult to believe that I have to defend myself, here I am, a professional with a Masters Degree, writing this letter to you, upset that an appointed member of Southborough's town government has treated me with such disrespect.

For the past four years I have been a resident of this town, and after the Zoning Board of Appeals meeting on August 8, I am deeply saddened that we have such a man, who clearly disregards the voice and concern of a professional female resident of the town, so as to belittle her to "a girl," and to make her opinion count less than those of the men who spoke that evening. Mr. Bartolini's demeanor, perspective and conduct do not make him fit to be on any town board or committee, and should not have a place or a voice in the local town government.

I request that action be taken to remove Mr. Leo Bartonlini from Southborough's Zoning Board of Appeals, for his antiquated and disrespectful behavior is not appropriate for our town or its residents.

Respectfully,

Carrie J. DeBlois-Mello

TOWN OF SOUTHBOROUGH



OFFICE OF THE BOARD OF SELECTMEN

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

September 19, 2016

Mr. Jonathan Gulliver, Director
MassDOT, District 3
403 Belmont Street
Worcester, MA 01604

RE: Accessibility to Flagg Road from Park Central project

Dear Mr. Gulliver:

On Monday, September 12, 2016, the Board of Selectmen convened a public forum to discuss a safety study of Flagg Road that was conducted by Toole Design Group (copy attached), including the estimated traffic from the proposed Park Central Development (but not the existing businesses on Park Central Drive). Approximately 100 citizens joined the Selectmen and other Town officials to express their concerns regarding the safety of Flagg Road as it currently exists, and the increase in danger for vehicles, pedestrians, and bicyclists with the anticipated Park Central traffic. Several Selectmen, as well as the Chairman of the Planning Board, and the Public Safety Chiefs and Public Works Superintendent, conducted a site walk on Flagg Road to better understand the current condition of the road, and the challenges it presents.

Flagg Road is one of the few "spine" roads that we have connecting Route 30 with Route 9. Therefore, it is used as a cut-through for commuters and commercial traffic, in addition to the residents who live on Flagg and connecting streets. It is a narrow, winding road with varying widths, due to the scenic nature of the road and the limitations of mature trees and stone walls. It presents challenges for vehicles trying to navigate oncoming traffic, and pedestrian traffic who otherwise has nowhere to walk (there are no "bailout" areas, so to speak). While traffic reports may suggest that Flagg can safely handle more traffic than it currently does, we maintain that the road is already challenged to handle its current level of traffic.

At their August 24, 2016 meeting, the Zoning Board of Appeals approved the special permit for the Park Central Development, with several conditions. One of those conditions was to limit left hand turns out of the development from John Boland Road onto Flagg Road daily from 7:00 AM to 9:00 AM, thereby requiring the existing traffic to use Route 9 exclusively during this time. There have been requests from the residents to further enhance this condition by eliminating ALL left hand turns onto Flagg Road from John Boland Street, one which the Board of Selectmen may consider moving forward. There has also been a citizen's petition submitted for our October 18, 2016 Special Town Meeting that asks the Selectmen to gate the end of Flagg Road just to the north of the John Boland Road intersection, essentially routing all Park Central traffic onto Route 9 westbound.

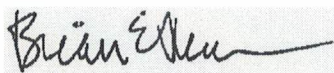
We understand that MassDOT would like to limit or eliminate all traffic exiting onto Route 9 from Park Central Drive, in order to eliminate entering onto Route 9 so close to the Route 495 on-ramp. This action would result in all of the traffic coming out onto Flagg Road. And it would include not only traffic from the proposed Park Central Development, but also the existing businesses on Park Central Drive. It is unfathomable to the Board that the State seeks to solve their traffic problem by creating one for the community.

We also understand that MassDOT will not issue an access permit for the Park Central Development until the conclusion of the MEPA process AND after the concerns of all parties have been addressed and/or remedied. Given the tenor of the residents, and the concerns that we have for the local roads and impacted neighborhoods, we cannot yet see that light at the end of the tunnel.

To that end, we are requesting that MassDOT join the Board of Selectmen at the table to explore avenues that will address these concerns, as both local and State thoroughfares are impacted. Only through such a collaborative effort can we achieve a successful result that does not jeopardize Southborough and its residents. This request is consistent with the comment offered by Secretary Beaton in his August 12, 2016 Certificate on the Draft Environmental Impact Report for the Park Central Project.

Appreciate your consideration of this request in advance. Thank you.

For the Board of Selectmen, I am

A handwritten signature in black ink, appearing to read "Brian E. Shea", with a stylized flourish at the end.

Brian E. Shea, Chairman

cc: James Eldridge, State Senator
Carolyn Dykema, State Representative