

Nancy McPeak

From: joel.plaisance@comcast.net
Sent: Monday, October 10, 2022 12:27 PM
To: Nancy McPeak
Subject: [EXTERNAL] Objection to approval of Item 7-C on tonight's Planning Board agenda

Hi Nancy:

Sorry for the late response, but we just learned last Friday that Pulte Homes was proposing amendments to their development at Bay 37 that may significantly impact our property there.

Could you please forward the following objection to the members of the Planning Board.

Many thanks,
-Joel Plaisance

OBJECTION TO APPROVAL OF AGENDA ITEM 7-C: Application by Pulte Homes for a Development Plan Amendment for Bay 37

I am Joel Plaisance. I am an owner of the unit in Bay 37 known as 2855 5th Street. The other owners of this unit are my wife, Melissa, and our daughter, Allison. Allison currently resides in this unit. This unit is in the building at the southeast corner of 5th Street and Tradewind Dr. Our unit is on the northwest corner of that building, and currently has a view of the Oakland Estuary.

At this time, we object to the approval of the Development Plan Amendment submitted by Pulte Homes. In particular, we object to finding #3 relative to the proposed Master Plan Amendment, which states in part: "The proposed use . . . will not adversely affect other property in the vicinity." We also object to finding #2 relative to the proposed Development Plan, which states in part: "The proposed improvements to the . . . view corridors . . . support and encourage use of and access to the waterfront."

On the contrary, the construction of the Community Center proposed in this Plan Amendment may significantly impact our view of the Estuary. A rough estimate of the impact, drawing lines with a ruler on the site plan, is that it may reduce our viewing angle by 25% to 30%. Our unit is on the 3rd floor, and the top of the proposed Community Center is about 20 feet (19'-9"), so the reduction in our view may be limited to the near shore. The unit directly below us will likely be much more severely impacted. The problem is, we don't know how much our view will be impacted as it appears that no view study was ever conducted.

In any event, we paid extra for the view. In our case, we paid an extra \$90,000 as a "Lot Premium," so we are more than a little unhappy that Pulte Homes is now proposing to cut away some of that view.

We request that a study of the impact on the view corridor along 5th Street be conducted, so that the impacted owners can see exactly what their individual impacts will be. This should be quick and easy to do: just put up some wood framing and tack up some plastic sheeting to it.

In the absence of such a study, adopting a finding that the proposed construction would "not adversely affect" other properties would be without factual support. In legal jargon, such a decision could be considered "arbitrary and capricious."

We also object to the lack of notice regarding the proposed Development Plan Amendment. Despite the fact that we will be directly affected by the proposed construction, we were never directly notified of the proposed changes. Our daughter heard about the proposed amendments by word of mouth from a neighbor in our building. We have heard, but have not been able to independently verify on such short notice, that some sort of notices were placed on perimeter fences. This does not seem sufficient. In fact, it seems calculated to deliberately minimize actual notice to the public.

Please note that we do not object in principle to the proposed housing and Community Center. We just object to the reduction of the view for which we paid a substantial amount of money.

Thank you for your consideration,
-Joel Plaisance