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## Inspector bolsters SMOC case against town

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FRAMINGHAM — Allegations in a six-page sworn statement from the town's former building commissioner appear to support the South Middlesex Opportunity Council's claim that a network of town officials violated the law by working to stop the expansion of the nonprofit social service agency.

An affidavit of Joseph Mikielian, who served as Framingham building commissioner and director of inspection services from 1998 to 2006, suggests he was pressured to block the expansion of social services, and that town officials were notified they were violating the law in attempts to curtail that expansion.

Selectmen Vice-Chairwoman Ginger Esty, whom Mikielian specifically calls out in the written statement as being "openly hostile to social service agencies and any project they wanted to pursue in the town," disputes those accusations. She says she raised legitimate concerns about very real quality-of-life problems stemming from misbehavior at some nonprofit shelters.

South Middlesex Opportunity Council filed suit against the town last year, claiming the town had blocked expansion of its services. The crux of SMOC's case alleges the town discriminated against the the disabled in violation of federal housing law.

Specifically, an attempt to open a veterans shelter called Larry's Place, and plans to move a residential drug treatment program called Sage House were delayed by town officials, the case alleges.

In his written remarks, Mikielian recalls that in 1998, when he became building commissioner, "there was an open and positive attitude in the town (toward) the presence of social service agencies."

Mikielian says that changed "180 degrees" in 2004 and 2005.

He points to the opposition of Esty, as well as Cynthia Laurora and Laurie Lee, who were both Town Meeting members at the time. Lee now serves on the Board of Selectmen. All three are defendants in the SMOC suit.

His affidavit alleges Esty did not criticize other types of projects.

"Based upon my observations and interactions with Ms. Esty and other Town officials including Laurie Lee and Cynthia Laurora, I observed a concerted effort to make the process in which social service agencies were requesting necessary permits and Dover Amendment protection as difficult and expensive as possible in the apparent hope that the projects would be abandoned," wrote Mikielian.

The Dover Amendment allows nonprofit organizations to circumvent zoning laws if they meet certain criteria. Educational, religious and agricultural uses are chief among the qualifying characteristics.

SMOC continues to cite its programming as having a primarily educational use in order to trigger Dover, a strategy rejected by the organization's critics, Esty included.

Mikielian was also concerned about the Planning Board's approach to such projects. Specifically, in 2006, he learned the board intended to impose a condition on SMOC's permit for Sage House that would require his office to monitor the project on an ongoing basis.

He said he was asked repeatedly to reconsider his ruling regarding the house.

Mikielian said he "found an increasing need to seek the advice and protection afforded by asking town counsel, Christopher Petrini, to intervene to tell other town officials, often in writing, that what they were asking me to do would violate the law."

Esty said Mikielian was "doing a great deal of thinking for others.

"He's written a nice little fairy tale. He's not addressing the real changes that took place," said Esty.

Esty says she pushed for inspection of such houses after the town had turned a blind eye to the neighborhood problems caused by clientele of wet shelters.

She said she became concerned with that illegal and illicit behavior at shelters. Specifically, she said the wet shelter once located near the corner of Irving and Columbia Streets was overcrowded, with 35 clients to one bathroom, prompting some shelter patrons to defecate, urinate and vomit in the neighborhood.

Such behavior was caught on video by police surveillance, Esty said.

She recalled a neighbor of the shelter keeping a bag of empty bottles and hypodermic needles collected from the Irving Street area.

"I called for inspections. I never got a second on my vote," she said.

Of the affidavit, Esty said, "Did I have the nerve to ask questions? Yes I did. But assigning people's motives is not a very safe hobby."

Laurora declined to comment, while Lee could not be reached.

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