

**The virtual meeting of the Planning Board convened at 6:30 pm.**

The following statement was read by Chairman Driscoll:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Bridgewater Planning Board will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time. This meeting is being recorded and within 48 hours we will post a link of the recording on the Town's website and/or other Town social media page.

The following members of the Bridgewater Planning Board are participating remotely:

Patrick Driscoll, Chair  
Raymond Ajemian, Vice Chair  
Jean Guarino, Clerk  
Michael MacDonald  
Steven Gellar  
William Akins, Associate Member

**During this meeting all votes of the Board will be taken as Roll Call Votes.**

The following Bridgewater Town Staff will also be participating remotely:

Jennifer Burke, Community & Economic Development Director  
Elijah Romulus, Assistant Town Planner  
Azu Etoniru, Town Engineer  
Leslie Dorr, Office Administrator

At this time everyone's mic is muted. The Board's mics will be unmuted through the whole meeting and as items appear on the Agenda the project representative's mics will be unmuted. If the project is a public hearing and allows for public comment, we ask that you use the chat feature to ask your question by listing your name and address and your question. The Chair will recognize all questions in order. You can also use the **Raise My Hand** feature in the participant menu, and you will be unmuted when the chair recognizes you. Again, please state your name and address before asking your question. If you are on the phone, you can dial \*9 to **Raise your Hand**.

Mr. Driscoll announced to the audience that would take zoning Ordinance D FY20-006 out of order realizing that most of the people in attendance are here for that discussion. There was no objection. He advised everyone that a letter had been received from Attorney Ed Brennan, requesting the withdrawal of the Ordinance by councilman Frank Sousa, and requesting that the Planning Board take no action this evening. The letter was read into the record. Ms. Burke explained that it is up to the council to accept the withdrawal request, so the Planning Board would just vote to take no action at this time.

**A motion was made by Mr. MacDonald, seconded by Mr. Geller, to take no action on the recommendation of this ordinance.**

Discussion:

Mr. Ajemian questioned whether the board was putting themselves in jeopardy by not making a recommendation? Ms. Burke explained that the council is the only one who can take action on the action to withdraw with or without prejudice. She consulted with the Town Attorney and he recommended that the board take no action at this time. If the council votes to withdrawal without prejudice, then the board can vote to withdrawal it from their action as well. Until the Council takes a vote, there is nothing for the Planning Board to do. Mr. Ajemian question what happens if the Council votes to take no action? Ms. Burke said then it would just come back to the board to have further discussion and a recommendation. Mrs. Hanson from the audience asked what the difference would be between withdrawing with prejudice and without prejudice. Ms. Burke explained that without prejudice means that it would be withdrawn, but they could resubmit at another time. With prejudice means they cannot refile. Larry Silva felt that the board should continue to a date and time to wait for the council action. Ms. Burke noted that it is not a public hearing, so that is not required. Mr. MacDonald said he agreed because that would enable the public to be able to follow the process.

**Mr. MacDonald withdrew his motion and Mr. Geller withdrew his second.**

**A motion was made by Mr. MacDonald, seconded by Mr. Ajemian, to take no action, but to continue discussion to May 20, 2020 at 6:30 pm. It was unanimously voted by roll call vote.**

Mrs. Hanson asked if the CEDC would be voting on this also? Ms. Burke suggested that she contact the council clerk as she has no idea.

#### **PUBLIC HEARING- 365 ELM STREET-Mr. ARRIOLA**

The public hearing convened at 6:42.

Notice that appeared in the Enterprise on 4/1 and 4/1 read by Ms. Guarino

On Wednesday, April 15, 2020 at 6:30 pm, the Bridgewater Planning Board will conduct a public hearing on application by Fredy Arriola for a major modification to his site plan for property located at 365 Elm Street. The modification includes 500 feet of garage space located over an existing concrete pad and adds 392 feet for a class 2 sales office. The public hearing will be held as a virtual meeting over ZOOM. A link and instructions to participate in the meeting will follow and be posted to the Calendar on the Town's website at [www.bridgewaterma.org](http://www.bridgewaterma.org). A recording of the meeting will also be posted to the Town's webpage within 48 hours after the meeting ends.

Ms. Burke advised the board that the notification to abutters was emailed to her today.

Mr. Larry Silva, Engineer-SEA explained that the board had seen this plan before, but to due health and financial issues, the applicant was unable to go forward with the project within the two-year period and his approval expired. This is essentially the same plan, site plan with some minor modifications to it. There were some last-minute changes to it based upon comments received from Elijah which had to do with the amount of parking; there is a reduction in the display area because two spaces had to be added

for customers. It is essentially a repair facility with a small amount of sales. His residence is to the rear of the property; it is in essence like a customary home occupation, except that this is in an Industrial area which is an allowed use in this area. There was a summary sheet sent with the application which basically summarized the major aspects of the project itself. He said these changes allow for a slight expansion, but mainly to make it more functional. He said there was a temporary office trailer that he had put in, which was not supposed to be put in and removed; it was adjacent to the wetland side on the northerly side, opposite to where the existing building is located. Last minute changes due to comments: They made a slight adjustment to the proposed addition to the rear existing building so that it complies with the 25' setback.

Mr. Driscoll questioned how is Mr. Arriola operating if he never completed the site plan? Rebecca Baptista, from SEA, said there was a site plan approved back in 2006 which was prepared by Mike Koska. They got an as built closed out and conservation closed out; they reapplied to Conservation as well. Mr. Silva said then he wanted to make some changes and that is how they got involved and the site plan for modification was done in 2016. Mr. Driscoll said he would like to know what the decision was in 2006; he went out there and the site is pretty rough. Mr. Silva noted again that he had health issues and back problems, so it was difficult to do some things that maybe he should have done. He suggested that if reasonable conditions for keeping it clean were propose, that would be ok.

Mr. Etoniru told Mr. Silva that the Town had given Mr. Arriola a second curb cut at the northerly end for a second access, so that needs to reflect that on the plan. It was part of the Elm Street improvements. He said that the Town is putting some drainage on his property so Larry should look into how that drainage is done; it is installed and was also part of the Elm Street reconstruction.

Mr. Driscoll noted that the southerly access it seems to be on the land of Cedar Village at the radii. Mr. Etoniru said they have to prove to the board that they have an easement otherwise it has to be realigned. Mr. Driscoll questions if any of the site is proposed to be paved and are there any oil/water separators? Ms. Baptista stated that it was paved prior and the drainage was designed by the Koska designed to have oil separators and drainage basins along the edge of the wetland area.

Mr. Romulus advised that they need a special permit because they are expanding a preexisting, non-conforming use; he said the board can act on the site plan; however, they do need a special permit also. Mr. Silva said he needed clarification; it is an existing use, so why does he need a special permit for the use? Ms. Burke said it is mixed use, so it is preexisting, non-conforming and mixed use is not allowed on Elm Street. Mr. Silva asked how they are expanding the non-conforming? Mr. Romulus said by adding the office space and overhang. Mr. Etoniru felt it might be the wrong choice of words...He said that you are altering a non-conforming use and under Section 5 when you are altering a non-conforming use, that requires a special permit. If it were residential, it would be ZBA. Mr. Silva said that when they came before the Board in 2016, a special permit was not required. Mr. Etoniru said that it was an oversight; simply missed, he said. Mr. Silva will do some research on how the driveway issue was resolved initially. Ms. Baptista indicated that she had a copy of the 2006 plan.

Mr. Etoniru stated that they do not need a new plan for the special permit; the current plans are ok for the site plan and special permit.

Arthur Cohen, on the association at Cedar Village, asked if there could be a privacy wall installed for the residents, due to the noise from the trucks? Mr. Silva noted that it is this housing development adjacent to this is not zoned properly because it is a 40B and it was put in after this business was

approved. He said he was sympathetic to it, but this is residential that has been put in an Industrial zone. Mr. Etoniru concurred with Mr. Silva that this use preceded Old Cedar Village. Mr. Driscoll commented that he has no problem with the use; it is just that it isn't maintained and now we might have the opportunity to clean it up and improve the site.

Mr. Akins stated that looking at it from the street, he had to disagree with Mr. Driscoll's assessment; that this site looks fine to him; it looks like an Industrial complex; it is a business of repairing large trucks. He questioned what the problem was if it was previously approved. Mr. Akins expressed concern for the owner if he can't afford what the Board may want.

Mr. Geller suggested that maybe Mr. Silva go back to his client to see if he would put up some kind of screening along Elm Street to mitigate looking into all the trucks that are parked there and possibly, if he is going to be a good neighbor, add something along that property line of Cedar Village. Mr. MacDonald didn't think the onus should be on the applicant to do that seeing as he has been operating for many years as is.

Mr. Driscoll said he would like to see what was approved in 2006 and the conditions imposed. Mr. Romulus noted that the driveway needs to be rectified, updating of the site plan and an application for a special permit.

Mr. Driscoll asked Ms. Baptista if the site was paved? Ms. Baptista said there is a section that is not paved in the northern corner in the display that was approved not to be paved but needs to be paved now. Mr. Driscoll asked if the pavement was in good condition? Ms. Baptista said it had been patched several times; it is used and worn. Mr. Etoniru explained to Mr. Silva exactly where the drainage comes onto the property. (by the no snow sign)

Mr. Silva said he is thinking that the second entrance is going to either help or hurt him because it is going to take away display possibility there. Mr. Etoniru said that is why you are going to have to explain that to the applicant. Ms. Baptista suggested maybe the second entrance could be the only entrance and the other one can be closed up. Mr. Silva said maybe they have to move the display area to the other side; we have to look at the impact of that other entrance, he said. Mr. Silva asked if that is something they have to utilize? Ms. Burke said it was requested by Mr. Arriola.

Mr. Driscoll asked about the fence proposed out front. Ms. Baptista said there was a fence proposed in 2016 approval. Mr. Silva suggested that there was an amendment to it where the fence didn't need to be put in. Mr. Driscoll questioned if the 2016 plan has expired, then we are really looking to amend the 2006 plan? Mr. Etoniru said no because there was no special permit issued then; it was just a site plan. Mr. Etoniru said what is before you is an application for a site plan which needs a special permit for the proposed expansion of a non-conforming use, not an amendment; he stated that the Board must understand that. After a bit more discussion on the issue, Ms. Burke suggested the Board continue this and, in the meantime,, we can figure out the proper procedure. Mr. Driscoll encouraged members to go out and view the site. Mr. Romulus suggested continuing to June 3d.

Mr. Ajemian emphasized that he would like some sort of screening on Elm Street.

Mr. Silva requested that once he made the changes could he please get comments by May 20<sup>th</sup>.

**On a motion by Ms. Guarino, seconded by Mr. MacDonald, it was unanimously voted, by roll call vote, to continue the hearing to June 3, 2020 at 6:30 pm.**

## 48 SAMUEL AVE-CHUCKRAN

ANR plan was prepared by Professional Land Survey for the Chuckran Family Limited Partnership. The plan is reconfiguring Map 26, Parcel 31 into Lot 2 and retreat Lot 1 and reconfiguring Map 26 parcel 33 into Lot 3 and Parcel A.

Mr. Driscoll asked if based upon Mr. Etoniru's comments, did we get a revised plan? Mr. Romulus suggested to Mr. Woodward this morning that the changes should be discussed at the meeting. Mr. Etoniru's comment was: "The land shown hereon as lot 2 shall not be considered a conforming lot for building purposes until the land shown hereon as parcel A has been duly combined with lot 2 through a conveyance deed that is duly recorded at the Registry of Deeds". Mr. Etoniru explained that Lot 1 meets all the requirements of a retreat lot. Lot #2 will serve as a regular lot requiring 150' of frontage; it needs a building rectangle that is 150' wide and 100' deep to fit within the first 100' from the street. By taking out 30' of their land, they needed a 6' strip from the abutting land of Moore; that will make the lot conform. The problem with that is, if you endorse this plan, and it gets recorded, that doesn't necessarily combine this parcel. The only way you can make sure that that parcel is combined, is to record the conveyance in the Registry of Deeds. You don't want to unwittingly endorse a plan that would be creating a non-conforming lot. You could have a note on the Plan that a Building Permit would not be issued to lot 1, until the recording of the deed conveying parcel A to Lot 1. Mr. Driscoll noted that we can't condition a Form A, so how do we do that? Mr. Etoniru said you can't condition, but you can make a note and instruct the staff to make sure that is done before the issuance of a building permit. Mr. Etoniru noted that the Board can withhold endorsement for a specific reason; this plan does need the requisite triangle. Mr. Woodward stated that he has a deed and he has a surveyor note on the plan, but Mr. Etoniru's wording makes more sense. The Board has until April 27<sup>th</sup> to endorse the plan unless Mr. Woodward requests an extension, which he did. He said he will email the written extension tomorrow.

**On a motion by Mr. MacDonald, seconded by Mr. Ajemian, it was unanimously voted by roll call vote, to accept the extension request and act on this ANR plan on May 6<sup>th</sup>**

## MINUTES APPROVED

**On a motion by Ms. Guarino, seconded by Mr. Geller, it was unanimously voted by roll call vote to approve the minutes of 4/1/2020.**

There were no directors report, and no staff reports

**On a motion by Mr. Ajemian, seconded by Ms. Guarino, and unanimously voted, the meeting was adjourned at 7:49 p.m.**

**Minutes approved: 5/20/2020**