

The regular meeting of the Bridgewater Planning Board convened via ZOOM at 6:30 pm.

Members present Mr. Driscoll, Mr. Ajemian, Ms. Guarino, Mr. Geller and Mr. MacDonald

Also, present Mr. Akins, Associate Member (arrived at 6:54)

Town staff participating - Ms. Burke, CED Director, Mr. Romulus, Assistant Director, Mr. Etoniru, Town Engineer and Mrs. Dorr, Office Administrator.

Mr. Driscoll read from prepared text on Governor Bakers order of 3/12/2020 and how the meeting will be conducted and how to be able to speak at the meeting. He advised the audience that this meeting is being recorded and will be posted within 48 hours on the Town of Bridgewater website or social web page.

RECODIFICATION ORDINANCE PUBLIC HEARING CONTINUATION

Mr. Driscoll advised those present that the hearing will be further continued, and Ms. Burke explained why: this is so the council can consider a possible withdrawal of this ordinance and a resubmittal of a different ordinance for review. Mr. Driscoll commented that it appears that there would be a quorum of members available for a July 1st meeting, that is currently not scheduled. Mr. Ajemian said he would be agreeable to continuing to July 1st but wanted to go on record as being against this. He commented that we have spent several years putting this together and if there are issues with parts of it, he suggested they could be dealt with. He commented that withdrawing the whole thing is a big mistake. Mr. Driscoll said he spent a lot of time on the subcommittee and he wants to see this passed, but if the Council things that it should be done in pieces, then that is what we will have to do; he would like to see it move forward as much as we can. He commented that the full council hasn't discussed this yet and they may tell us to proceed. Ms. Burke commented that she didn't think it would be on their agenda until June 23rd, so July 1st is the earliest the Board could take it up,]

Carlton Hunt-said he agrees with Mr. Ajemian and Mr. Driscoll that we should not step back from this; he commented that we have asked repeatedly that details be provided; he commented that he feels we step back for a moment and piece things out; he would like to see an actual plan, depending on what the council says, he would like to see a sequence and plan of exactly how we are going to proceed since it has been so confusing over the past two years.

Janet Hanson-665 Pleasant St. said she does not understand what is going on. It was her understanding that the Attorney would be here this evening to discuss the issues that were raised at the last two meetings. Ms. Burke explained that we have been asked by the councilors who sponsored this zoning ordinance, Mr. Colombotos and Ms. Losche, may want to continue it so they can consider how to proceed. They may consider a possible withdrawal of this ordinance. She reached out to Attorney Bobrowski who was going to be here this evening and suggested he not attend due to the request to withdraw. Mrs. Hanson asked if all the questions they have had plays into this decision to withdrawal? Ms. Burke said she didn't know the answer to that so she couldn't speak to it. Mrs. Hanson indicated that she is just trying to understand why this is happening.

Question from audience- if you push it out to July 1st, would Attorney Bobrowski be attending? Ms. Burke said she would reach out to him to come to the meeting, if necessary.

Larry Silva asked if there was there a specific document, letter or email that was forwarded with the request to continue that prompted this change? Ms. Burke said no; she was asked by the two counselors and the Town Manager specifically earlier this week. Mr. Silva expressed concern that there was no paper trail as to what the reasons were and suggested that should have been done procedurally and questioned why they didn't communicate directly with the Board. He agrees that it needs work; too comprehensive. It was supposed to be an administrative review of the bylaw, he said, but, became a lot more than that.

Melissa Ramondetta-Lakeside Drive- had asked thru chat if the public is able to send comments to the Town Council? She was told that when the ordinance gets back before the council, there will be a public hearing and the public will have the opportunity to provide comments to the council.

Ms. Guarino made a motion to continue the hearing to July 1, 2020 at 6:30pm and that Attorney Bobrowski be notified to possibly attend that meeting. It was seconded by MacDonald and unanimously voted by roll call vote.

365 ELM STREET-MAJOR MODIFICATION CONTINUATION AND SPECIAL PERMIT PUBLIC HEARING

The hearings were held simultaneously and convened at 6:50 pm.

The public hearing notice for the special permit application that was in the Enterprise on 5/20 and 5/27 was read by Mr. Romulus:

On June 3, 2020, at 6:30 pm., the Bridgewater Planning Board will be conducting a public hearing on an application by Fredy Arriola for a Special Permit under Section 5.10: Non-conforming building and uses at property located at 365 Elm Street; Map 58, Lot 38. The proposed modification includes a 500-sf garage and office space. The public hearing will be held as a virtual meeting over zoom. A link and instructions to participate in the meeting will be posted to the calendar on the Town's website at www.bridgewaterma.org. A recording of the meeting will also be posted to the Town's webpage within 48 hours after the meeting.

Notification received via email that abutters had been notified.

No comments received from Dept heads. Ms. Burke said she picked up the hard copies of the plans today.

Mr. Akins arrived at 6:54

Mr. Silva commented that he had sent over electronically the minor revisions made to the plan and also deposited several hard copies to the drop box. Ms. Burke told Mr. Silva that she picked them up today!

Mr. Silva commented that there were only two issues that came up at the last hearing: The Parking calculation and illustration of that on the plan and driveway entrance on abutting property. He has proposed bollards at the property line entrance way to address that issue and to make sure that trucks

will not be coming on to the adjoining property. They looked at the second curb cut that was offered to Mr. Arriola as part of the Elm Street improvement project to see if there was some way they could incorporate that into the site design, but because of the narrow site, it really wasn't a big benefit and they will not be utilizing that second curb cut as part of the design. He said there were photographs provided; he didn't know if they were helpful or not. He said that there was an email from an abutter who was unable to be present and besides that, he didn't know if there were any other items asked for. Mr. Silva stated that he originally was resistant to asking for the special permit, but, after discussions with Jennifer and others we decided to go forward with the understanding that the special permit is really just for the modification to his current operation and not whether or not is operation is legal or not. For clarification, he thought there was some confusion as to what the zoning was of this property; it is in the Industrial A, not Industrial E and is an allowed use.

Mr. Driscoll had a couple of questions: there are two uses on the property- Residential at the rear and Commercial and he questioned the parking spots. Mr. Silva said there is parking data noted on the plan which shows what is needed for Commercial, residential and office space and has them shown on the plan as to what kind of spaces they are. C is for commercial; D is for display and R is residential. All together there are 21 spots with two tractor trailer spaces.

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It was stated by Mr. Silva that because the 2016 approval was never exercised before expiring, that this hearing is a modification of the 2006 approval. Mr. Etoniru agreed. He said that what you have before you is what is being proposed and what he is seeking approval for. There is no need to draw up another plan. You see the existing residential dwelling, the existing garage and what he is proposing. Mr. Driscoll noted that the plan has the 2016 conditions of approval and they don't apply because the plan has expired. That has to be changed and updated.

Mr. Akins questioned if that is what the board voted in 2016, aren't we obligated to impose those conditions? Mr. Driscoll said the plan expired. Mr. Silva explained to Mr. Akins that a special permit is good for two years and if it isn't acted upon and no extension is requested and granted by the Board before the expiration date, then it expires. He commented that the board has the prerogative to issue the same conditions or they can modify the conditions. Mr. Etoniru stated that the board has to make conditions according to the plan they are approving.

Ms. Guarino asked about snow removal? Mr. Silva said the snow storage is out back to the rear of the house and if there is too much, he will have to take it off site or he will not have the ability to operate. Mr. Silva explained also that he originally had a leaching field to the right side of the house and now that he is able to connect to sewer, that is not needed.

Mr. Geller stated that it was his understanding that the applicant asked for that second entrance to be put in? Mr. Etoniru explained that before Mr. Silva was requested to do this work, Mr. Arriola approached the Town about a second access from Elm Street to access his site better. Because he worked with the Town in granting temporary easements on his property, the town agreed to allow it; they also waived the tie in fee for the sewer. It appears that now what he wants to do, that second driveway will not be beneficial to him as it would prevent his ability to park cars in that section. Mr. Geller suggested that the drawings should show that entrance does not exist and are you going to do anything to prevent vehicles from coming into that entrance should there not be cars parked there? It is

actually a curb cut, he said, and if people miss the first entrance, they might decide to use this quickly and go over the grass or whatever is put in there. Mr. Etoniru said the board could ask for a chain across there if they felt it was necessary. Mr. Silva was asked how he was going to address this. Mr. Silva said that cars will be parked there and he doesn't want anything that will be tall to take away from the ability to see a vehicle on display; he suggested possibly a single rail across that area or concrete parking stops in front of those spaces. He suggested that even though Mr. Arriola was not using it, it would be nice to have it there for a use that might not need that area right out front.

Mr. Geller asked if they would consider putting in a wooden guard rail and extending the length of the encroachment area, instead of the three bollards proposed at the other entrance? He suggested that it might be very easy for someone to drive around those bollards. Mr. Arriola agreed.

Mr. MacDonald questioned if there were presently any hours of operation for the site? Yes-6:00 am-6:00 pm Monday thru Friday and 7:00 am -5:00 pm on Saturday...no Sundays. Mr. Arriola said he was comfortable with those hours.

Mr. Driscoll asked if anyone wished to speak? There were no audience comments.

An email from Bill Shallies-29 Old Cedar Village, received today, read into the record. Mr. Etoniru commented that his statement about mixed use inferred in the email is incorrect; it is zoned Industrial. The residential units came in as a 40B and it is important to recognize that. Mr. Silva commented that the 30' distance that Mr. Shallies noted was the density that was allowed when that 40B was approved; maybe it should have been taken into account when it went thru the process and maybe buffers should have been provided as part of that development because it was adjacent to an Industrial property. He felt that is not something that Mr. Arriola should have to be dealing with. Ms. Guarino and Mr. MacDonald agreed. Mr. Akins commented that he felt the addition of the garage might even help the sounds with work being done inside.

Mr. Driscoll asked about a dumpster location on the site and if not, how is it being handled? Mr. Arriola said it the waste is being stored in a big tank inside the garage and he has a company that comes when he calls them. They have a company take care of the regular trash which is in just a blue trash container.

Mr. Arriola was asked if a condition that no waste would be stored outside would be ok with him? He said yes.

On a motion by Mr. MacDonald seconded by Ms. Guarino, the hearing for major modification was closed at 7:29. It was unanimously voted by roll call vote.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald the special permit public hearing was closed at 7:30. It was unanimously voted by roll call vote.

Conditions discussed:

- 1. Maintain the hours of operation as previously set in 2006- Monday thru Friday 6:00 am to 6:00 pm. Saturday 7:00 am to 5:00 pm. No hours on Sundays.**
- 2. The number of vehicles parked on site are limited to the number of approved parking spaces provided on the site plan**
- 3. All vehicles must be parked in marked spaces which shall be painted and marked and will be maintained.**

4. **A heavy-duty wooden guardrail will be installed rather than the three bollards shown, along the southerly line of the proposed driveway to a point where it intersects their own driveway lane.**
5. **Concrete stops shall be placed at the second access point that will not be used.**
6. **No waste materials or dumpsters shall be stored outside, except for a residential container.**

Mr. Geller asked if the handicap space was paved and properly signed? Mr. Silva said yes. Mr. Akins questioned who would the parking in spaces be enforced? Mr. Driscoll commented that it is for public safety purposes and limits the number of cars on the property. Ms. Burke noted that all conditions of a site plan come under the jurisdiction of the Building Commissioner for enforcement. Mr. Akins expressed concern that cars may be moved around during the day and maybe not put in a marked sport temporarily. Mr. Driscoll said that is not the intent of his condition; they may be moved around temporarily.

Mr. Driscoll asked if the major modification or the special permit is approved with the conditions? Mr. Romulus said the special permit.

On a motion by Mr. MacDonald, seconded by Mr. Ajemian, it was unanimously voted to approve the major modification of the 365 Elm Street site plan prepared by Lawrence Silva dated 5/28/20. It was unanimously voted by roll call vote.

On a motion by Ms. Guarino, seconded by Mr. MacDonald, it was unanimously voted to grant the special permit with the typical standard conditions and the other conditions discussed. It was unanimously voted.

OLDFIELD, II ROAD BOND CALCULATION AND LOT RELEASES

A request received from Lee Castignetti requesting that a road bond be established for the release of the final lots on Oldfield Estates, II- lots 15-43. A road bond was calculated by the Highway Superintendent in the amount of \$180,980.00 on April 30th. Mr. Driscoll questioned the 10% rule or holding back one lot that is in the rules and regulations? Mr. Castignetti said this is the remaining 29 lots. He commented that because there is a 50% contingency that has been added along the way, and calculated in the road bond, that retaining a lot was excessive. Mr. Driscoll commented that he didn't think the board's intent was ever to have a 50% contingency and Mr. Etoniru agreed. He said he would rather have the 50% contingency than otherwise. Mr. Driscoll asked Mr. Castignetti if there had been any progress on the open space? Mr. Castignetti said no; it is held by the HOA; he said is not sure what the Town's preference is. Mr. Driscoll asked if a conservation restriction had been placed either on Bridgewater Preserve or Oldfield yet? Mr. Castignetti said no. Depending on who the land is ultimately conveyed to. If it is an HOA, there would be a conservation restriction; if the Town wants it, he is not sure they would want that restriction on it; or even a conservancy would want to impose their own language that they use. Mr. Driscoll asked Ms. Burke what her recommendation would be on the lot releases? She said she thought it would be double dipping asking for both the lot and the 50%, but it is the Board's decision. Mr. MacDonald said he was in favor of waiving the lot being held for the contingency. He felt it was excessive to maintain both and Azu's preference was the 50%. Mr. Driscoll suggesting hold one lot until the open space issue is resolved. Ms. Burke suggested there was leverage in building permits and occupancy permits and she didn't think it was necessary. Mr. Driscoll noted that Mr. Castignetti had previously stated that he had already cleaned up the Jenny Lenard park which was a

requirement of the release of the 42nd building permit and questioned if there were any other conditions that needed to be done at certain stages? Mr. Castignetti said only the condition about the closure into Erbeck Circle. Mr. Driscoll questioned the walking trails to be constructed to Jenny Lenard park...Mr. Romulus said he would have to go back to his notes. (It was tied to the issuance of the 42nd building permit and Ms. Burke has already asked the Building Inspector to track it) Mr. Ajemian commented that we have always kept one lot and we didn't want to set a precedence of not keeping one lot and wouldn't be completed onerous on the developer to keep one back. Mr. Driscoll felt the 50% contingency was too much but would be ok holding one to make sure everything is squared away and then release it. He asked Mr. Castignetti if there was one that has not been sold yet? He said they have work to do on the two retreat lots in the back and suggested that lot 27 be held.... that is on the south westerly side of Erbeck Circle. Mr. Castignetti said he would redo the release document and send it off tomorrow.

On a motion by Mr. MacDonald seconded by Mr. Geller, it was unanimously voted, by roll called vote, to accept a bond in the amount of \$180,980.00 and release of lots 15- 26 and 28-43 when received.

WINTERBERRY LANE ROAD BOND AND LOT RELEASE

The original bond was calculated at \$103,180; then it was revised on March 31st to \$74,300.00. Now with the reduction of \$27,000 it comes down to \$47,300.00. The compaction test on the road came in today and it was fine. There was a \$5,000 reduction due to storm water calculation and road will be private.

The applicant had requested a reduction of the newly revised bond of \$67,550 minus the binder of \$18,000 and the \$9,000 of the contingency.

On a motion by Mr. MacDonald, seconded by Mr. Ajemian, it was unanimously voted to require a road bond in the amount of \$40,550.00.

Minutes on agenda for approval were 5/20/20...Mr. MacDonald had one correction about two different times for his arrival. That will be corrected; members indicated that they did not have time to review them. Will be on next meeting's agenda.

On a motion by Ms. Guarino, seconded by Mr. MacDonald, the meeting was adjourned at 8:08.

MINUTES APPROVED: 6/15/2020