

The virtual meeting of the Bridgewater Planning Board convened at 6:30 pm via Zoom.

MEMBERS PRESENT: Mr. Driscoll, Ms. Guarino, Mr. Geller, Mr. Ajemian and Mr. MacDonald

Town staff participating - 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.

### **PUBLIC HEARING-MAJOR MODIFICATION-1925 OLD PLYMOUTH STREET**

Mr. Driscoll convened the public hearing.

Mrs. Dorr was asked if she had received the green card of notification? Ms. Baptista said it was her understanding that this was a minor modification and they were just requested to notify abutters. She said she sent them by certificates of mailing, and she thought they were emailed to Les and Elihah yesterday. She checked her email and discovered they were not sent but did it right then. Mr. Romulus stated that it was determined that it was a minor modification, but major was simply for advertising purposes.

The public hearing notice was read into the record.

On Wednesday, June 17, 2020 at 6:30 pm, the Bridgewater Planning Board will conduct a public hearing on application by CACW, LLC for a major modification to their site plan for property located at 1925 Old Plymouth Street. The modification includes an additional contractor warehouse bay in Building 2 (1,470 sf) and no added impervious surface. 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. This was published in the Enterprise on 6/3 and 6/10

Mr. Etoniru had a problem with his connection and Mr. Romulus recognized that he had returned to the meeting. He again had problems and left at some point.

Mr. Driscoll asked if the filing fee had been paid? (a minor modification fee of \$500.00 was paid)

Ms. Baptista made the presentation. She said this was a minor modification to amend or modify the original site plan slightly. The original site plan had two buildings; one facing the street and one behind it; one had a 5 unit and one had a 4 unit. Currently on site, the drainage is installed, the first building is installed, and a little edge of pavement is installed. The second building was proposed right behind. The third page of the plan shows what has been changed. We have a 5-unit building, 7407 sq. ft, instead of a 4-unit building. So, one extra unit, parking to go along with it; the septic is sized adequately for it. The building increases, but the impervious and pavement decreases. They have added some pavement between the two buildings and a little bit of extra green space on the western side of building #2. There is a very minor impervious increase, she said, which is still accounted for in the basin.

Mr. Driscoll commented that he had a hard time telling where the pavement is now and where it is going. She explained that the original plan took the pavement all the way down to the edge of stone ditch and across. Looking at the third page, you can see what is proposed is very similar, because the alignment of the building is slightly different. The original building was more parallel to the first building; this building is parallel to the property line and it is pushed back to give room to travel between the buildings.

Mr. Driscoll asked what the gravel area is going to be used for? Ms. Baptista said for material storage, as it was originally designed.

They have their erosion control for the new work; the holding septic tank is slightly modified and parking to account for it. The snow storage is slightly changed to accommodate the new layout.

Ms. Baptista said that the new owner wanted to modify the location of the second building. The plan was originally approved in 2014.

Mr. Driscoll questioned how much open space remains? Mr. Romulus said 52%.

It was noted that the building was moved 3 feet due to a zoning violation with the sideline set back and now it complies. The plan that was being looked at was the updated plan.

Mr. Driscoll questioned if there was any landscaping proposed? Ms. Baptista stated there is existing landscaping in the front of building one, which is all that you will see from the street. There will be loaming and seeding in a small area near unit B1.

Comment received today from the Building Inspector and read into the record. Some issues with the site next door under the same ownership. The front building still does not have an occupancy permit or as built. Mr. Driscoll said that the Board's concern is that they want to see this site finished. He felt the board should support the building inspector that there shall be no sign offs for occupancy until the site is finished and that includes the topcoat of pavement because that has not been done.

Mr. Etoniru returned. He said he believes they had addressed some of the as built questions he had. He is satisfied with the plan; however, he wanted the 25' setback for the existing building to be verified by a land surveyor. (Where it says 25 feet Plus or minus) Ms. Baptista noted that was to the edge of pavement, not the property line. It is just to demonstrate that they have 24 feet of traffic flow. She said that she understands that the board would like a verification to the side lot line by a land surveyor and that can do that on the signed off conditions of approval set of plans. Mr. Etoniru said is how sometimes items get dropped off and nobody catches them! Ms. Baptista said they will submit a plan for review prior to signing.

Mr. Romulus had suggested the possibility of a rain garden, however, since it is the back building being discussed it should not be a condition of approval, but possibly could be considered by the owner. He suggested it because it is next to a residential area.

Mr. Geller asked if it was his understanding that there is no TOP or final occupancy permit? He said if a temporary was issued, it is only good for 120 days. Mr. Etoniru verified that as of this meeting, they do not have an occupancy permit...temporary or otherwise. He said he would firmly agree with the Building Inspector's request.

Ms. Baptista stated that they have every intention to correct the wrongs and close out both sides of the site.

Mr. Driscoll asked Mr. Romulus if now the Board had to determine whether this is a minor or major modification? Mr. Romulus said that was correct. He asked him if it was his recommendation to accept as a minor, but it was advertised as a major? Mr. Romulus said it was advertised as a major, but his recommendation was to accept it as a minor modification. Mr. Etoniru interjected that if they applied for a major modification, then it must be reviewed as a major modification. That is the only finding that the board can make and then it would allow them to impose conditions as suggested. He stated that you really cannot condition a minor modification. Mr. Driscoll noted that the Board has many times approved minor modifications with conditions. Ms. Baptista said that they submitted a minor modification with the recommendation that it be advertised, and they notify abutters. Mr. Ajemian suggested that it is the Planning Board who determines whether it is major or minor and is not determined prior to them coming to us. We should be determining now what it is, he said. Mr. Etoniru noted that a minor modification does not require advertising and notification to abutters, and since it has been advertised and abutters notified, it should be treated as a major modification. He made mention of an additional building and Ms. Baptista said it is not an addition, just a slight location change. (30' and twisted from the original design)

Mr. Driscoll mentioned that there is a fee difference between the two. The filing fee paid was \$500.00 for a minor modification.

Clayton Rollins- the property owner-He said they were told to submit as a minor modification by Elijah. He said he wanted to clarify a couple of things on the Building Inspectors comments: he purchased the building from Mr. Watson, probably about a year ago, so whatever was previous to his purchase with CEO's and as-built's, is beyond him. He said he is ok with doing whatever the Building Inspector wants. As far as landscaping, that is all completed at building #1...the paving, as-builts were submitted by Mr. Silva about a month ago. So, the as-built plans that the Building Inspector wants should be there. If the board wants to wait until building #2 is complete, he said, that is fine, but that parcel is complete. The only thing missing is a sign; he has not been able to reach the Building Inspector for a recommendation on a sign size. He stated with the approved second building, which has expired, a six-thousand sq. ft. building, he just wants to add one more bay to the building. It will be a duplicate size building, he said. AS far as Elijah's comments about a rain garden, he is looking at the detention basin which is much better than most- it is grassed and mowed every week; it does fill up with water by design quite a bit; he sees no reason for a rain garden. Mr. Etoniru stated that he reviewed the as built. Mr. Romulus, for clarification purposes, stated that the site as built that was submitted was for 1955 Old Plymouth St; we did not receive anything for #1925. Mr. Rollins said as far as 1955 is concern, he is complete, except for the sign.

Mr. Driscoll stated that there were three issues before us:

1. Landscaping- are we fine with it?
2. Major verses minor
3. And the Building Inspector's condition.

Mr. MacDonald commented that he was fine with making it a major modification, but, suggested that because the applicant was led to believe it was received as a minor modification, that the additional fee

be waived. Mrs. Dorr advised the board that a letter had been received from Mr. Silva requesting the waiver of the consultant fee. Mr. Driscoll suggested a compromise; require the additional filing fee and waive the consultant fee. Mr. Etoniru noted that there really was not much to review, so not requiring that fee was justified, but, not the filing fee. Mr. Rollins noted that the infrastructure is all installed and really nothing to review.

**On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted to determine that this application is a major modification to the previously approved plan, have the applicant pay the additional filing fee, and waive the consultant review fee. Roll call vote.**

**On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted, by roll call vote, to close the public hearing.**

**On a motion by Ms. Guarino, seconded by Mr. MacDonald, it was unanimously voted by roll call vote, to approve the major modification with the standard conditions of approval, adding the conditions requested by the Building Inspector to not allow any type of temporary occupancy. A full occupancy should not be given until the total project and final as-built has been signed off by the Planning Board and the CED office receive a plan signed by a certified land Surveyor indicating that the set back of the building (shown on the plan as 25 ft. + or minus) is at least 25 feet from the lot line, prior to endorsement.**

**On a motion by Mr. Geller, seconded by Ms. Guarino, it was unanimously voted by roll call vote to approve the minutes of 5/20/2020 and 6/3/2020 with Scribner errors corrected, as suggested by Ms. Guarino.**

There were no board or committee reports.

Mr. Romulus informed the Board that as of last Friday, June 5<sup>th</sup>, Associate Member, Bill Akins had sent in his resignation. The Board asked Mr. Romulus to draft a letter on their behalf to thank him for his services to the Town and this Board. He said he would and send to the members before sending it out.

**On a motion by Ms. Guarino, seconded by Mr. Ajemian, the meeting was adjourned at 7:28 pm.**

**MINUTES APPROVED: 7/15/2020**