

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

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

ALSO PRESENT: Director, Jennifer Burke; Assistant Director, Elijah Romulus and Office Administrator, Leslie Dorr.

Mr. Driscoll, Chairman, read from prepared text on Governor Bakers order of 3/12/2020 and how the meeting will be conducted, rules of procedure and how to be able to speak at the meeting.

PUBLIC HEARING CONTINUATION-500 SOUTH ST-GEORGE MITCHELL ELEMANTARY SCHOOL

The public hearing reconvened at 6:34 pm.

Memo email from Azu Etoniru dated 8/5/20 read into the record:

“I received the project plan sheets, C-5.1 and C-6.1, (*bearing a latest date of August 3, 2020*) that were dropped off by an agent/staff of Samiotes Consultants, Inc. in the afternoon of Monday, August 3, 2020. The plan sheets, as revised, reflect the comments and the annotations enumerated in my August 3, 2020 email transmission below. All of my review comments, prior to, and including those noted in my August 3, 2020 email transmission have been satisfactorily addressed. I would not object to an approval of the site plan and/or special permit application by the Planning Board, should it elect to do so.”

Jeff Pilat from Samiotes Consultants commented that they have satisfied all the board’s concerns and requested that the hearing be closed.

Mr. Driscoll asked Mr. Romulus if the board approved this, would it just be with the standard conditions, or are there any recommended additions? Mr. Romulus said that the standard conditions are satisfactory.

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 Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted by roll call vote, to approve the site plan with the standard conditions.

STONEMORE PLACE- 5 P FORESTER REAL ESTATE TRUST-PAULA LEHTOLA

An email received from Lehtola Homes, Paula Lehtola, requesting that a road bond be established.

An email received on 7/29/20Lehtola Homes is requesting the Planning Board , in conjunction with the establishment of a road bond amount, release the covenant on the 5 lots on Stonemore Place, to be released once the road bond is deposited with the town.

Revised road bond received on 8/5/20 in the amount of \$59, 477.00 from the Highway Superintendent, Ron Ladue: The stormwater maintenance amount of \$5,000 has been removed from Stonemore as it has been charged to Oldfield Estates. Phz. 1.

On a motion by Mr. MacDonald, seconded by Ms. Guarino, it was unanimously voted by roll call vote, to require a road bond for Stonemore Place in the amount of \$59,477.00 and upon receipt by the Town, all lots on Stonemore Place will be release from the covenant.

60-88 BROAD STREET SPECIAL PEMIT/SITE PLAN PUBLIC HEARING

The public hearing convened at 6:43 pm.

Memo from Elijah Romulus dated 8-5-20 read into the record. He noted that all abutters were not notified- RE: 15-17 HALE ST Map 21, Lot 205 No 18 and STETSON ST Map 21, Lot 120. Due to the application's lack of clarity, I checked with the applicant on what parcels were in fact to be included. They confirmed 9 lots below which do include 15-17 Hale St and 18 Stetson St, as one project. The hearing notice was also advertised using the same 7 properties per the applicant's abutter's list. 15-17 Hale St and 18 Stetson St need to be included. In addition, the applicant needs to confirm whether or not the five (5) surrounding municipalities were notified. Based on the Town Attorney's zoning determination, the applicant will have to revise the application and project to comply with the zoning bylaw. Prior to the previous revelations the application still presented insufficient information/plans. This included but was not limited to: • Existing Conditions Site Plans for all 9 properties stamped by a professional land surveyor, • Proposed Site Plans for all 9 properties stamped by a professional land surveyor. For these reasons, I suggest the board does not open the public hearing and continue this to a later date and time certain for the applicant to adjust the project accordingly.

Troy Clarkson, Principal of Clarkson Consulting, said he has been working with the applicant for several years on this project and have worked closely with the Town for several years to get this before the Board. He said the development of the abutter's list was done in consultation with the Town and he expressed disappointment and frustration that he is just learning of this development at the hearing tonight when we have had open lines of communication with the Town for some time. He asked, since this is a newly publish hearing, if they could at least provide an introduction and if there are additional notices that need to go out, they will certainly comply with that. He stated that the two additional parcels in question are not proposed for development, but, are proposed to exist as they do now and simply count towards the density for this project. He said the town has been in possession of that list of properties since 2018. He asked that they at least have a dialog and notices did go to those abutters of the properties that will be developed. Ms. Burke noted that legally the board can not open the public hearing. As far as the Town being responsible for the abutters list, they provided what was requested by the applicant.

Mr. Driscoll indicated that they could go thru the memo from Mr. Romulus to try and give the developer some direction as to what we need as far as the deficiencies of the submittal.

Mr. Ajemian commented that he has no problem in going over the list that was provided by Mr. Romulus has given assuming that this is information that has not been part of the original submittal; he doesn't see any reason to discuss any part of the project until everything is submitted. He commented that the hearing can not be opened, so discussions should not go forward except for what the developer needs to submit. Ms. Guarino and Mr., MacDonald agreed.

Mr. Larry Silva, engineer from SEA, stated that it is very disheartening to get this memo today and questioned why this was not forwarded to the applicant? Ms. Burke noted that the issue of the abutters

was just discovered yesterday and until they had time to speak with the town attorney on other issues, the memo was not drafted until today. She said as far as other items needed, the applicant was made aware of the deficiencies.

Mr. Ajemian commented that we have all been down Broad Street for years and seeing what bad shape the properties are in. We would all like to see this project move forward. He is not sure why it has taken years for it to get going, but, he would hope as we move forward, and do set a date for the public hearing, that everything that is required that we need to evaluate this proposal be submitted to the CED office prior to that meeting, so they do have time for the Town Engineer to review the information.

Mr. Paskell, applicant, stated that the list was provided by the town and he notified all those on it by Return Receipt Requested along with notifying the 5 surrounding towns and expressed frustration that this wasn't looked at a month ago. He said he would like to know what components are that he is lacking so he can get them to the CED office. In the meantime, he would hope we could at least open the discussion and have dialog on what is needed. He said this is a very comprehensive project and therefor probably requires additional input from many different folks who will ask for a list of needs.

Ms. Guarino made a motion not to open the public hearing. It was seconded by Mr. Ajemian and unanimously voted by roll call vote.

No date set for the hearing...Mr. Romulus suggested holding the hearing in 6 weeks then it was decided that the date will be coordinated thru the CED office once all the needed information is submitted. Mr. Paskell questioned whether he had to notify all abutters or just the ones that were not notified? He was told that all abutters needed to be sent a notice of the hearing, including the surrounding towns

Mr. Silva asked to see the rest of Elijah's email so they will be able to respond to it.

Mr. Romulus went thru the various items in his email-had to seek clarification on zoning issues with Town Attorney Rawlings.

After the clarification of parcels involved, it was necessary to confer with town counsel regarding §19.04(11) of the Mixed Uses (CBD) bylaw which states: Parcels in contiguous ownership shall be designed as and considered one project. I asked Town Counsel two (2) questions and the responses are in **red and bold**:

For purposes of answering the questions below, I will make the assumption that Parcels 60, 70, 76 and 86 (also shown as H, G, F, E) are all under the same ownership and Parcels 63, 65, 73 and 15 (also shown as A, B, C) are all under the same ownership.

1. What parcels (A through H) are considered in contiguous ownership?
 - A. Assuming Parcels 60, 70, 76 and 86 (also shown as H, G, F, E) are under the same ownership, they are "parcels in contiguous ownership" and would be considered one project under the Ordinance.**
 - B. Assuming Parcels 63, 65, 73 and 15 (also shown as A, B, C) are under the same ownership, they are "parcels in contiguous ownership" and would be considered one project under the Ordinance.**

C. Parcel 18 (also shown as D) is a separate Parcel.

2. What is considered a project for density purposes?

A. Based upon the foregoing, Parcels 60, 70, 76 and 86 (also shown as H, G,F, E) are considered “a project” for density purposes;

B. “ , Parcels 63, 65, 73 and 15 (also shown as A, B, C) are considered “a project” for density purposes; and

C. “ , Parcel 18 (also shown as D) is considered a project for density purposes.

Based on this zoning determination, the applicant will have to revise the application and project to comply with the zoning bylaw as determined by Town Counsel.

Mr. Clarkson stated that this is in direct conflict with the agreement signed by the Town Manager. He explained that over the past several months, the Town Manager and the applicant negotiated a developer’s agreement which was required for this part of the zoning ordinance. In fact, Section #F of the developer’s agreement, as signed by West Point and the Town Manager, states that all parcels are to be considered one project as provided in Section 19.04810. This issue came up during the negotiations and it was agreed upon in good faith. He commented that it is now inappropriate for the town now to overturn this executed agreement and change the rules. Mr. Driscoll asked Ms. Burke “although they are considered three separate parcels and three separate projects, they can still be designed as one as far as circulation, parking and things of that nature, correct?” Ms. Burke stated that is correct. She said that she doesn’t believe regardless of the agreement, that the Town Manager has the ability to waive zoning or override any type of zoning. Mr. Silva questioned how this information was received? Mr. Romulus said it was provided via email this afternoon.

An existing conditions plan was only provided for 4 lots and one is needed for all 9 lots. A proposed site plan is needed for all 9 properties and stamped by a PLS and a PE. Mr. Romulus agreed, Mr. Driscoll noted that all he sees is an architectural rendering, no site plans. Mr. Driscoll asked Mr. Silva if he has done a site plan for any of these properties? Mr. Silva stated that they have provided components of a site plan as requested. The did a utilities plan and a grading and drainage plan. Mr. Paskell said the old bowling alley will not be coming down. Test pits were discussed. Mr. Driscoll noted that we need the commercial parking calculation and wanted that noted. Parking and signage should be added to memo. Elijah said he would include that.

Mr. Ajemian commented that he wants to see this project go forward and getting the needed information is critical.

The memo will be tweaked by Mr. Romulus with additional information and will be sent to the applicant with the list of Missing Information needed. Mr. Paskell asked if once they supply this information, will that be the extent of what is needed? Ms. Burke stated that once the Town Engineer does his review, he may ask for additional information. Mr. Paskell stated that was fair enough. It was decided it might be a good idea to have a virtual meeting with the applicant and the Town Engineer once he starts his review. Ms. Burke will send his contact information to Mr. Paskell. Mr. Romulus was asked to go over with the applicant the requirements for open space, site plan requirements. Landscape requirement, etc.

Mr. Clarkson was looking for guidance as to how to resolve the conflict with the Town Manager and the CED as far as this being one project? Mr. Driscoll suggested a meeting with the Zoning Enforcement officer. Ms. Burke said that could be done, or the applicant can provide a letter with that concern and we can have the Town Attorney review and comment. Mr. Clarkson said they will speak with the Zoning Enforcement office and reach out to the Town Attorney as well.

Mr. Silva noted that his only involvement was with those 4 lots; he was unaware that the rest of the parcels were part of this project. He expressed confusion as to why this was not deemed incomplete from the beginning. His experience with other projects is that it is not even accepted until all the information is submitted. He was miffed that this application has come this far and now they are told it is incomplete.

Mr. Driscoll commented that he hoped that a site plan, rather than just an architectural rendering, will tie this all together.

Mr. Ajemian requested that any discussions with someone outside of the CED office, such as the building inspector and the town attorney, be relayed back to the board. Mr. Paskell stated that he was somewhat confused as to what the discussion should be with Steve Solari and specifically what will he be determining? Mr. Driscoll suggested that he make a determination on the zoning question.

Minutes of 7/15/2020 were not approved at this time as they were not in the packet; will be put on next agenda. Ms. Guarino said the CPC is working on an application by the Congregational Church
No director's reports.

On a motion by Mr. Guarino, seconded by Mr. Ajemian, the meeting was adjourned at 7:31 p.m.

MINTES APPROVED:8/19/20

