

TOWN OF BRIDGEWATER

Notice of Posted Meeting to all
Town Departments, Boards and Committees and the General Public:
(as required by Chapter 39, M.G.L.)

PLANNING BOARD MEETING

DATE: 17 May 2017
TIME: 6:30 pm
PLACE: Council Chamber, Room 203
Academy Building
66 Central Square

6:30 – Public Hearing

Oldfield Estates Subdivision, Phase II – Map 66, Lot 43 and
Modification of Special Permit for Open Space Community

7:30 – JOINT PUBLIC HEARING WITH THE COMMUNITY AND ECONOMIC COMMITTEE:

Ordinance #D-2017-006 Repeal Demolition Delay
Ordinance.

Public Input Session: Order O-2017-011-Declaring Town
Owned Buildings Available for Sale or Lease.

Planning Board discussion on acceptance of Fern Hollow
Road and Hillside Lane

7:45 – Public Hearing Trinity Circle Subdivision; Map 100,
Lot 90 and Map 87, Lot 142 (off Ashtead Road)

Board Business

- Form A Dyer - Off Holly Lane
- Form A Plans - Bridgewater Preserve

- Leslie Dorr, Office Administrator

The regular meeting of the Planning Board convened at 6:32 pm. in the Council Chamber.

MEMBERS PRESENT: Mr. Driscoll, Chairman; Mr. Ajemian and Mr. Sullivan

OLDFIELD ESTATES, II AND MODIFICATION OF SPECIAL PERMIT PUBLIC HEARINGS

The public hearing reconvened at 6:33 pm.

Mr. Driscoll read a letter from Silva Engineering requesting that the hearing be continued to June 7th and granting an extension in time for action to June 30th on both applications.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to continue the hearings to June 7th at 7:00 and accept the extension in time for action to June 30th.

ROLLING PINES ROAD-FORM A PLAN-BRUCE DYER

A letter dated May 15th, 2017 from Joan Pierce-Land Acquisition Agent-Mass. Dept. of fish and game ASE District read into the record: RE: She submitted this letter expressing their strongest support for the proposed ANR plan, entitled "Approval Not Required, Plan of Land, Lot 1, 500 Rolling Pines Drive prepared for Bruce s. Dyer dated May 10, 2017 by Reed Land Surveying, Inc." The recording of this plan will culminate with Mr. Dyer conveying to the Mass. DFG abutting 81 acres for permanent open space. There will be no public access to the acreage. The 15 ft. wide access easement across the northwest corner of Lot 1 is for use only by DFG for use only by DFG personnel. Public access to the 81 acres will be from the existing open space on Auburn Street. Mr. Dyer will retain ownership of Lot 1.

On a motion by Mr. Ajemian seconded by Mr. Sullivan, it was unanimously voted to endorse the plan.

BRIDGEWATER PRESERVE-2 FORM A PLANS

Lee Castignetti present with two Form A plans; one shows the alteration of the lot lines of Lots 16 and 18; there are no changes to the frontages of these two lots. Lot 16A faces Magnolia Way and lot 18-A faces proposed cul-de-sac. The second plan shows Lots 20-5 and 20-6 (a portion of the existing open space parcel that will remain as open space) and will be specifically dedicated to serve as the location for a well and related equipment and piping that will be used to irrigate the community entry landscape. The lots will be owned by the Bridgewater Preserve Homeowners' Association Trust.

Mr. Driscoll questioned the fact that the lots were created under a special permit for a cluster development and asked if it could be treated as a form A because it doesn't meet the frontage and area of the Residential A zone; would it have to be a modification of the special permit? He said it doesn't create any more lots, so he really doesn't have a problem with it, but he wants it done the right way.

Mr. Castignetti commented that he is not looking to modify the special permit; the lots are the same size as approved under the special permit.

Mr. Sullivan commented that he felt it should be a Form A...the lots are in conformance with what was approved under the cluster application and they are just moving a lot line. He suggested getting a legal response. On the second plan, the Board wanted the notation "not a buildable lot".

Mr. Castignetti said there was no rush in getting the plans endorsed.

After a bit more discussion, a motion was made by Mr. Ajemian, seconded by Mr. Sullivan, and unanimously voted, that both plans be endorsed once we received a ruling from Jason Rawlings and the notation is put on the second plan.

A recess was held at 7:08 and called by to session at 7:30.

JOINT PUBLIC HEARING WITH THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

The public hearing convened at 7:30 pm

Ad that appeared in the Enterprise for two consecutive weeks was read into the record:

Pursuant to section MGL Ch. 40A, Sec. 5, notice is hereby given that the Community and Economic Development Committee and Planning Board will hold a joint public hearing to receive public input on the proposed Zoning Ordinance listed below. The meeting will be held on May 17, 2017 at 7:30 p.m. in the Academy Building, Council Chambers, 66 Central Square, Bridgewater, MA 02324
Ordinance #D-2017-006: **Zoning Ordinance Repeal Demolition Delay Ordinance** which amends Ordinance D-2016-005, Demolition Delay Ordinance by deleting such Ordinance in its entirety.
The detailed Ordinance is available on the Town's website at www.bridgewaterma.org, and is on file with the Council Clerk.

Members from the CED Committee were: Peter Colombotos, Frank Souza and Kevin Perry (arrived at 7:49)

Mr. Souza said that he sponsored the article because he started looking into it after it was in place to see if it was being used and how effective it was. He found that there had been six cases that were presented to committee. Two out of the six cases, could not be heard due to lack of a quorum, which meant an additional 30 day delay. The buildings he was talking about are buildings that need a great deal of work and probably a great deal of money is involved which probably involves banks...delays could affect interest rates. He felt this ordinance was a possible stumbling block for people; it could take up to 4 months from when a permit was applied for. He felt the need really isn't there for this type of ordinance and a burden.

Mr. Ajemian expressed concern that we went thru the process to accept the Ordinance originally and now how can we say we don't want it because it takes too long to go thru the process.

Mr. Sullivan questioned whether or not an Ordinance has to be on the books for a certain amount of time before it can be repealed. No one knew the answer. He suggested that maybe the wording could be amended to read that if the Historic committee doesn't act within a certain amount of time, it is automatically approved. He spoke about the Town being incorporated in 1656, so there must be many homes that are not in the historic district that should be preserved or should be looked at by the committee to see if there are artifacts that should be preserved before it is torn down.

Mr. Colombotos commented that if a building is deemed insignificant, the maximum the project could be delayed is 21 days. Mr. Sullivan suggested that maybe the verbiage needs to be amended to make specific time frames for action by the Historic Committee so a demolition permit can be issued.

Mr. David Moore informed the Board that back in 1985 there was a survey done of older homes and can be found on the Mass. Historical website. He stated that the Historic Commission just got permission to go back to five members. (Presently have 3) He said they have discussed this proposal extensively over the past two months and there is some concern by some of the members if you get rid of it, it might be difficult to get it back in a refined condition. He said they would like to take some time to rewrite parts of it to make it flow a little bit better. It is not their intention to hold up anyone unnecessarily. He said the way it is now, is that when a permit is submitted to the Building Dept. it has to be submitted to the Historic Commission. They would like to recommend that would make the whole process start sooner...one can't expect to take out a demolition permit and start the next day, he said...there are utility disconnects and trying to get the utilities to come out it will take a month or more anyway. He felt that when someone comes to the Building Dept. and indicates that they want to demolish a house, at the point they should get a hold of the commission. Normally, they only meet once a month; however, in discussions with the members, they are willing to meet more often, if necessary. He said they would like to rewrite the ordinance, but he is not sure how much you can do, without starting all over again. He suggested continuing this hearing and giving them 30 days to come up with some recommendations back to this board and committee.

Mr. Ajemian stated that he is not in favor of deleting the ordinance; if it needs modifications then by all means let's start that process, he said.

Mr. Robert Wood suggested floating dates for the houses because there might be some things built today that somebody might want to save tomorrow.

Mr. Delonno commented that some of the recommendations that Mr. Moore made were not practical; by law, you have to have an action to start something like this...a building permit, but not an informal application. Regarding a floating time period, certainly a lot of communities do that...you would capture a lot more properties in the process...opposite of what we are talking about here. ..Stream lining and making it faster. This Ordinance came from the SHIPO's (State Historic Preservation office) model. He commented to willy-nilly change it, would need a lot more legal scrutiny associated with it. He said our Ordinance was pared down from SHIPO'S with respect to timelines. Mr. Sullivan commented that he would like to see that if it wasn't acted upon in the specific time frame that it is automatically approved.

There was discussion about whether to just not recommend or recommend with amendments and whether or not to just continue the hearing until after comments received back from the Historic Commission. It was asked if there was a time frame for the Board to get back to the Council with their recommendation and Mr. Delonno felt it was 30 days.

Mr. Ajemian suggested that the Board make the recommendation to Council that they do not repeal the Ordinance and that they set up some process to amend. Mr. Driscoll felt if the Historic Commission wants to review and make recommendations, we should continue the hearing to get that input, and then make the recommendation to repeal, not repeal or modify. Mr. Ajemian noted that the issue here is not to modify, it is eliminating. He questioned whether or not this Board would get input within the

time frame. Mr. Perry questioned Mr. Moore about when his committee will be meeting? Mr. Moore said they met last night, but, they made it clear that they could meet again to get this straightened out. If it means meeting one a week, he said, they would be willing to do that.

After a bit more discussion, a motion was made by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to close the public hearing.

A motion was made by Mr. Ajemian, seconded by Mr. Sullivan to recommend to Council that the Demolition Delay Ordinance not be repealed.

The Board and the CEDE then held their joint hearing for Order O-2017-012: Declaring Town owned buildings available for sale or lease-

Mr. Sullivan commented that the McElwain School is on the National Register of Historic properties so how would that affect a sale or lease? Mr. Delonno said that it would be subject to

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to strike out "for sale" in conjunction with the Town Hall and the Great Hill cell tower and leave just as "lease".

On a motion by Mr. Sullivan, seconded by Mr. Ajemian, it was unanimously voted to keep the verbiage for "sale or lease" in conjunction with the McElwain School and the Spring Street garage.

The joint hearing then discussed proposed Order #O-2017-011-Laying out and acceptance of Fern Hollow and Hillside Lane.

Mr. Delonno said that he, the Highway Superintendent and Azu went out there in November of last year. They made a punch list for the developer, and he fulfilled all of the items. There was one item, the communications box vault; he did the best he could in fixing the grade there, but there was only so much he could do because the box can't be removed. Mr. Driscoll commented that he went out there today and it looks good. An email received from the Highway Supt. that all the issue have been addressed.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to recommend to council, the acceptance of Fern Hollow Road and Hillside Lane. (Laurel Heights Subdivision)

TRINITY CIRCLE PUBLIC HEARING CONTINUATION

The public hearing reconvened at 8:40

A request received from Larry Silva, on behalf of his client, Trinity Covenant Church, to further continue the hearing to June 7th and to give an extension in time for Board action to June 30th.

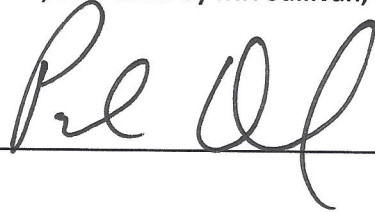
On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to continue the hearing to 6/7/17 at 7:00 pm and accept the time for action to 5/30/17.

Lilac Lane- Mr. Ajemian asked Mr. Delonno about the status of the detention basin. Mr. Delonno said he spoke to Charlie Macy about a week ago. He said he is all set, when the weather improves, to take

out all the unsuitable material, re-grade and whatever he has to do; then bring in suitable soils and seed. He told Mr. Macy that it will need to be supervised by Mr. Etoniru. Mr. Ajemian questioned if the pipe that is coming out into the detention basin at the right level? Mr. Delonno told him "that is an open question". There is also a water table issue, he said.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, the meeting was adjourned at 8:45 pm.

MINUTES APPROVED: _____

A handwritten signature in cursive script, appearing to read "Paul", written over a horizontal line.

7/19/17

CORRESPONDENCE RECEIVED FOR MAY 17, 2017

Notices received from surrounding towns:

Town of East Bridgewater Zoning Board- Decision for Rollco-Case No 6-17; decision for Superior Rail and Iron Work, Inc. Case No. 4-17; variance for property at 630 Central St. Case No. 3-17

Town of East Bridgewater Planning/Building Dept. Decision for Case # PB1-17—350 West St.

Town of West Bridgewater Planning Board- Hearing on June 7th- discuss Street Acceptance for Bresciani Lane off East Street.

Old colony Metropolitan Planning Organization-Notice of meeting on May 16th and minutes of 4/18/17 meeting.

Mass Division of Fisheries and Wildlife-Newsletter