

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

Members present: Mr. Driscoll, Mr. Ajemian, Mr. Sullivan and Ms. Guarino

Also present: Azu Etoniru, Steve Solari, Building Inspector

FIREFLY LANE PUBLIC HEARING CONTINUATION

The public hearing for Firefly Lane reconvened at 6:33 pm.

A letter read from Attorney Vieira dated March 30th requesting a continuance of the hearing to May 3, 2017 and that the time for action be extended to May 31, 2017.

On a motion by Mr. Ajemian, seconded by Ms. Guarino, the hearing was continued to May 3, 2017 at 6:30 pm and time for action was extended to May 31, 2017.

FORM A-HIGH AND BROAD-REVL

The plan was prepared by Silva Engineering Associates for Revil Realty Trust. The Assessor's reference is Map 4, Lot 6 and Assessor's Map 12, Lot 30. The plan is dated 3/24/17 and revised 4/3/17.

An email dated 3/30/17 from Azu Etoniru read into the record:

The land shown as "Map 4, Lot 6A Remaining Area 2.46 Acres" on the ANR plan for the above subject applicant should be labeled "Non-conforming Lot as presently configured", the note on the plan above the endorsement block for the Planning Board notwithstanding. A key element of ANR plan is that the Board must verify frontage and access, lot 6A does not have the required minimum frontage and it does not enjoy the status of a "Retreat Lot" for which a reduced frontage is allowed. Also, a note should be added on the plan regarding the extent of wetlands resources on the lands, or lack thereof; since the zoning bylaws stipulate a minimum percentage of contiguous upland area for each house lot. I do not anticipate any wetlands being on the lands but it should be noted on the plan, just as a note regarding floodplain is reflected on the plan.

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

TRINITY CIRCLE PUBLIC HEARING CONTINUATION

The public hearing reconvened at 6:40 pm.

Email dated 4/5/17 from Azu Etoniru read into the record:

"Since the transmission of the email below on March 15th, we have met with representatives of Silva Engineering Associates and the applicant to discuss some of the possible and conceptual drainage system redesign options they are evaluating and considering. However, I am not in a position to offer any technical review comments or recommendations at this time since I have not received any definitive redesign plan and/or revised stormwater management system analysis and report for the project."

Mr. Silva presented a revised plan based upon discussions with Azu and Andrew. The concerns identified were addressed on that plan:

1. The existing sanitary wastewater disposal soil absorption system that serves the abutting land at 42 Ashtead Road is located between the two drainage basins designed for the subdivision. The drainage basins are less than twenty five (25) feet from the abutting property boundaries.

Proposed adjustment: Drainage basin 1 behind Lot 5 has been moved behind Lot 8. This change will adjust some of the proposed lot lines including the church. There will be one drainage lot with two basins. The toe of the slope for Basin 2 is shifted 25' away from the property line. This will provide 83' separation from the existing leaching field and the basin storage. The roadway profile will change slightly to accommodate one drain line entering Basin 1.

2. The drainage system that serves the church building and parking lot has not been accounted for in the analysis and design. The line was to be intercepted and redirected along the drainage basin.

Proposed adjustment: The current proposal is to intercept the parking lot drainage and redirect to the new basin 1.

3. The revised plan and the report have not addressed how the apparent deficiency of the existing drainage conduits and appurtenant structures associated with the tributary area of Ashtead Road that drains into the site would be mitigated.

Proposed adjustment: The existing flow from the drain manhole in Ashtead Road would be separated from the off-site flow in the drainage channel and discharge within the existing 18" culvert. The drainage channel culvert would then be replaced with 2-24 inch pipes. This increased flow down gradient will be intercepted by a leaching catch basin and beehive grate located just outside the wetlands on Lot 5.

Mr. Driscoll questioned if there were any structures in the basins? Mr. Silva said it was very similar to what they had before; it was not a detail 10, he said. He said that the soils are pretty lousy, so there is not an expectation that there is a heck of a lot going on in there; it is more like a clay type which has very poor drainage qualities in terms of water passing thru. He said that generally when water hits that type of area, it goes horizontally. Mr. Driscoll asked Mr. Etoniru if test pits needed to be done...Mr. Silva noted that test pits were done in basin 1, but not in basin 2. Mr. Etoniru noted that he has to show that the bottom of the basin is 2' above the water table.

Mr. Ajemian questioned Mr. Etoniru as to whether or not we were moving in the right direction? Mr. Etoniru said that we are moving in the right direction if it improves the numbers. Mr. Driscoll questioned if this will eliminate the request for drainage-Mr. Silva said yes. Mr. Etoniru stated that the recharge basin in back of Lot 5 will definitely need a test pit. Mr. Sullivan questioned that if they don't infiltration chambers, will they be storing water? Mr. Etoniru stated that they will still have to meet the storm water requirements and the required infiltration; so he has to look at the calculations to see if they meet the requirements. Mr. Sullivan noted that these are not meeting the Planning Board's rules and regulations due to detail 10. Mr. Silva stated that detail 10 seems to be a problem every time! He questioned if that was not proposed to be changed in upcoming amended rules and regulations. Mr. Driscoll felt the proposal suggested was similar to detail 10, but it hasn't been discussed yet. Mr. Silva asked if there were any other concerns with this proposal. Mr. Sullivan said he was afraid he was creating a pond; doesn't want it to become a retention basin. He said if the numbers work and it meets the guidelines, he would be ok with it.

Mr. Richard Benton-210 Forest Street-informed the Board that he was down there today and the existing swale that brings the water from across Forest Street and behind the existing lots has a constant flow of water going thru it.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, and unanimously voted, the hearing was continued to May 3rd at 7:15 and the Board accepted an extension in time to act to May 31, 2017.

MODIFICATION Of OLDFIELD ESTATES OPEN SPACE SPECIAL PERMIT AND OLDFIELD ESTATES, PHASE II PUBLIC HEARING

The public hearings convened at 7:18 pm.

Correspondence received read into the record:

1. March 13th email from Health Agent-perc tests have not been scheduled yet.
2. March 24th email from Water Superintendent-His department would like to make a thorough evaluation of all water mains in all 4 phases of the project so that there will be no dead ends left in this project,
3. Email-April 5th- Azu Etoniru-As you are aware, the Planning Board recently re-approved the definitive subdivision plan of Oldfield Estates Phase I. Since the re-approval of Phase I, the applicant has filed the definitive subdivision plan for Phase II, which is the subject of tonight's public hearing. I have not performed any detailed review of the Phase II plans but do expect to do so as soon as I have had an opportunity to witness soil evaluation and groundwater level determination at the proposed drainage basin locations, and along the roadway. Based on a cursory review of the grading plan, I would note that a good section of proposed Oldfield Road within the subdivision is being constructed in fill of more than thirteen (13) feet in height above the existing ground, with side slopes in excess of 2.5 to 1. However, no specifications relative to the method and material of construction for the construction in fill has been provided and no safety provision in the form of guardrail has been made to restrict the movement of an errant vehicle from the roadway. Additionally, the steep side slopes are not conducive for driveway construction to access the lots fronting on Oldfield Road. A detailed review report would be forthcoming once the soil evaluation

and groundwater determination for the roadway and the drainage system have been completed.

Mr. Driscoll noted that the board will be addressing the modification first.

Mr. Silva stated that the original Open Space component utilized in part, by wetlands that had been done by Dr. Hewittson, some that were done on the other side that were done in conjunction with the Childsbridge subdivision and some GIS information when they were doing the density for it. Subsequent to that, he had a botanist evaluate the wetlands across the site, Michele Grenier, and have filed this with the Conservation Commission who has gone out and have made a minor adjustment, which he showed to the board. He said that as a result of the wetland line being moved back, they were able to increase the number of conventional lots by 5; so the open space lots have gone to 59. (The original master plan was for 70 lots total.....16 out front and 54 in the back) Mr. Etoniru will review to make sure the yield calculation is correct.

Mr. Ajemian asked Mr. Silva if he is taking the 5 lots out of the original open space that was created. Mr. Silva stated that there was more upland area and open space than was required. He stated that this is a modification under the old bylaw. He spoke about the lot creations were done under the old interpretation of where the 150' set back line was before it was changed. He stated that under the new rules, he believes he could get even more lots.

John Caine-19 Erbeck Circle questioned how much of the original open space is replaced with these new lots? Mr. Silva said about 3+ acres.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to continue the hearing on the modification of the special permit to April 19, 2017 at 7:00 pm.

Mr. Silva stated that initially they had discussed doing this project in 4 phases; he said that Forrester Realty had asked him to do the entire engineering for all phases within this phase II. Mr. Driscoll questioned whether or not they still plan to do the Erbeck Circle phase last? Mr. Silva stated that he would rather have Mr. Lehtola here for that discussion. He felt that should be part of the discussion on the modification continuation on 4/19.

Mr. Silva stated that they will be doing test pits in the basins and along the centerline of the roadway and Azu will have to review. He suggested continuing the hearing to the second meeting in May.

Mr. Sullivan questioned Mr. Etoniru on what he said about the filling in of the roadway. Mr. Etoniru explained that if you look at sheets PP3 and PP4 you see that the existing road elevations 45 and it is proposed to be at 58; that is a difference of 13'. He said that the test pits will be done now.

On a motion by Ms. Guarino, seconded by Mr. Sullivan, it was unanimously voted to continue the Oldfield Estates, II public hearing to May 17th at 6:30 pm

Mr. Driscoll thanked Mr. Solari for coming this evening and he was introduced to the members. Mr. Solari said he was looking forward to working with the Board.

Mr. Driscoll said he wanted to give the Board an update on a situation he has discovered; he said he is not sure how much of an issue it is and how it should be dealt with, so he is looking for some Board input. He said that on January 3, the Board received an email on a project to be known as Murphy's Landing that was going before the ZBA for a variance from 6.30.A.2 for the creation of two (2) affordable units as part of the development plan for the property located on Plymouth St (Map 24, Lots 50 and 51). The Office of Economic and Community Development indicated that it was going to be a LIP which is a local Initiative program. We met the next night and the CED presented a site plan and a memo that also represented a LIP project which the Board endorsed. In the minutes it was reflected that it would be a 40 B. It came to his attention a couple of weeks ago when someone questioned how a use variance could be granted for 8 townhouse units that are typically not allowed in Bridgewater without going thru the 40B process. He expressed concern that the Planning Board got some inaccurate information and as a result supported a use variance that is not a LIP which is a pretty extensive process that has outside oversight as far as drainage, etc with an experienced developer overseeing it. With it not being a LIP there is none of that. It came to his attention after the ZBA 20 day appeal period. He said he didn't know what went wrong; he and Ray met with the Town Manager to advise him that the Planning board may have been provided some inaccurate information; they endorsed a project based upon that information. He expressed concern that the Board was not provided the information from the ZBA. He said according to Section 11 of our rules and regulations, we are supposed to be provided with information from the ZBA like any other abutter and we didn't get a copy of the decision letter until after he called for it. He stated that he would never have endorsed a project for a use variance for 8 units in a commercial zone unless it was a LIP. He also noted that the memo was cc'd to the affordable Housing Trust that he is a member of and we never received a copy of the letter. He asked Mr. Silva if it was always his understanding that this was a variance and not a LIP. Mr. Silva stated that it was always a use variance but the original letter that was drafted for the ZBA was not accurate and it had to be adjusted because they did make the stipulation that it had to get housing approval by DHCD. He said he made them go back and listen to the tape of the meeting because the last thing that the Chairman said was that it had to go for approval. Mr. Silva stated that it will go for review before the conservation Commission and the DCHD. Mr. Solari stated that it either has to be a LIP or a use variance; you can't pick and choose, he said. Mr. Silva stated that they went the use variance route with the hope that the ZBA would allow the use variance and just put stipulations as to how those two units would stay affordable. When they made their decision, they basically didn't do that; they said it has to get approval from the housing partnership on the affordable units.

Mr. Etoniru noted that a decision was filed and the appeal period has expired so the original decision can be recorded. (Appeal period ended on 2/24/17) He said that the ZBA can't just issue another decision. Mr. Driscoll expressed concern that the Board never saw the decision and if we had, could have done something about it.

Ms. Guarino questioned Mr. Silva as to the time frame he suggested that the tape be reviewed? Mr. Silva commented that it was probably a week ago.

After a bit more discussion, **a motion was made by Ray Ajemian, seconded by Mr. Sullivan, that this situation be reviewed by Town Counsel (by way of the town Manager) to see if there is any way the decision can be modified; if so, is it valid; is this a LIP or not. It was unanimously voted.** Mr. Ajemian said he will sit down with Mr. Driscoll to draft that letter.

Mr. Driscoll commented that he understands that the ZBA make their own decisions and could grant the use variance if they wanted to; he just feels that our board's endorsement of this project may have weighed heavily on their decision and they may have thought it would come back to the Planning Board for site review. As a use variance, they can build 8 units with no oversight in terms of site plan and drainage. Mr. Etoniru noted that ConCom will look at drainage and wetlands, but not parking or access issues.

Mr. Driscoll commented that he is not blaming anyone; maybe all of this is just misinformation; he would just like to know what happened and how it can be fixed. Mr. Silva asked the Board to keep in mind that an amended letter was filed and there would be a new appeal period. Mr. Etoniru commented that once the original appeal period was over, the applicant had the right to record that decision in the Registry of Deeds.

Axis at Lakeshore-Mr. Driscoll reminded the members that they received an email with information on this proposal; he asked that comments be forwarded to him so he can get a letter back to Lisa Sullivan.

79 Maple Ave as-built- Chapman- Mr. Etoniru advised the members that the drainage issue has been fixed. **On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to accept the as-built plan.**

Fabroski as-built for Lot 14, Fireworks Circle-HML will be asked to review.

Mr. Solari asked the Board if there is a process for a final sign off by the Planning Board for site plans and building final occupancy. He would like to get a final sign off from everybody before issuing a CO. Mr. Driscoll felt it would typically be the as-built plan submittal and any additional conditions that were put on the project. Mr. Solari said he would like to return to the process of sign offs.

On a motion by Mr. Ajemian, seconded by Mr. Sullivan, the meeting was adjourned at 8:57.

MINUTES APPROVED:_____