

The regular meeting of the Bridgewater Planning Board convened at 6:30 pm in the chamber room of the Academy Building.

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

ALSO PRESENT: Associate members, Steve Geller, Assistant Director Elijah Romulus, Director of Community Development Jennifer Burke, Building Commissioner Steve Solari, and Town Engineer, Azu Etoniru

Mr. Driscoll advised the audience that the meeting was audio and video recorded and explained the rules of procedure for the hearings.

Samuel Avenue Estates – Chuckran Family Limited Partnership

Definitive Subdivision – Two-lot subdivision entitled “Samuel Avenue Estates” (Assessors’ Map 26, Lot 31).

Mr. Romulus states that he would recommend allowing the applicant to appear before the Zoning Board of Appeals to see how their application is received by that Board. The Planning Board has until January 1, 2020 to make a decision on this matter. Mr. Romulus recommends continuing the public hearing until December 18, 2019.

MOTION: Mr. MacDonald moves to continue the public hearing until December 18, 2019. Mr. Ajemian Seconds.

VOTE: (5-0-0)

I. Public Meetings/Board Business*

25 South Street – Town of Bridgewater

The Town of Bridgewater requests an endorsement letter for the renovation of the Memorial Building.

The Town is looking at renovating the memorial Building is requesting \$550,000 from the CPC for the renovations and is requesting a letter of support from the Planning Board. Mr. Romulus recommends giving a letter of support. The building is historic and is not being utilized at this time. Increased foot traffic increases property value and chances for investment, especially in the downtown area.

Chairman Driscoll asks if the Board has had an opportunity to review the request for support. The Board expresses support of the project. Chairman Driscoll states that the only concern he might have would be that the Board has not had an opportunity to review any plans. Director Burke states that there are no plans at this time, however, there will not be any remodeling to the outside of the building, but the interior would be renovated and made handicapped accessible.

Present before the Board: Frank Souza, member of the public

Frank states that he agrees they would like to see plans for the proposed renovations for the building.

MOTION: Mr. Ajemian moves to send a letter of support. Mr. MacDonald seconds.

VOTE: (6-0-0)

II. Additional Board Business

- Minutes to be approved: 10/16/19 & 11/6/19

The minutes for 11-6-19 have not been completed at this time.

MOTION: Mr. MacDonald moves to continue the approval until December 4, 2019. Motion seconded.

VOTE: (5-0-0)

- Board/Committee Liaison Reports, if needed
- Director's Report, if needed

MOTION: Mr. MacDonald moves to have a recess until 7:00. Ms. Guarino seconds.

VOTE: (5-0-0)

III. 7:00 PM Joint Hearing with Town Council Community & Economic Development Committee & Zoning Board of Appeals

Present before the Board: Brian Heath, Zoning Board of Appeals
Anna Klimas, Zoning Board of Appeals
Peter Colombotos, Community and Economic Development Committee
Fred Chase, Community and Economic Development Committee
Mark Bobrowski

MOTION: Chairman Peter Colombotos moves to open the hearing of the Community and Economic Development Committee.

VOTE: (2-0-0)

MOTION: Chairman Brian Heath moves to open the hearing of the Zoning Board of Appeals.

VOTE: (2-0-0)

Chairman Driscoll asks for a motion to resume the public hearing.

MOTION: Motion made and seconded to resume the Planning Board hearing.

VOTE: (5-0-0)

Director Burke states they have been working with Attorney Mark Bobrowski over a period of months to revise the Zoning By-Laws. The hearing tonight is to discuss the changes that are being proposed before there is a meeting in December 2, 2019 for the public to offer their comments.

Attorney Bobrowski states the zoning bylaws will be brought up to speed according to case law and state statutes, internal inconsistencies will be resolved, and glaring omissions such as definitions shall be fixed. Attorney Bobrowski states he would estimate 70-80% of the ordinance has remained but been re-organized and has some light editing to the language. A new provision for senior housing has been added, among other things. Attorney Bobrowski will go through to By-Law section by section and asks the Boards to stop him should they have any questions.

The first section does not have a great deal of regulatory framework. The “purpose” has been revised, as well as “authority”, “scope”, “applicability”.

Section 1.4.2 has been revised in regards to existing statutes, among other portions of Section 1.

Section 2 – Districts, no districts were added, removed, or altered in size or spatial boundary. The zoning map will not be revised. There have been provisions added in regards to district boundaries.

The “purpose” statements of the zoning districts have been stricken from the draft. Attorney Bobrowski states that typically these statements give way to unneeded issues.

Section 3 – Use Regulations, the use table has been revised. The Special Permit Granting Authority has been indicated by the letters of the granting authority, either Planning Board, Zoning Board of Appeals, or Town Council.

In the accessory uses some uses have been added in accordance with existing statute allowances.

“Home Family daycares” has also been revised in accordance with existing statute. Family daycares, typically less than ten children, are allowed by right.

Mr. Ajemian asks if most of the proposed changes are based on state changes. Attorney Bobrowski states that they are not required to adopt any of these, but the state regulations are typically a good default position.

Boarders in a single-family dwelling has been revised, with special consideration to the University in Town. In addition, the definition of family would need to be revised in order to set the regulation for boarders. Attorney Bobrowski states that other college towns have limited the number of unrelated boarders to between 2 and 6.

The size of work truck for home businesses has been restricted.

Section 3.4 – Home Occupation, has been entirely re-written. There is distinction between as of right home occupation and a home occupation requiring a Special Permit. This allows conditions to be placed on the home occupation as well.

Section 4 – Dimensional Regulations, has been changed very little. A general provision of height has been added to this section. Language on corner clearance has been added as well. There is a description on corner lots that exists currently as a footnote that will be added as well.

An accessory building, structure, or vehicle may not be in the front setback of a property. All accessory structures must be on the same lot as the primary structure. Permitted and Prohibited Accessory Structures has been revised.

Chairman Heath of the Zoning Board states he has a concern with the definition of Boundary Fences as it conflicts with the existing building code. Commissioner Solari agrees, the definition conflicts with state building code, which allows a fence height of 7 feet, where the proposed zoning by-law requires a fence height of 36". Attorney Bobrowski states that he will remove the portion discussing the height of the allowed fence on corner lots.

Section 5 – Nonconforming Uses and Structures is an entire re-write. Non-conformities have to be tolerated as they were up until the date of the by-law came into effect, including structures and uses. Attorney Bobrowski reviews the changes proposed for non-conforming structures. Attorney Bobrowski states that this also allows for the Building Commissioner to continue to make judgement calls on the applications that would require a Special Permit or a Variance. Discussion ensues regarding the effects of this change.

Section 6 – General Regulations has been lightly revised. Parking requirements and their use have been added to both the use table and an additional table under Section 6 that explains the parking codes.

Special Permit under this provision has been revised stating that the parking requirements may be reduced by a Special Permit.

Section 6.2 – Signs has been revised slightly, the only real change being to electric sign board.

Section 6.2.7 has been revised to allow the granting of a Special Permit for changes to sign size. This allows for easier enforcing as well. Fiscal Analysis has been included in the proposed revisions.

Section 7 – Special Regulations has revised the adult entertainment establishments section to conform with statutory requirements.

Section 8 – Special Residential Regulations has been minimally altered. Senior housing has been altered to include specific definitions of what constitutes senior living as well as other changes.

Section 9 – Special District Regulations, has changed the Planned Development District because the previous version was too large. Attorney Bobrowski states that planned development should be flexible and decided on a case by case business.

Section 10.1 – Administration and Enforcement, has been revised. Enforcement of noncriminal disposition has been revised which allows a fine of noncriminal violations.

Section 10.4 – Planning Board has been added to explain their function.

10.5.2 Special Permit criteria has been added, which was previously not in the Zoning By-Law.

Site Plan Approval has been revised in its entirety. Appeals of Site Plan decisions will go directly to court instead of the Zoning Board of Appeals. Attorney Bobrowski states that churches, daycares, and schools of all kinds typically require a more lenient approval of Site Plan.

Discussion ensues regarding the definition of family. Commissioner Solari states that this is a difficult provision to enforce because proving people are living in a dwelling is difficult. Airbnb are different, and short-term rentals can be regulated.

Discussion ensues in regards to revising the solar bylaw. Director Burke states that there is a solar project in litigation and would like to discuss changing the solar bylaw during that process with the Town Attorney.

Ordinance D-FY19-003: Zoning Ordinance

Amend Table of Uses, Cultivation, Manufacturing and Testing of Recreational Marijuana

On a motion by Ray second Michael, it was unanimously voted to adjourn the meeting at 9:00 pm.

VOTE: (5-0-0)

MOTION: Chairman Heath moves to adjourn the hearing for the Zoning Board of Appeals.

VOTE: (2-0-0)

MOTION: Chairman Colombotos moves to close the public hearing for the Community and Economic Development Committee.

VOTE: (2-0-0)

MINUTES APPROVED: _____