

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

ALSO PRESENT: Mr. Akins, Associate Member; Mr. Etoniru, Town Engineer and Mr. Romulus, Assistant Town Planner

Mr. Driscoll advised the audience that the hearing was being voice and video recorded and explained the rules of procedure.

PUBLIC HEARING CONTINUATION-SOUTH FARM ESTATES

The public hearing reconvened at 6:30 pm.

September 30th email read from Mr. Koska:

“Please accept this letter as a request for a continuance of the public hearing scheduled for October 2, 2019 until October 16, 2019. Additionally, a waiver letter is being prepared in accordance with the Subdivision Control Law.

Please accept this letter extending the time for board action on the above referenced matter for an additional 90 days beyond the October 2nd meeting.”

Motion: Mr. Ajemian

That: The hearing be continued to October 16th at 6:30

Seconded: Ms. Sullivan

Discussion: Mr. Akins questioned why is the continuation needed? Mr. Etoniru explained that at the original drainage stormwater calculations fell short of the necessary work to verify that the neighborhood would not be impacted. Also, the groundwater determination that they made suggested that the groundwater was much higher than they assumed in their original calculations. For their system to work, they must raise the site, he said. At the Conservation Commission meeting on the 26th, they proposed some additional mitigations by way of proposing land use restrictions around the project. The conservation Commission must act on that and because the plans were presented at that meeting, he hasn't had the time to review. He felt they were making steps in the right direction.

Voted unanimously.

SAMUEL AVE PUBLIC HEARING CONTINUATION

The public hearing re-convened at 6:35 pm.

Correspondence received from Mr. Etoniru on 9/27 read into the record:

On September 17, 2019 I observed two test pits excavated for soil evaluation and groundwater level determination at the locations where stormwater runoff infiltration systems are proposed for the roadway at the above subject subdivision site. Groundwater was observed at a depth of 44 inches below ground surface at test pit #1, and at a depth of 36 inches below ground surface

at test pit #2. Subsequent to the groundwater level determination, on September 20, 2019, I witnessed two pavement sections cored at two locations along the existing driveway that is proposed as the subdivision roadway. One section core revealed a total pavement thickness of 1 inch, and the second core revealed a total pavement thickness of 1-5/8 inches. The cored sections were not adequate/conducive for ascertaining the depth, composition and the adequacy of the sub-base material underneath the driveway pavement. The observed pavement sections revealed respective pavement thicknesses that fall short of the minimum roadway pavement thickness required by the Planning Board under its rules and regulations (R&R) governing the subdivision of land in the Town of Bridgewater. When I arrived at the site for the pavement coring on September 20th, I observed a new pavement area that had been installed along the southerly side of Samuel Avenue (*from its midpoint to its terminus*). The new pavement area had been installed after September 17th when I was at the site to witness the excavation of the groundwater level determination test pits, and before September 20th when I was at the site to observe the pavement section coring. The newly installed pavement area appeared to have been installed to provide an overall pavement width that conforms to the minimum pavement travelled width for one to four lot residential subdivisions as stipulated in the Board's R&R. The installation of the new pavement area was not witnessed by the Planning Board or its representatives as required under its R&R for subdivisions. Based on surficial evidence, the newly installed pavement area does not satisfy the required minimum pavement thickness and it does not appear to be supported by a conforming sub-base/subgrade material. A plan bearing a September 17, 2019 revision date was delivered at my office on September 25, 2019, along with a September 17, 2019 correspondence addressed to the Board, and a two-page stormwater management system design computation(s) that does not bear the seal and signature of the registered professional engineer responsible for the design computations. The plan does not include the logs for the two test pits excavated at the site. The stormwater management system design computations need to document compliance with the Board's rate of runoff and volume of runoff criteria stipulated in its R&R. The layout of the roadway right-of-way now has the required intersection radii at East Street. The September 17, 2019 correspondence includes a list of requested waivers that the Planning Board needs to review. The applicant should communicate with the Water Department regarding the latter's water main and service line installation requirements. Proposed road monuments should be indicated at the points of curvature and tangency of the curve depicted as "turning easement" on the plan. The location of street sign should be shown on the plan. The datum of the benchmark used for vertical control survey should be indicated on the plan. Attached herewith for your use and reference, please find three photographs documented at the site for the pavement section coring and the new pavement area. Let me know if you have any questions or need additional information."

Mr. Romulus recommended that the Planning Board deny the application, without prejudice at this time (decision must be reached by today) to give the applicant a chance to address the roadway and drainage concerns and apply again at a later time.

A letter with waiver requests was also received from Mr. Woodward.

Mr. Woodward introduced Attorney James Burke, who is representing Mr. Chuckran, who is seeking a two-lot subdivision located on the existing Samuel Ave.

Mr. Woodward said he had received Mr. Etoniru's most recent letter and he has revised the plans to reflect his comments. He said there are two existing structures on lot; one is the existing house at #48 Samuel Ave and the other is a barn. He said that the existing pavement as shown on sheet 2 is, in fact, 16' wide until it gets to approximately station 2+80 off East Street. At that point, they need to widen it about 4 feet. He stated that at some point in time, the owner widened it, but he didn't see what happened there and he doesn't think anyone else did either. He said he has to assume that it doesn't meet the thickness or the gravel base that is required.

He went over the waivers and why they were seeking them:

1. Street names-no proper names-Samuel Ave refers to an existing right of way that has existed since December of 1977; shown on Town Records, Police and Fire records and post office.
2. Section 2A-Tree cutting and Planting plan- no existing trees will be cut or disturbed during the construction of the subdivision. The existing evergreen trees along the left sideline of the roadway between station 0+00 and station 2+50 are to remain undisturbed, as shown on the plan.
3. Section V—B Roadway improvement specifications-to allow the existing traveled way between station 0+00 and Station 2+50 to remain. The existing bituminous pavement is in excess of 16' wide. It is in satisfactory condition and functions properly. The water that falls on the road does not flood anyone's property; it just goes into the field that is there. The pavement is not cracked or have any potholes. He said what they are trying to do here is use the existing pavement and widening it at the very end of the cul-de-sac, creating a T for a fire truck turn around and build one single family home for Mr. Chuckran's son. They have been to Conservation and have approval and have been to the Board of Health for a septic system. The Fire Chief is comfortable with the turn-around; He believes there is a letter from the Water Dept. saying the 2" water service is acceptable.
4. Streets acceptance-this street shall remain a private way and the property owner is responsible for the future maintenance and repair of the roadway. The applicant will not seek the acceptance of the new proposed roadway.

They redesigned the drainage which is shown on sheet 4. They widened the drainage trench and lengthened the area that it is going to at the end of the emergency turn around.

Mr. Woodward commented that he realizes this doesn't meet the rules and regulations, but Mr. Chuckran only wants to build one house for his son. He suggested a possible condition that if this ever further subdivided that the roadway must be brought up to the road standards in place at the time.

Mr. Woodward explained that back in the 50's/60's Samuel Chuckran owned 100 acres; his friend was building a house and he allowed him to use his existing driveway. That gentleman died and the house went to the Bentleys. There was a court case that Mr. Woodward was involved in 1971 where they had been using the driveway thru adverse possession and they sued Mr. Chuckran's father for the use of it. The court made the Chuckran family, at the time, grant them a 25' right of way.... they have all the references on the plan. The house at the end of the street has the address of 48 Samuel Ave.

Mr. Driscoll commented that he is skeptical about granting the waivers. He asked if they could purchase additional property to be able to Form A out the lot or even do a retreat lot.

Mr. Woodward said they are actually 5.33' short of being able to Form A out the existing house and they have been unable to buy any property from either neighbor. He has done some pricing for the road, and to rip it up what is there and build it to Planning Board specifications would be \$110,000; to build just one house, that is an extraordinary amount of money, he said. He said they do have an agreement for the turning easement. Mr. Driscoll asked if there was 18" of gravel and 4" of pavement under the first 250'? Mr. Woodward said he doesn't believe so. Mr. Driscoll questioned the benefit to the town to leave the road like that? Mr. Woodward stated that the benefit is that it will remain a private street, never to be accepted and the Town will not be responsible if it breaks up.

Mr. Etoniru commented that the standards have already been reduced for the regulations for a 1-4 lot subdivision recently adopted; he questioned "at what point do you not have standards anymore."

Mr. Driscoll felt it should be constructed to our standards. He asked Mr. Etoniru if the hammerhead met our standards. Mr. Etoniru said it should be 60' and Mr. Woodward indicated that he had changed it to 60'. Mr. Driscoll questioned where the drainage is located? Mr. Woodward said at the end of the T. Mr. Etoniru noted that Mr. Woodward dropped off new calculations yesterday and he didn't have a chance to look at it until today but was unable to do a report. He told the board to keep in mind that they are treating the existing pavement as existing. He doesn't understand the rhyme nor reason for the additional pavement that was added; is not as thick as the existing pavement. There is no hydrant proposed; one is located out on East Street. (shown on sheet 3) It is 320' from the existing house. He said he spoke with the fire chief and he is comfortable with that. Mr. Driscoll questioned if Mr. Kazlauskas at the Water Dept. is fine with the 2" waterline....he generally wants that looped. Mr. Woodward stated that he spoke with Jonas about three months ago and he was fine with it. Mr. Etoniru stated that this is only a service to the new house, there is no water main proposed. Mr. Driscoll noted that there was no tree planting proposed. Mr. Woodward said he left an easement there so if there are ever more houses built, that tree planting easement will be there. There are currently 30' arborvitaes existing and they are shown on the plan. (sheet 3) with a note that existing trees are to remain.

Mr. Akins questioned Mr. Etoniru as to potential problems with the pavement if it isn't up to standards. Mr. Etoniru said the laws are to protect the public. Attorney Jim Burke asked the Board to consider that the current road has been down for 12 years and Mr. Chuckrans's heavy trucks have used that roadway in conjunction with his business and it has held up very well and it will be continued to be maintained as a private way. It would not be the town's responsibility to do any fixing of that roadway. If it is ever developed in the future, make a condition that the road would be brought up to the current standards. Mr. Chuckran has no intention of putting in more lots and it seems extreme to have him spend \$110,000 to be able to build a house for his son.

Mr. Romulus felt that to act now would be hasty; new information just received. He suggested either denying without prejudice or get a letter of continuance to be able to act within another time frame.

Mr. Driscoll commented that they spent lots of time coming up with minimum standards for a 1-4 lot subdivision and he would be against waivers. He spoke about similar projects that were made to conform to the rules and regulations. He noticed there were utility poles on the plan and stated that underground is required. He also commented that he felt there should be a landscape plan as well.

Mr. Etoniru noted that if they build it to the standards set forth, they would be able to have 4 lots.

Mr. Burke asked for a brief recess to contact the owner.

On motion by Ms. Sullivan, seconded by Ms. Guarino, and unanimously voted, a brief recess was held at 7:21 pm.

The meeting was called back to order at 7:26 pm.

Attorney Burke asked for a continuation of this hearing to November 20th and granted a 90 extension in time for action. (original date was Oct.4th)

On a motion by Mr. Ajemian, seconded by Ms. Sullivan, the hearing was continued to November 20th at 6:30 pm and accept the extension for 90 days for board action.

OLDFIELD MODIFICATION-LONGBUILT HOMES

The board discussed the site walk-Mr. Ajemian stated that the site- walk scared him-the lots are actually built into the hillside. Mr. Driscoll questioned whether that slope as shown was approved or is more drastic and in need of filling in? Mr. Etoniru felt they should have graded into that slope; grading should have stopped well before that; a cliff wouldn't have been approved, he said. If they do what they want, they would have to do some resource area with replacement of trees. The board didn't have all the information when they originally met with Mr. Castignetti. They have done more cutting than was originally discussed. Ms. Sullivan felt the slope was too steep and needs to be fixed; if trees removed, they need to replant trees; slope needs to be more gradual giving easier access to trails. Mr. Etoniru commented that this may move into a major modification, rather than a minor modification. A survey should document what is there; show the layout of the lots and use a different color to show what was approved and what needs to be done on an overlay. Ms. Sullivan also wanted to know how many acres this involved. She spoke about the planting of hardwood, which seem to last, rather than pines which get diseased and fall. Mr. Driscoll questioned needing 4 acres to make this transition. Ms. Sullivan also felt there was need for mitigation because it is in close proximity to a park that will service almost 200 homes.

October 1, 2019 Letter read from Lee Castignetti requesting a continuance to the October 16th meeting.

On a motion by Ms. Guarino, seconded by Ms. Sullivan, it was unanimously voted to continue this discussion to October 16th at 6:30 and have Elijah and Azu convey to Mr. Castignetti what the Board is looking for.

MINUTES

On a motion by Ms., Guarino, seconded by Mr. Ajemian, it was voted to approve the minutes of 9/4 and 9/18. Ms. Sullivan abstained; rest-yes.

No Committee reports

Elijah is looking into a tree ordinance; will have by the next meeting.

Ms. Sullivan questioned whether there was any update on Mr. Paskell's properties on Broad Street? She finds the whole thing very discouraging as we have made some changes to try and accommodate him in the development in that area and it continues to look the way it does. She would like to see a letter go out from the town Manager asking for some maintenance of that area as it looks shabby. It is being used for parking. She commented that we know who owns the properties and it has been this way for many years; felt we have the right to ask that it be cleaned up. She made a motion to request that the Town Manager send a letter reaching out to Mr. Paskell to make improvements to the property as it is a total eyesore. Mr. Ajemian seconded it. He commented that if we don't have a bylaw that forces people to take care of their property, we should have one! Ms. Sullivan commented that in her previous position with the town, she has written to many developers about the same situation and many have co-operated. She commented that a letter and a request generally go a long way. It was unanimously voted.

Mr. Driscoll advised the membership that he had been asked to sign a letter, as Chairman of the Board, in June in support of Stiles and Hart grant. He understands that there was a time crunch on it, but, in the future, it would be better if it was brought before the entire board for a vote. Ms. Sullivan said she remembers discussing it with him and supported it as it was in the open space plan. Mr. Romulus said that it was for purchasing 5 acres of land that abuts Stiles and Hart property off Broad Street, in order to have more access. He stated that the Town did receive the grant. When Mr. Driscoll signed the letter, Mr. Romulus sent out an email on June 25th to the Board asking for comments and report back. Ms. Guarino questioned whether the grant was for improvements or purchase? Mr. Romulus advised the board that the grant was for \$175,000 which goes towards the purchase price of \$475,000. This issue is before the CPC and Council.

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Colonial Drive street acceptance was not discussed since Mr. Etoniru couldn't make a recommendation to the Board at this time as Mr. Ladue has been on vacation for two weeks and just came back on Monday. He needs to get back to him and Jonas to get an updated report. Mr. Romulus noted that the board does have until October 19th to act and can be continued to Oct. 16th. Mr. Driscoll left the room. Ms. Guarino asked if the drainage basin needed to be mowed? Mr. Etoniru noted it had to be loamed and seeded and that is what they need to look at. They also needed to adjust some gate boxes for the Water Dept. and they have to verify the installation of the monuments.

On a motion by Ms. Sullivan, seconded by Ms. Guarino, it was voted unanimously by members present, to continue this discussion on Colonial Drive on October 16th.

Mr. Driscoll returned to the meeting.

On a motion by Mr. Ajemian, seconded by Ms. Sullivan, the meeting was adjourned at 7:55 pm.

MINUTES APPROVED: _____