

The meeting virtually convened at 6:30 pm.

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

Town staff participating were Mr. Romulus, Assistant Town Planner, Jennifer Burke, Director and Leslie Dorr, Office Administrator

Mr. Driscoll read from prepared text on Governor Bakers order of 3/12/2020 and how the meeting will be conducted and how to be able to speak at the meeting. He advised the audience that this meeting is being recorded and will be posted within 48 hours on the Town of Bridgewater website or social web page.

SPECIAL PERMIT/SITE PLAN PUBLIC HEARING-60-88 BROAD STREET-WEST POINT REALTY

Mr. Driscoll advised the audience that many letters and emails had been received on this project. The Board members have copies; they will not be read this evening but will be posted on the Towns website tomorrow. If anyone would like their letter to be read, that can be done.

Troy Clarkson, representing West Point Realty, advised the Board and audience that significant information has been submitted since the last hearing and apologized for them being submitted after the deadline for this meeting, so they are not asking the board to make a decision this evening.

1. Detailed landscape plan and lighting plan prepared by MA Dejardins.
2. An updated site layout plan prepared by SEA-site plan of parking and open space buffer areas, and placement of dumpster; hopefully, he said, it will answer several questions from the EOC memo dated Sept. 11th.

Mr. Clarkson spoke about tradeoffs with the hard parking requirements and what is proposed with this plan that were negotiated with the Town Manager and the CED in their developer's agreement. He spoke about the parking lot which will accommodate 50 spaces, which will be available for the public to use, but they are asking that it be counted as park of the parking requirement for the project. One of the things he would like to get a sense of the Planning Board on is how that mix of open space and parking should evolve? That then will determine the final plan that they submit to the Board for approval.

Their proposal is to eliminate the 2 3-bedroom units and delete one other unit. That reduces the unit count from 78 to 75. The proposal is to keep the footprint of the buildings the same as was submitted; by this reduction in units, it would increase the commercial space available. He would like feed back on this. They realize there are some wetland issues and have been in contact with Azu Etoniru who has determined that the limits of work are away from the 25' no touch zone, so they will be working closely with Conservation to see what other regulatory issues their might be.

As far as the open space, they will be creating some significant improvements on public property and would hope that would be considered. He asked that the members review the specific landscape plan and provide them feedback. They would be happy to adjust the plantings and the species based upon your recommendations. They have provided pedestrian scale lighting that will shine the light in a downward fashion.

Mr. Clarkson then reiterated some points that he had made at the opening hearing:

1. The Victorian house behind the academy building was restored in a historically significant way. Mr. Paskell understands the history and character of the town, he said, and he has submitted designed that honor that.
2. The Town Council changed the zoning to accommodate this kind of project
3. This will revitalize a blighted area
4. It will provide significant taxes to the Town.
5. Would also provide housing goals for walkable, dense housing in the downtown area.

Mr. Paskell commented that his project architect is here and he has a time constraint, so he asked if there were any questions that they would like to ask him to do it now, as he has another Town meeting to attend. There were no questions at this point.

Mr. Driscoll, referring to plans that were sent over from SEA on Monday, shows 78 new units. Mr. Silva said yes, but it has been revised to 75 on a plan that has not been submitted yet. Mr. Driscoll noted that the agreement states that the units are maxed at 75. There are existing units that are listed and asked if that wouldn't be reduced to 67 new? Mr. Paskell said no; it was 78 new units which has been reduced to 75 new units. He said it was based upon 3.1 acres; they took the property off that was on Stetson Street which brought it down to 2.88 acres, which allowed them to reduce it by three units. Mr. Driscoll asked the CED staff to look at this. He felt the existing units should be taken off the calculation. Ms. Burke noted that they cannot have more than 26 units per acre, total; she will relook at it. Mr. Driscoll said that there were 169 bedrooms proposed and the zoning allows for 112 and he asked if that was revised in the architectural plans? He felt that might affect the massing of the building and allow for more parking and green space. Mr. Clarkson stated that they understand need to reduce bedrooms and will follow up with Ms. Burke after the meeting

Mr. Ajemian said he wanted to make his opinion clear; we have not dealt with the major issue that has been brought up by himself and many residents, of the buildings being too large; he would prefer that they be on both sides of street, but, that is negotiable. He noted that the Planning Board is not bound by the developer's agreement as stated by the Town Manager at the last meeting and having four story buildings on one side of the street is not acceptable to him. Ms. Guarino concurred with Mr. Ajemian. She would also like to see buildings on both sides; one reason being that it could be a problem with residents having to park on one side of the street and crossing Broad street with packages, etc. ...especially when the college is in session and it gets very busy; can't really judge right now with students not being on campus. She suggested that it would be more balanced with buildings on both sides. Mr. MacDonald also agreed with the scale of the project being too large. Mr. Geller commented that it really does not go with the surroundings by being so massive; he can see the point of being on both sides of the street, but he is ok with one side. He questioned if they intend to put in a crosswalk from the parking lot to the other side with lights? He asked if the architect could design something lower that is on Broad Street and then going up to four stories towards the back?

Mr. Driscoll said he looked at the plan submitted by SEA on Monday and commented that it is a big improvement from what we have. He said he is in favor of density bonuses, and he feels that the mitigations suggested are fair, however, he wants to see the zoning complied with; he wants to see the 20% open space and the parking requirement met and the 10% vegetation.

Mr. Silva explained that the plan works better on one side; felt it would be more confining on two sides. He spoke about the Bridgewater Inn that sat where the Lucky Star gas station is located that was a massive 4 story structure and the Academy Building which is a large structure; he stated that he didn't think the proposed buildings were out of character from that point of view. He said he agreed with the fact that the parking lot will serve a lot of the commercial needs and the parking spaces on the other side will definitely meet the parking requirements. If the 20% is forced to be on the actual lots themselves, as opposed to 15 % on the lots and 5% as street scape work that he will be doing in conjunction with the project, what happens is that you get more additional open space, but, you lose that additional parking. They would like feedback on this so they can take the next step. They do need to update the drainage, he said and what plays into that is the amount of impervious area verses open space and landscape area. Need to do the calculations based upon what is agreed upon.

Mr. Driscoll stated that presently there are three curb cuts and suggested possibly only two to get more open space? Mr. Silva said that part of the problem is that there is a grade in there and there may be a grade differential of 2-3 feet, so it would not really work. Mr. Driscoll commented that he just wants this to meet the zoning and Ms. Guarino agreed; this is our first project of this kind under this new zoning and she commented that they should try to stick to it.

Mr. Clarkson said the feedback from the board was very instructive and helpful. Other than the issues of bedrooms and open space, parking and detail issues, they believe the style and scope of the buildings is within the ordinance and consistent with the dense downtown development that is being encouraged by the Commonwealth. The parking on the east side was to encourage public parking for the commercial spaces which is an enhancement for the community as parking is at a premium in this part of town. He said he will have some discussions with Jennifer and the Town Manager to try and clear up these issues and refine the plan.

Mr. Paskell noted that this project will not work with a host of 75 one-bedroom units; it is not what was discussed or negotiated or in the spirit of this whole process as they began it. Mr. Driscoll said that the Building Commissioner said currently 27 units per acre are allowed; however, we discussed with him that didn't include the density bonus; so for this project it is 39 units per acre and how they are distributed is up to the applicant.

Mr. Ajemian asked for a clarification of the parking lot and who it is for-Mr. Silva referred to the table at the bottom left of the plan. (was changed on Monday) Of the 149 spaces that are being shown, 101` are required for the residential. Mr. Ajemian asked if the parking lot on the east side is being used for the residential? Mr. Silva said that lot is strictly commercial. The residential requirements will be met on the west side, all behind the buildings.

Mr. Driscoll said he went down to Mashpee Commons and he thought it was very attractive with the buildings on both sides; he said he would prefer to maximize the commercial space and not see a parking lot and it would reduce the mass of the buildings; that would be 13 units that could be on the other side; it would provide more walkable, commercial frontage. Mr. Silva stated that there would be a lot of factors; there would be shadowing and dark areas; only on the west side would be much brighter with the positioning the sun, etc. He commented that it would be better for Broad Street to have the residential on the one side of the street. Mr. MacDonald questioned how would it be in the public good if they need the parking lot to satisfy parking requirements?

Mr. Driscoll informed everyone that a letter was received on Monday from Mr. Donald Gotshalk, as a property owner on Broad Street. Other letters and emails received and sent to the Board members, were noted, and will be posted on the website tomorrow: Mr. Crane (75 Forest Drive,) Dr. Upchurch (Tabway Lane) Dr. Carlton Hunt, Austin St., Evan Maras (Ledgewood Dr.) James Candito, (Stetson St,) James Walsh, (Crescent St) Paul Chouinard (Vernon St) and Tracy W(no address or last name) Letters will be sent to the applicant tomorrow. None of those people asked that their letter be read into the record.

Three comments were in the chat feature: one from Carlton Hunt, Mark Linde and James Walsh.

Mr. Hunt spoke and commented that in one of this letters, he suggested how all the issues being discussed could be resolved this evening; 3 buildings on the west side, one on the East side and making the buildings smaller. He felt the height of the building may block a solar panel on an adjacent house to #88 Broad St. He suggested that the sun angle be looked at. He disagreed with Mr. Silva that the lighting would be shadowed; that will occur in the afternoon. He asked if his letters were sent to the proponent because his suggestions might well be positive on and we can come to a resolution. He said he is in favor of this project, just not the scale of some of the buildings. He commented that he felt the buildings should be on both side of the street.

Mr. Mark Linde-56 Michael Road- via chat, asked if the newer plans were available for viewing? Mr. Romulus responded to him that in fact new plans were received after the deadline and will be uploaded after the meeting. He commented that it would be a sign of good faith if the applicant would clean up the site as it presently exists. Mr. Romulus replied to him that there is a mechanism thru the town code; the Town Manager and the Building Inspector can work with the applicant

James Walsh came on live- echoed Mr. Hunt in that this is a great project; he did not think anyone was against the high density and this is something we do want to see. The density is not the problem, just the form. He suggested that it should fit more into the character of the town and the area. The real issue is the style. Putting the buildings on both sides would frame the street and give it more balance, he said. He referred to Mashpee Commons and how he felt they did it right. This project should reflect the area. He asked if there was potential to expand the parking lot with an additional building? Ms. Burke commented that they have maxed out what they are allowed by zoning and any additional building will require a variance.

Pat Neary agreed with Mr. Hunt and Mr. Walsh on the building design; it needs to have a New England, colonial look. She asked if there had been revised renderings of the building submitted? Mr. Driscoll said he believes it was just site plan renderings that were revised. Mr. Paskell commented that on the East side, the lot is only 20,000 sq. ft and there was no way they could match the east and west sides because of the limited amount of space they own on the east side; not sure how they can accomplish the project on both sides of the road. Ms. Neary said she is only referring to the actual design of the buildings; renderings that were submitted are big, square, ugly buildings that don't fit in our colonial, New England town. She felt Mr. Paskell was aware of that due to the great job he did with the colonial house behind the Academy Building.

Mr. Hunt asked Mr. Paskell to look at what was submitted to him and respond to how it might or might not fit and he would like a response to that at the next meeting.

Mr. Peter Colombotos felt we need to stick with what the Ordinance says, not the spirit of it as suggested by Mr. Clarkson.

Mr. Driscoll stated that there are a number of zoning issues that need to be complied with and addressed. He asked Mr. Silva if a new site plan for the parking lot had been submitted showing how it will be redeveloped and if test pits have been conducted and has the existing drainage system been evaluated as suggested by the Town Engineer? Mr. Silva, they have not scheduled the test pits. He said the parking lot was designed by SEA and approved by the Planning Board. It has infiltrators underneath and the only thing that they may need to do is have some pre-treatment to meet the stormwater requirements of today. Mr. Driscoll suggested that he meet with the Town Engineer. He felt it should also comply with the 10% landscaping as this is a new use and new project. Mr. Silva suggested that it wasn't a new use; was approved as a parking lot for the building across the street originally. Mr. Driscoll said it is being used for density and suggested he work with Ms. Burke and Mr. Romulus on this.

Mr. Ajemian would hope that the applicant and the CED work together on this; there have been enough comments on what we are looking for and hoped the applicant will take the comments into consideration.

Mr. Driscoll asked Ms. Burke if we are within the time frame for action? Ms. Burke said we are still in the state of emergency in Massachusetts, so all the deadlines and constructive approvals are tolled through the State of Emergency.

On a motion by Mr. MacDonald, seconded by Mr. Ajemian, it was unanimously voted by roll call vote to continue this hearing to November 18, 2020 at 6:30 pm.

LOT 84 FRUIT STREET DISCUSSION

The public hearing was closed at the last meeting; this is for Board deliberations and vote. Mr. Romulus provided the members with a draft decision.

Letters were received from Pat Neary and Ms. Hanson; were not read into the record; hearing was closed, and they can't be considered.

Jean suggested that lighting be specified Dark Sky instead of down lighting. Mr. Romulus told her that he reviewed that with Mr. Etoniru, and it does meet the town bylaws, so there wasn't a need for an additional condition. Ms. Burke advised the board of the many night sky requirements and she wasn't sure if the board wanted to get into regulating all that on private property. Mr. Romulus said that he reviewed the design, and they all have hoods and are down lit.

The waiver of Section 9.6 and the connectivity of the project to adjacent site. Mr. Driscoll said that it was suggested that a waiver be sought for that, but if you read the requirements of the PDD this building can be considered its own office park and can be accessed from outside streets and is over 10 acres; consequently, a waiver doesn't need to be discussed. Ms. Burke agreed with his assessment.

Mr. Romulus requested to discuss condition #19 in the draft regarding the tree clearing and maintenance. The applicant has volunteered to give a gift to the Town in the amount of \$7500 for the tree clearing. He said he finds that acceptable, especially as the applicant will be repaving Fruit Street

as well as signage, etc. Mr. Ajemian suggested that it be modified by having the money deposited prior to cutting the trees down, not prior to Occupancy Permit as was the case of the Bedford Street solar farm.

Conditions 23, 24 and 25 discussed-they speak to assessment and implementation for a scope of work as it relates to road work and resurfacing and having the ability to stripe, stop signs, and make some improvements and evaluating the intersection for improvement. The members were satisfied with the language.

Condition #10 –was read by Mr. Romulus:

“An annual report on each drainage basin’s condition shall be prepared and stamped by a professional engineer certifying that the basin is being maintained and is functioning per approved drainage design. The Planning Board or its designee reserves the right to monitor storm water management compliance and to enforce compliance by the Applicant and any future facility owner/operator. This condition shall run in perpetuity with the land and shall not expire with the issuance of any certificate of compliance for the site construction work or the issuance of a building certificate of occupancy at the time of building occupancy.

Mr. Ajemian noted that it says nothing about the town coming on to the private property premises, if necessary, to access and do work. He said he wants to make sure that the wetlands and Lake Nip are protected. He wants to make sure that the Town can force the owner, if necessary, to take care of issues that are not taken care of in the maintenance agreement. He wants to make sure the town has the legal right to check on the basin and the maintenance. Mr. Romulus said he believes this does give the town the right of enforcement, but he will run it by Town Counsel. Ms. Burke questioned which entity in the Town would you expect to do this? Mr. Ajemian said the Highway Dept. Ms. Burke noted that the Planning Board can’t instruct another town dept. to do that. Mr. Etoniru had arrived at the meeting. He said that under the MS4 program, the storm water authority in town is the Conservation Commission and they would be the proper agency to inspect that; they can enforce and they can implement fines that would motivate the owner to make corrections. There is no mechanism for the town to do the work on private property. Mr. Driscoll asked Mr. Etoniru if he was ok using “designee” rather than specifically saying cc? He said yes, gives the Board more flexibility. Designee will be added to the condition. He said the condition shall run in perpetuity with the project and will not expire with any issuance of occupancy. Mr. Ajemian said he was ok with this now; he understands Mr. Etoniru’s comments about the authority of the CC and felt no legal review needed.

Mr. Driscoll noted that two more conditions were added:

31. No chemical de-icing agents to be used on any of the impermeable surfaces.

32. No commercial fertilizers will be used in the drainage basins, only organic fertilizers.

Mr. Romulus said he will add an additional one based upon questions about lighting. Not Dark Sky, but to have that the lights will be hooded and are down casting lights. Mr. Etoniru suggested that it would be proper that a certification by the lighting consultant, upon installation, that the foot-candle goes down to 0 at the property lines.

Ms. Guarino asked if there was a condition about snow? Mr. Romulus said yes and read condition #18.

On a motion by Mr. MacDonald, seconded by Mr. Geller, it was unanimously voted by roll call vote, to approve the special permit and site plan with the conditions drafted by Mr. Romulus and discussed and modified tonight.

AUGLIS WAY

The non-binding recommendation to Town Council on the acceptance of Auglis way was done at the last meeting.

The as-built plan was reviewed by the Town Engineer and is all set.

On a motion by Mr. Ajemian, seconded by Mr. Geller, it was unanimously voted by roll call vote to accept the final as-built plan.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted by roll call vote, to release \$124,032.53 of the road bond and any additional accrued interest, leaving \$5,000 for basin maintenance.

There were no minutes at this time to be approved.

Update on tree discussion.

Mr. Ajemian, Bill Maltby invited to meeting on October 28th to meet with the Town Manager, Michael Dutton to discuss a tree Board.

CPC- Ms. Guarino informed the board that money was approved for the steeple work at the Congregational Church by the CPC and approved by the Council last night.

On a motion by Ms. Guarino, seconded by Mr. MacDonald, the meeting was adjourned at 8:26 pm.

MINUTES APPROVED: _____