REGULAR MEETING BRIDGEWATER PLANNING BOARD SEPTEMBER 4, 2019

The regular meeting of the Bridgewater Planning Board convened at 6:31 pm. In the Chamber Room of the Academy Building.

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

ALSO PRESENT: Associate members: Mr. Geller and Mr. Akins (arrived at 7:00)

Mr. Romulus, Assistant Director; Mr. Etoniru, Town Engineer.

Mr. Driscoll advised the audience that the meeting was audio and TV recorded.

ANR- 19 WOOD STREET-DUARTE

The plan was prepared by Michael J. Koska for Joseph and Dorothy Duarte. The purpose of the plan is to create Lots 1 and 2 from existing Bridgewater Assessor's Map 35, Plots 9 &10 and to make the existing swimming pool conform to zoning. Mr. Romulus had previously reviewed and said the plan was in order. Mr. Etoniru said that it satisfies conditions for endorsement.

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

865R BEDFORD STREET-BEDFORD COMMERCIAL CORP-TURNER

The public hearing reconvened at 6:40 pm.

ZCE Engineer, Bob Forbes, presented revised plans that reflect changes suggested by Mr. Etoniru who has reviewed them and approved. Revisions include addition of 6" perforated pipe, or grading issue at the backside of the project, addition of retaining wall and snow removal. Mr. Etoniru arrived at 6:43 and confirmed that he was ok with the changes.

The issue of the wall discussed. Mr. Etoniru noted that if they are going to in fact, install a wall, it must be designed and stamped by a structural engineer. This plan gives them the option of eliminating the wall or doing the proper grading into the land of the abutter if they have an agreement with PAD.

Email from Mr. Etoniru dated August 27th read into the record:

> "I have reviewed the revised site plan (*composed of eight sheets*) dated August 20, 2019 by Zenith Consulting Engineers, LLC (ZCE). The revised site plan has satisfactorily addressed the snow removal, stormwater infiltration, and slope grading issues noted in my August 19, 2019 email transmission (see below). At this time, I do not see any outstanding technical deficiencies that could prove detrimental to the approval of the project should the Board elect to approve the revised site plan. Please let me know if you have any questions or need additional information."

Memo from the Board of Health dated 7/29/19 read into the record: Health Agent, Eric Badger, has reviewed the plans. Project will be serviced by Town Sewer and at this time he has no further comments.

Mr. Romulus recommended approving the site plan with the standard conditions of approval and adding #19 adding language about the wall and grading plan being resolved prior to the issuance of a Building Permit.

David Gabriel-22 Elmwood Crescent Street- questioned the logistics of someone starting construction before this issue is resolved? He asked who polices this if that doesn't happen? Mr. Romulus explained to him how the process works. Mr. Gabriel asked if any architecturals of the buildings been submitted? He was shown what the board had in the file. The doors are facing each other and not facing Bedford St. Mr. Driscoll asked about signage; he was told that the owner doesn't want a sign; a location is shown on the plan, but they are not proposing one. There is a note to that effect on the plan. The color of the buildings will match the existing buildings as close as possible.

Mr. Gabriel asked if the wall situation will come back before the Board as a public meeting? Mr. Etoniru said that the plan shows how he can grade into the neighbor's land; so, if he has an agreement, it can go forward without any public hearing. No public hearing needed for the wall is it is submitted shown designed by a certified engineer.

Ms. Sullivan suggested a #20 condition about the sign, seeing as a location is shown.

On a motion by Ms. Sullivan, seconded by Mr. Ajemian, and unanimously voted that the Board approve the site plan with the standard conditions and add the following:

#19- The Community and Economic Development Office and the Town Engineer shall review and approve a wall design stamped and certified by a Mass registered professional structural engineer; in the alternative, the applicant may chose the option of grading this site into the abutting land of PAD Corporation provided a properly executing grading agreement between the parties is submitted for review to the CED and Town Engineer.
#20- If a sign is proposed, it will come back to the Board for a minor modification.

Bill Akins arrived.

OLDFIELD ESTATES, II-MINOR MODIFICATION REQUEST

Mr. Romulus' comments read into the record:

> Applicant is seeking to modify a previously approved Subdivision Plan. This plan modifies the grading plan affecting Lots 51 through 56. Per the applicant, the purpose of the plan is to:
>
> 1. Create safer and more functional rear yards for all six lots that are in Phase 2 as well as the two lots that are in Phase 1, which will also serve to make the overall appearance of the lots far more aesthetically pleasing.
> 2. Create less severe slopes in the rear yards of all six of the lots that are in Phase 2, as well as the two lots that are in Phase 1 so that the ability to stabilize the slopes will be greatly enhanced, which will, in turn, serve to better control the rate of surface water run-off by reducing the velocity.

3. Create a less severe slope for the trail that is located immediately to the left of Lot 56 so that the use of this trail for access to the open space and to the abutting land owned by the Town will be far more user friendly.
4. To better integrate, both aesthetically and functionally the lots in Oldfield Estates Phase 1 and Phase 2
5. To all for the use of on-site earth material on lots that require fill in order to minimize of possibly eliminate the need to import earth material onto the site, which will, in turn, greatly minimize the number of trucks traveling over the Town's roads. Otherwise the need for fill on the site could require as many as 1,150 truckloads of earth material having to be imported onto the site.

The Planning Board has the following options on a Site Plan. It may:
- **Vote to deem a Minor Modification and vote to approve; (RECOMMENDED)**
- Vote to deem a Major Modification;
- Vote to approve the Minor Modification with conditions;
- Vote to deny the Modification request; or
- Vote to continue the meeting to a time certain.

Mr. Etoniru said he has no problem with the regrading.
Mr. Driscoll questioned the tree removal on the common open space. Mr. Castignetti explained that section of the Open Space is a plateau area; not many trees, so removal of trees will not be significant. Mr. Driscoll questioned if it would be wise to require a landscape plan? Mr. Etoniru suggested that maybe they identify anything over a 4" caliper so we can see what additional removal is involved. Mr. Ajemian commented that he would like to know the number of trees being cut down. Mr. Driscoll said he would like to know how many acres will be regraded, what is the growth on it, how many trees will be removed; he felt that natural features should be preserved and possibly having a replanting schedule. Mr. Etoniru noted that this information must be provided by the applicant; this is not the responsibility of the Town. The board discussed having a site walk and Mr. Castignetti indicated that he would welcome that, and he would be there.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted to conduct a site walk on Thursday, September 12th at 4:30 pm and meet at the intersection where it changes over to Oldfield II off Cherry Street.

On a motion by Ms. Sullivan, seconded by Mr. Ajemian, it was unanimously voted to continue this discussion to October 2, 2019 at 6:30 pm.

Ms. Sullivan recused herself and left the meeting.

PUBLIC HEARING CONTINUATION-851 BEDFORD STREET- SOLAR ARRAY

The public hearing re-convened at 7:17 pm.

Mr. Driscoll filled out the Mullen Rule affidavit; he said he listened to the tape of the 7/17/19 hearing and read the minutes, bringing himself up to speed on the project.

August 28th memo from Mr. Romulus read into the record: RE: recommends $81,500.00

for tree replacement.

August 30th email from Mr. Etoniru read into the record:

> This email transmission shall serve as a follow-up correspondence memorializing the items we discussed during our telephone conference call this morning regarding Benning Solar project at 851 Bedford Street: **1**, the revised site plan set dated August 21, 2019 by GEI Consultants, Inc. (GEI) does not include the August 9, 2019 soil evaluation and groundwater data documented at the site at the locations of the north drainage basin and the south drainage basin; **2**, the peak elevations for the design storm events and the seasonal groundwater elevation should be reflected on the details for the basin(s). Detail C-16 shown on plan sheet C-500 **does not** include cross-sections, specifications and sufficient/relevant elevation data for proper evaluation and construction of the basin(s); **3**, the stormwater management report is titled preliminary, suggesting the report is either not complete or lacking in detail and appears designed to exculpate the designer/preparer of the responsibility for a thorough and substantive report. The report should not be labeled "preliminary", and if there is a need to update the report as a result of a review, then it should include the original date as well as a revision date; **4**, the Planning Board should not endorse the site plan and a building permit should not be issued until adequate and secured tree planting bond and decommissioning bond have been received; **5**, an endorsement block for recording the action of the Planning Board should be included on the site plan; **6**, as noted previously in my July 17, 2019 email transmission, plan sheets C-150, C-200, and C-300 contain significant cadastral, regulatory/jurisdictional boundaries and topographic details and require the seal and signature of the registered professional land surveyor responsible for the accumulation and depiction of the survey data. A survey reference is cited on plan sheet C-150 but the survey plan is not included in the submitted plan sheets.

Sept 3rd email from Mr. Etoniru read into the record:

> Just a point of clarification, the **tree removal and planting payment amount should be in the form of cash payment to the Town of Bridgewater for immediate use** as it is intended to serve for mitigation with regard to the immediate impact of the proposed site work, as opposed to the decommissioning that would 'come down the pike' down the road. However, the decommissioning payment should be in the form of a secured bond.

Josh Hotvet wanted to speak about three things this evening:

1.The decommissioning bond
2. The Tree planting bond
3. The revised plans not ready until today, so he understands that didn't give Azu time to review and understands that this hearing will have to be further continued.

As far as the decommissioning bond, their engineer calculated $170,000 and they agreed to bump it up to $185,000. Elijah and Azu were satisfied with that amount. It will be provided by a credit rating bond provider like Chubb or similar financial Institution. The board members were also in agreement with that figure.

Tree re- planting bond- Mr. Hotvet said they had an agreement with a project in New York, which is 15 acres, for $52,400. Elijah had provided an amount of $81,000. Mr. Hotvet noted that they will be able to provide cash for a bond amount and he felt that somewhere in the middle of those figures would be reasonable. Mr. Romulus suggested $76,000 and Mr. Hotvet agreed and said it would be gifted to the Town prior to any trees being cut down.

Mr. Driscoll noted that there would be condition that they will enhance their property with extra tree planting on the Bedford Street berm

Mr. Driscoll questioned whether the billboards would be coming down once their lease is up? Mr. Hotvet said yes, however, he didn't have a date yet. He suggested that it be a proposed condition that upon expiration of the billboard leases, they will come down. Mr. Etoniru suggested that they get a statement from them indicating that they do have a legal obligation on their part to honor the leases.

Blake Peters stated that they have made all the changes in comments from Mr. Etoniru and he submitted 7 copies of that revised plan plus a revised drainage report. Mr. Etoniru noted that he will get back to them by Friday.

No one from the public spoke.

Mr. Driscoll informed Mr. Hotvet that Mr. Geller will be unable to attend a hearing on the 18th, so we are back to the same issue we had before; all four members present must vote in the affirmative to issue the special permit. Mr. Hotvet said he was ok with that.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted to continue the hearing to September 18, 2019 at 6:30 pm.

Mr. Romulus said he was working on a tree ordinance and will have something for the Board by next Wednesday.

Mr. Romulus spoke on the Mullen Rule-The town voted to accept the provisions of Chapter 79 of the Acts of 2006 at a special fall town meeting held on November 13, 2006 which allows a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that members' absence from no more than a single session of the hearing. The member shall certify, in writing, that he/she has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. Mr. Romulus prepared a document for members to sign when using the Mullen Rule.

No new information has been received on Samuel Ave or South Farm Estates; both were continued to 9/18/19: Colonial Drive recommendation for acceptance will be on October 2nd agenda.

Mr. Driscoll asked Ms. Guarino if she was going to the CPC meeting tomorrow night concerning Playground? He wanted her to be in the loop about Mr. Moore questioning Jenny Leonard Park which was part of the decision for Oldfield Estates; site must be cleaned up and debris removed; part of the open space backs up to it with a parking area proposed.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald the minutes of 8/17 and 8/21 were approved as amended by Ms. Guarino

On a motion by Mr. MacDonald, seconded by Ms. Guarino, the meeting was adjourned at 7:50 pm.

MINUTES APPROVED:_____