

**Zoning Board of Appeals Minutes
January 10, 2018**

Attendees:

Present: Anthony Aveni, Chairman; Gerry Chipman, Member; Brian Heath, Member; and Michael Mainvielle, Member

50 Wall Street – Variance, Section 8.40

Mr. Anthony Aveni read the public hearing notice into the record, it stated the following: The Zoning Board of Appeals held a public hearing on Wednesday, January 10, 2018 at 7:00pm in the Council Chambers room located on the second floor of the Municipal Office Building located at 66 Central Square, Bridgewater, MA on application by filed by Lawrence P. Silva, Representative, Silva Engineering Associates, Inc., 1615 Bedford Street, Bridgewater, MA 02324 who sought re-approval of variance previously granted on April 12, 2000. A variance of 3,100 square feet from the required 18,500 square feet of land area under Section 8.40o of the Bridgewater Zoning Bylaws was requested. Said property is owned by David Santilli, 100 Whitney Street, Gardner, MA 01440 and is located at 50 Wall Street, Bridgewater, MA as shown on Assessor's Map 2, Parcel 9. Area is zone Residential D. Notice of the hearing was mailed to all abutters and parties of interest as required by statute and was published in *The Enterprise* on December 27, 2017 and January 3, 2018. Notice was also posted on the Town Hall bulletin board and a copy was given to the Town Clerk. Board members present and voting were Anthony Aveni, Chairman; Brian Heath, Member, Gerald Chipman. Mr. Michael Mainvielle, Associate Member was absent. Mr. Anthony Aveni, Chairman, opened the hearing with a reading of the public notice and the following information was given:

1. The application was filed with the Town Clerk on November 27, 2017.
2. The abutter's listing is public record, therefore, Brian Heath, Member, motioned to waive the reading of the abutters list and Gerald Chipman, Member, second the motion. The vote was unanimous.
3. A letter dated November 27, 2017 from Mr. Steven Solari, Inspector of Buildings/Zoning Enforcement Officer to Mr. David Santilli, 100 Whitney Street, Gardner, MA 01440 was reviewed by the Board and read into the record. It stated the following: *"After reviewing and researching the variance that was granted back in 2000 by the Zoning Board of Appeals, it is my determination that the variance expired. The rights of the variance were not exercised within the one year of grant date. The variance was recorded at the Registry of Deeds on 07/27/2017; more than 17 years later. You will need to re-apply for the variance. Based on the plan by Silva Engineering, the existing lot area is only 15,400 square feet. The Town's Zoning Bylaws require 18,500 square feet in the Residential D District. Applicable section of bylaw: 8 land space requirements If you have any questions, please contact my office."*
4. Mr. Lawrence Silva, PE from Silva Engineering, Inc., made a presentation to the Board reviewing the project in detail as depicted on the engineered plans presented dated November 1, 2017 entitled *"Site: Map 2, Lot 9, 50 Wall Street, Bridgewater, MA"*. Mr. Silva also presented the Board with the previous decision letter filed with the Town Clerk's office, dated May 2, 2000, granting a variance under Section 8.40 for land space area for review, noting that Mr. Stephen Solari, Building Inspector denied the issuance of a building permit due to the fact that the right to the variance was not exercised within a year and therefore expired.
5. Mr. Lawrence Silva, PE from Silva Engineering, Inc., stated that the applicant intends to raze the existing structure and construct a single-family home. Mr. Silva discussed the history of the neighborhood and presented the assessor's map for the neighborhood which depicted the land space area of the adjacent lots and stated that the parcel is larger than the rest of the lots in the neighborhood; therefore, re-granting the variance would be keeping with the character of the neighborhood.
6. Mr. Carl Dupre, an abutter residing at 32 Wall Street, spoke in support of the proposed project if it were restricted to the construction of a single-family home.

7. Ms. Wendy Smith, an abutter residing at 51 Wall Street, spoke in support of the proposed project if it were restricted to the construction of a single-family home.
8. The Board reviewed and discussed all the facts as presented and there were no further questions or concern.

The hearing was closed. Mr. Gerald Chipman, Member, made a motion to approve the a variance of 3,100 square feet from the required 18,500 square feet of land area under Section 8.40 of the Bridgewater Zoning By-laws. Mr. Brian Heath, Member, seconded the motion. The vote was recorded as follows: Anthony Aveni, Chairman – in the affirmative; Brian Heath, Member – in the affirmative; Gerald Chipman, Member – in the affirmative. The reasons for granting the Variance were: 1) Relief can be granted without substantially derogating from the intent of the by-law as the lot size is similar to those in the area and the use does not derogate substantially from allowed uses., 2) The variance can be granted owing to circumstances relating to the shape of the lot and the size of the lot in relation to others in the neighborhood, 3) A literal enforcement of the by-law would involve substantial hardship to the application as the lot size is due to its creation prior to zoning by-laws.

438 Summer Street – Special Permit, Section 6.30.A.2

The Zoning Board of Appeals held a public hearing on Wednesday, January 10, 2018 at 7:15pm in the Council Chambers room located on the second floor of the Municipal Office Building located at 66 Central Square, Bridgewater, MA on application by filed by Gregory Maroney, 5 Apponequet Drive, Lakeville, MA 02347 who proposed to construct four duplexes. A special permit under Section 6.30.A.2 of the Bridgewater Zoning Bylaws was requested. Said property is owned by Maroney Building and Construction, Inc. 5 Apponequet Drive, Lakeville, MA 02347 and is located at 438 Summer Street, Bridgewater, MA as shown on Assessor's Map 49, Lot 98 and 99. Area is zoned Residential D. Notice of the hearing was mailed to all abutters and parties of interest as required by statute and was published in *The Enterprise* on December 27, 2017 and January 3, 2018. Notice was also posted on the Town Hall bulletin board and a copy was given to the Town Clerk. Board members present, and voting were Anthony Aveni, Chairman; Brian Heath, Member, Gerald Chipman. Mr. Michael Mainvielle, Associate Member was sitting, but not voting. Mr. Anthony Aveni, Chairman, opened the hearing with a reading of the public notice and the following information was given:

1. The application was filed with the Town Clerk on December 1, 2017.
2. The abutter's listing is public record, therefore, Gerald Chipman, Member, motioned to waive the reading of the abutters list and Brian Heath, Member, second the motion. The vote was unanimous.
3. A letter dated December 1, 2017 from Steven R. Solari, Building Commissioner/Zoning Enforcement Officer, to Mr. Gregory Maroney, 5 Apponequet Drive, Lakeville, MA 02347 was reviewed by the Board and read into the record. It stated the following: *"I have reviewed your project proposing to construct four residential duplexes at the above location. Based on the proposed Definitive Subdivision Plans, the subdivision will be constructed in the Town of Bridgewater's Residential D District. You will be required to apply for a hearing with the Zoning Board of Appeals for a **Special Permit. 6.30 Table of Use Regulations Residential uses #2 One two family or one duplex on a separate lot require a special Permit in the Residential D District. If you have any questions, please contact my office.**"*
4. Mr. Gregory Maroney, representing the applicant, made a presentation to the Board reviewing the project in detail as depicted on the engineered plans presented, revision date October 3, 2017 entitled *"Definitive Subdivision Plans, Lot Layout Plan, 438 Summer Street, Assessor's Map 49, Lot 98 and 99, Bridgewater, Massachusetts, 02324"* as prepared by MBL Land Development and Permitting, Corp., 770 Broadway Suite 6, Raynham, MA 02767 and presented to the Board for review. Mr. Maroney also provided the Board with a copy of the Table of Use Regulations showing that duplexes were allowed in the Residential D, through the special permit process via the Zoning Board of Appeals, and that is why he is applying. Mr. Maroney stated that the proposed dwellings will meet all setback requirements and informed the Board that the subdivision has been approved by the Planning Board.
5. Mr. Anthony Aveni, Chair, requested a copy of the decision letter from the Planning Board approving the subdivision. Mr. Maroney stated that he did not have a copy of the decision with him and requested that the hearing be continued until the next hearing date to allow time to provide the requested information.

Mr. Gerald Chipman, Member, made a motion to accept the applicant's request to continue the hearing. Mr. Brian Heath, Member, seconded the motion. All in favor, none opposed. The hearing was continued to February 14, 2017 at 7:00pm on the second floor of the Municipal Office Building located at 66 Central Square, Bridgewater, MA.

Curve Street – Duxburrow 40B

Mr. Michael Mainvielle, Member, recused himself from sitting on this hearing.

Mr. Anthony Aveni, Chairman, opened the continued hearing from November 8, 2017 to further review the Duxburrow Estates proposed Comprehensive 40B Permit development off of Curve Street.

Mr. Aveni reviewed and read into the record an email dated November 29, 2017 from Kimberly Larcom, 50 Curve Street. It stated the following:

*Dear Ms. Brown, Would you be able to forward this message to Chair Aveni? I am Kim Larcom of 50 Curve Street. I am faculty at Bridgewater State University and an avid runner. I wanted to voice my opinion at the last meeting, but ran out of time. My concerns are regarding traffic on Curve Street. I do not believe the traffic study took into account some very important issues. At two times during the day, cars pile up on **Both** ends of Curve Street. They are obviously parents waiting for bus pick up and drop off of their children. Cars can be 5 or more deep on both ends. I personally have seen this on a regular basis, finding it hard to run by the cars and still stay safe. I believe there are 40 odd number of total residents on Curve Street currently. I cannot imagine the car pileup with this project. Even Auburn street, while much wider than Curve Street, is too narrow for runners, walkers and bikers, especially with traffic on both sides of the road at the same time. How is Curve street going to handle traffic of 150 homes even if they widen it to the size of Auburn; Auburn street is not wide enough. Further the added traffic will make Auburn Street even more treacherous than it already is. I have several times been run up onto home frontage to avoid being hit on Auburn Street. One of my neighbors had mentioned the prospect of constructing a road from Summer Street to access the project and I would just urge the Chairman to highly consider advocating for this. It could solve traffic issues as there are no houses where the road would intersect Summer Street; again, I am aware of this as I have run on the farm lands and thru the trees entering back on Summer Street. There are no houses there. Summer street is already a collector road. It would probably solve all the waterline, sewer line issues as I believe that sewer is already on Summer street and gas lines as well. Our street was never meant to bear the load of cars that this size project would bring in and further there are some older houses on the street that do not have the frontage to be considered safe. One in particular, would be at the entrance and I could easily see a car running into the front of that house. This just happened to my good friends on Auburn street right near the soccer house a car crashed into the front of the house and I could see happening on Curve St. Also, the other side of Curve street, is very narrow and would this be widened enough to be safe to handle the load of cars in such a vast project? From the last meeting, it appeared the answer to that is no. If that is the case the road will never be able to handle the type of traffic from this 40B project. Finally, I am concerned about my side of Curve Street since it is fairly straight could become almost highway like as cars exit the project and drive towards the intersection of Auburn and Curve. There are times cars speed down this street as they enter this side from Auburn now and only slow down as they take the turn around the other side, incidentally where the home that has little frontage. I am sure those residents would be at risk for their house getting plowed into from traffic coming in and out. I also would like to inquire as to why the recommendations from the Town's engineering company are not going to be considered but a scaled down version of that or better yet exploring a Summer street access road. Respectfully Submitted, Kimberly Larcom*

Mr. Aveni reviewed and read into the record an email dated January 10, 2018 from Michael Mainvielle, 25 Curve Street. It stated the following:

I write this letter as the owner of 25 Curve Street and as an abutter to the above-mentioned 40B project. I am not acting as an agent or representative for any other parties and my comments are mine and mine alone. During the last Duxburrow 40B public hearing, I had made the request of the Duxburrow team (Silva Engineering in particular) to research the possibility of creating an entrance to the Duxburrow project from Summer Street. It was noted as an action item during that public hearing. Over the past 4 weeks, I have been watching the traffic activity at the west entrance of Curve Street. I want to implore the ZBA to take a more firm stance on the potential of a Summer Street entrance. I ask that a detailed feasibility study be completed and submitted to the ZBA by the Duxburrow Team. The study should include what a Summer Street entrance would require to be created versus what would be required to implement the 28'-wide pavement with granite curbing plus two 5' sidewalks for Curve Street (per the Peer review completed by Stantec). Additionally, I would ask that using the current inadequacy of Auburn Street as a reference point, not be used as a reason to stop exploring what was recommended by Stantec for Curve Street in the Peer review. I would like to see a thoughtful, earnest attempt in making a Summer Street entrance to the Duxburrow project. Exceptions and alternatives including but not limited to the following should be explored with sincerity by Silva Engineering and Duxburrow estates: Wetland replication, wetland exemptions, right of way easement permission from the state of Massachusetts, elevated road over wetland and other options to mitigate roadblocks to create access to Duxburrow project via Summer Street should all be considered in the suggested feasibility study. Over the past couple weeks; I have

*personally witnessed a number of potentially dangerous situations at the west entrance of Curve Street for school kids waiting to get on the bus. The recent snow storms, narrow width of the street and cars parked at the corner with kids waiting for the bus create an unsafe situation for the kids and others at that intersection. My home is second on the right from the west entrance and I have chosen on multiple occasions to take a right out of my driveway and exit out of the East entrance of Curve Street in order to avoid the hazard at the west entrance. The proposal of having a "no right turn" sign at the exit of Duxburrow onto Curve Street will increase the volume of traffic by over 900% at the west entrance and will be a safety hazard and danger. The Duxburrow Traffic Engineer (Green International / Jason S. Sobel) repeatedly referred to the "Green Book" in their traffic study. The "Green Book" is considered the foremost reference to Traffic Engineers. When reviewing "The Green Book", it clearly states that it is a policy on geometric design, it is not a standard. It states that no one should ever refer to the Green Book as "Safety Standards". The Green Book specifically states that it is not intended to be a detailed design manual that could supersede the need for the application of sound principles by the design professional / traffic engineer. It should not supersede good judgment. I find that it is **not in good judgment** to force all of the Duxburrow traffic down the west entrance of Curve Street. The extra traffic will exacerbate an already unsafe street and create a dangerous and unsafe situation. It is my opinion that the best way to handle the tremendous increase in traffic volume that Duxburrow project will bring is by creating a dedicated entrance to the development via Summer Street. Best Regards, Michael Mainvielle*

Mr. Paul Cusson stated that a detailed set of engineered plans were submitted to address the peer review comments, as well as the abutter concerns. Mr. Cusson stated that the plans reflect substantial improvements that the applicant is willing to make to improve the safety conditions of the intersection of Curve Street and the entrance to

Mr. Larry Silva, Professional Engineer from Silva Engineering Associates, presented the Board with updated engineered plans dated December 27, 2017, as well as landscape plans and a phasing plan. A construction management plan will still need to be submitted. Mr. Silva discussed the color coded affordable distribution phasing plan for and how the phasing will work, noting that 25% of the affordable units will be included in each phase.

The applicant submitted a response letter to Stantec's letter of November 8, 2017 and is being reviewed by Stantec.

A more detailed survey plan showing the geometry of Curve Street East of Duxburrow Drive connection, including the available right of way up to the east-end connection with Auburn Street has been received and will be reviewed by Stantec.

The Board and the applicant discussed in detail the proposed traffic island layout and more parking spaces that would be established to help ease expressed safety concerns congestion at the intersection at the entrance of the Duxburrow Estates at the Auburn Street end of Curve Street when it comes to school busses and pick up times. Mr. Silva also discussed the roadway improvements of including the widening of the roadway to a minimum of 24' and a 5' sidewalk. Mr. Silva stated that there will be a shuttle bus within the development to pick up the school aged children and bring them to the entrance of Duxburrow Estates at the designated school bus pick up times, for transfer to the school system busses. Mr. Silva stated the he spoke with the Superintendent of Schools Mr. Derek Swenson and was informed by him that the school buses run multiple routes with the same buses and due to timing, it is unfeasible to have the school buses go into the development. Mr. Silva stated that Mr. Swenson said that he would try to make it to a Zoning Board of Appeals meeting to explain the reasons behind why the school buses cannot go through development; the main reasons being about time and money.

A traffic management plan for dealing with school bus pick-up and drop-off times was discussed, which included: (1) proposed side street parking on Curve St, (2) proposed shuttle bus "pull-in/park" area at the Auburn Street end of Curve St, and (3) that a meeting was held with Lucini (bus company), and this indicated that only Elementary School children would be eligible for bus pick up at the intersection of Curve and Duxburrow Dr. The applicant said they would pursue having the School Superintendent attend the next Board meeting to discuss the possibility of having all students eligible for pick-up at Duxburrow Dr, to avoid traffic congestion at the Auburn St. end of Curve St. Mr. Muhammad Itani offered to provide Mr. Itani offered to provide documentation to the Board on the typical number of school children from other 40B projects that he has developed in the area.

The applicant has hired ATC to prepare a Phase I Environmental Assessment, per the Board's request.

The applicant has hired Goddard Consulting, to submit an ANRAD (wetland delineation review request) to the Bridgewater Conservation Commission

Mark Bartlett from Stantec advised the Board and meeting attendees of the upcoming MEPA hearing process for the Environmental Notification Form (ENF) that has been filed by the applicant. This process provides opportunity to offer comments and concerns to the State's MEPA office, e.g. regarding the quantity of fill that will be required to construct the site, and the impact from truck trips to deliver fill to the site,

Mr. Silva stated that the applicant is still going through the review process with the Water and Sewer Department and the details are still being worked out. Larry Silva stated the applicant is working on pump station sizing and pump cycle timing to ensure that the project sewage can be assimilated into the Town's existing system without system back up. It appears that the fifteen (15) homes on proposed Jennings Hill Way may be connected to the sewer system via low pressure sewers, and that the remainder of the project will be served by gravity sewers, directing flow to the proposed community pump station.

Access via Summer St. was shown to be infeasible for several reasons: (1) the Commonwealth's ownership would require this land (for access) to be declared "surplus land" by the State legislature (not likely), (2) the prison (de facto State owner) values this land as security buffer area, (3) even if declared as surplus land, an auction process would be required which might not guarantee that the applicant could become the owner, and (4) because the site has alternative ways of access, the wetland crossing would not be "approvable" under state and local regulations because it would not qualify for a "Limited Access" exemption (thus rendering the "obtain an easement" option invalid).

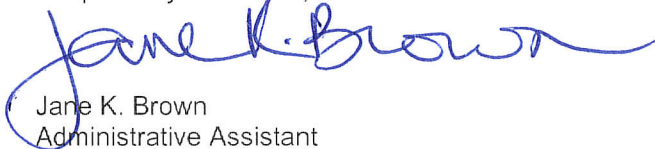
Mr. Brian Heath, Member, made a motion to continue the hearing to February 28, 2018. Mr. Gerry Chipman, Member, seconded the motion. VOTE: All in favor, none opposed.

Zoning Board of Appeals Business

There was no board business for discussion.

Mr. Brian Heath, Member, made a motion to adjourn the regular meeting at 9:30pm. Mr. Gerald Chipman, Member, seconded the motion. VOTE: All in favor, none opposed. Chairman Anthony Aveni closed the meeting. Next Zoning Board of Appeals meeting will be held on January 24, 2018 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,



Jane K. Brown
Administrative Assistant