

**Zoning Board of Appeals Minutes
May 23, 2018**

Attendees:

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

Staff Present: Jennifer Burke, Director of Community and Economic Development

273 Summer Street – Variance Section 8.40

Mr. Anthony Aveni, Chairman, opened the public hearing on an application filed by Eugene and Carolann Reiber, 273 Summer Street, Bridgewater, MA 02324. Applicant proposes to construct an addition. A variance of 4' 7" from the required 20' side setback and a variance of 15' from the required 30' rear setback under Section 8.40 of the Bridgewater Zoning Bylaws are requested. Said property is owned Gene and Carolann Reiber and is located at 273 Summer Street, Bridgewater, MA as shown on Assessor's Map 48, Parcel 19. 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 May 9, 2018 and May 16, 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; and Gerald Chipman, Member. Mr. Michael Mainvielle, Associate Member and Anna Klimas, Associate Member were sitting, but not voting. Mr. Anthony Aveni, Chairman, opened the hearing with a reading of the public notice and the following information was given:

The application was filed with the Town Clerk on April 20, 2018. 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.

A letter dated April 5, 2018 from Steven R. Solari, Building Commissioner/Zoning Enforcement Officer, to Eugene and Caroline Reiber, 273 Summer Street, Bridgewater, MA 02324 was reviewed by the Board and read into the record. It stated the following: *"Based on proposed site plan, you will be required to apply for 2 Variances with the Zoning Board of Appeals for relief from side yard setback and rear yard setback. The property is located in the Residential D District and requires 20 ft. side yard setback and 30 ft. rear yard setback. The proposed addition of 7ft. x 21ft. is only 15.3 ft. from side lot line and 15ft. from rear lot line. You will need to seek relief of 4.7 ft. from side yard setback and 15 ft. from rear yard setback. Applicable section of bylaw: Section 8 Land Space Requirements If you have any questions, please contact my office"*

The Board reviewed the engineered plans dated February 5, 2018 entitled *"Proposed Addition Location Plan, 273 Summer Street, Bridgewater, MA"* as prepared by Michael J. Koska & Associates, Inc. 98 Board Street, Bridgewater, MA 02324 that was submitted with the petition.

The Board reviewed the architecture plan set dated March 19, 2018, sheet A-1 entitled *"Proposed and Existing Floor Plans and Notes"*, sheet A-2 entitled *"Proposed Building Elevations and Sections"*, sheet S-1 entitled *"Foundation Plan Details and Notes"*, and sheet S-2 entitled *"Framing Plan and Notes"* as prepared by David Melo, DM Designs, PO Box 572, East Bridgewater, MA that were submitted with the petition.

Mr. Eugene Reiber made a presentation to the Board and discussed in detail the proposed project and requested the relief required to allow the construction of the addition, stating Mr. Reiber stated that the house was build in 1896 and has stayed in the same family for over 100 years, and are second people to buy it for money in that time. Mr. Reiber stated that it is an older house and is in need of some renovations to enter the 21st century of kitchens. We would like to square off the corner of the house and make the space more functional.

Mr. Steve Solari, Zoning Enforcement Officer, spoke in support of the project. There were no abutters present to speak in opposition of the proposed project. 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 a variance of 4'7" from the required 20' side setback requirement, and a 15' variance from the required 30' rear setback requirement under 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; and Gerald Chipman, Member – in the affirmative. The reasons for granting the variance were the topography of the existing lot creates a hardship to the land, the proposed addition would be in harmony with the general purposes and intent of the bylaw and the proposed use does not derogate from the intent of the by-law. The variance is conditioned by the receipt of updated professional engineered plans that reflect one addition.

Curve Street – Duxburrow Estates 40B

Mr. Anthony Aveni, Chairman, opened the continued public hearing for Duxburrow Estates 40B from April 25, 2018. Mr. Paul Cusson, Consultant for the applicant from Delphic Associates, provided an updated waiver listing dated May 16, 2018 entitled *"Duxburrow Estates Proposed Comprehensive Permit Development, Curve Street, Bridgewater, MA Requested Waivers, Revised May 16, 2018"* to the Board for review. Mr. Cusson stated that the applicant reserved the right to add any additional waivers as necessary.

Ms. Rebecca Baptista from Silva Engineering Associates informed the Board that the applicant filed an Abbreviated Notice of Resource Area Delineation with Conservation Commission. During a sitewalk review the Commission had identified some wetland flags that needed to be moved up gradient, and located an isolated area that. During the April 26, 2018 Conservation Commission meeting, Ms. Baptista stated that Silva Engineering demonstrated that the isolated area was non-jurisdictional, and not protectable. Ms. Baptista stated that the wetland line was still under review by the Commission and had not yet been finalized, and the meeting was continued to May 24, 2018. Ms. Baptista expected that the wetland line changes will cause a few lots to be adjusted in the design, but no other substantial changes should be affected.

The Board reviewed and discussed a letter dated May 22, 2018 from Jonas V. Kazlauskas, Water and Sewer Superintendent from the Department of Public Works, Water Supply and Water Pollution Control Department for the Town of Bridgewater. Ms. Rebecca Baptista from Silva Engineering updated the Board on the overall drainage, catch basins, drainage easements, and drainage swales, along with the added pump station, sidewalks and roadway improvements for the project. Ms. Baptista discussed the elevation changes, addition of drain lines, location of catch basins, and the addition of two new hydrants in detail. Ms. Baptista stated that they are still fine tuning the details and working with Stantec and the Water and Sewer department to work out the final plans.

Ms. Baptista stated that Columbia Gas has confirmed that they received email confirmation that Columbia Gas will be providing services to the project. Mr. Aveni request a copy of the email for the record and Ms. Baptista agreed that she would provide the Board with the documentation.

The Board along with the applicant, engineer, and peer review consultants reviewed and discussed in detail a letter dated May 16, 2018 from Silva Engineering Associates, regarding *"Fourth Letter on the review of Duxburrow Estates; Landscape Plans; Located off Curve Street, Bridgewater"* in response to comments from Stantec Consulting Services, Inc. dated March 12, 2018, along with the accompanying landscape plan set, dated April 19, 2018, entitled *"Landscape Plan Duxburrow Estates, Curve Street, Bridgewater, Massachusetts"* Sheet 1 *"Overall site"*, Sheet 2 *"Main Entrance Landscape Plan"*, Sheet 3-7 *"Overall Landscape Plan"*, Sheet 8 *"Overall Lighting Plan"*, Sheet 9 *"Typical Home Plant Plan"*, Sheet 10 *"Landscape Details"*, and Sheet 11 *"Landscape Notes"*.

The Board along with the applicant, engineer, and peer review consultants reviewed and discussed in detail a letter dated May 16, 2018 from Silva Engineering Associates, regarding *"Fifth Letter of Review of Duxburrow Estates; Review of Phase 1 Environmental Report; Located off Curve Street, Bridgewater"* in response to comments from Stantec Consulting Services, Inc. dated March 12, 2018.

The Board along with the applicant, engineer, and peer review consultants reviewed and discussed in detail a letter dated May 23, 2018 from Stantec Consulting Services, Inc. to Mr. Anthony Aveni, Chairman, Zoning Board of Appeals, regarding "Peer Review – 6th Letter on Review of Duxburrow Estates, a 40B Comprehensive Permit Project Off Curve Street, Bridgewater, MA 02324" which reviewed the following documents related to the project: 1) Request Waivers, Revised May 16, 2018, 2) Peer Review - 5th Letter on Review of Duxburrow Estates; Review of Phase 1 Environmental Report Located Off Curve Street, Bridgewater, MA 02324 - Dated May 16, 2018; 3) Peer Review – 4th Letter on Review of Duxburrow Estates; Landscape Plans Located Off Curve Street, Bridgewater, MA 02324 - Dated May 16, 2018; 4) Landscape Plan Duxburrow Estates Curve Street Bridgewater, Massachusetts – Stamped March 12, 2018; 5) Construction Management Plan (CMP) – Dated April 16, 2018; 6) Stormwater Pollution Prevention Plan (SWPPP) – Dated April 11, 2018, and 7) Duxburrow Estates Offsite Improvement Plan – Dated April 30, 2018

The Board along with the applicant, engineer, and peer review consultants reviewed and discussed in detail the safety and stacked parking proposed at the Duxburrow Entrances for school bus pick up. Mr. Muhammad Itani stated that the Homeowner's Association will provide shuttle service in the center of the development to bring the children safely to the school bus stops. Mr. Robert Larcom and Mrs. Kim Larcom, abutters residing at 50 Curve Street, expressed their concerns for safety regarding school bus pick up and for the children in the neighborhood, as well as others. Ms. Diane Dobson, abutter residing at 30 Curve Street, expressed her concern for safety in relation to the number of children and the school bus pick up/drop off.

After allot of discussion, debate and expressed concern at several opening hearings with no real resolution to the expressed safety concerns by the abutters regarding the school bus pick up, the Chairman Aveni suggested a sub-committee workshop be scheduled with one member of the Board, along with the applicant, the applicant's engineer, the School Superintendent, and the School Bus Company to discuss protocol, procedures and possible recommendations. Mr. Gerald Chipman stated that he would coordinate a time, and let the Zoning Board of Appeals office know, so that a public meeting space and time can be arranged, and a meeting notice posted.

Shirley Krasinski, 510 Auburn Street, asked the Board to explain how this project fits in to the overall Town of Bridgewater Master Plan. Mr. Anthony Aveni, Chair, explained to her the 40B process and referred her to the Town Planner for further explanation regarding the master plan for the Town of Bridgewater.

Mr. Gerald Chipman, Member, made a motion to accept the applicant's request to continue the hearing to June 27, 2018 at 7:30pm on the second floor of the Municipal Office Building located at 66 Central Square, Bridgewater, MA. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed. Items to be discussed at the next meeting were noted as the drainage, off-site improvements, and the bussing concerns.

Zoning Board of Appeals Business

There was no board business for discussion.

Mr. Gerald Chipman, Member, made a motion to adjourn the regular meeting at 9:09pm. Mr. Brian Heath, 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 June 13, 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