REGULAR MEETING **BRIDGEWATER PLANNING BOARD** **June 21, 2023**

The regularly scheduled meeting of the Planning Board convened at 6:00 pm via zoom.

MEMBERS PRESENT: Member Patrick Driscoll, Member Steven Geller, Member Raymond Ajemian, Member Astrid Rojas, Member MacDonald

ASSOCIATES PRESENT: Member Ted Haley, Member MJ Spagone

STAFF PRESENT: Mr. Bob Rulli, Director of CED, Mr. Shane O'Brien, Town Planner, Mr. Greg Tansey, Town Engineer, Mr. Steve Solari, Building Commissioner

Chairman Driscoll opened the meeting. The Planning Board voted to enter Executive Session motion made by Member Ajemian and seconded my Member Geller by roll call vote.

Member Geller, YES
Member Ajemian, YES
Member Driscoll, YES
Member MacDonald, YES

The Planning Board entered into Executive Session pursuant to Pursuant to G.L. c. 30A, §21 and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss strategy with respect to pending litigation in the case of John P. Weldon, as Trustee of the Weldon Properties Realty Trust v. Patrick Driscoll et al, (54 Grange Park) where an Open Meeting may have a detrimental effect on the litigation position of the Planning Board and the Chair so declares and to seek the advice of legal counsel. Executive Session Minutes will be available once litigation has ended and the Board approved the Executive Session minutes.

Executive Session ended at 6:07pm. Board voted to go into recess until 6:30 pm. Motion made by Member Geller and seconded my Member Geller by roll call vote.

Member Geller, YES
Member Ajemian, YES
Member Driscoll, YES
Member MacDonald, YES

At 6:30 pm, the Chairman read the Governors Open Meeting Guidelines and updated guidelines regarding time limits and public comments for the public hearing items before the Board. The Chair encouraged members of the public to continue to send comments to Staff to provide to the Board Members.

PUBLIC HEARINGS.

168, 180, 232, and 240 Broad St (Map 21, Lots 143, 144, 149, & 150) – Proposed Mixed-use development for Edgewood Development Company LLC - Site Plan Review and Special Permit approval pursuant to Section 10.6 (Site Plan Approval), Section 10.5 (Special Permits), Section 6.0 (General Regulations), Section 9.6 Mixed Use in the CBD), Appendix B Table of Dimensional Requirements with waivers requests

The applicant has requested a continuance to July 19, 2023. Mr. Ajemian asked if we had any other items for that meeting. Town Planner O'Brien stated that the Claremont Hotel project is on that meeting. There was a discussion and reiteration to not have both the hotel project and Broad St project on for the same meeting, as well Board members being opposed to setting time limits for how long the applicant would have to talk if they were to be on the same meeting.

Motion was made to continue the public hearing to August 2, 2023 (rather than July 19) made by Member Ajemian, seconded by Member Rojas. Roll Call:

Member Geller, ABSTAIN
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, YES

Zoning Amendment - Planning Board Hearing

This hearing is reference to Proposed Bridgewater Zoning Ordinance Amendment – Article III, Section 23 (a) Planning Board. (D-FY-23-013) – Referred by Town Council at 5/9/23 Meeting.

An amendment was introduced by Councilor Chase to allow for associate members of the Planning Board to act on all items of the Planning Board rather than as of current which allowed for only voting for Special Permit applications.

Chairman Driscoll asked if this for all items or also for quorums. Mr. Ajemian stated that it makes sense and asked regarding the determination of which associate member would take part in a project. Mr. O'Brien stated it would be up to the Chair of the proceedings to decide.

The Board opened it up to public comment. There was none.

Motion to close public hearing made by Member Ajemian and seconded by Member Geller.

Member Geller, YES
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, YES

Motion made by Member Ajemian and seconded by Member MacDonald to favorably recommend the Zoning Amendment to the Town Council.

Member Geller, YES
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, YES

Street Acceptance Discussion. The Laying out and Accepting of a Private Way – Trinity Circle – Referred by Town Council at 5/23/23 Meeting.

Chairman Driscoll asked if there was anyone from Trinity Circle here to represent the applicant. Mr. O'Brien stated that Nick Flynn of the Trustees for Trinity Circle was available to talk.

Mr. Flynn stated that he had discussions with Larry Silva on Plans and the HOA as to move this process along to allow for the street to be accepted by the Town.

Mr. O'Brien provided historical background information of the site explaining the subdivision was approved in 2017. Mr. O'Brien stated that the approved subdivision did have waiver requests as part of their approval and those waivers are placed on the recorded subdivision plans. DPW provided comments regarding the condition of the roadway and request.

Town Engineer Greg Tansey stated that there are detention and storm basins that need to be cleaned and sediment should be removed prior to acceptance of the streets if they are accepted. He talked about the retaining walls located with the right-of-way.

Member Ajemian stated that the Plans state the street will remain private. He asked for clarification if the Board could not favorably recommend due to the ambiguity of the language on the recorded plan and decision.

Chairman Driscoll stated that Decision Letter states that when the road is accepted that a maintenance bond would be required, but if that were the case then that language could allow for the street to be accepted.

Mr. O'Brien stated that both items are recorded at the registry and do contradict each other, however, any applicant can petition Town Council for the acceptance of a private way and the applicant is following that process. He explained the process of accepting roadways to the Board and where the Board fits in as part of the process.

Member MacDonald stated that he was not in favor of recommending it become a private way at this time.

Member Geller stated that he would be in favor as long as the applicant adheres to DPW's requirements for acceptance.

Chairman Driscoll stated he doesn't want to set a precedence with accepting all private roads that were not built to town standards, so the expectation is the road would be up to DPW standards.

Member Rojas asked if a condition to be placed on the Board's recommendation that Council further investigate the intent of the original plan was for it remain private in perpetuity or if there was intent for the road to be public.

The Board discussed possible conditions and questions to add as part of any recommendations to Town Council.

Member MacDonald made a motion to not recommend to Council, seconded by Member Rojas.

Member Ajemian comments on the motion that he'd more accepting of a motion that would have favorable action with all the Board's concerns and comments included. Member Driscoll stated that the town has given opportunities for subdivisions over four lots for the road to be accepted. Member MacDonald stated that is true but they also do not notes on the plan stating the road remain private.

Member MacDonald withdraws his motion and Member Rojas withdraws her seconding of motion.

Motion to favorably recommend street acceptance of Trinity Circle as a public way to Town Council with the following conditions made by Member Geller, seconded by Member Ajemian.

Council being aware of the note on the Plan stating the road would remain a private way as well look at the conflicts between the Plan and the decision and further investigation should be made on Council's behalf. All DPW items are addressed prior to Street Acceptance, that include comments made by the Water Superintendent and Town Engineer and Receipt of a $10,000 stormwater maintenance bond as requested by the Town Engineer and required per the Planning Board Decision (Condition 7, October 4, 2017 meeting)

Member Geller, YES
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, NO

Planning Board Minutes –March 14, 2023
Motion to approve was made by Member Geller, seconded by Member Rojas, it was unanimously voted. Roll Call:

Member Geller, YES
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, YES

Planner's Report:
Mr. O'Brien provided an update regarding future items that will be on for the next meeting and will discuss with the Chair on these future items.

Board Correspondence:
The Board discussed for a potential future reorganization of the Board if anyone was interested in being Chair or Vice-Chair.

Member Ajemian asked what the timeline was for the Community Meeting for the Downtown workshop. Mr. O'Brien stated that he

Chairman Driscoll stated that Mr. Ajemian and Mr. Geller were both reappointed and that they would need to be sworn in with the Clerk's office.

Motion to adjourn was made by Member MacDonald, seconded by Member Ajemians, it was unanimously voted. Roll Call:

Member Geller, YES
Member Ajemian, YES
Member Rojas, YES
Member Driscoll, YES
Member MacDonald, YES

Adjournment