REGULAR MEETING **BRIDGEWATER PLANNING BOARD** **August 21, 2024**

The regular meeting of the Planning Board convened at 6:30 p.m. via Zoom.

Video version of meeting available at: https://www.youtube.com/watch?v=yx_4tnR23D0&t=1s

MEMBERS PRESENT: Michael MacDonald, Steve Geller, Astrid Rojas, Edward "Ted" Haley, & Pat Driscoll

ASSOCIATES PRESENT: Ms. Spagone

STAFF PRESENT: Shane O'Brien, Town Planner, Steve Solari, Building Inspector, Greg Tansey, Town Engineer.

Vice Chair, Michael MacDonald opened up the meeting and read the Governor orders. Chairman Driscoll will be joining the Board later in the meeting.

Public Hearings (new)

259 Summer St – Lot 2 (Map 48, Lot 164) – Special Permit (Section 10.5 and Tables of Uses A.2) to construct a duplex in a Residential D zone. *(Continued from August 7, 2024 Meeting, PUBLIC HEARING NOT OPENED)*

Vice Chair MacDonald read the public hearing notice into the record. Larry Silva of Silva Engineering Associates was present for the applicant. Mr. Silva presented the project which is a proposed duplex located on "Lot 2" which is currently vacant and stated that a Special Permit is required whereas a single-family would be by-right. "Lot 2" was created through a ANR plan presented to the Board at a previous meeting.

Meeting was opened to public comments:

Christine & Russell Ventura of 32 Leonard St spoke regarding concerns including: the Chairperson being part of 259 Summer Realty Trust and conflicts of interest on the project. Mr. O'Brien stated that Patrick Driscoll has recused himself on the matter and the Board would follow proper process of review and voting on the matter. Additionally Mr. & Mrs. Ventura asked regarding the Variance for the Lot that is forthcoming as well as had concerns regarding trees being cut down and college students living or renting in the duplexes.

Paul Cincotta, owner of the property stated his intention for the property is that the units would be sold, but it would not preclude the ownership group from renting them.

Mr. O'Brien explained that originally the applicant was requesting a Variance for 259 Summer St for setback regarding the barn, whereas the applicant has provided a new Plan to the office showing a Variance being necessitated for Lot 2. Mr. O'Brien stated that the layout of Lot 2 presented does not reflect the most recent plans for the requested Variance. Additionally Mr. O'Brien requested that the twenty foot access easement be taken off the Plans as it would not be necessitated with the new plans. Mr. O'Brien also stated that the special permit would need to be modified if any changes were to be made to the lot layout.

Member MacDonald asked if there was any issue with taking action on the Special Permit even with the Variance that would be before the Zoning Board of Appeals.

Member Geller asked about public comment received via email about Lots 2 and 3 about issues of offsite drainage.

Member Spagone had concerns regarding potential changes to layout of the project with the changes proposed through the Variance process.

Vice Chair MacDonald stated that we would be voting on what's before the Board and how it complies to the Special Permit standards.

Member Spagone motioned to close the public hearing, seconded by Member Haley

Roll Call Vote:

Spagone – No, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

Mr. O'Brien provided draft decision language for the Board to consider with consideration of removal of the access easement. Mr. Geller preferred that the easement be removed as well, due to the nature that an applicant cannot give an easement to themselves.

Member Geller motioned to approved the Special Permit for Lot 2 with the conditions provided with language of removal of the access easement seconded by Member Haley.

Roll Call Vote:

Spagone – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

259 Summer St – Lot 3 (Map 48, Lot 164) – Special Permit (Section 10.5 and Tables of Uses A.2) to construct a duplex in a Residential D zone. *(Continued from August 7, 2024 Meeting, PUBLIC HEARING NOT OPENED)*

Vice Chair MacDonald read the public hearing notice into the record. Larry Silva of Silva Engineering Associates was present for the applicant. Mr. Silva presented the project which is another proposed duplex located on "Lot 3" which is currently vacant and stated that a Special Permit is required whereas a single-family would be by-right. "Lot 3" was created through a ANR plan presented to the Board at a previous meeting.

Mr. O'Brien explained that he did not have issues with the Special Permit as proposed with the changes made from the initial filing. Mr. O'Brien stated that he had forwarded along public comment received for both Lots 2 and 3 and that was presented to the Board.

Christine & Russell Ventura of 32 Leonard St spoke regarding concerns regarding protection of the trees on the site.

Larry Silva provided a response to both public comments regarding drainage improvements and protection of natural vegetation.

Member Geller motioned to close the public hearing, seconded by Member Spagone.

Roll Call Vote:

Spagone – No, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

Mr. O'Brien provided draft decision language for the Board for consideration.

Member Geller motioned to approved the Special Permit for Lot 3 with the conditions provided and the comment that the applicant should try to protect any trees as possible seconded by Member Haley.

Roll Call Vote:

Spagone – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

Chairman Driscoll joined the meeting.

<u>**152 South St (Map 48, Lot 91) – Special Permit (Section 10.5 of the Bridgewater Zoning Ordinance and Table of Uses E.11) to convert a dentist office to a Veterinary establishment, or similar establishment provided that animals are kept wholly indoors in a Residential D District.** *(Continued from August 7, 2024 Meeting, PUBLIC HEARING NOT OPENED)*</u>

Vice Chair MacDonald read the public hearing notice into the record. Attorney Rob Pellegrini was in attendance on behalf of the applicant Rosemary Botelho. Attorney Pellegrini stated Ms. Botelho is looking to relocate from her current property on Bedford St to this new location on South St. The site is a mixed-use building with the first floor formerly being a Dentist's office. Being that the property is located within a Residential D district, it requires a Special Permit from the Planning Board. Manny Paiva presented the Site Plan to the Planning Board and provided an overview of the project and changes being made to the site.

Chairman Driscoll asked about the ADA space is being in front of building. Mr. Paiva stated that it is an ideal location as it would be located where the accessible ramp is located. Mr. Driscoll asked about hours of operation, lighting and dumpster location as well.

Steve Solari stated that the proposal meets the ADA standards and is closest to the main door. Mr. Solari talked about the original variance on the property regarding how the property became mixed-use.

Member Geller had concerns about the ability of the vehicle of handicapped space 1 being able to back out of the spot without hitting a vehicle in parking space 2 as well the width of the entrance. Mr. Paiva stated they could make adjustments to the Plan to widen the driveway on the site and turn parking space 2 into hatch marks as they have sufficient parking on site.

Member MacDonald asked about how waste was removed from the site

Rosemary Botelho discussed the waste disposal process

Public Comments:

Paul Malone, 21 Maple Ave –Had a question regarding ADA parking hatch mark sizes as to allow for more green space on the site and a wider entrance would be better for the site. He asked if the sign was going to be moved as well and if the size of that sign would change.

Mr. Solari stated the ADA requirements for hatch mark sizes as well as the sign permit requirements.

Larry Silva, 1615 Bedford St provided a suggestion regarding the parking situation.

Chairman Driscoll talked about how the Plan will need to adjust to resolve the issues regarding parking and lack of dumpster.

Member Geller would prefer if the width of the driveway is extended to match the curb cut.

Member MacDonald would prefer smaller plantings for screening as to not block visibility.

Greg Tansey provided some input regarding the parking locations and curb cut entrance of the property. Town Planner O'Brien stated that the curb cut should at least be maintained at 17 ft whereas this project is for a Special Permit change in use rather than Site Plan Review for construction and reconstruction of the parking area.

Member Geller motioned to close the public hearing, seconded by Member Macdonald

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

Chairman Driscoll discussed possible options for additional conditions of approval for the project based on comments made. Mr. O'Brien provided the Board draft conditions to consider. The applicant additionally requested a waiver of the Engineering Fee as part of the Special Permit as no Engineering was to be done to the Site.

Member Geller motioned to approved the Engineering Review fee waiver and Special Permit for 152 South St with the conditions provided and the following: updating the plans for parking and the driveway; including language regarding hours of operations Monday, Wednesday, Friday from 9:00 am to 6:00 pm, Tuesday 10:00am – 7:00pm and Thursday 8:00am – 5:00pm with the ability for emergency visits outside of these hours when appropriate due to the nature of the business, but not as to create a nuisance for abutting properties; adding a dumpster to the site, and applicant shall providing small plantings to screen the ADA parking space seconded by Member MacDonald.

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Motion Passed.

<u>350 Cross St (Map 118, Lots 23, 24, 25 & 89) – Definitive Subdivision - Approval of a 6-lot subdivision (4 proposed houses) with a previously approved preliminary subdivision proposed by Robert Vazza</u>

located within Residential A/B District. *(Continued from August 7, 2024 Meeting, PUBLIC HEARING NOT OPENED)*

Chairman Driscoll read the public hearing notice into the record. Mr. O'Brien confirmed all fees have been paid and green cards have been received.

Larry Silva of Silva Engineering Associates was present for the applicant. Mr. Silva presented the project which is a proposed subdivision with a street called Chestnut Mare Path located off of 350 Cross St. The applicant had previously been approved by the Planning Board for a Preliminary Subdivision earlier this year. Mr. Silva stated they had made adjustments to the Plan based on the comments received through the Preliminary Subdivision process. Mr. Silva stated that he is going through Town Engineer's comments and is in the process of making updates to the Plans based on Mr. Tansey's comments.

Chairman Driscoll asked about the issues regarding the layout of Cross St with the proposed street with Mr. Silva as the layout of Cross St varies in width in that area. He additionally asked about if the project would function if there was Form A lot proposed as well. Mr. Silva stated that the design was viable based on the feedback given from MassDEP on the project street location. Chairman Driscoll additionally asked for street trees to be provided as well.

Member MacDonald asked about how Parcel A would be protected on the Plan. Mr. Silva explained that Parcel A will be deeded to the HOA for passive usage.

Chairman Driscoll opened up the meeting to public comment.

Daniel Kenney from 95 Laurie Lane asked about how the proposal would affect his property.

Member MacDonald motioned to continue the hearing to the September 4, 2024 meeting, seconded by Member Rojas.

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Public Hearings (continued):

815 Bedford St (Map 88, Lot 23) – Site Plan Review (Section 10.6) for new commercial/retail building as well as self-storage facilities and other site improvements (Continued from August 7, 2024 Meeting)

Larry Silva and Rebecca Baptista of Silva Engineering Associates was present for the applicant. Mr. Silva provided a recap of the changes made based on Town Engineer's comments as well as the Board's comments regarding Landscaping with a vegetated buffer. He provided a rundown of both buildings entrances and circulation of the site.

Chairman Driscoll wanted to make sure that there was no activity within the 20 foot buffer, and Mr. Silva stated that is correct with the exception of the existing driveway on Romney Rd. Mr. Driscoll also asked how the amount of fill being taken off the site has changed since the last design. Ms. Baptista stated that there is substantially less fill being taken off the site compared to the last design. Mr. Driscoll wanted to make sure that proper construction and erosion control measures were to be followed.

Greg Tansey talked about seasonal high groundwater and test pits. Mr. Silva provided information regarding the groundwater conditions from the McPhail Associates letter provided to the Board. It was suggested that prior to the next meeting that Mr. Silva and Mr. Tansey meet at the site and check out the test pits.

Member MacDonald motioned to continue the hearing to the September 4, 2024 meeting, seconded by Member Haley.

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Chairman Driscoll recused himself as an abutter for the 0 Winter St matter.

0 Winter St (Map 75, Lots 21 & 93) – Definitive Subdivision - Approval of a 4-lot subdivision with a previously approved preliminary subdivision proposed by Oliari, LLC located within Residential C and Business B district. (Continued from August 7, 2024 Meeting)

Vice Chair MacDonald took over as Chair. Larry Silva and Rebecca Baptista of Silva Engineering Associates was present for the applicant. Mr. Silva presented the changes made to the project which is a proposed subdivision with a street called Hampden Ave located off of 0 Winter St. Mr. Silva stated they had made adjustments to the Plan based on the comments received from the Board and Town Engineer from the last meeting. Mr. Silva talked about potential options in the future with changes to the zoning line regarding the Business (B) district. Ms. Baptista provided an updated to the corrections to the Plans as well as let the Board know that submittal to the Conservation Commission was forthcoming.

Mr. O'Brien stated that he was satisfied with the changes made and provided draft conditions for the Board to consider.

Mr. Silva provided insight on the waiver request regarding the retaining wall.

Mr. Tansey stated that most of his comments have been satisfied with the exception of a few minor comments.

Member Geller motioned to approved the waiver requested "Section V.B.20 Retaining Walls: A waiver is requested from the requirements that all retaining walls be constructed outside the road layout. The roadway will be private and maintenance of the wall will be the responsibility of the Homeowner's Association." , seconded by Member Rojas

Roll Call Vote:

Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Member Geller motioned to approved the Subdivision at 0 Winter St with the added condition of making sure that applicant satisfying the remaining items from the Town Engineer and with the draft conditions provided, seconded by Member Rojas

Roll Call Vote:

Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Chairman Driscoll returned to the meeting.

385 North St – 3 Lot Subdivision – To Hold 3 Lots in Covenant, Requesting Lot 1 to be released.

Town Planner stated that we received a request for a release of one lot for the proposed subdivision at 385 North St aka Old Stable Estates. The Board will need to establish covenant for the subdivision and then at that point the Board can vote to allow for the release of Lot 1 if they choose to do so.

Member MacDonald motioned to hold the three (3) lots in covenant and release Lot 1 of the subdivision and seconded by Member Haley

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

The Board discussed other business items.

900 Elm St – The Town is following up with MassDEP regarding the violation status.

Planning Board Meeting Minutes – June 26, 2024 & July 17, 2024 Minutes

Motion to Approve Minutes by Geller, seconded by Haley

Roll Call Vote:

Driscoll – Yes, Geller – Yes, Haley – Yes, Rojas – Yes, MacDonald – Yes

Board Items for Next Meeting – Mr. O'Brien stated it should be the two items continued from tonight's meeting.

Mr. O'Brien briefly provided an explanation of Accessory Dwelling Unit Language from the recent Housing Bill

<u>Adjournment</u>: **The Motion to adjourn was made by Member Macdonald, seconded by Member Haley and it was unanimously voted.**