

**Zoning Board of Appeals Minutes  
January 11, 2017**

**Attendees:**

Present: Andre Bissonnette, Chairman; Anthony Aveni, Member; and Brian Heath, Associate Member

Absent: Lucas Klim, Member

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**124 Broad Street – Variance, Section 8.40**

Mr. Andre Bissonnette, Chairman, opened the continued hearing. A letter dated January 4, 2017 from Anthony Guba, Engineer, A.L. Prime Energy Consultant, Inc. to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

*“We are scheduled to present a revised site layout to the Bridgewater Planning Board at their hearing on January 18<sup>th</sup> and we hope to secure approval of a Special Permit at that time. If that occurs, we will then ask to withdraw our current petition before the Zoning Board of Appeals. The revised layout based on comments from the municipal boards and interested public, moves the building towards the front property line eliminating the requirement for any setback relief. We would like to keep the zoning application open pending discussion with the Planning Board and submit this letter as a request that the zoning board continue this matter to the first available agenda after January 23<sup>rd</sup>. By this letter, the applicant also agrees to extension of any required zoning board decision deadline to March 24, 2017 to accommodate the request for continuance.”*

Mr. Anthony Aveni, Member, made a motion to continue the hearing to January 25, 2017 at 7:15pm.

Mr. Brian Heath, Associate Member, seconded the motion. VOTE: All in favor, none opposed.

**334 Walnut Street – Special Permit Section 6.30.A.11 and Variance, Section 6.12**

Mr. Andre Bissonnette, Chairman, opened the continued hearing. A letter dated January 11, 2017 from Michael Koska, Koska and Associates, Inc. to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

*“Please accept this letter as a request for a continuance of the public hearing for the above referenced project. Due to a conflict in scheduling, our firm would not be available to attend this evening's public hearing and provide representation for the applicant, Brian Killea. We therefore, respectfully request the continuance be granted to the Boards next public hearing scheduled for January 25, 2017. Please do not hesitate to contact the office with any questions on this matter, Thank you.”*

Mr. Anthony Aveni, Member, made a motion to accept the applicant's request to continue the hearing. Mr. Brian Heath, Associate Member, seconded the motion. All in favor, none opposed. The hearing was continued to January 25, 2017 at 7:15pm at the Academy Building.

**0 Plymouth Street – Use Variance, Section 6.30.A.4**

Mr. Andre Bissonnette, Chairman, opened the hearing by way of reading the public hearing notice into the record to review an application filed by Erin Murphy, PO Box 82, Bridgewater, MA 02324. Applicant proposed to construct residential structures with shared access and utilities in the Business B zoning district. A use variance from Section 6.30.A.4 of the Bridgewater Zoning Bylaws is requested. Said property is owned by Erin Murphy, PO Box 82, Bridgewater, MA 02324 and is located at 0 Plymouth Street, Bridgewater, MA as shown on Assessor's Map 24, Parcel 50 and 51. Area is zoned Business B District. 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 28, 2016 and January 4, 2017. Notice was also posted on the Town Hall bulletin board and a copy was given to the Town Clerk. The following information was given:

1. The application was filed with the Town Clerk on November 16, 2016.
2. The abutter's listing is public record, therefore, Brian Heath, Associate Member, motioned to waive the reading of the abutters list and Anthony Aveni, Member, second the motion. The vote was unanimous.
3. A letter dated November 7, 2016 from David R. Moore, Interim Building Commissioner/Zoning Enforcement Officer to Silva Engineering, Associates, 1615 Bedford Street, Bridgewater, was reviewed by the Board and read into the record. It stated the following:

*"I have reviewed the plan submitted for the above lots, dated 10/4/16. The property lies within a Business B zone. Section 6.30.A.4, of the zoning bylaws does not permit multi-family housing in that area. To do so you will have to seek a use variance from Section 6.30.A.4 from the Zoning Board of Appeals. You have 30 days in which to appeal this decision or you may go directly to the board for the use variance. If you have any further questions you may contact this office".*

4. A letter dated November 16, 2016 from Larry P. Silva, Silva Engineering Associates, 1615 Bedford Street, Bridgewater, to the Town of Bridgewater Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

*"The subject property is located within the Business B zone on the northerly side of Plymouth Street, adjacent to an existing residential property, and across the street from other residential homes. Directly to the north is the Taunton River and an extensive wetland and riverfront area that has no public access corridors or easements. Much of the frontage along Plymouth Street is wetlands and the useable uplands are located toward the westerly side of the site toward the rear of the property. The lack of visibility renders the use of this property for business use problematic, and past attempts to sell or rent the property for such use has been unsuccessful. Further complications to development are the result of a historic use of the property to store used tires. Several large piles of tires are located on the site and vegetation has grown around and within the piles. The extensive cover of trees and brush mask the piles which can be better viewed in the winter months. The proposal before you, would allow for the development of two four-unit residential structures in the same area that commercial buildings were previously permitted. One unit within each building would be offered for rent or sale at reduced price consistent with the requirements of the 40B regulations. In addition, the tire piles will be removed and area restored to its natural state. Finally, the granting of the required relief from Section 6.30.A.4 will also allow my client to establish an easement or grant to the Open Space Land Trust which would improve the public access to the Taunton River. The benefits to the public good are significant, and justified by the hardship of the land because of the wetlands (topography) and regulatory constraints of riverfront and wetland regulations that impact the use of the site. For these reasons, this application for a variance is being submitted to your Board for approval. I look forward to meeting with you at a scheduled public hearing in order to discuss this request in greater detail."*

5. A memorandum dated January 3, 2017 from Andrew Delonno, Director of Community and Economic Development to Andrew Bissonnette, and Honorable Zoning Board Members was reviewed by the Board and read into the record. It stated the following:

*“Regarding the petition for a variance from §6.30.A.2. (Business B), the office of Community and Economic Development supports the creation of two (2) affordable units as part of the development plan for the property located on Plymouth St(Map 24, Lots 50 and 51). The conditions recommended are: 1. that each individual structure house one affordable unit (as defined by DHCD); 2. That all the tires that were disposed or dumped onsite be completely removed and soils remediated, as necessary; 3. That the removal of tires and remediation encompasses the entire property (including any lands created as public access); 4. that the tire remediation process is witnessed by an independent third party (along the lines of a licensed site professional, LSP) and, upon completion certified by that third party as satisfying the conditions of removal and remediation; and, 5. that the easement area for access to the Town River ‘Murphy’s Landing’ also include furnishing an improved area that is finished with a material suitable for parking vehicles. Please remind the applicant that given the property’s location, the granting of a variance does not relieve the petitioner of the requirement for an order of conditions from the Conservation Commission. Please refer any questions or concerns to this office.”*

6. Mr. Lawrence Silva, Professional Engineer from Silva Engineering Associates, Inc., representing the applicant explained the topography and history of the land, and the proposed project as presented on the engineered plans presented, revision date December 20, 2016, reflecting a conservation easement and proposed fourplexes entitled *“Plan to Accompany Application to Zoning Board of Appeals, Site: Assessor’s Map 24, Lot 50 and 51, Plymouth Street, Bridgewater, MA”* as prepared by Silva Engineering Associates, PC, 1615 Bedford Street, Bridgewater, MA 02324 presented to the Board for review. Mr. Silva also provided aerial pictures of the existing conditions, and a picture depicting what the proposed fourplex houses. Mr. Silva stated that the Open Space Land Trust was very excited about the possibility of creating an easement to provide access and parking to the Taunton River.
7. Mr. Carlton Hunt, Member of the Master Plan Committee, asked to review the project.
8. Ms. Kitty Doherty, Natural Resource Conservationist, and Member of the Taunton Watershed Stewardship Council spoke in support of the project.
9. The Board reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns.

The hearing was closed. Anthony Aveni, Member, made a motion to approve the Special Permit under section 5.10 and 6.30.A.4 of the Bridgewater Zoning By-laws. Brian Heath, Associate Member, seconded the motion. The vote was recorded as follows: Andre Bissonnette, Chairman – in the affirmative; Anthony Aveni, Member – in the affirmative; Brian Heath, Associate Member – in the affirmative. The reasons for granting the Use Variance were:

1. The nature of the neighborhood, shape and location of the available upland, and topography of the land creates a hardship.
2. Lack of visibility and proper access hinders use for business purposes.
3. Granting of the use variance would be in keeping with the intent of the zoning bylaws and for the public good, especially those residents along Plymouth Street and Running River Road.
4. The narrow shape of the upland area between Plymouth Street and the upland area of each lot, make separate access to each lot, infeasible.
5. The benefit for the public good will also result from the guaranteed cleanup of discarded tires, inclusion of two affordable residential units, and the granting of a substantial easement to the Open Space Land Trust for access to the river.

The Use Variance is conditioned by the following:

1. That each individual structure house one affordable unit (as defined by DHCD);
2. That all the tires that were disposed or dumped onsite be completely removed and soils remediated, as necessary;
3. That the removal of tires and remediation encompasses the entire property (including any lands created as public access);
4. That the tire remediation process is witnessed by an independent third party (along the lines of a licensed site professional, LSP) and, upon completion certified by that third party as satisfying the conditions of removal and remediation; and,
5. That the easement area for access to the Town River 'Murphy's Landing' also include furnishing an improved area that is finished with a material suitable for parking vehicles.

### **Duxburrow Estates 40B Project**

Mr. Andre Bissonnette opened hearing and read the public hearing notice into the record, it stated the following: *"The Zoning Board of Appeals will hold a Public Hearing on January 11, 2017 at 7:30pm in the auditorium of the Bridgewater-Raynham Regional High School located at 415 Center Street, Bridgewater, MA to review an application filed by Silva Engineering Associates PC, on behalf of Duxburrow Estates, LLC, 32 Norfolk Avenue, South Easton, MA 02375 for a proposed 40B Comprehensive Permit filed under MGL Chapter 40B § 20-23 for property located at 143 Curve Street, Map 77, Lot 18; Map 78, Lot 1, 2, 3, 4 and 5; and Map 91, Lot 1, 2, 3 and 6. The applicant proposes to construct 150 single family homes on approximately 88.5 acres. The subject lots are in an area zoned Residential A/B. Andre Bissonnette, Chairman, ZONING BOARD OF APPEALS. Notices published in the Enterprise on December 28, 2016 and January 4, 2017"*

Mr. Rami A. Itani, Business Manager, from Stonebridge Homes, Inc. gave an overview of the proposed project.

Numerous abutters were present, and the following issues raised and noted

1. Density, consider 100 instead of 150
2. Sewer and water
3. Construction of Curve Street
4. Rules to hire consultant and engineer
5. Impacts to school, police and fire
6. Traffic
7. Connect recreational trail to Taunton River
8. How does this relate to housing plan
9. Drainage design, Curve Street has problems
10. Environmental quality of property, any studies? What are the sample results from the on site wells
11. Consider solar panels on roofs of new homes
12. Trash Collection
13. How will this affect our tax rates
14. Private wells in the area, will they be impacted
15. Study of existing foundations for damage during construction?
16. ENF study
17. Inspect existing developments 1410 Pine Dighton
18. Homeowner association to maintain open space
19. Better Visibility of presentation

**APPROVED: February 22, 2017**

The applicant agreed to obtain requests for proposals for engineering peer review of the project, for the following:

1. Conformance to the Bridgewater rules and regulations for 40B projects
2. Stormwater management design including the soils classification
3. Roadway construction
4. Traffic

Mr. Anthony Aveni, Member, made a motion to continue the hearing. Mr. Brian Heath, Associate Member, seconded the motion. All in favor, none opposed. The hearing was continued to February 22, 2017 at 7:30pm at the Academy Building.

**Zoning Board of Appeals Business**

*There was no Zoning Board of Appeals business for discussion.*

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Anthony Aveni, Member, made a motion to adjourn the regular meeting at 9:45pm. Mr. Brian HeathMember, seconded the motion. VOTE: All in favor, none opposed. Chairman Andre Bissonnette closed the meeting. Next Zoning Board of Appeals meeting will be held on January 25, 2017 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 Clerk