

The regular meeting of the Bridgewater Planning Board convened virtually via zoom at 6:30 pm.

MEMBERS PRESENT: Mr. Driscoll, Mr. Ajemian, Ms. Guarino, Mr. Geller and Mr. MacDonald

Also present was the newly appointed Associate Member miss Astrid Rojas. This was her first meeting.

Town staff participating were Jennifer Burke, Director, Elijah Romulus, Assistant Town Planner, Azu Etoniru, Town Engineer and Leslie Dorr, Office Administrator

Miss Rojas introduced herself and told a bit of her history and why she was interested in serving on the Planning Board.

66-88 BROAD STREET SPECIAL PERMIT/SITE PLAN PUBLIC HEARING CONTINUATION

The public hearing reconvened at 6:32 pm.

Mr. Driscoll read from prepared text on Governor Bakers order of 3/12/2020 and how the meeting will be conducted and how to be able to speak at the meeting. He advised the audience that this meeting is being recorded and will be posted within 48 hours on the Town of Bridgewater website or social web page. All votes will be by roll call.

Correspondence received since the last hearing: Bill Wood, Mark Linde, Town Manager Dutton and Azu Etoniru.

Troy Clarkson, representing Jim Paskell, the developer, explained that there are no extensive changes; the following changes have been made to the plans which have made them much improved and felt the Board could approve. He understands that there are some lingering issues that need to be resolved but hoped they could move forward with conditions which would address those issues. He said he had an opportunity to speak with the Town Manger this afternoon and the issue density and Development rights and they continue to be an issue, but he will assure the Planning Board that they will address that in a way that it is satisfactory to the Planning Board.

Rebecca Baptista explained the changes that were made:

1. Lot B and C have been removed from the application, which changes the density and bedroom counts. Once they remove these from the area count, they were able to meet the landscaping- 20%open space; they have met the parking for residential on-site. She said she would talk about commercial and shared parking a bit later.
2. Architecturally, there are three stories at the street now and 4 stories to the rear which you will not see from the street.

They still have landscaping to co-ordinate. The Desjardins plans will be expanded to meet this new layout. Lighting will be added. Azu had requested some addition items for drainage,

Mr. Silva noted that there was a question whether the handicap parking across the street will meet the requirements. He said they are being met on each individual lot E, F and G; each one has two designated handicap spaces for each building. The commercial on D would need one handicap and the stripping associated with it. On the conditions of approval set, she would have to add one spot

approximate to the building. They have acknowledged that they are in the buffer zone for wetland on Building E and understand they need Conservation for that approval.

Mr. Silva noted that the Parking lot was an approved parking lot for Cenzo's Restaurant back in 1994. They do intend to do test pits with Azu; they will meet stormwater requirements.

Mr. Driscoll asked Mr. Silva if he had received the email from Mr. Etoniru today?

Email:

"This shall serve as a follow-up email transmission that would summarize my technical review findings regarding the Broad Street site plan application by West Point Development, LLC (the applicant). The overall site plan and project stormwater management design and report are generally well presented. My review has not focused on the site use relative to the underlying zoning district criteria, given the fact that the CED has undertaken and performed a diligent analysis of the zoning compliance aspects of the development proposal. My technical review comments and observations at this time include the following: **1**, in terms of stormwater runoff evaluation, the site development involves mixed-development activities (*redevelopment of a previously developed portion with in-kind impervious building replacing existing impervious bituminous concrete surface, and new development over a wooded area*); **2**, the proposed development area adjacent to the land of Broderick Patrick is within the jurisdictional boundary of bordering vegetated wetlands (BVW), therefore, a review and approval of the Conservation Commission is required; **3**, the stormwater recharge systems are within three feet of groundwater elevation, the applicant should perform groundwater mounding evaluation to verify that the systems would still be above groundwater mound; **4**, soil evaluation data should be documented for the project parking area on the east side of Broad Street and the stormwater management system serving the parking area should be evaluated to verify compliance with the DEP stormwater management standards and the EPA MS4 requirements. This parking area is in disrepair and would likely need to be resurfaced."

Mr. Paskell suggested making compliance for the parking lot a condition of approval and moving forward with this tonight. He asked Mr. Etoniru if he had any issue with approving on a conditional basis? Mr. Etoniru said that is up to the Board, but he doesn't have a problem either way.

Mr. Driscoll noted that the TDR issue needs to be resolved; need a lighting and landscape plan and didn't think it should be voted upon tonight.

Ms. Burke explained how the TDR works and the process for getting the TDR.

Mr. Ajemian questioned the fact that the buildings are all on one side; had discussed having them on both sides. He wanted to know if it could be done. There was discussion about why it is best for that to remain a public parking lot; Michael Dutton indicated that the Town needs parking in that location and it would benefit any redevelopment on that East Side of Broad Street. Mr. Geller said he likes the buildings on one side. Ms. Guarino asked if there were going to be patios for each building? She was told yes. She mentioned a house at the rear who has mentioned that since the bank went in, they have had water in their basement; she asked how this will affect them? Mr. Silva said they will not have a

negative impact; the runoff in that area is more contained to their site and does not contribute to neighboring sites. Their overflows go into the street system. He does not see where their issue will be exacerbated, and it might even be mitigated.

Mr. Driscoll commented about the mass of the buildings; the bedroom count on the plans is now at 100, which is 39 units per acre, but shows that most of the units have two bedrooms; he asked if the mass of the buildings will be shrunk when the one bedroom is incorporated? Mr. Johnson stated that they gave revised the floor plans. The one-bedrooms are shown in Blue and the two bedrooms are shown in green. They show a total of 67 units with 100 bedrooms; 34 of the 67 are one bedroom and 33 are two bedrooms. The one bedroom has an office, and the two bedrooms have a shared living space and no office. Mr. Driscoll wanted to make sure that they comply to our zoning and suggested that Mr. Solari review it. The closets have been removed from the office, there was concern expressed but, it could be used as a bedroom; there was discussion on the definition of bedroom. Mr. Johnson said that the density on the larger buildings has been reduced by 12% by removing the 4th floor at the front. He stated that all the buildings comply with the glazing requirement. There is 13' from floor to floor on the commercial and approximately 11 ½ feet on the residential.

Mr. Bill Wood commented that these offices and apartments offer great potential for building business downtown. He said he has been looking at parking downtown for 10 years and it is tough. Studies shown that we have plenty of parking, but we really don't! He stated that this project strongly supports Bridgewater and would have a positive impact on the town too.

Mr. Peter Colombotos felt it was important to point out that this is the first project under the mixed-use bylaw and commented that it is terribly important that the Board exercise full diligence and not take any short cuts or cut corners. He said we are setting a precedence here and we need to be careful to not grant relief where it is not necessary or otherwise compromising the public interest. He commented that while our bylaw does refer to the Transfer of Development Rights, he doesn't see where the mechanism is actually spelled out? Ms. Burke stated that it is allowed under the zoning, so they can use the special permit as their ability to do that. Mr. Colombotos said "then, the enabling legislation would be crafted on the fly? Ms. Burke said "correct". Mr. Colombotos stated that it seems precarious to do that".

Mr. Driscoll commented that the way he understands it, is that we would be asking the ZBA to do, is to cap it say at the 33 number and then we could utilize the numbers to full fill the new cap. Ms. Burke said that is correct?

Carlton Hunt stated that he appreciates the modifications and they have gone in the right direction. He commented that he hasn't have a chance to look at it in any detail. He asked if residents from across the street will be parking across the street? Rebecca stated that the residents have parking on the spots accounted for on each parcels E, F and G. Visitor space does overflow on to A, but only a handful. He spoke about Broad Street being very dangerous to cross and the fact that there are 4 curb cuts across the street. He questioned what safety measures are planned to get people from one side of the street to the other? With 4 curb cuts, there will be a lot of traffic with people trying to get out during rush hour and cause all sorts of backups. He felt that the traffic management plan needed to be addressed.

Mr. Romulus read Mark Linde's letter that was received this afternoon into the record.

Mr. Dutton's memorandum also read into the record.

Mr. Wood said he didn't want his letter read into the record, but wanted it made part of the record.

Mr. MacDonald commented that the plans is a vast improvement, however he feels the TDR is too dense.

Crosswalks discussed. Ms. Guarino suggested flashing lights. Mr. Dutton said that would be a question for a traffic engineer; we have had some problems with flashing lights in Central sq. Mr. Silva noted that they put them in at Viva project on Pleasant; problem, it is great when it works and it gives a false sense of security to the pedestrian; it could be a dangerous thing to have in some cases, he said. He suggested that on Broad Street, if they could have bump outs to bracket some of that parking to make the crosswalk shorter and more manageable.

There was discussion about all the traffic that will occur, and Mr. Ajemian asked if they could consider no left hand turns out of the driveways of the units.; Ms. Guarino agreed; presently, you cannot take a left hand turn out of the east side driveways. Mei King on the other side is right turn only. Mr. Silva noted that all those properties have alternative exits. Mr. Geller felt more traffic problems would be created with right turn only.

Mr. Driscoll asked Mr. Etoniru if he was ok with the 90-degree parking in the parking lot with the one-way configuration? Mr. Etoniru commented that it is more suitable for circulation. Mr. Driscoll questioned if they were, in addition to drainage and upgrades, are they proposing a complete reconstruction of that binder course and final course, along with curbing? Mr. Silva commented that originally, they were not proposing a new binder course as there was a binder and finish course there before. When they do the test pits, he and Azu can look at the pavement and come to an agreement on how much reconstruction need to be done. If they have a ground water issue, that must be addressed anyway; he said they might at least be able to save the pavement that is there as a binder course. Mr. Paskell stated that stonewalls and plantings will be installed at each entrance and exit to beautify the whole area.

A lighting plan had been submitted; however, it will be updated; that plan had been reviewed.

Mr. MacDonald commented that the plan is a vast improvement, but he still believes the TDR is too dense.

Mr. Silva question if the Board was expecting some kind of plan for the crosswalks or is that something that the Town will be looking at? Mr. Driscoll said he personally would like to see some sort of agreement with the Town for a raised crosswalk or something to connect the two parcels. The Town manager recommended a meeting with Mr. Silva, Mr. Etoniru, and the Highway Superintendent to identify where the optimum place would be.

Mr. Driscoll said the other policy is the developer's agreement; essentially what it is doing is granting 20 units of extra density to give Mr. Paskell up to the 26 per acre from 18 units per acre. He asked if everyone was comfortable with that? Mr. Ajemian felt that some of the issues that have been discussed would be diminished if the project was smaller. Mr. Driscoll said he personally was ok with that bonus; felt it had to be referred to Mr. Dutton to be cleaned up such as "up to a specific amount" and he suggested that it should be a firm number, not something subjective. There is a solar density bonus in

there that does not comply with zoning, so that needs to be adjusted. He felt there should be schedule of when the payments will be received; how each project is phased and when it will be done; need a detailed phasing plan. He suggested that the Town Manager work with Mr. Clarkson, so the verbiage is tight. Mr. Dutton stated that he would be willing to work with Mr. Clarkson

Mr. Ajemian commented that he would rather have less units with no mitigation. His concern is that the number of units is going to cause more of a problem on Broad Street. He said is in favor of this project, but there are many issues that still need to be resolved.

Mr. Driscoll requested more feedback on the TDR and developer's agreement; he want to be able to give the developer clear direction. Under the zoning the allowable is 18 units per acre. According to the analysis, there is 111,596 s.f. The TDR would allow 26 units per acre. The Board would allow 26 per acre. The Board would have to grant 20 extra units to get him to the 67 Jean commented that 46 was fine with her. Mr. Geller said the 46 was fine, however he is for growth and revitalization. Ray commented that 46 units is acceptable, more than that, possibly a bit more; not up to 67 units.

Mr. Driscoll asked Ms. Burke if there was a way to meet in the middle and not have the applicant get a variance? She said the Town Manage could sit down with the developer to propose 26 units per acre on the west side and the other density bonuses be dispersed among the other density options. Mr. Driscoll commented that he is just trying to make the project work and avoid the need for a variance.

The Town Manager spoke about meeting with the developer over the past few years and it will be very difficult to find someone to come in and build out at a density that is less than the 26 per acre. Commercial is not a commodity today and you need the density to support that commercial space; the density really is to make a good project feasible, he said. Mr. Driscoll asked if we are at 46 and he is at 67, can we meet somewhere in the middle? Mr. Paskell stated, "I don't think that works for me."

Mr. Clarkson asked the Board to consider that they have been negotiating in good faith for several years; the density bonuses are based upon the changes the council made to the underlying zoning. They made it perfectly clear to the Town, from the get-go, that the density bonuses were vital. The fact that Mr. Paskell is willing to invest 30 Million dollars, he said, means something. You will not get another developer to do a project for 46 units, he said and the worst thing that could happen is that the site sits vacant for another 10 years! He urged the members to look towards the larger density so they can proceed now. He said they started with almost 80 units; went down to 78 and now down to 67. On top of that, they have been mitigated to 37-one-bedroom units. He expressed frustration that this has become a sticking point now after negotiating for three years; he is on the edge for trying to make this work, he said.

The Town Manager stated that this is not a money-making mechanism for the Town; what they have negotiated is mitigation; so, there is additional increase in density which they have negotiated some reasonable mitigation that will benefit the entire town. He said we need to do something to generate higher density in the downtown area that will support the vibrancy and commercial uses that we all want to see.

There was discussion on the fact that the one- bedroom units had an office and there was concern expressed that cots and beds could be brought in. Mr. Driscoll questioned if that would fall under the

definition of a bedroom? He asked the members if they would be ok with the 67 if the one-bedroom units were truly one bedroom? Mr. Geller commented that if there isn't a closet in the office, it would not be considered a bedroom. Mr. Driscoll felt the Building Inspector should be consulted. Mr. Solari was present and he said he has two codes that he has to go by...one describes height, width, windows, etc. He said we have an old by-law definition that says any room at all in a home or apartment that is not a kitchen, bathroom, dining room or living room, is a bedroom. He said this was recently brought to his attention; felt it was very strange, but it is a definition in our bylaws. Mr. Paskell was asked if he would consider making the one-bedroom truly a one bedroom; Mr. Paskell said that with his recent experiences in construction, building condos and apartments, an office is an absolute must today. Andrew Stewart, a member of the audience, read the state definition of bedroom; an office is not considered a bedroom.

Mr. Driscoll advised Mr. Paskell of the things that are needed by the next hearing.

Mr. Driscoll questioned where they were with the TDR and do we want them to go to the ZBA? Mr. Dutton stated if you are comfortable with the 67 units it would be wise to refer Mr. Paskell to the ZBA

Mr. Silva questioned if they could take a conditional vote on the 67 units? Ms. Burke said no; they can not vote on something that doesn't meet zoning; they have to go to the ZBA first.

No one had a problem with the buildings all one side.

Mr. Driscoll said he would like the developer's agreement tightened up. He said we need a lighting plan; cross walk addressed; phasing plans; color and materials (Mr. Romulus to see if that was originally submitted) He suggested that the Town work with Mr. Paskell to do some cleaning up of the properties.

After a few more comments by Carlton Hunt and Bill Wood, **a motion was made Mr. MacDonald, seconded by Mr. Ajemian, to continue this hearing to March 3rd at 6:30 pm. Unanimously voted by roll call vote.**

The 12/6/20 minutes that were on the agenda for approval were not included in the packet; will be put on the 1/20/21 agenda.

On a motion by Ms. Guarino, seconded by Mr. MacDonald, it was unanimously voted, by roll call vote, to adjourn the meeting at 9:11 pm.

MINUTES APPROVED: _____