

The special meeting of the Bridgewater Planning Board convened at 5:00.

Members present - Mr. Driscoll, Chairman; Mr. Ajemian, Vice-Chairman, Ms. Guarino, Clerk, Mr. Geller and Mr. MacDonald -voting members

Associate Members-Astrid Rojas and Julia Santarcangelo

Also present: Ms. Burke, ECD Director; Ms. Farinacci, Assistant Planner and Azu Etoniru, Town Engineer.

The purpose of this special meeting was for the Planning Board members to deliberate on the Broad Street project and to come to some consensus to vote on the special permit and site before them. No more public comment can be considered or any letters that may have been submitted after the close of the hearing. Mr. Driscoll advised the members that they can ask clarifying questions to the staff. He prepared a flow chart to try to make sure the board addresses all the issues. He asked the board if they had any issues they needed clarified, or if they had any comments. Mr. Ajemian commented that since this project came forward, he has felt and stated that it was too big and by being too big, has caused other problems mainly parking and the fact that some parking was across the street which is a safety hazard. He felt if the project had less units, it would rectify many of the issues. The public input is that Broad street looks terrible and by putting these units in, it would vitalize Broad Street. He agreed with that, but others argue that the details are the important part, and the details show there will be problems with traffic and crossing from one side of the street to the other. He suggested that a compromise on this would help; personally, he does not want this project to fail and would hope that this board could vote in the positive at the end of this meeting.

Ms. Guarino agreed with Mr. Ajemian and would like to see the project go forward in some way.

Mr. MacDonald said his position remains unchanged; he feels it has fundamental issues. He commented that the future of our town is going to be decided by this project, so he would rather not compromise on it. He said he would rather have no project than a bad project and currently, is not in favor of the project unless we see a size reduction.

Mr. Geller commented that he thought it was a great project and it will help revitalize the center of town. He said one of the issues was traffic; he felt that the lights in the center would be redone and retimed because of the revitalization. He suggested that there might be a few things that could be compromised on and hopefully we can move forward.

Mr. Driscoll said he would like to see this go forward and work with the developer in certain areas.

Mr. Etoniru had not arrived at this point.

Ms. Burke advised Mr. Driscoll that the associate members can participate in the deliberation, just not the vote.

Ms. Rojas stated that she has been a resident of Bridgewater for nine years and she has been impressed by the sense of the community and what they are hoping to build. She felt the Broad Street project would bring the town forward; it has so much potential and be aligned with the goals that the town has. She said she could go one, but just wanted to show her support for the project.

Mr. Driscoll said that Ms. Burke had drafted a decision letter and he sent her some additional suggestions because some of the things were not allowed in zoning. He said conditions 1-17 are typical conditions. He said on the west side the base density is 38 units. We are allowed to do a transfer of development rights to get to 26 units per acre and there is also a ZBA decision that allowed us to go from 54 to 67 in total. He suggested that the developer give up his development rights on parcel A, they will give us an easement for parking, and they will construct and maintain the parking lot and have deeded restrictions put on that property so that we can have the public benefit for years going forward. If you do the math, 8 units are allowed on that site by right; Mr. Paskell is looking for six solar points and he thought there was a way that we could mitigate that by classifying it as a true TDR with restrictions. We could pick up those four units that they were looking for in the solar area and it creates 12 additional units on that west side and bringing it to 50 units by them just doing the parking lot; there is no monetary contribution; there is no solar needed and instead of considering it one parcel, we do that thru a TDR. That is one option we have, to increase density, he said. There was a developer's agreement done with the Town Manager, Mr. Dutton and the applicants and they were most likely going to get the cash to try to get that property. So, he came up with the developer will make a cash payment to the town in the amount of \$352,00 and the payment will be made prior to initially, he said, we had that first mitigation payment due after the first occupancy permit, but the developer asked that to be delayed because of the cost of the parking lot and other things that we may be asking for in addition to the parking lot within the right of way. So, that is 4 additional units we can grant. Then we went back and forth about he common and we talked about payment of \$350,000 for the purpose of restoring the Town Common war memorial and any other improvements deemed appropriate by the Town Manager within the town common and surrounding area; this payment shall be made to the Town of Bridgewater prior to the issuance of the third occupancy permit. Then, considering public comment about height, density and everything else he offered this last meeting, and he thinks it is a good compromise because he believes that everything on the plan is the responsibility of the developer. There will be major utility connections with holes three per lot plus potential utility to the trench across the street which will be a lot of disruption in the area in terms of those utilities; so to have the developer give us his own \$350,000 in that area is something that personally he is going to be asking for anyway that's part of the project and that is what we would be asking any other developer. He noted that the laundromat did all the sidewalks, the granite, etc. He said this will be an opportunity to make the project a little bit smaller and he does not have to pay the \$350,000. There are five units on the fourth floor, of what he calls the bowling alley building, that could be removed, so we could address some of the concerns about height. Either end of the project would have smaller building and the two middle buildings would go four floors; it would bring the parking closer into line where it needs to be on the west side. Presently they are six parking spaces short just for the residential on that side so they would not have to cross the street.

Mr. Driscoll commented about the payments being adjusted based on the CPI, but he wants some known discussion on this; do we want the CPI with a fixed interest; do we want to fix interest greater than the CPI just to make sure that mitigation is still worth \$350,000 whenever we get it. Then there is the solar energy; so, the current architectural plans show solar panels, and this is an area that we can grant, but we can only grant two because at the last meeting we said it was only going to be on the two middle buildings on the fourth floor. The plans show solar on the third and fourth floor, so he does not know if this is something we want to grant or not grant; he read from the draft decision on solar. Mr. Driscoll asked the members if all this was enough of a compromise or where do we go from here?

Mr. Ajemian said he thought the TDR was mistake and he thought the ZBA made a mistake allowing it. In his mind, it does not meet the requirements of a TDR, but, in terms of compromise, he would go along with it. He said he does agree with the streetscape improvements in condition e3.

Mr. Ajemian made comments with reference to the payments. He said his thought here is, if inflation stays low and the consumer price index is one percent, there is really no pressure put upon the payment a any one time; he would argue that should probably be at least 5% if it is not paid by that time and the "greater of" is fine. He said he could go either way on the solar (f). Ideally, he said, it would be good to have them on all four roofs, but it is not a deal breaker for him.

Mr. Driscoll asked if anyone had questions on the bonus points; we must determine that they are in the public good and the Town of Bridgewater at large. Mr. MacDonald said he would support the removal of subsection 3; he felt that was a necessary change. Section 8 for the parking lot, he felt it would be minimal impact for the public at large and is a necessary part of the project anyway, so to call that a public good worth 12 additional units is a little mind boggling to him. Mr. Driscoll noted that it is the 8 plus the 1.5 so essentially if they just develop that side, they could get the 8, but they are moving them across the street, so we give them 12. They get 4 for moving them across the street.

Ms. Burke informed the board that the Town Engineer is now at the meeting if you have questions for him. Mr. Driscoll said he would like to work thru this because the rest of the conditions are really site related. Mr. Geller complimented Mr. Driscoll on his suggested changes and said they were really thought out and a fair compromise. Ms. Guarino noted that she like the part of the streetscapes because she was thinking about the laundromat and how they had taken care of all the sidewalks there. Mr. Driscoll felt that Mr. Etoniru would be the key in guiding us on what we need as far as that is concerned.

Mr. MacDonald questioned why for the same amount of money, why does one give them four additional units and one give them six. Mr. Driscoll explained that the developer's agreement was vague; it refers to 2 units per acre, so that is roughly five. So one would be five and two would be five and three would be five, but then it said for six. He thinks what happened is when the project evolved and land area came out, the developer's agreement was probably not updated. So, in E1 it was five units, but the developer must acquire and turn over to the town, the real estate adjacent to the Academy Building on Bedford Street. At the last meeting, he asked the developer what he thought he was going to do, and he believes the answer was that he would just write the check for 352,000 and asked if it could be delayed to the second building permit and in the language of the developer's agreement if he did not purchase it, he lost a unit so that was four. Mr. Ajemian questioned if the 4th floor was removed, how many units does that take away? Mr. Driscoll said that is five units. He was trying to find an easy way to compromise without having to have a major revision of plans. Mr. Ajemian said he personally likes that idea of eliminating the fourth floor of that building. Mr. Driscoll noted that if we say 2 units per acre, then you end up with 5 units for that category. That would be an option to reduce another unit somewhere, he said. Mr. Ajemian asked to have the solar issue clarified. Mr. Driscoll explained that the plans show solar on the roofs of all four buildings. At the last meeting, the developer said there would only be solar on the two buildings in the middle (E and F) and it was reduced to just the 4th story. The plans show that its on the third and fourth story...there are arrows to dotted lines that say future solar panels and the way he has it written, is that the developer shall installed a solar system on the roofs of buildings E and F in the location shown on the architectural plans. He asked if we want to hold it to what the plans show or give them the latitude to doing it just on the section of

the 4th floor? Mr. Ajemian questioned if that would reduce two units? Mr. Driscoll said no, the bylaw doesn't stipulate what percentage of the roof...it says if they provide a solar or green roof, you could give one unit for each of those buildings. Mr. MacDonald questioned if the panels would be effective on the third floor if the 4th floor blocked them up a bit. Mr. Geller was fine with just the fourth floor. Mr. Ajemian agreed, but, stated if that is done, he would take one unit away. Mr. Driscoll commented that the zoning really doesn't read that way. Mr. Ajemian suggested leaving it the way it is shown on the plans. Mr. Driscoll noted that it is shown on the other two buildings as well, but at the last meeting it was reduced to just the two middle buildings, but only on the 4th floor. Mr. MacDonald questioned if the use of that solar was strictly for their use, or will some of it be used for public use? Ms. Burke said that public use is not required on the solar; we are a green community, and we are trying to encourage solar use. Ms. Guarino stated that she likes Mr. Driscoll's suggestions and changes and the two additional units for the solar. Mr. Ajemian agreed and liked the idea of taking the five units from the bowling alley. Ms. Burke reminded the board that you are giving him the number of units and you are designing the building; he may just decide to remove those units elsewhere and not take a whole floor off that building. Mr. MacDonald commented that he thought Mr. Driscoll did a great job with the draft and it was a good attempt at a compromise, but he didn't think the developer would be willing to go down to the number of units he would be comfortable with. Mr. Driscoll said if we adopt everything up top of the conditions, with a maximum of 93 bedrooms as opposed to 100, we took away 7 bedrooms, there would be a total of 62 units.

The last conditions have already been previously discussed and are in the zoning. Mr. Ajemian said he would like to change rooms labeled as dining rooms on the plans must have a 5-foot-wide clear opening from floor to ceiling to 6 foot.

Mr. Driscoll reviewed some minor changes made to several of the conditions. He said that conditions 28-30 is where we really need Mr. Etoniru to address site issues. Mr. Ajemian comment that his main concerns are with the crosswalks and turning conditions and safety of people who will have to cross the street. It is necessary, in his mind that we have a safe crosswalk with warning signs. He would like to know what the crosswalk will look like and what the lighting will be. Mr. Etoniru stated that what he has articulated to the Board concerning the cross walk, in his opinion, assuage the safety concerns, that Mr. Ajemian has expressed. At the last meeting, he said the safety of the public is paramount, so to that end he suggested and still insist on having the bump out, despite the inconvenience that might be caused for the snowplows. The flashing yellow light is typical of MA DOT crossing guidelines. He said the design of the signal is such that when pedestrians would want to cross, the red light will be activated when the red button is pressed for the duration of about 90 seconds. It will also show how long the pedestrian must cross. He would also propose the placement of warning signs for oncoming vehicles, so they are aware of the pedestrian crossing prior to them reaching it. That is really the impedance for limiting the number of crossings, he said. He said his recommendation would be for an 8-foot-wide crossing, with reflecting white stripes, because the reflecting yellows do not show up well at night. Mr. Driscoll commented that he has been clear that all the work shown on Mr. Silva's plans and landscape plans are outside the mitigation. That area will have major disruption to the right of way, sidewalks, and street. They are big buildings with big connections. Even though this is being treated as one project, each one is on its own lot with potentially 12 cuts into the sidewalks and into Broad Street, along with the bump outs. He asked Mr. Etoniru to explain what we will be looking for in terms of the town for sidewalk reconstruction, paving, etc. and when he sees it in the phasing of this project and all the utilities water,

sewer, coming into the site. Mr. Etoniru said as far as the connections are concerned, he will be looking for continuous pavement as opposed to patching work. He would want to see the full width of the roadway from the northly end of the project to the southern end completely redone and paved over so you don't have several locations of settlement. If you are just repairing trenches, what you are using are those handheld compaction rollers that do not have adequate weight on them to provide the necessary compaction. He recommended that all the utility work be done once and then clean up the roadway. In terms of the sidewalk, because it is concrete, and requires a little more time for setting, they have to provide a temporary, fenced walkway that allows for pedestrians to be protected during construction. He would recommend that the sidewalk be done after the construction is done. Mr. Driscoll said he tried making a stab at putting all of this in condition #28. As far as these temporary structures and timing is concerned, he said he would rely on Mr. Etoniru to clean it up in the decision letter. Mr. Etoniru said "absolutely". He suggested that all the utility work be done at the same time and once they complete that, the roadway done after all the utilities are pulled onto the sites. He would expect that the utilities would be pulled prior to the first foundation anyway. Mr. Driscoll noted that Mr. Silva must update the plan to show the limit of paving and detail for the sidewalk. Mr. Etoniru said that would give him the opportunity to review it thoroughly. He suggested that could be a condition of approval. He said he would be very happy to craft the proper language and provide guidance, even to Mr. Silva to make sure they meet our expectations. He suggested that once #28 is done, it should be circulated to the board to make sure it meets their expectations. Plans also need updating showing vertical granite everywhere within the road layout and concrete within the project. The position on turning and crosswalks needs to be incorporated into the final set of plans. Mr. Driscoll noted that there is nothing on the signs for the buildings; he asked Ms. Burke if we should just let the zoning take care of this? She felt it would be taken care of by the Building Permit for the signs and the zoning enforcement officer. Mr. Driscoll said another issue is how lousy the site looks today, and he has been approached by counselors; he asked if we should we put something in there about site cleanup, fencing for screening to make sure the site is secure, and he asked Mr. Etoniru if this is something he could help with? Mr. Etoniru said yes. Mr. Ajemian noted that turning right only off the site had been discussed; he would want a condition for that. He felt that the point about clean up was a good one. He suggested that if Mr. Pascal continues to advertise the property for sale, more appropriate signs be put up that are not so large, as they are unsightly by themselves. (sign on the bowling alley building and across the street in the parking lot) Ms. Burke said the board can't require that. Mr. Ajemian commented that he would want Town Counsel to review the draft conditions before they are filed. Mr. Etoniru said there must be a provision in there for the developer to maintain adequate insurance coverage for work within the public way and sidewalk; that will be very important, he said. Mr. Driscoll spoke about the cash bond that is required typically for work within a roadway. Mr. Etoniru told him that the cash bond only addresses the physical work, not the liability to the public; so it is very important for the Town Counsel to look at it if there is an accident there or a forklift or crane tips over, you want to make sure that the Town is protected, and risk exposure is minimized during construction.

Mr. Geller requested to go back to Condition #22-about the room labels and 5 foot wide opening. He questioned if that falls under the fact that we cannot design his buildings? He is not sure what the one foot would gain and felt it was up to the Building Inspector to make sure everything is clearly labeled and stated as one bedroom. He would tend to leave it at 5 feet, he said. Mr. Driscoll asked Mr. Ajemian if he was fine with that and he said no, he would rather it be 6'...just his opinion, said. He spoke about it being labeled an office and then came back as essentially the same room, but, now as a dining room

with an opening a door width. He felt the 6' would ensure that it is not being used as a bedroom. Mr. Geller noted that a typical door is 30" and we doubled it by going 5'. Mr. Driscoll commented that he would prefer 6' and the opening going up to the ceiling so two doors couldn't be put together. He said it was important to limit bedrooms mainly for the parking situation. There are only 1.3 spaces per unit.

Mr. Driscoll questioned if the Board was ok with this draft and then with the addition of comments from Azu to address issues discussed and typical conditions of approval, and review by Town Counsel, the decision be filed? Mr. Ajemian said if the board votes tonight, he really does not know exactly what he would be voting on because of changes being made, and the fact that Attorney Rawlins must review and possibly clean up the language, wouldn't it be better to vote at the next meeting? Mx. Burke stated that Attorney Rawlins will only be looking at it for legalities and making sure there was nothing illegal in there. He will not be writing anything additional. Mr. Driscoll noted that verbiage can be modified; we just must discuss the issues. He said we could certainly review it once completed at the next meeting. Mr. Etoniru commented that you have the framework of decision with the basic conditions of approval and suggested that the vote not be delayed, and a decision be made. He suggested that the vote be an aye for all the work that has been put into this. Before it is signed and filed with the Town Clerk it can be reviewed by everyone. Ms. Burke commented that it probably wasn't necessary to bring this back to another meeting; the final document can be emailed to the members to make sure everyone was ok with it; you can email staff if there are any issues. Once everyone is satisfied, it can be filed. Mr. Ajemian wanted charging stations in the parking lot and the west side also and bike racks added to the decision.

Mr. Geller made a motion to approve the project with all the typical conditions and the addition of conditions 18-34 as stated in this drafted letter, with the changes made here this evening and the addition of Mr. Etoniru's comments with final review of the conditions at the first meeting in May. Ms. Guarino seconded the motion for discussion.

Mr. Driscoll stated we will remove e3, add 5% cpi and opening going from 5' to 6'.

Roll call vote: Ms. Guarino, yes; Mr. Geller, yes; Mr. Ajemian, Yes; Mr. MacDonald, no; Mr. Driscoll, yes

On a motion by Mr. MacDonald, seconded by Mr. Geller, the special meeting was adjourned at 6:32 pm.

MINUTES APPROVED:

