

The regular meeting convened at 6:32 pm.

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

ALSO PRESENT: Ms. Burke, CED Director; Ms. Farinacci, Assistant Planner; Ms. Dorr, Office
Administrator and Mr. Etoniru, Town Engineer arrived later in the evening.

Mr. Ajemian, acting chairman, 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.

Mr. Etoniru had not arrived, so Mr. Driscoll suggested taking the other Board items first.

TREE BOARD

Mr. Ajemian gave a brief update. He said they are not up and functioning yet, but it has been in progress for over a year; unfortunately, it was supposed to be up and running by March and it is not. There is money set aside from the Fruit Street project. Mr. Driscoll asked if he was looking for an appointment from the Planning Board and if he was interested in that appointment? Mr. Ajemian said yes, he would like to be that member, but would be fine with someone else if they wanted it.

On a motion by Mr. Driscoll, seconded by Ms. Guarino, it was unanimously voted by roll call vote to appoint Ray to be our representative for the establishment of a tree board and to continue to meet with the town Manager to get it set up.

MINUTES APPROVED-3/17/21

Ms. Guarino said she read the minutes and emailed some Scribner’s corrections to Ms. Dorr which will be addressed on Monday.

On a motion by Ms. Guarino, seconded by Mr. Geller, it was unanimously voted by roll call vote to approve the minutes of 3/17/21.

Mr. Etoniru called; he was on his way and will be on in about 7 minutes.

OLDFIELD MAJOR MODIFICATION PUBLIC HEARING

The public hearing convened at 6:39 pm.

The public hearing notice read into the record:

“On Wednesday, April 7, 2021 at 6:30 pm, the Bridgewater Planning Board will be conducting a public hearing via zoom on application by Oldfield Estates, LLC, Robert Long, for a major modification of the approved subdivision known as Oldfield, II. The modifications include: the construction of a swale behind lots 48-51; the construction of an infiltrating catch basin behind

the mail kiosk; the construction of a drainage pipe which outlets behind the stormwater basin and the addition of 11 gravel parking spaces to access the open space trails.”

Evan Watson, representing the applicants, explained that when the subdivision was under construction, in the area behind lots 48-51, there was quite a bit of water coming out of the woods and flowing across these properties and there was no drainage designed to accommodate the flow. Normally, they would just reroute the water around the houses, however, they realized there was a significant area adjacent to Cherry Street that was not accounted for in the original design. They wanted to make sure that these houses would not have any trouble and that the drainage system that was already designed and approved was not exceeded by the additional stormwater. He then explained the proposal and showed the design plan on the screen. He explained that when they initially submitted it, there was a small error on the plan which they fixed. They added a swale at the top of the slope and direct the water around through the swale into a small flat area behind the community mailbox. The calculations show that the water goes into the flat area and infiltrates into the ground or goes into the leaching catch basin. If they get a design storm, which is like a hurricane or a massive spring or winter storm, that will exceed that capability the drainage structure, it has an overflow pipe which goes along lot 11 and easement and then bypasses the detention basin. By doing that, they do not affect any of the approved piping that has already been constructed. They did not have to do anything with the detention basin except run the pipe thru there. The calculations show that they have further decreased both the rate and the volume of runoff, so they meet all the stormwater standards as approved. When he met with Azu, they took a walk along the swale that was done as a stop gap measure; Azu was happy with the size of the swale; it was not a danger to anybody, and nobody would fall into it. The grate that is here along the walking trail, is similar to the grate that is in the road which is cast iron. In this plan, they also show the new design of the mailbox and the original permit asked for 11 parking spaces so that members of the public could access the open space and the Jenny Leonard Park. Because is it shown differently, they included it in the modification.

Mr. Driscoll said that one of the concerns at the last meeting was that infiltration structure underneath that small basin next to the walkway was the depth of it and asked if it had changed since the last meeting? Mr. Watson said it is 18’ across the large area and would probably not notice that it’s a depression. When he annotated the inlet rim, he called it 56 instead of 59, so it appeared that this was a five-foot-deep pit with a drain structure at the bottom of it. The leaching chamber is no different than the manholes that are in the street and is in a flat area. So, once they discussed that this is not a cavernous hole in the ground, those concerns went away.

Mr. Etoniru joined the meeting. He said he looked at the swale and it is functioning as designed; however, his recommendation was and still is that any acceptance of a public roadway which normally includes the drainage system, that specifically the modification language includes a determination by this board that this will not be part of any street acceptance because its primary function is not street drainage. Mr. Ajemian questioned who would take care of the swale? Mr. Etoniru said the Homeowners Association that they have. Mr. Ajemian questioned the depth of the swale and Mr. Etoniru said it was shallow meaning less than 1 ½ feet. As far as the basin is concerned, his concern was the elevations and now that they have been clarified, he is ok with it. He said he would approve the modification, but not recommend that the Town be responsible for the maintenance of that basin. Mr. Driscoll questioned if that basin is going to be on land adjacent to the Jenny Leonard Park, which the Town has first right of refusal on, how would that work if the basin was on land that may go to the Town but there is a structure on it that will be maintained by the Association? Mr. Etoniru stated that is part

of the area that he would not recommend the Town making part of the public space; you might have to give the Town an easement for public usage of that. Mr. Driscoll commented then maybe it should be made part of the mailbox lot and Mr. Etoniru agreed.

Mr. Etoniru explained to the board where the water goes before going into the overflow pipe for those extreme storm events. It goes between lots 10 and 11 and eventually gets to the wetlands. Mr. Watson clarified that they did not expand the limit of work; this outfall is within the slope of the drainage basin and the water that comes thru there doesn't have any pollution in it; it is just water that comes in off the woods and didn't come off impervious areas. It is just a stormwater bypass, he said. Mr. Ajemian questioned what kind of maintenance needs to be done on this project? Mr. Etoniru said it was mainly vegetation management on the swale and making sure it is free of foliage and functions as a swale.

Hearing opened to the public.

Ryan Grant from 400 Walnut questioned why he was notified? He was told because his property is within 300' of the property lines.

Ariel from 14 Quail Run questioned the parking spaces and Ms. Burke informed her that the parking spaces were already approved; Evan explained that originally, they were on either side of the mailbox so if you parked your car there you also had residents from the community coming thru there; so they separated the two so that mailbox access is just for mailbox and open space parking is just for open space. That is the only difference, he said, still the same number of spaces (11). Ariel expressed concern about safety of the children in the neighborhood by bringing additional traffic.

Mr. Driscoll noted that the Planning Board had asked Mr. Castignetti to separate the mailboxes from the parking spaces so someone from another part of town had a place to park in order to access the park. There is too much elevation from Walnut Street to make access possible.

J Needle-76 Erbeck Circle extension, lot 40-questioned the outfall and if there is enough elevation to accommodate a large amount of water in a flood event that it won't back up in the pipe? Mr. Watson said yes; he did a calculation report and have all sorts of calculations through there; it is not a six-inch pipe, but an 18 inch pipe. He said in normal times there is not a lot of water that is going to come off and any water will infiltrate; but, in the winter when the ground is frozen and we get a big nor'easter, we will have plenty of water so that is why it's an 18" pipe and at a higher elevation. He said he is a direct abutter to the parking which was never originally on the Long-built plans when he purchased the house and had no idea about public parking. He would rather not have public people staring at us right through our backyard, he said. He expressed concern about the number of trees that needed to be taken down; he said they purchased that lot due to the number of trees on it and they were promised that those trees will be untouched. He also expressed concern with increased traffic. Mr. Watson displayed on the screen the original approved plan that does show the parking spaces in a different configuration.

Brian Killea-152 Walnut Street-asked what s the plan to keep the water that is coming down the street from running off and into the swale? Mr. Watson stated it was just from the elevations; the swale is at about elevation 75 and the roadway is at about elevation 60. The roadway has curbing on both sides so the water will flow down the road and into the catch basins. He asked how big is the

Mr. Ajemian commented that it was stated before that the grate was very heavy and there was a six-foot drop, he felt there must be some way of making sure that nobody can lift it up; he felt that there must be some way of actually clamping it down so nobody can simply lift it up. Mr. Watson said sure, and if that is a concern, as a condition they can buy one that has bolts; Mr. Ajemian suggested that would be wise.

Jeffrey Belz-38 Oldfield- lot 28-has part of the swale on his lot-stated that the swale is currently holding water and is also holding water on the walking trail. He stated that he felt this was a band aid fix and had concern if it is going to be on the HOA to maintain. Mr. Watson explained that when they put the swale in, it was a stopgap measure because they are not allowed to modify the drainage without getting the permit permanently. Once they put the swale in to get the water around the homes, they stopped and came up with a formal design to present to the board and the town's engineer. The water is pooling in the flat zone because the swale hasn't been continued down the hill. Once it is constructed, the standing water should go away. He suggested that they might want to talk with Lee Castignetti about the maintenance, however it should just be a matter of making sure that grass clippings and yard debris are not put in the swale and the removal of any tree branches that might fall in there. Mrs. Belz asked if the swale could be moved 20 feet off their property? Mr. Watson said they would do that, but it would require about 30 feet more trees across the back in the open space. He said this is a recorded easement and put on the property before it was sold to make sure that it could accommodate that swale. Mrs. Belz stated that she would much prefer if it were moved off her property and she felt that it could be addressed right now if you are going to approve this to look at approving it so that it doesn't run through private property. Mr. Ajemian asked Mr. Watson if that was ever considered? Mr. Watson said that when they looked at it to have the smallest possible swale you want it to be on a relatively flat area. If he cuts a swale across this slope and he comes down two feet, he has to grade back. On a flat area, he can essentially dig down 18" and pitch it a little bit. If he moves it up the slope he has to dig down and fill up on one side and fill it all the way down; then on the back side, he would have to slope all the way up to catch the slope; it could easily go from 15' wide to 30' wide grading thru there; that is why they didn't propose it for there; just to keep it simple as possible.

Mr. Castignetti concurred that the easements are recorded on all those lots. Mr. Driscoll commented that if Mr. Castignetti reserved the right for that easement, it is a private matter, and we shouldn't consider asking for it to be moved.

Mrs. Belz stated that their biggest concern was the 11 parking spaces; there is no mention of those spaces if you go to the Long Built web site. She said she had to get a permit to put a shed 30' off her property line on her own property; maybe we should look at how far a parking lot has to be from residential houses, she said.

Mr. Driscoll explained that when the Lehtola family presented this project, we asked them to help us improve the Jenny Leonard Park which really had no viable access. One of the solutions in granting the special permit was the 11 parking spaces so people could have access to the open space, and we could revitalize the park. When long built homes came in, we asked them to remove all the old structures and clean the park up which they did as part of this project. So, from day one those parking spaces were on there and he believes the intent is for the town to take it which is allowed by the special permit. Mrs. Belz stated that perhaps we need to make some sort of proposal to take it off the plan. She thinks the safety of the children is a considerable concern right now and it seems like we are trying to overshadow that because it was discussed before. She felt it should come back to the table to find a solution. Ms. Burke commented that she doesn't think anybody is trying to overshadow but this was approved under

the original special permit that was approved and they are constructing it as approved by the Planning Board. If people want it removed, you need to go thru the owner which is Long built Homes, and they need to present it to the Planning Board. She stated that while your concerns are heard and understood, your issues are with Long Built Homes, not the Planning Board. The Planning Board has no jurisdiction at this time to randomly remove those spaces. Long Built Homes would have to prepare a modification plan and do another modification to the special permit to remove those spaces.

Ryan Grant from 400 Walnut Street- Said that the Bridgewater Conservation Commission has jurisdiction over and is supposed to protect within a hundred feet of wetlands. He said that Mr. Etoniru noted that this runs into the wetlands and to Mr. Killea's point that street run off has pollutants. If this goes into the wetlands, how are you protecting the wetlands and it seems outrageous that just simply removing a tree branch is maintenance of the swale. He expressed concerns about lawn fertilizers or trash going into the system. Ms. Farinacci said that conservation is not under the jurisdiction of the Planning Board.

Brian Hynes-23 Oldfield (Lot 7)-expressed concern about transparency and the fact that he has never seen a parking lot in any of the plans he has seen. Mr. Driscoll addressed it...these meeting have always been transparent and unfortunately there are no lots to sell until there is an approval, so the potential buyers are not aware of the proceedings that are happening before they buy a lot. If it was misrepresented, that is between them and Long Built Homes. There is a special permit on file and recorded that attorneys should review and plans that are recorded that could be reviewed during a title examination. We have an application before us for drainage modification and that is what is before us. The owners of the lots involved have a deed with an easement on it that they agreed to when they took ownership of the property to allow the developer to do this. Mr. Hynes asked if he or the group could be provided the location to look at the plans and copies of the minutes. Ms. Burke said they are available in the community and economic development office in the Academy Building, or an email could be sent to CED@bridgewaterma.org. Mr. Driscoll noted that the outer perimeter of the open space remains the same, however, the board asked that the mailbox and the parking lot be separated because they were all on one parcel. We didn't want the homeowner's association to have to maintain these 11 parking spaces and they wouldn't be responsible for liability, etc. and the open space would be contiguous with the parking spaces.

Carlton Hunt- 80 Austin Street-said he has followed this development for a long time. He reminded everyone that this was originally approved under another developer and the parking lot was part of that plan. He has also seen that the 2016 version does not have the parking spaces. He thinks that we need to go back one owner before to see what was really planned. He was told that the now owner of the development actually was required by law to in fact follow the site plan as developed by the previous owner. Mr. Driscoll noted that there is only one set of plans recorded for this project. Ms. Farinacci stated that she has the book and page of the recorded plan that shows those parking lots on the registry of deeds from 2015 which was being shown on the screen. Mr. Driscoll felt that the plans that Mr. Hunt was referring to were marketing plans for the project prepared by Long built homes.

J Needle-76 Erbeck Circle-felt this was a parking lot issue...due to the design of the swale and the drainage directly affects how he parking lot is configured and how it abuts against the properties directly adjacent and how it changes the entire layout of the area and the removal of a large number of trees. Mr. Watson provided some insight as to why the parking spaces were relocated; the gravel parking spaces were removed not because of this swale. The swale was put in because of the drainage problem they had and not solving that problem would have caused some problems to the people who live there;

the swale helps everybody out, he said. Even if that swale was not there, they would move the parking spaces to separate them from the mailbox.

Mrs. Belz asked if the Board would consider requesting that the developer move the swale back off their property about 20'. She said that some trees have already been removed to widen the walking trail, so it didn't seem to be a big deal. Mr. Watson stated that the best location for the swale is at the top of the slope where it is flat.

Michael Mahoney questioned who would be responsible for snow plowing these spaces and the liability if someone falls? Mr. Driscoll said it would depend on who the eventually owner of the open space will be...it could be the town of Bridgewater, the Homeowners association or the Wildlands Trust. He questioned why the notice said the addition of 11 parking spaces". Ms. Burke stated she believes it was done in error, as they already existed.

Mr. Ajemian suggested continuing this hearing and if the residents want to look at the original plan they may obviously look at it and Mr. Etoniru is back on the call. Mr. Driscoll asked Mr. Watson is there is a possibility of headlights shinning into homes in the parking lot area, that maybe he could propose some green giants or another green type of hedge between the parking spaces and the private lot line. Mr. Watson said they could look at it; then he said Lee was on the call and said it would not be an issue. Mr. Watson said they will send in a revised plan for that.

Mr. MacDonald said that he understands that if this doesn't pass, this would revert back to the previously accepted plan and in that case, the 11 parking spaces would remain, but the drainage improvements would never be built? Ms. Burke said yes, that is correct. He then asked Mr. Watson if this was not built, what would be the consequences for the properties involved? M. Watson said it would be water impacting lots 48-51 and then in a large storm event it would be storm water entering the road and would impact any of the lots between that and to the low spot across from lot 46. He said it would be in everyone's best interest to have this drainage improvement installed.

Mr. Driscoll asked Mr. Watson if, while amending the plans, to rework the lot line to put the drainage basin on the mailbox parcel? Mr. Watson said yes, as long as the open space total number works out. He will work with Lee on it and review the special permit; might have to put it in an easement; they don't want to violate the total amount of the open space.

Ms. Guarino questioned what if fertilizers are used and get into the drainage going to the wetlands/ Mr. Watson explained that they are proposing a grass swale which removes 80% of the nutrients in tss. He doesn't anticipate any additional pollutants being added but the bmp's that they are proposing would take them out should they be there.

Mr. Tom Samaras-lot 6 expressed all of the same issues that had been raised.

Mr. Driscoll spoke about the parking lot being a good solution for getting access to the public park and getting cars off the subdivision roadway. Mr. MacDonald agreed that it was for the public good and they had the right to put in the parking lot. Astrid Rojas commented that she felt the members go out of their way to consider everyone and she supports the decision that the board made.

Ariel commented that the Board is not taking into consideration the number of children in this neighborhood and their safety. She questioned how they were going to control speed and it seems crazy to her to put this public park in their neighborhood.

Mr. Ajemian felt there were two main issues: Drainage and Parking lot

A motion was made by Mr. Geller, seconded by Ms. Guarino, unanimously voted by roll call vote to continue this hearing to May 5th at 7:00.

Mr. MacDonald questioned what would be elucidated on at the next meeting and what extra information are we waiting for? Mr. Ajemian said one thing is to have Mr. Etoniru back on the call to make sure he is in agreement with this plan, and it is the best way to approach it. Mr. Geller said we also want to see the revised plans discussed for the landscaping and specs for the manhole cover.

On a motion by Mr. MacDonald, seconded by Ms. Guarino and unanimously voted, the meeting was adjourned at 8:34 pm.

MINUTES APPROVED: 5/5/21