



**TOWN OF EASTON**  
**Planning & Zoning Board**  
136 Elm Street  
North Easton, Massachusetts 02356  
Tel: (508) 230-0630 Fax: (508) 230-0639

**Meeting Minutes**  
**Monday, September 13, 2010**

Present: **Walter Johnson, Clerk; Dan Smith; Gregory Strange; Peter Deschenes; Brad Washburn, Planning Director**

Absent: Christine Santoro, Chair

Walter Johnson, Vice Chair/Clerk, called the meeting to order at 6:30 p.m.

NOTE: This meeting was tape recorded by the Planning Department. The first approximately five minutes of the meeting were not captured on the recording due to technical difficulties.

**BOARD BUSINESS**

Chair Report

There was no chair report as the Chair Christine Santoro was absent.

Meeting Minutes

Peter Deschenes motioned to approve the meeting minutes dated August 16, 2010. Dan Smith seconded. Motion passes. 4-0-0.

**OTHER BUSINESS**

Roche Brothers Way

Present: Geoff Farrington and Mike Ryan, Roche Brothers Supermarkets

Geoff Farrington presented the Roche Brothers parking lot plan as proposed and addressed board member's request during the site walk for measurements from proposed driveway to curbing by submitting a diagram of the parking area with measurements (see diagram on file dated 9/13/10). Mr. Farrington's proposal was to reduce eight adjacent parking spots from 10 feet to 9'x20' enabling a 14-foot wide drive-thru lane with signs directing traffic. Gregory Strange expressed concern about changing the size of standard parking spaces to 9-foot wide. Mr. Farrington stated that if they keep the parking spaces at the requisite 10-foot wide, then Roche Brothers would lose two parking spaces on each side which would put their landlord in non-compliance with town bylaws. Mr. Strange responded that he does not want the board to set a precedent for reducing parking space size. The town recently passed bylaws reducing the amount of required parking spaces and has issued waivers in the past. With Roche Brothers, Mr. Strange stated he did not believe it would adversely affect their overall parking. Mr. Washburn agreed that keeping the requisite 10-foot wide parking spot size with a few less parking spaces would be preferable. Mr. Farrington proposed an alternate plan with standard 10-foot wide parking spaces and the

resulting reduced four parking spaces; the drive-thru lane would be 20-feet wide as opposed to the originally proposed 14-feet wide. Roche Brothers would need planning board approval to reduce the overall number of parking spaces available. Gregory Strange expressed satisfaction with the alternate plan that does not reduce the size of the parking spaces. The board inquired about the amount of time each e-commerce customer would be in the drive-thru space. Mr. Farrington responded that customers place their orders online and are slotted to a time to pick-up their order. They would deliver to two cars per each half-hour window. Order pick-up usually takes less than three minutes per car.

Gregory Strange motioned to approve the amended plan that keeps the parking spaces at the standard 10-feet wide and with the 20-foot service aisle, with the understanding and Planning Board approval that Roche Brothers will lose four of their parking spaces. Dan Smith seconded. Motion passes. 4-0-0.

Mr. Farrington will talk to Planning Board staff to request written approval for the reduction in their overall number of parking spaces, as the Roche Brothers landlord wants to make be sure they are in compliance. Roche Brothers will submit the amended plan as described at this meeting to Brad Washburn at the Planning Department.

**SITE PLAN REVIEW: 639 Washington Street – The Learning Experience (#10-21)**

Peter Deschenes, Dan Smith, Greg Strange, and Walter Johnson signed the previously approved Site Plan for 639 Washington Street titled, “The Learning Experience, 639 Washington Street, Easton, Massachusetts, Prepared for The Learning Experience” and dated August 4, 2010.

**PUBLIC HEARING 409 / 433 Depot Street “Beech Tree Estates”  
Definitive Subdivision / Open Space Residential Development (#10-24)**

Present: Attorney Richard Staiti; Applicant: Dino Susi; David Crispin, BSC Group; Attorney Gerard Marsan and property owner & abutter Peter Palm.

Gregory Strange read the public notice to open the hearing (see project file Public Notice date stamped with Town Clerk on August 4, 2010). Attorney Staiti stated that the applicant is submitting a Definitive Subdivision Plan for an Open Space Residential Development which would create five house lots. Two waiver requests include altering the flood plain and use of a retaining wall. Attorney Staiti stated that they have met with town officials including Fire Chief Stone and made changes to the plan based on comments they received from the board and town officials from the preliminary subdivision review in 2009. The Zoning Board of Appeals issued a Special Permit for alteration of the floodplain. The number of lots had been an issue so they reduced the number of lots from six to five. Each lot has a minimum of 10,000 square feet and each driveway serves no more than three houses. There had been an issue with flooding in the Depot Street area so the applicant has agreed to include a catch basin. The roadway has been widened to a 40-foot right of way. They met with Chief Stone and there will be a fire hydrant at the top of the driveway as well as emergency vehicle access. The 16.8-acre parcel will be divided in accordance with OSRD regulations. The five house lots will be accessed by a private road. The parcel is being divided as follows: 6 acres of open space; 1.9 acre non-building parcel

the will remain in the subdivision; 6.7 acre non-building parcel that will be donated to the Town or other non-profit organization (see project file for letter from BSC Group to Town of Easton Planning Board, dated July 9, 2010); 2 acres will be developed on the 16-acre lot. In summary, Mr. Saiti respectfully requests consideration of the OSRD. Mr. Crispin took the floor and explained the plan titled, "Beech Tree Estates, Site Plan, Easton, Massachusetts". Mr. Crispin stated that in order to make the percentages work, they needed to make the project smaller which is why the parcel marked in darker green on the map will not be considered part of the project.

Mr. Crispin explained that they did a series of test holes on the project site and the water table is 7 to 10-feet deep. The area at the bottom of the plan marked in green will be considered part of the OSRD but is a non-buildable lot because it is wetland. Mr. Crispin proceeded to describe the plan. They will have underground electricity and telephone. Each house will have a 1,300-square foot footprint and will be approximately 2,100 square feet in size with a two car garage. They eliminated the sixth building lot. They added an accessible and free-draining catch basin to receive water from running off the road. The right-of-way shown as a lane is now a minor road by regulations. All buildings will have roof-top dry wells. Mr. Crispin explained the storm drainage (see project file for report and stormwater runoff summary). They plan to excavate the floodplain on the east side of the project area to compensate for the loss of wetlands on the west side. Only the upper part of the floodplain will be impacted. They will be using the existing roadway and are proposing a vertical block wall made of reinforced concrete. There are two common driveways and a gravel turning spot. The fire hydrants are at the existing roadway, one at the turnaround which is 600-feet from the base of the driveway, and then another at the cluster of houses. They are also proposing a foot-trail to an isolated grove of beech trees in the center of the open space.

The twin common driveway is on the plan to fit the bylaw which requires a maximum of three houses accessed per common driveway. The engineer expects there to be landscaping between the two driveways. The applicant has not yet presented the plan to the conservation commission, but they did meet with Brad Washburn and Stephanie Danielson. Mr. Saiti stated that the Wetlands Protection Act suggested that they inquire for planning permits before filing with the Conservation Commission. Brad Washburn suggested that the applicant at a minimum do an informal presentation for the conservation commission because of the many wetland-related issues. Mr. Crispin responded that there is not a lot of "wobble room" with the project. Gregory Strange suggested a site visit. Mr. Strange left the meeting at 7:11pm for an appointment.

Gerard Marsan introduced himself as the attorney for abutter Peter Palm who owns the property to the west of the proposed subdivision. Mr. Marsan inquired about the notification process for previous hearings with the Zoning Board of Appeals and the Planning Board. Mr. Palm does not believe he received notification of those meetings. Mr. Marsan inquired if it is still a requirement on an OSRD to submit conventional subdivision plans first and then move to OSRD. Attorney Marsan maintained that his client's property line allows access passage to reach the back land, that there is an access easement favoring his client's property. Mr. Saiti responded that the deed states that Mr. Farm has no rights to said road. Mr. Marsan stated that the fact that the applicant has little room in which to work should not justify relaxation of the bylaws. Mr. Marsan requested that the board look into issues around the conventional subdivision, property access, and input from the conservation commission.

The Planning Board re-stated that both the conservation and planning boards should be reviewing the project at the same time. Dan Smith requested the applicant's response to Woodard & Curran's comments prior to the site walk. Brad Washburn will setup the site walk date and time via email.

Peter Deschenes motioned to continue the hearing to the October 12, 2010 Planning Board meeting. Dan Smith seconded. Motion passes. 3-0-0 (Gregory Strange was not present for the vote).

Mr. Strange returned from his appointment at 7:26pm.

**CONTINUED PUBLIC HEARING: BARG FARM (JOSIE'S WAY)**

Present: Alan Brown of 7 Josie's Way

Mr. Perron was not present for the hearing. Dan Smith motioned to continue the hearing to September 27, 2010. Peter Deschenes seconded. Motion passes. 4-0-0.

**CONTINUED PUBLIC HEARING – 202 PROSPECT STREET**

- Special Permit – Estate Lot (#10-19)
- Common Driveway (#10-20)

Gregory Strange read the written request from Pilling Engineering dated September 10, 2010, requesting continuance to the next scheduled meeting to review the revised plans.

Gregory Strange motioned to continue the public hearing for the estate lot and common driveway to September 27, 2010, time to be determined. Peter Deschenes seconded. Motion passes. 4-0-0.

**FORM A – PROSPECT STREET (#10-26)**

Present: Bruce Pilling of Pilling Engineering

Bruce Pilling stated that the applicant has submitted a Form A for the exchange of properties behind the house at 202 Prospect Street, which will result in two parcels with more than the required frontage. Gregory Strange motioned to approve the ANR as submitted. Peter Deschenes seconded. Motion passes. 4-0-0.

Peter Deschenes, Dan Smith, Walter Johnson, and Gregory Strange signed the approved ANR titled, "Plan of land in Easton, Massachusetts prepared for The Prospect Street Nominee Trust" and dated January 6, 2010. Mr. Pilling will return copies to the Planning Department.

**SITE PLAN REVIEW – 76 UNION STREET**

Present: Mr. Borgeson applicant; Timothy Duffy (Attorney representing applicant); Jeffrey Hanson, project engineer; David Howe of 7 Charles Way; Attorney Andrew Daniels representing Mr. Howe and other residents; Jay McLaughlin of 37 Clara Howard Way; Ron VanDam of 8 Benson Circle; Felicity Kagan of 75 Union Street; K. Chong of 65 Union Street; August & Nancy Arns of 36 Union Street; Carisa & Danny Mendoza of 3 Clara Howard Way; Ann Bestgen of 30 Clara Howard Way; Jeff Hanson of 115 Main Street; Steve Meisin of 3 Theodore Circle; and Spirus Giannarus of 38 Clara Howard Way.

Dan Smith stated that the board has received a considerable amount of correspondence regarding this project and inquired if the applicant was cc'd on these letters. Attorney Daniels responded that the applicant was not cc'd on the correspondence. Gregory Strange stated that the change of use requires site plan review and asked if the plan dated August 27, 2010 is the final plan. Attorney Duffy responded that additional information was requested and added to the plan. The building is under permitted use and the footprint of the building is not changing; the applicant is not adding onto the building. The interior ceiling is being raised and a permit was issued through the building department. On a site walk the Planning Board saw where waste oil will be stored and containment permits are all in place. Planning Director Brad Washburn had requested that the board see the lines of the floodplain on the plan. Jeffrey Hanson provided detail: the floodplain line follows the line of the berm which follows the pond and serves to contain the pond. The outlet at the bottom of the pond has a spillway with wooden planks and leads to a culvert. The sleuthway and culvert could handle 7-inches per hour. Mr. Hanson stated that the dam is the restriction, not the pipe. Mr. Hanson also added to the plan the wetland delineation line from 2003 when the property was changing hands from King to Hammond. The paved area is to the west of the pond line, the floodplain, and the wetlands. Oil will be stored in a 275-gallon tank inside the building. Oil is onsite and in a bermed area. There is a concrete bunker with a foundation one-foot higher than grade. Attorney Duffy added that the proper permits are in place.

Resident David Howe stated that a portion of the site is in the floodplain and therefore warrants a special permit. Gregory Strange stated that the planning board should consider using the peer review engineer to review the plan because part of the site is in the floodplain. Brad Washburn countered that the structure and proposed work are not within the floodplain. The plan did not trigger stormwater regulations because it is a change of use with no exterior modifications. The board can still request Woodard & Curran to review the plan.

Resident Felicity Caven stated that she requested the police to sandbag the area because of flooding at French's Pond over Union Street, 90-100 feet in width, which flooded out the entrance to the building and parking lot. Mr. Daniels stated that he represents Mr. Howe and other residents. He stated that the zoning bylaws do not refer to the structure, but refer to change of use for the lot. The lot includes a portion of the pond, including the border of the pond, and because floodplain is on the lot, it necessitates special permit review. Mr. Daniels stated that he believes that the plan has to go for special permit review because use of the lot is in the floodplain.

Mr. Strange recommended sending the issue to town counsel to see if it needs to go through special permit. Mr. Washburn will follow-up with town counsel to determine if the special permit applies to the lot or to the building site.

Nancy Arns of 36 Union Street stated that there have been many floods on the ponds for 46 years and that it overflows across the street. David Howe stated that the building was built in 1946 and an addition was put on in 1986.

More residents expressed concerns about flooding, pollution, and risk with auto repair business on the site.

Dan Smith motioned to receive comment from town counsel and the peer engineering firm to determine if the plan requires site plan review and requires a special permit due to the auto shop lot in a floodplain, and made a motion to continue to October 12, 2010. Gregory Strange seconded. Motion passes. 4-0-0.

#### **210 POQUANTICUT – SPECIAL PERMIT ESTATE LOT**

Walter Johnson, Peter Deschenes, and Dan Smith signed the decision for 210 Poquanticut. Gregory Strange recused himself. Walter Johnson, Peter Deschenes, and Dan Smith signed the mylar plan for 210 Poquanticut. Gregory Strange recused himself.

#### **BOARD DISCUSSION re: ZONING BYLAWS**

The planning board members decided to hold off on discussing the bylaws until Chair Christine Santoro is present.

#### **ADJOURN**

Gregory Strange motioned to adjourn the meeting at 8:30pm. Peter Deschenes seconded. Motion passes. 4-0-0.

Respectfully submitted by Randi Graham, Recording Secretary.