



TOWN OF EASTON
Planning & Zoning Board
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Meeting Minutes
Monday, September 27, 2010

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

Christine Santoro called the meeting to order at 6:38 p.m.

BOARD BUSINESS

Chair Report

Christine Santoro opened the meeting by welcoming everyone and noting the meeting location at Oakes Ames High School. Ms. Santoro stated that she received a certified letter from National Grid, notifying the Planning Board of a meeting on October 5, 2010 at Oakes Ames Highschool to discuss installing additional overhead transmission lines within in an existing right-of-way. Brad Washburn will look into the matter.

OTHER BUSINESS

Meeting Minutes Approval

Randi Graham stated that the meeting minutes dated September 13, 2010 need to be amended to state that the first approximately five minutes of the tape recording were not captured due to technical difficulties. Christine Santuro noted the correct spelling of her name "Santoro." Brad Washburn requested that a sentence in the discussion of Beech Tree Estates state "at a minimum" so that it reads, "Brad Washburn suggested that the applicant at a minimum do an informal presentation for the conservation commission because of the many wetland-related issues." In the same discussion, Peter Deschenes noted that the correct spelling of the abutter's last name "Farm."

Dan Smith motioned to approve the September 13, 2010 Planning Board meeting minutes with these four modifications. Gregory Strange seconded. Motion passes. 4-0-0. (Christine Santoro abstained because she did not attend the 9/13/10 meeting.)

Roche Brothers Site Plan

The Roche Brothers site plan was not signed due to lack of Planning Board signature block.

210 Poquanticut

Walter Johnson, Dan Smith, Peter Deschenes, and Christine Santuro signed two signature blocks on the 210 Poquanticut plan titled, "Plan of land in Easton, Massachusetts owned by Dr. Eugene Packer" and dated September 4, 2009. This plan had been signed at the previous meeting but it lacked the additional signature block for the ANR.

Continued Public Hearing 202 Prospect Street

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

Present: Todd Pilling, Pilling Engineering; Attorney David Marsan of Marsan & Marsan; Bill Humphrey, Builder.

Christine Santoro noted that this portion of the meeting is being videotaped by one of the abutters. Mr. Pilling stated that they revised their plan to reflect the two special permits individually as separate applications and requested that the board begin by discussing the estate lot. Mr. Pilling described the special permit estate lot application.

Brad Washburn stated that the Planning Department has no additional comments and added that he received a letter from Attorney Marsan to Chief Stone regarding the fire sprinkler systems. Chief Stone responded. The cover letters are included in the board packets and summarize the dialogue; full documentation is on file in the Planning Department. Mr. Washburn stated that the Planning Board recommends approval in either case but that Fire Chief Stone's concerns are very important and in either instance should be addressed. Attorney Marsan stated that Chief Stone wanted to require the fire sprinkler system and that Mr. Marsan responded that they are not reliable and they are full of technical difficulties. Mr. Marsan stated that Chief Stone's summary is that fire alarms save lives. Mr. Marsan continued that Massachusetts General Law 40A section 3 states that zoning bylaws cannot regulate construction of buildings, and therefore the question of installing a fire sprinkler system is moot. The fire sprinkler system is to be addressed by the building inspector and not the Planning Board. Walter Johnson stated that the Planning Board is concerned with the safety of the town's residents and quoted the Town Bylaws that part of the Zoning Bylaws' purpose is to "promote the health, safety" and well-being of Easton residents. Mr. Marsan responded that the purpose clause is an invention by the Town of Easton and is superceded by the laws of Massachusetts and stated that the State's statutes speak to the construction of the dwelling. Ms. Santoro stated that the overall mission of the Planning & Zoning Board is to look after the health and safety of the Town's citizens, and that Chief Stone has the same considerations. Chief Stone was not available to attend tonight's meeting. Chief Stone's letter states that his position is the same and has not changed. Mr. Marsan responded that nothing in the Massachusetts building code requires sprinkler systems, and that his interpretation of the statute is that the Planning & Zoning Board is allowed to consider the configuration of land, but that the structure is one of the areas that is not regulated by the Planning & Zoning Board.

Dan Smith noted that the common driveway is several hundred feet-long and that he can understand the Chief's recommendation for public safety of the inhabitants, the abutters, and the fire department personnel, and added that it is not far fetched for the Planning & Zoning Board to comment on the issue based on the oath the board members took. Mr. Marsan re-stated that the construction of the dwelling is a subject which the Planning & Zoning Board cannot regulate.

Mr. Marsan stated he is working toward finding a solution agreeable with Chief Stone. Mr. Marsan stated he sent Chief Stone many materials pointing out the problems with sprinkler systems. Bill Humphrey stated that every bedroom must have a hard wired smoke detector and that every floor has a CO2 detector with battery backup. Eight rooms in the home would mean

there would be twelve smoke detectors. Mr. Humphrey stated that the more affordable sprinkler systems are made of plastic and they are dangerous and unreliable. Mr. Humphrey went into further detail on the issues with sprinkler systems in New England weather, and concluded that there are no satisfactory sprinkler systems out there that are cost effective for residential construction. Ms. Santoro stated that the board has in the past required sprinkler systems be installed. Mr. Marsan responded that no states require sprinklers as part of the building code because of the problems associated with them. Ms. Santoro asked for suggestions that would address Chief Stone's concerns and the board's safety concerns. Brad Washburn asked if there were a way for the driveway to not exceed 500 feet, which would address the fire safety issue. Todd Pilling responded that to comply with the local conservation commission's regulations, it is not possible for the driveway to be less than 500-feet long as there is no location for the house closer to the road that would be agreeable to the Conservation Commission. Mr. Marsan summarized that the best solution for this property would be a monitored smoke alarm. Mr. Marsan stated that he shared this solution with the fire Chief and the Chief prefers the sprinkler system. Bobby Fried stated that the fire hydrant is another 200-feet from the base of the driveway. Walter Newell stated his concerns about water problems and the amount of fill that would be added to the property. Chair Christine Santoro asked for any new information. Walter Johnson inquired about a dry fire suppression system and Humphries responded that they use cast iron pipes and are made for commercial buildings.

Todd Pilling stated that they are asking for a special permit for the creation of an estate lot. When asked about the driveway length, Mr. Pilling stated that they can look into moving the house closer to the road, but that they will likely bump up against the 200-foot riverfront buffer. Gregory Strange suggested that part of the board's decision address Chief Stone's concerns about fire safety, one way might be to have the driveway less than 500 feet in length. Dan Smith inquired about a similar project in Easton using a sprinkler fire suppression system. Mr. Humphries replied that the builders use CPVC pipe to keep the costs affordable, and this type of pipe presents multiple problems in the New England climate. Bobby Fried inquired about the section of Woodard & Curran's report addressing drainage pattern. Mr. Pilling stated that they are not altering the drainage pattern at the narrowest part of the road. Ms. Santoro asked if the board has all the information it needs to make a decision. Brad Washburn stated that he is not expecting to receive any new information.

Gregory Strange motioned to close the public hearing on Estate Lot 2-A. Peter Deschenes seconded. Motion passes 5-0-0.

— **Common Driveway (Application#10-20)**

Mr. Pilling stated that the second part of their application is for a special permit for a common driveway. The applicant does not need to have a common driveway, but a common driveway would reduce the amount of disturbance on the property. Mr. Pilling stated that they submitted all information that the Planning Board requested. Brad Washburn noted that at the last hearing it was agreed that Mr. Pilling was going to quantify the additional six percent runoff and noted that the town bylaw states that the common driveway shall not disrupt existing drainage patterns. Brad Washburn stated that the request for the information was made on August 16th and Mr. Pilling responded that he submitted the numbers for the difference in rate and volume to the

board. The board stated that they did not receive those numbers. Ms. Santoro asked Mr. Pilling to quantify what the 6% increase means. Mr. Pilling responded that because they are building a house and possibly pool and shed where there are currently woods they will have increased runoff from the site, even with an infiltrating roof on the house. He explained that the amount of increase depends on the direction. A smaller event from a two-year storm will increase the runoff 6% in one direction. In terms of numbers, it would be the equivalent of an increase from 2.2 cubic feet per second to 2.3 cubic feet per second, which equals 7.5 gallons. The increase is from 16.5 gallons to 17.2 gallons per second over the property going toward Old Farm Road which is 500-foot wide. In a one-hundred year event there would be no increase. Mr. Pilling stated that dissecting the numbers on such a small scale is a super critical way of looking at drainage patterns that are meant to be viewed in a broader scale.

Bobby Fried inquired about the 6-inch pipe getting clogged. Pilling responded that the updated plan has two 6-inch pipes. Walter Newell inquired about the type of fill to be used. Pilling responded that they will excavate the top two feet, then use sand, pave stones, and gravel (two feet of sand to replace the two feet excavated), and that the particular stretch of roadway stays at grade. Mr. Pilling clarified that the discussion for altering drainage patterns is only for the specific 140-foot stretch. He also stated that when the lots are created, the homeowners association will be responsible for maintaining the pipes. Water will flow across the driveway and onto the applicant's property, not out to the street. Mr. Newell expressed concern about building a driveway and then having no home built within 2-3 years. Mr. Pilling responded that they will build a house within two months of constructing the driveway, and that they will not be able to do anything further to mitigate the 6% runoff.

Christine Santoro asked if there is any new information and if the board is expecting or looking for any additional information.

Hearing none, Gregory Strange motioned to close the public hearing on the special permit for common driveway. Dan Smith seconded. Motion passes 5-0-0.

CONTINUED 670R WASHINGTON STREET: DEAN MILL COMPLEX

- Site Plan Review, Car Wash & Professional Office Building (#10-06)

Present: Todd Pilling, Project Engineer, Robert & Joanne Carroll

Mr. Pilling stated that this project has been continued through several Planning & Zoning Board meetings while the Conservation Commission was deliberating. He stated that the Conservation Commission has issued an Order of Conditions for the project. Brad Washburn inquired if the Conservation Commission approved the BMP Train #2, which is an effort to remove solids from the runoff water. The treatment train calls for sweeping 52 times per year and reduces the original 100% to 95%. Mr. Pilling responded that the Conservation Commission granted a waiver with regular street sweeping. Mr. Pilling stated that at the beginning of the process they filed for a special permit common driveway; they will withdraw that application because it is all one lot. Mr. Pilling will send a letter requesting the withdrawal of the application.

Gregory Strange motioned to approve the 670R Washington Street Site Plan as submitted with the two recommendations by Brad Washburn regarding the sweeping program (1) include a requirement for parking lot sweeping program as noted in Woodard & Curran's report, and 2) approval contingent on waiver of the Town's Wetland Regulations §503-28(B)(4)). Walter Johnson seconded. Motion passes 5-0-0.

FORM A (ANR) 95 & 97 CHURCH STREET

Present: John Halverson, Gay & Gay, representing property owner Richard Slein

Mr. Halverson stated that this project is a land swap involving two triangular pieces of land and requires ANR endorsement by the board because it alters each lot line of each parcel.

Peter Deschenes motioned to approve the Form A ANR plan. Walter Johnson seconded. Motion passes 5-0-0.

OTHER BUSINESS – Update: Barg Farm – Josie's Way

Brad Washburn stated that Mr. Perron spoke with Stephanie Danielson and the project is not yet finished. Work on the monuments is slated to begin this week. The Planning Board received a letter dated September 13, 2010 stating that the monuments, the as-builts, and work related to the buffers and tree planting should be completed in the next few weeks. The board agreed to not approve the release of any additional funds until the work is complete and to have Mr. Perron return before the board when the work is completely finished.

DISCUSSION OF POTENTIAL ZONING BYLAW UPDATES

Brad Washburn and the Planning Board opened their discussion of potential updates to the town's Zoning Bylaw. They asked if others would benefit from the conversation and suggested opening the discussion up to a wider audience, perhaps inviting other boards. One item to be addressed is building height and relationship to setbacks from the property lines. It was suggested to have a Saturday session and invite all boards and committees, most specifically Zoning Board of Appeals, Affordable Housing Commission, and Historical Commission. All agreed that the boards should be working together. It was suggested to have a representative from the Planning Board on the town's Development Review Board. It was also suggested to have the initial meeting be done jointly with Conservation Commission and Planning Board. The goal is to improve processes. Flagging major issues at the first meeting with the applicant would be valuable to both the applicant and the boards. Christine Santoro inquired about project tracking software for the Planning Board. Brad Washburn responded that the Conservation Commission is underway with an application called Permit Eyes, which is an improved way to track and share information. Applicants are able to enter information and populate the database. Multiple departments can view the information easily. The Planning Department is looking into a similar software package by the same developer for tracking Planning Board projects. Mr. Washburn hopes the planning software be able to interact with the Conservation Commission module.

It was suggested that the board address current holes and ambiguities in the Zoning Bylaws. It was also suggested to review each section on special permits and roads (private to public).

It was suggested that everyone involved email Brad Washburn a list of ideas one week before the meeting.

Brad Washburn stated that the Planning Department has been working from the Planning Board Administrative Rules & Regulations dated August 31, 2009; however, the most recent published version of the Administrative Rules & Regulations is dated February 2009. The Planning Board had voted to approve the August 31, 2009 Administrative Rules & Regulations, they just had never been published. It was agreed to update the published version to the approved August 31, 2009 version.

OTHER BUSINESS

Affordable Housing

There is a meeting on the affordable housing plan on Tuesday, October 5 at 7:00pm in the Board of Selectmen's meeting room. Tim Harrigan sent an email out to the heads of the local boards and other related groups to invite them to come to the meeting and provide input on updating the existing plan, as it is due to expire, and for a long range vision with regard to affordable housing in Easton.

Project-related Correspondence

Dan Smith inquired about making it a requirement that a project applicant be included via "cc" on project-related correspondence coming from other parties such as abutters. It was concluded that because all correspondence with the board is public record, it could be recommended to "cc" the applicant but it is not necessary to make it a requirement.

ADJOURN

Walter Johnson motioned to adjourn the meeting at 8:48pm. Peter Deschenes seconded. Motion passes 5-0-0.

Respectfully submitted by Randi Graham, Recording Secretary.