



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

Meeting Minutes

April 23, 2008

Board Present: Christine Santoro, Chair; Walter Johnson, Carol Symmons, Alexander Maller

Board Absent: Collin Gillis, Gregory Strange

Staff Present: Alice Savage, Staff Planner; Marc Rousseau, Director

Staff Absent: Pamela Almeida, Recording Secretary

Christine Santoro opened the meeting at 6:30 p.m.

6:30 P.M. DISCUSSION

1. Taping of meetings – Christine Santoro brought up this up from the previous meeting to reiterate to the Board members that if someone would like to video tape or audio tape a meeting, it is allowed, so long that it does not interfere with the meeting. The video and/or audio equipment is to be placed in one place and not moved during the meeting.
2. New Alternate Member - Christine Santoro introduced Alexander Maller to the Board and reminded the Board that this member is allowed to vote on Special Permits only.
3. Affordable Housing Trust – Marc Rousseau that this is a proposed warrant article for Town Meeting in May, which will be part of the Town Code. There are approximately 25 communities in Massachusetts that have this. According to the Warrant Article: “The purpose shall be to provide for the creation and preservation of affordable housing in Easton for the benefit of low and moderate income households.” (see attached warrant article).

Walter Johnson moved to recommend to the Board of Selectmen, seconded by Carol Symmons. Motion Passed (3-0)

4. Applewood Estates Land Swap – Alice Savage reports to the Board that Steve Borsher, Trustee of the Applewood Estates Homeowner’s Association inquired whether a homeowner on Christine Drive would be able to trade land from their parcel with an equal sized portion of a parcel of common land. She reports that after consulting with

Town counsel and reviewing the original Special Permit decision the land could be swapped, subject to the approval of the Homeowner's Association and any restrictions as may be on the common land deed. An ANR plan would have to be submitted as this is not considered a modification of the Special Permit of Subdivision.

5. Border Estates Performance Bond – Alice Savage reports to the Board that the Border Estates Performance Bond has expired. David Welch has been given a copy of a new Performance Bond and will be bringing it in. Marc Rousseau explained this was due to a computer crash, and the Treasurer/Collector, whom is responsible for tracking the bonds, lost all data, and therefore could not send a notification of the expiration beforehand. Christine Santoro asked if there was notification sent in time. Alice Savage stated that Mr. Welch was informed. Walter Johnson asked where the Town stands when this happens. Marc Rousseau stated that when he found out the bond expired, he talked to the Building Inspector and explained what happened and to make sure there were still lots at the site. Marc Rousseau suggests to the Board that to go on notice and have something in writing and copy to the Building Inspector and copies forwarded to the Board notice of issuance of the bond.

Walter Johnson motions to draft a letter stating _____, seconded by Carol Symmons. Motion Passed (3-0)

6. 43D: Expedited Permitting – Marc Rousseau discussed with the Board the memo to the Board of a proposed warrant article. Explaining this is a program where the State is encouraging communities to be expeditious in issuing permits on projects. There is a type of assistant monies involves to implement certain measures. What this vote is to ask the Town's people to file an application under a 43D program, if the answer is Yes, then the Town will do so. We will prepare an application to the State agency for September, because money for this fiscal year is out for this program. If the Town says yes in May, we will put in an application, nominating the Belcher foundry as a development site. Meaning we will work with any developer who wants to do something there. Will have a developmental review team put together, work with them on the permits that are required and help them out. (see memo drafted to Board attached)

Bruce Pilling, 232 Turnpike Street asked if there is any drawn-back to applying for this? Marc Rousseau stated, in his opinion, no. We have a potentiality to get some permitting software and some consultant money to be used for mixed use development and planning

Bruce Pilling asked, when apply for it, then if don't have something to do there, are we penalized? Marc Rousseau states we apply to the State, they accept the application which comes back to the Board of Selectmen, who has some many days to accept the contract of the Scope of Work, so once signed, there is a140 days to implement, so there is one last call to decide if want to do.

Marc Rousseau asks the Board to recommend this article for Town Meeting.

Carol Symmons motions to recommend Warrant Article to Board of Selectmen, seconded by Walter Johnson. Motion passes (3-0)

7:00 P.M. CONTINUED PUBLIC HEARING, Special Permit # 07-06

Definitive Subdivision/Residential Compound - Bayberry Estates, Prospect Street
Edward Jones, Applicant; Pilling Engineering, Representative

Christine Santoro read a letter from Attorney Michael G. Site requesting the public hearing be continued to the June 4, 2008 at 7:00 p.m. meeting, as there is no new information at this time.

Carol Symmons motions for Pilling Engineering to submit revised plans and drainage calculations before May 7, 2008 in order to continue the public hearing to June 4, 2008 at 8:30 p.m., seconded by Walter Johnson. Motion passes (3-0)

DISCUSSION (CONTINUED)

7. 479 Turnpike Street Enforcement – Alice Savage explains to the Board that an old site plan showed this site did not have a curb cut in an area of the parking lot where there is currently an opening. A newer version of the site, shows a curb cut, but has parking space lines as well. The property owner was advised that he should apply for a site plan approval if they want to use this area as a thru-way or permanently reclose the entrance. He agreed to reclose the entrance and has placed orange barrels at the entrance.

Carol Symmons motion to request the Building Inspector enforce the closure of the entrance for public safety issues, and any changes to the site plan, an application be submitted for approval, seconded by Walter Johnson. Motion passes. (3-0)

7:30 P.M. FORM A (ANR)

85 Howard Street, John Neilan and Christina Talbot; Representative: Pilling Engineering

Present: Bruce Pilling, Pilling Engineering representing John Neilan.

Mr. Pilling explains the applicant has an existing lot, they would like to subdivide into two lots and build a home on the second lot.

Alice Savage reports to the Board that the application meets the criteria for an ANR and recommends the Board endorse.

Carol Symmons motions to approve and endorse the ANR as submitted, seconded by Walter Johnson. Motion passes. (3-0)

Mylar was signed by the Board members and a copy was signed for the file. The mylar was taken by Bruce Pilling for recording.

DISCUSSION (CONTINUED)

8. Fair & Affordable Housing Partnership Update – Alice Savage reports to the Board she has been named liaison of the Department of this committee and she will be reporting to the Board.
9. Lone Oak Farms Update – Alice Savage reports that the Board was asked to take some action at the last meeting relative to the incomplete road at Lone Oak Farms. The remaining balance held in the bond is approximately \$45,000. The developer has since informed the Land Use Agent that the paving for Oak Leaf Lane will begin on April 22. Ms. Savage suggests the Board wish to consider asking the developer to come in and report on his progress. She also asks the Board review the opinion (mailed to Board members) from Town Counsel on the procedure for pulling a bond on an incomplete road in a subdivision.

Carol Symmons motions to send letter to developer requesting he attend the meeting of May 7, 2008 and submit a progress report, seconded by Walter Johnson. Motion passes (3-0)

10. Master Plan Subcommittee – Marc Rousseau reminds the Board that the Planning Board is responsible for updating the statutes of the Master Plan giving them something to think about for the Fall.

8:00 P.M. 1. PUBLIC HEARING, WARRANT ARTICLE

To see if the Town will vote to amend Section X, Signs, of the Zoning By Law by adding a new subsection as follows:

10-7 Design Standards

Applicants are encouraged to refer to design standards adopted by the Planning & Zoning Board in its rules and regulations for additional guidance in signage design.

or take any other action relative thereto.

Article Explanation: The Planning & Zoning Board's Site Plan Guidelines additional design guidelines for signs are not referenced in the Zoning By Law. This amendment would encourage, although not require, applicants seeking sign permits to follow those additional guidelines.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

Walter Johnson motions to close the public hearing, seconded by Carol Symmons. Motion Passes (3-0)

Walter Johnson motions to recommend amending the warrant article, seconded by Carol Symmons. Motion Passes (3-0)

8:15 P.M. 2. PUBLIC HEARING, WARRANT ARTICLE

To amend the Zoning By Law in its regulations of Religious and Educational Uses.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To amend the Zoning By Law in its regulation or religious and educational uses.

To see if the Town of Easton will amend Section 5-3 (B)(1) and (2), Table of Use Regulations, of the Zoning By Law of the Town of Easton as follows (deletions in *parenthesis and italics*) and additions are underlined.

5-3. Table of Use Regulations

B. Institutional, Recreational, and Educational Uses	R	R 1	B	BN	I	E	F	M
1) Place of Worship	Y	Y	Y	Y	Y	Y	(SP) <u>Y</u>	Y
2) <i>(Religious, sectarian, non-sectarian, denominational, private or public) School, or any other educational facility see paragraph 7-12)</i>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>	(SP) <u>Y</u>

And to amend Section 7-12. Of the Zoning By Law as follows (deletions in *parenthesis and italics*) and additions are underlined):

7-12. Use of Land for Religious and Educational Purposes

The use of land or structures for religious or educational purposes shall be subject to reasonable regulations concerning the bulk or height of structures and determining yard sizes, lot areas, setbacks, open space, parking and loading requirements, and building coverage

requirement as may be adopted by the Planning and Zoning Board. Compliance with such regulations shall be determined by *(special permit procedure as specified in Sub-section 12-7) the site plan approval procedure as specified in section 7-10 of this By-law.* or take any other action relative thereto.

Article Explanation: The existing zoning requires that educational and religious land use changes obtain a Special Permit, which is prohibited by M.G.L. Chapter 40A, §3 also known as the “Dover Amendment”. The proposed change, recommended by Town Counsel subject religious and educational uses of land and structures to site plan review instead, which is allowed under state and federal law. This amendment also adds a title to section 7-12, which is an untitled section of the bylaw.

Walter Johnson motions to close the public hearing, seconded by Carol Symmons. Motion passes (3-0)

Carol Symmons motions to recommend amending the warrant article, seconded by Walter Johnson. Motion passes (3-0)

DISCUSSION (CONTINUED)

11. ZBA comments - Site Plan Modification - Comprehensive Permit #03-20: Welsch Woods LLC.

Alice Savage reports to the Board that Welsch Woods has proposed changes to the subdivision, taking one duplex unit from the front and move it to the back. Their reasoning is the creation of more open space and more of a buffer for the front duplex unit that will remain.

Walter Johnson motions to recommend approval to the Zoning Board of Appeals, seconded by Carol Symmons. Motion passes (3-0)

8:25 P.M. 3. PUBLIC HEARING, WARRANT ARTICLE

To amend the Site Plan Approval section of the Zoning By Law.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town will vote to amend Section 7-10, Site Plan Approval, of the Zoning By Law of the Town of Easton by deleting the first paragraph and Subsections A and B thereof in their entirety, and inserting in their place the following:

7-10 Site Plan Approval

- A) Applicability
- 1. Non-Residential Districts

No commercial, industrial, business, institutional, recreational, or educational use and no apartment, multiple or attached dwellings, municipal or school building, public utility structure, or parking lot, shall be constructed or externally enlarged, and no such use or structure shall be expanded or established in an building not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning & Zoning Board.

2) Residential Districts

No multiple or attached dwellings, school building, parking lot, or public utility structure or and no institutional, recreational, or educational use shall be constructed or externally enlarged, and no such use or structure shall be expanded or established in an building not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning & Zoning Board.

B) Application and Site Plan Requirements

1. Site Plan Requirements

Said site plan shall show: the record owner; location; zone boundary lines; easements, or other legal restrictions; exact location of building(s) on the lot with side, front and rear dimensions; lot dimensions; topography; adjacent public ways; location of off-street parking, lighting, and utility systems; surface drainage; traffic flow; location and nature of open spaces with specific notations as to landscaping; locus plan; and other details as applicable and deemed necessary by the Planning & Zoning Board.

2. Procedure

Any person desiring approval of a site plan under this Section application packages to the Planning & Zoning Board, the contents, number, and format of which may be required in its rules and regulations. The Planning & Zoning Board will review the application and plans and circulate the application to the Fire and Police Departments, the Building Inspector, the Land Use Agent, Handicap Advisory Committee, and other Boards and Committees and Town Departments, as requested. The Planning & Zoning Board may also require the employment of outside consultants such as may reasonably be required to perform design and engineering review, and may impose fees to charge for such pursuant to M.G.L 44, Section 53G.

3. Criteria for Evaluation.

The Planning & Zoning Board will review the application and plans and determine whether the application conforms to the Town of Easton Zoning By Law, and, in considering a site plan under this section, shall assure, to a degree consistent with Site Plan Guidelines established under Section 7-10 (G) of this by-law and a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

1. Protection of adjoining premises against seriously detrimental uses on the site.
2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
3. Adequacy of the methods of drainage for surface water.
4. Provisions for off-street loading operation of vehicles incidental to the normal operation of the establishment.

5. Traffic and safety provisions to protect the convenience and welfare of the public.
6. Functional design review.

or take any other action relative thereto.

Article Explanation: The proposed amendment to the first paragraph of section 7-10 through 7-10 (B) is for the sake of clarity and does not substantively alter the Site Plan Approval process, except that new and expanded parking lots in a Residential Zone will be subject to Site Plan review. The proposed amendment to paragraph (b.3) allows the Planning & Zoning Board to enforce the Site Plan Guidelines, previously established under the existing paragraph (G) of Section 7-10, Site Plan Approval. This should also clarify to applicants exactly which standards will be used in determining compliance with the bylaw.

Carol Symmons motions to close the public hearing, seconded by Walter Johnson. Motion passes (3-0)

Walter Johnson motions to recommend amending the warrant article, seconded by Carol Symmons. Motion passes (3-0)

DISCUSSION (CONTINUED)

12. Guinevere Road Appeal Letter – An appeal letter was received by Attorney Mark Lanza who represents V.G.R. Northeast, Inc. of Easton, MA., an abutter of Guinevere Road, who has appealed the decision the Planning & Zoning Board that approved the creation of an Estate Lot at the end of Guinevere Road as presented by Aaron Wluka, which was filed on March 24, 2008. Marc Rousseau explains that, though the Planning & Zoning Board members along with Mr. Wluka are named at defendants’ in this appeal, that this is a private matter. Mr. Wluka has hired a counsel, doing his own research and who will be responding appropriately in this case. Town Council will monitor and take appropriate action.

8:35 P.M. 4. PUBLIC HEARING, WARRANT ARTICLE

To amend the definition of a parking stall and amend the Parking and Loading Spaces section of the Zoning By Law.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town of Easton will amend the definition of “parking stall” in the Zoning By Law and section 8-9 of the Zoning By Law as follows:

PARKING SPACE

An off-street space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Section VIII. Off-Street Parking and Loading Regulations
8-9. Parking and Loading Space Standards

15. When parking areas, parking stalls, and loading areas are subject to Site Plan Approval under section 7-10 of this By-law, applicants shall refer to rules and regulations as may be adopted for that purpose by the Planning & Zoning Board for design and dimensional requirements.

Explanation: The existing definition for parking space includes limits the applicability of requirements relating to parking stalls which are 200 square feet. Many older parking spaces in town are smaller than that. This definition ensures that older parking stalls are still subject to regulations related to landscaping, grading, lighting, etc. The proposed amendment to section 8-9 allows the Planning & Zoning Board to enforce its Site Plan Guidelines, which are currently unenforceable because they are not referenced in the Zoning By Law.

Walter Johnson motions to close the public hearing, seconded by Carol Symmons. Motion passes (3-0)

Carol Symmons motions to recommend amending the warrant article, seconded by Walter Johnson. Motion passes (3-0)

8:45 P.M. 5. PUBLIC HEARING, WARRANT ARTICLE

To amend the Residential Compound section of the Zoning By Law for clarity.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town of Easton will amend section 7-5 C.3 and 7-5 F.3 of the Zoning By Law as follows:

7-5 Residential Compounds

C) Eligibility

To qualify for consideration as a Residential Compound, the subdivision must satisfy all of the following conditions:

3. All lots in a Residential Compound shall have ingress and egress to a Private Lane, ownership of and rights to which shall be retained by a homeowners' association.

F) Conditions

Any plan approved as a Residential Compound must contain or refer to recorded covenants regarding each of the following:

3. Ownership of a lot in the Residential Compound shall confer automatic membership in a homeowner association responsible for all maintenance of and snow removal

from the Private Lane. The homeowners association shall retain ownership of and all rights in the Private Lane.

Explanation: Town Counsel has recommended the above clarification. The existing language in the Residential Compound bylaw has been challenged in court as self-contradictory.

Walter Johnson motions to close the public hearing, seconded by Carol Symmons. Motion passes (3-0)

Walter Johnson motions to recommend amending the warrant article, seconded by Carol Symmons. Motion passes (3-0)

8:55 P.M. 6. PUBLIC HEARING, WARRANT ARTICLE

To amend the Zoning By Law in it is definition of Frontage.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town of Easton will amend the definition of “lot, frontage” in the Zoning By Law as follows:

FRONTAGE

The greatest uninterrupted linear or curvilinear distance measured along a front lot where it is co-linear with the right-of-way of an abutting street or way, such that:

1. Where a single lot abuts a street at more than one location (as with a U-shaped lot) or abuts more than one street (as with a corner lot), the greatest uninterrupted linear or curvilinear measurement of a front lot line along one side of one street shall be considered the frontage.
2. On lots abutting curved streets or cul-de-sacs, the arc length between the side lot lines will be considered the frontage.
3. The ends of streets without a turning circle shall not be considered frontage.

Explanation: The current definition of frontage offers little guidance in several common scenarios: a lot is on a cul-de-sac, a lot abuts more than one street, or a lot abuts the end of an unfinished street. This definition reflects the Town’s current interpretation of the existing definition for “frontage” in those situations.

_____ motions to close the public hearing, seconded by _____.
Motion passes (3-0)

_____ motions to recommend amending the warrant article, seconded by _____.
Motion passes (3-0)

9:05 P.M. 7. PUBLIC HEARING, WARRANT ARTICLE

To amend the Zoning By Law in its regulation of ownership of water lines in Adult Retirement Developments.

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town of Easton will repeal section 7-14 E.6 of the Zoning By Law:

7-14 Adult Retirement Development

- E) Site Development Standards:
 - 6. The hydrants and all water mains within the private right of way shall be owned by the Town of Easton so that they may service and maintain their property.

Explanation: The Water Division has recommended the above proposed amendment. The Adult Retirement Development section of the Zoning By Law is the only place in the zoning code that references water mains at all. Typically, ownership of the water main is retained by whomever retains ownership of the road. This change will make the ARD section of the zoning code consistent with Water Division policy, and with the rest of the Zoning By Law.

_____ motions to close the public hearing, seconded by _____.
Motion passes (3-0)

_____ motions to recommend amending the warrant article, seconded by _____.
_____. **Motion passes (3-0)**

9:15 P.M. 8. PUBLIC HEARING, STREET ACCEPTANCES

To accept as public ways

Blue Heron Run (Station 0 + 00 to Station 4 + 24.93)

Olde Stable Lane (Station 0+00 to Station 8+02)

Justin Drive (Station 0+00 to Station 6+60)

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

_____ motions to close the public hearing, seconded by _____.
Motion passes (3-0)

_____ motions to recommend amending the warrant article, seconded by
Walter Johnson. Motion passes (3-0)

9:30 P.M. 9. PUBLIC HEARING, ZONING CHANGES

To see if the Town will vote to amend the following properties:

From Residential to Municipal and Open Space.

Map/Lot	Location	Lot Size	Book/Page
R21 / 37	7 Josie's Way	21,173 s.f.	17235 / 240
R21 / 38	8 Josie's Way	21,810 s.f.	17235 / 240
R21 / 39	9 Josie's Way	21,235 s.f.	17235 / 243
R21 / 40	10 Josie's Way	21,474 s.f.	17235 / 243

The public hearing notice which was published in the April 9th and 16th edition of The Enterprise was read by Marc Rousseau.

To see if the Town will vote, pursuant to MGL Chapter 40A, to amend the May 21, 2007 Town of Easton Zoning Map (original date: March 7, 1973) and rezone the following properties, owned by the Town of Easton, and to accept the report of the Planning & Zoning Board in relation to this article, or take any relative action thereto.

Explanation: These parcels were gifts to the Town. With this change, the zoning will reflect the actual land use.

_____ motions to close the public hearing, seconded by _____.
Motion passes (3-0)

_____ motions to recommend amending the warrant article, seconded by _____.
Motion passes (3-0)

Walter Johnson motions to adjourn, seconded by Carol Symmons. Motion passes.

Respectfully submitted by *Pamela J. Almeida, Recording Secretary*

Signed by:

Colin Gillis, Clerk

Date