



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

Meeting Minutes
Monday April 27, 2009

Mary Connolly Room, Town Hall
136 Elm Street, North Easton, MA 02356

Present: Christine Santoro, Chair; Walter Johnson, Gregory Strange, John Duggan, Peter Deschenes, Alice Savage, Acting Director of Planning & Community Development, Pamela Almeida, Recording Secretary

Absent: Colin Gillis, Clerk

Christine Santoro called the meeting to order at 6:30 p.m.

6:30 P.M. BOARD BUSINESS

Chair Report

Christine Santoro reported that she spoke with Alice Savage today regarding, when and if we allow a developer to have a narrower width of road or do without a sidewalk, to have some sort of fund for the developer to contribute to; however it was discovered the State of Massachusetts does not allow Towns to charge a developer. Alice Savage will check into the possibility of an enterprise fund. She reports that there is a provision for stormwater, etc. per a linear foot basis, but may not be able to applicable to roads. A bylaw change would also have to be drafted.

Gregory Strange states that it brings up issue of zoning in the Town. Do not think developers are proposing narrower roads to offer a more affordable product. If we are allowing them to build road that aren't consistent with our Bylaws then the Town takes over, does not agree that it is cheaper to plow an 18 foot road versus a 20 foot road because the plow still has to go around the entire road, but a road with cape cod berm versus a granite curb is going to be a lot more to maintain because the berm will be ripped up with the plow. But if going to allow 18 foot roads, cannot do granite curb because the road width is too narrow.

Christine Santoro attended a closed CPA meeting.

ZBA Request for Comment: 64 Highland St

The application is for a special permit to demolish the existing one story building and build a new two story building on the same footprint. The property consists of 30,222 square feet with 150 feet of frontage. There is a small section of wetlands in the rear of the property.

Walter Johnson states there is no mention of the size of the home. John Duggan refers to the letter submitted by the applicant that the home currently is a one story and propose a two story on the same footprint which will be built to conform to today's building codes and will be consistent with others in the neighborhood.

Mr. Johnson asks how many bedrooms there will be, his reasoning is this has to be taken into consideration in regards to the septic system. If the lot is only 99 feet across in the back and back against to the wetlands how will a septic system fit?

The Board recommends approval and assumes the site will meet Title V regulations and the character of the home will conform to the neighborhood, as referenced in the application.

Approval of minutes: March 16, 2009, March 30, 2009, April 13, 2009

John Duggan motions to approve March 16, 2009 minutes, seconded by Gregory Strange. Motion passes. Signature will be obtained from the Board Clerk at the next meeting.

John Duggan motions to approve March 30, 2009 minutes, seconded by Walter Johnson. Motion passes (3-0-1) Gregory Strange abstains. Signature will be obtained from the Board Clerk at the next meeting.

The meeting minutes of April 13, 2009 were recommended to the next meeting.

**7:00 P.M. PUBLIC HEARING NOTICE – TOWN MEETING WARRANT
ARTICLES**

Christine Santoro read the public hearing notice, it was noted the meeting room was incorrect in the notice.

Alice Savage informed the Board that the notice was advertised in the Legal section of The Enterprise, versus the Local section, as has been past practice. It was discovered the cost is much lower advertising in the Legal Section.

1. **Map Change.** This article is to both to formally adopt the updated zoning map, which has been created from GIS to be more accurate than the old CAD map, and to correct the text in the zoning bylaw, which previously referenced the original zoning map, rather than the most recent map, which was last amended in 2008.

Gregory Strange motions to formally adopt the new zoning map, seconded by Walter Johnson. Motion passes (4-0)

2. **§11-2 Stormwater Management.** To update the Stormwater Management provisions of the Zoning By Law to comply with new Federal Emergency Management Agency (FEMA) regulations, and to reference the most recent Flood Insurance Rate Map (FIRM).

Walter Johnson motions to approve the article as presented, seconded by John Duggan. Motion passes (4-0)

3. **Omnibus Typo Corrector and Clarification Amendment.** To correct a number of typos that have appeared over the years, and to clarify certain errors.

Item 1: Section III: §3-1 Division into Districts. The current zoning map reflects 8 zoning districts, the new map will reflect 9.

Item 2: Section VII: §7-3G Residential Compounds, Private Lanes: In the first sentence, the word “depth” will be replaced with “width”.

Item 3: Section VII: §7.10.4.2 Site Plan Approval, Applicability, Residential Districts: Remove the word “or” from the first sentence.

Item 4: The definition of wetlands is used and individually defined several times in the zoning code by a reference to the definition of “wetlands” in Chapter 227 of the Town Code or the definition in the Wetlands Protections Act, c131, §40. Chapter 227 does not have a definition of the term wetlands and the Wetlands Protection Act defines the terms “freshwater wetlands” and “coastal wetlands”. This series of changes refers the reader to the definition of “freshwater wetlands” found in the Wetlands Protection Act, MGL c. 131 §30, where the term is defined as “wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent plant communities in inland waters; that portion of any bank which touches any inland waters.” Easton does not have any coastal wetlands. This change is a clarification of the existing Interpretation of the zoning code.

Gregory Strange motions to approve the article to make the corrections the typographical errors including Section 11-2A striking “illicit” from the definition, seconded by Walter Johnson. Motion passes (4-0)

Gregory Strange motions to approve the article regarding amending the definition of wetlands as proposed, seconded by John Duggan. Motion passes (4-0)

4. **Street Acceptance - Cornerstone Drive**

Walter Johnson motions to approve the article as proposed, seconded by John Duggan. Motion passes (4-0)

**7:30 CONTINUED PUBLIC HEARING
FIELDSTONE ESTATES (09-02) – DOUGLAS A. KING BUILDERS, INC.**

Present: Azu Etoniru, E.T. Engineering; Douglas A. King, President of Douglas A. King Builders

Mr. Etoniru speaks regarding the Town does not have the equipment to maintain the water basins and further recommended to provide an easement of the detention basin. Referring to the letter received from Mr. Etoniru the following revisions, as requested, have been made:

1. An access easement has been provided along the south side of the proposed drainage detention basin.
2. The proposed detention basin has been slightly modified along its southerly side in order to provide for the water quality treatment volume below the basin's outlet pipe invert elevation.
3. The Stormceptor has been converted to a drainage manhole. The water quality treatment volume that was provided in the Stormceptor is not provided in the detention basin.
4. Details have been added to outline the dimensions and size of the stone and check the demand low flow channel to be installed in the detention basin.
5. A wood post guard rail has been added between the south side of the road layout and the north side of the detention basin.

Alice Savage distributed a draft decision to the Board for their review. In summary, the Decision allows the construction of a new public way, to be known as Silver Drive off Fairfield Drive, consisting of 9.2 acres for a 4-lot subdivision.

The following waivers were approved by the Planning & Zoning Board:

1. Subdivision Rules and Regulations, §5.1.2, K-Pipe Analysis. The waiver was approved because the Water Operations Manager met with the applicant and had no objections to the plan as proposed; and the K-Pipe Analysis is unnecessary because water service is already installed to serve the proposed lots, as part of the Quarry Lane project.

John Duggan motions to approve the wavier as proposed, seconded by Walter Johnson. Motion passes (4-0)

2. §5.1.2 Appendix B, Impact Environmental Statement. The section includes language which allows the Board to waive any section of the Statement deemed inapplicable to the project. The applicant has submitted information in the project plan sand stormwater report which respond to hydrogeological and wetlands impacts of the proposed project. Given the small scale of the project. The Board could reasonably consider the other section of the EIS inapplicable.

John Duggan motions to approve the waiver as proposed, seconded by Walter Johnson. Motion passes (4-0)

3. Road width. The developer is seeking to reduce the road width requirements for the reasons as follows:
 - a. The reduced width will result in the reduced long-term maintenance costs to the Town
 - b. The street is designed as a cul-de-sac, which is unlikely to be extended for further development because the proposed subdivision abuts conservation land
 - c. The reduced width will encourage drivers to proceed through the neighborhood more slowly, which will increase safety
 - d. The reduced impervious surface will reduce stormwater runoff and associated water pollution
 - e. The width will be consistent with similar public dead-end roads in the neighborhood which are also 18' wide.

John Duggan speaks regarding setting precedent; perhaps the Board should tighten up the reason to allow this waiver. A&C seem to be troublesome for this purpose, and may always be a problem. B, D & E are more specific to this project and are more easily acceptable. Alice Savage adds that the task of the Board defines the public interest in granting the waivers. John Duggan counters that he would be more concerned if declining the waiver, would move on the err of caution in granting. Gregory Strange speaks that he would be against allowing the waiver.

John Duggan motions to approve the waiver of the road width striking A & C and including the language change to item E, seconded by Walter Johnson. Motion passes (4-0)

4. Curbing: The Board has discussed this request and noted that the adjoining streets have Cape Cod berm. Granting this waiver is in the public interest because it will maintain a consistent aesthetic in the neighborhood.

John Duggan motions to approve the waiver as proposed, seconded by Gregory Strange. Motion passes (4-0)

5. Fire Alarm Box. The Fire Chief has determined that this area is well served by existing fire alarm boxes. Granting this waiver reduces the long-term maintenance cost to the Town to service Fire Alarm boxes without compromising on safety.

John Duggan motions to approve the waiver as proposed, seconded by Walter Johnson. Motion passes (4-0)

6. Mr. Etoniru asks about the request of waiver for the Plate 4A, which requires a 4 foot size. The waiver reduces the size to 2.5 feet. This is indicated on sheet 4 of 9 in the recent submission by Mr. Etoniru.

Alice Savage asks the Board to approve the waiver to allow 2.5 feet of cover, seconded by John Duggan. Motion passes (4-0)

Ms. Savage reviews each condition with the Board for their comment (See Decision attached):

1. Alice Savage asks the Board to strike all language after the word 'mylar'. The Board accepts this recommendation.
2. No comment by the Board
3. No comment by the Board
4. Christine Santoro asks if something should be included regarding who is responsible for paying the Registered Engineer. Ms. Savage explains it is typically the Applicant responsibility. No additional comment by the Board.
5. No comment by the Board
6. No comment by the Board
7. No comment by the Board
8. No comment by the Board
9. Strike B & C. No further comment by the Board
10. No comment by the Board
11. Strike 'proprietary water quality devices", will be replaced with the Stormceptor. No further comments by the Board.
12. Change 'should' to 'shall'. No further comment by the Board.
13. Gregory Strange asks if each roof drainage system will come before the Board? It was thought that #14 covers this item. Suggested to strike #9 & #13. No further comment by the Board.
14. Change 'should' to 'shall' in the second to last sentence. No further comment by the Board
15. No comment by the Board.

Ms. Savage will make the recommended changes to the draft Decision and will remove the signature lines for all Board members except Christine Santoro.

Gregory Strange motions to approve the project as proposed, seconded by Walter Johnson. Motion passes (4-0)

ADJOURN

Walter Johnson motions to adjourn at 8:20 p.m., seconded by Gregory Strange. Motion passes (4-0).

Respectfully submitted by Pamela Almeida, Recording Secretary

Signed by,

Colin Gillis, Clerk

Date



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

Application: # 09-02 Fieldstone Estates/Silver Drive

Applicant/Owner: Doug King
Douglas A. King Builders, Inc.
115 Main Street, Suite 1D
Easton, MA 02375

**RE: Subdivision Approval for a Four-Lot Subdivision off Fairfield Drive
Assessor's Map 3R, Lots 314-1 & 326
April 27, 2009**

NOTICE OF DECISION OF THE EASTON PLANNING AND ZONING BOARD:

Doug King, Douglas A. King Builders, Inc., of 115 Main Street, Suite 1D, North Easton, MA 02356 (hereinafter the "Applicant"), has submitted an application for Subdivision Approval to create 4 lots and construct a new public way, to be known as Silver Drive, at the property identified as two contiguous parcels of land located off Fairfield Drive, North Easton, MA, and consisting of 9.2 acres, more or less, being shown as Lots 314-1 and 326 on Assessors Map 3R and more particularly shown as Lots 1, 2, 3, and 4 on a plan entitled "Definitive Subdivision Plan of Fieldstone Estates," sheets 1-9, prepared by E.T. Engineering and dated December 17, 2009, revised through April 16, 2009, (hereinafter the "Premises").

The following plan shall be deemed part of this Decision, Any changes, revisions or modifications to the plans as approved herein shall require approval by the Planning Board:

Definitive Subdivision Plan of Fieldstone Estates," sheets 1-9, prepared by E.T. Engineering and dated December 17, 2009, revised through April 16, 2009

Waivers of Subdivision Rules and Regulations

The Board voted to waive the following procedural requirements of its Subdivision Rules and Regulations:

1. *Subdivision Rules and Regulations (SRR) §5.1.2, K-Pipe Analysis.* This waiver was granted because: (1)The Water Operations manager has met with the applicant, and has no objections to the plan as proposed; and, (2) A K-Pipe analysis is unnecessary because water service has already been installed to serve the proposed lots, as part of the Quarry Lane project.

2. *SRR §5.1.2, Appendix B, Impact Environmental Statement.* This section of the *SRR* includes language which allows the Board to waive any section of the Statement deemed inapplicable to the project. The applicant has submitted information in the project plans and stormwater report which respond to hydrogeological and wetlands impacts of the proposed project. Given the small scale of the project (four lots), the Board could reasonably consider the other sections of the EIS inapplicable.

The Board further voted to waive the following substantive provisions of its Subdivision Rules and Regulations related to road construction and layout, substituting in all cases that the roadway and its appurtenances, including the stormwater drainage system, shall be constructed in accordance with the approved plans.

1. *Road width.* The developer is seeking a waiver on the road width requirements from the required 24' to 18'. Granting of this waiver is in the public interest as follows:
 - a. The street is designed as a cul-de-sac, which is unlikely to be extended for further development because the proposed subdivision abuts conservation land;
 - b. The reduced width will encourage drivers to proceed through the neighborhood more slowly, which will increase safety (studies have shown that more accidents occur on wide, straight streets that have low daily volumes, and that smaller residential streets reduce vehicular speed);
 - c. The width will be consistent with similar public dead-end roads in the adjacent cluster-development neighborhood, which are also 18' wide.
2. *SRR §6.3.11, curbing.* The Board has discussed this request, and noted that the adjoining streets have Cape Cod berms. Granting this waiver is in the public interest because it will maintain a consistent aesthetic in the neighborhood.
3. *§7.6, Fire Alarm Box.* The Fire Chief has determined that this area is well served by existing fire alarm boxes. Granting this waiver reduces the long-term maintenance cost to the Town to service Fire alarm boxes without compromising on safety.
4. *Plate 4A.* The applicant proposes to install 2.5 feet of cover, as shown on Sheet 4 of 9 on the Plan. This has been reviewed by the Town's consulting engineer and has been found to be acceptable.

Finally, pursuant to M.G.L. c. 41, on April 27, 2009, on a motion made by Greg Strange seconded by Walter Johnson voted 4-0 to approve the Applicant's Application for Subdivision Approval as shown on the above referenced Plan as incorporated herein, subject to the following conditions:

1. Final drafts of any approved plans shall be submitted for signature on mylar.
2. This Decision shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land in full force and effect for the benefit of and enforceable by the Town of Easton. Reference of

this approval shall be entered upon the Plan and this Decision shall be recorded at the Bristol County Northern District Registry of Deeds with the Plan and the recording information shall be provided to the Board for its records.

3. If the roadway and appurtenances are not **completed** within 2 years, this approval shall automatically lapse, unless the Board by majority vote grants an extension.
4. No certificates of occupancy shall be issued on any lot until the roadway and all related improvements, with the exception of the top course of pavement, have been constructed according to the approved Plan. Verification of the proper completion of all work shall be provided by a Registered Professional Engineer.
5. The construction of all ways and installation of all of municipal services shall be completed in accordance with applicable rules and regulations of the Board, unless explicitly waived in the decision.
6. If a monetary surety is provided, if the work is not completed within one (1) year from the date shown on the roadway cost estimate the bond amount shall be renewed and amended to provide for inflationary increases in the cost of construction.
7. The fee in ways approved as public ways shall be conveyed to the Town upon acceptance of the way by Town Meeting action.
8. The Form E covenant shall be executed and recorded, signed by the property owner in his capacity as an individual and on behalf of his LLC. The Applicant shall provide recorded copies of all such properly executed legal documents to the Board.
9. An access easement for maintenance of the stormwater drainage system shall be deeded to the Town along the southern edge of the proposed detention basin, as shown on the Plan.
10. Prior to requesting acceptance of the street, the owner shall clean all catch basins, drain pipes, proprietary water quality devices, and basins.
11. Any change to the grading or drainage system of the lots shall be approved by the Planning & Zoning Board.
12. After installation, a P.E. shall make an inspection and submit a report to the Board certifying that the stormwater drainage system, including the roof-drain systems, were properly installed and are operating properly. This submittal shall include an as-built plan for the system. No change shall be made to the roof-drain system without the approval of the Board.
13. Lots created from this subdivision plan shall be conveyed subject to a deed restriction that the Grantee assumes obligations to maintain the roof drainage system and recharge trench, as shown on the Plan. The deed shall reference the Plan and the Plan's recording information.

SUBDIVISION APPROVAL (# 09-02) EASTON PLANNING & ZONING BOARD

Planning & Zoning Board
Meeting Minutes, April 27, 2009

Christine M. Santoro, Chair

Filed with the Town Clerk:

Town Clerk

Date