



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

**Meeting Minutes**  
**August 17, 2009**

Present: Christine Santoro, Chair; Colin Gillis, Clerk; Walter Johnson, Gregory Strange, John Duggan, Alice Savage Town Planner; Pamela Almeida, Recording Secretary

Absent: Peter Deschenes

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

**6:30 P.M. BOARD BUSINESS**

1. Chair Report – Ms. Santoro has nothing new to report. Appointments to other Board suggests to put off until the second meeting in September (9/29/09).
2. Bond Release – Sun Terrace (#06-05)- Ms. Savage reports the paving was completed without notifying the office to observe. Waiting on test core reports. Continue to 8/31/09 meeting.
3. Form A (ANR) – 312 Bay Road (#09-16) – Ms. Savage recommends to endorse as submitted plan entitled “Plan to Create Estate Lot, Easton, MA”, prepared by Ribelin Land Surveyors, Inc., dated may 15, 2009.

Colin Gillis motions to endorse the ANR as proposed, Gregory Strange seconded. Motion passes 4-0-1. Walter Johnson abstains.

The Board signs the mylar. Frank Ribelin to be notified the Board signed the mylar and can pick up to take for recording.

**6:50 P.M. MINOR MODIFICATION TO SPECIAL PERMIT (05-02):  
Common Driveway – Chickadee Lane**

Present: Todd Pilling, Pilling Engineering

Mr. Pilling explains that this originated as a conventional subdivision. Then one lot was divided an Estate lot. All lots shared a Common Driveway with a 35 foot radius turnaround. The applicant, Greg Woolf, submitted a letter requesting the radius of the turnaround be reduced to 28 feet. It is suggested that the smaller radius will allow for reduction in the overall environmental impact to the surrounding areas while maintaining the minimum turning requirements for emergency vehicles. It is also requested that plastic grid grass pavers be utilized for the turnaround surface. The plastic pavers support weights exceeding 60,000 pounds for emergency vehicles, as required by the Fire Department.

Walter Johnson asks about durability (ie. being torn up when plowing). He also asked for the Fire Department comments. Ms. Savage reports the Fire Department comments that the 28 foot radius was acceptable, per verbal comments by the Fire Chief.

Ms. Savage recommends the Board accept this as a Minor Modification subject to receipt of \$300 check for application and authorization from the other homeowners to make this change. We only have the letter of request from Mr. Woolf.

Colin Gillis recommends holding off making any motion until the office is in receipt of the letter of authorization from the other homeowners.

Colin Gillis motions to continue to August 31, 2009, seconded by Gregory Strange. Motion passes (4-0-0)

**7:00 P.M. PUBLIC HEARING – RESIDENTIAL COMPOUND / DEFINITIVE  
SUBDIVISION  
Puddingstone Stone Estates (09-19); Applicant: Robert & Joanne Carroll;  
Rep: Pilling Engineering**

Present: Todd Pilling, Pilling Engineering

Colin Gillis read the public hearing notice for the record dated, July 15, 2009 and advertised in the August 3, 2009 and August 10, 2009 editions of The Enterprise.

Per the Brief in Support received July 14, 2009 on the application for a Special Permit and Definitive Subdivision by Robert C. and Joanne Carroll who are the owner of two parcels of land located at 153 North Main Street (shown as Plot 32 and 116 on Assessor's May U7). There is an existing dwelling located at 153 North Main Street (shown as Lot A). On May 20, 2009, the applicants submitted a plan for a five (5) lot residential compound subdivision entitled "Puddingstone Estates Preliminary Residential Compound Subdivision, in Easton, MA", dated May 13, 2009. The Preliminary Subdivision plan was approved by this Board on June 22, 2009.

Before the Board tonight is a plan entitled "Puddingstone Estates Residential Compound Definitive Subdivision of Land in Easton, Mass", dated June 25, 2009 for review by this Board for a five (5) lot residential compound definitive subdivision.

Todd Pilling addresses the Board indicating the application for review is a Residential Compound. The site has some significant wetland areas on the property and off the property. Because a residential compound allows for an 18 ft wide roadway and a reduction in the lot size. 405 ft roadway in length, only few ft. of elevation difference. Infiltration systems will be infiltrating the 100-year storm event. .

Ms. Savage reviews her recommendations which include a little bit of missing information requested from Woodard & Curran which has been forwarded to Pilling and the plan does not

include particular location of the required trees. Mr. Pilling indicates that the said trees were not shown on the plan but will be shown on the revised plan.

Ms. Savage reviews the next section of her report including Waiver Requests, which she comments on, however she is still waiting on comments from Water Division and is expecting to receive a second set of comments from Woodard & Curran.

1. Applicant requested waiver of the sketch plan of the adjacent land is either subdivided or not controlled by the applicant. Which means to demonstrate what can be done if the road was extended, but there is no opportunity to extend the road because the site is surrounded by wetlands and already developed property. Ms. Savage recommends granting this waiver.
2. Applicant requests a waiver of dimensional requirements of the cul-de-sac. Ms. Savage feels this waiver is not necessary because the design is consistent with the requirements of a Special Permit. Ms. Savage recommends granting this waiver.
3. Applicant requests a waiver of the 25 foot and 50 foot easements for connections to adjacent land. Ms. Savage feels this also is not necessary and recommends granting this waiver.
4. Applicant requests a waiver of the size of the bounds from 42 inches to 36 inches, because, it is explained by the Engineer, 36 inch bounds are what are commonly supplied.
5. Applicant requests to use cape cod berm in place of vertical granite. Ms. Savage feels granting this waiver will be consistent with the Boards practice in residential compound and subdivisions.
6. Applicant requests the waiver of a fire alarm box. Ms. Savage explains that she spoke with the Fire Chief and recommends there not be a fire alarm box at the site because there is already one nearby.

The next section of Ms. Savage report is Compliance and she reports that besides the missing information and what was covered in the waiver requests, the submission meets all of the requirements with the Subdivision Rules & Regulations.

Ms. Savage recommends, though not the Planning & Zoning Boards authority, that the plan identify any vernal pools. Todd Pilling explains the revised plans will be labeled vegetated wetlands and potential vernal pools. He explains that the plan does not infringe on any wetland. Ms. Savage explains that this plan will not need to go before the Conservation Commission, however, per comment from the Land Use Agent, there currently is an Order of Conditions on this property which will need to be amended. Mr. Pilling explains that the Permit on file is a dirt road for a driveway for an estate compound to the rear of the property and that dirt road goes up against the vernal pool and buffer to get to the back of the property. He feels that once this submission is approved, they will then go back to the Conservation Commission and ask to modify it and re-vegetate that dirt road and amend that Order of Conditions and Permit for Work.

Ms. Savage recommends

1. That the 25 foot wide densely vegetated buffer be provided around the perimeter of the project area, except where the 75 foot wide buffer is required and where the roadway is

located, which should be shown on the plan, which is currently shown on the sides and not shown on the same sheet. Mr. Pilling says a revised plan will reflect this buffer.

2. The applicant may wish to consider pursuing an LID strategy for stormwater drainage system by eliminating the curb and gutter system thereby providing curb flushed grate. Mr. Pilling asks what a curb flushed grate is. Ms. Savage explains that there are flush curbs that prevent the roadways from deteriorating but does not prevent stormwater from running off into, specifically a grass swale. Mr. Pilling feels that it is a wonderful idea, but this technique needs more space to function adequately.
3. The Board members should consider requiring additional plantings within the right-of-way to provide additional screening to the neighbors to the left. The right-of-way comes up to the property line of the Mowatt's property and there is some room to put in additional plantings within the right-of-way itself, although there is no room to move the right-of-way over to the right without creating a zoning violation, perhaps the infiltration system, which is currently on the left could be moved to the right allowing for additional plantings on the left.
4. Ms. Savage recommends that a condition of approval, the Board consider imposing standard conditions of the rules and regulations as well as some kind of permanent requirement that the buffer remain in place, i.e. no clearing within the vegetated buffer. And a copy of the decision and approved plan be furnished to the homeowners of the subdivision. Ms. Savage recommends the Board request more information from Mr. Pilling about the buffer zone planting plan.

Ms. Santoro suggests a Site Walk. The Board agrees on Monday, August 24, 2009 @ 4:00 p.m.

Walter Johnson asks for the water table, Todd Pilling reports it is approximately 60 feet down, will build the cul-de-sac up 3.5 feet to bring the septic systems above the water table. The drainage will still drain in the same direction. Leaching fields will be 4-5 feet above the water table and the bottom of the septic tank will be right at the water table.

Larry Mowatt, 158 North Main Street. His concerns include:

1. The proposed roadway diminishing the privacy of their side and back yards (also noting that 153 North Main Street's privacy would be even more diminished).He submits comments for the file.
2. The roadway would introduce a barrier to the wildlife that travel between the properties.
3. The roadway would cut into a wooded hill, disturbing the rural character of the Town.
4. The south side of their home would lose its deciduous tree screen, which helps keep the home cool in the summer and warm in the winter.
5. Headlights would flicker through the buffer from cars leaving the compound and shine into their family room from cars entering the compound from the south further reducing the rural character of the area.
6. The northeast corner of the proposed compound, with the roadway as drawn, would not allow for a 25 foot buffer of vegetation as required by Section 7.8.3 of the Subdivision Rules & Regulations.
7. The proposed roadway would require more cut and fill as compared to the pre-existing permitted dirt road to the south of #153, feeling not satisfying the residential compound requirements in paragraph E, #3 of Section 7-5.

8. The proposed compound would change their lot to a corner lot, reducing its value. He explains that after consulting with an Appraisal firm were advised of:
  - a. Being located at the entrance of a new development, would generally increase the value of a home, which would be the case of #153 North Main Street, if and only if the roadway was located to its south on the pre-existing permitted roadway.
  - b. The proposed roadway would diminish the value of their home by making their property a corner lot with a substantial reduction in privacy.
  
9. He suggests moving the road to the south of #153 North Main Street to an already disturbed dirt road, which would increase the value of #153 North Main Street and except for Lot #1 of the development, would leave their home largely undisturbed. He explains that the Conservation Commission has been contacted regarding this proposed solution to the roadway and would speak in favor it)

Mr. Pilling responds that the applicant is not opposed to moving the roadway to the south, however, feels the project will be held up with the Conservation Commission, as moving the roadway will then infringe on wetlands.

Joyce Westerman of 2 Pleasant Heights Drive questions the fill and asks where it would be disposed of. Todd Pilling clarifies that the area goes up 4 feet and will cut the area for the roadway. Any material taken out, most of which will be dirt, will be used as fill on the cul-de-sac and around the houses.

Robert Bartko of 5 Elderberry Drive is concerned of the wetlands at the end of Elderberry Drive and the road icing up, resulting in accidents. He feels the site goes up more than 4 feet and he believes will have to be blasted. Todd Pilling responds, stating that he has no experience with any accidents in that area. There is no street light in that area and the plan proposes additional lighting in that area. The layout goes onto private property and cannot correct.

Attorney Craig Martin, representing the Estate of Alice Harvey. He refers to the approved Special Permit for an Estate Lot allowing for a 2 lot proposal that was approved by the Planning & Zoning Board on April 11, 2007. Given the history of the ownership of this property it is an over-burdenance of this property. He spoke with Frank Gallagher who represents Mr. Welch who was surprised this project is being proposed. Ms. Savage explains this was a new permit not an amendment to the previously approved Estate Lot. He asked if the Estate of Alice A Harvey could submit a memorandum in opposition.

Larry Mowatt addresses the Board indicating there presently is a silt fence on 153 North Main Street that was installed during the renovation of the septic system. Does not make sense what shows as vegetated wetlands now. Todd Pilling did meet with the Conservation Commission before submitting the plan. He asked the Board to imagine it is January 15<sup>th</sup> and what would the site look like at that time.

Colin Gillis motions to continue to August 31, 2009, Gregory Strange seconds. Motion passes.

**7:20 P.M. DETERMINATION OF SUBDIVISION DEFAULT, STILLWATER CREEK LANE**

The Town Planner, Alice Savage, reports to the Board that a letter was sent to the developers via certified mail, notifying them that a public meeting will be held to determine whether the subdivision is in default. The letter states that at the Planning & Zoning meeting held on June 8, 2009, where the Board voted to adopt a punch-list of outstanding items required to be completed to fulfill the obligation of the Subdivision approved for Stillwater Creek Lane and set a completion date of July 20, 2009. The items are identified in the Street Inspection report dated April 14, 2009. The letter further states that if the Board determines that the subdivision is in default (the items on the Street Inspection report are not completed), the Board will move to take the funds held as surety for completion of the road and installation of services, which currently is approximately \$20,000.

It was discovered that the developer may not have received the certified letter(s), as the recent letter came back marked as “unclaimed”. Ms. Savage also reports there has been no communication with the developer. Ms. Savage reports she went to the site and it looks like work has been done. Sidewalks are in place and it looks like the top coat is complete. She recommends to continue to August 31, 2009.

Colin Gillis motions to continue to August 31, 2009, Gregory Strange seconds. Motion passes.

Mr. Carol came in at 8:15 p.m. inquiring what the Board plans to do if the developer continues to ignore communication with the Board.

Ms. Santoro asked Mr. Carol’s concern. Mr. Carol states that Mr. Perron indicated putting trees on his property for a buffer, which have not been done. Regarding finishing the subdivision, under the impression the developer has no intention of completing the subdivision. He asks if or how he will be informed of any upcoming meetings with the developer.

Mr. Colin explains that the Board will continue to try to contact Mr. Perron and will contact Mr. Carol once a meeting has been set.

**7:30 P.M. PUBLIC HEARING ADMINISTRATION & SUBDIVISION RULES & REGULATIONS**

Present: Todd Pilling, Pilling Engineering.

Colin Gillis read the public hearing notice.

Ms. Savage submitted a DRAFT of the recommended changes, indicating that those items marked with a triple (\*\*\*) are substantial changes are discussed:

1. Page 1, Section 1. Title, Purpose and Authority., 1.2 Purpose: The rules currently reads, “Lessening congestion in such ways and in the adjacent public ways to prevent

overcrowding of land, to avoid the undue concentrations of population”. Ms. Savage recommends eliminating “...to avoid the undue concentration of population”.

2. Page 15, Section 4. Preliminary Plan., 4.3 Application Contents: Ms. Savage recommends adding the following:

4.3.2 Preliminary Plan for a Special Permit Subdivision

For Preliminary Plan which will require a Special Permit to permit a Definitive Subdivision (e.g. a Residential Compound, Adult Retirement Development, or Open Space Residential Development), the Applicant shall submit the following information:

- A sketch plan showing a conventional subdivision layout on the same premises (8 copies)
- A short narrative describing how the project will conform to the purposes of the anticipated Special Permit (8 copies)
- Any relevant calculations or notes demonstrating the project’s eligibility for the Special Permit(s) anticipated by the design of the plan

For an Open Space Residential Development Preliminary Plan, the Applicant shall additionally submit information demonstrating the use of the 4-step design process outlined in the Zoning By Law.

3. Page 17, Section 5. Definitive Plan, 5.1 Submission Requirements: Ms. Savage recommends adding to the beginning:

All submitted documents must follow Section 4 of the *Planning & Zoning Board Administrative Rules & Regulations*, “Rules for the Submission of Documents.”

4. Page 22, Section 5. Definitive Plan, Traffic Study: Ms. Savage recommends adding language to establish a threshold. Gillis explains usually take on a case to case basis. Todd Pilling suggests a trip count be taken into consideration. Ms. Santoro suggests leaving the wording as is.

5. Page. 22, Section 5, Submission Deadlines: Ms. Savage recommends the following:

Fourteen-Day Deadline for Material Submitted by Applicant, New Filings

For new filings, any material submitted to the Board *by the applicant* in support of Definitive Subdivision approval must be submitted fourteen (14) days prior to the first hearing.

Six-Day Deadline for non-Applicants, Continued Filings

For new filings, any written material submitted by any party *other than the applicant* (including abutters) regarding a Definitive Subdivision Approval may submit documents to the Department up to six (6) days prior to the meeting. Any material submitted by the

applicant in support of any request, other than those listed in Section 4.2.1 may be submitted up to six (6) days prior to the hearing.

For continued filings, the applicant or any other party may submit material up to eight (8) days prior to the meeting.

The Board may continue a hearing to review material submitted after the 6 day deadline has passed.

6. Page 23, Section 5., 5.1.4 General Requirements for the Definitive Plan: Ms. Savage recommends changing the requirements listed as A-K, to headings.
7. Page 28, Section 5., 5.2.6 Landscaping: Ms. Savage recommends requiring trees on detail plans.

“Any proposed landscaping, required or otherwise. Required trees (see §7.8.2 for tree planning requirements) shall be clearly marked and numbered, and should be shown in color.”

Gregory Strange likes to require more landscaping and would like to have more involvement in it.

8. Page 29, Section 5., 5.4 Information to be Provided at Plan Approval: Ms. Savage recommends adding the following:

At the time of plan approval, the Applicant shall provide:

- Two (2) copies of the approved plan printed on mylar, or other stable base material approved by the Board
  - This plan should include, as notes, every condition for approval
  - A digital submission of the plan (by email or on CD) conforming to the MassGIS Standard for Digital Submission to Municipalities
9. Page 31, Section 6., Design & Construction Standards: Ms. Savage recommends adding language regarding a looped road, currently we do not allow.
    - a. 6.2.3 Dead End Streets: Add to the end of item E. “Subject to the approval of the Board, a looped street may be constructed in place of a cul-de-sac or turnaround.”
  10. Page 31. Section 6., 6.2.3 Dead End Streets: Ms. Savage recommends decreasing the requirements across the Board:
    - a. Item D., add to the end “or be longer than 1,200’,”
    - b. Item E., after ...diameter of no, remove ‘more or’ ...and change 120 feet to “56 feet”.
    - c. Item G., after easement, change “may” to “shall” and remove “except where prohibited by zoning” at the end.

- d. Item H., adding “At least a 30 foot...”, and remove “may” and replace with “shall”. Also add to the end “The Board may require a wider right-of-way. Separate ownership of adjacent land shall not be a reason to waive this requirement.”
- e. Add an item I. to read “A dead-end street shall also meet the requirements of either 6.2.4 Residential Compound or 6.2.5 Standard Residential Subdivision, depending on the number of lots to be served.”

Ms. Savage asks that any comments be submitted to her via email.

Motion to continue the public hearing to the September 14, 2009 meeting.

### **OTHER BUSINESS**

1. Election of officers – Ms. Santoro recommends continuing this to the September 29, 2009 meeting.
2. Comment on ZBA –

Special Permit #09-07: 23 Barrows Street. The applicant seeks to raze a nonconforming dwelling and erect in its place a new dwelling not more nonconforming.

Ms. Savage has no comment.

Special Permit #09-08: 23 Norfolk Avenue. The applicant seeks to increase the lot coverage over allowed and a reduction in the number of parking spaces required.

Gregory Strange removes himself from discussion.

Ms. Savage recommends approve the variance subject to Site Plan Review. Colin Gillis motions to recommend subject to Site Plan Review, Walter Johnson seconds. Motion passes 4-1-0. Gregory Strange removed himself from the discussion. Comment by the Board to be submitted.

3. Approval of minutes: July 20, 2009

Colin Gillis voted to approve the meeting minutes with the removal of the Recommendation for Rules & Regulations insert, Peter Deschenes seconded. Motion passes.

Board to sign minutes at the August 31, 2009 meeting.

### **ADJOURN**

Walter Johnson motions to adjourn at 9:20 p.m., seconded by Gregory Strange. Motion passes.

Respectfully submitted by Pamela J. Almeida, Recording Secretary.

Planning & Zoning Board  
Meeting Minutes, August 17, 2009

Signed by,

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\_\_\_\_\_ Date