



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

Meeting Minutes
Monday, March 22, 2010

Simmons Lecture Hall
Oliver Ames High School
101 Lothrop Street, North Easton, MA 02356

Present: Christine Santoro, Chair; Walter Johnson; Gregory Strange; Peter Deschenes;
Alice Savage, Planning Director

Absent: Colin Gillis, Clerk; John Duggan

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

6:30 P.M. BOARD BUSINESS

Continued Site Plan Review - 750 Washington Street (10-03)

Present: Todd Pilling, Pilling Engineering; Attorney David Marsan; Suntil Patel

Alice Savage reports that if the Board approves the site plan that specific conditions should be put in place regarding 1; every unit have its own door, every door be visible from the public way (per Police Chief). Todd Pilling reports that revised plans have been submitted (dated March 8, 2010); Christine Santoro asked about the lighting plan; Todd Pilling states that plans have not been submitted; Christine Santoro's other concern relates to the exits in case of an emergency (only 1 door for each room) no hallway (rooms are only entered and exited by the outside). Todd Pilling reports only one door is required for a motel. Gregory Strange believes the windows have to be sized for exiting in an emergency.

Walter Johnson asked how the applicant expects a motel to be lucrative. Attorney Marsan explains that this is just a site plan; any risk is the applicant/owner's business.

Gregory Strange asked about the parking lot. Todd Pilling reports going to get the motel inside work complete first, then once receive the occupancy permit, will resurface the parking lot. Todd believes the front parking lot is fine, the back parking lot needs more work. Gregory Strange concerned with public safety. Todd Pilling asked if the Board can break up the site plan approval and approve the motel and front parking lot and then come back for the rear lot.

Christine Santoro asked about the 16 foot canopy, which will be done during the interior work, the back parking lot will be done at the same time. Christine Santoro's preference is that the entire parking lot be complete before any customers occupy the motel.

Christine Santoro asks Alice Savage if can break up the Site Plan and condition the parking lot resurfacing. Ms. Savage believes the Site Plan can be conditioned so that no occupancy permits are issued until the back parking lot is resurfaced, the canopy is installed, the lighting is complete, etc.

Walter Johnson motions to accept the site plan as presented, seconded by Gregory Strange. During discussion Gregory Strange motions to amend the motion to include a two phased occupancy such that no back rooms are to be occupied until all proposed work in the rear is completed (i.e., parking lot, window on manager's office, deck, photometric plan, lighting, canopy). Motion passes (4-0)

Fire Chief Stone agreed with the Board's decision to not allow occupancy permits to the back rooms until all work is complete.

6:45 P.M. PUBLIC HEARING - ZONING BYLAW AMENDMENTS

1. Section II, Definitions, Section III, Establishment of Zoning Districts, Section V, Use Regulations, Section VI, Dimensional Regulations, and Section VII, Special Provisions, and an to adopt an Inclusionary Zoning Bylaw

Ms. Savage explains the first amendment which states:

To see if the Town will vote to Section 7-5, 7-14 and 7-15 of the Easton Zoning By-law and create a new section (7-16) to require an Inclusionary Zoning component to Residential Compounds, Open Space Residential Developments and Adult Retirement Developments.

She explains the Affordable Housing Trust passed an action plan in the fall and one of the recommendations was to amend the ByLaw to include Inclusionary Zoning which included a buy-out provision.

Steve Merlin (Affordable Housing Trust member) explains the means by which the CPA money is disbursed and furthers that basically there is no mechanism within the Town to utilize Affordable Housing Trust funds to put together a 5-year plan of affordable housing within the Town. Mr. Merlin explains that the Affordable Housing Trust takes money from the Community Preservation Act designated money to implement affordable housing programs. When the trust was formed last fall, the Affordable Housing Trust developed a 5-year housing plan on what to do and how to approach affordable housing within the Town. One of the goals was to implement an inclusionary zoning process to do things in the Town to make it easier for affordable housing. To meet the Affordable Housing Trust goal, in the 5-year plan, they propose an inclusionary zoning process within 2 years. In putting things together it was determined it was not within their expertise and put a multidisciplinary

committee together on how to reach their goals within the existing bylaws, which is what is before the Board.

Ms. Savage explains that in the subcommittee, two different approaches were discussed. 1. To amend all special permits subdivision bylaws (Residential Compounds, Open Space Residential Developments; Adult Retirement Development) to include an inclusionary zoning provision. There would be no changes if want to do a conventional subdivision; however, if want to do a special permit subdivision the applicant will have to meet the additional requirement, meaning some percentage of the units have to be affordable or have to buyout the affordability requirement through a past contribution to the Affordable Housing Trust. Ms. Savage explains this a in line with State law, that Easton has never followed up on which states that any special permit has to include some public benefit, doesn't have to be affordable housing or cash, but could be open space or similar. Complying with state statue and meeting affordable housing at the same time. (Amend the Residential Compound, OSRD and ARD (Section 7-5) by adding this line: "compliance with Section 7-16 affordable housing requirements is also necessary... special permit hearings and decisions under this Section 7-5 RC and under Section 7-16 are to be combined. She explains that sort of an additional special permit but roll it into the special permit hearing that are already doing.

Ms. Savage explains the new Section (7-16 Affordable Housing Requirements). (This replaces a blank section in the Zoning Bylaw). The proposed bylaw includes the following sections: Purpose, Definitions, Applicability, Required Affordable Units, Standards, Alternative Requirements for Affordable Units, Procedures, Affordable Housing Guidelines, Contributions to Cash, and Conditions.

Gregory Strange asked how the number of affordable units went from 10% to 20%. Steve Merlin explains the initial number was 1 in 6, then 1 in 5, however, there is no magic in the numbers. Mr. Strange then asked how residential compounds could be part of this because they allow 8 units, this bylaw states 10 or more. Ms. Savage explains this part of the first sentence of the bylaw should be struck and reworded as "the applicant will be required to set aside 20% of the units so created". Ms. Santoro thought that part of the discussion was to encourage the building of affordable housing, so if a bylaw only started at 10 units, would have a less of a change encouraging construction or an affordable housing trust. Mr. Strange thinks this is a good idea on some level, however not on a 3 or 4 unit residential compounds. Ms. Savage explains there is different ways to think about it like in a typical residential compound, the developer would buyout; or a tiered system, i.e. 4-6 units would be 1 affordable unit, then above that would be 20%.

Todd Pilling believes will not see a standard subdivision in Easton if this passes. The 2005 regulations killed regular subdivisions; this regulation is going to kill residential compounds. If trying to do a 5 lot subdivision and have to give 1 lot away, then better to go 40B or not do it at all. Ms. Savage explains that 40B also requires affordable units. Mr. Pilling agrees, however 40B allows 20 units. To give away 1 out of 5, the profit margin is not there.

Peter Deschenes asked what the buyout detail. Ms. Savage (based on the Brookline model, which has been successful). The buyout would go to the Affordable Housing Trust a value comparable to the difference between the affordable units required under Section 7-16

provided on-site and the fair market value of such unit free of any affordability restriction. So if owe a unit, will not have to pay the market rate of the unit, just the difference.

She explains that what Brookline did with their guidelines, it was spelled out in more detail for example, for 6 units subdivision, if buyout, have to pay 3% of the sale price of every unit sold to the Affordable Housing Trust, and then escalates from there. So the incentive is to the more unit you have, to build the unit rather than buyout.

Mr. Pilling uses an example Heatherwoods (which was denied) had 3 lots as a residential compound, because could not do a conventional subdivision because of the buffer zones, could not get a road, could have done 7 lots as an OSRD, if had to give away at least one of the units would have to go OSRD. Puddingstone Stone Estates, 5 lots to stay out of the conservation buffers, the only way to fit it in was 8 or 9 units with an OSRD and given 2 away. If there is a minimum, say at least 5 lots to make work, because if have 4 lots don't want to give one away. Ms. Savage explains a typical minimum threshold across the state is 6 lots or more.

Gregory Strange asked is this could be done with a standard subdivision. If going to do something like this, feels it should be done uniform across the board. He also feels should eliminate the floor plan variances (Standards section, item D).

Ms. Savage asked if under Section 3. Applicability the Board would support the wording "any subdivision of 3 or more lots with the buyout option effective 1 in 6 units." Mr. Pilling feels would see more 5 lot subdivisions.

Ms. Santoro asked if it would be in conjunction with special permits? Under Section 3. Applicability, would have to say 'any subdivision including special permits for Residential Compound, Open Space Residential, etc.'

Ms. Savage asked if the 20% makes sense for 5 or more lots (1 in 5).

Gregory Strange asked how the market rate is determined. Ms. Savage explains this would be explicitly spelled out in the Affordable Housing guidelines; the market rate price would be the actual sales price. Would be set up like a lien on the property as part of the special permit. Mr. Strange asked if the developer does an extreme amount of landscaping, builds a cabana, pool, etc, is it excluded? Ms. Savage feels it is something the Board would have the option to address.

Ms. Savage goes over the next article: To see if the Town will vote to amend Section II, III, V, VI and VII of the Town of Zoning By-Law to establish an Inclusionary Zoning Overlay District and to require that a portion of all new apartment developments be affordable; this is

structured to come after the previous article, however, if the previous article fails, this would be withdrawn. Because this amends the previous newly adopted section by inserting a few new definitions, adding the new district which is called Inclusionary Zoning District (IZ); basically stating that apartments, rather than being special permit allowed in the business

zone, would be allowed in the IZ zone (want to allow apartments in this district, however the district has not been yet identified). Some areas have been laid out, near main roads, in an area that is likely to get sewer at some point and areas not in the Aquifer Protection District. The problem is these areas are mostly the same areas. Another way to do it would be to talk about picking some areas, where we could have apartments on top of existing retail.

It is suggested this is not ready for the May Town Meeting, perhaps to hold further discussion and bring to the Fall Town Meeting.

Gregory Strange expressed a concern that there is no Master Plan (since 1973), suggests getting together for site visits and discussions of the proposed areas. He would not want to see apartments over every building in Town. Mr. Strange feels there is a need to have some vision to see where the planning should go in Easton. He furthers that he understands there is a lack of affordable units, but does not feel that every plan should be about affordable units.

2. §8-6 Table of Off-Street Parking Regulations and §8-9 Parking and Loading Space Standards, to amend parking ratios and requirements for parking lots

Ms. Savage distributed a handout and reviewed the Section 8.6 Table of Off-Street Parking Regulations, which include the following changes:

- #2. Multifamily – recommend to decrease from 2 spaces to 1.25
- #4. Theater, etc. – recommend removing ‘restaurant’ from the use section and increase the required number of seats from 3 to 5 for 1 parking space
- #6. Other retail, etc. – recommend increasing the sq. ft. gross floor space from 150 s.f. to 500 s.f. for 1 parking space
- #11. Nursing home - recommend removing in its entirety and replace with “2 per 1,000 sq. ft. of gross floor space”
- #18. Multiple use - recommend removing in its entirety and replacing with “shared parking requirement calculated as per Section 7-16 K.6.

Recommend adding the following:

- #19. Bank - 2 for each 1,000 sq. ft.
- #20. Drive-thru restaurant - 2 for each 1,000 sq. ft.
- #21. Restaurant - 1 for each 4 seats of total seating capacity

Section 8.9 Parking and loading Space Standards – Ms. Savage recommends adding the following sentence at the end of the first paragraph “in accordance with the Sit Plan Guidelines adopted by the Planning & Zoning Board”.

- Section 8.9 #2 - remove in its entirety
- Section 8.9 #4 - add the word 'safely' after 'shall be..' in the first sentence and remove 'to a minimum of 2 foot candles' at the end of the first sentence and add at the end of the paragraph 'and shall be dark sky friendly'.
- Section 8.9 #14 - recommends increasing the amount of waivers from 25% to 50% in the end of the sentence.

Recommends adding a new section to be known as Section 8. Landscaping Standards, etc.

Gregory Strange asked where the study. Ms. Savage explains the numbers are based on the Smart Growth Smart Energy Tool Kit Parking Bylaw (a State study).

Ms. Santoro asked about item #6 and that a shopping center can be different things. Ms. Santoro asked about #20 & #21, what happens if the restaurant has a driveway thru, which one it would fall under. Ms. Savage suggests having a definition of a drive thru restaurant.

Peter Deschenes expresses his concern that a reduction in parking requirements, may indicate to a developer designing a larger building. Ms. Savage explains that a building size is already regulated by the setback and lot coverage requirement (no more than 20% of the lot). If the concern is the building size, then regulating the number of parking spaces is the wrong tool to make that regulation.

Gregory Strange asked if any thought has been given to fees in relation to parking. Ms. Savage explains the process was changed last year and fees are no longer based on parking, now based on square foot.

Ms. Savage asked for comments on the 8. Landscaping Standards for Parking Lot Stormwater Management.

Ms. Santoro comments on the buffering and fence, (an applicant put up a black fence, then puts plants in front which looks like a no fence at all)

Gregory Strange asked about a minimum of 10% of the parking lot as open space and how is this determined. Ms. Savage comments needs to be clarified.

3. Section II, Definitions, and Section VII, Special Provisions to adopt an Accessory Dwelling Unit Bylaw

Model Bylaw for Accessory Dwelling Units

Ms. Savage went over the model bylaw that includes different options. This was presented by the Affordable Housing Trust for comments, which the Board did not comment on at the time.

Walter Johnson feels if the Town allows 40B, should also allow for elderly. Town would be allowed for Commonwealth Capital Points (positive for the Town). Would be susceptible to all

Town Department's regulations. Traditionally an addition is put on, then a door is connecting the main house, therefore making the addition another unit to the house.

Gregory Strange feels this will allow many houses in Town to become two family homes. Ms. Savage comments that many studies have been done which reflect a need for accessory dwelling units in Town.

Chief Stone comments on Page 4. item D. has a concern of the location of the entrance (side or rear); another use may be for an elderly, or handicapped, a side entrance could work (understand the principle of making the house look like a single family home) Walter Johnson comments that internal connection may be open and not a separate or locked doorway.

4. §3-2 Zoning Map, to consider adopting a revised Zoning Map to rezone portions of the Industrial Zone currently in use as residences as Residential, and to consider extension of the Business Zone on Belmont Street, or make other changes thereto.

Ms. Savage submitted a handout entitled Land Use Study, Rezoning areas to Residential. Area from Chestnut Street to Eastman Street are currently zoned Industrial, recommending to rezone to Residential. Walter Johnson asked how residential homes (developments) were development in an Industrial Zone? Ms. Savage comments that one development is a 40B the other two are ARD's.

Belmont Street commercially used lots as business, and residentially used lots as business.

Theater Way, zoned municipal/open space (one lot); purchased as part of the Library Expansion project. The town disposed of the lot to a private person intended to be built as a residence and recommends to rezone to residential. The public will have access from Lincoln Street into the Queset Garden into the Library (one BOS meeting tonight).

Chief Stone, asked for clarification that this one lot will be joined to an abutting lot for a single family dwelling? The house lot will be located on Lincoln Street.

Gregory motions to recommend rezoning one lot at Theater Way (Lincoln Street) from municipal/open space to residential; motion to rezone all properties in the Eastman Street area as proposed; motion to rezone the lots on Belmont Street; seconded by Walter. Motion withdrawn

Gregory motions to resubmit motion to recommend as three separate articles; seconded by Walter Johnson. Motion passes (4-0-0)

Ms. Santoro suggests tabling remaining items to the next meeting.

5. §7-10, Site Plan Review, to distinguish between a major and minor Site Plan, to provide for additional design review of commercial development, and to make additional procedural changes.

6. Section II, Definitions, and §7-9 Home Occupation, to amend the requirements for Home Occupations and to consider allowing additional Home Occupations by Special Permit

OTHER BUSINESS:

REQUEST FOR COMMENTS FROM ZONING BOARD OF APPEALS:

1. 639 Washington Street (Variance #10-05): Applicant seeks relief from front yard and parking lot setbacks (former McDonald's) proposed to have a child daycare center.

Gregory Strange motions to recommend, seconded by Peter Deschenes. Motion passes.

Gregory Strange recuses himself from the remaining items:

2. 670R Washington Street (Special Permit #10-01): Applicant seeks the use of the subject property as a car wash
3. 670R Washington Street (Variance #10-02): Applicant seeks to allow a front yard setback <75 feet in the Business zone
4. 670R Washington Street (Variance #10-03): Applicant seeks relief from dimensional and parking requirements in the Business zone

Ms. Savage recommends recommending approval of all three requests.

Walter Johnson motions to recommend, seconded by Peter Deschenes. Motion passes.

5. 210 Poquanticut (Variance #10-04): Applicant seeks relief from the minimum continuous lot requirement and a finding of a buildable lot

Ms. Savage reminds the Board this came before the Board which denied based on the minimum continuous lot requirement of 100 ft, where this lot is hour glass shaped and recommends not recommending.

Walter Johnson motions to not recommend, seconded by Peter Deschenes. Motion passes.

Approval of minutes: March 8, 2010

Ms. Santoro asked for a correction to page 4.

Walter Johnson motions to approve with correction, seconded by Peter Deschenes. Motion passes.

ADJOURN

Planning & Zoning Board
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Walter Johnson motions to adjourn at 8:40 p.m., seconded by Peter Deschenes. Motion passes.

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

Signed by,

Date
