



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

Regular Meeting – Monday, March 30, 2009

Board of Selectmen Meeting Room
Easton Town Offices
136 Elm Street, North Easton, MA 02356

Present: Christine Santoro, Colin Gillis, Walter Johnson, John Duggan, Alice Savage, Pamela Almeida

Absent: Gregory Strange

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

6:30 P.M. BOARD BUSINESS

Chair's Report

Ms. Santoro reported that the next Board of Selectmen meeting is April 6th, and that one of the topics will be Shovel Shop and whether the Board of Selectmen would be inclined to accept the project as a 40R proposal instead of a 40B. At the Planning & Zoning Board meeting on September 10, 2009, the consensus of the Board was in favor of a 40B. Ms. Santoro expressed her interest in attending the Board of Selectmen April 6, 2009 meeting as well as any Board member who wishes to also attend. She asked how the Board felt about an approval of a 40R at this site. She explained that the process would be the same, public hearings, and approval at Town Meeting. She feels that there has been so much controversy with the 40B, perhaps a 40R would be perceived better by the Town. This would allow the Planning & Zoning Board to have more say in what the development would look like.

Ms. Santoro asked the Board if they wished any comment on behalf of the Planning & Zoning Board be disclosed at the Board of Selectmen meeting.

Ms. Savage explained that the developers sent a letter to the Town Administrator asking if the Town was still interested in pursuing this site as a 40R. The Town Administrator did not have a response, but stated he would bring it before the Board of Selectmen meeting of April 6th. She further explains that the project is currently before the Board of Appeals for the last time on April 15, 2009.

In response to Ms. Santoro, Colin Gillis felt the 40R was a more democratically appropriate process. John Duggan felt that the 40R would be more desirable, people like the Historical Commission and others would have more say. Walter Johnson would rather see 40R at this site.

ZBA Comments – Variance #09-04 – 8 Nutmeg Lane (Cinnamon Ridge Estates)

The variance request is for side and rear lot lines for installation of a pool, due to the reduced size of the lot. Walter Johnson asked where the swimming pool is proposed because it is not demonstrated on plan in relation to the leaching field and septic system. Alice Savage informs the Board that the pool is to be located to the rear of the property and the leaching field is located in the front.

John Duggan comments that a small yard does not necessarily mean a hardship. Mr. Duggan furthers that if everyone requests to get their setback reduced, by a definition of a hardship, it takes away from the residential compound design which is to encourage more open space. Colin Gillis asks if the pool could limit to an above ground pool. Alice Savage states no. Christine Santoro feels the request does not meet standards for a variance.

Colin Gillis motions to make no comments, seconded by Walter Johnson. Motion passes

Approval of Minutes

Meeting minutes of March 16, 2006 continued to meeting of April 13, 2006.

Colin Gillis signed the previously approved meeting minutes of February 25, 2009.

DISCUSSION

Walter Johnson brought up (in the Subdivision R&R's permission to ask questions.

**7:00 P.M. CONTINUED PUBLIC HEARING
FIELDSTONE ESTATES – DOUGLAS A. KING BUILDERS, INC.**

Christine Santoro points out that John Duggan was not here for the opening of the public hearing on February 25, 2009, but he did listen to the tape of the meeting, therefore, can vote on this matter.

Present: Azu Etoniru, E.T. Engineering Enterprises Inc.; Douglas A. King, Douglas A King Builders.

Mr. Etoniru reports to the Board the on or about March 16, 2009 he submitted response to the Woodard & Curran comments in their February 13, 2009 review report. Subsequent to the submittal to the Board of March 16, 2009, and as a result of the March 9, 2009

Conversation Commission meeting, in an attempt to address concerns raised by Conservation Commission regarding the roadway. Mr. King met with the staff planner and Land Use Agent, Stephanie Danielson, regarding shortening the roadway to get it out of the wetlands. A decision was made to move the sidewalk along the north western side of the cul-de-sac. The relocated sidewalk will have a crosswalk which will follow the southern side of the cul-de-sac and stop at Lot#4 driveway. The end result will make it possible to move the grading and silt fence five feet east at the end of the cul-de-sac. The driveway at Lot#4 was also shifted east to reduce grading and paving within the buffer.

Mr. Etoniru displays plan depicting the changes. He comments that Woodward & Curran recommended the roof recharge to individual house lots. A recharge area (detention basin) is proposed. Mr. Etoniru met with the DPW Director, Wayne Southworth, and was advised they have not maintained a recharge basin when the road is to be accepted, for some time. Installing a roof drain, which is not prone to siltation and erosions, clean roof drainage goes into the ground, will not have the difficulty of maintenance as with a detention basin. He explains that new stormwater management regulations look at the volume or runoff as well as the rate of runoff.

In a letter dated March 30, 2009 Mr. Etoniru, requests wavier of the Environmental Impact Report requirement (Sec. 5.1.2). He points out the following:

1. Careful attention has been paid to the wetlands resources that exist on the property. All proposed site activities are located outside of the resources and much of the proposed work is located in an area that was previously disturbed during the development of the existing "Rockland Bay Estates" in the 1980's.
2. The individual septic systems for the four lots will be designed in strict compliance with Title V of the State Environmental Code and will be reviewed by the Board of Health. No component of any septic system will be located inside the buffer zones of any BVW resources.
3. The locus of the subdivision is not situated in an environmentally sensitive area or a designed water supply protective zone.
4. Much of the proposed roadway and the development activities involve minimal removal of existing trees with more than seventy five percent of the existing vegetation to be left unaltered in addition to several new trees that will be planted.
5. The site's overall stormwater management plan incorporates the use of groundwater recharge system as a means of achieving on-site water retention and reducing off-site runoff impact on the surrounding neighborhood.
6. Water supply for domestic use will be provide via the existing water distribution mains owned by the Town of Easton, no adverse impact on the availability and distribution of water within the Town's water supply system is expected.

Mr. King comments that this site, which was a gravel pit in the 1980's, he purchased in 1985. Mr. King feels he has done what he can to restore the site. Monarch butterflies have been located in this area, and the Conservation Commission has recommended plantings to entice the butterflies, Mr. King has proposed a low maintenance; low water

use planting that incorporates the monarch butterfly habitat, which will be located in the middle of the cul-de-sac.

Walter Johnson asks the water table. Mr. Etoniru, down to six feet, sandy area.

Alice Savage reviewed some outstanding items per a Woodard & Curran communication via email on Friday, March 27, 2009. Mr. Etoniru explained the original plans had reported the impervious area as .365; however the area is actually .653 acres. The only revised plans needed to submit are the plans discussed tonight regarding the sidewalk change.

Ms. Savage reports that a final report from Woodard & Curran is needed, and the final revisions showing the discussed changes and name change (per Fire Chief , he recommends the name of the street be changed to Silver Drive – per March 27, 2009 memo) be submitted.

Ms. Savage also recommends the self contained infiltration system of the roof drains be included into the deed (covenant).

Consensus of the Board is favorable once the final set of plans and the final W&C be received.

Colin Gillis motions to continue to April 13, 2009 @ 7:00 p.m., seconded by Walter Johnson. Motion passes (4-0)

7:20 P.M. STILLWATER CREEK LANE – RESIDENT CONCERN

Present: John Carroll, 3 Stillwater Creek Lane.

The reason this is brought before the Board is to resume the process of having the cul-de-sac completed. He has spoken with the developers to put the final coat of the road and sidewalks, done with no results. Is there a timeframe involved for the completion? Mark Perron and Thomas DeCouto (T&M Realty)

Alice reviewed the Form E approved in 2003 with the completion is to be done within 2 years of endorsement. In 2009 the Board would be in their rights to pull the bond (\$19,000+) to complete. There appears to be sufficient funds to complete some work. Colin Gillis asked if the Board could send a letter requesting T&M Realty attend the next meeting to discuss the situation with the Board. Walter Johnson asked to state in the letter that the Town will rescind the bond if action is not taken immediately.

Mr. Carroll reports that no sidewalks are done, the roadway is not done, no buffer has been done, pipes are sticking out of the roadway, and his mailbox is not secured. He is also concerned about buffer work that is to be completed. Cannot complete his landscape (sprinkler system, dog protection fence) until this work is completed.

Colin Gillis asks if there is any process for completion. Ms. Savage recommends sending a letter to T&M Realty requesting their presence at the next meeting. A courtesy copy to go to Mr. Carroll for attendance at the April 13, 2009 @ 7:30 p.m.

DISCUSSION OF SUBDIVISION SURTIES

Alice Savage refers to a handout entitled “Primer on Subdivision Performance Bonds”. She reminds the Board that they recently approved new road cost estimates forms.

Per the handout, the purpose of the Performance Bond is to “secure the construction of ways and installation of municipal services in a new subdivision”. M.G.L. c.41 §81U mandates that new subdivision be secured by one or, or a combination of, four methods. These methods include:

1. By a proper bond
2. By a deposited of money or negotiable securities.
3. By a covenant requiring the ways and services to be provided to serve a lot before that lot may be built upon or conveyed.
4. By an agreement executed by the applicant, and the lender, providing for retention by the lender of first mortgage funds as security for the construction of ways and installation of services (often referred to as a “lender’s agreement” or “tripartite agreement”)

It goes on to say that it is the applicant’s option as to which method or combination of methods is used, and to vary the method(s) from time to time. It is the Planning & Zoning Board’s decision as to whether the amount of the security is adequate and whether a proffered bond is “proper”.

Ms. Savage expresses to the Board to read the handouts on Primer on Subdivision Performance Bonds, Site Plan Review/ Special Permits and Troubled Subdivisions they received in their packets.

ADJOURN

Walter Johnson motions to adjourn at 8:50 p.m., seconded by Colin Gillis. Motion passes.

Respectfully submitted by Pamela Almeida, Recording Secretary.

Signed By,

Colin Gillis, Clerk

Date