



TOWN OF EASTON
Department of Planning & Community Development

**Planning & Zoning Board
Meeting Minutes
Tuesday, September 29, 2009**

Present: Christine Santoro, Chair; Colin Gillis, Clerk; Walter Johnson, Gregory Strange, John Duggan, Peter Deschenes, Alice Savage, Town Planner

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

6:30 P.M. BOARD BUSINESS

Chair Report: Ms. Santoro reminds the Board the Special Town Meeting is Monday, October 5, 2009 and there are Warrant Articles that specific to the PZB.

ZBA Request for Comment: 95 Belmont Street.

The applicant, Habig Real Estate Holdings, LLC is seeking a special permit to extend a pre-existing structure and use and alter the parking requirements.

John Duggan arrived at 6:45 p.m.

Walter Johnson moved to recommend with comments of the Board of Health, seconded by Colin Gillis. Motion passes (5-0-0)

6:45 P.M. MODIFICATION TO SITE PLAN

703 Washington Street (09-22); Applicant: Baystate Ford; Rep: Atlantic Design Engineers

The applicant seeks to modify the previously approved plans to reconstruct a car dealership. The changes to the plan include: an increase in the turning radius at both entrances from 24' to 30'; an increase in the driveway width at the southern entrance to 24'; moving the stop signs and lines to the State Highway Layout; changes to the drainage system and additional notes.

Received final report from Woodard & Curran dated September 14, 2009, which included comments. Revised plans with the recommended changes per Woodard & Curran's final report were received.

Colin Gillis motions to approve with noted modifications to the plan, with the approval of Woodard & Curran recommendation to provide a report by a Competent Soils Professional, as defined by the MASWMP, certifying the systems were installed in accordance with the plans and provide them to the Board, seconded by Gregory Strange. Motion passes (6-0-0).

The Board signs one full set for the applicant, and initials a full set for the file.

7:00 P.M. PUBLIC HEARING: Amendment to Zoning By-Laws: Signs

Colin Gillis read the public hearing notice.

The amendment proposed is to see if the Town will vote to amend Section 10-2 DEFINITIONS, ILLUMINATED SIGN, to delete the definition of “illuminated signs” in its entirety and insert in its place

INTERNALLY ILLUMINATED SIGNS

A sign with an artificial light source incorporated internally, including neon and neon-like signs, or any sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign

And to further amend Section 10-3. GENERAL PROVISIONS, 1. Signs Prohibited, of the Town of Easton Zoning By-Law by deleting subsection (e) of §10-11 in its entirety and inserting in its place the following:

Flashing, animated, or internally illuminated signs, including neon, signs.

Gregory Strange feels should add language regarding the use of LED or flourscent lights as well. Suggested language change to read “included but not limited to LED, neon and neon-like signs”,

Gregory Strange motions to recommend with the amendment to the definition as noted above, seconded by John Duggan. Motion passes (5-1-0) Colin Gillis opposes.

7:10 P.M. DEFINITIVE SUBDIVISION DECISION

Puddingstone Estates (#09-19), off North Main Street; Applicant Robert & Joanna Carroll; Pilling Engineering, Representative

Alice Savage reports that the Board should have received the draft decision, and the dates on the draft are not included, waiting on the latest revised plans. Last plans received are dated 8/18/09. The only change is that the conditions be noted on the plans. Alice Savage had some conditions with the engineer who spoke with Mr. Mowatt regarding the planting plan. Mr. Mowatt suggested some white pines be replaced with blue spruce. Alice Savage suggests making that change to the decision (condition #3), as shown on P-1 of the plan. ‘up to 5 blue spruces may be substituted for white pine’.

Alice Savage refers to Mr. Mowatt’s request to install a fence, suggesting language like.. “the Board may require the installation of a light-blocking fence”. She further recommends that because this will be an optional recommendation, the condition should be given a time frame for installation, suggested language could be.. “following construction of the first house and within 30 days of the granting of the Certificate of Occupancy, and at the request of the occupant of 158 North Main Street, the Board may approve an installation of a light-blocking fence at Puddingstone Lane.”

Christine Santoro suggests to discuss the waivers in the Decision:

Ms. Savage reviewed and the Board voted to waive the following procedural requirements of its Subdivision Rules and Regulations:

1. Section 5.1.2 Required Documents, Reports, and Studies. No EIS is required in consideration of the limited project size.
2. Section 5.1.2 Required Documents, Reports, and Studies. No hydrogeological study is required.
3. Section 5.1.2 Required Documents, Reports, and Studies. No K-pipe analysis is required.
4. Section 5.1.2 Required Plans. No Sketch Plan is required because adjacent land is either subdivided or not controlled by the Applicant.

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. Section 6.1.1.f Dead-End Streets. The cul-de-sac should be constructed as shown on the approved plans.
2. Section 6.1.1.h-i Dead-End Streets. No easements for at the end of the cul-de-sac are required.
3. Section 6.3.10.1 Monuments and markers. Thirty-six inch bounds should be installed in place of 42" bounds.
4. Section 6.3.11 Curbing. Cape Cod Berm should be installed in place of vertical granite, as shown on the plans.
5. Sections 7.4.2. Fire Hydrants. Due to the proximity of existing hydrants, only one fire hydrant is required, as shown on the approved plans.
6. Sections 7.4.3-4 The water line is not required to be looped, and should be constructed as shown on the approved plans.
7. Section 7.1.6 Fire Alarms. No fire alarm box is required.
8. Appendix A Plate 4A. In place of the 4' of cover over storm drains, 1.3' of cover should be installed and a 6" storm pipe should be installed in place of a 12" storm pipe, both as shown on the plans.

Alice Savage suggested adding the following as #9 to the list:

Section 6.6. Bounds, substitute requirement should be "bounds should be installed as shown on the plan".

Colin Gillis motions to allow the waivers as noted, seconded by Walter Johnson. Motion passes (6-0-0)

Colin Gillis motions to approve the Special Permit with conditions as noted, seconded by Gregory Strange. Motions passes (6-0-0)

7:30 P.M. PUBLIC HEARING: Determination of Subdivision Default: Stillwater Creek Lane

Present: Mark Perron, Thomas DeCouto of T&M Realty

Colin Gillis read the public hearing notice.

A letter received from a resident of Stillwater Creek Lane (Matos) dated September 9, 2009 is read for the record by Alice Savage

Alice Savage clarifies that John Carroll requested this public hearing be done due to the work not being done. Christine Santoro questions the total showing on the Street Inspection Report and Road Cost Estimate dated 4/14/09 totaling \$28, 693 versus the amount of the bond being held as approximately \$19,000.

Mr. Perron explains that the bond that the bond was posted in 2006. Christine Santoro asked if of the list in front of the Board, are any of the items listed as not complete, actually complete. Mr. Perron states that the Road Cost Estimate is accurate. He states that this is a tight subdivision, he resides there, understands what happens to the road once complete, though there is one lot has not been sold. Walter Johnson asked how long it would take to complete the outstanding items. Mr. Perron feels could be done within 30 days (stating that paving has to be completed by November 15).

Christine Santoro states that she appreciates what is happening to the market, and realizes waiting until the last lot is sold to complete the work, however, feels the Town should not have to call the bond and finish the work. Mr. Perron submits a paving contract and feels could get done (paving, sidewalks prep, cape cod berm, sweeping, monuments).

Colin Gillis asks if it is appropriate to require the developer to report back to the Board as to the progress. John Duggan feels since the developer is here and willing to work the Town, he suggests going through the Road Cost Estimate and record what will not be done within the timeframe of 30 days. Mr. Perron feels all the work, with the exception of the monuments and acceptance of the plans can be completed.

Alice Savage suggests the Board could pull the bond if work not done before 11/15/09 with the exception of the special monuments and acceptance plans. Mr. Perron, asks if the work is complete before 11/15/09 would he be able to ask for the bond to be released. Mr. Perron will keep in contact with Alice Savage between now and 11/15/09.

Motion made to find the developer in default and pull the bond for any work not completed after 11/15/09, with the exception of the monuments and acceptance of plans, seconded by Colin Gillis. Motion passes (6-0-0)

7:55 P.M. SITE PLAN REVIEW

23 Norfolk Avenue (#09-26); Applicant: 23 Norfolk Avenue, LLC; Rep: McKenzie Engineering

Present: Tim Corsini, representing the owner and Gregory Morris, Engineer

Gregory Strange removes himself from the discussion. Peter Deschenes questions the Board if he should also remove himself from the discussion having worked for the owner of this facility about 6 years ago. The Board had did not feel Mr. Deschenes needed to remove himself.

The applicant has submitted an application for Site Plan Approval for an expansion of the existing structure and parking lot and also to add an additional curb cut to Norfolk Avenue.

Mr. Morris runs through the existing conditions and then explains what the applicant is proposing to do. Mr. Morris explains that the interior of the building caught fire last year and this proposed work goes in line with that refurbishing. The plan has been before the ZBA and approved the parking and the maximum lot coverage. Parking is along the front of the building, proposes 24 spaces at 90 degrees spaces; also proposed access around the entire building. To accommodate the new impervious surface, proposes 3 subsurface infiltration systems as well as retrofitting the existing drainage system; renovating the stormwater system; and also implemented a post-development O&M plan. Mr. Morris has reviewed Woodard & Currans report dated 9/23/09 and will be submitting revised plans based on their recommendations.

Alice Savage suggests that the variance that has been granted by the ZBA should be noted on the plan; the snow storage should also be noted on the plan; buffering along the western property is not noted on the plan, however the Board may grant a waiver.

Alice Savage asked about the test pits. Mr. Morris responds that the test pits on the plan have been reviewed by the BOH as well as and others that are not indicated on the plan (dated 7/21/09). Alice Savage asked when should we expect revised plans. Mr. Morris believes by Thursday.

Colin Gillis motions to continue to 10/13/09, seconded by John Duggan. Motion passes (5-0-0). Gregory Strange removed himself from the discussion and vote.

8:15 PM BREAK

8:25 P.M. PRELIMINARY INFORMAL REVIEW: ELDRICK WOODS ESTATES
George Fossella to discuss a proposed Preliminary Subdivision off Prospect Street

Present: Frank Ribelin, Ribelin Land Surveyors; George Fossella

Per Alice Savage reports to the Board that Mr. Fossella's proposed plan should comply with the requirements of the §7-15 of the Easton Zoning By Law, Open Space Residential Development and indicates questions regarding the plan's compliance in the following areas:

- §7-15 C-3a (5) "The Common Land shall provide adequate upland access from a way." The proposed upland access to the Common Land appears to be blocked by the presence of a drainage structure.
- §7-15 C-3b (4) "The Planning & Zoning Board shall have authority to approve or enhance the specific purposes for the proposed Common Land..." Part of the proposed

Common Land is designated as an area for a drainage detention basin. The Board may wish to comment on this use.

- §7-15 C-4. "Each plan for Open Space Residential Development shall follow a four-step design process.... [and in] addition to the standards set forth" It is not evident that the submitted plan was designed using the prescribed four-step design process; no information has been provided regarding compliance with the siting standards of the bylaw (§7-15 C-4b 1-6)
- §7-15 D-3c. "In addition, in order to grant a special permit for an OSRD, the Planning & Zoning Board must find that the number of housing units to be developed in the OSRD will not exceed by more than ten percent (10%) the number of house lots that could be developed under standard lot area [and] frontage requirements."

Ms. Savage feels the proposed cul-de-sac does not conform to the design prescribed in Plate 4, which requires 120' radius cul-de-sac with a landscaped island in the center.

Mr. Ribelin explains to the Board this is a preliminary plan, have gone through the items listed in the Rules & Regulations required for a preliminary plan; however the Town Planner has made comments regarding a definitive subdivision plan and comments on Ms. Savage report:

1. the basin is shown more of a schematic, the exact drainage calculations have not been configured.
2. the PZB's approval of the use of a portion of the common area for drainage; feels it is a allowable in the rules & regulations. The total area of the drainage basin is 2,200 s.f. of the common area.
3. in regards to the comment on the 4-step process; this is a computer program and a very specific requirement for a definitive subdivision which may or may not be on this plan at a later date, as ask that the Board not require this for this preliminary plan.
4. the sketch plan that AS indicated, is also something listed in the regulations for a definitive subdivision, not a preliminary plan. If calculations are done per this requirement, would have less lots.

Christine Santoro expressed confusion stating this item is on the agenda as an informal review, not a formal preliminary plan submission. Alice Savage explains she was not aware the application was submitted, only having receiving an email from the applicant for an informal discussion.

Colin Gillis asked if this has a village concept to it. Mr. Ribelin explains that yes, there are 6 homes, a common driveway to provide access to 3 of the homes. There are wetlands on the site and will have to go before the Conservation Commission before a formal plan is submitted. Mr. Ribelin explains there is a reduced radius of the cul-de-sac and feels that PZB has the authority to grant relief on some design standards (he identifies Cinnamon Ridge, where there is no turnaround whatsoever); will comply for emergency access.

Walter Johnson asked about Lot 4, Mr. Ribelin explains there will be an access easement created and will be accessed by a common driveway.

Gregory Strange refers to sheet 102, and inquires about the common area total of 7 acres. Mr. Ribelin says exceeds because other upland area that has not been delineated.

Mr. Fossella explains has owned this land since the 1980's and feels this is an important piece of property and is contiguous of the Conservation's greenbelt zone. It is his intention to make it available to the Town, but need to have something to give them and have something to back up an appraisal. He states he has submitted other plans in the past (which were not approved), indicating he could develop this property as a 40B project, indicating it is not his first choice.

Christine Santoro asked if the Board was reviewing this as the preliminary review or as an informal review. Alice Savage recommends the Board make their concerns but not make any formal motion.

Colin Gillis motions to discuss the preliminary plan review for 10/13/09 at 7:00 pm, seconded by Walter Johnson. Motion passes (6-0-0)

ELECTION OF OFFICERS - Tabled

APPROVAL OF MINUTES

Walter Johnson motions to approve the Joint Meeting minutes on Queset Commons dated June 17, 2009, seconded by Colin Gillis, motion passes (6-0-0)

Walter Johnson motions to approve the meeting minutes of August 17, 2009, seconded by John Duggan, motion passes (5-0-1) Peter Deschenes abstains

Walter Johnson motions to approve the meeting minutes of September 14, 2009, seconded by Gregory Strange, motion passes (6-0-0)

OTHER BUSINESS

Alice Savage discusses with the Board a suggestion to send a letter to neighboring Town's to waive our right to notify them of a public hearing and in turn ask them to waive their right to notify us, as a way to cut down on cost. The Board wishes to discuss further.

ADJOURN

Walter Johnson motioned to adjourn at 9:00 p.m., seconded by Colin Gillis, motion passes (6-0-0)

Respectfully submitted by Pamela Almeida, Recording Secretary

Signed by,  10/13/09
Date