



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

**Meeting Minutes**  
**Tuesday, October 7, 2008**

Members Present: Christine Santoro, Chair; Walter Johnson (arrived late—6:50 p.m.), Gregory Strange and Alexander Maller

Member(s) Absent: Colin Gillis

Staff Present: Alice Savage, Planner

Staff Absent: Pamela Almeida, Recording Secretary

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

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

- **Sign the Zoning Map** – The Board signed the Zoning Map that was approved at the May 8, 2008 Town Meeting. The 40R Queset Commons Smart Growth District was an addition to the zoning map.
- **Chair's Report** – Christine Santoro informed the members that she, along with Marc Rousseau and Alice Savage, has been having regular informative meetings to review agenda items.

She also reported that she met with Attorney Ellen Doucette and Marc Rousseau last week regarding actions to take for incomplete applications that are submitted. One of the things that Ellen Doucette said was that the best practice is to open the public hearing, find out what is missing, get a report from the Planner and put some date as to when the items missing should be brought to the Board to make sure there is a reasonable timeframe, but at the same time keeping to the schedule.

She also asked Ellen Doucette that when the public hearing is opened, and the first presentation is given by the applicant, and the summary by the Planner then be given. The Planner's report should include what actions should be taken by the Board at that time.

The last thing discussed was the idea of preliminary meeting with an application prior to submission of an application and Ellen Doucette's thought was that they would be

helpful, but not necessary. Alice Savage reports that she also spoke with Ellen Doucette and said that the Board can have preliminary meetings, as long as it is clear on both sides that the opinions of the Board are not binding, either for or against. The Board can give suggestions but cannot refer to those suggestions in the decision either for or against.

Christine Santoro informed the Board of some upcoming planner trainer workshops. One is going to be held on Tuesday, October 21<sup>st</sup>, in Brockton on Special Permits and Variances and another on writing of Decisions being held on October 28<sup>th</sup> in Taunton. There are also others across the State if any Board member wishes to attend.

Alice Savage informed the Board there is a workshop Thursday, October 9<sup>th</sup> in Uxbridge on Agricultural Preservation and Zoning.

- Alice Savage informed the Board that she has been talking to a group from Cambridge, calling themselves the Friends of the Ames Shovel Works. They are interested in the project and are offering their services on a volunteer basis and they want to make a presentation to the Board and the Board of Selectmen. Alice suggests a joint meeting with the Board of Selectmen on Monday, October 20, 2008 at 7:30 p.m. and this would be the first item on the agenda to be held in the cafeteria at the HH Richardson School. The applicant will be invited as well. Walter Johnson suggests that the Board of Health also be invited.

#### **7:00 P.M. PUBLIC HEARING - ESTATE LOT (08-20)**

124 Highland Street; David Welch, DKW Builders, Inc.; Rep: Attorney Michael Sites

Present: Attorney Michael Sites; David Welch, DKW Builders/Granite West Realty Trust; Frank Ribelin, P.L.S., Ribelin Land Surveying

Gregory Strange read the amended public hearing notice. The notice was amended due to the first notice having the incorrect day of the week (October 7, 2008 was a Tuesday, the notice said Wednesday)

Alice Savage informs the Board that one item that was missing that the application was not signed by the property owner. However, she has received a letter from the Trustee of the owner of record indicating approval of the application.

Attorney Michael Sites, representing DKW Builders and Granite West Realty Trust. Mr. Sites explains to the Board they have received an application for a Special Permit to permit an Estate Lot as allowed under the Town of Easton Zoning Bylaw. He explains the plan shows three parcels that include Lot 1, which is a conforming lot at 41,000 square feet, Lot 2 which is roughly 81,000 square feet lot, which is the proposed Estate Lot and Parcel "A" Conservation lot, which is approximately 6.25 acres, which is intended to be donated by DKW Builders to the Town under the control of the Conservation Commission for the protection of Gowards Brook, which has been presented to the Conservation Commission, through Jonathan Grant. He feels

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they have complied with all the standards that are required under the Zoning Bylaw for a Special Permit. He states there has been great care in configuring the design such that there is no impact on wetlands or buffer zones to wetlands and no need to go before the Conservation Commission for either of the construction projects proposed for Lot 1 or 2.

Frank Ribelin addressed the questions/comments made by the Staff Planner regarding the drainage of the driveway so it would not disrupt drainage patterns. He states it was noted on the original plan, however he said he could provide additional information if required. He presents a plan that has been given to the Board of Health; the plan is for the dwelling proposed for Lot 2. He also addressed the sight distances with regards to the driveway, which were indicated on the plan, but the exact sight distances were not depicted on the plan submitted. He shows a plan which shows the sight distances. He also addressed the location of the dwelling on the abutting property. The divided plan does show and it is noted on the plan (note #9) that the dwellings are shown in accordance with available satellite imagery photographs, they have not been field surveyed and are in their approximate location. He also addressed the percentage of lot coverage by the proposed dwelling. The plan submitted shows a relatively small dwelling, the footprint of the house is 1,512 square feet, approximately 1.9% of the total lot area. Alice Savage clarifies that this was the total lot area of the proposed Estate Lot. She furthers that the applicant has adequately addressed all of her comments.

Walter Johnson asked the applicants to explain how the application will be a “desirable or necessary” use. David Welch responded that the home will sell for a relatively moderate price. Walter Johnson agreed that this was desirable.

Gary Vinsigera of 13 Trudy Terrace, Canton Ma, spoke of behalf of his sister and brother-in-law, Harriet and Paul Duggin, who are abutting property owners, he states that he had an opportunity to pick up the plan a few weeks prior and states he was confused, noting that tonight he heard five things that are happening since picking up the plan. 1. The original house was going to be razed, which in fact is not. 2. He heard for the first time that a contour plan has been submitted showing elevations, that was not part of the original plan submitted. 3. He does not see on the original plan, any of the abutters homes. 4. The septic located on Lot 2 which is not on any plan. 5. He does not see a location of the proposed dwelling. He does not believe that any abutter has had the opportunity to review any of that have been discussed tonight.

Attorney Michael Sites responds saying that the razing of the existing house has nothing to do with the creation of an Estate Lot. In terms of comments which were requested by the Planning Department, they were addressed as expeditiously as possible. Any abutter or representative or an abutter who had questions or concerns could have contacted the applicant, who would have provided any information requested. He reiterates they have met the requisite requirements for the Special Permit.

Alice Savage clarifies that the plan reviewed tonight was not received before tonight. The plans reviewed tonight are a new submitted, revisions based on comments by myself. The revised plans were responses to missing information and that submission of revised material may not be received prior to the meeting, and received the night of.

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William Tierney of 128 Highland Street attended as an abutter and requested to see the plans, where exactly where the house is going to be, as he also, had not seen the plans before tonight.

Walter Johnson made a motion to close the public hearing, which was seconded by Greg Strange. The motion was approved 4-0.

**7:30 P.M.      DECISION: HARVEY ESTATES - 153 Main Street**  
Subdivision/Residential Compound Special Permit #08-10

David Welch, DKW Builders, Inc.; Rep: Attorney Michael Sites

Alice Savage sent a draft Decision to Town Counsel who suggested in this case is to have one merged Decision, rather than separate Decision's for the Subdivision and Residential Compound. Alice recommends following Town Counsel's suggestion to have one Decision, which contains the same material in the Decision's drafted earlier with one additional item #26:

"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."

What would happen is that if the Board votes to issue this Decision, it would be stamped with the Town Clerk; the clock would start on the appeal period. Then after the appeal period ends, the applicant would give us back a plan for signature that references this Decision on the plan and then also another condition that there was a note on the plan. Then all related documents are recorded at the Registry of Deeds and proof of recording is returned to the Planning Department.

Per the Decision, item # 25, the following has been submitted, but should be referenced on the plan:

"The Applicant shall furnish the Board with a final draft of plans referencing the "Construction Period Pollution Prevention Plan and Erosion and Sedimentation Control Plan" and the "Operation and Maintenance Plan" as a note on the plan."

Gregory Strange motions to approve the Decision on the Special Permit for the Subdivision and Residential Compound, seconded by Walter Johnson. Motion passes 4-0.

**7:45 P.M.      SUBDIVISION ADMINSTRATIVE BUSINESS**

- **Golden Oaks Lot Release Request**

Dennis Welch appeared before the Board to request that certain lots be released at the Golden Oaks Subdivision. He proposed posting a bond of \$185,000 to secure the completion of the streets and appurtenances.

Greg Strange made a motion to amend the fifth covenant Form E to include a bond for \$185,000, to hold three lots (21, 22, & 32), to not allow or issue any occupancy permits on Hancock Street until the sidewalk on Shannon Marie Way and the landscaping on Common Area 4 is complete, and to release all remaining lots. Alex Maller seconded the motion. The motion passed 4-0.

- **Raven Estates Request for Release of Funds**

Present: Mike Ferroni, Briarwood Construction

Alice Savage read a note from a DPW worker that the concrete sidewalks were supposed to be 4 inches and they are only 2 inches thick. A core sample is suggested with Alice or the Land Use Agent present at time of along with Mike Ferroni. Other issues include, the streetlight not installed. Mike Ferroni reports they have no control over where the lights are placed. The fire box has been ordered, but no location has been set by the Fire Department. The landscaped island shows on the Street Inspection Report as not being done. There is only grass at this time, willing to put plantings there if the Board wishes. Alice Savage indicates there are no requirements, unless something specific was submitted with the plan.

Alice Savage reports that the revised road cost estimate is \$34,348. Mike Ferroni asks to be on the November 5<sup>th</sup> meeting agenda to allow time to complete.

### **CONTINUED PUBLIC HEARING: RULES AND REGULATIONS**

Including Fees, Site Plan Guidelines, Administrative Rules and Regulations, Subdivision Rules and Regulations, and Rules and Regulations for the Issuance of Special Permits

Moved for discussion to the October 22, 2008 meeting.

### **APPROVAL OF MINUTES – September 10, 2008**

Walter Johnson motions to approve the meeting minutes, seconded by Gregory Strange. Motion passes. 4-0

### **ADJOURN**

Walter Johnson motions to adjourn, seconded by Gregory Strange. Motion passes. 4-0

Respectfully submitted by Pamela Almeida, as transcribed from tapes and input of notes from Alice Savage.

Signed by,

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Colin Gillis, Vice Chair / Clerk

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Date