



TOWN OF EASTON
Planning & Zoning Board
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Meeting Minutes
Monday, July 19, 2010

Present: Christine Santoro, Chair; Dan Smith, Gregory Strange, Walter Johnson, Peter Deschenes

Absent: Stephanie Danielson, Land Use Agent & Acting Planning Director

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

BOARD BUSINESS

Chair Report

Christine Santoro welcomed Dan Smith, the newest member of the Planning Board. Ms. Santoro confirmed that both Mr. Smith and Mr. Deschenes have been sworn in to their positions. Ms. Santoro announced that the new Community Housing Planner, Tim Harrigan, started today. The new Planning Director, Brad Washburn, will start on July 28, 2010. Stephanie Danielson will not be joining tonight's meeting as she is not feeling well.

Because this is the first meeting of the new fiscal year, the Planning Board needs to assign the positions of chair and clerk. Clerk's tasks include reading public notices into the record and signing meeting minutes and other items that require signatures. Ms. Santoro stated that she has enjoyed being chair and would like to continue, noting that the elections are open and anyone on the board is welcome to these roles.

Walter Johnson nominated Christine Santoro for the position of Chair of the Planning Board. Dan Smith seconded. Walter Johnson moved to close the chair nominations. Peter Deschenes seconded. Motion passed. 5-0-0

Gregory Strange nominated Walter Johnson for the position of clerk. Peter Deschenes seconded. Peter Deschenes moved to close elections. Dan Smith seconded. Motion passes. 5-0-0

OTHER BUSINESS

Roche Bros. Parking lot reconfiguration

Present: Jim Sperber, Director of Real Estate for Roche Brothers and Geoff Farrington

Jim Sperber stated that Roche Brothers is looking to start a new service so that ecommerce customers are able to pick up their online grocery orders at the Easton store. Representatives from Roche Brothers met with Mark Trivett and Stephanie Danielson to review plans. Documentation was sent to the Planning Board. In order to accommodate this service, Roche Brothers would need to make some minor modifications to their parking lot. (See Planning file

for map.) Changes include installation of a call box in the landscaped aisle adjacent to the parking area, two designated parking spaces, signage in the landscaped aisle, painted markings to denote pickup area, and safety reflectors to denote pickup area and to separate designated pickup spaces from regular parking areas. They would like to widen the two designated e-customer parking spaces from the current width of 10 feet to measure 14 feet to provide safer access for cars, particularly large SUVs. In order to accommodate the increased parking space size, they would like to decrease the width of the adjacent eight spaces from current width of 10 feet to measure 9 feet and designate these spaces for compact cars. All other parking spaces in the lot are 10'x20' as required by Zoning. There will be no changes to the depth of the spaces. Repainting the parking space lines and installing call boxes could be completed in one day. To wire the call boxes they need to saw cut a line ¼" wide by 2" deep from the designated parking spaces to the store. Roche Brothers anticipates most e-customers will continue to have their orders home-delivered, but they are offering this service to facilitate online ordering for customers who live nearby their Easton store. Currently their online grocery home delivery service receives 15-20 orders per day. Pickup e-customer traffic flow will be controlled via online scheduling, where customers will select their pickup time online. Each pickup is estimated to take less than five minutes, with a maximum of two pickups per every 15 minutes, or eight pickups per hour. The customer parks in the designated space, picks up the call box, and a store employee will deliver their groceries to their car. Any backup of e-customers would park in regular parking spots and wait their turn. Inside the store, online order pickups will be kept in a designated area in the front of the store which includes refrigeration. Roche Brothers employees delivering groceries to the cars will exit through the common exit door at the front of the store. Payment is handled online. The flow of traffic will enter the lot via Roche Brothers Way entrance closer to the store and turn into one parking space or u-turn into the other designated space. The call box is a 4"x4" electrical box that is wired into the store's phone system. They proposed using portable signs to direct e-customers or they could send customers directions online.

Gregory Strange noted two concerns. First, it would not be easy to navigate the u-turn necessary to park in one of the designated spaces even if it is 14-feet wide. Mr. Strange also stated that the board does not want to set a precedent by reducing the width of the remaining eight spaces, as this issue has come before the board in the past. He asked if it would be possible to increase the number of pickup bays. Mr. Sperber responded that the current parking ratio is at its limit for the Town's zoning law, and Roche Brothers' landlord requested that they remain compliant with the zoning law (therefore they cannot reduce the number of spaces). Dan Smith suggested adequate signage and noted there could be difficulty with maneuvering the u-turn into the designated pickup parking space. Mr. Sperber noted that they selected these spaces because they are rarely used and furthest from the entrance to the store. This is a pilot project for Roche Brothers and for other online grocery delivery services in the State of Massachusetts. Christine Santoro suggested a site walk to review concerns about the traffic flow and number of people walking back and forth to the cars. Ms. Santoro requested that Roche Brothers mark off the designated spaces for their site visit.

Gregory Strange moved for a site walk on Thursday, July 29th at 4:00pm. Walter Johnson seconded. Motion passes.

6:45 P.M. CONTINUED: SITE PLAN REVIEW: 639 WASHINGTON STREET

- Site Plan Review: The Learning Experience (formerly McDonald's)

Present: Attorney Jim Burke, William Adams (property owner), and Frank Ribelin representing project engineer Walter Hermineau

Christine Santoro stated that the applicant's report to Woodard and Curran was received today via overnight delivery and the staff has not had a chance to review it. Mr. Ribelin responded that Mr. Hermineau spent a lot of time going over the comments from Woodard & Curran, part of which included minor revisions to the drainage calculations. Mr. Hermineau received Woodard & Curran's comments last week and did not have a lot of turnaround time. Ms. Santoro asked if the applicant would like to go over their comments tonight and then stated that it might make better sense to wait for the report from Woodard & Curran.

Gregory Strange moved to continue the site plan review to the August 2, 2010 meeting. Peter Deschenes seconded. Motion passes. 4-0-0

7:00 P.M. PUBLIC HEARING – 210 POQUANTICUT AVE

- Special Permit – Estate Lot

Present: Attorney David Marsan, applicant Eugene Packer, George Collins of Collins Civil Engineering Group; Tom Stone, Fire Chief

Gregory Strange recused himself from the public hearing as he is an abutter to the 210 Poquanticut Avenue property. Christine Santoro told the applicant and Mr. Marsan that they will need all four of the board's votes for the motion to pass. The applicant opted to move forward and open the hearing. Walter Johnson read the notice of public hearing into the record. (See project file for public hearing notice). Ms. Santoro read comments from other town offices: no objection from DPW/Wayne Southworth, and the Chief of Police has no objections to the permit. Mr. Marsan reviewed Easton's Zoning By-Laws and his client's request for Special Permit, first citing Zoning by-law section 6-3, subsection 12. Mr. Marsan stated that the applicant's lot has 99.28 feet of frontage which is just under one foot shy of the zoning requirement, and that the applicant received a variance from the Zoning Board of Appeals. The plan exhibited shows not the entire parcel to be developed but it shows the variance which is part of the issue. The applicant has filed an ANR with the Planning board.

Mr. Marsan reviewed the zoning by-laws and described the lot's various widths and depths and explained that they are conforming. He explained that the applicant seeks to create one estate lot; both lots are held in common ownership; existing drainage patterns will not be disrupted. He further explained that the lot complies with all subsections of Zoning by-laws section 12-7 Special Permits, and that the lot's residential use is consistent with the residential zone. He stated that the lot will have access from Poquanticut Avenue and is to be used as a house lot. He stated that this does not impede the integrity or character of the district. The applicant seeks to create one more lot out of 13 acres of land. Mr. Marsan stated that they meet all the guidelines

and requirements of Zoning by-law section 7-4 Estate Lots and requested the board to issue a special permit.

Christine Santoro stated that she spoke with Stephanie Danielson and Ms. Danielson did not have any specific comments or questions. Peter Deschenes pointed out that the original plan shows an area of 90-feet wide, not 99-feet wide as Mr. Marsan stated. Mr. Collins determined that the 90-foot wide section is the narrowest part of the property and that the property is 99-feet wide at the frontage line.

Walter Johnson inquired about the wet areas of the property. Mr. Collins responded that there is a 30-inch water table and that a perc test has been done and plans were submitted to the Board of Health. A 3.5-foot raised septic system was approved by the Conservation Commission. Mr. Collins also noted that a single family residence is exempt from stormwater runoff management under DEP regulations, and he explained that the topography of the property slopes inward into itself and that the drainage pattern flows into the wetland area. Runoff will go to the lawn and channel drainage onto the onsite wetlands.

Mr. Marsan noted that the septic is a board of health issue. An Order of Conditions was granted from the Conservation Commission and the project complies with the Board of Health. He stated that the Board of Health will only review the project after the lot is said to exist. Mr. Deschenes confirmed that 90-feet is the narrowest width of the property. Mr. Marsan responded that the 90-foot width is valid, that the appeal was sought for the less than one foot of frontage. Gregory Strange spoke as a member of the public and stated he supports Mr. Packer's right to develop the lot and asked the applicant to keep a buffer between the estate lot and the power lines. Mr. Strange stated that he has lived on Poquanticut Avenue for 18 years and that in that time there have been 39 car accidents and telephone poles knocked down 10 times. Mr. Strange is concerned about safety regarding the location of the driveway and potential for more accidents. He asked if the Chief saw the plans that the Conservation Commission saw because it is a tough curve to negotiate and the driveway enters the road at the peak of the turn. Mr. Packer noted that he offered to sell the Town the land needed to straighten the curve in the road, but that the Town declined his offer. The Chief of Police was provided the application for Special Permit which included the developed lot plan and brief. Tom Stone, the Fire Chief, stated that the plans his office received did not show the proposed location of the house and that his concern is direct access from Poquanticut Avenue and sight distances for the driveway. As Chief, he would have other issues with site distance and water if they were to apply for a common driveway special permit. Mr. Collins noted that the driveway is sighted as far as possible from the tight curve in the road, at the southwest corner of the property. Ms. Santoro asked if they had considered a common driveway and Mr. Collins responded that yes, they did, but they did not see a cost-benefit from it. Mr. Strange suggested that if the permit is approved that it be reviewed by DPW for signage and/or lighting to keep drivers safe. It was agreed that plans showing the prospective house and driveway location on the property should be distributed to the police, fire and DPW with enough time to receive comments back before the next Planning Board meeting. Applicant will submit plans showing the location of the house and driveway. Planning Department will distribute for comment.

Dan Smith motioned to continue the hearing to August 2, 2010. Walter Johnson seconded. Motion passes (Gregory Strange abstains). 4-0-0

7:15 P.M. CONTINUED PUBLIC HEARING – 202 PROSPECT STREET

- Special Permit – Estate Lot (#10-19)
- Common Driveway (#10-20)

Present: Attorney David Marsan and Todd Pilling, Pilling Engineering; David Hardy and Bobbi Fried of 11 Olde Farm Road; Walter Newell of 198 Prospect Street; Catherine Holenstein of 3 Olde Farm Road; Robert Klein of 19 Olde Farm Road; and Gregory Bielski of 23 Olde Farm Road

Before the public hearing began, Christine Santoro announced that the hearing is being recorded by the town and videotaped by a member of the public.

Ms. Santoro opened the continued public hearing for 202 Prospect Street. Todd Pilling introduced himself and noted that these are the same plans the board had seen the last time. He did receive comments from the Land Use Agent. Mr. Pilling described the project which is a common driveway for two homes with 7.5 acres of upland, 10 acres total land. The first 150-feet of the driveway will be pave stones. The land use agent, conservation commission, and review engineer asked that they perform drainage calculations for the project even though it is for two houses and falls below the threshold for stormwater management. The calculations state that there will be a 6% increase in the rate of runoff because there is no drainage system and that the common driveway is not meant to have drainage. In their previous submission for Heather Woods, a 3-lot subdivision at the same site, they were required to provide a drainage system but this project was turned down. Ms. Santoro confirmed that this public hearing is for a common driveway and special permit estate lot at 202 Prospect Street. Ms. Santoro noted that Woodard & Curran received their information today.

Mr. Marsan noted that the ANR has been filed. He then reviewed the Town Zoning by-laws and described the 4.2-acre property with 71.9 feet of frontage and noted that it is held in common ownership, that site distances are 200-feet in either direction and will not create undue (meaning unreasonable) traffic congestion. He noted that the plan does not disrupt the existing drainage pattern and meets the requirements of Zoning By-law 7-4 which allows a common driveway with a special permit. Mr. Marsan then described the common driveway noting it provides access to two lots and that the distance to one of the houses is greater than 500 feet but that access is adequate and safe. Mr. Pilling went into detail on the grading of the lot noting that the grade slopes into the lot and not onto the street. Mr. Marsan stated that he prepared a homeowners association trust to deed the common driveway to the trust of which the homeowners will become trustees (see project file for copy of trust agreement). Mr. Marsan stated that the applicant seeks to have two houses on 9.5 acres of land, and that this will not significantly impact the public water system. Mr. Marsan continued that the applicant has met all requirements for the estate lot and common driveway and asked the board to grant their request.

Gregory Strange referred to Mr. Pilling's figure of a 6% increase in rate of runoff and inquired where the runoff will go. Mr. Pilling responded that the drainage pattern remains unchanged in the same three directions with only a slight increase to the easterly side and towards Olde Farm Road. The runoff increases in rate because the land is currently wooded and cover type will be changed to grass. Conservation Commission asked Mr. Pilling to analyze runoff rate, not volume. The first plan for a 3-lot subdivision included a plan to mitigate the rate and volume of stormwater runoff but the Planning Board and Conservation Commission denied the plan.

Fire Chief Stone expressed concern about the 700-foot distance from the road to the house and noted that they might not know about a fire until a truck reached the house. Fire hydrants are usually placed 500-feet apart, and the closest fire hydrant is on the opposite side of Prospect Street (700-feet away) and no additional fire hydrant was proposed. Christine Santoro read Chief Stone's comments dated June 2, 101 (see project file for memo) regarding his concerns with the length of the driveway, the lack of space on the driveway for a fire truck to turnaround, and his recommendation to install a residential sprinkler system in the home.

Dan Smith asked the Chief if there were any other similar cases and the Chief responded that there is a similar situation with a property with a common driveway off of Highland Street.

Ms. Santoro noted that the Planning Board still needs to review comments from Woodard & Curran. She suggested a site walk. Mr. Marsan agreed to continuing the hearing to August 2, 2010. Mr. Pilling agreed to stake out the proposed property lines prior to the site walk.

Ms. Santoro opened the hearing to public comment, proposing that the residents save their comments until all information is available. Resident David Hardy stated that oftentimes the board meetings he has attended, that the boards have not had sufficient materials to make decisions, and that this is an inefficient system for the town and all parties involved. Mr. Hardy reviewed a document he left with Stephanie Danielson outlining six areas of concern the abutters have stating that he would like to have the letter read into the record. Mr. Hardy stated he submitted concerns along with a 4-page document two weeks ago along with 9 photographs. Mr. Hardy noted concerns regarding timing, that a project for this land was rejected 20 months ago, the 90-day window to get approval for the special permit estate lot, and that the project will soon be in violation of a 2-year window for a project on the same land. Mr. Hardy stated that the residents would like a reasonable period of time to review the Woodard & Curran report as well as the agent's report. He also stated as parties of interest that they would like the applicant's permission to participate in the site walk. Mr. Marsan stated that the project is on private property and the residents are not allowed on the site walk. Ms. Santoro responded to Mr. Hardy's comments stating that the boards are required to follow the rules and regulations and that sometimes it can take a long time to get things done. Ms. Santoro will talk to town counsel regarding the residents' attending the site walk. Bonnie Fried expressed concerns about the runoff and stated that they are trying to protect their own property, their own investments. Catherine Holenstein expressed concern about increased water coming onto her property and she proposed that the applicant build a drainage system going out to Prospect Street. Walter Newell had several concerns about the water table, septic drainage, and amount of fill going into the project area for the driveway and septic and that more fill translates to more water on his

property, noting he had lots of water in his basement during the last March storm and that the intermittent stream flooded into his backyard.

Site walk will take place on July 29 at 5:30pm.

Gregory Strange moved to continue the public hearing to August 16, 2010, time to be determined. Peter Deschenes seconded. Motion passes. 5-0-0

7:45 P.M. CONTINUED 670R WASHINGTON STREET: DEAN MILL COMPLEX

- Site Plan Review, Car Wash & Professional Office Building (#10-06)

Present: Todd Pilling, Pilling Engineering

Christine Santoro opened the continued public hearing for 670R Washington Street/Dean Mill Complex. Todd Pilling stated that he received comments back from Woodard & Curran since the last hearing and regarding the Planning Board side, there were no proposed changes. Mr. Pilling stated that the Conservation Commission has concerns about how the applicant will build retaining walls, whether or not they need erosion control, and the Commission also inquired about a habitat study to find out what lives on Dean Pond. The set of plans Mr. Pilling distributed are the revised plans showing one-way traffic signs. So far as Planning Board goes, Mr. Pilling believes that the submitted revised plans reflect all suggested changes.

Mr. Pilling received Woodard & Curran letter one week ago and is waiting for habitat study before he responds. Drainage system will be box culvert, whether it will be open bottom or full box will be determined after the mill building comes off of the site.

Mr. Pilling stated that he will be withdrawing the special permit application once all changes are finalized. Christine Santoro suggested continuing the hearing to August 16, 2010.

Walter Johnson moved to continue the public hearing to August 16, 2010, time to be determined. Gregory Strange seconded. Motion passes. 5-0-0

8:00 P.M. CONTINUED PUBLIC HEARING: BARG FARM (JOSIE'S WAY)

- Updated Street Inspection Report

Present: Mark Perron, Trustee, Howard Street Realty Trust; Harry Pepper of 133 Howard Street

Christine Santoro opened the public hearing for Barg Farm/Josie's Way. Mr. Perron appeared in front of the board to provide an update on the progress of the road construction. Mark Perron described the progress of the road building: raised castings are finished, the leveling is done, the sidewalks are in, all of the loam is in place and he expects to pave the road tomorrow. He plans to meet Stephanie Danielson at the paving site. Mr. Perron referred to the updated road cost estimate and requested a bond reduction considering there was no underground lighting and no

fireboxes (that had been accounted for in the original estimate). The board did not have a copy of the updated road cost estimate. Ms. Santoro stated that, given the August 31, 2010 deadline to finish the road, that it would be premature to vote on a bond reduction. Ms. Santoro stated that she will ask Ms. Danielson about the bond reduction before the next board meeting. Ms. Santoro also mentioned that the Town of Easton has received the check from Mansfield Bank. Ms. Santoro asked for comment from the public. Harry Pepper stated he lives on the corner of Howard Street and Josie's Way. Mr. Pepper stated he is very pleased with the grading done this week. He also stated he wants on public record that he is requesting notification for if and when the buffer zone will be planted and the specifics of what will be planted, and that he is willing to work with Mr. Perron on the details. Mr. Perron responded that he has no problem working with Mr. Pepper as long as the planning board approves and is satisfied with the result.

OTHER BUSINESS

Gregory Strange moved to approve the minutes from the June 21, 2010 Planning Board meeting. Walter Johnson seconded. Motion passes. 4-0-0

Walter Johnson signed the meeting minutes from the May 3, 2010 and June 7, 2010 Planning Board meetings.

Christine Santoro, Gregory Strange, Walter Johnson and Peter Deschenes signed the revised Site Plan for 135 Belmont Street titled, "Licensing Plan, 135 Belmont Street, Easton, Massachusetts" latest revision date July 6, 2010.

Christine Santoro, Gregory Strange, Walter Johnson and Peter Deschenes signed the Tony Drive As-Built street acceptance mylar plan.

ADJOURN

Peter Deschenes moved to adjourn the meeting at 8:48pm. Gregory Strange seconded. Motion passes. 4-0-0 (Dan Smith had left the room.)

Respectfully submitted by Randi Graham, Recording Secretary.

Signed by,

Date
