



EASTON PLANNING & ZONING BOARD

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Meeting Minutes – Wednesday, January 14, 2009
Mary P. Connolly Meeting Room, Easton Town Offices
136 Elm Street, North Easton, MA 02356

Present: Christine Santoro (arrived at 7:30 p.m.), Colin Gillis, Walter Johnson, Gregory Strange, Alice Savage, Planner; Pamela Almeida, Recording Secretary

Absent: John Duggan

The meeting was called to order at 6:30 p.m. by Acting Chair, Colin Gillis

6:30 P.M. BOARD BUSINESS

• 300 Foundry Street Proposed Subdivision—Preliminary Review

Per Staff Report: Project Proponent: Town of Easton

Conceptual plans have been submitted to the Town laying out two development alternatives. The Town of Easton will be submitting these plans as a Preliminary Subdivision Plan. **Staff is seeking feedback as to which concept plan is more suitable to submit as a Preliminary Subdivision.**

The property at 300 Foundry Street has:

- ❖ 369' of frontage along Foundry Street
- ❖ 15.7± total acres (approximately 4 of which are wetlands).

Background

The lot at 300 Foundry Street was purchased in the late 1990's originally for use as recreational fields. As a result of neighbor concerns with lights and traffic, the plans were abandoned.

Environmental Resources

The BSC Group was retained to perform a survey and delineate the resource areas, as defined by the Easton Wetland Protection Bylaw, of the site. An Order of Resource Area Delineation (ORAD) was issued by the Conservation Commission on March 10, 2008.

The ORAD shows approximately 4 acres of Bordering Vegetated Wetland (BVW) and an intermittent stream on the southwestern side of the lot. An isolated vegetated depression shown on the plans (towards the western side of the lot) was not designated as a resource area requiring protection under the bylaw. The lot is located with the Hockomock Swamp Area of Critical Environmental Protection (ACEC). Under the Town of Easton Wetlands by-law, wetland resource areas are protected by a 50' no disturbance buffer area and an additional 50' buffer where the Conservation Commission can require mitigation for any disturbance. Activities proposing the application of impervious materials within less than 100' of a resource area within an ACEC are given particular scrutiny by the Commission. Streams are protected by a 200' Riverfront Area jurisdictional by the Commission. No disturbance is allowed within the inner 75' of the Riverfront Area.

Vernal pools, which provide breeding habitat for certain amphibious species, exist within the BVWs located on the site. The Easton wetlands by-law defines a Vernal Pool as the area 100' from the Mean Annual High Watermark of the vernal pool. The vernal pool is further protected by a 100' buffer from that point.

The lot is within mapped Priority and Estimated Habitat of endangered species. The species identified are Blanding's Turtle and Blue-Spotted Salamander. This department submitted the concept plans to the Natural Heritage and Endangered Species Program (NHESP) for preliminary review and to solicit their opinion on the feasibility of development of the site. While NHESP could not provide a binding opinion based on the concept plans, they did indicate that development of the site, along the lines of the concept Open Space Residential Development (OSRD) would likely be allowable.

Development Options

Because the lot is in the Hockomock Swamp ACEC (Area of Critical of Environmental Concern) as well as an Aquifer Protection District, it is especially critical to protect the environmental resources on the site. For this reason, the DPCD asked the BSC Group to attempt to develop the site minimizing intrusion into protected resource areas.

The preferred development options, therefore:

- Provide access to the developable portions of the site over a bridge crossing and thereafter
- Maintain a limit of work at the resource area's outermost buffer line.

Within these constraints, it is possible to develop a **six-lot Open Space Residential Development** or a **four-lot Residential Compound** through a Special Permit. Additional development options include a possible seven-lot subdivision under conventional subdivision development rules, or some alternative development under M.G.L. c. 40B. Because a conventional subdivision requires a wider road, it may be less likely to meet the environmental

protection goals of the Town. Options to develop mixed-income housing under Chapter 40B have not been explored at this point.

Conservation Commission Comments

The conceptual plans were presented to the Conservation Commission on November 24, 2008 for comment. The Commission agreed that, due to the number of sensitive resources at the site and its location within the Hockomock Swamp Area of Critical Environmental Concern, they would be reluctant to approve any development of the site.

• **Other Business**

38 Foundry St – Silhouette Motors
Request for Comment, Application for License Renewal

Per Staff Report: The owner of 38 Foundry Street Silhouette Motors is requesting an increase in his Class II license (used-car sales) from 14 to 30 vehicles. Because the change will not result in any additional paving or construction, the change does not require site plan approval.

Staff has conducted an inspection of the site, and it has been found to be able to accommodate the extra vehicles with no discernable detrimental effects.

Staff recommends that the Board support the application.

Colin Gillis motions to approve the request to increase the Class II license from 14 to 30, seconded by Walter Johnson.

1. Approval of meeting minutes, December 17, 2008

Walter Johnson has three changes. He would like the removal of the third sentence in the first paragraph and replace with: 1. What the ridership might be; 2. Does the Town pay a subsidy and how much; and 3. Why pay a subsidy, when the Town has owned the rail line for 15 years.

Colin Gillis motioned to approve meeting minutes with changes, seconded by Walter Johnson. Motion passed.

2. Signature only for December 3, 2008 minutes

Colin Gillis signed the meeting minutes that were voted and approved at the meeting of December 17, 2008

7:00 P.M. SITE PLAN REVIEW – 646 Washington Street, D’Angelo’s Inc

Present: Todd Pilling

The owners of D’Angelo’s Plaza at 646 Washington Street are proposing to formally approve the existing connection between the D’Angelo’s Plaza and the Dean Street Oil gas station next door,

door, and to change the use of the part of the existing commercial structure from commercial/retail to restaurant.

The proposed use appears to comply with zoning:

- The lot appears to comply with zoning as to size, frontage, setbacks, and use for the existing and proposed uses.
- The proposed combined uses of the lot require 80 spaces (1 per 150 sq. ft. for the commercial uses, plus 1 for every 3 seats of the restaurant). 81 are proposed. (Currently there are 82).

Stormwater Drainage

The work proposed (interior modifications to accommodate change of use and a small addition of impervious surface on the parking lot) is not likely to have a significant impact on drainage. Because the application was submitted prior to the adoption of updated rules and regulations for stormwater, the project is not subject to Massachusetts State Stormwater Standards. Staff therefore finds that the project complies with the stormwater regulations in the Site Plan Guidelines of 1985.

Additional Comments

1. The Health Inspector has submitted a comment to the effect that the BOH has approved the septic system approved, on the condition that the soil proves to be Class I. If it is Class II, then the plans will have to be resubmitted. Staff recommends that the Site Plan Approval should be similarly conditioned on verification of the soil types (see recommendations, below).
2. This project is concurrently in front of the Conservation Commission for a Notice of Intent to repair the septic system.
3. This application was received on December 17, 2008, the same day on which the Board voted to amend the fee schedule. The applicant has submitted a written request to have the fee reduced on the grounds that no new buildings are proposed. Because the new fee schedule was designed specifically to address just such a situation, staff recommends that the applicant be allowed to pay a fee according to the new schedule. The applicant has requested to pay \$500. Under the old schedule, the applicant would have owed \$2,840, and a check has been submitted in that amount. Under the new fee schedule, the applicant would owe \$750.

Recommendation

1. Staff recommends that the Board approve this application with the following conditions:
 - a. The applicant must provide the Board with a copy of the results of the percolation tests required by the Board of Health decision November 5, 2008. If the soils represent a class two soils, then the applicant must revise its stormwater drainage calculations and submit a new application for site plan approval.
2. The Board should consider allowing the applicant to pay a fee according to the revised schedule, which would result in a fee of \$750.

Walter Johnson motioned to approve the Site Plan and the fee amount of \$750.00, seconded by Colin Gills. Motion passes. (3-0)

7:20 P.M. SITE PLAN REVIEW - 104 Main St

Present: David Marsan

Per Staff Report: The Board last saw this project as a request for comment on a ZBA variance. At the time, the Board voted to support the variance request, which was to reduce the parking requirements

The application appears to comply with the Zoning By Law:

- The applicant has received a Special Permit from the ZBA to expand a non-conforming use, which is the apartment on top of the retail.
- The applicant has also received the variance to reduce the parking requirements.
- The applicant's engineer has submitted a written opinion that, given the existing site conditions and the minimal scope of the proposed project, the addition is likely to have a negligible impact on the drainage on the site.

Staff recommends that the project be approved as presented.

Walter Johnson motions to approved as proposed, seconded by Gregory Strange. Motion passes (3-0)

7:40 P.M. INFORMATIONAL DISCUSSION – DeSantis Ford

Present: Richard Tabaczynski, P.E.; Michael Hillsinger, DeSantis Ford; Mr. VanSlight

It was explained that Ford is merging DeSantis Ford will merge with Bay State Ford in Stoughton. DeSantis Ford has temporarily moved to Bay State Ford, and once renovations are complete, will move back to Easton. Discussion pertained to the modification to the Site Plan due to combining DeSantis with Bay State Ford. The modified plan will be submitted as a new application.

The Applicant asked the need to contact Woodard & Curran regarding the review. Ms. Savage suggests once the first review has been completed, the applicant may work directly with Woodard & Curran, as long as information is also relayed to Planning.

Christine Santoro asked if the same reviewer from Woodard & Curran could review (David White). Ms. Savage will ask Mr. White.

Does Conservation Commission have to report to Planning first or can submit concurrently? Board agreed submission can be submitted concurrently.

8:00 P.M. CONFIRMING VOTE SUBDIVISION RULES & REGULATIONS

Ms. Savage asked the Board to reconfirm their previous vote of the Subdivision Rules & Regulations because the version reviewed at the December meeting, was the incorrect version. The Board is asked to approve the Subdivision Rules & Regulations dated 12/17/08.

Walter Johnson motions to confirm the vote approving the Subdivision Rules & Regulations, seconded by Colin Gillis. Motion passes (4-0)

OTHER BUSINESS (cont'd)

Change of Meeting Night & Schedule

Ms. Savage explains the reasons behind changing from Wednesday nights to Monday, will be beneficial because the night will be different from ZBA, which has caused a problem in the past. Also, Monday is the Staff's long day (closing at 7:30) and will help with keeping the Recording Secretary's approved working hours without continued difficulty.

She suggests moving the meeting from Wednesday nights to Monday nights, keeping the same timeframe, but holding the meeting in the Board of Selectmen meeting room.

Gregory Strange motioned to approve the new meeting schedule effective 2/9/2009, meeting on Monday nights in the BOS meeting room, Walter Johnson seconded

ADJOURN

Walter Johnson motioned to adjourn at 8:10 p.m., seconded by Gregory Strange. Motion passes (4-0)

Respectfully submitted by Pamela Almeida, Recording Secretary.

Signed by



Colin Gillis, Clerk

1-28-09
Date