



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

**Meeting Minutes**  
**Monday, February 22, 2010**

Present: Christine Santoro, Chair; Walter Johnson, Gregory Strange, John Duggan,  
Peter Deschenes, Alice Savage, Planning Director

Absent: Colin Gillis, Clerk, John Duggan

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

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

1. Chair Report

Ms. Santoro reviewed the submission for the Planning & Zoning Board 2009 Annual Report. Ms. Santoro asked the members if there were any questions from the Board.

Walter Johnson motions to submit the 2009 Annual report as submitted, seconded by Gregory Strange. Motion passes. (5-0-0)

2. Form A (ANR): Chestnut Street

Present: Todd Pilling Engineering Group, Inc.

The Form A application was submitted by Pilling Engineering Group, Inc. on behalf of applicant Donato Richardi, III and property owner Donato L. Richardi, Jr. The application was received on February 5, 2010 along with a plan entitled "Plan of Land in Easton Mass", dated January 13, 2010.

The purpose of this plan is to divide Plot 68 into Lot B1 and Parcel B2 and plot 33 into Lot A1, Parcel A2 and Parcel A3. Parcel B2 and Parcel A2 are to be combined to create Lot C with a combined area of 8,179 acres and 110, 700+ square feet of contiguous upland. Parcel A3 is a non-buildable lot.

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Mr. Pilling explains that the land started off as a family lot, family got divorced and split the land. A lot was given to a daughter and now a son wants a lot. Mr. Pilling believes the three lots combined are enough to create 4 lots and 1 parcel which is not a buildable lot.

Alice Savage reports she has reviewed the plan and is entitled for endorsement. Ms. Santoro asked if there were any questions from the Board.

Gregory Strange motions to approve, seconded by Walter Johnson. Motion passes (5-0-0). The Board signs the Mylar and a paper plan for the file.

3. Form A (ANR): Puddingstone Lane – Lot 4

Present: Todd Pilling, Pilling Engineering Group, Inc.

The Form A application was submitted by Pilling Engineering Group, Inc. on behalf of the applicants and property owner's Robert and Joanne Carroll. The application was received on February 17, 2010 along with a plan entitled "Plan of Land in Easton, MA", dated February 10, 2010.

The purpose of the plan is to divide Lot 4 into Lot 4A and Parcel 4B. Lot 4A meets the requirements of a lot in a Residential Compound. Parcel 4B is not a building lot under the current zoning bylaws.

Mr. Pilling explains this is part of Puddingstone Estates, where Lot 4 is being cut from a 9 acre lot to a 3 acre lot in order for the developer to be able to sell it.

Ms. Savage suggests approving the Form A, explaining the lot will not be a buildable lot until a modification to the residential compound special permit is submitted and approved.

Peter Deschenes motions to approve the Form A contingent upon the approval of the modification of the special permit, seconded by Walter Johnson. Motion passes (5-0-0)

Mylar and paper plan were signed and left with the office to not be released until the modification for the special permit is approved.

4. Discussion of Zoning Amendments for May Town Meeting

Ms. Savage informed the Board that the deadline for submitting the public hearing notice to the newspaper is next week, therefore any subdivision rules & regulations with a tentative public hearing for March 22, 2010.

- a. Inclusionary Zoning
- b. Accessory Dwelling Unit Zoning
- c. Revision to Site Plan Procedures
- d. Home Occupations
- e. Parking

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- f. Rezone Twin Brooks and Easton Country Estates, they are in the industrial zone and would have to enforce the industrial setbacks if any additions or changes come before the Board; also a business / manufacturing plant potentially could be proposed under the industrial zoning.
- g. Rezone Belmont Street to business zone as well as the 5 Corners area, rolling into the industrial zone.

Walter Johnson brought up the planting of bushes, plants too close to the street, hindering the site distance entering a street. Ms. Savage believes this is a general ordinance, not in the Zoning Bylaw.

**7:00 P.M. SITE PLAN REVIEW: 750 Washington Street**

Present: Todd Pilling, Pilling Engineering Group, Inc. and son of the applicant, Neal Patel

The application was submitted by Pilling Engineering Group, Inc. on behalf of the applicant and property owner Sunil Patel. The application was received on January 25, 2010 along with a plan entitled "Site Plan – 750 Washington Street, Easton, Ma", dated January 8, 2010.

The purpose of the plan is to request a change of use of the site from retail office lounge to retail office, motel. Proposed is 4,925 square feet for 3 retail spaces; 1,736 square feet of office space and a 14 room motel. The current site has 81 approved parking spaces and the proposed plan will require only 59 parking spaces. Proposed date for commencement of site plan work is February, 2010 with a proposed occupancy date of July, 2010.

Mr. Pilling explains this site was once a club and since has been used for multiple business including a massage parlor, billiards and variety store. This is an existing site with parking, lighting. The proposed plan will not change the building itself, with the exception of putting a canopy on the back of the building. Walter Johnson asked about the drainage calculations.

Mr. Pilling responds to items in the Staff Report dated February 17, 2010.

#7 Stormwater report: Ms. Savage states the State redevelopment standards require a stormwater report; however a letter submitted will be sufficient.

8a. An isometric plan, projection or elevation to show the location of entrances to individual motel units. Mr. Pilling responds a plan will be submitted.

8b. A photometric plan, due to increased concerns about proper lighting. Ms. Savage asked about the rear of the property and safety. Mr. Pilling states there will be lights and security cameras. Currently there are boulders blocking access to the rear because of dumping in the back of the property.

8c. A traffic report, due to new commercial use on state numbered route. Mr. Pilling responds that he would rather not do a complete Institute of Traffic study believing there will be a reduction in the traffic at the site.

Ms. Savage indicates that item #4 (screening and buffers) cannot be waived.

Ms. Alice asked if the Board would like to do a Site Walk. Site Walk scheduled for **Tuesday, March 2, 2010 at 9:00 a.m.**

**7:05 P.M. OTHER BUSINESS: Golden Oaks Surety Request**

Present: Dennis Welch

Mr. Welch explains that at the last meeting asked the Board to change a side setback from 30 feet to 15 feet. This lot abuts the proposed clubhouse, which sits on open space; the clubhouse will be a minimum of twenty-five feet off the lot line, leaving a minimum of forty feet between the units.

Ms. Savage suggests Mr. Welch submit a letter requesting a minor modification to the special permit, referencing the recording information from the approved special permit.

Mr. Welch explains that the lot is sold, however, but is being held as surety, he believes lots cannot be held as surety and would like the lot released. Ms. Savage explains holding a lot as surety is not allowed therefore a covenant (a form of surety) has to be submitted. In the past in the event the road was not complete, the Board could take the lot, sell it and complete the road.

Mr. Welch asks what to do in this type of situation. Ms. Savage requests to submit a request for a road cost estimate and put up the surety and release the lots. Mr. Welch feels not right to change the rules partway through a subdivision; there is no way a bank will approve. Gregory Strange asked if there is a way to sell the lots to the Town (for \$1.00). Ms. Savage explains to Mr. Welch that he is asking to release the lot and in order to do it, there needs to be some form of surety. Peter Deschenes asked the amount of the surety for this lot. Ms. Savage thinks the value of the lots was undervalued (proposed at \$50,000 - \$60,000) per lot. Mr. Welch explains he has already given a cash bond of \$174,000 plus three lots. He cannot sell the lots that are being held.

Gregory Strange asked how many lots that are not built on, Mr. Welch answered 13. Mr. Strange asked how many are being held. Mr. Welch answers 3. Mr. Strange clarifies that this lot is one that is being held, then why can't the Board hold another lot. Ms. Savage feels that it weakens the Town's position; and making a switch of lots is going against the Statute (which Ms. Savage has a problem doing).

Mr. Johnson asked how this type of situation was handled in the past. Ms. Savage explains that a Covenant covered the entire subdivision with enough value to complete the road. And this subdivision does not have enough surety being held to complete the road.

Ms. Santoro asked if there are other subdivision where we recognize the Town was not protected and have changed, but are there other subdivisions in the place that are in the same position. Ms. Savage says this change has come to light in the past two years.

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Ms. Savage asked Mr. Welch if there is any work that is done that the current road cost estimate shows as not done, then the road cost estimate can be recalculated.

Gregory Strange concerned that this was always done like this (holding lots in place of surety); why can't we swap lots in this case. And notify developers going forward will not be holding lots for surety.

Peter Deschenes asked if Mr. Welch could give some surety out of this sale. The Town is holding three lots, causing the developer to not be able to sell or build on the lots, by not allowing them released. Why not release all three lots.

Ms. Savage would like to discuss with Town Counsel and suggests Mr. Welch submit a form the Form G - Request Release of the Lot(s). This will create a new Road Cost Estimate. Mr. Johnson suggests that Ms. Welch meet with Ms. Savage and Town Counsel.

**ADJOURN**

Walter Johnson motions to adjourn at 8:00 p.m., seconded by Gregory Strange. Motion passes (5-0-0)

Respectfully Submitted by *Pamela J. Almeida, Recording Secretary*

Signed by,

Colin W. Hillis

Date

3/18/10