



## **EASTON PLANNING & ZONING BOARD**

*136 ELM STREET, P.O. BOX 129  
EASTON, MA 02356-0129*

*Tel.  
(508) 230-0630*

*Fax:  
(508) 230-0639*

### **MEETING MINUTES September 19, 2007**

**Mary P. Connolly Meeting Room, Easton Town Offices,  
136 Elm Street, North Easton, MA 02356**

Present: Christine M. Santoro, Chair; Colin Gillis, Clerk; Walter Johnson; Alan Weeks; Gregory Strange; Carol Symmons, Alternate; Marc Rousseau Director of Planning & Community Development; Alice Savage, Staff Planner; Pamela Almeida, Recording Secretary

#### **6:30 P.M. WELCOME - Alice A. Savage, Staff Planner**

Christine Santoro opened the meeting by introducing and welcoming Alice Savage, the Town's new Staff Planner. She comes to us from Baltimore where she worked in the City Planning Department. She has a BS in Urban Studies from MIT and a Masters in Housing, Community and Economic Development from MIT. Welcome Alice.

#### **6:35 P.M. CONTINUED PUBLIC HEARING Amending Rules and Regulations, Board Applications & Review Fees**

Marc Rousseau continues to work on updating. He is waiting to receive the schedule of fees from Woodard and Curran. He asks this item be continued to the November 7<sup>th</sup> meeting at 6:30 p.m.

Colin Gillis motioned to continue this hearing to November 11, 2007 at 6:30 p.m.; this was seconded by Walter Johnson. VOTE passes (5-0)

#### **6:40 P.M. GENERAL BOARD DISCUSSION**

##### **A. Community Visioning Dialogue**

Marc Rousseau spoke saying that there will be a meeting on Saturday, October 27, 2007 from 8:00 a.m. until noon with a group comprised of Committee Chair's; Department Heads and some from the private sector to begin the process adding other people as this progresses. The basic question to the people will be "Where do you want to see Easton in 20 years?" What is the community value, what is important to the community? He stated that Alice Savage and he are working on a webpage for the Planning & Community Development office with information on this process and will communicate with the Town on various responses which will be organized by topic and brought to the October session to see if there are any themes that the Town could use for the Visioning process. He said that this will be followed by a meeting in February with a session for the general public inviting the Boards as well. He says that they are working with a facilitator – Madeline Snow. The Planning and Zoning Board's stand is to develop some

outreach materials for public relations to get people involved in the process. There is a piece of literature that explains the process in detail with Marc will get copies to the Board.

Christine Santoro asks the Board members to give some thought to this and Marc Rousseau will put this on the agenda for the October 24, 2007 meeting for the first hour.

## **B. Proposed Cottage Development Zoning ByLaw**

Present: Fred Clark, Jr. and Walter Mirrione, Mirrione Realty Corp.

Marc Rousseau handed out copies of the Draft #15 and a draft letter. He reminds the Board of the September 26<sup>th</sup> Workshop for Boards and Committees in the Selectmen's meeting room and a Public Hearing on October 10<sup>th</sup> at the Olmstead Richardson School.

Gregory Strange asked if there has been any feedback on the notice of the Workshop.

Christine Santoro reports no feedback as of yet, but she plans to contact those who received the invitation. She asks the Board to look over Draft #15, which has revisions, and suggests they go through.

Fred Clark stated that he would like to pick up on all the information heard since the Town Meeting and assist the Board with incorporating the changes and suggestions into document form.

Fred Clarks states that the Historic Commission has concerns with addressing the historic character of the Town. This issue is now incorporated into the Purposes section (A-6) to make it crystal clear that whatever Cottage development takes place has to adhere to the historical character of Easton. A major change of this bylaw that had come up in Town meeting and other places is a general concern, that although these homes are small, could get overloaded with people, someone at Town meeting asked how this can be prevented. Fred Clark refers to the Draft Households section (C-6) where they borrowed some language from 55 and over and other places to restrict the number of occupants to no more than three.

Walter Johnson asked how this can be enforced. Fred Clark says it will be enforced through the Building Inspector as a zoning violation and through the Homeowners Association as a violation to the rules and regulations. Walter Johnson voiced concern of the Building Inspector, Easton having only one, enforcing this regulation. Fred Clark feels it is a rare and usual situation that the Building Inspector would have to enforce this. The homeowners will usually take notice of an additional occupant and will ask what is going on in the home and that will usually take care of the issue. Walter Johnson asked if any of these have gone to court. If a family member is in a real dire need, what is the court's stand? And has it been challenged? Walter Mirrione says he is not aware of a circuit court case describing a "you can't tell me what I can do in my house" type of language but thinks there are many provisions in the zoning bylaws throughout the State that limit the number of occupants in the community. They have been approved by Attorney General and all are in play and haven't been challenged any other way either. Believes the law is more apt to be favorable upon the side of the community as opposed to a private landlord/tenant situation when they go into a housing court. In this case, this is a zoning violation or a homeowners association, condo association, will go to Superior Court not a housing court type of situation. Not aware of a situation where this has come up, but can research it.

Walter Mirrione responds to the Town having only one Building Inspector zoning officer for enforcement of violations. He says that when a violation is sent to the individual violator, the Inspector will also send it to the trustees of Homeowner's Association saying they have an obligation in the documents to enforce this, or the Association will be fined as well as the individual. There are a lot of reasons for the trustees to enforce this. This is a small community, if there are 20 units and 19 units are playing by the rules they will not let the 20th unit not play by the rules.

Walter Johnson asked about a statement made in the past that the proposal is to keep graduates in the Town. It was asked at that time what the estimated cost of the home would be and it was stated \$380,000. Walter Mirrione says that not around \$250-350,000. Walter Johnson says that is for a kid just getting out of school. Walter Johnson asked "what is affordable housing?" Walter Mirrione says don't misunderstand the target market, of single, young professionals as a big part of the target market, although it doesn't discriminate from a 22 year old walking in and buying a unit, Mr. Mirrione does not feel that is going to happen. He believes they are thinking about more people who have been out of college or graduate school for a couple of years (40 +) and also not discriminating people older than that. Walter Johnson asked what the possibility is of this turning into Section 8? Walter Mirrione says that just like any other residential community in a Town, you can't prevent someone renting their home to someone, even someone on Section 8. Part of putting zoning bylaws together is show the concept as a community. That is what is done with the over 55, cluster and compounds are, they are built as a community. When they are built as a community and target this type of people they aren't buying them to rent them out.

Gregory Strange said if going to support this as a member of the Board for a second time, where can this go in the Town? Is there a specific location in mind? People are concerned this could go in their backyard. If there is a site in mind, why don't we spot zone this thing and why don't we package this bylaw for that and maybe in the future expand. If have a specific site in mind, maybe it would be easier to pitch as a prototype for housing on this specific site and deal with abutters that are there versus this ambiguous thing we would like to do but not telling the Town where.

Alice Savage addressed the issue of spot zoning and that it is illegal and we cannot do it.

Gregory Strange asked why the bylaw can't be written to allow this in a certain region, create a zone.

Fred Clark suggests going through all the changes but refers to a change of reduced from 2.5% to 1% so the max has dropped from 137 units to 60 units. Can't pick a parcel but can say that there are parcels in mind, and if pass the zoning bylaw, that this parcel will generate 60 units or these two parcels can generate 60 units. Maybe deserves further discussion.

Gregory Strange feels though changes have been made does not feel this will pass at Town meeting.

Fred Clark feels it is too early to come to that judgment because what they have heard from all the Boards, Town meeting, Board of Selectmen, this Board and individuals almost every change is incorporated into the revision Draft that is on the table. All that has been heard from

Historical Commission was historic protection is addressed in this revision. All that was heard from the Conservation Commission was a little more specificity of wetland resource, is in the revision. Housing Partnership wanted an affordable component, is in the revision. We heard from this Board and other Boards with regards to heightened expectation of the suitability of the site in terms of the neighborhood characteristics. Heard from John Grant (Conservation Commission) with regards to soils, ground water, elevations and perk tests, that is all in the revisions. Heard from Pat Hunt that regarding the “this could be in my neighborhood” issue and increased the lot size to 80,000 square feet of contiguous upland. Therefore we are really talking bigger than two acre parcels and on major travel ways. Feels the revisions have eliminated a lot of the “this could be in my neighborhood” concern. Feels a lot of the changes do address all the different concerns they have had with one exception and that is the number of units per acre.

Walter Mirrione states that people have suggested creating a lot, building it and showing how good it is and then expand. But we can't do it with conventional zoning. In a lot of Towns can take a zone for a smaller area and say this is where we are going to do it. Unfortunately for Easton there are only three major zones: residential, industrial and business. Don't have a bunch of zoning districts to be able to create a zone for this. In order to get around this, we had to create descriptive language which does not translate to the public as easily as having a specific zone where this will be allowed. So what we rely on is the, Planning Board, Conservation Commission to understand that and to stand up at Town Meeting to say 'this does do all those things but in a different way and have to rely on the Planning Board, as the special permit granting authority, to understand what this means and if it doesn't fit we will deny it'.

Fred Clark feels that if all the Boards are not all together on this, hopefully will know that at the Special Meeting on Wednesday, September 26, 2007. Says that we can't go to Town Meeting and look at each other the way it happened in the spring. If this isn't a bylaw that everyone agrees to, with the interest of the Town, we have already lost the battle and probably should question whether we should move forward or not; next Wednesday's meeting is particularly important. The other issue in terms of public input, think you are addressing at the Workshop with mailings to all the people who attended Town meeting to go to a public hearing to have a broader range of input. And on our end, although we are the applicant, we are going to launch a website that gives a lot more information about Cottage Housing. The website will contain pictures, floors plan and things like that and we are already engaging the public as much as we can. We will do our part in terms of the public education piece, but can do only what we can do and this has to be a Town initiative and I think that the steps in place now will take care of a lot of the concerns.

Christine Santoro says that the Board feels a need to incorporate more specifics as far as describing locations or much of what is in Section 12-7 into the bylaw and even though it is here and redundant, if the public is going to except it, that is what is needed, to incorporate it into the bylaw so that people understand that this is a step process. They will need to know that if step one is denied, the process will not continue to step 2. This type of language is needed to be incorporated into the Special Permit language.

Colin Gillis voiced concerns, one of which with being the special permit granting authority, the not writ the Town being overrun by Cottages, someone saying, 'hey I've got an acre, let's put one in here'. It seems to me that in the past five years, everything is generated by a special permit, so with a history of granting special permits, I am sure that if the courts were to take a look at and say 'the Town is being arbitrary and capricious by not hearing this particular permit

for cottages when granted it to the other guys', so the idea of using a special permit granting authority route as an enforcement tool I assume will carry a lot of weight. Although does feel the zoning district idea, and incorporating a cottage zone area in the next five years, to be something to keep in mind. Feels there is a lot to be done, did not get sold the last time, so apparently there are bodies of citizens out there that are not sold on it yet.

Fred Clark asks are you saying that on the special permit, if pitch is for 60 units (will be limit with the revisions), if someone came in with a 61<sup>st</sup> cottage development that a special permit process could be thrown out by a court or require you to deny.

Colin Gillis says that the court could turn around and say 'how could you just limit to 60'.

Fred Clark says we would only be acting arbitrary and capricious within the parameters of which the Town meeting had determined, which is also by the way, has been approved by the Attorney General as part of the process.

Colin Gillis says that assuming we are going to go with the 60 units, and we granted 59 and then we say no to #60, the court could turn around and say 'what a minute now you are arbitrary and capricious'.

Walter Mirrione says there are 60 individual cottages. Someone putting them in with 59 they couldn't put them in, there is a minimum of 10 required. With 60 cottages, we are looking at 2 projects, maybe three. This is essentially a demonstration bylaw the way it is written, limited with the two acres, 30 cottages per project. It is essentially an demonstration bylaw where we probably will get two projects, build up to sixty or most of the sixty and either going to look at them and say 'that is terrible' or 'that's great', lets change the sixty to ninety. That is the purpose, and I think it was a good suggestion to go to a number and that is how to get a demonstration bylaw.

Colin Gillis says there are challenges to that too, someone could come in and say that is spot zoning. Walter Mirrione says that is not spot zoning. Spot zoning is when a piece of land is rezoned and not consistent with what is around it. Colin Gillis asks now do you have a demonstration parcel? Walter Mirrione says, this is not targeted to a parcel, that is why it is allowed anywhere within a residential district. Says he drafted this bylaw, personally wrote this bylaw with input from a lot of people. Says he could say this with a lot of comfort level, because he would not have drafted it thinking it would not be issued. It has been bedded by the Attorney General formally on two occasions, bedded by other council and other Town's and their council. Do not see these as issues and believes they have cleaned it up and taken them all out.

Gregory Strange continues with his belief that a specific area needs to be identified. Hopefully when the Boards come next week and we can work with them.

Christine Santoro feels the meeting next week will help a lot in regards to getting a sense as to whether there are changes we can make that are workable or if there isn't the support there for this.

Marc Rousseau asks the Board to review the Draft #15. He reminds the Fred Clark and Walter Mirrione of the meeting of Boards and Committees next Wednesday, September 26, 2007 at 6:30

p.m. in the Selectmen's Office and the Public Hearing to be held Wednesday, October 10, 2007 at 6:30 p.m. at the Olmstead/Richardson School.

**7:25 P.M. UPDATE OPEN SPACE PLAN/ RECREATION SURVEY**  
Bruce Hughes / Old Colony Planning Council

Present: Bruce Hughes

Bruce Hughes gave Marc Rousseau a draft of the open space plan. He also handed out to the Board a section of the open space plan dealing with the growth and development patterns. He feels this is just about complete. He met Monday with the Conservation Commission, will be meeting with Handicap Assessable Committee next Monday, the Community Preservation people, NRT and Recreation people as well. He asks the Board 'how has the Town growth since 2001 affected open space?'

Gregory Strange, speaking as a Coach, the school expansions has impacted the playing fields in Town. There is no regulation baseball field in Town, other than the high school, which Town teams are not allowed to use.

Marc Rousseau says that would like to see more of a balance, knows that protecting open space is valued, but in regards to recreation, what he would like to see when the Town looks at parcels to acquire, whether it is a 61A whatever, there needs to be a comprehensive analysis of future uses.

Alan Weeks said that as a Planner he would like to see recreational facilities spread out across the Town.

Bruce Hughes said that his plan was to have the draft completed by November; Marc Rousseau asks if the draft can be completed by mid-October so the Board may be able to put on their agenda and discuss. Marc Rousseau will do a synopsis for the Board.

**7:40 P.M. DISCUSSION**  
Queset Commons, 40R, Douglas A. King and Ken Hagen  
Architectural / Site Planning Issues

Present: Douglas A. King, Ken Hagen

Douglas A. King openings saying he believes we are here tonight to focus on design and traffic.

Ken Hagen says that specifically what we are here to talk about are guidelines of the 8/15/07, Smart Growth Overlay District (SGOD) Design Standards. He hands out a Draft #2 with revisions from 9/7/07. Included with this is also a Part Two/Subzone Design Standards which defines each 'subzone' and what will be done within each zone.

Subzone "A" - Multi-Family Residential – Maximum percent of lot coverage around 25%, Maximum building height at 4 stories / 60 feet (per town definition in the Zoning Bylaw); Minimum setback, front 25', side 10', rear 25', Parking will be 1.75 spaces per dwelling unit.

Subzone “B” – Mixed-Use/Village Center – Maximum percent of lot coverage around 25%, Maximum building height at 4 stories / 60 feet (per town definition in the Zoning Bylaw); Minimum setbacks, front 0’, side 0’ (or 5’ to Lot Line + 15” Sidewalk = 20’), rear 0’; Parking will be 1.25 spaces per dwelling unit and 1 spaced per 1,000 square feet of commercial use.

Subzone “C” – Commercial – Will retain all requirement of existing underlying Business Zone

Colin Gillis asked if there were going to be elevators and if the equipment for them will be visible. Ken Hagen said there will be multiple elevators (hydraulic) with the equipment mainly located in the basement. What will be on the rooftop will be hidden by the building’s design.

Ken Hagen feels that overall this is what we believe works for us and asks the Board to accept this into the bylaw.

Colin Gillis says that he remembers when this was the model for other a lot of other communities to consider. Douglas A. King says that this is a development that meets the housing needs of a community and pays them. Ken Hagen says that this is going on all across the country and the idea of having living space above commercial space makes sense.

Gregory Strange asks if the tenant changes out of a commercial/business unit and wants to change the face of the building will have to come back to for a design review. Marc Rousseau says it may come through here.

Alice Savage wanted to know about the units that are assisted living, whether they are those that are presently there or are they going in the back. Douglas A. King said there are going to be 80 units for assisted living, located in another building with a dining area an outside area, with a walkway so people could come across. Alice Savage said that she walked the area and was struck by the large amount of parking area and open, but not useful, space. Douglas A. King says that the parking is going to be shared, by CVS, Stoneforge Restaurant, Quest on the Pond and Queset Commons. They will have 898 parking spaces with about 304 of the space being under the ground. Under the requirements, we need around 1200 spaces. He also stated that the parking spaces are the requirement by this Board. Alice Savage asked would they add more spaces in they were not using our regulations. Douglas A. King says that they will be utilizing all the parking spaces that are currently there and adding the additional spaces as required by regulations. There will also be walking areas to go from building to building without going outside the area.

Carol Symmons asked about transportation choices for the residents? Douglas A. King says that there will be a bus stop in the ‘village’ with trips to Stoughton and Brockton, where they can get the commuter rail. There will also be a shuttle service to Good Samaritan, Bridgewater Goddard Park. They will have walking and biking paths to Main Street as well, going through Sheep Pasture. He does not believe that there will be any danger to the wells located here, the problem could come from those wells that are upgradient from here, those older systems that are on small lots that could pose a problem in the future. The proposed treatment plant could have the capacity of 40,000 gallons per day.

Jim Azevedo of 263 Depot Street questions where the overflow area will be, down towards the pond or up in back? Douglas A. King says they are doing testing everywhere with part of the areas being tested are already built for Queset on the Pond and Stoneforge. Mr. Azevedo asks if

shown, we they put the Scotch Dam back to the original sight? Believes it would be essential for water backflow. Douglas A. King says that he hasn't heard anything about this dam, has heard about the dam behind Hennessey Package Store. Mr. Azevedo says that the Scotch Dam was dug up years ago and moved back further, and do not know if it is Town or developer, maybe they should look at some of the old aerial photos. Gregory Strange asked where the Scotch Dam is; he thought it was a road originally. Mr. Azevedo said the original one was.

Christine Santoro asked if there were any further questions. Marc Rousseau believes should work on the forms base code as a group and will schedule another discussion when necessary.

Elaine Doherty or 18 Harrison Avenue voiced a concern with a taxation giving the developers the power to tax residents of this type of development. Christine Santoro says she is not aware of this. Ms. Doherty says this bill is going to the statehouse. Marc Rousseau asked for a copy for the Board to look at. Ms. Doherty voiced her concern about the developer's ability to tax residents themselves.

Marc Rousseau discussed with Douglas A. King to set up a workshop with himself, Ken Hagen, Marc Rousseau and Alice Savage.

### **8:20 P.M. BETA GROUP PRESENTATION – Traffic Engineering 101**

Present: Kien Ho

Mr. H handed out a printout for titled Traffic Engineering 101. He went over this with the Board. The basics of a how a traffic study is conducted was presented to the Board. The presentation reviewed the study area and how a specific area is determined to be studied, how the data is collected during the study, how the data collected is analyzed, what the findings are and recommendations.

A specific study area is determined by the Town. During the collection process the traffic volume is assessed by time of day: a.m. & p.m. commuting peaks periods, mid-day peak time, Saturday mid-day traffic and a 24 hour count (will see hoses across the street). They look at the vehicle delay and lighting queue. They also look at the accidents that have happened at the specific sight. This data is collected from MassHighway and the local Police Department. The last part for this part of the study is the speed data which is collected either by radar or automatic counter (this is two hoses running across the street)

The data is then analyzed by looking at the trip generation, whether there is a new housing development or office complex in the area; trip distribution, where the trips are coming from, direction cars area traveling to the intersection for all the roadways in the area; the trip assignment, is done by analyzing the trip generation and distribution to determine the effectiveness, in other words the amount of time waiting at a light. The findings are then given to determine the level of service of the intersection.

The Board felt the session was very interesting and thank Mr. Ho for his time. Mr. Ho informed the Board if they had any other questions or suggestions for future workshops, please feel free to contact him.

On a lighter note, Ken Ho suggested the next time we are waiting at an intersection, watch the light. Once the light turns red, time it. If have to wait more than 80 seconds before the light turns to green or for one complete cycle (red, green, yellow, red) and do not get through then waiting too long.

**9:00 P.M. OTHER BUSINESS**

**1. ANR Plan – Fairland Farm, LLC (Bay Road)**

Present: Chris Yarmouth – Fairland Farm, LLC

Alice Savage reported to the Board that the application does not meet an ANR Plan because there is not enough frontage. However she is asking the Board to waive the frontage requirements because this plan will be joining two parcels, one of which is located in Norton, Ma, which does meet frontage requirements. She also informed the Board that a new plan was recently submitted, which the Board was given to review. She also informed the Board that Norton Planning Board will also need to endorse the plan.

Colin Gillis asked how we are bound by the frontage requirements of Norton. Alice Savage said that Norton will need to stamp the plan as well. My recommendation is the Board should allow this because they are not going to build on it anyway.

Christine Santoro clarified that the plan was changed to include the parcel of land in Norton. Alice Savage said this is the same proposal and has the stamp of the Norton line. What if we approved this and the Norton parcel does not come through then we have a landlocked parcel in Easton that would be no good to anybody. However, it does not meet the requirements and an ANR; it is a subdivision, so the Board would have to waive the frontage requirement to endorse this plan.

Colin Gillis motioned to waive the frontage requirements and accept the ANR as proposed, Walter Johnson seconded. VOTE passes (5-0)

The Board signed the Mylar for this plan and Chris Yarmouth signed the Mylar out and was informed that once it was recorded, we need to have four copies.

**2. ANR Plan – Fairland Farm, LLC (near Blue Heron Lane)**

Present: Chris Yarmouth, Fairland Farm, LLC

Alice Savage reported to the Board that the application does not meet an ANR Plan because there is not enough frontage. However she is asking the Board to waive the frontage requirements because this plan will be joining two parcels that does meet the requirements.

Christine Santoro asked if this was a modification to a sub-division. Marc Rousseau said that technically it could be. Alice Savage said that this proposal does not constitute a modification but cannot say what could happen in the future.

Chris Yarmouth says that the owner would like access to the pond.

Colin Gillis motioned to waive the frontage requirements and accept the ANR as proposed, Walter Johnson seconded. VOTE passes (5-0)

The Board signed the Mylar for this plan and Chris Yarmouth signed the Mylar out and was informed that once it was recorded, we need to have four copies.

### **3. ANR Plan – TEE Realty Trust (220 Depot Street)**

No representative was present for this proposal.

Alice Savage explained that this proposal is to divide one existing non-conforming parcel into two parcels (creating a sub-division in the back). She recommends waiving the frontage requirements with the rear parcel A with the understanding then the end product will meet the frontage requirements.

Christine Santoro said that she disagreed and believes this proposal is modification to a sub-division because adding space. Alice Savage says that dividing the lot does not constitute a modification of a sub-division. Colin Gillis by allowing this at this stage does not constitute a modification because they couldn't do anything with it. Alice Savage says that they are not modifying a subdivision they are just next to one. Because no representative is here, not really sure what the intent is. Colin Gillis asked would we allow this on the face, though we did allow the previous proposal of the same type. Alice Savage suggests if the Board wishes to deny this application, they should specify in the decision the reason was because do not know if the future lot meets frontage because it is not specified on the plan.

Walter Johnson motioned to deny this proposal due to the lack of information on the plan, Colin Gillis seconded. VOTED to deny (5-0)

Alice Savage wanted it noted in the decision that it does constitute a subdivision and in the record. Marc Rousseau says by logic that if an ANR is denied it is a subdivision. Christine asked if they needed an amendment needed for the decision. Marc Rousseau wants to make it clear to the record, because they have to file a denial letter with the Town Clerk to stop the clock, that this is a subdivision.

Christine Santoro motioned for those in favor of amending the decision of denial, making this proposal a subdivision. Walter Johnson seconded. VOTE passes (5-0)

Marc Rousseau to go over the denial process with Alice Savage and will file the decision with Town Clerk.

### **4. Decision – Brizida Corp (Special Permit / Common Driveway)**

Marc Rousseau gave changes to the decision to the Board.

1. Added to page 2 of the decision added the Memorandum from the Easton Fire & Rescue Department to Marc Rousseau dated August 8, 2007.
2. On page 3, letter C, Marc Rousseau states that this is verbatim from the Memorandum mentioned above: "The travel width of the proposed common driveway, as shown on the aforementioned plan, meets the minimum travel way of 12 feet over the entire length of

the common driveway however the petitioner agrees to maintain a hard surface (asphalt) at a minimum of eighteen feet in width travel way (a "Fire Lane") per NFPA 18.2. Christine Santoro requested to add the following to the end of this section: "with exception of the stone bound entryway, which is already 16 feet".

3. On page 6, #9: the addition of language for house #'s: "At the beginning of the common driveway, house numbers and names of the occupants shall be provided".

Colin Gillis motioned to approve the decision of the Special Permit and Common Driveway as proposed with the indicated changes, Walter Johnson seconded. VOTE passes (5-0)

#### **5. Release of Surety - Dorchester Brook Estates**

Present: Azu Etoniru, Richard Costa

Marc Rousseau went over the as-built plans with the Board. He informed the Board that the Land Use Agent's report shows nothing outstanding. He requests that \$145,423.00 be released.

Walter Johnson motioned the release of the entire surety in the amount of \$145,423.00, Alan Weeks seconded the motion. VOTED passes (5-0)

Marc Rousseau will draft a letter to the Town Treasurer requesting the release of funds.

#### **6. Endorse Mylar's – Stonemoor Estates Plans, Special Permit #07-04**

Marc Rousseau reports to the Board that they approved the Special Permit #07-04 Residential Compound, at the meeting on August 15th. The 21 day appeal time has passed. He is requesting that the Board sign the Mylar's (5 in all) for this project.

The Board signs the Mylar's.

#### **7. Endorse Site Plan – 403 Turnpike Street**

Marc Rousseau reports to the Board that they approved this Site Plan Review at their meeting of August 29<sup>th</sup>. Marc recommends the Board signs the Mylar's (5 in all)

The Board signed the Mylar's.

#### **8. Approval of Minutes – August 29, 2007**

Christine Santoro had some minor changes to the minutes that the Recording Secretary will correct for the next meeting, where they will be signed by the Board Clerk.

Colin Gillis motioned to accept the meeting minutes with changes as suggested, Walter Johnson seconded. VOTE passes (5-0)

#### **9. Capital Planning Committee**

Christine Santoro asked for a volunteer to be a member of this committee which meets around five times in the Fall and once in the Spring. She explained that this committee is formed to

approve suggested items the Town may want to purchase. She says that Wendy Nightingale, Town Accountant, is the head of this committee. The committee will begin in October. Gregory Strange volunteered and will be sworn in by the Town Clerk. Marc Rousseau will inform Wendy Nightingale.

**10. Reminder – Workshop**

Marc Rousseau wanted to remind members of the Workshop next Wednesday, September 26, 2007 at 6:30 p.m. in the Selectmen’s meeting room on the Cottage ByLaw, where we will meet with the representatives of the project as well as members of Town Boards and Committees.

**10:30 P.M. ADJOURNMENT**

Walter Johnson motioned to adjourn, Colin Gillis seconded. VOTE passes (5-0)

Respectfully Submitted,

\_\_\_\_\_  
Pamela Almeida  
Recording Secretary

\_\_\_\_\_  
Date

Signed By,

\_\_\_\_\_  
Colin Gillis  
Board Clerk

\_\_\_\_\_  
Date