

**Meeting Minutes
October 10, 2007**

**Olmstead/Richards School Cafeteria,
101 Lothrop Street, North Easton, MA 02356**

**PUBLIC HEARING
COTTAGE DEVELOPMENT ZONING**

6:30 p.m. Welcome by Chair

Christine Santoro welcomes those in attendance.

She introduces the Planning & Zoning Board members and staff: 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.

She reviews the sequence of events for tonight, which include:

The reading of Public Hearing Notice by the Board Clerk, Colin Gillis.
A Power Point Presentation by Staff, Marc Rousseau
A Power Point Presentation by Mirrione Realty Corp., Nick Mirrione
Comments from General Public
Questions from the Board to the Proponent
Close the Public Hearing
Board Discussion and Vote

6:45 p.m. Public Hearing Notice Read by Board Clerk, Colin Gillis

A copy of the public hearing notice will be filed in the meeting minute book.

6:50 p.m. A PowerPoint Presentation by Staff, Marc Rousseau

Marc Rousseau presents an overview of the proposed Cottage Bylaw, with changes since the meeting in March, 2007. He explains that after the public hearing is closed, the Planning Board will vote to whether or not to recommend to the Board of Selectmen to put this Bylaw on the Warrant for the November Town Meeting.

7:15 p.m. A PowerPoint Presentation by Mirrione Realty Corp., Nick Mirrione

Mr. Mirrione presented the Cottage Bylaw presentation. He states that if the Town does not do something about the 'gap housing' and be proactive and take a leadership role, then the State will put something into play. He presents the slideshow and addresses its changes since the March, 2007 meeting.

7:30 p.m. Questions from the Board

Christine Santoro asks the Board members if they have any questions for Mr. Mirrione.

Colin Gillis asks whether or not there will be a limit as to how many units will be built and where. Christine Santoro says that the total number of units will be 60. Marc Rousseau states that this number will not change.

Walter Johnson states that he is concerned about the septic system. He states that it appears to be the same as proposed in the first draft. He asks if there is a member of the Board of Health in attendance (there is no representation of the Board of Health). He would like to know who will oversee when the septic system fails and also who will enforce the limit of three primary residents. Marc Rousseau states that it should be recommended to amend the bylaw for a submittal of an approved septic system by the Board of Health before the Special Permit is presented to the Planning & Zoning Board. Nick Mirrione responds that DEP requires the developer set up an initial reserve system.

Marc Rousseau suggests in order to enforce the number of people living in the units, with the number be set at 3 primary residents to have something in the deed or zoning code and to have the Condo Association responsible.

Christina Santoro asks if the Board members had any further questions.

7:45 p.m. Questions from the Public

Bob Hicks, 1 Daniel Drive, asked to see the slide of the number of people, and asked who will enforce a zoning violation. Nick Mirrione responds it to be enforced by the Zoning Office, who is also the Building Inspector.

John Gilmore asked if the units were/will be handicap accessible. Nick Mirrione responds that initial plans do not incorporate handicap accessibility, but will be handled on an as needed basis.

John Gilmore asks if there are three people in the unit, and the couple unexpectedly has another child, what do they do.

Patricia Haederle, Conservation Commission voices concern about the septic system being in common areas which are meant to preserve open space. Feels this is not preserving natural resources. Concerned about the system failing. Nick Mirrione responds and points to an easel showing the area where the septic system will be that the septic system is workable without encroaching on any buffer zones and resource areas.

Pat Goodman asks if any of the Board members had spoken with the City Planners in Washington State? Alice Savage responds that she spoke with two planners. One development was said to be successive. The other project had parking issues. They both have city sewer, not septic systems.

Pat Goodman states that he has spoken with people that have this type of bylaw in their town (Shoreline and Redman). Shoreline, WA has rescinded the bylaw, due to too many problems. He states that both have city sewer, they have no restrictions on the number of units, stating was told this could not be enforced. Also asks what is considered a major roadway in Easton. Nick Mirrione responds stating that Shoreline, WA was being proactive in rescinding the bylaw. What started out as a 16 unit project grew. The proposal to Easton has incorporated these types of problems into the bylaw.

Kyla Bennett, 2 Chickadee Lane asked the Board to explain why the bylaw is coming back before the 2 year limit once a bylaw has been turned down. Christine Santoro responds that it was her understanding it does not affect zoning bylaws. Walter Mirrione also responds by reading from Ch. 13&14 of the zoning bylaws.

Kyla Bennett also expresses her disappointment in the re-write of the bylaw, saying she believes it to be vague and unenforceable. Some examples being: reference to three primary residents. She wanted to know what is considered a primary resident. In regards to Smart Growth, she feels it does not reflect the preservation of open space. She reports that in Easton alone there presently are 18 homes on the market for under \$317,000. She also cannot believe there would be only 4 children in a development (as per statistics in the presentation). She closes by stating she does not support the proposal.

Larry Tingsley, Massapoag Avenue feels this is putting pressure on homeowners and landowners. What would stop them from tearing down their home or selling off their land for this type of development? Feels there are enough developments in Town that are not full, that there are plenty of homes available in Easton.

Pat Hunt, Center Street refers to the Smart Growth study (1999) slide in the bylaw. Feels the Board should revisit growth management study. States that in Shoreline, WA the prices were no longer affordable, they rose. The project shows community facilities that are adult oriented,

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there are no playgrounds for the children. If a family of three grows, no way to enforce. Says that for every 10 units built, will have to build one 40B. She does not support the bylaw.

Glen Harrison, 35 Highland Street says that this does not seem like Smart Growth.

Ralph Satinelli of Norton states that under Smart Growth, 40B money changes hands from State to Town. Feels this is going to destroy Easton. Christine Santoro informs him that this is not a 40B project.

Greg Martin brought up numerous concerns with the bylaw, some on which included the units being separated by only a minimum of 15 feet (didn't say linear or square) not clear. Also the septic systems being in common areas, not preserving open space. Feels the architectural design standards give the developer complete control. Feels that the driveways and roadways will not give fire apparatus room, this entire development would be at risk.

Larry Tingsley, Massapoag Avenue wanted to know where this would go. Christine Santoro states the bylaw says would go along a major roadway. Mr. Tingsley feels this is vague. Could go anywhere. Christine Santoro says that the Board could deny if the area is not appropriate. Mr. Tingsley also voiced concern about the buffer zone, only 20 feet, asked where would the road go. His also states that with a 80,000 square feet sized lot, 25% being common land, 60,000 square feet being buildable, with a minimum number of units being 10, believes not feasible.

Christine Santoro asks if there were any more questions.

Walter Johnson responds by voicing concerns about the lot size of 80,000 square feet, and putting 14 units. Also with no idea where they plan on building, can put anywhere. Feels the Fire Department will not have access. Also the septic bothers him. Does not support.

Glen Harrison, 35 Highland Street asks whether there were any other Towns in Massachusetts that this has been proposed and passed. Nick Mirrione responds that proposed to Easton, denied previously; East Bridgewater denied; West Bridgewater presently putting up a model unit.

Christine Santoro addresses audience stating that this will be a Special Permit process with all departments reviewing (Water, DPW, Fire, Police, Conservation Commission, Board of Health, Building). All the Departments recommendations will be taken very seriously. And, before the application comes before the Board, it will need to have an approved septic system.

Tom Stone, Fire Chief addresses the group that fire access is always a concern. Confident that building will be built to code. However, is concerned with the closeness of the buildings and wooded areas.

Christine Santoro asks if there are any further questions. No response.

Nick Mirrione gives his closing statement with what he calls the “Ice Box Theory” Before the invention of the refrigerator; people could not keep food cold. They had to use what they purchased right away. Someone invented the icebox and this evolved over the years into what we know today. He says that his bylaw is not a solution to the problem, but the Town has to start somewhere. He believes, this is our somewhere. This is our icebox. He thanked everyone for attending and appreciated their comments.

8:30 p.m. Public Hearing Closed

On a motion by Colin Gillis, seconded by Walter Johnson, the Board voted to close the public hearing. VOTED (5-0)

8:30 p.m. Break

8:40 p.m. Board Discussion and Vote

Gregory Strange asked if this Board was voting tonight. Christine Santoro said they needed to vote tonight to determine if this would go to Town Meeting or not.

Gregory Strange feels he could support, but does not see the Town supporting. Says that someone said this feels this targets a similar demographic as a 40B. As a resident he does not feel it will pass at Town Meeting, so as a Board Member, unable to support.

Colin Gillis feels the septic system issues were not addressed, can see that people do not like the re-write. Has a concern with the closeness of the units, reflects a fire concern among other things. Concerned that if a unit is not handicap accessible at the building stage, what happens if something happens to someone living there and they need handicap access or if unit is sold, and potential owner is handicapped, what do they do? He does like the fact that Board can limit the number of units. In closing, he states that he is not overly impressed.

Walter Johnson feels the septic system bothers him. Also not knowing where these will be built up front. Thinks the houses are beautiful, but too close. He states that he cannot support.

Carol Symmons feels the public brought up a lot of issues and the Town may be moving in the right direction. Though, she would support, does not feel the Town people do.

Marc Rousseau informs the Board that he had put together updated amendments for the bylaw if they were going to support and present to the Town Meeting in November. But with overall impression being not to support, he believes it is not necessary to go over the updates.

Christine Santoro concluded that she felt the hearing was a success. She felt that the concept is good, that it satisfies many components of Smart Growth. However, from what was heard tonight, the proposal needs work.

Christine Santoro asks if there are not further comments, is there a motion.

Colin Gillis motions to endorse the proposal forwarding our recommendations, recommending approval.

Christine Santoro clarifies the motion is to recommend endorsement.

Colin Gillis states, yes, we would be forwarding it to the BOS with our recommendation that it be approved.

Alan Weeks asks, so you are making a motion in the positive.

Colin Gillis says yes, motion in the positive.

Alan Weeks seconds the motion in the positive.

Christine Santoro asks for any comments or questions, no one responds. She continues all those who are for recommending the proposal to the BOS please raise your hand. No one raises their hand. She then asks for abstentions. Again no one raises their hands. She states the motion does not pass. She then asks if anyone is opposed. She clarifies that the motion was for the positive and the motion did not pass.

Colin Gillis states, we are not voting for it.

Walter Johnson asks if we make a motion to disapprove?

Christine says that what happened was that the motion was in the positive, do we approve this bylaw, in other words, we do not recommend this bylaw be presented to the BOS. We were all opposed to that, so that motion did not pass. So that means that the Board's recommendation does not go the BOS. That we are opposed to be recommending this bylaw. She asks if there are any questions.

Gregory Strange says so don't we have to vote one way or the other, because usually you say 'all those in favor, all those opposed'.

Christine Santoro asks if there is a motion to rescind the vote.

Gregory Strange motions to rescind the vote, seconded by Alan Weeks.

Christine Santoro asks if there is another motion on the issue.

Colin Gillis asks so the motion is to rescind the motion we just made.

Gregory Strange said because we didn't vote. Don't we have to vote to oppose? Colin made a motion recommending it, Christine asked 'all those in favor' but we never said 'all those opposed'. We still haven't voted on anything.

Colin Gillis said motion was to forward to the BOS with our endorsement and recommendation that this be proposed at the Town Meeting. And that did not carry.

Walter Johnson said now we need a motion for disapproval.

Alan Weeks asked if the motion was made. He seconded.

Christine Santoro asks all those in favor of sending the bylaw with our recommendations to the BOS, raise your hand. No one raised their hand. She asks 'all those opposed, all Board members raised their hands. Abstentions? The motion passes to not send a recommendation endorsing the bylaw to the BOS.

Walter Johnson asks why we didn't just make a motion not to recommend.

Christine Santoro said because that was not the motion that was presented.

Walter Johnson motions not to recommend to the BOS, Colin Gillis seconded. Christine Santoro asks 'all those in favor of not recommending the bylaw to the BOS, raise your hands'. All the Board members raised their hands. She then asks 'all those opposed, no one raised their hands. Abstentions? The motion passes to not recommend the bylaw to the BOS.

9:30 p.m. Adjourn the Meeting

On Walter Johnson's motion, seconded by Gregory Strange the Board voted 5-0 to adjourn.

Respectfully Submitted By

Signed By

Pamela Almeida
Recording Secretary

Colin Gillis