

**Town of Easton
Planning & Zoning Board
Meeting Minutes
December 12, 2007**

Members Present: Christine Santoro, Chair; Walter Johnson, Alan Weeks, Gregory Strange, and Carol Symmons

Members Absent: Colin Gillis, Clerk

Staff Present: Marc Rousseau, Director; Alice Savage, Staff Planner; Pamela Almeida, Recording Secretary

6:35 P.M. CONTINUED PUBLIC HEARING: Fees, Rules & Regulations

Marc Rousseau informed the Board that he spoke again with Woodard & Curran who told him they do not have a fee schedule but is willing to come in and speak with him and/or the Board to discuss what the Board is looking for. Marc further reports he has already received a bill from Woodard & Curran for discussing this with them.

Marc Rousseau will send a letter to Woodard & Curran requesting a fee schedule and will follow up to the Board as needed.

Gregory Strange motions to close the public hearing, seconded by Alan Weeks. Motion passes (4-0)

6:45 P.M. DISCUSSION: Rules & Regulations Changes

She reports to the Board on the following sets of Rules & Regulations, which have been previously recorded with the Bristol County Registry of Deeds, but which have so far not been included in any of the publications published by the Planning & Zoning Board. They are:

- Open Space Residential Development: Design Standards (May 2000)
- Special Permit Applications: Contents (Feb. 2000)
- Amendment to Subdivision Rules and Regulations: 5-15 Open Space (Mar. 1999)

She reports that although these regulations are technically legal, because they have not been enforced for nearly 10 years, staff recommends that they be included in an upcoming public hearing on rules and regulations.

She also included the most current rules and regulations regarding special permits, which she marked up with comments. Although these rules and regulations have been used for many years, they have never been recorded with the Registry of Deeds. She recommends taking the opportunity to make a few minor amendments to this regulation before making it official, which requires a public hearing and then recording at the Registry of Deeds in Taunton.

She presented recommendation of changes to Planning & Zoning Board Rules & Regulations, and introduced some minor proposed changes to the Zoning By Law.”

She requested these items be discussed in detail at meetings in January, 2008. The Board agreed to place Rules & Regulations discussion on the January 16, 2008 agenda for 6:30 pm to 7:30 pm and By-law discussion on the January 30, 2008 agenda for 6:30 pm to 7:30 pm

6:55 P.M. APPROVAL OF MEETING MINUTES: November 28, 2007

Christine Santoro asked the Board if there were any changes or suggestions for the meeting minutes.

Walter Johnson motions to approve the meeting minutes of November 28, 2007, seconded by Alan Weeks. Motion passes (4-0) (due to Colin Gillis’s absence, the minutes will be signed at the next meeting)

7:00 P.M. CONTINUED PUBLIC HEARING – Special Permit # 07-06

Definitive Subdivision/Residential Compound - Bayberry Estates, Prospect Street
Edward Jones, Applicant; Pilling Engineering, Representative

Present: Attorney Michael Sites; Concerned Abutters/ Representatives of the Olde Farm Road/Prospect Street Intersection Neighborhood Association

Attorney Sites informed the Board that after meeting in the morning with Alice Savage and Stephanie Danielson, Land Use Agent, they have decided not to withdraw the application for a Residential Compound as submitted, but to modify the project. Their modification will be with 3 lots, they will donate approximately 4 acres of open space to the Town. The roadway will be 18 feet in width and paved. The modifications will address additional vegetation and buffering, including a 100 foot buffer zone with a 50 foot no touch, as required by the Conservation Commission.

Marc Rousseau asked what the timeframe was needed to submit. Attorney Sites thought they could be ready for the first meeting in February.

Walter Johnson would like to see a Board of Health report before the Board votes on the project.

Robert Fried, 11 Olde Farm Road asked what the process was to receive a report from the Board of Health. One of her concerns is the water level, stating there are a lot of trees at the site that take up the ground water and if they are taken down, the water level rise and become a problem.

Alice Savage explains that these reports are done by the Town’s consultant, Woodard & Curran, who will review the proposed plans.

Marc Rousseau feels the time being requested for the continuance may not be long enough.

Planning & Zoning Board
Meeting Minutes, 12/12/07

Gregory Bielski, 23 Olde Farm Road suggests waiting to come back before the Board after the review is complete by the Conservation Commission in the Spring.

Attorney Sites explains that the Conservation Commission's concerns are the vernal pools, or the likelihood of. He does not feel that pushing to continue beyond February would be a problem.

Roberta Fried, 11 Olde Farm Road asked how they will receive any new information.

She was informed that the Board has no way of knowing what or when anything will be received. She was told that the file is a public record and they can come to the office to review and request copies.

Attorney Sites explained to the Board that Todd Pilling of Pilling Engineering is communicating with a representative who will receive all information.

Public hearing will be continued to March 26, 2008 at 7:30 p.m.

Roberta Fried, 11 Olde Farm Road asked when they can get the report from Woodward & Curran. She stated she has not problem calling every day for a copy.

Catherine Hohenstein, 3 Olde Farm Road asked how a house could have been built in an area that has a water issue. She has sump pumps in her basement and if the land is developed, she would expect to have to put in more pumps. Who is held responsible for the rise in water level when the trees are taken down?

Gregory Strange explains that now the foundations have to be 4 feet above the water table, this may include a raised septic system and roadway, which should direct the water run-off.

Catherine Hohenstein, 3 Olde Farm Road asks if the trees are taken down, what will happen to the water.

Roberta Fried, 11 Olde Farm Road stated that the trees soak up a great amount of water and taking down more trees will most certainly cause the water level to rise.

Gregory Strange suggests documenting everything they can and hire a consultant to look at the situation.

Roberta Fried, 11 Olde Farm Road, again asked who is held responsible.

Alan Weeks suggests that until an Engineer reviews and looks at the situation and the data is review, cannot answer a hypothetical question. He says that if the situation is made worse by the project, could go through civil process.

Gregory Strange suggests for the abutters to hire a consultant to look at and document.

7:40 P.M. DISCUSSION: Shovel Shop – 40B

Planning & Zoning Board
Meeting Minutes, 12/12/07

Marc Rousseau spoke to the Board with some general notes. He explains that this project was submitted as a 40B. With this, there is a 30-day comment period. The Town has received a 30-day extension on this comment period. He explains in a letter to the Board that the proposed

development will consist of 182 newly constructed housing units; 55 of those will be one bedroom and 127 units will be affordable, based on 70% of the area median income.

He letters further states that seven, 2 ½ story buildings, will be converted to four story structures preserving the lower two stories of granite that are to be capped with two new time framed floors. Two structures will be raised. One of those is a 1 ½ story granite structure (Building #5 on the plan). The other is a two story wooden structure (Building #7 on the site plan). The purpose of raising these two buildings is to accommodate parking and site access.

Please refer to the letter dated November 26, 2007 filed in the meeting minute book for complete report from Marc Rousseau.

Gregory Strange points out that the project is short about 300 parking spaces.

Marc Rousseau points out that the Boards comments need not be extensive. Issues the Board has with the project, in no particular order, include: parking, safety, waste water, traffic, density, snow storage, fire lanes.

Marc Rousseau will draft comments to the Selectmen and submit.

7:50 P.M. DISCUSSION – Site Plan: Temple Chayai Shalom – 239 Depot Street

Present: Attorney David Marsan

Attorney Marsan explains that the Zoning Board of Appeals has approved a variance for the modification to the site (a 15 foot setback from the Depot Street side). He further explains that this project is exempt from the by-law. They are asking the Board to approve a 20% reduction in the number of required parking spaces. They are looking to expand the driveway on the Central Street side and close the driveway on the Depot Street side (which the Police Department has no problem with). The modification will allow for a construction of two additions, which will be used for a meeting room and additional classrooms.

Walter Johnson motions to approve the request for a 20% reduction in the required parking spaces, seconded by Alan Weeks. Motion passes (4-0)

Marc Rousseau asked Attorney Marsan if they would need a letter from the Board with their approval. Attorney Marsan states that he does not, but may request a copy of the meeting minutes for their file.

8:05 P.M. FORM A - Red Mill Road

Nicholas & Lorna Paone, Applicants, Ribelin Land Surveyors, Representative

Present: Frank Ribelin, Ribelin Land Surveyors; Patrick Brophy, Brophy Construction

Mr. Ribelin explains this plan takes an existing parcel with a home and divides it into two lots.

Alice Savage requests that the Board approve the ANR and endorse the plan. She explains that both of the lots on the plan have an excess of the required 150' frontage.

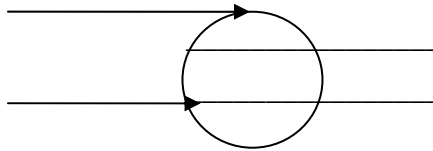
Gregory Strange motions to approve the proposed Form A plan, seconded by Walter Johnson. Motion passes (4-0)

8:10 P.M. DISCUSSION - Guinevere Road: Adequacy of Guinevere Road as a Street

Present: Aaron Wluka

The discussion is to determine where the frontage of the existing lots is calculated to begin at the cul-de-sac. The problem is that the end of the cul-de-sac, the turning easements are public way access, not considered part of the accepted street. The clarification of where the frontage begins will help to determine the application to be submitted.

**Frontage determined from
or from**



From the notes from Alice Savage submitted to the Board:

“From “Definitions” in the Zoning By Law:

Street: A way which is over twenty-four (24) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certified

is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with “Subdivision Rules and Regulation in Easton, Massachusetts” and a way having in the opinion of the Easton Planning & Zoning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting

thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Front Lot Line: The property line dividing a lot from a street (right of way).

Side Lot Line: Any lot line not a front or rear lot line.

Frontage: The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

In attempting to calculate the legal frontage of a proposed lot on Guinevere Road, staff has found difficulty in defining the 'street' because:

- (1) The portion of the road that is paved is not wholly owned by the Town;
- (2) The portion of the road that is owned by the Town is not wholly paved; and
- (3) The paved portion of the road which abuts the proposed lot is curved rather than straight.

And further that:

- (1) The 'lawful procedure' whereby Guinevere Road should have been 'dedicated or devoted to public use' appears to have been improperly done;
- (2) Although Guinevere Road was accepted as a public way at Town Meeting, the deed was never filed with the Town Clerk and the road, therefore, cannot be certified by the Town Clerk as a Street.

Frontage cannot be calculated until such time as which portion(s) of the paved road and the rights-of-way should properly be considered the 'street.'

Guinevere Road, including the turn-around, is currently and has long been in use as a public way. As a practical matter, there is no distinction on the ground or in treatment by the public between the portion of the way which is called 'public' and the portion of the way which is called 'turning easement.' Furthermore, the definition of a 'street' in the Zoning By Law allows that any way deemed sufficient for its purpose by the Planning & Zoning Board should be considered a 'street', and makes no discrimination in its definition of a 'street' as to whether a way is public or private, accessed by easement or fee-simple ownership.

Staff believes that the most logical way to define the street, therefore, is as the existing, paved area of the roadway, including those portions of the roadway which are shown on plan as 'turning easements.'

Recommendation: For the purpose of making calculations on future permit applications, the Planning & Zoning Board should consider the 'street' to include the entirety of the paved roadway.

Christine Santoro, though appreciated the report from Alice Savage, felt she could not approve with no plan to review. She further felt that the definitions needed to be discussed as a later time.

Alice Savage states that unfortunately, this is what we have today, inadequacy of definitions against what is being proposed. In order to submit an application, the applicant needs frontage, right now, where to determine the frontage from is not clear.

Ms. Savage further explains that the road was accepted in Town Meeting in the 1970's, but the deed never came to the Town.

Christine Santoro states that she can't interpret the definitions without a plan to look at and would like Town Counsel's input.

Marc Rousseau suggests to receive direction from Town Counsel, who will be here Wednesday, 12/19/07. Alice Savage will speak with.

8:40 P.M. GENERAL BUSINESS

1. Vote on Surety for Lot Release – Ford Village
Present – Mr. Feodoroff

Alice Savage gave the Board the Road Cost Estimate report from Stephanie Danielson which was completed today.

Mr. Feodoroff informs the Board that he will post what is required. He explains that the road is done; there is approximately \$7,500 in work to be completed (per Stephanie Danielson). He explains that the road will be a private way, but an as-built is required for the Town. He further states that Todd Pilling of Pilling Engineering has already done the shots to produce the as-built.

Mr. Feodoroff states that Attorney Sites is the represent of the project and he began the Amendment to Form E and the Form F, but the information is incorrect.

Gregory Strange motions to approve releasing 3 lots and posting of \$7,497.00 pending the completed Amendment to Form E and proof of recording and the release of the Form F and proof of recording, seconded by Walter Johnson. Motion passes (3-0-1) Alan Weeks abstained.

Form E and Form F were given to Alice Savage, however, she informed Mr. Feodoroff that we produce the forms and will do so.

2. Proposed changes to Planning & Zoning website

Alice Savage spoke to the Board that she is proposing changes and updates to the website. The Board appreciates and thanks Alice for her hard work and dedication to the department and Planning Board.

3. Proposed changes to Common Driveway Zoning By-Law

Alice Savage suggests that the Board review the Zoning By-laws and bring their ideas for changes and updates to a future meeting. This item will be placed on the agenda for January 30, 2008.

9:00 P.M. DISCUSSION: Seminars & Workshops

Marc explains that there are funds in the budget for the Board member to attend seminars and workshops that the Board may want to attend. There is a Citizen's Planning Training Collaborative being held Saturday, March 15, 2008; Massachusetts Municipal Association has a workshop in January, 2008; there are also online trainings.

DISCUSSION

Christine Santoro reminded the Board and Staff that, sadly, this is Alan Weeks last meeting. He has submitted his resignation to the Board of Selectmen. The Members wished him well and thanked him for his time served on the Board.

Christine Santoro then informed the Board that there will be a seat available to fill Alan's seat until the end of his term in June, 2008.

9:05 P.M. Adjournment

Gregory Strange motions to adjourn, seconded by Alan Weeks. Motion passes (4-0)

Respectfully Submitted,

Pamela Almeida, Secretary