

MINUTES
August 29, 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; Alternate Carol Symmons; Marc Rousseau, Director of Planning & Community Development; Pamela Almeida, Recording Secretary

6:30 P.M. - Public Hearing
Amending Rules and Regulations, Board Applications & Review Fees

In a memorandum dated August 23, 2007 to the Board, Marc Rousseau states that the main reason he recommended this public hearing was to make sure the fee schedule was adequate for site plan review applications when engaging in the use of outside consultants. (At this time, Woodard & Curran and BETA Group). The fee for a Site Plan Application is currently based on the number of parking spaces and not the size of the project (i.e. building square footage). Overall, the number of parking spaces has worked with the exception of small projects with only a few parking spaces. He asks the Board to review the fee schedule for a general discussion within the public hearing.

During the meeting Marc Rousseau stated that the site plan review fee concerns him initially because in the past we had a Town Engineer, now we utilize outside consultants and there are additional fees associated with this.

Christine Santoro says that it is hard to predict what the expenses are because not having a Town Engineer, sending out is very expensive to the applicant. We should try to figure out some language so the applicant knows up front that it may be a substantial amount of money to them.

Alan Weeks thoughts to put statements in that 'not meeting any stormwater management guidelines, some words that say here are the conditions by which we are going to have an engineering plan review'.

Gregory Strange says that anybody proposes a project will come in and have an informal discussion with Marc Rousseau, and based on other Towns, they are going to know there is going to be a review with costs involved. Having a general statement saying, 'here are the base fees; each project is different and depending on the specifics of yours...'

Marc Rousseau says to generally give an overall of how the fee structure is broken down and the logic behind it. The way the current fees are set up, is to cover staff time in-house that is

what the general application fee is generally for. Then the 53 ½ account is for outside consultants. But it gets a little confusing now, because the 53 ½ account was for the Planning Boards special account for the sub-division reviews, not site plan reviews. So internally the new outside consultants had to set up special accounts in general ledger to cover that fee. So now our fee schedule is getting more complicated than originally, so we should focus on some general language to clean up some holes in the fees right now that we are concerned about site plan reviews that is clear that they pay and ‘entrance’ fee upfront and then after a certain amount for the total cost for the entire project. I think Note A on the site plan review fee schedule needs to be cleaned up which talks about paying at the end of the project.

Christine Santoro says that if we look at Note A if we can change some of the language there and tighten it up then that will plug the hole regarding some of the other language that we will get into.

Alan Weeks asks if we get budgetary from Woodard & Curran.

Marc Rousseau says that this is how we work now, we get a preliminary sub-division plan and send it to Woodard & Curran, they come back with a scope of work and cost estimate. That cost estimate is what we charge the applicant prior to the work commencing. So we are not exactly sure what the costs are, they are done on a case to case basis.

Carol Symmons asks if the outside consultant does a separate scope of work for each application. Do they have a schedule? Marc Rousseau says they not only an hourly charge for the people who work on the project, it makes it tough for us.

Alan Weeks asks if can they should be able to give us a range of costs of what could be.

Walter Johnson asks if we know what other Towns charge. Marc Rousseau said it is all over the spectrum.

Alan Weeks says that the fees should be competitive based on similar sized Towns for these developers doing business in other Towns, so we should be somewhat be aligned with the practice out there.

Marc Rousseau thinks that if we are looking at the general fee for the Town fee, he agrees. But when we look at the consultants is more difficult.

Christine Santoro expresses concern of how to get it across to the applicant that they are going to be paying for the review fees and it may be a lot more than thought.

Gregory Strange feels the applicant is already paying their engineers a substantial amount and that they should already know there will be additional costs to the Town. So maybe upfront we need to inform them that our new outside consultant’s costs can be substantial.

Christine Santoro so maybe we should include in the language in Note A, about the outside engineer to help.

Marc Rousseau asks to focus on site plan review and parking spaces, not saying initially it is bad at this point but to get into changes in the future regarding building sizes. There are cases when we have very small projects if we charge by parking spaces, sometimes the fee is too low. Maybe should have a base fee for all projects. He will see what the marketplace is with other Towns in regards to general Town fees. He is concerned that applicants will balk with the fees for the outside consultants.

Gregory Strange suggests to have 'Note A' in the Bylaw written that the minimal fees are 'this' and see the current fee schedule for approximate costs. That way when the engineers change out or as we get used to working with our current engineers, have a fee schedule that could be updated. So we are not tied to having to nail it in the bylaw but be able to give them an idea.

Carol Symmons agrees. The outside consultants charge for every bit of time, so to have a base fee from them is not too much to ask. Christine Santoro thinks it is a good point to have a minimum fee schedule that could shorten the time frame. Now we send applications out to the engineer and wait for them to get back to us can take time. What would it take to get a schedule of fee from the outside consultants? Marc Rousseau will talk to them tomorrow and inform them what we have to do and wanting to tighten it up. That we need to give applicant a schedule of fees so they have a basic idea of what they are going to pay.

Christine Santoro asks if specific language is needed for 'Note A'. Marc Rousseau said he would want to eliminate the part that states "reimbursement of the expenses..." He would like the language to state payment is required upfront. Including a sentence that the application will not be processed until the fee is paid. Colin Gillis' suggests not only the Town fee be paid upfront and if we have a fee schedule of the outside consultant, this also be paid at submittal time. Christine Santoro suggests that stating "the expense of the review by the consultants shall be paid by the applicant within 7 business days of receipt of the scope of work". The application will not be processed until fees are paid in full. If the fees are not paid within the 7 business days, the application may be withdrawn without prejudice.

Marc will look at some general fees with other Towns and the outside consultants.

On Colin Gillis' motion, seconded by Walter Johnson, the Board approved to continue the public hearing to September 19, 2007 meeting at 6:45 p.m. (4-0)

For complete discussion, please refer to Tape 1, side 1 (counter 1 to 470)

7:05 P.M. Approval Not Required Plan - Form A – Guinevere Road
Guinevere Road, Ellyn Leonard, Albert Hamilton, Jr., Easton Brass & Aluminum, John Jr., & Jilda McLaughlin

Present: Hugh Hurley, Hayward-Boynton & Williams; John McLaughlin, resident 42 Guinevere Road

Marc Rousseau asks the Board to review the letter for Town Counsel regarding this Form A. The Board requests for the Town Counsel's letter dated August 30, 2007, RE: Denial of Approval Not Required Plan, to be entered into the record. He informs the Board that he has reviewed the Form A application and in his opinion this is not a Form A application because it does not have the required 150 foot frontage for Lot 1 – Albert Hamilton. Marc Rousseau met with Town Counsel and reviewed the plan that agrees and supports Marc's opinion. They submitted a letter of denial to the Board. Marc goes on to say that a Form A plan requires 150 foot frontage for a lot with 40,000 square feet of contiguous upland. Mr. Hamilton's lot does not have adequate frontage.

Hugh Hurley responds stating that this parcel never had frontage. It had a right-of-way that lead to Poquanticut Avenue, the former Easton Brass & Aluminum Foundry, never had frontage on Guinevere Way. He refers to a 1958 plan showing Mr. Hamilton's and abutters (Sampson) property showing the right-of-way going to Poquanticut Avenue. Explains that what we have is a house at the former foundry that never had frontage, and what we are doing is a land swap with Mr. McLaughlin where this property will get some frontage on Guinevere Way. Mr. McLaughlin will get 3,009 square feet triangle which gives him a little more land. Then we will take the Sampson property, Parcel C, and combine it with Ellyn Leonard's land which will make 1 large parcel, so the parcel that did not have frontage will now have 40 feet of frontage. He also refers to the Assessor's map showing the parcel with the right-of-way. He states that he would agree with Marc Rousseau is they were splitting the parcels, but have existing non-conforming lot with buildings and reconfiguring so they will have a least 40 square feet of frontage on Guinevere Way.

Marc Rousseau states that he understands the parcel will now have 40 feet of frontage on Guinevere Road, but the regulations requirement is 150 feet.

Hugh Hurley says yes, but right now the parcel has none, so it is our opinion that 40 square feet is better then none.

Marc Rousseau responds that the argument is that you are making a non-conforming lot better, but that is not the standards for an ANR. You need 150 feet frontage to meet zoning bylaws.

Christine Santoro says that we have letter from Town Counsel saying this is not an ANR; we need to abide by our Town Counsel decision.

Marc Rousseau points out another issue that he believes this plan is creating a zoning violation on the set-back. A piece of property with an existing building has a set-back requirement is 20 feet, the plan shows 15 feet. Believes this plan creates a zoning violation on the plot line.

Hugh Hurley says he has seen different interpretations of what a rear line is and what a side line is. He states that he admits it is open to interpretation, could be taken as sideline as opposed to back. Has seen it discussed both ways.

Marc Rousseau thinks this could be problematic.

Christine Santoro reiterates this issue before us is whether or not this application is entitled to an ANR endorsement – our discussion here and Counsel feel it is not.

Marc Rousseau says that if the Boards goal tonight is to deny this plan, then need to document, date and reason why it was denied.

Hugh Hurley says that the parcel predated zoning and he is trying to give some frontage to this parcel and making a bad situation better. Don't have the capacity for 150 feet frontage to make compliant and give driveway access to Guinevere Road and one less driveway on Poquanticut Avenue. If this is not a Form A, is there a frontage waiver?

Marc Rousseau says that if this is not a Form A, then it is a sub-division. We are only talking about one parcel, however actually ending up with multiple parcels in fact creating a subdivision without creating any access by trying to use the lot with 40 feet of frontage. Those lots then can be combined together for a sub-division without extending the roadway.

Christine Santoro says that the purpose of this plan is to give driveway access to Lot 1 which it already has. There is nothing that keeps you from driving onto Guinevere Way now from the land that abuts it. So that way the grandfathered plans are correct. Once you start to change that, you are subdividing and it kicks you into subdivision controls and with that will have to agree with Town Counsel, this is not an ANR.

Alan Weeks says that the original access is from Poquanticut Avenue, and questions whether this address is Poquanticut Avenue. So actually it is not a non-conforming lot to Guinevere, you are trying to create something on Guinevere. It wasn't recognized as a non-conforming lot relative to access to Guinevere, you are trying to reverse the access. Not improving an existing non-conforming lot, it is creating something new.

Hugh Hurley states making it better.

Marc Rousseau reiterates that his is not an ANR but it looks like you are proposing a sub-division modification.

Hugh Hurley states that is Mr. McLaughlin's land swap was not involved; it would still have pre-existing, non-conforming access to Poquanticut Avenue. So another lot could be traded off to try to give frontage to Mr. McLaughlin to Guinevere, which it does not presently have.

On Walter Johnson' motion, seconded by Collin Gillis, the Board voted to deny the ANR based on the letter from Town Counsel dated August 23, 2007. VOTED (4-0)

Please refer to Tape 1, side 1 (480) to side 2 (90) for complete discussion.

7:25 P.M. Site Plan Approval
403 Turnpike Street, C.R. Mather

Present: Brian Dunn, Fuss & O'Neill; Chris Mather, applicant

Marc Rousseau advised the Board that a revised plan has been submitted and a memo from Fuss & O'Neill (enter into record).

Brian Dunn explains that all comments from the Board, DEP and the Land Use Agent have been addressed; snow storage, removal of planter, stormwater management. They were able to increase the snow storage to meet the 10% by reducing the interior use of the building office and storage space; revised the parking in back to accommodate a loss of parking spaces and increased the snow storage area. Included is a stormwater narrative on how they met the DEP 9 standards of compliance, will do all 9 standards, they have an Operation and Maintenance plan. They also have met all concerns from the Land Use Agent.

Christine Santoro asked Marc Rousseau if he review the revised plan and memo. Marc Rousseau said he did. Chris Matter shows on the revised plan where the snow storage area will be.

Marc Rousseau states that if the Board approves the revised plan, he recommends the following: (excerpt from Memo to Board dated August 23, 2007)

1. A written decision to be filed with the Town Clerk and the Bristol County Northern District Registry of Deeds.
2. The decision should run with the land.
3. The Operation and Maintenance program should be incorporated with the decision. The program states, in part, "The applicant will be the party responsible for the inspection, maintenance, and required documentation of all stormwater structures as outlined within. Inspection reports will be submitted to the Conservation Commission, Planning Board and Board of Health once per year."
4. Since there, is not way to enforce the Operation and Maintenance Program, it is suggested, subject to Town Counsel review, a "hold harmless clause" be added. Example: The applicant and future owners of the property shall indemnify, hold harmless, and release the Town from liability from any action brought by a third party in any court due to the discharge of stormwater.

Collin Gillis asked if there is a lighting plan. Marc Rousseau points out sheet C-11 of the plan.

Marc Rousseau to prepare the decision.

On Collin Gillis motion, seconded by Walter Johnson, the Board voted to approve the plan with the following conditions: an operation and maintenance plan is recorded, an as-built and easement plan is provided and the decision is recorded. VOTED (4-0)

Please refer to Tape 1, side 2 (112) to (410) for complete discussion.

7:50 P.M. Discussion

Blue Heron Run Surety

Present: Nick Riccio

Marc Rousseau explains this Nick is looking for a release of surety funds. He has done a lot of work on the sub-division road. There is approximately \$39,000 held for surety included Lot 7. Marc suggests releasing \$21,000 and Lot 7. He explains the project has had one extension and Nick is trying to finish the top coat by November.

Nick Riccio says that the fire alarm boxes will be complete in the next few weeks. And planting of the trees are in process.

Marc Rousseau will hold Form F for Lot 7 until the 3rd Amendment to Form E Covenant is recorded. Marc will also draft letter to Treasurer to release the funds and will call Nick next day.

On Colin Gillis' motion, seconded by Walter Johnson, the Board voted to release \$21,000 and Lot 7. VOTED (4-0)

Please refer to Tape 1, side 2 (420) to (476) for complete discussion.

8:00 P.M. Minor Site Plan Approval 720 Depot Street, Peter Tremouliaris

Present: Jason Youngquist, Outback Engineering; Peter Tremouliaris

Marc Rousseau says that Peter Tremouliaris appeared before the Board of Selectmen for a Class II license to increase the display from 5 to 45 cars. However, there is concern of the stormwater runoff.

Jason Youngquist explains the proposal calls to add-on an existing area approximately 9,000 square feet and it will increase the runoff. They will be running the runoff down a swale along the property line to the back of property, there will be a couple of check dams, and will infiltrate into the ground then to catch basins. Drainage reports have been submitted.

Marc Rousseau explains the electronic sign on the plan will need to be removed because it is not allowed in the Bylaw. Peter Tremouliaris has not problem with putting up another type of sign.

Alan Weeks asked how many customer parking places are needed for the 45 car display. Marc Rousseau explains that 1 space is needed for every 1,000 square feet. Peter Tremouliaris explains there will be 9,000 square feet added on to 2,000 square feet. Therefore, 11 parking places will be needed.

Marc Rousseau then asked the Board how to interpret the fee usually based on number of parking places; however this is a different situation. Fee should be based only on the actual number of parking places. Determined a fee of \$500.00.

Marc Rousseau explains the need to make minor changes to the plan for parking spaces, remove the electronic sign and a note for snow storage.

Marc Rousseau states this will go back to the Selectmen on September 9, 2007 and he will draft a letter to the Planning Board the approval of the minor modifications and send to the Selectmen once we have received the revised plan.

On Colin Gillis' motion, seconded by Walter Johnson, the Board voted to approve the \$500.00 fee for a minor site plan. VOTED (4-0)

Please refer to Tape 1, side 2 (490) to Tape 2, side 1 (296)

8:30 P.M. Cottage Bylaw

General discussion of the Board.

Marc Rousseau explains that Mr. Mirrione appeared before the Board of Selectmen for approval to move forward on the plan and this is coming back to this Board for input and it is this Board's responsibility to respond. This Board will hold another public hearing in October to come to its conclusion on whether or not to support before going to the Special Town Meeting on November 5, 2007.

Christine Santoro explains to Carol Symmons that the attraction of this Bylaw was that this Board will have say in its architectural design, the location, and the landscaping

Christine Santoro suggests holding a special meeting and invite Mr. Mirrione and other Boards and Commissions to weigh in on what they think on this Bylaw. Then hold a Public Hearing on October.

Board agrees to hold a Special Meeting on September 26, 2007 @ 6:30 p.m. and will invite other Boards and Commissions to discuss. Hold a Public Hearing in October.

Refer to Tape 2, side 1 (375) to side 2 (150) for complete discussion.

9: 10 P.M. Approval of Minutes – 8/15/07 approved

On Colin Gillis' motion to approve the minutes of August 15, 2007, seconded by Alan Weeks, the Board voted to approve (3-0-1); Walter Johnson abstained due to absence of the meeting.

9:10 P.M. Adjournment

On Walter Johnson's motion, seconded by Alan Weeks, the Board voted to adjourn.

Respectfully Submitted,

Pamela Almeida
Recording Secretary

Date

Signed By,

Colin Gillis
Board Clerk

Date