

MEETING MINUTES

MAY 21, 2008

Board Members Present: Christine Santoro, Chair; Colin Gillis, Clerk; Walter Johnson, Gregory Strange and Alexander Maller

Board Members Absent: Carol Symmons

Staff Members Present: Alice Savage, Staff Planner, Pamela Almeida, Secretary

The meeting was open at 6:30 p.m. by Christine Santoro

6:30 P.M. GENERAL BUSINESS

- Josie's Way: Consideration of Lot Release and Road Cost Estimate

Alice Savage reported to the Board that a Road Cost Estimate was completed. Lot 1-7 and 8 have already been released. The applicant looking to release Lot 7 and the remaining surety in the amount of \$78,796.

Colin Gillis motion to release Lot 7 and hold \$78,796, seconded by Walter Johnson. Motion Passes 4-0.

Colin Gillis signed the Bond to be posted and the Amendment to Form E Covenant.

- Corey Drive: Consideration of Surety Release and Road Cost Estimate

Alice Savage reported to the Board that the Road Cost Estimate is \$46,344; the original estimate given was \$41,000. She recommends denying.

Walter Johnson motions to deny the surety release based on Alice Savage's report, seconded by Colin Gillis. Motion passes 4-0

- Tony Drive: Consideration of Amended Performance Bond

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Present: Attorney David Marsan, David Welch, builder.

Attorney Marsan explained to the Board that the Bond is a 3 party bond between the insurance company and the construction company and the construction company and the Board. The agreement between the construction company and the Board expired in February, 2008. The Board voted last meeting to deny any permits until the Bond was re-issued.

An updated Performance Bond from David Howe was submitted contingent for all work to be complete before February, 2009, but is concerned will not be able to accept the road in May, 2009 due to the work not being complete. A suggestion was made to change the date of the completion to February, 2010.

Colin Gillis felt that there is no problem with going ahead with the new model of the bond, which extends the time to complete, by using the same 'boiler plate', and asking Town Counsel to review.

David Welch addresses the Board asking approximately how long it would take Town Counsel to review as he would like to be able to obtain building permits.

Colin Gillis motions to deny the new agreement, seconded by Walter Johnson. Motion to deny passes 4-0

Colin Gillis motions to have Town Counsel review the new agreement and send a letter to the applicant to review as well, seconded by Walter Johnson. Motion passes 4-0

- Lone Oak Farms: Progress report

Alice Savage read an update letter to the Board from Dennis Welch on the progress of Oak Leaf Lane.

His letter states that the top coat of the roadway has been completed, the sidewalks are complete, and the sides of the roadway are loamed and seeded. The reports that the as-built and bounds are underway and he will supply the plans and also a disc when complete. He requests that time be set aside at the next meeting to discuss a bond release and release of Lot 5, which is held as additional surety.

Christine Santoro asks if the Land Use Agent had been out to look at the area. Alice Savage reported that she had.

At the request of Dennis Welch, will continue to 6/4/08 at 8:00 p.m.. Mr. Welch will be notified so he may attend.

- Comments on ZBA Application: 360 Purchase Street

Excerpts from the Brief in Support of a Variance application submitted to the Zoning Board of Appeals:

“The petitioner, Michael Haikal, is the owner of 360 Purchase Street which consists of approximately 27.66 acres, shown on the Assessor’s Map as U47. The parcel is located on the Northerly side of Purchase Street, near Washington Street and is zoned partly residential and partly business. He is seeking a variance from the Zoning Board of Appeals to build a single family home on a lot that is lacking in continuous frontage. According to Section 6-3 of the Easton Zoning By-Law, there is a minimum of 150 feet of continuous frontage required, which cannot be complied with on this parcel. Therefore, a variance is required. The petitioner has considered a number of development options. He wishes to develop one single family house on the parcel, utilizing Lot No. 1. Lot No. 2, consisting of 15.54 acres, is to be donated to the Town of Easton Conservation Commission, who the applicant has had discussion with regarding this.”

Alexander Maller points out to the Board that the plans are not signed nor are they stamped by a register engineer.

Christine Santoro explains that the Board’s only purpose is to vote to recommend, not recommend or take no action.

Colin Gillis recommends that the Board inform the Zoning Board of Appeals that they will not make a decision unless the Board receives signed and stamped plans.

Walter Johnson motions to not recommend, seconded by Colin Gillis. Christine Santoro and Gregory oppose. Motion tied, therefore motion failed.

Gregory Strange explains the purpose of the Board is to vote on the variance only and any other issues are not up for discussion. He asks if the Board agrees to allow the lot to have a single family home without proper frontage.

Colin Gillis motions to not recommend to the Zoning Board of Appeals, seconded by Walter Johnson. Motion passes 4-0

- Comments on ZBA Application: 432 Center Street

Excerpts from the Brief in Support of a Variance application submitted to the Zoning Board of Appeals:

“The petitioner, Darren J. Martin, is the owner of 432 Center Street, which is a parcel of land consisting of approximately 5,300 square feet, shown on Assessors Map U38. The parcel is located on the Easterly side of Center Street and zoned residential. The petitioner is seeking a variance in order to construct a farmer’s porch. According to Section 6-3 of the Easton Zoning By-Law, the front setback is 25 feet, and side setback requirements are 15 feet, which

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cannot be complied with on this parcel. Thus, a variance is required.” The petitioner has constructed the farmer’s porch prior to filing for permits, and he acknowledges it was an activity he should not have performed. This filing is to rectify the situation.”

Present: Dean Levitt – 433 Center Street

He wanted the Board to know that he has no objection to the farmer’s porch and asks the Board recommend the variance.

Colin Gillis motions to recommend to the Zoning Board of Appeals, seconded by Gregory Strange. Motion passes 4-0.

- Three Washington Place: Sign Approved Site Plans

Board is asked to sign the approved site plan they voted on at last meeting.

- Approval of Minutes: 2/27/08

Walter Johnson motions to approve the meeting minutes of February 27, 2008 as submitted, seconded by. Motion passes 4-0

7:00 P.M. CONTINUED PUBLIC HEARING
SPECIAL PERMIT # 08-04 - ESTATE LOT
SPECIAL PERMIT # 08-05 - COMMON DRIVEWAY

Lots 4A & 5A Highland Street, Edward Daly (Rep: Collins Civil Engineering Group)

Present: Attorney David Marsan.

Attorney Marsan recounts for the Board the only outstanding item was the recommendation from the Fire Chief requesting the homes have sprinkler systems installed; which the applicant has agreed to do.

Alice Savage recommends the Board close the public hearing and approve the special permits with the condition the homes have sprinkler systems installed.

Colin Gillis motions to close the public hearing on the Special Permit Estate Lot, seconded by Walter Johnson. Motion passes 4-0

Colin Gillis motions to close the public hearing on the Special Permit Common Driveway, seconded by Walter Johnson. Motion passes 4-0

Colin Gillis motions to approve the application for the Special Permit Estate Lot with the conditions both homes have sprinkler systems installed per the Fire Department Chief, seconded by Gregory Strange. Motion passes 4-0

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Colin Gillis motions to approve the application for the Special Permit Common Driveway as proposed, seconded by Walter Johnson. Motion passes 4-0

7:30 P.M. SITE PLAN REVIEW

DeSantis Ford, 703 Washington Street (08-08)
Representative: Richard Tabaczynski, P.E., Atlantic Design

Present: Michael Hillsinger

Alice Savage informs the Board the stormwater review has not been submitted by Woodard and Curran. The only Department comment received is from the Board of Health which recommends "the floor drains in the auto body shop be directed into an industrial holding tank". She further recommends the Board take a Site Visit and continue to June 4, 2008 meeting.

Christine Santoro suggests a Site Walk be done on Thursday, May 29, 2008 at 10:00 p.m.. Alice Savage will send an email reminder to the Board.

Colin Gillis motions to continue to June 18, 2008 at 7:30 p.m. to give Board time for the Site Walk and review of the stormwater review (if received from Woodard and Curran), seconded by Walter Johnson. Motion passes 4-0

7:45 P.M. FORM A (ANR)/ SITE PLAN REVIEW

627 Foundry Street / Gilmore Plaza (08-14)

Present: Peter Gilmore, applicant; Richard Sweeney and John Anthony, Tetra Tech Rizzo Engineers

Alice Savage explains to the Board the applicant has submitted three applications simultaneously. The Board will hear the Form A (ANR) application tonight. The second submission is a Site Plan review, which will be briefly discussed tonight and a Special Permit Common Driveway, which will be heard at the meeting of June 4th. She recommends the Board endorsing the Form A (ANR) and also recommends a Site Walk.

Richard Sweeney explains to the Board the Form A (ANR) plan is to consolidate lots 190, 193 and 204 and re-subdivide to create two new lots, to be known as Lot#1 and Lot #2. Lot #1 will be 42,407 square feet and will be business zoned. Lot #2 will be 194,986 square feet; with the front portion of the lot as business zoned and the back portion as residential zoned and will be land locked. No building is planned for the pack portion of Lot #2.

Colin Gillis motions to endorse the Form A (ANR) as proposed, seconded by Walter Johnson. Motion passes 4-0. The Board signs the Mylar and a copy for the file. The Mylar is taken by Richard Sweeney for recording at the Registry of Deeds. He is informed to return four copies of the recorded Mylar.

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Richard Sweeney gives the Board a brief overview of the Site Plan review, which will be discussed in its entirety at the June 4th meeting. Lot #1 will be business zoned (this lot will be land locked), and Lot #2 will be business and residential zoned. Lot #1 will have a restaurant and Lot #2 will have a restaurant and office space. The lots will be accessed from Foundry Street by a common driveway.

Christine Santoro suggests holding off any further discussion on the Site Plan Review until the scheduled meeting of June 4th.

Colin Gillis motions to continue discussion of the Site Plan on June 4, 2008 at 7:45 p.m., seconded by Walter Johnson. Motion passes 4-0

8:00 P.M. OTHER GENERAL BUSINESS

Not on agenda: Nutmeg Lane / Cinnamon Ridge

Mr. Carpenter, resident of 4 Nutmeg Lane would like to construct a pool in a 21-house, cluster subdivision that was approved in 2001 (OSRD) and is seeking input from the Board on how to proceed.

Christine Santoro believed he would have to file a minor or a major modification to the OSRD.

Alice Savage informs the Board she has discussed this with the Building Inspector and Town Counsel. She reports there is a 25 foot setback for any building on the property and tells the Board that a pool is a structure, not a building and feels that only a building permit is required.

Walter Johnson feels this is a Building Inspector situation and if he denies may have to ask for a variance from the Zoning Board of Appeals because he wants to put a pool beyond the 25 foot setback.

It is suggested that Mr. Carpenter begin with the Building Inspector.

ADJOURN

Walter Johnson motions to adjourn at 8:45 p.m., seconded by Gregory Strange. Motion passes 4-0.

Respectfully submitted by *Pamela Almeida, Recording Secretary*

Signed by,

Colin Gillis, Clerk

Date