



**TOWN OF EASTON**  
**Planning & Zoning Board**  
136 Elm Street  
North Easton, Massachusetts 02356  
Tel: (508) 230-0630 Fax: (508) 230-0639

**MEETING MINUTES**

**WEDNESDAY, JUNE 18, 2008**

Board Members Present: Christine Santoro, Chair; Walter Johnson, Gregory Strange, Alexander Maller

Board Members Absent: Colin Gillis, Clerk; Carol Symmons

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

The meeting was called to order at 6:30 p.m. by Christine Santoro

**6:30 P.M. CONTINUED PUBLIC HEARING – BAYBERRY ESTATES (07-06)**  
(Tape Counter, Tape 1, Side 1, 1 – 39)

Present: Attorney Michael Sites, 1342 Belmont Street, Brockton; Bobby Fried, 11 Olde Farm Road

Attorney Sites addressed the Board informing them and submitted a letter requesting to withdraw without prejudice at this time due to lack of voting quorum and revision of the roadway and subdivision, with a refilling in the near future. Two changes will be made, 1) the name of the roadway and subdivision; 2) and island in the middle of the cul-de-sac. The filing with the Conservation Commission will be continued.

Bobby Fried asked why the need to withdraw. It was explained to her that member Alan Weeks has left the Board, and another member has been absent due to maternity leave, therefore the voting quorum will not be met.

Walter Johnson motions to accept the applicant's submission to withdrawn without prejudice, seconded by Alexander Maller. Motion passes (4-0)

**6:35 P.M. GENERAL BUSINESS – BARG FARMS – AMENDMENT TO FORM E**  
(Tape Counter, Tape 1, Side 1, 56 – 90)

Planning & Zoning Board  
Meeting Minutes, 6/18/08

Alice Savage presented to the Board an Recorded Amended Form E requesting to put Lot 3 back into the Covenant in exchange for Lot 7 in place of the cash bond. The Building Inspector has accepted this exchange and will void the building permit for Lot 3.

Gregory Strange motions to accept the Amended Form E, seconded by Walter Johnson. Motion passes (3-0)

**6:45 P.M. GENERAL BUSINESS – LONE OAK FARMS/OAK LEAF LANE**  
(Tape Counter, Tape 1, Side 1, 92 – 140)

Alice Savage reminds the Board they voted on a cash bond surety and approval of the Road Cost Estimate. She explains that there is more in the bond account now than the Road Cost Estimate. She recommends the Board approve and sign the Certificate of Performance (Form F) for a partial release of funds in the amount of \$21,560 and release Lot 5.

Walter Johnson motions to hold the amount of \$23,500 approve the balance of funds be released, seconded by Gregory Strange. Motion passes (3-0)

Walter Johnson motions to release Lot 5, seconded by Gregory Strange. Motion passes (3-0)

**6:50 P.M. GENERAL BUSINESS – EASTON HOUSING PLANNED PRODUCTION PLAN**  
(Tape Counter, Tape 1, Side 1, 160 – 266)

March Rousseau explains that in 2005, this was named the Planned Production Plan saying there is a new tool to determine a 40R district, now it is called the Housing Production Plan and an amendment had to be amended to the State to say there is a 40R district. This amendment has to be vote on and endorsed and then to the Board of Selectmen have to endorse and then it gets forwarded to the State.

Alexander Maller points out that the last sentence of paragraph one states “additional options that may serve Easton will include:” but does not go on to say what. Marc Rousseau explains that he can find this online in the 2005 Planned Production Plan. He further explains that what is being reviewed tonight are excerpts of changes to the amendment.

**7:00 P.M. PUBLIC HEARING – HARVEY ESTATES (08-10)**  
**RESIDENTIAL COMPOUND**  
**13.5 ACRES ON THE WEST SIDE OF NORTH MAIN STREET**  
(Tape Counter, Tape 1, Side 1, 270 - Tape 1, Side 2, 92)

D.K.W. Builders, Applicant; Attorney Michael Sites, Representative

Present: Attorney Michael Sites, 1342 Belmont Street, Brockton; David Welch, D.K.W. Builders, Frank Gallagher, Gallagher Engineering, Larry Mowatt, 158 North Main Street and Paul Noonan, 7 Elderberry Drive

Christine Santoro explains that there is no quorum for tonight's vote as only four members are present and five are needed to vote.

Attorney Michael Sites feels that the Mullen Rule will be in effect, and therefore, any member not present at tonight's meeting, can review the tapes and minutes and be eligible to vote.

Walter Johnson reads the Public Hearing Notice opening the Public Hearing.  
Attorney Sites addresses the Board explaining to them that in preliminary discussion with Ms. Savage she pointed out the lack of signatures and Attorney Sites has provided updated applications with all required signatures and demonstrating ownership. He also provided a revision for an error in one of the other documents.

Frank Gallagher demonstrates via a plan on an easel, that the site is located on North Main Street, the site is bounded on the east side by North Main Street and bounded on the west side by Ames Pond. North of the site is Elderberry Lane, and south is Vineyard Place. The site is 13.6 acres, with a couple of wetland areas, which restricts the site. The proposal is for 415 feet in length paved roadway with a cul-de-sac turnaround at the end with seven lots located on the northern portion of the site away from all environmentally sensitive areas.

Larry Mowatt asked is this type of building is in the Town's plan? How does the Town feel having this site developed this way? Is there a general plan for this area?

Marc Rousseau explains that the Town does not have a 'plan' in place anywhere in Town.

Christine Santoro explains that a residential compound concept reserves a lot of open space and fits with the rural area.

Walter Johnson motions to continue the public hearing to August 13, 2008 at 8:00 p.m., seconded by Alexander Maller. Motion passes (4-0)

**7:30 P.M. PUBLIC HEARING – HARVEY ESTATES (08-10)  
DEFINITIVE SUBDIVISION  
13.5 ACRES ON THE WEST SIDE OF NORTH MAIN STREET  
(Tape Counter, Tape 1, Side 2, 96 – 406)**

D.K.W. Builders, Applicant; Michael Sites, Representative

Present: Attorney Michael Sites, 1342 Belmont Street, Brockton; David Welch, D.K.W. Builders, Frank Gallagher, Gallagher Engineering, Larry Mowatt, 158 North Main Street and Paul Noonan, 7 Elderberry Drive

Same issues as the Residential Compound application where there is no quorum for tonight's vote as only four members are present and five are needed to vote.

Walter Johnson reads the Public Hearing Notice opening the Public Hearing.

Attorney Michael Sites explains the Definitive Subdivision application is submitted along with the Residential Compound.

Frank Gallaher refers to a topographic map showing a 415 foot roadway, rising up from North Main Street with closed drainage. The water to runoff to drainage basins then will flow into surrounding wetland areas. The entrance will have a rain garden on either side of the roadway. A deep sump catch basin to the clean the runoff will be installed and regular street maintenance plan is proposed. The applicant has submitted a request of waiver for the required 6% road grade and asks for a 7% grade in one section. The roadway will hold a 4% grade at the entrance and then a 7% grade for 150 feet, the reason being that a 6% grade will require more clearing. A Homeowner's Association will be responsible for the roadway's maintenance.

Mr. Gallagher feels this is the most environmentally subdivision they have designed. Feeling they have bent over backwards, giving credit to David Welch, who was willing to be sensitive to the issues. He feels they protected the resource areas the best they could. They built in the best management practices for clean stormwater. And built in the low impact development designs that people are looking for nowadays.

Alice Savage notes that some aspects of the applications are either missing or incomplete as noted by herself and/or Woodard & Curran. They include:

1. Application Form C is not dated.
2. Application Form C does not include the owner's name and address in item #1.
3. Application appears to be signed by the executor of an estate. Documentation to the effect that the executor has the sole authority to sign the application must be submitted.
4. Application for Residential Compound indicates that the applicant is the Prospective Buyer. A Purchase and Sales Agreement should be submitted.
5. The applicant's stormwater operations and maintenance plan does not include provisions for the proposed LID (low impact development) features, e.g. the rain garden.
6. The applicant's plans do not provide details of the proposed LID features.
7. The applications plan does not indicate that soil testing has been performed in the location of the proposed rain gardens. Also, it appears just one test pit in the proposed detention basin was performed; two are preferred.
8. The applicant has not provided a basis for the sizing of the stormceptor unit.
9. The applicant has not provided a basis for the sizing the proposed rain gardens.
10. The SCS soils map provided is not legible. No soil descriptions were provided for the mapped soils.
11. The applicant has not provided calculations for the drawdown time for the water quality volume in the proposed detention basin or rain gardens.
12. The TSS removal calculations do not account for the drainage area tributary to the proposed rain gardens.

Attorney Sites responded that items 1 & 2 are easily addressed and items 3 & 4 have already been addressed. Frank Gallaher believes that plenty of information has already been submitted for items 5 – 12 and should not hold up a stormwater review.

Walter Johnson motions to continue the public hearing to August 13, 2008 at 8:00 p.m., seconded by Alexander Maller. Motion passes (4-0)

**8:00 P.M. CONTINUED SITE PLAN REVIEW –  
DESANTIS FORD, 703 Washington Street (08-08)**  
(Tape Counter, Tape 1, Side 2, 440 – end, Tape 2, Side 1, 1 – 292)

Representative: Richard Tabaczynski, P.E., Atlantic Design

Present: Richard Tabaczynski, Atlantic Design; Michael Hillsinger, DeSantis Ford

Richard Tabaczynski briefly goes through the project explaining it is a 7.4 acre site of an existing car dealership. Presenting tonight is a renovation/redevelopment of the property. One residence (695 Washington) will remain and another building, located in the middle of the property, will be demolished. What is proposed is a new car dealership, a little over 21,000 square foot building, which will be located behind the existing building, set back from the road approximately 185 feet. What they are planning to keep the existing vehicle storage area in place and replace what needs to be and add some pavement. Essentially there are 3 acres of pavement at the site now, this proposal will be taking some away and adding some in other areas, 1 acre more of paved area, for parking for visitors and employees. The site being a redevelopment looking at the majority of the property will meet all the setback requirements, the zoning requirements with a 15 foot buffer surrounding the paved areas, lot coverage, the number of parking spaces, based on the uses is 22, will be providing more than that. The redevelopment will vastly improve access to the property. Now, the front is a paved area at Washington Street, with parking directly off of the street. The curb cuts will be limited to the north and south of the property, parking will be setback 100 or so feet from the roadway, the circulation will flow around the building, deliveries of vehicles will be in the back of the property; a significant improvement to the building and the site. We will be adding a quite a bit of green space to the site, the new parking area are proposed rain gardens, where stormwater will be channeled to, allowed to infiltrate plants and then overflow into the existing system, a low impact system to the area. Other areas that are being enhanced with vegetation, along the northern property line currently a row of ivy, proposed plantings and subsequent plantings to existing vegetation sites on the property. A new septic system will supply the new dealership and resident on the site. Comments were received from the consulting engineer, which have been addressed with revised plans and stormwater report.

An Amendment to the Order of Conditions with the Conservation Commission is before them now. Will also need a permit from Mass Highway for modifications to Washington Street.

Alice Savage inquires about revised plans and stormwater report that was received on June 16, 2008, not allowing time for the Board or staff to review before the meeting. She recommends continuing the meeting to August 13, 2008 to allow the Board and staff to review the revised plans and stormwater report. And also to allow time for a final report be received from the consulting engineers.

Michael Hillsinger explained the comments from the draft report from the consulting engineer were addressed and that was what submitted June 16, 2008. He clarifies that what is being reviewed tonight is the revised plans, not the original plans, and asks because the consulting engineers have not submitted a final report, the board cannot vote.

Alexander Maller voiced his concern, noticed at the Site Walk on May 29, 2008 at 10:00 a.m., the delivery trucks stopping in front of the dealership on Washington Street and/or slowing or stopping on Washington Street. Richard Tabaczynski explains the renovations/redevelopment allows better flow around the building and will eliminate the delivery trucks stopping on Washington Street.

Gregory Strange asks who will maintain the rain gardens. And the reason behind having only one septic tank for both the dealership and the residence. Richard Tabaczynski explains it is a more efficient design. He asks if there is going to be irrigation. Michael Hillsinger explains on the grass in front, supplied by the Town.

Gregory Strange motions to continue to August 13, 2008, seconded by Alexander Maller.  
Motion passes (4-0)

**8:35 P.M. PUBLIC HEARING – MAJOR MODIFICATION TO SPECIAL PERMIT  
#06-08 ELMWOOD ESTATES**  
(Tape Counter – Tape 2, Side 1, 313 – Tape 2, Side 2, 60)

Present: James Victorine, Applicant; Azu Etoniru, E.T. Engineering

Walter Johnson read the Public Hearing Notice, opening the public hearing.

Azu Etoniru explains that the proposed modification includes a reconfiguration of the original three house lots in order to create a fourth residential compound lot. The average lot size of the four lots is 60,220 square feet of contiguous upland area and all of the lots have adequate frontage on Michelle Way, which is a private way.

Alice Savage reports to the Board that there are not major comments and no significant changes to the Special Permit.

Alexander Maller asked the length of the driveways of Lots 2 + 3. Azu Etoniru responds the driveways are approximately 250 feet.

Alice Savage asks a letter from an abutter be read into the record as she could not be present at the hearing. The letter is from Barbara Szumylo of 6 Arborway and date June 18, 2008. Christine Santoro read the letter for the record. The following is excerpts of the letter:

“We have no objection to the application and even wish Mr. Victorine success with his intentions to increase the number of homes on Michelle Way, but we feel the Board needs to know that the existing conditions are currently not in compliance with the approved plans. As you will note, the approved plans indicate that the flow of surface water should flow off my lot (and the

abutting lots) towards Michelle Way (and excess runoff eventually contained by the drainage structures provided on the plan). But, Mr. Victorine has built an earthen berm on the edge of his easement on our property... We believe this to be beyond his easement rights, but regardless; it contradicts the approved plans and has created a nuisance. Because the berm interrupts the natural flow of water, every time it rains we now have significant flooding on our property. There was no problem before the earthen berm was constructed. The berm has now created a health risk in that it risks the well-being of our children and increases the likelihood of mosquitoes and other potentially disease-bearing insects... We therefore request that despite what the Board wishes to do this evening, that is require Mr. Victorine to bring the existing conditions into compliance with the approved plans thereby requiring removal of the earthen berm. In addition, we would ask the Board to be required that any damage done to our property or the easement area, during the process, be repaired. Thank you for your consideration.”

Azu Etoniru addresses the Board reminding them this issue was brought before them a few months ago and it was concluded it was a civil matter, not a matter for the Planning Board. He furthers that there currently is a civil suit pending and suggests no respond be made by the Board on this matter.

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

Alice will present the decision at the July 18, 2008 meetings at 6:30 p.m.

**9:15 P.M. CONTINUED PUBLIC HEARING – COMMON DRIVEWAY / SITE  
PLAN REVIEW - 627 FOUNDRY STREET, GILMORE PLAZA (08-12)  
(Tape Counter - Tape 2, Side 2, 64 – Tape 3, Side 1, 25)**

Present: Richard Sweeney, Tetra Tech Rizzo; Peter Gilmore; Angel Chin, Bridgewater resident

Richard Sweeney gives a brief description of the common driveway, explaining the Board approved an ANR plan dividing the lot into two lots two meetings prior. Lot 1 will have a small restaurant and the Lot 2 will have a retail plaza with an attached restaurant. The lots will share a common driveway. The property is located within three zoning districts, the front is business zone, a small area that is industrial zone and the rear portion is residential. Took advantage of the 30 foot extension of the business zone and moved the lot line back 30 feet for a rear driveway. There are no wetlands on the area. The plan includes the required parking of 108 spaces, including handicap spaces, which is based on the square footage of the retail and of the number of seats in both restaurants. The storm drainage system includes recharge systems, which provides significant ground water recharge and also have a detention basin which will also provide ground water recharge. The on-site septic system is built based on the square footage of the retail and the number of seats in the restaurants.

Mr. Sweeney explains he received the drainage review comments this morning and asked if they should be responded to at this time.

Planning & Zoning Board  
Meeting Minutes, 6/18/08

Alice Savage responds that the Board's policy is to receive all information for review eight (8) days before a meeting; therefore, no response to the report is necessary at this time.

Alice Savage reports to the Board the common driveway application appears complete, no comments have been received from other Department and meets regulations and go forward with the common driveway and continue the Site Plan Review pending a further review by the consultant and review of that.

Gregory Strange has a concern with the employee parking in the back lot, away from the proposed building, specifically with the location to a nearby house. Greg Strange asked Alice Savage her comments on the location of the common driveway entering between the parking spaces.

Richard Sweeney responds that according to regulations for a common driveway, there is the required 22 feet for adequate backing out and turning.

Alexander Maller reiterates from last meeting that he feels the proposed plan is bad planning. Have situation between the intersection of Route 106/ Foundry and the four corners, the access is problematic. In addition to that, the owner is compelled to give up half of his property, which is damaging to the owner. He feels that are other ways to resolve the project in planning terms. Planning is more that site development, it is looking at the neighborhood, looking at the neighbors and working with the neighbors. It is not the engineering that is the concern, the concern is the damage, danger and risk taking and the loss the owner has. I suggest that a road be opened around the private drive to Highland Street, which could serve both properties and other properties in the area. Feels the way it is now, is dangerous. He points to North Easton Bank, he suggests they come in and does not want to support the development of Easton. Does not understand why alternate options are not encouraged. He understands there was an investment is designing this site, but feels for the good of the community and the value of the property he is against the design and would be compelled to vote against it or it should be considered in a more comprehensive way; project wise, property wise and community wise. In addition if this is ignored as it is shown, even if it stays as one property it may become a public danger.

Richard Sweeney responds that the North Easton Savings Bank is not interested in constructing a road and the other property does not belong to Mr. Gilmore.

Angela Chin, Walnut Street, Bridgewater. She explains she owned the property for some time and has gone before the Planning Board in the past to do the best they could with the property. In the end it was too costly to put a road through and subsequently divided the property into two lots and sold the property to Mr. Gilmore. She is in favor of the proposed plan.

Alice Savage responds to Mr. Maller, that although it would be nice to have a roadway through the property, the Site Plan process is a legal permitting process in which it is the Board's responsibility to judge whether or not the plan meets the zoning code and that is all.

Christine Santoro further explains that Board cannot take a plan and go and talk to neighbors to get other ideas for the ideal planning of the property.

Alexander Maller responds that he checked with the website and says that the Planning Board has a comprehensive obligation to the Town to look at connections, uses that are beyond a specific site and specific location. It states that it is the Board's obligation to predict, prevent and see in the future what will happen. There are situations like this one, that there is a solution and a public interest that the role of the local authority is to interfere and encourage neighbors to understand the benefit of having a joint venture. Not that we tell them what to do.

Mr. Gilmore thanks Mr. Maller for his concerns, and addresses the Board regarding a roadway going through the land in the back, the drainage which will go into the neighbors' yards and the Town made it unusable to him by zoning it residential. Regarding the employee parking in the back lot was put there to confine to the bylaws and regulations for parking.

Alice Savage suggests the applicant submit a request for a 25% in parking, which will eliminate the 11 parking spaces in the back lot and submit a revised plan showing such.

She recommends closing the public hearing on the common driveway, submit a plan showing the reduction is parking and submitting a request for 25% parking reduction and continuing the Site Plan Review.

Gregory Strange motions to close the public hearing on the common driveway, seconded by Walter Johnson. Motion passes (3-0-1) Christine Santoro, Walter Johnson and Gregory Strange voted for closing, Alexander Maller abstains from the vote.

Gregory Strange motions to continue the Site Plan Review to August 13, 2008 meeting, seconded by Walter Johnson. (3-0-1) Christine Santoro, Walter Johnson and Gregory Strange voted for closing, Alexander Maller abstains from the vote.

**10:00 P.M. REVISED AND REDUCED SCOPE OF WORK  
AMES FREE LIBRARY SITE PLAN (07-10)  
(Tape Counter, Tape 3, Side 1, 40 – 290)**

Attorney Michael Sites; Jay Thomas, Nitsch Engineering; William Ames, Library Board

Jay Thomas described to the Board regarding the changes to the plan. They include: replacing two retaining walls on the south side with a slope; reduced parking from 35 to 30); elimination of the gardner/utility shed; postponement of the Children's Garden; defer landscaping; change the parking surface from asphalt to gravel and impervious pavers; eliminate the infiltration chambers.

Alice Savage recommends the Board approve the changes although it is a substantial change from the original design.

Attorney Michael Sites explains to the Board that various circumstances arose that resulted in a reduction in the scope of work from the original plans.

Alexander Maller motions to approve the reduced scope of work as presented, seconded by Gregory Strange. Motion passes (4-0)

**10:30 P.M. FORM A (ANR) - PLAN OF LAND ON FOUNDRY STREET (08-16)**  
(Tape Counter, Tape 3, Side 1, 290 - 430)

Applicant: Sawmill Pond Realty Trust, Prepared by: Gallagher Engineering

Present: Frank Gallagher

Frank Gallagher addresses the Board by explaining the site is on Foundry Street across from a stonewall with the pond and the site of Sawmill Pond, which is an approved 40B. The entire property is planned to be divided with part to be conveyed to the Conservation Commission. One plan shows six lots, the other shows 2 lots (5 & 6) which is in land court, which has to be approved and recorded separately (one lot will be conveyed to the Conservation Commission the other will remain in the ownership of Sawmill Pond). Two applications have been submitted, both needing to be approved by the Board.

Gregory Strange motions to approve the Form A for Plan of Land on Foundry Street showing lots 1-6, seconded by Walter Johnson. Motion passes (3-0)

Gregory Strange motions to approve the Form A for Plan of Land on Foundry Street showing lots 5 and 6, seconded by Walter Johnson. Motion passes (3-0)

Three Board members sign the mylars and Frank Gallagher will pick them up on Thursday.

**10:30 P.M. GENERAL BUSINESS**

**AMENDMENT TO THE EASTON HOUSING PLANNED PRODUCTION PLAN**  
(Tape Counter, Tape 3, Side 1, 435 - 465)

Alice Savage explains to the Board that the Fair and Affordable Housing Partnership is planning to fully amend the Easton Housing Production Plan also known as the Affordable Housing Planned Production Plan in 2010, when new census data and additional information. These amendments are highly recommended by DHCP in order to make the units that we are getting on the 40R project count for the subsidized housing inventory. So our planned production has to be in compliance with the plan and the plan currently states that we will consider a 40R and will consider adopting an affordable housing trust fund. This amendment points to those three paragraphs where the two items are mentioned and says we did it. To be adopted it has to be by both the Planning and Zoning Board and the Board of Selectmen.

Gregory Strange motions to approve the amendment to the Easton Production Plan, seconded by Walter Johnson. Motion passes (3-0)

**10:45 P.M. GENERAL BUSINESS**

**SHOVELHOP COMMENTS FOR THE ZONING BOARD OF APPEALS**

(Tape Counter, Tape 3, Side 1, 470 – Side 2, 130)

Present: Paul Rohr, Lincoln Street; Steve Canty, Mullen Lane

Alexander Maller asked for clarification of the meaning of a Business Meeting; what the Planning Board's role is; what a Comprehensive Permit is; what the next step would be after comments are reviewed by the Zoning Board of Appeals;

Initial comments submitted, an initial meeting is held; a developmental review team meeting inhouse meeting has been held in the past.

Paul Rohr addresses the Board and strongly urges the Board to apply their expertise to obtain all the information the Zoning Board of Appeals has. He explains that what the Board received to review is only a small amount of what has been submitted to the Zoning Board of Appeals.; which would explain why things do not make any sense as the Board reads the packet received. He also feels that the Board's comments would carry more weight as a whole, rather than a resident.

Steven Canty addresses the Board and concerned the location of the project, already is overused. What stage would the 40R have to be at to stop a 40B? Marc Rousseau explains it is a legal conflict and no answer could be given at this time.

**APPROVAL OF MINUTES-**

Signature only needed for May 7, 2008 minutes – Tabled to July 16, 2008

**ADJOURNMENT**

Walter Johnson motions to adjourn at 11:00 p.m., seconded by Gregory Strange. Motion passes.

Respectively submitted by Pamela Almeida, Secretary

Signed by,

Date

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Colin Gillis, Clerk