

**Board of Selectmen  
Meeting Minutes  
3/9/09**

The Board of Selectmen met this evening at the Easton Town Offices, Selectmen's Office, 136 Elm Street, with Clerk John Haederle presiding.

Members present: Colleen Corona, Charles King, Irwin Cohen, Ellen Barlow and Town Administrator David Colton.

Members not in attendance: John Haederle

Corona called the meeting to order at 7:00pm

*Cohen was not present at this point of the meeting.*

Comments on petition by Four Points Media Croup, LLC to eliminate Channel 56

Chairman Paul DiNicola was present. The Board reviewed the attached draft letter to Four Points Media Group expressing opposition to the petition to eliminate WLVI TV, Channel 56.

**Voted:** (Barlow/King) voted unanimously of those present to send the draft letter to Four Points Media Group expressing concern with the loss of Channel 56

Constable application – Brian Bishop

**Voted:** (King/Barlow) voted unanimously of those present by roll call to appoint Brian Bishop of 333 Foundry Street as Constable for the Town of Easton  
Corona-Bishop; King-Bishop; Barlow-Bishop

Priority development - preservation areas map / South Coast Rail

Acting Director of Planning and Community Development Alice Savage was present. Savage presented the Board with a map for the Board's review showing priority development/preservation areas in town. This will be used for infrastructure funding down the road if the rail comes through town.

*Cohen arrived at this point in the meeting. (7:15pm)*

The Board thanked Savage for the presentation.

Annual Town Meeting discussion

**Voted:** (King/Barlow) voted unanimously to set the Annual Town Meeting date of May 18, 2009 at the OAHS Auditorium 7pm and to open the warrant and accept articles until March 27<sup>th</sup>

Traffic Study Committee recommendation re: Williams Street

Andrew Simms of 43 Williams Street and Traffic Safety Committee Members Wayne Southworth, Tom Stone and Tom Kominsky were present.

See the attached recommendation submitted by the Traffic Safety committee. Stone spoke on behalf of the committee and in summary, recommends the installation of "Children" signs to be posted at both ends of Williams Street and a "Dangerous Curve" or yellow warning type signage to indicate the roadway path as vehicles approach the south end of Williams Street in the area of the 90-degree turns. The Police Chief has also agreed to have the Police Department increase traffic enforcement activities in this area. Stop signs are not warranted in this area.

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With the 40B development proposed in this area, the developer should be required to pay for a traffic study to see if other improvements may be considered.

Mr. Simms thanked the Traffic Safety Committee for their efforts. He questioned if this area can be reviewed again in a few years. Corona and the committee agreed that a review may be appropriate in a few years as situations and circumstances change.

On behalf of the committee, Stone suggested that they will analyze the situation again after the new signed are in place see if they have helped.

The Board took a brief recess at 7:25 and reconvened at 7:30pm.

### 40B comment period discussion

The following citizens were present and represented suggestions as detailed in the below letter submitted to the Board regarding the 40B process:

Tony Pires of 34 Williams Street; Tom O'Brien of 39 Williams Street and Dorothy Fulginiti of 78 Elm Street.

### *To Our Town Leaders:*

*Our town is facing new challenges with regard to "smart growth". We have 408's, 40Rs and the train as big issues before our town government. We feel that it is important for the average citizen to become involved and active in this process. Our town boards, both volunteer and elected have been doing a great job and we appreciate the efforts and commitment of these individuals. We feel that better input, support and engagement from the public will strengthen our system and help our town officials gauge the temperature of the community as it relates to certain projects.*

*Having navigated through some of this, we have some ideas and suggestions that we feel will make it easier for the public to become involved.*

### *We would ask:*

*1- When the development review team (DRT) receives an application from a developer requesting a letter of eligibility, we would like the DRT to post notice of that request on the town website. We would like to request the DIRT to notify abutters of the initial public meeting where the 40B proposal will be reviewed and discussed. During that meeting, the DRT will collect a contact list (to a minimum of abutters) for the purpose of relating email announcements of any relevant public meetings pertaining to that 40B. This would include DRT, Fair and affordable housing, site visits, etc. The purpose of these requests is to inform, encourage and collect public comment.*

*2- We would like to make it policy, that when the DRT receives a copy of an application, the DRT would immediately request an extension on the public comment period to a minimum of 60 days. The purpose of this request is to provide adequate time to encourage and collect public comments.*

*3- We would request that the DRT apply the COMPREHENSIVE PERMIT POLICY TOOL (CPPT) to all current and new applications and that the input data as well as the results be sent to all parties. The purpose of this request is to measure the value of the proposal, and relate this to all interested parties which includes at minimum the public, selectmen, the State, and the ZBA.*

4- We would request that the town produce a skeleton flow chart of the 406 process with links to resource information on 406 and post this on the town website.

5- We would like all 408 and 40R hearings to be videotaped and played on the local cable access station. We understand that is beyond the control of the BOS but we would like the BOS to drive that initiative. This is important for two reasons. 1) The process is a long and tedious one. It is not for the faint of heart. It is important that the public be aware of the process so that they can support or not support a project based on facts. 2) As this can be a political hot potato, it is important for the town to have a documented record of these meetings to support any appeals that may arise from either the proponent or the town.

These requests are not anti-40B. We recognize and understand the need for affordable housing. This is a message of educating the public and allowing us to more fully participate in the process. If a 406 project is a good idea for the town, this is also a way to "sell" the merits of a project so that the town can embrace the project and see that 406 is not always a dirty word. If the public participates, they can offer important input to all boards, especially the ZBA. This is a win-win for all involved.

Thank you

O'Brien of 39 Williams Street was present and spoke of past mistakes made during the 40B review process relating to Williams Street. O'Brien felt he was not educated as a member of the public on what the process was.

Fulginetti spoke of the website she created [www.responsiblegrowthforeaston.com](http://www.responsiblegrowthforeaston.com) to help educate the public. Fulginiti noted that not all 40B proposals have a negative impact; positive comment may be the case also.

Referencing the request in #5 to have all 40B & 40R hearings videotaped and placed on the local cable access station, Colton and Corona agreed that this should be a goal. Corona spoke of the Town of Norton and how they set it up; you can choose which meeting you would like to view and play this right on your computer. Currently, the only room set up with cameras is the Selectmen's Meeting Room at the Town Offices.

Fulginiti complimented the Selectmen and the Zoning Board for their efforts to date in using the website and the town crier as a tool to help educate the public. Corona confirmed that anyone can sign up to receive the town crier by logging on to the town's website at [www.easton.ma.us](http://www.easton.ma.us).

Corona spoke of the history of 40B's, and that, until recently, only a few had been permitted in Easton. That has changed recently, and she agreed that we do have to adapt as these become more prevalent.

Generally speaking about the citizens' request, Corona agreed that as we move forward, we can better educate the public about the public comment period through the website and town crier.

Colton welcomed the suggestions as submitted in the letter and agreed with most of the suggestions with the exception of the Development Review Team (DRT) role. The DRT consists of a group of department heads that meet and review the technical points of the application. He is not convinced that this is the vehicle to effectively get public input.

Corona agreed with Colton and further suggested that when we get information about a new 40B and the public comment period, we can put this information on our Selectmen's Agenda so the public is aware.

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The question about abutter notification is unclear right now; the Board agreed that there is no legal requirement to notify abutters but we are breaking new ground and we will consider a way to notify abutters during the comment period.

Pires commented that he thought the responsibility of the construction of the comment letter was that of the DRT. Corona clarified that we ask for input from boards and committees; it's not just the DRT. Colton clarified the DRT process, specifically the department head's role in the process.

King encouraged citizens to write to the ZBA so they can incorporate the information when they comment to the DRT.

O'Brien noted for the record that the public hasn't had opportunity to comment during this process. Colton again agreed but suggested that the DRT is not the appropriate avenue.

In closing, Corona suggested that we all have to work with 40B's and it doesn't always make us happy. There are laws we need to abide by. Corona noted that other communities post 40B question and answers on their website and this is a great idea. We will also add this information on the town's website. Anything we can do to make it easier to get information to the public is a step in the right direction. With respect to videotaping all the meetings, we can't change the taping of meetings right now while we are in the process of cable negotiations, but we will work toward that end. Corona agreed with the automatically asking for the 60 day extensions. On behalf of the Board, she thanked everyone for the information.

Priscilla Almquist Olsen of 59 Seaver Street introduced herself to the Board and referenced the Board of Selectmen's meeting in August, 2008. At that time, she talked about abolishing 40B and different groups were moving toward getting rid of 40B statute. She suggested at that time that a citizen group could be formed. Olsen expressed her disappointment that she hasn't heard back about the formation of a committee. Corona suggested if she wants to form a committee of this nature, to go and meet with the Fair and Affordable Housing Partnership. Corona clarified that she did contact the Hanover Selectmen's Office on several occasions after the August meeting. They said that they would forward information but the information was not sent.

Olsen suggested that it would not be her job to go to Fair and Affordable Housing Partnership; she would like the Selectmen to suggest this.

Corona asked for clarification on what the purpose of the committee is. Olsen suggested it should come from the Selectmen. Olsen referred to the tea bag approach as a promotion to fight the 40B proposals.

King suggested that the tea bag approach is not right; when we take the approach to fight the 40B's, we need to be very careful in how we do that if needed; what should be concerned about the state's approach would be if we fought all 40B's. We should let the ZBA and the Fair and Affordable Housing Partnership do its job.

Olsen's clarified that her goal is not to abolish 40B but to create a statute that works. Olsen's goal is to protect neighborhoods. Currently millions of dollars developers have not paid money to the communities as required. Olsen felt that a new committee would be practical and this would be a positive step in the right direction. She would like to have a study of the impact of 40B developments in town and develop a proposal for reviewing the 40B law.

Colton suggested looking at the impact of the 40B and referenced the Fair and Affordable Housing Partnership which is already in place and would suggest that we ask them to look at this. Colton suggested that in terms of changing the 40B law, Corona has worked closely with the MMA. We should

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work with other groups like the MMA and find out what kinds of reforms are seriously being thought about at the legislative level and what reforms they are considering to propose.

Corona invited Olsen to attend the next meeting of the Fair and Affordable Housing Partnership scheduled for Tuesday, March 10<sup>th</sup> at 6pm in the Selectmen's Office.

Olsen agreed with the idea of coordinating efforts with other communities to pool together all their thoughts. Corona noted that we are working on this and in fact, Alice Savage went to a meeting last week with the Municipal Coalition for Affordable Housing (MCAH).

O'Brien spoke of the work done with respect to 40B proposals to date and the respect he has for the Selectmen.

Corona thanked everyone for the list of great ideas.

### Fair and Affordable Housing Partnership/Easton Affordable Housing Trust Fund Board resignation – Ilisabeth Bornstein

**Voted:** (Barlow/King) voted unanimously to accept with regret Ms. Bornstein's resignation

A certificate of appreciation will be issued to Ms. Bornstein.

### Green Communities Committee proposed charge

The Board discussed the possibility of adding a designee of School Department.

**Voted:** (Cohen/Barlow) voted unanimously to approve the draft charge as amended

### Human Rights Committee proposed charge

**Voted:** (Barlow/King) voted unanimously to approve the draft charge

### Request to refinance "LIP" unit – Easton Country Estates

**Voted:** (King/Barlow) voted unanimously to approve the refinance request for a "LIP" unit in Easton Country Estates

### Application for change of hours – Jamess, Inc., dba Loco (restaurant all alcohol) 520 Foundry Street, Easton, MA

Corona recused herself due to direct conflict and left the room at this point of the meeting. (8:20pm)

King explained the change of hours for Sundays from 9pm to 1am.

Colton recommends approval of the change in Sunday hours.

**Voted:** (King/Barlow) voted unanimously to approve the change in Sunday hours from 9pm – 1am

Corona returned at 8:25pm.

### Minutes

**Voted:** (Barlow/King) voted unanimously to approve general minutes dated 2/23/09

### Town Administrator's notes

None

### Press notes

None

### Selectmen's notes

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Corona attended Easton Children's Museum Mardi Gras event over the weekend and thanked them for all their hard work.

Corona announced that she and Ellen Barlow had tea at the Oliver Ames High School with a school principal visiting from China. Corona noted that the principal was very impressed with the sports teams and the parent participation as well as the Guys and Dolls performance last Sunday.

Cohen asked about telephone solicitations fundraising calls to benefit the Police and Fire Departments. Cohen questioned the caller as to who he was representing and what percentage of the money goes to the department. The caller replied that 55% goes back to the department. Corona suggested that we can check with the Chief and if needed, we can put information out on the town crier as an advisor for citizens.

Barlow agreed as suggested that we all get a lot of calls soliciting donations from non profit groups like the Veterans. Colton suggested that citizens be very carefully, especially during this economy. Colton confirmed that the town doesn't have people call on the department's behalf. Corona will follow up with the Police and Fire Chiefs.

Public participation

None

**Voted:** (King/Barlow) voted unanimously to adjourn (8:30pm)

*Respectfully submitted,*

*Mary Southworth*