

**Board of Selectmen  
Meeting Minutes  
6/16/08**

The Board of Selectmen met this evening at the Easton Town Offices, Selectmen's Office, 136 Elm Street, with Chair Colleen Corona presiding.

Members present: Colleen Corona, John Haederle, Charles King, Ellen Barlow, Irwin Cohen. Town Administrator David Colton was not present due to a scheduled vacation.

Corona called the meeting to order at 7:00pm

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

Presentation of retirement plaques

Town Clerk Janet Linehan, Assistant Assessor Anne Carney and Library Director Annalee Bundy were present. As all three department heads are retiring as of June 30, 2008; the Board presented plaques to each of them for their many years of dedicated service. (*Janet Linehan 37 years; Anne Carney 26 years; Annalee Bundy 13 years*)

Congressman Stephen Lynch Staff Office Hours – June 26<sup>th</sup>

Corona announced Congressman Lynch's office hours from 9-11am on June 26, 2008 in the Mary Connolly Meeting Room.

One Day Liquor License request – Makeovers Salon & Day Spa

Applicant Keith Bumpus was present. Bumpus explained the one day beer and wine license request to have a wine tasting at the Makeovers Salon at 574 Washington Street on June 19, 2008 from 5-8pm. No police detail is required by the Easton Police Department.

**On Barlow's motion, seconded by Haederle, the Board voted unanimously of those present** to approve the one day license request.

Contract with M.E. O'Brien & Sons, Inc. – purchase and installation of playground structures at HH Richardson and FL Olmsted Schools

Director of Recreation, Jennifer Hruniak and Recreation Chairman, Mike McDonald were present. They explained the request for \$143,154 from CPA funds to purchase and install playground equipment at the Richardson/Olmsted Schools. Corona noted that this was voted favorably by the School Committee. McDonald noted the project would start at the end of July with completion right before school in September.

Corona noted the Community Build Playground Project event on Friday and Saturday as part of the Victoria Snellgrove Playground donation. She thanked Hruniak, McDonald, the citizens and the community businesses that volunteered food and services.

The playground dedication will be Thursday June 19<sup>th</sup> at 4pm. The Snellgrove family will be present for the dedication. This is the third playground built in memory of Victoria Snellgrove. McDonald reiterated the great community event and the volunteers.

Barlow asked for specific detail on the Olmsted/Richardson school playground equipment. Corona noted that it will be age appropriate and have a large arch to promote upper body strength. Hruniak noted the state of the art structure and suggested the gym teachers will be using this as part of their gym curriculum.

**On Haederle's motion, seconded by Barlow, the Board voted unanimously of those present** to approve the contract with M.E. O'Brien & Sons, Inc. (\$143,154)

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Hruniak and McDonald thanked the Board.

### 61A option – Notice of Intent to Sell Agricultural Land – 23-45 Union Street, Easton, MA

Director of Planning & Community Development, Marc Rousseau was present. Corona referenced the Winterberry Hills 40B proposed 44 unit development off Union Street. Rousseau gave detail of the small portion of land proposed to be purchased by the developer so that they can cross the wetlands.

*Cohen arrived at this point of the meeting. (7:10pm)*

Corona summarized the memo from the Land Use Agent stating that the Conservation Commission has no intent of purchasing the land.

**On Barlow's motion, seconded by Haederle, the Board voted 4-0-1 not to exercise the first right of refusal. Cohen abstained.**

### Veterans Memorial Day Committee appointments

Corona explained the committee's function of planning the parades. Corona read the list of names as listed below now referenced as the slate:

Louis Silva, 33 Central Street, Easton, MA  
Ernest Camara, 8 Meeting House Rd., Taunton, MA  
Daniel B. Amorim, 79 Elm Street, Easton, MA  
Alvin B. Smart, 179 Washington Street, Easton, MA  
Lewis E. Chapman, 14 Harlow Street, Easton, MA  
John Flynn, 65 Summer Street, Easton, MA  
Stanley Borgeson, 394 Foundry Street, Easton, MA  
James D. Mullen, Jr., 2 Stonehouse Hill Rd., Easton, MA  
Arthur Stecker, 7 Possum Run Rd., Easton, MA  
Donald Tuck, 38 Shannon Marie Way, Easton, MA  
Thomas Kane, 282 Depot Street, Easton, MA

**On King's motion, seconded by Haederle, the Board voted unanimously by roll call to appoint the slate. Haederle-slate; Corona-slate; King-slate; Barlow-slate; Cohen-slate**

### Selectmen's Meeting schedule

Corona announced the need to reschedule the September 29<sup>th</sup> meeting to September 22<sup>nd</sup> due to the Rosh Ha Shanah holiday. The Board agreed.

The Board agreed to cancel the August 11<sup>th</sup> meeting.

### Presentation of Historical Curatorship Program

Kevin Allen, Historic Curatorship Program Manager was present. See attached information. Allen explained the program. The concept is that we have enabling legislation to partner with individuals or local governments to re-use and maintain historic buildings. Specifically, we are talking about the Smith Farmhouse at the bottom of the hill at the entrance of Borderland State Park. Allen is in process of drafting the RFP's now for release in the first week of July. Corona noted that the proposals submitted must depict would that they would propose to do with the building. They are more concerned with the site, the exterior historic integrity. In summary, they are looking for somebody to leverage their own sweat equity and provide public benefit to the park. Through the Program, a "Curator/Tenant" is selected to rehabilitate, reuse and maintain one of the Program's properties in exchange for credit towards lease payments in a "work for credit" system. Corona asked the general length of the lease. Allen noted that they value the work compared to the fair market of the appraisal and create a formula like that. Most often it is a thirty year lease. They will talk to DEP, the Conservation Commission and town officials as a preliminary step in the process. He spoke of the need for a septic system. Local inspectors must sign off.

Haederle asked if there are elements of green building design. He asked about the DEP technology and the issue of mounded septic systems. Allen spoke of the house on Poquanticut Ave and the similar issues there. They are

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hoping to bring that into the program also. He spoke of the priority of the agency and the new administration of using sustainable technologies. Of course, it will depend on the openness of DEP to look at this in a broader context.

Barlow spoke of the great potential but noted that the house needs a lot of work. She asked if the applicants can be given a range of the cost and asked if there would be a preference given to Easton residents. Allen noted the open houses that will be available. This could be a \$300,000 - \$400,000 investment. Most have leveraged more than half of these costs. The difficulty of curators not being able to do the work on septic has been a real issue. They don't expect to have everything done in a year; they are not talking about a lot of major rehab project at this location. He again spoke of the other properties all over the state and suggested that this is not the worst. Allen noted that there is nothing in the legislation to require Easton residents but he acknowledged the benefit with having knowledge of the community. They have had the best luck when then town has been involved since the beginning. Allen spoke of Park Supervisor, Eleanor Yahrmarkt and her dedication to the park.

Historical Commission Chair Melanie Deware was present and noted she is thrilled to have this as part of the curator program.

### Contract with MHQ Municipal Vehicles – DPW Water Division Vehicle

**On Haederle's motion, seconded by Barlow**, the Board **voted unanimously** to approve the contract with MHQ Vehicles. (\$26,397)

### The Nicholas A. Farley Charitable Fund, Inc. – request for fee waiver for tent permit

Corona referenced the fee waiver request and the non-profit charitable volleyball fundraiser.

**On King's motion, seconded by Cohen**, the Board **voted unanimously** to waive the tent permit fee as requested.

### Annual Appointments

See attached list of uncontested appointments.

Corona referenced the list as the slate.

**On Haederle's motion, seconded by Barlow**, the Board **voted unanimously by roll call** to appoint the slate.

**Cohen-slate; Haederle-slate; Corona-slate; King-slate; Barlow-slate**

### *Constable appointments*

Corona read the names as listed now referred to as the slate.

**On King's motion, seconded by Barlow**, the Board **voted unanimously by roll call** to appoint the slate.

**King-slate; Barlow-slate; Cohen-slate; Haederle-slate; Corona-slate**

### ZBA interviews

#### *Paul Prew*

Mr. Prew of 34 Pammy's Path, incumbent on the ZBA introduced himself to the Board. He has served the ZBA for one year and noted the dedicated group of professionals on the Board. He has enjoyed the opportunity while serving over the last year. He requested reappointment as Alternate.

#### *Jeremy Kay*

Mr. Kay of 29 Pleasant Heights Drive, introduced himself to the Board. He is an attorney for a law firm in Braintree practicing real estate law. He feels that he can contribute to the community based on his experience. He noted the many experienced people already on the ZBA. He has represented clients who have applied for variances in other communities and has also represented clients opposing permits. He is familiar with MGL Ch. 40A and suggested the Board could use a lawyer who can do the legal research. He feels that this is the best way that he can contribute.

Barlow asked Kay, based on his experience, what he would learn and bring to the Board. Kay noted that serving on the Board is clearly different than being representing a client. Being a member, you have to figure out how to strike a balance.

Corona noted that choosing between candidates is the most difficult thing that the Board must do. Barlow clarified that Prew has been the Alternate.

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The Board **voted unanimously by roll call** to reappoint Prew as Alternate to the ZBA.  
**Barlow-Prew; King-Prew, Cohen-Prew, Haederle-Prew, Corona-Prew.**

Corona noted that we can keep Kay's application on file.

### Conservation Commission

Kyla Bennett of 2 Chickadee Lane was present and noted that she is seeking reappointment to the Conservation Commission. She has fulfilled a three year term and would like to continue serving. She spoke of her Ph.D. and her background as a lawyer. Bennett spoke of the other Conservation Commission members, their background and what they bring to the Commission. She commented that while they all compliment each other, she is the only lawyer on the Board.

Bennett noted that she spoke with Selectmen Haederle by phone on Friday, and that he indicated his possible opposition to reappointing her to the Commission. She stated that she took notes during the conversation, and wanted to address comments he made. First, he commented on the email that she and her husband sent out relating to the 40R Queset Commons project. She stated that Haederle also suggested that he was misquoted in a recent newspaper article. Bennett noted that she did not see a retraction. Bennett stated that he also told her that there were anecdotal complaints about her. This was the first that she heard of this and she would have listened to what they had to say if she had only known. She felt blindsided by Haederle's comments. Bennett explained that Haederle then told her he felt she would have to recuse herself from the Queset Commons project as she was outspoken about the project. She spoke of her involvement with PEER and suggested that it is her right to speak about what she believes in. She would not have to recuse herself from the project if it came before the Commission. The case law is very clear that a volunteer board member can have an opinion on an issue so long as she is not the sole deciding person on the Commission. Haederle also suggested that people were confused as to who Bennett was representing when speaking against the project. She disagreed and noted that each and every time she spoke; it was as an individual, not as a Commission member. Haederle suggested to her that she was working actively and openly against the Board of Selectmen's interest. She noted that she was not acting against the Board; she had an opinion. She suggested if she was not appointed because she spoke against the project, it would be a mistake and it will have long lasting effects on the Conservation and all other Boards. Bennett stated that the Conservation Commission Chair emailed the Selectmen and Commission members asking that she be reappointed. She hopes that the Board takes this to heart.

After listening to Bennett's concerns, Haederle noted he encourages the difference of opinion. He spoke of the email that she sent out before town meeting and suggested that he found it to be very threatening. She disagreed and read the quote from Haederle in a newspaper article about allowing Mr. Bennett to speak at town meeting. Corona questioned Bennett about the email distributed by the Bennett's prior to Town Meeting. In particular, she referred to a line in the email that stated "we have been threatened, and told we would be removed from Town Meeting if we raised certain issues." Corona asked who had threatened the Bennetts, as no one from the Board had spoken to the Bennetts, and the Town Administrator had not spoken to them. Bennett stated she had not been threatened directly, but had been told by someone that the Moderator may have the police take them out of town meeting. Corona and Haederle expressed their belief that that line was very, very misleading, as it indicated she had been directly threatened, which was not the case. Corona stated that she had received calls from several people asking why they were threatening the Bennetts, as that was the impression they had received from the email. Bennett apologized that the Selectmen took it this way; she was not suggesting it was the Selectmen threatening to take action against them. Corona noted that the information could have been clearer, and she feels the email was very misleading.

King spoke of Bennett's email that was sent out before town meeting and some of her comments in the email that his daughter and son and law read which raised concern that the town was looking at tax revenue vs. the town's water quality. King suggested that this is not the only item in dispute for her application for reappointment to the Conservation Commission. King asked Bennett whose rights should come first, the homeowners or the rights of the animals and the environment. Bennett suggested it depends on what the law provides. This is very case specific, certainly, if there is a homeowner that will be flooded out or needs to make septic repair then the homeowner would come first. She doesn't feel you can answer this in a blanket way.

*Tom O'Brien*

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Mr. O'Brien of 39 Williams Street introduced himself and noted that he has lived in Easton since 1961. He gave a summary of his volunteer work in various capacities. He has been involved in the high school Cross Country Team. He is a member of NRT and a member of the NRT board since 1995. He has been on stewardship committee since 1997. He has been involved in athletic programs at Oliver Ames High School for many years. He has been involved in designing walking trails. He spoke of an award from the Lions Club. He is a distance runner and has run over 40,000 miles in his lifetime, running through various Easton properties. He knows a good portion of the lands in Easton. When he heard of the vacancy and knew of the need for a caring person to serve, he came forward to volunteer.

King asked if he was chosen, how he would decide about balancing the rights of animals or environment vs. the homeowners. O'Brien noted that he doesn't have a legal background in this area but when issues do surface, he has a tendency to probe until he gets clarity as to what the rules and regulations are. He did this during the Queset Commons project and really researched all the aspects of the project before making a decision.

Barlow referenced his volunteer experience and noted on his volunteer form that he is semi-retired. O'Brien noted that he taught in 9 years in Easton and also was in sales in marketing for a large company.

### *Joanne Carroll*

Joanne Carroll of 15 Williams Street introduced herself to the Board. She referenced her older children and stated that she now has time to volunteer for the town. She is a real estate agent and has been in front of the Conservation Commission numerous times.

King asked how she would balance the rights of animals and environment vs. the rights of homeowners. Carroll noted it is a fine line and you need to work with each person or issue individually.

Barlow asked if there was something she would learn by coming before the Conservation Commission. Carroll noted that if you are open minded and willing to work with people, things work well. People have been very open minded.

The Board **voted by roll call** to reappoint Bennett to the Conservation Commission.

**Barlow-Bennett; King-O'Brien; Corona-Bennett; Haederle-Bennett; Cohen-O'Brien**

Easton Shovel Shop, LLC – Presentation of Financial Impact Report – Community Opportunities Group, Inc.  
Attorney Mark Bobrowski and Judi Barrett of Community Opportunities Group were present. Bob Engler of Stockard, Engler & Brigham was present representing the Turners.

Barrett referenced the project summary. (See attached information)

Corona noted that this project is before the ZBA for a 40B application. Barrett noted that the numbers may change, more on the revenue, not on the cost side. Barrett noted the importance of looking at the housing aspect at this point in time.

Barrett will be giving a revised number for both the 40B and 40R projects. She must analyze both projects. The 40R concept would involve fewer rental units but would include four luxury condominiums. She doesn't feel the two projects will be all that different. The recurring cost of the revenue is most important. She spoke of the difference in the projects; less residential units for the 40B but not a dramatic difference between that and the 40R concept. She thinks the smaller project opportunity has the advantage of including the home ownership. The tax revenue is difference between rental and homeownership. Barrett suggested that this is essentially a revenue neutral project.

Barlow expressed concern that she hasn't been given enough information to come to this conclusion. She noted that she looked at sales data for condominiums in surrounding communities over the last couple of years. Barrett suggested again this project is still revenue neutral; the four units aren't enough to make a difference in the revenue.

Bobrowski spoke of the Turners original discussions about doing a project at the Shovelshop location. The town knew that they had the right to go forward with 40B but expressed concern in looking at 40R in efforts to preserve

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historic nature of the building and to enhance traffic the area. A traffic study was done and a signal at the top of Elm Street/Rt. 138 was discussed. Woodard and Curran looked at wastewater issues and the Turners are working with DEP. Water has been investigated by staff and it doesn't seem to be an issue. He feels the Board is ready to entertain some discussion as to whether a 40R is appropriate at this time. There is a pending ZBA hearing scheduled for this Wednesday, June 18th. He spoke of the details of the project. Bobrowski stated the importance of noting that if the 40B is approved before the 40R, we don't get all the units. There is some timing involved in this process. This has been a cooperative venture between the Turners and the town.

King asked about the first option, 182 units for the 40B and the 40R proposal with 168 units and four luxury condominiums.

Cohen asked if the 40B is approved, if this eliminates the 40R payment. Bobrowski explained that this is correct, if the ZBA approves the 40B first, we lose the incentive payment. He spoke of his experience in Haverhill, MA. Cohen suggested that this is time sensitive. Bobrowski suggested that the timing should work for a fall special town meeting.

Haederle asked about 40R if any existing businesses will be affected. Bobrowski noted that this still needs to be researched.

Corona commented that this is a completely different project than the Quset 40R; this application has already been submitted as 40B and this location is such a historic part of town. Melanie Deware, Chair of the Historical Commission was present. Deware suggested that the 40R may be preferable from a historic perspective. The Historical Commission's charge is to protect the historic preservation of the town. People are concerned with these buildings. Deware noted that she is not partial to the sheds or the additions of fences. She feels a fence will change the look of the downtown area. She understands that things will not remain as they are. She also understands that this project will allow people to stay in Easton. Corona noted that the importance of having the Historical Commission involved in the process.

Cohen asked the Turners if they agree with Barrett's report that the projects are revenue neutral.

Engler complimented Judi Barrett and noted that he respects her work. Engler feels optimistic the project is going to be good for the town and doesn't have any contradicting data.

Barlow asked the Board's role this evening. Bobrowski asked that the Board vote to hold a public hearing in July. Barlow suggested that we haven't heard enough information before making a decision to go to public hearing. Bobrowski agreed but noted that we have heard on wastewater and traffic. Bobrowski spoke of the ambitious schedule involved if a 40R is to be considered. Corona stated that the public hearing is part of the process when deciding whether to move forward with the 40R. Corona noted a lot of work needs to be done to see if we can reach an agreement on design standards.

**On Haederle's motion, seconded by King, the Board voted unanimously** to schedule the public hearing for Shovel Shop *tentatively* for July 28, 2008.

### Camelot Estates Road Closing Request

Corona referenced the road closing request to close King Arthur Road from Merlin to Guinevere Road on Saturday, June 2, 2008 beginning at 3:30pm for the purpose of having a block party. Police, Fire and DPW have been notified. (rain date 6/22/08)

**On Haederle's motion, seconded by King, the Board voted unanimously** to approve the road closing request.

### Minutes

**On Barlow's motion, seconded by King, the Board voted unanimously** to approve general minutes dated 4/28/08.

**On Barlow's motion, seconded by King, the Board voted unanimously** to approve executive session minutes dated 6/2/08.

### Town Administrator's notes

None

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Press notes

None

Selectmen's notes

None

Public participation

None

**On Haederle's motion, seconded by Barlow, the Board voted unanimously** to adjourn at 8:40pm.

*Respectfully submitted,*

*Mary Southworth*