

**Board of Selectmen
Meeting Minutes
12/17/07**

The Board of Selectmen met this evening at the Richardson/Olmsted School Cafeteria, 101 Lothrop Street, Easton, MA, with Chair Colleen Corona presiding.

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

Corona called the meeting to order at 7:00pm

New Rules and Regulations for use of Conservation Land

Colton referenced the new rules adopted by the Conservation Commission. The new rules have been posted on the Town's website.

Transfer of Common Victualler license - D&D Food Operations, Inc. dba Subway #2584 2 Belmont Street, Easton
Corona noted that during the license renewal process, the Board became of aware of the need to transfer the license to the new owner.

On Haederle's motion, seconded by King, the Board **voted unanimously** to recommend approval of the transfer.

Transfer of Common Victualler license – Belabbes Khelfa dba Euro Pizzeria 3 Roche Brothers Way, Unit D, Easton
Corona noted that during the license renewal process, the Board became of aware of the need to transfer the license to the new owner.

On Haederle's motion, seconded by Barlow, the Board **voted unanimously** to recommend approval of the transfer.

Annual license renewals

Jamess, Inc. dba Loco Restaurant – 420 Turnpike Street - All Alcohol and Common Victualler licenses.

Corona noted her conflict of interest; an immediate family member is employed by Loco. Corona left the room and did not participate in discussion or vote. (7:10pm)

Haederle referenced the Loco license renewal application.

On Barlow's motion, seconded by King, the Board **voted unanimously of those present** to approve the license renewals for Loco.

Corona returned at this point of the meeting. (7:12pm)

Approval of license renewals with conditions

King referred to the attached list and questioned the need for workers compensation. Colton explained the MGL requiring the insurance.

On Haederle's motion, seconded by King, the Board **voted unanimously** to approve the list of license renewals subject to the licensees resolving the issues as indicated.

Approval of license renewals with no outstanding issues

On Haederle's motion, seconded by King, the Board **voted unanimously** to approve the attached list of license renewals.

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Conservation Commission request for acceptance of Gifts of Land (4)

Colton explained the Conservation Commission's request for the Board to accept the four parcels, specifically parcels 7, 8, 9 & 10 as shown on a plan described as "Plan of Land in Easton, Massachusetts", prepared for Paul Barg by Hayward-Boynton & Williams, Inc., Surveyors & Civil Engineers, 140 School Street, Brockton, MA dated July 14, 2004; revised August 24, 2007. The Conservation Commission already voted to accept the land. Colton noted that the paperwork is in order.

On Haederle's motion, seconded by King, the Board **voted unanimously** to accept parcels 7, 8, 9 & 10.

Appointment of Election Workers

Colton referenced the four citizens recommended for appointment as election workers by the Town Clerk: Elisabeth Jencunas, 7 Roosevelt Circle #307; Donald Phillips of 76 Elise Circle; Judith Thompson of 113 Randall Street and Julie Breton of 16 Ridgewood Road (slate)

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

Corona referenced Dorothy Conceison's resignation as Deputy Warden for Precinct Two and thanked her for all her hard work.

Shovel Shop review of draft comments

Colton referenced the updated list from the Director of Planning and Community Development, Marc Rousseau. The comments were put together by the Development Review Team, Boards and commissions. Some typographical errors were noted. Colton noted that no action is necessary at this time. Barlow asked about the 40B application and how this differs from the 40R. Colton noted the lower amount of affordable units.

Appointment to Cable Advisory Committee - Stuart Schoenfeld

Colton referenced Mr. Schoenfeld's application form and stated that he has been attending the Cable Advisory Committee meetings. Barlow noted that he has experience managing the day to day operations of the Randolph Community Television and its three public, educational and government access channels.

On Haederle's motion, seconded by King, the Board **voted unanimously by roll call** to appoint Stuart Schoenfeld to the Cable Advisory Committee (term expiration 6/30/09).

Award of SERSG DPW Services for 2008

Colton referenced the regional SERSG bid result for DPW services and recommended approval. See attached list.

On King's motion, seconded by Haederle, the Board **voted unanimously** to approve the list. Individual contracts will follow.

Amendment to Traffic Rules and Regulation

Colton referenced the need to vote the signs and to amend the Traffic Rules and Regulations as suggested by Mass Highway as part of the agreement for repaving Rt. 123, Foundry Street.

On Haederle's motion, seconded by King, the Board **voted unanimously** to approve amendment to the Traffic Rules and Regulations as recommended by the DPW Director.

Proposed 2008 Selectmen's Meeting Schedule

Corona referenced the proposed meeting schedule and noted that she accommodated all of the Monday holidays when creating the schedule.

Planning Board resignation – Alan Weeks

The Board acknowledged Mr. Weeks' resignation from the Planning Board effective 1/1/08.

On Haederle's motion, seconded by King, the Board **voted unanimously** to accept with regret, Mr. Weeks' resignation.

A certificate of appreciation will be issued.

Contract amendment - CAM HVAC & Construction, Inc for the Center School boiler

Colton referred to the need to vote the contract amendment to allow for additional electronic controls and to extend the length of the contract.

On Barlow's motion, seconded by King, the Board **voted unanimously** to approve the contract amendment in the amount of \$2,996.06 as recommended.

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Snow & Ice Budget

No action was taken on this item.

Minutes

On Barlow's motion, seconded by King, the Board **voted 3-0-2** to approve General minutes dated 10/30/07
Cohen & Haederle abstained.

On Haederle's motion, seconded by King, the Board **voted 4-0-1** to approve general minutes dated 11/19/07 as amended. **Cohen abstained.**

On King's motion, seconded by Haederle, the board **voted unanimously** to approve general minutes dated 11/26/07.

Public Hearing - Queset Smart Growth Overlay District

Attorney Mark Bobrowski, Mark Bartlett of Norfolk Ram Group, Gary McNaughton of McMahon Associates, Ken Hagan of Sheskey Architects, Kien Ho of the Beta Group and Developer Douglas King were present for the discussion.

Haederle read the notice of hearing into the record. Corona announced at the onset of the hearing that the public will be given opportunity to comment. After the public hearing, the Selectmen will determine if the application should be sent to the state, specifically the Department of Housing and Community Development (DHCD). A vote to submit the application to the state is only part of the process; there are many other necessary steps before the project could move forward.

Mark Bartlett of Norfolk Ram Group gave a presentation and noted that Attorney Bobrowski would speak on the financial aspects of the project later in the hearing. The location of the project was shown on a map. Bartlett suggested that the location is ideal because of the proximity to major roads such as Rts. 123 and 138, and the proximity of Route 24. Brockton Area Transit (BAT) is considering extending bus service further into Easton; the route from Brockton currently ends at the Easton Industrial Park. The soils have been tested in the proposed project area and are suitable for treated wastewater. The land around the project is already commercially developed. Bartlett suggested that when reviewing the 40R criteria, this project proposal is ideal. The development consists of approximately 60 acres of which 24% is already developed. The developed areas around the proposed development include the Queset on the Pond Housing Development, Stoneforge Tavern, Kindercare Center, North Easton Savings Bank and CVS. A gas station is also in the district but is not owned by Developer Douglas King. He spoke of the proximity of Queset Brook. Near the proposed development are Stonehill College, a residential area in Roosevelt Drive and the Easton Industrial Park. Bartlett spoke of the smart growth initiative significantly funded by the state.

Bartlett suggested there are certain principles for the Town to adopt under the 40R regulation. Mixed plan use and the ability to make the project work are very important. This project as proposed works well and provides preservation of open space. The most important aspect of 40R compared to 40B is that it encourages community collaboration. He spoke of the meetings with Town boards, Selectmen and citizens. The state is offering up-front funds for density and \$3,000 per unit. Bartlett noted that it is very important that the development support itself without the state payments. District sub zones were shown on a map. The conference center and office spaces were noted. The parcels were depicted by use. With respect to housing, 60 condominium units, 80 assisted living units and 140 apartment units are proposed. Retail, office and conference space are also proposed at this location. Bartlett noted that the project is still in a conceptual mode. Bartlett spoke of the three bay fire station donation proposed by Developer King. Bartlett noted the benefit of a new station in this area of Town. He spoke of the proposed food market and the office space locations. The main entrance was shown on a map. This entrance will be reconfigured and the end result will be better than what we currently have now. The second part of the project is the mixed use zone, where you would find buildings with restaurants or retail on the lower level and apartments above. The mixed use buildings will have underground parking. There is ample parking is provided throughout the project.

The wastewater treatment plant was shown on the map. Because of the concern with the Town's wells, proposed are six acres of open space and four acres of untouched land. The recharge area has changed to a location further away from the wells since the last presentation and Bartlett suggested it makes sense. He spoke of the four phases planned to be built over the years. The benefits to the Town were discussed.

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The draft financial report submitted by Judith Barrett of Community Opportunities Group was referenced along with the financial incentives provided by the state. Bartlett noted that the project has to have the ability to stand on its own. Proposed are 56 affordable units, most of them apartments. The proposed BAT stop was shown on the map and it was suggested that a shuttle bus may also be an option during commuter hours. He spoke of the wastewater treatment plan and the importance of it. A walking trail is proposed that will connect to the Town's open space land and possibly the NRT.

Ken Hagan of Sheskey Architects gave a brief presentation of the architectural aspects of the project. Hagan spoke of the buildings proposed and the underground parking. With respect to the retail and commercial portion of the project, it will be detailed so it fits into the rest of the project. Hagan noted that a medical office building is also proposed. The existing Queset on the Pond housing development consists of three stories and the character of the new buildings are similar. The conference center will be two stories. The character and scale of the buildings were shown. A variety of materials will be used to build the structures. Residential units face the pond and some are proposed to have balconies. In summary, this is a compact "walkable" village and fits the needs of different compatible uses. The buildings are not designed yet but they would evolve more as we move forward.

Bartlett spoke of some of the engineering aspects of the project. He spoke of water pressure tests done a little further down the street and suggested the pressure is very good. Stormwater management issues were discussed with respect to low impact development. The goal is to control the quality and the quantity of water. The low impact landscaping aspect of the project was discussed. Treated water was discussed at length. Bio-retention method for stormwater treatment and permeable paving is suggested. They are also focusing on the wastewater treatment plant and have been working with the Water Department. Preliminary plans have been created and several monitoring wells have been installed. Stoneforge Tavern and buildings within the area will be tied into this new system. Bartlett suggested that Beta Group feels that this is a workable plan. The Town's pumping wells, Queset Brook, the Town's open space and the NRT land were shown on a map. They are proposing to take some of the Town's village sections septic system needs and including them in the wastewater plan. The proposed treatment process was shown and discussed at great length.

Gary McNaughton of McMahan Associates spoke of the traffic study and assessing the traffic impacts of the project. A study of current conditions was conducted. This study was done to include Saturdays and weekends. He spoke of the number of different land uses on one site. He reiterated that BAT is proposing to come into the site and this will further reduce the traffic counts. The conference center was discussed and how this proposal will impact the development. The full build mitigation plan is the primary focus. They are proposing to improve the 123 and 138 intersection by widening all four approaches. They want to add a left hand lane in the southbound section. Additional lanes are proposed, giving three lanes to approach the intersection. The roundabout was briefly discussed as part of the plan. The Roosevelt and Washington Street proposed traffic signal was discussed. Traffic warrants are necessary when determining a new signal. Land takings are necessary. Old Colony Planning Council has identified the need for improvements at this location and they will be helping with some of the expense.

Bobrowski introduced himself and noted that he has been working on behalf of the Town. He spoke of the financial aspects of the project, specifically Barrett's report. In summary for every dollar that comes in to the project it is estimated that .60 goes toward cost, .40 goes into the general fund.

Kyla Bennett of 2 Chickadee Lane spoke as an individual, not a member of Easton's Conservation Commission and questioned if the Board should actually submit this application to the state for consideration. Bennett suggested that this is not an eligible location according to the state. She urged that the Selectmen not submit this application to the state. The project area is within the aquifer protection district and Bennett further suggested we should be protecting our water supply. She spoke of the assisted living facilities proposed at the site and the need for the residents to use more pharmaceuticals. Bennett suggested that the wastewater treatment plant as proposed to remove pharmaceuticals has not been proven. Bennett suggested that the Selectmen think very carefully before putting a dense development in this area. Haederle suggested that this is a good site because the area is already a densely developed area. Haederle also noted the project's proximity to public transit, Stonehill College and Route 24. He further suggested this is the best location for this type of development. Haederle responded to the concern of pharmaceutical use and suggested that the system, as proposed, will treat to a much higher standard than what we have now.

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Bobrowski noted for the record the procedure that he follows when representing a community on a 40R issue. One of the first things he would do would be to go to DHCD and see if this may be a viable project. DHCD gave preliminary approval that it is a highly desirable location. Bobrowski further noted that they have not approved or endorsed the project.

Diane Howard of 14 Eisenhower Drive suggested questioned if this project has already been submitted to the state and if so, she requested a copy of the application. Corona confirmed that this project has not been submitted to the state. She explained the process and noted that she and Haederle went to a meeting with the state to discuss a concept. Bobrowski also confirmed that nothing officially has been submitted to the state. The state typically does a site visit and that is all that has been done at this time. Howard questioned Haederle's expertise in this area. Haederle noted his education experience and his work with the state over the years.

Don Bennett of 2 Chickadee Lane congratulated the Town for the presentation. He compared this application to the one recently submitted by the Town of Sharon and remarked on what they are dealing with. Some of Sharon's project development will affect one of Easton's wells. Bennett noted his background as a statistician, his expertise in working in the pharmaceutical industry for the past 20 years and his work with the Harvard School of Public Health. Bennett expressed some concern with the pharmaceuticals as a result of this project and the Sharon project. He suggested it's very difficult to weigh the health of the community vs. the money going to the communities by the state. Bennett suggested a monitoring system that would test in a series of intervals over a period of 20 years. In closing, Bennett spoke of cancer and questioned what it is worth to jeopardize the water supply for a development like this.

Bartlett noted it is important to keep things in perspective and suggested that one way or another, the property will be developed. He reiterated the different development options. The proposed treatment system will reduced the nitrate by $\frac{1}{2}$, even with the density. Bartlett acknowledged the issue and concern of pharmaceuticals and stressed the fact that they are probably in our water now. Bartlett cannot confirm that the pharmaceuticals cause cancer and suggested they could provide the treatment plant with controls.

Haederle spoke of the relocation of the wastewater discharge out of zone 2. Haederle spoke in support of the project and suggested that, if approved, we would reduce the Town's tax burden over the years.

Michael Sites of 33 Lincoln Street suggested that some of the comments made this evening may be a bit premature. He noted that the Selectmen will be deciding on whether to submit this to the state for consideration. He spoke of a required town meeting vote to rezone. Sites reiterated that the plan is still in the conceptual process and changes are expected. He urged the Selectmen the application to the state for their consideration. Sites further noted his experience as Chair of the Conservation Commission for many years and suggested that the Town departments and boards will have an opportunity to examine the project with great detail and scrutiny and comment accordingly.

Aaron Bornstein of 31 Walden Drive is a new homeowner in the Town of Easton. He questioned when the 40R regulation came into effect. Bobrowski noted it was adopted in 2005 and then some time afterward in the fall of 2005, regulations were developed. About 20 projects have come forward to date and this is the first step in the project. If the Selectmen send it along to the state, it takes about 60 days for their consideration and determination of eligibility. This approval process involves Planning Board Public Hearings, a zoning change at town meeting and another public hearing as the fourth step in the process. The Town departments and consultants will have many more review opportunities before this is approved.

Daniel Hyman of 5 Kimberly Drive is in favor of the development because it can fulfill a housing need in this area. The Queset Commons project proposes a lot of one and two bedroom apartments, a walking area and retail shops. Hyman suggested a development of this type may provide an opportunity for his parents to move back in this area. He suggested that the Selectmen submit the application to the state.

Donna Costa of 23 Eisenhower Drive stated that she has lived in Easton since 1971. After hearing the details, she doesn't think this is a terrible proposal. She spoke of the 25 year master plan which included sewerage back in 1971. Costa suggested that this plan can help sewerage in the village section. Costa spoke of the 10 principles when considering a smart growth development, many things including open space and pollution are addressed in this project. She spoke in favor of having BAT come into Easton or some other type of transportation. She would like

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to hear from the traffic consultants because she is concerned for the safety of the Stonehill College students and the other residents of Easton trying to get through this intersection or cross Rt. 138.

Kien Ho of the Beta Group noted the ongoing review process on this project. Beta's responsibility is to be sure that the traffic standard is done in a way that the proponents have to follow the guidelines. Every intersection within the study has to be accommodated for and we are looking for the best interest of the community. There are ten intersections and Beta is looking at each and every one of them.

Christine Santoro, Chair of Easton Planning Board and a resident of Easton for 16 years was present and spoke about the proposed project. Santoro indicated that Developer King and the consultants have come before the Planning Board several times and the concept has improved in a year's time. The Planning Board unanimously voted the concept of 40R. Projects of this type allow the Planning Board to have substantial control over the project. Another reason the board supports the concept is the use of low impact development. The Planning Board will have some say of the treescape, how the open space areas are used for pedestrians, the architectural aspects of the project and the traffic and pedestrian safety. They have heard from the Beta Group on all of these items and the Planning Board voted to recommend that the 40R application be submitted to the state.

Karen Fulcher of 19 Maple Street was present. Fulcher noted that she has lived in the Town of Easton her whole life. As citizens, she and her husband are concerned that there is not a lot of business use left and suggested we can use the business income to help defray the taxes. She questioned the pharmaceutical issue raised this evening and noted that most every homeowner uses pharmaceuticals and Easton currently has nursing homes and elderly housing. Fulcher suggested that having a treatment plant like the one proposed for this project would be great. She spoke of the traffic and the ability to walk from the south to north end of Easton as proposed in this project. She suggested submission of the application to the state for their consideration.

Ralph Hvoslef, a resident of Queset asked about the 40B process and if this overrides the Town's bylaws. He also asked if the 40R is folded into 40B. Bobrowski noted that both regulations require affordable housing but they have different criteria; 40B does have the potential to override local zoning except wetlands and Title 5. He spoke of the process involved.

Patrick Haggerty of South Easton questioned the change from the existing zoning to 40R. He specifically asked the potential for developing this site under the current zoning. Bartlett noted that the first 500 to 600 feet is commercial/business zone. Under existing zoning, the state requires us to show what can currently be done at the site.

Tom O'Brien of 39 Williams Street does some consulting with the residents at Queset on the Pond and has lived in Easton since the early 1960's. He's been involved with the Town throughout the years and he is concerned with the quality of life and the taxes. His observations of the residents at Queset indicate that they are enjoying a wonderful quality of life since the development was built. These people are very happy to have a place like Queset to be near their families. O'Brien suggested that he is not prepared to vote on the project but would like to see the project submitted to the state.

Stephen Metrick, a resident of Queset, was present. He referred back to when Developer King was building Queset and the fact that the same fears came forward. Metrick indicated that he's been drinking the water without any issues. He urged the Selectmen to move forward with submitting the application to the state. He suggested that Developer King builds a fine product.

Haederle noted that the Board of Selectmen takes its job very seriously. They have to look at so many different needs such including taxes and economic development. He suggested that the Town's financial consultant reviewed the information and predicts a net positive project. This project will help reduce the further tax burden of the town and diversify the tax base. The project will improve traffic in this area and the Town's affordable housing ratio will increase. He urged the Board to take careful consideration before voting tonight.

Selectman King spoke of the proposed location as an ideal site and echoed some of Haederle's comments. The fire station proposal and the financial benefits are great. He spoke of the fact that the property will be development and we are trying to use the property wisely. Selectmen King would like to cast a vote to endorse a concept, not the

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project. He is concerned about the pharmaceutical issues and protecting our wells but doesn't feel that this should stop the Board from moving forward. He has a daughter that just moved to town and he is concerned for his family; no finances can put a cost on that. Selectmen King suggested that although we do not have absolute certainty, we have enough certainty to move forward to the next step.

Barlow also spoke in favor of submitting the application to the state. The panel studied the data and they will continue to be involved. She spoke of Barrett's excellent financial presentation on November 26th.

Cohen also spoke in favor of submitting this application to the state as the first step.

Corona reminded everyone that all the Board members live in this community and the Board doesn't take these things lightly. The Board has to consider all the options. She suggested the benefit of getting the intersection improved. Corona expressed confidence in resolving any of the potential water issues. She suggested that the money from the state is not the issue; we have been talking about bringing more business into the community since the successful over ride campaign. She supports submitting the application to the state.

On Haederle's motion, seconded by King, the Board voted unanimously to close the hearing at 9:40pm.

On Corona's motion, seconded by Haederle, the Board voted unanimously to submit the application to the state for 40R review.

On Corona's motion, seconded by Haederle, the Board voted unanimously to go into executive session for the purpose of discussing litigation, not to return to open session. (9:45pm)

Respectfully submitted,

Mary Southworth

APPROVED

DATE