

*These minutes were approved by the Planning & Zoning Board on December 19, 2011 and posted with the Town Clerk on December 27, 2011.*



Town of Easton  
PLANNING & ZONING BOARD

Minutes  
December 5, 2011

The Easton Planning & Zoning Board held a business meeting on Monday, December 5, 2011 at Easton Town Hall, Board of Selectmen's Office, 136 Elm Street, North Easton, Massachusetts.

Present: Christine Santoro, Vice-Chair/Clerk & Acting Chair; Peter Deschenes; Dan Smith; Wayne Benson, Jr.; John Varella, Alternate

Absent: Gregory Strange, Chair; Brad Washburn, Planning Director

This meeting is being recorded by ECAT.

Acting Chair Christine Santoro called the meeting to order at 6:30 pm. In Gregory Strange's absence, John Varella is a full voting member.

**UNFINISHED STREETS UPDATE – ROUND 1**

Present: Doug King, Douglas King Builders, Inc.

Indian Cove Way (Indian Cove)

Indian Cove is a condominium development. According to Mr. King, the Indian Cove condominium homeowners association took ownership of the development 15-20 years ago, and Douglas King Builders, Inc. has not had anything to do with the condo complex since that time. Mr. King will schedule a time to meet with Brad Washburn, as King believes the unfinished street is the responsibility of the homeowners association, not Douglas King Builders.

Fall Lane (Randall Crossing)

Mr. King stated that he plans to finish Fall Lane in the spring and hopes to have it accepted at May Town Meeting 2012. Planning Department will follow-up with Mr. King re: timing of street acceptance for Town Meeting. Request for Land Use Agent to update Street Inspection Report and Road Cost Estimate.

Emily Lane Extension

Construction is scheduled to be completed in spring or summer 2012. Road will be finished following construction of homes.

Silver Drive

Silver Drive is near completion, awaiting paving. Sidewalks and driveways are finished. Request for Land Use Agent to update Street Inspection Report and Road Cost Estimate.  
(Unfinished Streets update discussion continued below ZBA Requests for Comment)

**55 EASTMAN STREET**

Reaffirm Site Plan approval

Representative: Peter Gilmore, partial owner of property

Peter Gilmore and his siblings inherited the property at 55 Eastman Street from his father. Gilmore is before the Board to re-affirm the site plan that was approved and signed by the Planning & Zoning Board on March 15, 1995. Nothing has been developed at the site. Mr. Gilmore believes that so long as nothing on the plan changes, there are no other requirements for approval. Gilmore met with Board of Health and will be updating the septic design. Santoro inquired about whether the stormwater management system complies with current standards. Gilmore responded that the detention basin in the front of the site was approved for the amount of runoff at the site in 1995. Deschenes notes site plan might be subject to updated regulations. Santoro suggests Gilmore meet with Planning Department & Conservation staff to review the existing plan with consideration of current regulations and requirements. Wetlands and stormwater management regulations can require the site plan be updated as they are health and safety issues. Benson suggested Gilmore might want to have a civil engineer review the 1995 plan to ensure it complies with current bylaws and codes, particularly with regard to wetlands and floodplain. Gilmore was told he should seek advisement from staff and civil engineer not from Planning & Zoning Board. Peter Deschenes motioned for the meeting to be continued to a date to be determined. Dan Smith seconded. Motion passes 5-0-0.

**74 HOWARD STREET**

Form A: ANR

Applicant & Owner: Gregory & Donna Haynes / Engineer: Collins Engineering

Collins Engineering contacted the Planning Department to say there was a mistake on the submitted plan and that they will submit a corrected plan in time for Board review on December 19, 2011.

**49 HIGHLAND STREET**

Form A: ANR

Applicant: DKW Builders / Owner: Christopher P. Mucci / Engineer: Pilling Engineering  
Present: Bruce Pilling, Pilling Engineering

Bruce Pilling presented the plan for the Form A/ANR to divide one existing lot into two lots, both of which he stated will have more than required frontage on the existing street and more

than the required area. The house #49 was replaced with a newer house in practically the same place. Benson confirmed location of the septic for Lot 1. Santoro stated the plan was reviewed by staff and meets the requirements for an ANR. Peter Deschenes motioned to approve the Form A/ANR plan (titled, "Plan of Land in Easton, Massachusetts Prepared for DKW Builders, Inc." and dated October 14, 2011"). Wayne Benson seconded. Motion passes 5-0-0.

### **POND STREET**

Form A: ANR

Applicant: David Ames, Jr. / Owner: Elizabeth M. Ames / Engineer: Pilling Engineering  
Present: Bruce Pilling, Pilling Engineering

The plan shows the Ames Estate at Shovel Shop pond and seeks to create Parcel A and combine it with abutting Lot 17 which stretches from Pond Street to Elm Street. Applicant seeks to take frontage on Pond Street on the east side of the chapel lot and combine it with Lot 17. The plan will leave Shovel Shop pond with sufficient frontage. Parcel A is not a buildable lot. Santoro stated that staff reviewed the plan and it meets the requirements of an ANR. Wayne Benson inquired about public access around the pond. Benson motioned to approve the plan for Parcel A on Pond Street ANR (titled, "Plan of Land in Easton, Massachusetts Prepared for David Ames, Jr." and dated October 14, 2011). John Varella seconded. Motion passes 5-0-0.

### **402 TURNPIKE STREET**

Internally Illuminated Sign application

Applicant & Owner: Denis Keohane, Hibernia Pub  
Present: Denis Keohane and Barry Flynn, Hibernia Pub

Denis Keohane and Barry Flynn are seeking Board approval of their existing internally illuminated sign at 402 Turnpike Street for their new business Hibernia Pub. Keohane and Flint bought the property a few months ago (formerly Brennan's Pub and Blackthorne Tavern). Applicants opened restaurant and bar Hibernia Pub approximately 10 days ago. They designed and ordered a new internally illuminated sign, not realizing that there is a ban on internally illuminated signs in Easton. They used the frame from the previous business's sign to mount their new sign. Building Inspector requested they not light the sign and suggested they go before the Planning & Zoning Board to seek permission for the internally illuminated sign. Sign is about 20 feet from the street (Route 138). Keohane states area is fairly dark and the building had been vacant for a number of years. Applicants feel they are missing out on customers because the business does not look open without the sign illuminated internally. Keohane described the sign, distributed photos of sign (see file), and noted it is not a box sign, that each letter is illuminated. Applicant stated residential neighbor to the left of Hibernia Pub is protected from light pollution by bushes. There are two residences across the street: one is vacant, the other they were not able to contact. Santoro noted that allowing internally illuminated signs at the Planning & Zoning Board's discretion was intended to allow for the signs where they fit in with the surrounding area, such as Highlands Plaza and Roche Bros; Board needs to consider whether that criteria applies to this situation. Keohane stated if the Board does not approve the sign, they will light the existing sign externally from the ground up.

Keohane stated they would agree to illuminating the sign from 4pm to closing time. Hours of operation are Monday & Tuesday 3pm-1am and Wednesday-Sunday noon-1am. Santoro suggested a site visit. Board noted it is the owner's obligation to be aware of the bylaws in place; it is not the Town's job to inform owners of the bylaw. Varella remembered the Blackthorne Tavern's sign (business at same location prior to Brennan's Pub) was externally illuminated, attractive, and visible. Varella seconded the need for a site visit and noted there are alternative ways to make customers aware the business is newly open, such as a temporary sign. Dan Smith motioned to continue hearing to December 19, 2011 and to schedule a site visit. John Varella seconded. Motion passes 5-0-0. Site visit scheduled for Friday, December 9<sup>th</sup> at 5:00pm. Planning Department will notify the building inspector of the site visit. Santoro suggests enhancing external lighting until Planning & Zoning Board makes a decision.

### **OTHER BUSINESS**

#### Release of surety request: Oak Leaf Lane

Present: Dennis Welch, Welch Building

Dennis Welch is seeking a bond release for Oak Leaf Lane. The Planning Department has not yet received a copy of the recorded deed. Welch believes he already submitted recorded copy of the deed months ago. Planning Department will research. Peter Deschenes motioned to release surety subject to applicant providing a recorded copy of the deed. John Varella seconds. Motion passes 5-0-0. [Update: Welch submitted recorded copy of the deed to the Planning Department on December 6, 2011.]

#### Master Plan & Zoning Bylaw discussion

Noting absence of Strange and Washburn, Santoro recommends continuing discussion to December 19<sup>th</sup>.

#### ZBA Requests for Comment

Board of Appeals Special Permit application #11-25 Stonehill College seasonal ice-skating rink: Stonehill College is seeking approval for a Special Permit for an ice-skating rink, the same project that the Planning & Zoning Board approved at the November 21<sup>st</sup> meeting. Dan Smith motions to recommend. Wayne Benson seconded. Motion passes 5-0-0.

Board of Appeals Administrative Appeal application #11-26 for 70 Pond Street:

Building Inspector found the applicant violated the Town's Zoning Bylaw Section 9-2. Planning & Zoning Board members reviewed the application and associated materials. After much discussion, the Board expressed reservations about making a recommendation either for or against the application without hearing both sides of the issues. Dan Smith motioned to make no comment. John Varella seconded. Motion passes 5-0-0.

### **UNFINISHED STREETS UPDATE – ROUND 1**

Other streets: Paddock Road (Olde Farm Estates), Sherwood Drive (Summer Heights), Sharron Drive (Oakwood Manor)

Randi Graham provided an update on the remaining unfinished streets in Round One of the unfinished streets list. Certified letter sent to Paddock Road (Olde Farm Estates) John Jablonski,

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Developer, was returned marked "deceased." Certified letter sent to Sharron Drive (Oakwood Manor) Robertson-Turowetz Development Corporation was returned marked "unclaimed." Brad Washburn will meet with the widow of Robert Leonard, developer of Sherwood Drive (Summer Heights). The Planning Department will further research the files to find other contact names for Paddock Road and Sharron Drive. If there are no other contacts or other contacts are not reachable, the Planning Department will start a list of unfinished streets to complete using existing bond account monies. The Board received in their packets a letter from a resident of Paddock Road expressing dissatisfaction with the condition of the street.

Signature: approved Site Plan 320 Washington Street ice rink & garage

Planning & Zoning Board members Christine Santoro, Peter Deschenes, John Varella, Wayne Benson, Jr., and Dan Smith signed the site plan titled, "Site Layout Plan, Ice Rink and Storage Garage – Stonehill College, Easton, MA, prepared for Stonehill College, Easton, MA" and dated October 21, 2011.

**BOARD BUSINESS**

Chair Report

No Chair Report.

Approval of Minutes: November 21, 2011

Wayne Benson motioned to approve the Planning & Zoning meeting minutes from November 21, 2011 with one edit. Dan Smith seconded. Motion passes 4-0-1. Peter Deschenes abstained as he did not attend that meeting.

Planning & Zoning Board meeting schedule 2012

The Board received a draft of the 2012 Planning & Zoning Board meeting schedule. Board members will review the calendar make a motion on December 19<sup>th</sup>.

**ADJOURN**

Dan Smith motioned to adjourn the meeting at 8:05pm. Wayne Benson seconded. Motion passes 5-0-0.

Meeting minutes respectfully submitted by Randi L. Graham, Recording Secretary.