

COHASSET PLANNING BOARD MINUTES

DATE: MONDAY, MARCH 3, 2008
TIME: 6:45 PM
PLACE: COHASSET TOWN HALL – BASEMENT MEETING ROOM
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: William Good, Vice Chair
Stuart Ivimey, Clerk
Mike Westcott

Board Members Absent: Alfred Moore, Chairman
Robert Sturdy

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 6:47 P.M.

6:45 P.M. 69 ELM ST. SPECIAL PERMIT APPL., APP: CATHY & MATTHEW WITKOS Building Commissioner Robert Egan in attendance to represent application. Mrs. Witkos unable to attend for health reasons. Property is located in RA district. Proposed garage is in flood plain. Meets all other dimension requirements and complies with flood insurance requirements.

MOTION: by Member Ivimey to recommend that the ZBA approve this special permit application

SECOND: Member Westcott

VOTE: 3 - 0 MOTION CARRIES

7:00 P.M. R. HENDERSON – ROSALIE COLLINS PROPERTY – 425 SO. MAIN ST. Attorney Richard Henderson in attendance to represent Mrs. Collins. Henderson provided notice and explanation about Mrs. Collins' special permit application before the Town of Scituate ZBA. Collins' property was severed from So. Main St. by the MBTA during Greenbush line construction, leaving no legal access to her property. Problem was created and abandoned by the MBTA. Three Scituate homes have access off Gannett Pasture Road via a common driveway. Collins is seeking variance from the Scituate ZBA to add her lot as a 4th lot with access to use this common driveway. No changes will happen to the driveway. 911 coordinator in both Towns will be notified so they know how to access Collins' property. Collins property will be added to existing common maintenance agreement.

MOTION: by Member Westcott to express to the Scituate ZBA, complete support of the proposal to add the Collins' lot as a fourth lot to the common driveway servicing three Scituate residences and to strongly urge the Scituate ZBA to grant the necessary variance to Mrs. Collins so that she might overcome the hardship created by the MBTA.

SECOND: Member Ivimey

VOTE: 3 - 0 MOTION CARRIES

Planning Board Administrator to compose support letter to Attorney Henderson.

7:10 P.M. ADMINISTRATION

• **VOTE TO APPROVE 02/25/08 MINUTES**

MOTION: by Member Westcott to approve 02/25/08 minutes

SECOND: Member Ivimey

VOTE: 3 - 0 MOTION CARRIES

• **UPDATED BYLAW SUPPLEMENTS** - Previous supplements should be discarded. Replace with this update.

7:15 P.M. MARCH 29, 2008 WARRANT ZONING ARTICLES – PUBLIC HEARINGS

• **7: 15 P.M. ARTICLE 14: WIND ENERGY CONVERSION FACILITY BYLAW** - Member Ivimey read this portion of public hearing advertisement. Mike Bliss, Andrew Willard and Rob Hobson of the Alternative Energy Committee in attendance to represent this proposed bylaw. This article has received substantial discussion and review as it was submitted and withdrawn from the Fall, 2007 STM warrant. It was noted that the wind turbine that Paul Barry would like to construct on his property on CJC Hwy, is potentially close enough Hingham Lumber

Co. that it could fall on a Hingham Lumber property if it fell. Mike Bliss noted that if a proposed wind turbine placement is too close to the lot line, it would have to go to the ZBA for a variance. Paul Barry commented that he sees some of this as obstructionist to what the public really needs which is alternative energy systems to cut energy consumption and costs and promote energy independence for this country and, he would like to see a positive outcome from the CLF. Member Westcott pointed out that this bylaw, as exists at this meeting, addresses all the concerns that have been expressed over the past 12-18 months, recognizing that some sites such as Paul Barry's might have to be addressed before the ZBA. Andrew Willard, AEC noted that the intent of this bylaw is to streamline the approval process via Planning Board review. Patrick Olsen, 63 Bancroft Road asked if the town has to vote on a turbine and, was told the town would have to vote to bond it. Olsen further commented that while he is in favor of alternative energy, he is concerned about the impact of the surrounding property owners, neighborhoods and property values. Robert Harrington, 16 CedarLedge Village voiced the same concern about the effects on the quality of life and property values in surrounding residential neighborhoods. Susan Cunningham, 47 Norfolk Road, expressed concern about the "presence" of the wind turbines and asked if the public would be involved in the location process. It was explained that, at the moment, only the larger industrial sized turbines are under consideration, not residential units, and that any specific project would go through extensive review via Town Meeting or Planning Board review. It was also noted that this entire bylaw has been publicly under discussion for several years. Patrick Olsen inquired as to how the sound would be kept away from neighbors and if the High School would be considered residential. It was explained that if a turbine is proposed, economic studies etc. would be conducted and, there would be extensive public review by the BOS, Advisory Committee, Planning Board etc. To clarify some confusion in the audience, it was explained that this bylaw simply provides the opportunity for wind turbines in Cohasset via special permit, but that it is not about specific locations at this point. Once turbines are allowed by a bylaw, there would be a complete application, public hearing and review process before an individual turbine permit is granted. Member Ivimey suggested Section 19.3.3.2 (b) 1, have the wording "in residential districts" inserted after "... any property line" so it would read – "turbine tower to any property line in residential districts, shall be equal ..."

MOTION: by Member Westcott to recommend approval of this proposed zoning bylaw with the changes presented by Town Counsel and the addition of ... property line "in residential districts" in 19.3.3.2(b)1.

SECOND: Member Ivimey

VOTE: 3 – 0 MOTION CARRIES

• **7: 50 P.M. ARTICLE 15: AMENDMENT TO SECTION 4.2 - PERMITTED USES -** Member Ivimey read this portion of public hearing advertisement

MOTION: by Member Ivimey to recommend approval of this proposed zoning bylaw amendment

SECOND: Member Good

VOTE: 3 – 0 MOTION CARRIES

• **7:52 P.M. ARTICLE 16: AMENDMENT TO SECTION 8 -** Member Ivimey read this portion of public hearing advertisement

MOTION: by Member Westcott to recommend approval of this proposed zoning bylaw amendment

SECOND: Member Ivimey

VOTE: 3 – 0 MOTION CARRIES

• **7:55 P.M. ARTICLE 20: INCLUSIONARY ZONING -** Member Ivimey read this portion of public hearing advertisement. Housing Partnership Committee members in attendance: Tom Callahan, Clark Brewer, Jim Hamilton. Callahan explained that this proposed bylaw amendment would repeal and replace the existing inclusionary zoning bylaw; that Cohasset is not in compliance with the state-required affordable housing percentages and that this bylaw would bring Cohasset into compliance and maintain the required 10% threshold once it is reached. Cohasset currently has about 76 affordable housing units (all of which are provided by the Housing Authority – 64 of which are at Elm St. and 12 are individuals placed here, not units) but should have about 320 affordable units (Sunrise Assisted Living units count, but none as affordable). Avalon, if built, would bring Cohasset into compliance, but only until the 2010 census. The existing bylaw was passed quickly in 2006 to get something in place as a stop gap measure, but needs to be improved upon. The proposed bylaw: applies to only residential development, including mixed –use, not commercial; mandates 10% of units be affordable; adds affordable to be added on as a density bonus so developers are not penalized; whichever board is granting the special permit for particular development will be the PGA; allows the developer to opt out with a fee put towards a

fund or locate affordable at another location; buyout is based on the construction cost to build an affordable unit or, about \$150.00/SF; the opt-out fee is put into a fund that is managed by a Housing Trust to be created via Town Meeting with a lot of controls. Affordable units must be mixed in with the rest of the houses and set aside, isolated. Dave Calhoun, 2 Sheldon Rd. thinks this will create non-conformities by allowing more lots on a parcel with the density bonus. Callahan explained that if the developer writes a check to opt out, he does not get the additional lot(s) as the fee is in lieu of the additional lot(s) and affordable construction. If the developer builds the affordable unit(s), the bonus lot would conform under this bylaw. If developer is building 5-9 house subdivision, requirement might be to require that the developer write a fractional fee check as 10% affordable would be a fraction of a house. Calhoun thinks this will encourage developers to build 4 house subdivisions and then not have to deal with this at all. Member Ivimey summarized that with the density bonus lot, what would otherwise be the zoning mandates of frontage, lot size, setback etc., as set forth in the zoning bylaws, would not be a requirement of the bonus lot, but would be up to the Planning Board to look at the bonus lot on a project by project basis, make sure it drains well etc. but not be bound to the zoning requirements. Callahan confirmed that and indicated it would be up to the Board to somehow accommodate the density bonus, not unlike the way standards can be waived for Cluster Development special permits. Town Counsel believes the density bonus aspect is a critical component to keep it legal – provides a bonus and relief for the developers. Calhoun does not understand why everyone else should be subjected to this but not the Town as stated in Section 3(b). Callahan indicated that the Town will be held to stricter standards – this point could be removed from the bylaw. 3(a)ii – “development potential” – does that mean that if 5 houses could be built but the developer only plans to build 2, that because it has the potential to be three more houses that this applies. Callahan answered yes, because no one wants to see the trend of developers building small subdivision off small subdivision just to avoid this bylaw. Town Counsel believes that spelling out the criteria for density bonus as clearly as it is in e.g. Cluster Development bylaws, would be beneficial and would make a stronger position.

• **Board thinks points that should be clearer include: rework of the buyout formula and, criteria for density bonus and, suggests that attention should be put towards educating the public about affordable housing prior to the Fall STM.** Callahan expressed willingness to indefinitely postpone the article to have time to make changes similar to the RCDD for a clearer, stronger position, but would prefer to discuss that option with the HPC. **Public hearing continued to Monday, March 10 at 6:45 P.M. to allow Callahan to discuss indefinite postponement with HPC.**

9:25 P.M. HARBOR STUDY – DISCUSSION Angus Jennings, Concord Square Development, in attendance for this discussion. Jennings explained that discussion with Jason Burtner of Coastal Zone Management indicated that if a town is comfortable working with Ch. 91, and/or, if there are not Ch. 91 changes proposed, there might not be a need to proceed with a Harbor Plan., although it might be worthwhile to look at as a good framework. Member Ivimey questioned if the goal of a Harbor Study is to look at the economic viability of the harbor and maximization of tax revenue. Member Westcott did not think so – he believes that if the community were surveyed, it will be found that access to the harbor and the waterfront is a major community concern, not economic viability, but that a study would identify all this. Westcott further pointed out that the critical issue is finding the monies for the \$40,000.00 proposed cost of a Harbor Study (quoted by Concord Square). Town Manager Griffin has noted that if the study is totally funded by a gift, the article may not have to be on the warrant as the BOS have the authority to accept a gift and establish a mechanism for dispensing funds in the manner for which the gift was intended. Griffin would like a member of the Planning Board to attend a BOS meeting to fully explain the article to the BOS and to gain their support so they are comfortable in accepting such a gift. Member Westcott will contact Attorney Humphreys (representing the Roys) to request a specific \$ figure of the amount Mr. Roy is willing to gift and, will submit a CPC application for funding tomorrow, as much of this study is anticipated to preserve open space and the character of the Harbor via access to and from the water, maintaining a fishing fleet etc.

MOTION: by Member Ivimey to adjourn at 9:45 PM

SECOND: Member Westcott

VOTE: 3 - 0 MOTION CARRIES

NEXT MEETING: MONDAY, MARCH 10, 2008 AT 6:45 PM REGULAR MEETING

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: MARCH 10, 2008