

COHASSET PLANNING BOARD MINUTES – AMENDED ON SEPTEMBER 22, 2008

DATE: MONDAY, AUGUST 11, 2008
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – SELECTMEN’S OFFICE
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: Alfred S. Moore, Jr., Chairman
Stuart W. Ivimey, Vice-Chair
Michael R. Westcott
Clark H. Brewer

Board Members Absent: Charles A. Samuelson, Clerk

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 7:00 P.M.

7:00 P.M. FORM A APPLICATIONS

• **34 ATLANTIC AVE. & 46 ELM CT., FORM-A APPLICATION, APPL: JAMES MAGNER, filed on: July 23, 2008.** James Magner in attendance. Neighbor actually owns small parcel the Mr. Magner thought was his and, has a shed on. Mr. Magner is purchasing 3,000 SF from neighbor. No impact on setbacks.

MOTION: by Member Ivimey to endorse this Form A application.

SECOND: Member Brewer

VOTE: 3 - 0 MOTION CARRIES (Member Westcott had not arrived yet)

• **16 RIDGE TOP ROAD – FORM A APPL. – KATHLEEN BAILEY - continued from June 30, 2008**
John Cavanaro, Cavanaro Consulting in attendance to represent application. Property is at the corner of Bailey Rd. and Ridge Top Rd. Was originally 3 lots which were merged into one 1.6 acre lot with one dwelling. Has municipal sewer stub and an existing septic system. Owner’s sister wants to build house on the land. Plan is to subdivide this 1.6 acres to create a new lot with adequate frontage and area. Both Bailey Rd. and Ridge Top Rd. are private ways with full utilities, 40’ layout widths and were both constructed in 1953 (pre zoning) as a single subdivision of land. Member Ivimey noted that the frontage is not on a public way and contends that Planning Board policy is to not grant ANR’s on parcels that do not have 50’ of frontage on a public way. Cavanaro noted that there is a hydrant and new water main on the property and that property has access from both Pond St. and Rt. 3A - he would argue that access is more than suitable. Member Ivimey stated that the key question is the adequacy of access to the lot. Had been continued from June 30 meeting to allow time for PFD to look at the location and render opinion as to emergency vehicle access. Chief Silvia and Capt. Trask were in attendance - their policy is not to issue letters in support of or not in support of the adequacy of roads but that they would advise the Board of substandard roads. They noted that this road is 200’ of blacktop with limited ability to expand. Access for emergency vehicles is better than 70% of the roads that currently exist in town. Their overall assessment is that access is good because of the limited scope of the expansion – only one additional lot. Member Ivimey did not agree with the argument that this road is as good as 70% of the roads in town because the vast majority of roads are substandard and that “substandard” is not the standard the Planning Board should use for comparison. Chief Silvia noted that the CMR’s set the minimum fire lane width must be 18’. This road is 20’ wide - therefore meets the minimum standard. Member Moore felt strongly that this road has safe access and is beyond a common drive.

MOTION: by Member Ivimey to endorse this Form A application.

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

• **62 WHITEHEAD, FORM-A APPL. – APPL: ROBERT & JACQUELINE RALSTON, continued from June 16, 2008.** Attorney Henderson and Mr. and Mrs. Robert Ralston in attendance. Reiterated his point from the June 16 meeting that the key factor the Planning Board must review is contained in the wording “to provide for the needs of the proposed use of the land”. In Mr. Ralston’s application, the proposed use of the land is one lot, not a subdivision. Henderson contended that the Planning Board has to decide whether this one proposed lot somehow impacts on Whitehead Road which currently serves 11 houses (including 2 mansions) and, is adequate for utilities – which (sewer, water and electricity) are already there. Henderson further contended that

for the Planning Board to decline this plan, they would have to conclude that Whitehead Rd. is not suitable for this one proposed use – this one lot – even though it is already servicing 10 houses. According to Henderson, the discretion is the Board's, but the discretion is limited to the "purpose for which this ANR plan is presented". It was also noted that Whitehead road is going to be widened and repaved with passage cutouts. All neighbors are in agreement with the paving for safety reasons, but want the road to remain about 12' wide to maintain the bucolic nature of the road as it has existed since the turn of the century. Member Ivimey stated that the Board must look at the road as it exists right now and not how it is supposed to look in a month. There will be a fire hydrant on the frontage of this proposed lot as well as a passage cutout near this proposed lot. Applicant also contends that the remaining surrounding area is meadow and wetland that does not lend itself to further development. Member Moore thought this application meets the basic Form A requirements and, pointed out that the town is paving this road which speaks to it not being a common drive. Ivimey countered that access is a problem now for the existing 11 homes and that the Board should not add to a bad situation. Capt. Trask noted that because of the road condition, the PFD has adopted an approach of sending a small truck up Whitehead to respond to an alarm while the larger trucks wait on Atlantic Ave. The larger trucks enter if it is determined necessary. The larger trucks can drive up the road as long as they are not trying to pass other vehicles.

MOTION: by Member Ivimey to endorse this Form A application.

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

• **21 MOHAWK WAY, FORM-A APPL. - APPL: M. KEARIN LEWIS, continued from June 16, 2008.**

Att. Henderson in attendance to represent application. Involves one large lot, one small lot and one conservation lot. Lots 1 and 2 will have frontage on Mohawk Way. Lot 3 and 4 will have frontage on Beach St. Road is neat, flat, in good condition, probably a 40' way. Member Ivimey more comfortable with this application than he was with 62 Whitehead Rd. Chief Silvia indicated that the PFD has been able to access this road numerous times.

MOTION: by Member Ivimey to endorse this Form A application.

SECOND: Member Westcott

VOTE: 4 - 0 MOTION CARRIES

7:55 P.M. 166 KING STREET – SITE PLAN REVIEW – REVIEW OF DRAFT DECISION - Applicant Roger Hill and Attorney Richard Henderson in attendance. Comments on draft: on pp. 3, 4 change 35' to 30' and eliminate reference to deed; Eliminate conditions #12 and #14; condition #2 – change "endorsement by the Planning Board" to "issuance of a Building Permit"; Condition #9 – add "residential" after northerly per John Modzelewski; Condition #11 – add "all" after divert per John Modzelewski.

MOTION: by Member Westcott to approve and file the decision with the above mentioned changes.

SECOND: Member Ivimey

VOTE: 4 - 0 MOTION CARRIES

8:00 P.M. VILLAGE BUSINESS DISTRICT DESIGN REVIEW GUIDELINES PUBLIC HEARING

Member Ivimey read public hearing advertisement. Jennings distributed updated draft. Intent is to provide guidance for applicants and landowners as to building design aspects and site design aspects that should be considered for Planning Board filings. Contain "should" and "shall" statements with the "should" being details the Board would like to see (which are not enforceable) while the "shall" statements could become basis for denial of an application or, basis for a waiver request. Jennings asked for suggestions of development (in Cohasset or other towns) over past 5-10 years that could be used as examples. Jennings will also meet with the Historical Society to review their files for visuals that might be used to illustrate how the village looked in the past. Member Ivimey mentioned that he thinks: shed roofs should be discourage; solar panels should be "should" not "shall"; terms "public" and "private" ways should be used with caution as they have legal implications; window A/C units should not be allowed – Member Brewer suggested the importance of "quantifying" noise as different A/C units have different noise levels. Ivimey also wanted text to indicate that flat roofs are not allowed – Member Brewer noted that flat roofs are often needed for AC units etc. and suggested changing that to – flat roofs cannot be visible as flat from the street. Member Westcott thought the length of draft guidelines might overwhelm applicants. Attorney Humphreys suggested that zoning can't be used to eliminate alternative energy approaches and that the Board should focus more on site lines, and, suggested that the addition of a column for the applicant to explain why they might not comply with a design criteria might help speed up the review. Property Owners Chris Ford and Wayne Sawchuk strongly urge that a sidewalk plan along the Parkingway be developed now, before many permits are

issued, rather than leave a sidewalk access plan up to individual owners. Member Brewer agreed noting that he would like to see one sidewalk from Depot Court to the Red Lion Inn and suggested that he might be able to pull a preliminary plan together. Guidelines review continued to Sept. 22, 2008 meeting. Items to be followed up on:

- Jennings asked Member Brewer for sketches or diagrams that could be added to Guidelines as illustrations
- “200 SF” criteria of exterior work – triggers site plan? - to be discussed with Building Inspector
- Board is to review all “should” and “shall” criteria
- Jennings to meet with property owners and Tom Gruber to discuss potential sidewalk plan
- Jennings to make arrangements to review Historical Society old photos of Cohasset Village
- Planning Board Administrator to contact Bill Good, Design Review Committee to review status of formation of Design Review Committee and insure the committee is at next meeting.

9:10 P.M. INFORMAL DISCUSSION – WIND TURBINE SPR – 215 CJC HIGHWAY, JAMES P. SWEENEY, PRESIDENT, CCI ENERGY, LLC.

James Sweeney, CCI Energy and Paul Barry, Cohasset Heights Ltd. in attendance. Will propose two turbines on the edge of the Cohasset Heights landfill. Modeling done for one year indicates there is sufficient wind in that location. Have taken pictures from various locations (including historical sites) around Cohasset to illustrate visual impact. Mass Historical Society has not seen any problems. FAA has approved the project height. National Grid had to do a transmission study – preliminarily think there may not be enough transmission going down to that end of town as it is at the end of their line, although they may begin upgrades of their system at the same time. Turbines will be 362’ high – slightly taller than Hull 2. Will be painted the same color as Hull 2. Both turbines will be constructed at the same time Cars utilizing the roadway up to the landfill will be driving under the rotating blades but this is not a major thoroughfare so not seen as a problem. Considering a 3rd, vertical turbine in the future. Delivery timetable is 12 months. Turbines cost approx. \$2 million each. Could supply 2/3 of the Town’s energy and can be sold to Town at negotiated, fixed price. Energy Act of 2008 allows transmission up to 2 megawatts of energy off site. The turbines will comply completely with the Town Wind Energy Conversion Bylaw.

9:30 P.M. LOT 6, MANOR WAY CIRCLE & 100 POND ST. FORM A – APPLICATION,

APPL: MANOR WAY CIRCLE, 100 POND ST. CONDOMINIUM TRUST, filed on: August 6, 2008 Appl.

Dave Calhoun, Att. Walter Sullivan and Att. Charles Humphreys in attendance. Simple land swap with 100 Pond St. No affect on setbacks etc. Attorney Humphreys may amend 100 Pond St. special permit. Some Manor Way conditions of approval may need to be released so land swapped to 100 Pond St. is not included in those conditions.

MOTION: by Member Ivimey to endorse the Form A application.

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

Town Counsel forwarded comments on Att. Sullivan’s draft of Manor Way Homeowners Assoc. and Covenant.

MOTION: by Member Ivimey to accept the amendments to the Homeowners Assoc. and Covenant.

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

Planning Board Administrator to forward Town Counsel documents to Attorney Sullivan.

AMENDED MOTION ADDED AT SEPTEMBER 22, 2008 PLANNING BOARD MEETING (at which Member Ivimey recused):

MOTION: by Member Samuelson to accept the subsequent amendments to conditions 3, 4 and 4a of the Manor Way Circle Subdivision Approval as follows:

Condition 3. The restraint upon lot conveyances (except for Lot 1) in Condition 3, and in the MGL Ch. 41, Section 81 U Covenant required thereby, is hereby modified so as to exempt from the conveyance restraint, Parcels B and C as shown in said August 4, 2008 plan, but to impose such restraint upon Parcel A, as shown in said plan, following the exchange conveyances described and approved above, and the said Covenant shall be amended and restated accordingly, and recorded herewith at said Registry of Deeds and Registry District of the Land Court.

Condition 4. The Amended and Restated Manor Way Circle Homeowners’ Association Trust Agreement required by Condition 4, has been reviewed and approved by the Board and shall be recorded herewith at said Registry of Deeds and Registry District of the Land Court.

Condition 4 a). The Board acknowledges and approves the substitution of a fee interest in Parcels A and D as shown and described in the said August 4, 2008 plan, as the Shared Septic System Leaching Field, for the easement contemplated in said Condition 4 a).

SECOND: Member Brewer

VOTE: 3 – 0 MOTION CARRIES (Member Ivimey recused as noted above)

9:40 P.M. ADMINISTRATION

- **VOTE TO APPROVE 07/21/08 MINUTES**

MOTION: by Member Ivimey to approve the July 21, 2008 minutes

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

- **SET SEPTEMBER MEETING DATES – September 8 and September 22**

- **DISCUSSION – WIND TURBINE SPR, SPECIAL PERMIT APPLICATION PACKET**

MOTION: by Member Ivimey to adopt the “Wind Energy Conversion Facility” Special Permit Rules & Regulations and Application Packet

SECOND: Member Westcott

VOTE: 4 - 0 MOTION CARRIES

Planning Board Administrator to file with Town Clerk

MOTION: by Member Westcott to adjourn at 10:00 P.M.

SECOND: Member Brewer

VOTE: 4 - 0 MOTION CARRIES

NEXT MEETING: MONDAY, SEPTEMBER 8, 2008 AT 7:00 PM

AMENDED MINUTES APPROVED: CHARLES A. SAMUELSON, CLERK

DATE: OCTOBER 6, 2008