

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, JANUARY 3, 2007
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – SELECTMEN’S OFFICE
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: Alfred Moore, Chairman
Peter J. Pratt, Vice Chairman
Stuart Ivimey, Clerk
Robert Sturdy
Mike Westcott

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 7:07 P.M.

7:07 P.M. FORM A – 44R BLACK ROCK ROAD, APP/OWNER: DOUGLAS & PAMELA WILSON, date stamped: 12/20/06 (21 day deadline for public hearing: 01/09/06) Engineer John Cavanaro and Attorney Lisa Hewitt in attendance to represent application. Abutter bought a legal building lot and plans to subdivide, keep half themselves and convey half to neighbors – The Wrens. Member Sturdy noted that Board does not accept “is to be combined” – should be changed to “is herby combined with.” Member Sturdy also noted that the property is apparently owned by the Wilsons with a listed address as 44R Black Rock Road whereas the parcel being subdivided has legally required frontage, but does not show where the house is relative to the subdividing of the lot, the area of the lot, whether it has frontage on Spindrift, and, 17 Spindrift is not shown in its entirety. Sturdy would like the plans resubmitted with full details and showing how it is to be combined with abutting lots.

MOTION: by Member Sturdy to reject this application without prejudice and to accept a revised drawing with recommended changes and to authorize Chairman Moore to endorse the mylars with those revisions.

SECOND: Member Pratt

VOTE: 5 - 0 MOTION CARRIES

7:18 P.M. INFORMAL DISCUSSION – COMMON DRIVEWAY – JOHN CAVANARO Cavanaro seeking information about procedures for common driveways. Single driveway to access 3 Form A lots. Two houses can be on 1 driveway, 3rd house triggers minimum subdivision road standards. Does not require a special permit or public process. Have building inspector and fire chief review and attest to adequacy of access. Member Sturdy suggests that regulations should have provision for care of common driveways (ie. a mini homeowners’ association) as it is not the Town’s responsibility.

7:25 P.M. SCITUATE HILL UPDATE Peter Pratt outlined that John Modzelewski attended working session with Mass. Highway. Decision was to go with the traffic plan designed by Rizzo Associates (as proposed by Planning Board) but seems to conflict with MBTA plans. Pratt suggests forwarding Modzelewski notes to Capt. Trask, Chief Silvia and Chief Hussey to review and meet with John Modzelewski. BOS has to make final recommendation regarding public right of way designs. Width is the same, but the travel lane configuration is different. Town gets traffic lights as applicant agreed to pay for it and, Town gets it widened. Pratt cautions that extreme caution must be taken so lanes are not done incorrectly. Trask noted this is a major thoroughfare that will require an Opticomm which aids response time. Member Pratt will convene a meeting with the experts.

7:30 P.M. 90 GAMMONS ROAD – LARGE HOME REVIEW PUBLIC HEARING – APP: GORDON DEANE, date stamped: December 13, 2006. (35 day deadline for opening of public hearing: 01/16/07) Member Ivimey read advertisement. Applicants Gordon and Motoko Deane and Agent James Sandell of Carr, Lynch and Sandell were in attendance to represent the application. This Large Home Review was for the tear down of an existing 5,500 SF residence on two acres of land at 90 Gammons Road and the construction of a new, more environmentally oriented and energy efficient 7,175 SF residence. The new residence will be build on essentially

the existing footprint with two additions: a conservatory on one side and an infinity edge pool off the back terrace. Although the conservatory and the pool are within the 50' buffer, meetings have been held with the Conservation Commission proving that there is no environmental impact as the area is on ledge. The new home will be tied into sewer. Drainage will be improved and uplands plantings are to be replenished. Large windows will be protected by a shutter system that will provide "hurricane sustainability."

Two suggestions were made by the Planning Board and by Captain Trask of the Cohasset PFD:

- That applicants review construction protocols drafted large home construction at 100 Whitehead Road in effort to minimize disruption experienced by neighbors during construction process.
- That the applicants consider installing residential sprinklers as the Fire Dept. would have difficulty accessing the Little Harbor side (rear) and roof of the house due to the large pool directly off the terrace.

David Replogle, 84 Gammons Road and David Calhoun, 22 Sheldon Road (directly across Little Harbor) commented that the improvement, grandeur and aesthetic pleasure of the new construction are an improvement to neighborhood and Little Harbor area. Abutter/Architect Keith Moskow, 98 Gammons Road, expressed concerns about the mass and whether a structure of that size can in fact be an energy efficient structure with a green rating.

MOTION: by Member Sturdy to recommend issuance of a building permit

SECOND: Member Pratt

VOTE: 5 - 0 MOTION CARRIES

8:15 P.M. LEGGAT McCALL – REVIEW OF AGE-RESTRICTION ZONING BYLAW REVISION V.

Messinger, Leggat McCall, distributed draft of the proposed, newly revised age-restriction bylaw. In this draft, policing of the residency requirement is in the Homeowners' Assoc. and occupancy restrictions (for individuals other than spouses) for those <55 years is restricted to 6 months within 9 consecutive months. Registration within schools is restricted. Board will submit for warrant, conduct public hearings on this article for 03/31/07 ATM

8:30 P.M. OTHER ZONING ARTICLES FOR MARCH 31, 2007 ATM WARRANT. Planning Board will

submit 3 zoning bylaw amendment articles for the Warrant:

1. Age restriction revision to 16.10.4
2. Article to reinstitute original language in SECTION 4.2 TABLE OF USE REGULATIONS relative to apartments as Special Permit rather than by right
3. Article to combine Articles 23,24,25, 26 of 11/13/06 STM warrant into one article for 03/31/07 ATM Warrant. Planning Board Administrator will submit to Town Manager asking that the articles be placed in Warrant exactly as submitted and asking that Town Counsel make comments directly to Member Ivimey, not changing the articles as submitted and, asking Town Manager to place zoning articles early in the warrant so they get the required time, attention and energy zoning articles require.

9:00 P.M. VILLAGE ZONING – PLANNING BOARD DISCUSSION EDC members Peter Brown, Chuck

Hurd, Mike Malinowski and Tim O'Brien in attendance. Brown explained that the charge of the EDC is work towards ways of increasing tax revenue. To do this, EDC focus has been on higher density on Route 3A and looking at the Village area zoning to encourage multifamily dwellings above commercial locations. EDC was in favor of concept of change in zoning for the Village to encourage new multi-family development above commercial. EDC did not support all of the village articles at the November, 2006 STM because the articles did not deal with: on-site parking; giving the Planning Board capability to review new development with restrictions to maintain the character of the Village (eg. Façade, historic restrictions); and, changing the 40,000 SF flaw that exists. The EDC also did not agree with the formula for changing the 40,000 SF flaw and with the omission about having the ground floor not being apartments. The EDC also felt other things should be included in future articles such as the idea of some sort of buffer zone between the residential area behind the Village and the ability to develop 3 story buildings immediately abutting that area. They still support the idea that the Village District zoning should be changed and would like to see some adjustment to amend the 40,000 SF flaw to be amended at the ATM in March. Member Moore concerned that that Warrant closes very soon and asked if the EDC has been working on any articles for submission. EDC working on crafting recommendations in the form of recommended revisions to the articles in the November, 2006 STM warrant. They would like to submit recommendations to the Planning Board by 01/10/07. Brown also stressed that the EDC is not trying to preempt the Planning Board in an effort to foster development in the Village but want to work with the Planning Board. Member Pratt does not agree. Member Pratt sees a strategy as being a 2 step process: first, target the March '07 ATM for the change in the

dedication of the district to the new Village DB district and, second, target the Fall STM for substantive zoning bylaw changes in the new Village DB district that the Board hopes the town meeting declares at the Spring ATM. Pratt believes this complies with the Nov., 2006 STM Article 28 to hire a special consultant to look at the Village and build a public consensus. Pratt thinks it is foolish to think this can all be accomplished by the Spring ATM. Member Sturdy stressed concern about viability of the downtown area once the TOD is developed and feels the Board must move very carefully as the downtown will compete not only with 3 A but with the TOD as well. Sturdy is concerned with what the downtown will need for viability after the TOD is build beyond building a few apartments and getting some revenue from it. Member Moore noted that everyone mentions the “character” of the downtown which is not really defined and actually evolved on its own over many years. Moore also feels that the every one talks about “solving the problem” but that no one has yet “defined” the problem. Member Ivimey noted that a problem will exist in the future that must be dealt with now, before the it is here and that competing issues/interests must be made to work together and that must be addressed now, not just talked about. Developer Wayne Sawchuk disagreed stating that the problem already exists. Member Pratt feels that Art. 28 was written to deal with all of this. Pratt suggested a set of milestones so the Board is ready to move forward at Fall ‘07 STM:

- Have Planning Board review the RFP draft by 01/10/07 meeting to give consensus to four basic tasks:
 1. CPC funded areas: looking at optimizing in DV district in terms of open space, historical preservation and affordable housing
 2. Economic development, traffic & parking, pedestrian flow and access, maximizing housing and retail optimization in the downtown.
At completion of task 2, a build-out analysis will exist. there is State grant money to take this to the next level
 3. Refinement of findings from tasks 1 and 2 going forward where needed retaining the same consultants to assist with the permitting processes in the Village district and, access other State Grants
 4. If there is State grant money, CPC money or affordable housing money to further refine the findings to look at things such as a downtown whistle stop in the future.

Last, Pratt noted that part of the frustration of the developmental efforts of the downtown in the last decade has been the public perception that not every consultant is fully objective and not affiliated with one interest or another. Pratt would like to take the State mandated non-collusion clause mandated by Ch. 30B and make it even stronger to say that anyone who has been retained by any commercial interest in the Village in the past 5 yrs. cannot bid on this nor can anyone who has been retained by the MBTA. Discussion to continue at January 4, 2007 meeting.

10:05 P.M. ALTERNATIVE ENERGY COMMITTEE – INFORMAL DISCUSSION RE: THE NEED FOR BYLAWS FOR ERECTING WIND TURBINES

AEC Committee members Mike Bliss, Andrew Willard, Rod Hobson and Mimi White were in attendance. AEC hope is that Cohasset will have wind turbines in the future but current bylaws do not cover wind turbines. AEC is seeking advice/help in writing wind turbine bylaws. They distributed Model Bylaws for Land-based Wind Energy Conversion Facilities written for Cape Cod. AEC hopes to have a tower on Turkey Hill to collect data re: wind strength and wind direction and then solicit funding. Although Turkey Hill is not a possible permanent site, the landfill and the high school are potential permanent sites. The advantage of the high school location is that it could be placed directly behind the meter so that all energy generated could go directly to the High School as free electricity by not going through their electrical meter. Excess could be sold. Otherwise, all power created would have to be sold to the market (National Grid) with very little payback because Cohasset is not a municipal light and power company like Hull is. The AEC indicated that Cohasset could petition to become “muni” but that this is not probable until some state laws change. AEC members indicated that wind turbines could be a source of revenue to the Town as well as being more ecologically sound. Member Pratt noted that currently, the only towers allowed in the Table of Allowed Uses are communication towers only in the commercial districts on Route 3A and, that electric power generating facilities are prohibited in all districts in the Town today. He suggested that both of these points would have to be changed and that an overlay district that the Town controls might be a vehicle for doing this. The AEC presented information about required footprints, tip height, size, shutdown safety measures, size to energy generation ratio etc. A 600 kilowatt turbine costs approx. \$1,200,00.00 with a 5-9 year breakeven point. Transmission of energy sources cannot be across public ways unless you hold a license (become a muni) to transport across a public way. This impacts the placement of the turbine – (for example, placement at the high school) so the energy generated can be used directly by the Town. No noise generation, no danger to birds, FDA requires lights on top which can be aimed upward, there maybe some flickering light experienced as sun shines through blades, cell towers can be put on top. Currently, Graham Waste has a tower collecting data and will have enough data to go for funding at the end of

June. He is interested in building 3 turbines. The AEC is potentially interested in having a private developer build a turbine at the landfill transfer station which could produce \$75,000 in property tax revenue for the Town. AEC would like assistance and support in moving in the wind turbine direction. Planning Board agreed to work with AEC (after March 31, 2007 ATM) to draft a bylaw for fall Town Meeting Warrant. AEC will begin to work on draft to review with Planning Board.

10:45 P.M. ADMINISTRATION

• **VOTE TO APPROVE 12/06/06 MINUTES**

MOTION: by Member Ivimey to approve the 12/06/06 minutes

SECOND: Member Westcott

VOTE: 5 - 0 MOTION CARRIES

• **VOTE TO APPROVE ANNUAL REPORT**

MOTION: by Member Ivimey to approve 2006 Annual Report as written by Planning Board Admin. and authorize forwarding it to Town Manager for inclusion in the 2006 Cohasset Town Report.

SECOND: Member Sturdy

VOTE: 5 - 0 MOTION CARRIES

MOTION: by Member Ivimey to adjourn

SECOND: Member Westcott

VOTE: 5 - 0 MOTION CARRIES

MEETING ADJOURNED AT: 10:50 P.M.

NEXT MEETING: WEDNESDAY, JANUARY 10, 2007, AT 7:00 P.M.

MINUTES APPROVED: Stuart W. Ivimey, Clerk

DATE APPROVED: January 10, 2007