

**COHASSET PLANNING BOARD MINUTES**

**DATE:** WEDNESDAY, JANUARY 11, 2006  
**TIME:** 6:30 PM  
**PLACE:** COHASSET TOWN HALL – LOWER LEVEL MEETING ROOM  
41 HIGHLAND AVENUE, COHASSET, MA 02025

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

**Board Members Absent:**

**Recording Secretary Present:** Jo-Ann M. Pilczak

**Town Planner Present:** Elizabeth B. Harrington

**MEETING CALLED TO ORDER AT: 6:35 PM**

**6:35 P.M. ECONOMIC DEVELOPMENT COMMITTEE REVIEW** EDC Chairman Peter Brown and Gabriel Gomez formally presented EDC recommendations focusing on 6 that were formed into articles that provided the best opportunity to increase tax revenue from commercially zoned property in the Town. The recommendations were separated into 3 sections: Overcoming obstacles to development; Pursuing development opportunities; and, Marketing and Town promotion. The articles formed from recommendations:

1. Reduce commercial parking requirement from 10 to 5 autos/1,000 SF of public space in the highway, technology and light industry business districts (all on Rt. 3A) to allow increased retail and commercial density to smart growth standards and generate new tax revenue for vacant and underdeveloped commercial properties. Cohasset parking ratio is nearly 2X that of 6 neighboring towns for that type of district. This can be implemented the quickest and with the least controversy to increase tax revenue. Member Moore noted that green space around town is parking not required to be built but held in reserve in case needed for more development in the future.
2. Increase building height, lot coverage and structural building coverage in the Rt. 3A districts mentioned in #1. Would increase coverage and setbacks with prudence/discretion of Planning Board by providing more flexibility to provide better development and more tax revenue. Not intended to reduce beautification or design principles.
3. Approval of use of a TOD (Transit Overlay District) and DIF (District Increment Financing) to promote commercial development in Rt. 3A highway districts. Applies smart growth standards in area of the train station, responds to Master Plan challenge in providing for increase in commercial tax base, leverages state and non-profit institutional grants/funding mechanisms to promote new development in wise manner and with support of the Commonwealth.
4. Sell/lease town owned land parcel #2, Map #18 adjacent to the Teen Center with expansion of parking and mixed use development. This one site could generate substantial revenue either in terms of sale or long term lease.
5. Full time Town Planner – could be funded by #4 above long term land lease.
6. Support of Planning Board downtown village district to encourage mixed use development consistent with the previous Town Meeting decisions and in keeping with the character of the Town and using smart growth standards and principles to increase tax revenue, residential activity and vitality of the downtown.

**7:20 P.M. CEDARMERE STATUS REPORT** Jim Smalanskas and Jim Sandell in attendance.

- Updated Con Comm on status of the site and obtained approval of location of model unit
- Continue to stabilize site, detention basins roughed in etc.
- Poured 2 foundations along Carriage House Lane – construction to begin next week followed by model unit construction. Construction of additional units to begin in spring
- Infrastructure construction to begin coming up from Conahasset Way and continuing down Manor Way to Beechwood with pavement for vehicles to travel over etc.
- Meeting with abutters to be held on 01/12/06 at 7:00 PM

- Not much more blasting anticipated for this phase – Building Inspector Egan has not received complaints about blasting (although there has been comment about unexpected blasting from abutters outside the notification zone)
- Currently focusing on the single family homes maintaining style and flavor of the architecture on approved plans
- One major change has been splitting duplexes apart - Carriage houses split apart also

**7:45 P.M. CASTLE ROAD (215 SO. MAIN ST.) DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING, APP: DAVID CALHOUN, KING TAYLOR COHASSET, LLC, date stamped: 11/29/05**

**(135 day decision deadline = April 12, 2006)** In attendance for applicant: Dave Calhoun & Tom Ragno, King Taylor Cohasset, LLC; Attorney Walter Sullivan; Attorney for abutter Christos Deligiannidis – Attorney Bruce Isadore and court stenographer. Chairman Moore noted that he may not be able to vote as he missed one public hearing. Attorney Sullivan stated that the applicant waives any objection to Chairman Moore participating fully. Member Sturdy arrived at 7:45 PM at start of this public hearing. Planning Board Administrator directed to tape this portion of the meeting in its entirety as a court stenographer was in attendance with Attorney Isadore. Member Pratt asked, for the record, if Attorney Isadore was an attorney in the Massachusetts Bar to which Mr. Isadore replied yes. Dave Calhoun noted that the items the Board had requested have been completed and summarized by Attorney Sullivan in a letter dated January 11, 2006 including:

- a Homeowners Association Agreement to clarify the ongoing maintenance of the roads within the subdivision as well as taking care of the drainage to the detention basin etc.
- a statement that the roads and ways within it shall remain private and that the applicant will not seek to have the Town take over maintenance of those as public ways.
- Dave Calhoun, Neil Murphy and Member Sturdy met to review and fine tune the Castle Road way
- the applicant conducted a site visit for all who were interested the weekend prior.
- Plans were revised and submitted to John Modzelewski

Tom Ragno noted that Attorney Sullivan also prepared a request for waivers regarding Subdivision Rules and Regulations relating the cross section for the street construction of the Manor Way extension and also for the narrow portion of Manor Way that exists on the Cedarmere property. There was discussion about the question of possibility of oil leaking from buried oil tank at 215 So. Main Street to 3 Mendel Road and Board of Health letter. Applicant Ragno thinks Board of Health did not receive letter and package of materials dated December 20<sup>th</sup> (exhibit five of Sullivan's January 3 letter) which explained the situation and offered an explanation as to why it may be unlikely that any contamination is coming from 215 Main St. Member Moore explained that its been the Planning Board's position for years not to get involved in other boards' business other than granting of approvals being contingent upon the applicant's obtaining the proper permits and approvals from other boards as required. So if there's an issue with the Board of Health, the specifics of that will have to be worked out with them and that the Board of Health has chosen to issue this condition and it is not the Planning Board's authority to argue as this is within the Board of Health's purview to have a hearing and to rule. Susan Kent, 3 Mendel Rd., explained that their concerns are that they have been trying to get on that property to see what the levels are now compared to what the levels were in 1993 and that, if there are contaminants, the moving of the earth to dig foundations for five additional houses may release even more contaminants. The abutters would prefer a proactive approach to this potential problem. Michael Kent, 3 Mendel Road, noted that they have oil inside their home right now. Attorney Bruce Isadore, representing Christos Deligiannidis, 211 So. Main St. asked if these lots having frontage off of Castle Road Way? Member Sturdy noted that legal frontage is off So. Main Street. John Modzelewski stated concern that there is nothing on the plans that indicates applicant has "easement" over Old Colony railroad. He noted that there are two parcels presumably owned by applicant on one side of the tracks and parcels on the other side of the tracks, but there is nothing in the middle and it might be as simple as just dashing it in on the plans. He questioned how the Planning Board could approve a plan that shows nothing in the middle. David Calhoun indicated that deeds and documents had been submitted and all the information is available.

**MOTION: by Member Pratt to send documents filed by the applicant on the matter of frontage and access to Town Counsel for his opinion as to the legality, particularly of frontage and access as stated in those documents.**

**SECOND: Member Westcott**

**VOTE: 4 – 1 MOTION CARRIES (Member Sturdy opposed)**

Planning Board Administrator to contact Town Manager for approval to contact Town Counsel. Member Pratt also questioned the location of the septic system and leaching fields stating that he had asked if all septic for a single

family would be on site but that the letter from the Board of Health saying something else. Dave Calhoun stated that a leaching field is not necessarily part of the septic system according to the rules and regulations. John Modzelewski disagreed with this stating that a septic system includes a leaching field and that if the leaching field is to be located somewhere else, you should have a right to dispose onto that leaching field and therefore should have an easement on it. Tom Ragno stated that they were trying to buy the property the leaching field would be located on to which John Modzelewski stated that it should be on the plans in that manner. Tom Ragno noted that they are in the process of negotiating an agreement to buy some other land, but if that doesn't happen they will deal with disposal on site or not develop the lot. Member Moore noted that before any approvals were to be granted on this subdivision, details need to be shown on the plan. Attorney Isadore further asked if a determination that the lots are getting the frontage off of Castle Road is also a determination that in fact, Castle Road is a road that meets the standards of the Subdivision Control Law as it seems to him that the Planning Board is saying that the roadway that is providing all of this access is not the roadway that these lots are getting their frontage from. In other words, if in fact Castle Rd. is the roadway that is giving frontage and is connecting with the subdivision is that also a determination that that roadway complies with subdivision control law? Much confusion existed over exactly what the point in question was and decision was made to let Town Counsel address this issue.

**MOTION:** by Member Pratt to continue the public hearing on Castle Road, 215 South Main Street to January 25<sup>th</sup>, at 7:30 PM.

**SECOND:** Member Westcott

**VOTE:** 4 - 1 MOTION CARRIES (Member Sturdy opposed)

**8:35 P.M. SCITUATE HILL DEFINITIVE SUBDIVISION PUBLIC HEARING, APP: CROCKER II REALTY TRUST, date stamped: 12/22/05 (90 day decision deadline = March 21, 2006)**

Member Moore recused. Member Pratt chairs public hearing. Member Ivimey read public hearing ad. Engineer John Cavanaro, Traffic Consultant Rick Bryant, Rizzo Assoc. and App. Rob Schwandt represent application. Member Sturdy could not stay for this public hearing. Applicant waived right to maintain full quorum for vote. Traffic has been concern since preliminary filing. Property lies between Crocker Lane, King St. and Sanctuary Pond. Signalization for this intersection is best. Drainage easement in NW corner. Have water, sewer easements. Taking 3 Form-A lots and creating 4 buildable lots with subdivision road creating new frontage and serving as frontage for the 4 lots. Site difficult in terms of grade. Back of site will require retaining walls. 600' road with 8% grade. Intersection grade is the first 100' at 2% grade then increases to 8% grade then softens to 5% grade at back of cul-de-sac. Poor soils exist with high ground water, will have 12' cut with good under-drainage, swales etc. Drainage will all be captured in stormwater system. Under this application, nothing is being constructed except the road. Each property will require site plan review. John Modzelewski suggested sloping parking lot slightly towards the building as opposed to away from building to mask some of the pavement seen from Rt. 3A. Applicant willing to close access to Brass Kettle if new intersection is signalized. Rick Bryant stated that Brass Kettle curb cut is low impact – Planning Board preference is to close this curb cut and have access from new intersection, roadway – Applicant team feels this would devalue property. Board asks John Modzelewski to examine with his traffic consultant, the advisability of closing off the current curb cut with/without signal and, to review outstanding safety/traffic control issues in relation to the request for waivers for the grade. Member Pratt noted that at the January 6<sup>th</sup> Rt. 3A Corridor meeting with the MBTA, the MBTA plans to put a traffic light at the MBTA station. Further, he noted that with this subdivision, the Planning Board would also like to see a light installed at this intersection, synchronized with light placed at MBTA station. Member Westcott agreed as long as funding for this study is considered from a synchronization standpoint. Member Pratt noted that in future, entire Rt. 3A corridor from Hingham all the way to Marshfield should be on the dockets but for the present, a more Cohasset dedicated study should be undertaken as it impacts this subdivision. Mr. Schwandt is willing to fund part of this study. Member Westcott suggests that Rizzo Assoc. begin a proposal pulling together what they have already done and then other developers could be approached to help defray the costs. John Cavanaro to consult with Town Planner Harrington and MBTA Liaison Tom Gruber regarding sidewalks. Town Planner suggests calling out to other parties that would be affected by this analysis to gain agreement/fair representation. Planning Board asks Town Planner Harrington to inventory and produce short memo of all the other projects that could conceivably contribute to this very specific area in terms of traffic and, look at how other towns have approached public-private merger studies.

**MOTION:** by Member Ivimey to continue public hearing to January 25, 2006 at 8:15 PM.

**SECOND:** Member Westcott

**VOTE:** 3 – 0 MOTION CARRIES

**9:40 P.M. JOSEPH'S HARDWARE (825 CJC HWY) SITE PLAN REVIEW (30 day extension to 02/14/06)**

Member Ivimey did not participate as he missed one hearing. John Cavanaro, Barry Josephs present. John Modzelewski discusses easterly entrance – he thinks it should one way “in” with two-way at other curb cut. Applicant does not agree – thinks interior circulation and parking configuration not conducive to that. Modzelewski also commented: would like gutter mouths at lower point catch basins; monuments should be shown on property on front lot corners; 20% slope should be raised a little. Applicant acted on other comments received from John Modzelewski on 12/31/05. HVAC location behind front gable on roof has been added to plans. Signage drawing from Hassan Sign Co. handed out. Landscaping/planting areas called out, but won't proceed further until after applicant goes before Conservation Committee – Member Moore reminded them about irrigation. Planning Board noted light not being cast off site. Town Planner Harrington will circulate draft decision.

**MOTION: by Member Pratt to award approval to Joseph's Hardware subject to final comments from Conservation and subject to completion of John Modzelewski's punch list items.**

**SECOND: Member Westcott**

**VOTE: 4 – 0 MOTION CARRIES (applicant waived opposition to quorum)**

**10:10 P.M. ZONING FOR ATM WARRANT**

**10:10 P.M. INFORMAL DISCUSSION – TOM POWERS – 132 CJC HWY – DAVENPORT PROPERTY**

Above 2 agenda items combined into one discussion. Member Moore urges that article language be as correct as possible for warrant. Tom Powers, 25 Powers Lane, would like to see the TOD article as a Planning Board article and will draft it with Attorney Sullivan. Discussion referencing EDC suggestions earlier in evening resulted in the following list of articles to be worked on by ZAC:

1. Parking regulation changes – Tom Powers to lead
2. SMROD Sunset
3. Downtown Redistricting – Wayne Sawchuk to lead
4. Transit Overlay District – Tom Powers to lead
5. Large Home Review Amendments - drafted
6. Full Time Town Planner

Zoning Advisory Committee to meet on Jan. 18<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup>. Planning Board Administrator to send notice to ZAC members and post meetings. Town Planner Harrington to arrange for Town Counsel to attend ZAC meeting. Target date for public hearings: February 22, 2006.

**11:30 P.M. ADMINISTRATION**

- **VOTE TO ACCEPT 12/14/05 MINUTES**

**MOTION: by Member Ivimey to accept 12/14/05 minutes.**

**SECOND: Member Pratt**

**VOTE: 4 – 0 MOTION CARRIES**

- **SET FEBRUARY MEETING DATES**

Meetings set for: February 1<sup>st</sup>, February 8<sup>th</sup> (back up date if needed) and February 15<sup>th</sup>, 2006.

The following agenda items were not covered:

- **MASTER PLAN**
- **RED LION INN SITE PLAN REVIEW CONDITION OF APPROVAL**
- **2 SMITH PLACE BOUNDRY DISPUTE – VOTE TO ACCEPT AGREEMENT?**

**MOTION: by Member Westcott to adjourn.**

**SECOND: Member Ivimey**

**VOTE: 4 – 0 MOTION CARRIES**

**MEETING ADJOURNED AT: 11:40 P.M.**

**NEXT MEETING: Wednesday, January 25, 2006, 7:00 P.M.**

**MINUTES APPROVED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_