

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, JANUARY 24, 2007
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – BASEMENT MEETING ROOM
41 HIGHLAND AVENUE, COHASSET, MA 02025

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

Board Members Absent: Mike Westcott

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 7:15 P.M.

7:15 P.M. SPECIAL INTEREST TOPIC

- Board discussed litigation fee summary distributed by Town Manager. Town Manager is looking into whether legal fees can be charge to applicant if an appeal is being made of a Planning Board decision in favor of the applicant. Member Moore questioned why Town Counsel has been so active as to incur such high litigation fees. Member Moore will meet with Town Manager.
- Member Pratt reviewed status of Scituate Hill Subdivision with DOT. DOT wants Scituate Hill to have bike and pedestrian amenities linking their development into the MBTA station area. Pratt wanted to vote through John Modzelewski’s suggested final contractual changes to allow Scituate Hill to file mylars in Registry of Deeds. Pratt also suggested that the Planning Board has to become involved again through John Modzelewski in the permitting of the traffic signal at the King St. and Rt. 3A because Mass. Highway wants the Board involved. Mass. Hwy. notes that we have 2 signals and sidewalks going in that the Commonwealth and a private development is paying for. Pratt stated that he would like have John Modzelewski oversee and co-coordinate a meeting with the MBTA liaison team, involve the necessary departments etc. Board agreed and suggested that Scituate Hill should pay for Modzelewski’s time related to the Scituate Hill portion of all this. Pratt also noted that even though this is a state highway, the BOS will need to sign off and permit it at some point.
- Member Sturdy requested that two items be put on a future agenda for zoning articles for the Fall STM
 - 1.) Amendment of the definition of roof/building height
 - 2.) Amend rules & regs. so subdivision legal fees for appeals etc. can be included in a legal fees deposit

7:30 P.M. MANOR WAY DISCUSSION – Dave Calhoun and Tom Ragno of King Taylor in attendance. Judge has remanded the appeal back to the Planning Board for the limited purpose of further considering the adequacy of the access afforded by Castle Road and whether or not to impose or grant, if lawful and appropriate, either waivers of the Board’s Rules and Regulations, or conditions, concerning Castle Road and improvements or changes to its current condition. Member Ivimey noted that the Board had to options: 1.) to reallow the public hearing only for this issue by simply deliberating without allowing any new testimony or evidence to come into the record or, 2.) open the public record to allow evidence, testimony and documents that anyone would like to submit and then render a decision on this sole issue. Town Counsel opinion (Member Ivimey agreed) that it would be most appropriate to hold a public hearing thus providing the maximum opportunity for anyone opposed or in favor to be heard. This would be best way to avoid situation where an aggrieved party might allege that their constitutional rights were violated. Attorney for party who appealed, has no opinion, at this time, as to what type of hearing is held, but asks that his client be in attendance when decision is rendered. Member Sturdy thought this issue had been given an excessive amount of discussion and deliberation at the original hearings and would not want the

public to think that the Planning Board had overlooked something at the original hearings. Member Ivimey wanted it clear in the record that the public hearing is not being "reopened" for new testimony.

MOTION: by Member Sturdy to hold a public hearing on February 13, 2007 at 7:00 PM for the limited purpose of further considering the adequacy of the access afforded by Castle Road and whether or not to impose or grant, if lawful and appropriate, either waivers of the Board's Rules and Regulations, or conditions, concerning Castle Road and improvements or changes to its current condition.

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

Public hearing will be held on Tuesday, February 13, 2007 at 7:00 PM, with notice to abutters. Planning Board Administrator will consult with Member Ivimey re: the wording of the advertisement.

8:00 P.M. ABBOTT DEVELOPMENT – INFORMAL DISCUSSION In attendance: Town Counsel; Applicant Attorney Richard Henderson; Abbott Development Principals Jim McAuliffe and Robert Durant; Joe Geller, Geller & Geller Landscape Architects; Dale Harris, Site Engineer for Coler & Colantonio, Civil Engineers; Gordon Clark, Northside Design Architects.

Will be Section 10 application combined with a subdivision control application for a cluster development. Abbott Development is in its 11th year and has created slightly more than 1000 homes. This application will be for 27 single family homes in a condominium organization with condominium ownership and homeowners association. Applicant is willing to commit to Town that land on Fair Oaks side of Sohler Street will be preserved. Homes will be situated to leave open space at perimeter and have some view of water rather than of the other homes. Not touching wetlands or grass/wooded area above Deer Hill school. Will preserve existing specimen trees, stone walls. Pedestrian walkways throughout the property. Driveways will have pervious pavement. Septic will be off the existing driveway area near the entrance. Existing driveway will be closed and new driveway moved closer to Rt. 3A to allow better site lines from crest of hill will be opened. Will create wetland areas that will be pleasing to look at. Traffic study to be submitted with application. 4 control points coming off site to control runoff from site to retentions basins. Three general home designs with variations on one design. Generally low profile 22' – 24' in height. Homes will be gabled or hip roof, two bedroom 2200 – 2400 SF with open floor plan, gas fireplaces and chimneys. Some will have walkouts. No common walls or duplex. Lighting will be conal shaped, aimed downward and located under door overhangs so it will be gentle glow rather than strong light. Street lighting will be dark sky compliant. Member Sturdy asked that they examine noise that will be created by A/C units. Applicants have already been in communication with Jim Shipsky. Will have price point in future, but applicant believes Town will be very pleasantly surprised by the cost of homes. Member Pratt mentioned residential sprinklers. Town Counsel will look at whether inclusionary bylaw applies to single family homes – Member Ivimey thinks Town Counsel wrote the bylaw to require affordable for all new homes. Applicant plans to file in February hoping to be on a March agenda. Town Counsel will coordinate timelines with Planning Board Administrator.

8:30 P.M. ZBA RECOMMENDATIONS

• **449 JERUSALEM RD, VARIANCE, APP: TAJA REALTY TRUST** - New owners would like to build a garage for original large house. Meets front setbacks but not side setbacks. Planning Board noted that the applicant did not provide required information/rationale as to why this situation meets requirements for a variance. **MOTION:** by Member Sturdy to, absent any rationale from the applicant as to why the variance should be granted, not recommend granting the requested variance.

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

• **75 MEADOW LANE, APPEAL, APP: RAYMOND & SUSAN TEHRANIAN** - Applicant is appealing building permits issued to the two parcels on Meadow Lane created by a Form A process.

MOTION: by Member Sturdy to, absent any compelling argument or rationale from the applicant as to why the appeal should be upheld, recommend against overturning the building permit.

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

8:55 P.M. STORMWATER COMMITTEE – WARRANT ARTICLE DISCUSSION – John McNabb and Karen Quigley in attendance. Public hearing on Stormwater Bylaw to be held on 02/13/07. Looking for comments so revisions can be made before warrant goes to print. Four primary reasons for bringing this forward: flooding

issues in town, many of which are caused by Stormwater; pollution issues from Stormwater runoff; federal requirements to adopt regulations; and, fragmentation of existing regulations across many boards result in Stormwater flooding & pollution issues tend to fall through the cracks and not be adequately addressed. Proposing this new bylaw because regulatory language must be put into Town bylaws and to propose regulations that comply with federal requirements which must be in place by March, 2008. Simple goal is to reduce pollution and flooding from Stormwater and to insure zero impact development such that post-construction runoff is \leq the pre-construction runoff levels. Stormwater Committee feels the best way to deal with these issues to establish a set of regulations that meet federal requirements and establish a new board to deal with these requirements. Planning Board would like to like to have a member sit on the proposed Stormwater Commission if it is established. Member Ivimey expressed interest in sitting on this Commission. Member Moore expressed concern that developers will have to go through review by John Modzelewski and then the Stormwater Committee and that this will be a very expensive duplication of efforts and decisions that are already in place for subdivisions, site plans, large home reviews. Member Sturdy agreed, stressing concern that this could result in too much regulation and become burdensome for the homeowner who just seeks to do something minor to their property. McNabb indicated this could be dealt with by establishing the regulation such that the Planning Board would be the final authority via Modzelewski reviews for those projects that are required to go before the Planning Board (subdivision, site plans etc) and that a simplified application process for smaller, simpler projects would also be implemented. Planning Board would have to adopt new regulations, such as Best Management Practices, into their standards.

9:45 P.M. ADMINISTRATION

• **CONSULTANT PLANNER RFP** - Member Pratt reviewed his draft of the RFP. Discussion occurred. Mike Malinowski offered input. Board felt Pratt and Malinowski should make modifications, take out section 5.2 and get the draft distributed. Much discussion centered around not influencing the direction/recommendations of the hired individual and not hiring someone who comes with biases towards retail vs. housing for example. Mike Malinowski suggests that Master Plan be finished and made available as approved Town document with official statement of policy for the consultant.

MOTION: by Member Sturdy to authorize Member Pratt to make modifications as he sees necessary and distribute the draft RFP to Town Manager.

SECOND: Member Ivimey

VOTE: 4 – 0 MOTION CARRIES

• **VOTE TO APPROVE JANUARY 10, 2007 MINUTES**

MOTION: by Member Pratt to accept the January 10, 2007 minutes

SECOND: Member Ivimey

VOTE: 4 – 0 MOTION CARRIES

• **NEW SUPPLEMENTS TO ZONING BYLAWS** – Member Sturdy requested that Town Clerk be asked to put these on webpage also.

• **APA MEMBERSHIP RENEWEL** – Consensus is to renew membership.

MOTION: by Member Sturdy to adjourn

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

MEETING ADJOURNED AT: 11:05 P.M.

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

MINUTES APPROVED: STUART W. IVIMEY, CLERK

DATE APPROVED: FEBRUARY 7, 2007