

COHASSET PLANNING BOARD MINUTES

DATE: MONDAY, FEBRUARY 4, 2008
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – MEETING ROOM 2B
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: Alfred Moore, Chairman
William Good, Vice Chair
Stuart Ivimey, Clerk
Robert Sturdy
Mike Westcott

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 7:10 P.M.

7:10 P.M. DAVE CALHOUN – MANOR WAY, ALTERNATIVE PAVING PRODUCTS - Modzelewski does not like plastic rings and suggested stone or precast paver for more structural integrity. He also wanted pave out to full radius of turnaround with grass in center to increase perviousness. Calhoun added stonewall on outside of turning radius - this actually decreases the radius and, does not leave space for plowed snow. Calhoun will push wall back 3'. While this does not impact Cedarmere, Modzelewski considers this enough of a modification to require notification of abutters and hearing. Abutter Xi is difficult to notify as he lives in China.

MOTION: by Member Ivimey to approve the concept presented at this meeting with the understanding that Calhoun will proceed with an engineering plan and abutters will be notified.

SECOND: Member Good

VOTE: 5 – 0 MOTION CARRIES

7:16 P.M. WALTER SULLIVAN – DISCUSSION RE: “STREET DETERMINATIONS” Attorney Walter Sullivan asked if Board is of the mind to get Town Counsel opinion as to whether there is a vehicle for determining who is responsible for determining roads and ways. Sullivan wondered if this is an issue that Town Counsel could clarify for once and for all – who should apply the definition of street to a private way? Member Sturdy noted that streets are deemed public ways via vote at town meeting or, are determined to be adequate to use a public way by the Planning Board and, that the fundamental issue is the question of adequate access. Town Counsel happened to be in attendance at this meeting and answered that he did not want to comment as there are lawsuits in play that could be impacted and that there are complexities involved as there are roles for the BOS, Planning Board, ZBA etc. and, that he would like to take this under advisement to offer a thoughtful finding.

7:35 P.M. DISCUSSION – HARBOR MASTER PLAN Angus Jennings, Concord Square; Attorney Humphreys representing Peter Roy and, Town Counsel in attendance for this discussion on a warrant article for funding a harbor study. Town Counsel DeRensis felt that the current article suggests that the full implications of a harbor study were not understood. He introduced the idea of doing a real “Harbor Plan” which in essence is not so much a zoning article as a treaty with the Commonwealth of Mass. And is binding by the Commonwealth if the state accepts it. State jurisdiction is the high water mark seaward and 250’ landward so the Commonwealth becomes the regulatory authority and can act contradictory to what a Town wants to accomplish unless they have conducted a Harbor Plan. State has funding to help accomplish a Harbor Plan and, expert teams to study and write plan which must be approved by the BOS and then sent to the State after which negotiation happens to produce a final plan. Town approves the final plan and it becomes the formal plan until there is a need to amend it. A moratorium is put on development in and around the harbor until the plan is completed. Once the final plan is complete and agreed to, the plan becomes the basis of zoning articles and general bylaws to implement the Harbor Plan. If a harbor plan is begun and the town and Commonwealth cannot reach agreement on proposals and plans, the town can walk away from the plan – it is not binding until negotiated, agreed to and signed. DeRensis noted

that typically, the State goal is to promote water dependent uses and stay away from housing, businesses etc. If the Town wants to do something else, the Commonwealth is brought in – a state regulatory system that is independent of the Town. This process includes the BOS and Harbor Committee, not the Planning Board alone. DeRensis noted that this process takes work, consensus building, cost money and, can take up to 2 years. Without a harbor plan, the Commonwealth can stop development that a Town wants to do around a harbor. With a harbor plan, a town works as a team with the State. Harbor Plan enhances public benefits and rights. Ultimately, without a Harbor Plan, the state could block whatever plans Cohasset comes up with for the Harbor. DeRensis also pointed out that all setback requirements are state wide standards that apply in default mode but, with a Harbor Plan, they can be changed to “Cohasset Standards” that the State agrees to via the Harbor Plan negotiations. DeRensis advised that this is an opportunity to partner with the state for next 100 years and not have the State killing whatever the Town wants to do in the Harbor with everyone going in difference directions. DeRensis explained that Nantucket did a Harbor Plan and that the State was exceptionally cooperative and welcoming. Further, he explained that the Harbor Plan would result in consistency for public uses, not for the interests of one party, so the harbor won’t become a “moat around one person’s castle” so to speak . DeRensis urges going the route of a Harbor Plan – from legal point of view, Planning Board and Town are better off having Harbor Plan in place as it gives the Town more control of its destiny in regards to the harbor and, the sooner it is started, the sooner it is finished. Attorney Humphreys pointed out that any zoning changes suggested from his proposed harbor study would comply with Ch. 91. Further he commented that he cannot picture radical departure by the State from their own established standards to agree to “Cohasset Standards”. Humphreys felt that this Harbor Plan is a deep trip into the woods for the harbor study which was supposed to simply parallel the Village Study and he does not feel it is necessary. Humphreys feels that Cohasset Harbor will never be a summer destination like Nantucket and that the purpose of the harbor study is to show that the harbor can be stabilized in compliance with Ch. 91 and that this proposed study is a reasonable start which might result in recommending a Harbor Plan. Member Sturdy noted that the goal of the Village Study was to encourage viability of the Village whereas, the Harbor does not work for Cohasset – there is an extreme length of time on the waiting list for a mooring or for the Cohasset Yacht Club, the channel is shallow, there are parking issues etc. He feels Cohasset should look at the harbor from the viewpoint of the citizens who have a nice harbor that they cannot access and easily use, NOT, to promote economic viability and create more tax revenue. Sturdy feels the goal should be to make this a seaside community and that this does not start with zoning but with a study to come up with a Harbor Master Plan that opens the harbor to the people and the community and should be looked at with the State. Sturdy suggested that the Town use a consulting firm that will obtain grant money and look at the overall land, sea and Ch. 91. Peter Brown, EDC, suggested going ahead with the study to understand what comprises the harbor and that perhaps the study should be done before a Harbor Plan. Tom Callahan questioned why the Town cannot do both at the same time and tailor a bylaw that is narrowly defined in its uses and use that as the Harbor Plan negotiating position. Member Moore noted that the current warrant article only asks for money to study the harbor and identify a direction – which might be a Harbor Plan. DeRensis stated concern that the warrant article was entitled “Harbor Master Plan” and that the title should either be changed to “Harbor Study” or, a Harbor Plan should be conducted. Planning Board Administrator to request Town Manager to change title to “Harbor Study”. To be further discussed at zoning article public hearings on March 3, 2008.

8:35 P.M. ZBA RECOMMENDATIONS

- **20-22 LAMBERT’S LANE, MULLIN APPEAL OF BUILDING INSPECTOR’S DECISION NOT TO RESCIND BUILDING PERMIT ISSUED TO OWNERS OF 20-22 LAMBERT’S LANE** - Attorneys for both parties requested that the Planning Board not make any recommendations to the ZBA on this matter and just leave a decision to the ZBA. Town Counsel indicated that according to the bylaws, the Planning Board does not have to make recommendations on appeals of Building Inspector decisions. Member Moore polled the Board – majority opinion was to not review or offer recommendation on this appeal. No recommendation to be sent to ZBA.

8:45 P.M. VILLAGE UPDATE Angus Jennings, Concord Square , indicated that they are completing two activities relative to the Village Bylaw:

- Recommendations on parking are in progress – specifically as to the Town owned parking lot
 - Design guidelines are in draft form and will be sent to the Board soon
- Will target returning to a Planning Board meeting after Town Meeting.

8:50 P.M. ADMINISTRATION

- **VOTE TO APPROVE 01/23/08 MINUTES**

MOTION: by Member Ivimey to accept the 01/23/08 minutes

SECOND: Member Good

VOTE: 5 - 0 MOTION CARRIES

- **DISCUSSION – ADVISORY COMMITTEE REQUEST** – Administrator to send email to Wakeman, informing him that Board is not holding public hearings until March 3, 2008 and feels it inappropriate to offer opinion or position on zoning articles until after the public hearings have been held. Also to invite and encourage the Advisory Committee to attend the public hearing to hear all sides and ask questions of the proponents.
- **FEBRUARY 11 BOS MEETING ATTENDANCE** – No Board members are available to attend – Administrator to inform Town Manager of such.
- **MARCH 24 PLANNING BOARD MEETING - CHANGE TO MARCH 26?** – Planning Board administrator will be on vacation the week before, returning on the 24th and is concerned she cannot be prepared for a meeting on the 24th. Board agreed to move this one meeting to March 26th even though Member Westcott will not be able to attend.
- **MAPC TRANSPORTATION ENHANCEMENTS PROGRAM 2008 CALENDAR YEAR DEADLINES** – Informed Board as to the availability to the calendar in Planning Board Office
- **FY 09 BUDGET MESSAGE** – distributed to Board
- **CLARK BREWER – MAPC APPOINTMENT** - Brewer has expressed interest in being the Cohasset rep. for the MAPC and the South Shore Coalition.

MOTION: by Member Ivimey to appoint Clark Brewer as MAPC rep

SECOND: Member Good

VOTE: 5 - 0 MOTION CARRIES

Planning Board Administrator to contact Town Manager to determine if BOS has to make the appointment.

MOTION: by Member Ivimey to adjourn at 9:15 PM

SECOND: Member Good

VOTE: 5 - 0 MOTION CARRIES

NEXT MEETING: MONDAY, FEBRUARY 25, 2008 AT 7:00 PM REGULAR MEETING

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: FEBRUARY 25, 2008