

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, FEBRUARY 22, 2006
TIME: 7:00 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
Mike Westcott
Robert Sturdy

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

Town Planner Present: Elizabeth B. Harrington

MEETING CALLED TO ORDER AT: 7:08 PM

7:08 P.M. PUBLIC HEARING – ZONING WARRANT ARTICLES – APRIL 1, 2006 TOWN MEETING WARRANT Member Ivimey read portion of advertisement for each article at the start of public hearing for that article. Town Counsel Hucksam in attendance. Member Moore indicated that the public hearing is not for revisions and rewrites all of which should have happened prior to this public hearing.

7:10 P.M. ARTICLE 1A: VILLAGE CORE OVERLAY DISTRICT (NEW #15) Proponent Wayne Sawchuk explained that this is a compromise from the ZAC to allow combination of business and residence uses in a very defined area of the Downtown in the beginning. Does not apply to No. Cohasset or Beechwood business districts. Peter Brown, 38 Atlantic Ave. and EDC stated that the EDC supports and is a proponent of this article. Brown handed out the EDC review dated 02/22/06. Member Westcott was surprised by the boundaries. Tom Callahan, 35 Hillside Dr., noted that the boundary changes were a matter of compromise and some members of the EDC did not want to include the entire downtown. Sawchuk further explained that some business locations, such as Henry's Root Beer would not be in keeping with their area if they had an apartment on second floor of their business. Decision was made to only have the core downtown area included at this time, with the understanding that this could be expanded in the future if the town was happy with it. Member Pratt was a proponent, but now believes this should be revisited in the Fall as sewer is a key issue since there are only 18 sewer connections remaining in the entire downtown district. Andrew Quigley, 38 Jerusalem Rd., agreed that implementing it incrementally makes sense but felt that the proponents are underestimating the number of children who might move into the rental units and underestimating the parking needs. Further, he felt this was not "smart growth" as it does not have an infrastructure and is not near public transportation. Town Counsel felt that the sewer capacity issue is very complicated sets up a situation for more denials and therefore potentially more litigation. P. Brown stated that if this might result in more litigation, the EDC would probably not support it. Ben Watson, owner of Cohasset Hardware, read Section 18.1 and clearly stated that he will not stand for rezoning half the downtown without including his store. Member Moore agreed with Watson's concerns. Member Sturdy thought the goal of the first step should be to just rezone the downtown as its own zone and then move on with subsequent considerations and, that parking is a problem and will have a negative impact on downtown business and the character of the Village area in the future. Member Westcott thinks this article is not ready for Town Meeting. Kevin Mirise, 40 Jerusalem Rd., stated that change will happen regardless and can happen while this entire concept is being studied and that it could be less advantageous change for the Village.

MOTION: by Member Sturdy to withdraw this article from the warrant.

SECOND: Member Westcott

VOTE: 5 - 0 MOTION CARRIES

7:55 P.M. ARTICLE 1B: INCLUSIONARY ZONING (NEW #14) Decision to hold in abeyance to later in meeting. See 10:30 PM.

8:05 P.M. ARTICLE 2: PARKING REGULATIONS (NEW #16) Peter Brown, EDC, noted that the EDC supports this article and believes the Town will benefit without detrimental impact on the character of the Town or Rt. 3A as it would reduce the amount of asphalt and % of impervious surface, improve stormwater management and drainage, and, offer incentive to developers to build larger buildings thereby increasing the revenue to the Town. Member Pratt further commented that this article shows that both environmentalism and smart growth can co-exist. Member Westcott feels there is far too much asphalt in Cohasset even though Planning Board forgives some spaces and thinks these new regulations will result in better design and development as parking will not be the first design concern. Member Moore cautioned that it affects existing property as well and stated that he is against it. Member Sturdy feels this article takes away from the latitude of the Planning Board and would rather see an article that increases the Planning Board's ability to forgive 50% of the parking requirements which gives the Board latitude for reversal in the future. He further noted that the % of impervious will not decrease as, the size of the buildings will increase. Roger Hill, 19A Highland Ave. noted that the 35' would put a strain on existing properties that try to make alterations/improvements to their property. Peter Brown noted that other towns have a rule of 10 cars per 1000 while others have a rule of 5 cars/1000 or less so EDC's recommendation of 5 cars/1000 or 2 cars/100 is supported by the trend in other towns.

MOTION: by Member Pratt to recommend Article 16 as drafted.

SECOND: Member Westcott

VOTE: 3 - 2 MOTION CARRIES

MOTION: by Member Pratt to recommend amended Article 16 with edits as presented by Town Planner (Point E.: strike "Generally"; add "linear"; strike "provided, however, that"; add "except". Point G.: strike "and"; strike "but"; add "except").

SECOND: Member Ivimey

VOTE: 3 - 2 MOTION CARRIES

8:35 P.M. ARTICLE 3: SENIOR OVERLAY SUNSET (NEW #18) Member Pratt noted that the meets and bounds are exactly the Cook Estate. He further noted that it was always the intent for the SMROD 55+ to sunset when 20% of the housing stock was multifamily housing. The 20% was changed to 15% when Town Counsel defined multifamily as those existing in any structure with 3 or more units, not 2 or more units. Also, the bylaw states that any units produced under 40B (which is Avalon) or under this bylaw (Cedarmere and Cook) also count as multifamily. Right now, according to Board of Assessor, total number of housing units is 3,019 with 367 existing as multifamily or, 12.2%. Looking at projects already in pipeline, Cedarmere puts figure at 15.6%. Adding Avalon puts figure at 17.8%. Further adding Cook puts figure at 24.4%. If Assessor's figures are correct, legally, this amendment must be passed to allow Cook to go forward. Any additional projects would put Town at 10% over the legal 15% limit. Member Sturdy questioned why we are so anxious to restrict senior housing which is pure revenue for the Town (no children added to schools). Member Pratt noted that the Board is merely recognizing that there are permitted units in the pipeline that will put us over the legal limit of 15% and the Board has to deal with what it is legally presented with.

MOTION: by Member Pratt to recommend Article #18 as presented at this meeting with Town Planner edits ("severable" in paragraph 2, line 2; and "which property ... on same Map." in paragraph 2, lines 7-8.)

SECOND: Member Ivimey

VOTE: 5 - 0 MOTION CARRIES

9:00 P.M. ARTICLE 4: LARGE HOME REVIEW (NEW #17) Member Pratt explained that the purpose of this article is to restore 2 major points to give the bylaw some teeth by bumping up the Large Home process with some enforcement and providing criteria (a-k) that must be examined during the review process. Tom Callahan, Hillside Drive, noted that this was the original version of the bylaw before the resulting compromised version that was passed at previous Town Meeting. Member Sturdy felt this proposed bylaw gives neighbors the opportunity to stop any plans via lawsuits and basically says that no large homes can be built in Cohasset. Town Counsel confirmed that there is no question that special permit allows appeals by parties of interest. Member Ivimey stated for the record that it should be noted that the current bylaw, to a degree, has worked and that in most cases, developers have been willing to work with the Planning Board and abutters. Tom Callahan asked that this version be allowed to go before the people for a vote as they have never seen this version.

MOTION: by Member Sturdy to NOT RECOMMEND this article but to send it to Town Meeting.

SECOND: Member Ivimey

VOTE: 4 - 1 MOTION CARRIES

9:15 P.M. ARTICLE 5: TRANSIT ORIENTED DEVELOPMENT (NEW #19) Peter Brown noted that the EDC supports and recommends this article because if not integrated with the train construction, it may never be done. The TOD mixes business, residential, retail and open space to encourage walking and use of public transportation. The TOD creates an overlay immediately over the light industrial district on land where the strain station will be. Of 28 acres, only 9 acres can be developed. Use of higher density increases tax revenue to the Town. Primary inclusions will be retail, office and residential, limited to 40% or 3-4 units/acre and will not introduce many children. Provides concentrated development to a pretty unattractive area in Town and provides a more attractive gateway to the Town. Member Sturdy felt this article strips out all town requirements, that the process presented is backwards, that Site Plan Review is totally bypassed and that major revisions are needed and the public hearing is not the time for revisions. Member Pratt agreed and felt that the “by right” language needs to be removed. Attorney Walter Sullivan noted that the last sentence of the preamble notes that all standards of the light industry district shall apply. Member Moore asked Town Council if the Planning Board remains within the scope of the advertisement if this article is revised. Town Council commented that changes that make it less restrictive would fall within the scope of the ad. Several motions were made and voted on

MOTION: by Member Ivimey to amend 17.3.1 by deleting in sentence 1 “whether an allowed by right us or a Special Permit use”

SECOND: Member Pratt

VOTE: 5 - 0 MOTION CARRIES

Member Sturdy still does not support the language as he still feels it conveys a second SPR filing.

MOTION: by Member Ivimey to amend 17.3.1 to add after “shall file an application” in line 2 the phrase “for Site Plan Approval pursuant to Section 12.6”

SECOND: Member Pratt

Town Counsel Hucksam thought this was filing an application under the TOD not under site plan which are two separate things. Town Planner also pointed out that there is a site plan application form with very clear procedures for filing and that there either have to be two filings or a new process must be created whereby both are filed simultaneously. Member Sturdy disagreed – he feels this should not go to Building Inspector first to determine if all requirements have been met for a TOD and then to the Planning Board for a site plan. Town Counsel clarified that nothing in his comments indicated the applicant would not have to get site plan approval. Tom Callahan clarified that everything would need site plan approval as per 17.3.1. Then as per 17.3.2, Bob Egan gets a copy of that and determines if there is need for a special permit. Member Sturdy disagreed.

MOTION: by Member Ivimey again to suggest to amend 17.3.1 to add after “shall file an application” in line 2 the phrase “for Site Plan Approval pursuant to Section 12.6” and, strike the remainder of the paragraph so it reads: “An applicant for development and use within the TOD overlay District shall file an application for site plan approval pursuant to section 12.6.”

SECOND: Member Pratt

VOTE: 5 – 0 MOTION CARRIES

MOTION: by Member Sturdy to amend 17.3.1 to read “The application and plan filed under this Section 17.3 for the Planning Board to grant a Special Permit and/or Site Plan for a proposed development and shall ...”

SECOND: Member Pratt

Several more motions were made, not seconded and not voted on as discussion, disagreement and confusion continued. Member Moore ended all discussion at this point.

MOTION: by Member Pratt to continue the public hearing on Article 19 to 6:30 PM at the March 1, 2006 Planning Board Meeting. This will be given 30 minutes at 6:30 on March 1, with a vote at 7:00 PM.

SECOND: Member Ivimey

VOTE: 5 – 0 MOTION CARRIES

Town Planner Harrington will be the gatekeeper for all new language, changes etc.

10:30 P.M. ARTICLE 1B: INCLUSIONARY ZONING (NEW #14)

MOTION: by Member Ivimey to delete “whether allowed by right or by special permit” in line 3; keep “eligible for qualification” and strike “approved” in line 5; and, keep “eligible for” and strike “included” in line 7.

SECOND: Member Pratt

VOTE: 5 – 0 MOTION CARRIES

MOTION: by Member Pratt to recommend Article 14 with above mentioned edits.

SECOND: Member Ivimey

VOTE: 3 - 2 MOTION CARRIES

10:40 P.M. ARTICLE 6: HOUSEKEEPING AMENDMENTS (NEW #20) Member Moore asked Town Counsel if other articles don’t pass and Planning Board had recommended this one, would it then have to be withdrawn? Town Counsel answered no and he thought the recommended points of reconciliation should happen.

MOTION: by Member Pratt to recommend Article #20 as presented at this meeting.

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

10:50 P.M. ESTABLISH FINAL ORDER OF ARTICLES, IDENTIFY REQUIRED EDITS AND APPROVE INFORMATIONAL SUMMARIES Summaries as presented are fine with everyone. Order to remain as above (and as in agenda) with removal of Village Core Overlay.

MOTION: by Member Ivimey to adjourn.

SECOND: Member Sturdy

VOTE: 5 – 0 MOTION CARRIES

MEETING ADJOURNED AT: 11:00 P.M.

NEXT MEETING: WEDNESDAY, MARCH 1, 2006, AT 6:30 P.M.

MINUTES APPROVED: _____

DATE: _____