

**COHASSET PLANNING BOARD MINUTES**

**DATE:** WEDNESDAY, FEBRUARY 28, 2007  
**TIME:** 7:00 PM  
**PLACE:** COHASSET TOWN HALL – BASEMENT MEETING ROOM  
41 HIGHLAND AVENUE, COHASSET, MA 02025

**Board Members Present:** Alfred Moore, Chairman  
Stuart Ivimey, Clerk  
Robert Sturdy

**Board Members Absent:** Peter J. Pratt, Vice Chairman  
Mike Westcott

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

---

**MEETING CALLED TO ORDER AT: 7:00 P.M.**

Member Moore began meeting with statement that the Planning Board holds the Pratt family in their thoughts and prayers during the difficult time they are experiencing.

**7:00 P.M. SPECIAL INTEREST TOPIC** – none. Remaining agenda items taken out of order.

**7:01 P.M. ADMINISTRATION**

- **VOTE TO APPROVE FEBRUARY 7 & 13, 2007 MINUTES**  
**MOTION:** by Member Ivimey to accept the February 7 and February 13, 2007 minutes  
**SECOND:** Member Sturdy  
**VOTE:** 3 - 0 MOTION CARRIES
- **REPRESENTATIVE TO ATTEND BOS MARCH 5, 2007 MEETING** – Members Ivimey, Westcott, Sturdy, Moore not available to attend this meeting. If Member Moore’s commitment changes, he will try to attend.
- **RFP DRAFT** – Administrator to send email to Member Westcott to tell him to proceed with distributing RFP.

**7:10 P.M. DISCUSSION ABOUT MEMBER STURDY’S PROPOSED AMENDMENTS:**

**RE: HEIGHT AND LEGAL FEES** - Target ATM ‘08

- **HEIGHT REGULATIONS:** Member Sturdy is concerned that buildings are getting taller than had been intended and that much of the new design allows that. He believes this impacts public safety and the type of equipment needed to respond to emergencies in taller residences and, impacts neighbors views. He suggests limiting residential height by revising definition of height and method for measuring height. Planning Board Administrator to refer to ZBA for their input relative to this concept of height.
- **LEGAL FEES:** Amend Planning Board Rules & Regs. to include mechanism to recover litigation fees for appeals. Member Ivimey spoke with Town Manager several who was going to consult with Town Counsel as to whether this could be done. Member Ivimey to follow up with Town Manager.
- **UPDATE PLANNING BOARD FEES:** Planning Board Administrator to ask Mike Buckley if fees are covering expenses. Board Administrator thought last increase covered staff time but that legal fees are not really collected and billed against.

**7:30 P.M. FORM A APPLICATIONS**

- **OTIS AVENUE NEAR GARDINER AVE. CURVE ONTO OTIS, APPL: LISA & ERIC KUPPERSTEIN, OWNER: VILLA LISA II & III REALTY TRUST, dated stamped: 02/20/07 (21 day deadline = 03/12/07)** Applicant acknowledged that former ANR application was constructively approved and thinks this current plan which moves driveway to paved portion of Otis Ave. would be more agreeable to everyone. Member Ivimey pointed out that there is not adequate frontage on Otis Ave. and that while the applicant has constructive approval, he does not have the endorsement of the Planning Board.  
**MOTION:** by Member Ivimey to deny this Form A – ANR application because, in the opinion of the Board, the proposed subdivision is not entitled to ANR endorsement under the Subdivision Control Law in

**that: Lot 5, in the opinion of the Planning Board, does not meet the frontage requirements of the Town of Cohasset bylaws; and, specifically, that Otis Avenue and Otis Avenue extension and Parker Avenue are inadequate to support frontage for an Approval Not Required; and, specifically, that there is nothing that compels the Planning Board to adopt a position that due to constructive approval of a prior application that the constructively approved lot has frontage; and, in the opinion of the Planning Board, Otis Avenue does not have a sufficient width, suitable grades and adequate construction to provide frontage and to safely provide for the needs of vehicular traffic in relation to the proposed use of land; and, the applicant's credibility is lacking in any of the statements he made because he has been uncooperative with this planning board which also believes the applicant has not answered its questions fully and which believes that the presented application is misleading.**

*(For the record, Mr. Kupperstein objected to the last few points in the motion)*

**SECOND: Member Sturdy**

**VOTE: 3 - 0 MOTION CARRIES**

• **76 & 78 LAMBERT'S LANE (LOTS 4,5), APPL/OWNER: BOSWORTH HOMES, LLC, date stamped: 02/21/07 (21 day deadline = 03/13/07 . Applicant owns all land.**

**MOTION: by Member Ivimey to endorse the ANR mylars as presented.**

**SECOND: Member Sturdy**

**VOTE: 3 - 0 MOTION CARRIES**

**8:00 P.M. MANOR WAY - 215 SO. MAIN STREET, DEFINITIVE SUBDIVISION, PLANNING BOARD DISCUSSION, APP/OWN: KING TAYLOR COHASSET LLC**

David Calhoun, King Taylor LLC and Attorney Walter Sullivan in attendance. Board felt that nothing new was presented to the Planning Board during this court ordered hearing and that the Planning Board spent hours and hours if not days fighting over, deliberating over, thinking upon and taking evidence regarding the status impact, current conditions etc. of this thing called Castle Road and, that it has always been this body's opinion that there will not be any impact on Castle Road as a result of the Manor Way subdivision as the Board insured that there would not be any impact in the future by the limitations that were put on Castle Road going into the future (in fact, the current impact might be reduced as a result of these limitations). In the original hearing process, the board spent minimal time discussing the lots in the subdivision, 20% of the remaining time on an oil spill that was not even on the property and almost 80% of the time focusing on the cart path. Mindful of this, the board took provisions that the Nader subdivision road did not come up to the cart path – in fact the board required that road as shown on the original plans be deleted from the drawings prior to gaining approval. With respect to the parcel that is now a part of the subdivision called the cart path and also a part of lot 7 (?), the board ensured it would remain as it is and that other than what is currently permitted, no further uses be granted for this and that it remain in the condition such that it would be extremely unlikely, other than in and emergency, that the cart path would be utilized by residents of Manor Way Circle. The Board therefore feels it unnecessary to modify or amend the original decision because the original decision was as airtight it could be regarding Castle Road. Discussion about what the judge was asking in the remand order and, about the Rattner case took place. Abutter C. Deligiannidis, 211 So. Main St. thinks the judge is asking whether the Castle Road is safe for the purpose it will serve. Member Ivimey added that the Planning Board had a duty to evaluate the condition of roads outside the proposed Manor Way subdivision when they were reviewing the adequacy of access in an approved subdivision which the Board did and determined that the cart path is inadequate access to/from Manor Way and that the Board does not have to impose conditions or grant any waivers because a subdivision only needs one way in and one way out – it doesn't need two. Member Sturdy noted that Castle Road is not only inadequate in its current condition to serve the subdivision, but was deemed incapable of being made adequate because of its length (which exceeds the max. allowed for subdivision roads), grades and curves and that another thing that can be thrown into all this is that subsequent to all this going on is that the MBTA has constructed a single lane crossing of the RR tracks which also does not meet subdivision standards. Abutter Deligiannidis added that the easiest way for this appeal to go away is for King Taylor to give up rights to Castle Road so that no one uses it except for the Deligiannidis family. Dave Calhoun, King Taylor, thought the concern of the judge was how the Board addressed the increase in traffic going by the Deliginnidis home and that it has to be reiterated to the judge that it was dealt with by design, by construction, by building Manor Way road and by restrictions and constraint on the cart path (that it could not be improved). Planning Board Administrator asked to summarize key points of this meeting and forward to Board members – Member Ivimey to write response to remand order.

Discussion about who should have input into the reply to the remand, who should be included, who should receive the summary. Final decision – summary is to be sent only to the Planning Board. Member Sturdy thought it should also be noted that no one can get any rights to the cart path, it cannot be sold etc. and that they cannot do anything with it other than maintain it in the least passable condition so that the Deligiannidis can get to So. Main St. Also, the Homeowners Assoc. requires that the rights that are there must be protected. The Homeowners can be amended later if the Manor Way residents are using the road and infringing upon Deligiannidis’ rights – the Homeowner’s Assoc. can be required to do something about. Planning Board made sure that no rights were be taken out of Castle Road and that no new rights could be put in it. Member Ivimey to draft remand response.

**MOTION: by Member Ivimey to adjourn**

**SECOND: Member Sturdy**

**VOTE: 3 - 0 MOTION CARRIES**

**MEETING ADJOURNED AT: 8:50 P.M.**

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

**MINUTES APPROVED: STUART IVIMEY, CLERK**

**DATE: MARCH 21, 2007**