

COHASSET PLANNING BOARD MINUTES

DATE: MONDAY, MARCH 10, 2008
TIME: 6:45 PM
PLACE: COHASSET TOWN HALL – BASEMENT MEETING ROOM
41 HIGHLAND AVENUE, COHASSET, MA 02025

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

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

MEETING CALLED TO ORDER AT: 6:55 P.M.

6:55 P.M. CONT' D PUBLIC HEARING, ATM WARRANT ARTICLE 20: INCLUSIONARY ZONING

Tom Callahan, HPC, withdrew the article and will resubmit for Fall STM

MOTION: by Member Westcott to accept the withdrawal of this article until Fall STM

SECOND: Member Ivimey

VOTE: 3 – 0 MOTION CARRIES (Members Good and Sturdy had not yet arrived at meeting)

7:00 P.M. TEMPLAR HOUSE – INFORMAL DISCUSSION Attorney Richard Henderson, Owner John Esserian and Development Consultant Joe Marino in attendance to represent this property discussion. Structure was constructed in 1880 and is an old, outdated building in need of renovation. Mr. Esserian has owned for 39 yrs. Currently grandfathered use as 13 rental apartment units. 16-18 parking spaces on site. Ever increasing costs of utilities etc., and intensive upkeep and care of this building means it can no longer be economically run. Owner is in process of determining whether to: renovate and convert from rental to condo ownership; demolish and rebuild as town houses; or, demolish and rebuild with same use. Owner is aware that Conservation Comm. must be involved as the site is on Strait's Pond and is aware of abutter's views, sightlines. Is also sensitive to transition of current tenants. Member Moore noted that it is not really a question of what the owner is entitled to as the grandfather pre-existing non-conforming use allows apartments and still has the option to build a single family home if he would prefer. However, Moore noted that contribution (to some degree) to affordability of housing is always a good thing for the town. Clark Brewer, Housing Partnership Committee, noted that the HP would like to explore options with the owner and developer. Member Westcott would like to see public and private conversation about how to keep the site somewhat affordable while meeting the owner's needs. Member Sturdy also noted that if not stated in the deed, units might be affordable but still not counted by the State.

7:25 P.M. STORMWATER BYLAW – STORMWATER COMMITTEE Marty Nee, Chairman of Cohasset Stormwater Committee in attendance to represent the bylaw. Nee explained that the Town has to come into compliance with the Federal Clean Water Act. SWC also felt they needed to develop regulations that exceed the Clean Water Act to regulate development going forward. Nee stated that BOS is looking at millions of dollars over next few years to remediate drainage and the SWC feels something has to be done to stop it from happening again in the future. Nee explained the details of the bylaw including the fact that: this bylaw can be handled with the existing bureaucracy; would be regulated by ConComm; would be paid for by applicant via fees; does not increase taxes; does have some flexibility for the homeowner who just wants to add a small project like a garage or small addition to their home. Member Sturdy does not like to have applicants ping pong between multiple boards for reviews. Sturdy also stated that this is a duplication of efforts as the Planning Board deals with drainage for subdivisions and site plans and that developers can handle the burden of addition engineering costs but that it is a burden on the individual homeowners. Member Moore agreed stating that the individual homeowner who just wants to add a familyroom addition is hurt by this much regulation and cost of having to go before multiple boards. Members Ivimey and Westcott felt strongly that the pollution from and quantity of runoff into the harbor should be

addressed – that the environment should be considered. Westcott suggested that design guidelines and options should be established so homeowners know what they can do to recharge water without having to hire an engineer. Nee indicated that the SWC knows they must embark on public education. Attorney Humphreys commented that he would not like to see a person denied buildability on their lot because they cannot handle the discharge as many lots cannot recharge because of ledge, topography etc. He noted that the water will go where it is going to go – it is the rate of flow that can be controlled and that design guidelines for mitigation rather than permitting should be considered. Humphreys further noted that Stormwater Management Guidelines are serious engineering that he cannot see being done for \$3,000-\$5,000 – it would be costly for the individual homeowner.

MOTION: by Member Ivimey to enthusiastically support this bylaw

SECOND: Member Westcott

VOTE: 2 - 3 MOTION FAILS

8:05 P.M. 449 JERUSALEM RD., LARGE HOME REVIEW - CONT'D PUBLIC HEARING, APP:

TIM PAPPAS, filed on 01/24/08 In attendance to represent application: Appl. Tim Pappas; Architect- Greg Saldana, Project Manager; Steve Comstock, Landscape Architect; Dave Crispin, Civil Eng.; Tom Calves, Project Manager. Existing 6,477 SF residence to be demolished and new 6,086 SF structure to be built. Proposed home will be LEEDS certified. Existing home is pre-existing, non-conforming in that it is only 19'8" from the side lot line rather than the required 20'. Original plans were to construct the new home on the existing footprint which would continue, although not increase, the non-conformity. Planning Board noted that, whenever possible, the preferred approach is always to eliminate non-conformities. As the applicant plans to rebuild the foundation anyway, the Planning Board strongly suggested that the foundation be built 4" further from the side lot line to eliminate the non-conformity. Plans were redesigned and, by way of a one-to-one 95 SF land swap with abutter Mrs. Barbara Chase, the proposed house will be 20' from the sideline and non-conformity will be eliminated. A Form-A application to accommodate this land swap will be filed with the Planning Board. A March 10, 2008 letter from Mrs. Chase's attorney confirms that an agreement has been reached regarding this land swap. Property is on town sewer. Water service comes in via the existing driveway – the existing supply will be used. Electric and telephone are underground. Average finished grade is 37.98'. Height is 2.95' less than the 35' allowable limit. Height is below the tallest ridge height of the existing structure. Highest part faces the ocean and appears as a two story structure from Jerusalem Road. Building coverage is 12% excluding the sloped land below the wall on the north side. The only impervious area is the building itself. Walks, patios etc. are all pervious, open jointed block. ±30 probes were dug on the property which showed that ledge on the property is quite shallow. Rain gardens will be installed on the property. Existing driveway slopes towards the Chase lot and will be regraded to pitch the driveway away from the Chase property, towards rain gardens to capture drainage. Roof downspouts will drain into the existing 4,000 gallon tight septic holding tank that will not be needed after sewer hook-up. This will provide about one month's worth of clean roof water for irrigation. Will also have an 8" overflow onto the coastal bank which will be addressed with ConComm. Meets all Best Management Practice Standards.

MOTION: by Member Ivimey to close this public hearing and to recommend that the Building Inspector issue building permits for this project with the understanding that a second permanent survey monument will be placed on the site and, add to the As-Built Plans to be submitted to the Building Dept. and the Planning Board Office.

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

8:25 P.M. 23 AND 31 POND STREET - FORM A APPLICATION – APPL./OWNER: SCHOONER REALTY TRUST, filed on March 10, 2008

Building Inspector Bob Egan in attendance to explain. Contractor built corner of new structure at 31 Pond Street too close to lot line. This form A represents small triangle of land swapped between 23 and 31 Pond to change lot line so structure meets setbacks. Proposed purchase and sale agreement signed by both parties was also submitted as evidence that both parties agree to land swap. No new lots created, no change in lot size to either 23 or 31 – merely a 1:1 swap of small parcel of land.

MOTION: by Member Ivimey to endorse this Form A application

SECOND: Member Good

VOTE: 5 – 0 MOTION CARRIES

8:30 P.M. HARBOR STUDY DISCUSSION - Attorney Humphreys representing Mr. Peter Roy indicated that Mr. Roy is agreeable to funding up to \$25,000 towards this study and indicated that Mr. Roy does not want any

involvement whatsoever in this study, he merely would like a study to happen. He understands that the Town and Planning Board have full control of this study. Member Westcott will go before the Community Preservation Committee tomorrow to ask for \$15,000 for the balance of this \$40,000 study. Westcott and Humphreys will attend the BOS meeting on March 17, 2008 to present this information. Board would like Town Manager to decide whether to withdraw this article from the warrant or wait to withdraw on the floor of town meeting.

8:00 P.M. ADMINISTRATION

• VOTE TO APPROVE 03/03/08 MINUTES

MOTION: by Member Ivimey to approve the March 3, 2008 minutes

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

• MARCH 26, 2008 MEETING - plan on holding – Member Sturdy’s last meeting

MOTION: by Member Sturdy to adjourn at 8:50 PM

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

NEXT MEETING: WEDNESDAY, MARCH 26, 2008 AT 7:00 PM REGULAR MEETING

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: MARCH 26, 2008