

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, APRIL 25, 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
Mike Westcott

Board Members Absent: Peter J. Pratt, Vice Chairman

Recording Secretary Present: Jo-Ann M. Pilczak

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

7:00 P.M. 230 SOHIER STREET (FORMER COOK ESTATE) RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT APPLICATION CONTINUED PUBLIC HEARING, APPL: ABBOTT DEVELOPMENT, date stamped: March 7, 2007. (65 day deadline to open public hearing = May 10, 2007) Applicant Robert Durant and Attorney Richard Henderson in attendance.

MOTION: by Member Sturdy to continue public hearing to May 2, 2007 at 7:30 PM for procedural reasons.

SECOND: Member Ivimey

VOTE: 3 – 0 MOTION CARRIES (Member Westcott late, not present for this vote)

7:01 P.M. 215 SO. MAIN STREET, DAVID CALHOUN – HOMEOWNERS’ ASSOCIATION

Applicant David Calhoun and Attorney Walter Sullivan in attendance. Homeowners’ Assoc. has been rewritten to allow use of Castle Road only by emergency vehicles and one subdivision lot – which is consistent with the historical use of the cart path. This restricted use to continue indefinitely with any change requiring Planning Board for approval. Member Sturdy noted: that with Jerusalem Rd. Estates, the Planning Board required emergency access with a lock on gate; that he did not want to cast doubt on the adequacy of Manor Way; and, that he did not want the burden of maintenance on the Homeowners’ Assoc. for a road that can only be used by one subdivision lot – he suggests eliminating the word “emergency” and to change “adequacy of access” to “availability of access.” Member Ivimey thinks language is fine as draft by Attorney Sullivan

MOTION: by Member Ivimey to approve the Manor Way Circle Homeowners’ Association as amended on 04/20/07 and filed with the Planning Board

SECOND: Member Sturdy

VOTE: 4 – 0 MOTION CARRIES

7:20 P.M. ZBA RECOMMENDATIONS

• **40 SO. MAIN ST. (COHASSET HARDWARE), APPL.;** **40 SO. MAIN ST. NOMINEE TRUST, INC., SPECIAL PERMIT APPL., date stamped: 04/23/07.** Planning Board felt that two different issues exist with this application. One issue is apartments and the other issue is Site Plan Review. The Board feels that the ZBA should address the issue of apartments while the Planning Board should conduct the Site Plan Review. The Planning Board assumes that this application was filed under the recent bylaw amendment which was passed at Town Meeting. It was noted however, that while Town Meeting passed the article allowing apartments by Special Permit, the article is not yet in effect as it has not yet been approved by the Attorney General (and, may not be approved for several more months). Therefore, while filing an application in advance of the Attorney General’s approval of the bylaw amendment at least places the application in cue for hearings etc., any action on this application until the bylaw amendment is approved by the Attorney General would be premature.

MOTION: by Member Sturdy to give an opinion to the ZBA that despite the fact that this application has been filed in advance of the Attorney General's approval of the bylaw amendment, if the Attorney General does approve the bylaw amendment, the Planning Board has no objection to the addition of apartments. However, the Planning Board would like to reserve the right, should this special permit be granted, to conduct the necessary Site Plan Review.

SECOND: Member Ivimey

VOTE: 4 - 0 MOTION CARRIES

• **20-22 LAMBERT'S LANE, APPL: ANGELINE & KIMBERLY LUKER, SPECIAL PERMIT**

APPLICATION, date stamped: 04/23/07. Existing home is pre-existing, non-conforming. The owners would like to put a new house in a different location on the lot which would make the new house non-conforming on both sides, thereby increasing the non-conformity. It was noted that increasing a non-conformity by changing the footprint of a structure requires a variance, while increasing the non-conformity by increasing the height of a structure requires a special permit. According to the application, the side setback is going from 15' to 10' and 15' to 5.6'. The Planning Board felt the proposed house could be reoriented so as not to increase the non-conformity.

MOTION: by Member Sturdy to not recommend approval of this special permit application as the proposed plans increase the non-conformity in terms of both height and linear footage, and setback distance in a dimension that the original house did not.

SECOND: Member Westcott

VOTE: 4 - 0 MOTION CARRIES

7:45 P.M. CLF – BEECHWOOD PARCEL – INFORMAL DISCUSSION

Not addressed at this meeting, materials not ready.

7:46 P.M. HIGHLAND ESTATES – Capt. Trask noted that the width of Heritage Lane still seems inadequate for emergency vehicles to enter. He did note that most of the time, PFD takes left hand turns into subdivisions but on this right hand turn, it seems tight. He asked that John Modzelewski measure and confirm that entrance was build to the approved standards. If so, PFD may have to live with it but might have to consider changing bylaw. Also, letter received from (abutters) Haddad stating that they will not give Nader permission to remove 2 yard poles on their property. Planning Board administrator to: contact Modzelewski and ask him to inspect road; send letter to abutters correcting their misperception and tell them that Nader was not asked to remove poles, but was asked to not use poles to supply utilities to the subdivision; and, contact Modzelewski asking for his absolute opinion on whether it was feasible to require underground utilities at the inception of this project and, now that Nader did not put the utilities underground as was required, is it feasible to do so now.

8:00 P.M. SPRINKLERS IN DOWNTOWN VILLAGE AREA Capt. Trask conveyed his conversation with the State Fire Marshall's office re: requiring sprinklers in the entire Downtown Village Business District. Town Meeting is not the correct path. Suggested paths are: via conditions in a special permit; via the BBRS – although this route is almost impossible; and, via State Legislature, signed by the governor and being adopted only by Town's that care to. Trask can provide required standards for residential sprinklers. Planning Board felt the most viable route is to require sprinklers when special permits are granted. Since ZBA is responsible for granting special permits, Board would like ZBA to consider this. Planning Board administrator to send memo to ZBA.

8:20 P.M. ADMINISTRATION

• **VOTE TO ACCEPT APRIL 18, 2007 MINUTES**

MOTION: by Member Sturdy to accept the April 18, 2007 meeting minutes

SECOND: Member Westcott

VOTE: 4 - 0 MOTION CARRIES

MOTION: by Member Ivimey to accept the April 18, 2007 Executive Session minutes

SECOND: Member Sturdy

VOTE: 4 - 0 MOTION CARRIES

• **VANDERWEIL DARK SKY & NOISE BYLAW SUGGESTIONS** – Administrator to forward to John Modzelewski and request that he review Vanderweil's suggested bylaws and give an opinion as to how much we already comply with dark skies and noise in our existing bylaws and regulations and, if necessary, to suggest what changes we might need to make to perhaps better comply.

- **SITE PLAN REVIEW AFTER ZBA GRANTS SPECIAL PERMIT** – Member Moore brought up the subject of the triangle of property (at intersection of Rt. 3A and lower King St.) owned by Mr. Rosano which was issued building permit by building inspector after ZBA granted special permit for a mixed use building. Currently, a special permit in a residential district does not require a Site Plan Review for a building that will also house a business. Moore feels that any business activity in a residential district should trigger a SPR, (particularly a site such as this that is located at a particularly busy intersection on Rt. 3A that is currently the topic of the need for a traffic light.) Planning Board Administrator to ask for Town Counsel opinion as to whether a SPR can retroactively be required for this location and, if so, what is the process for doing so.
- **SITE PLAN REVIEW AS A SPECIAL PERMIT** – Planning Board Administrator to ask for Town Counsel opinion as to the whether Site Plan Reviews can be made into Special Permits and if so, advise as to the procedure for implementing this as this is the direction the Planning Board would like to move towards.
- **AEC PROPOSED WIND TURBINE BYLAW DRAFT** – Board would like more time to review. Administrator to move to May 23, 2007 agenda.
- **JUNE MEETING DATES** – June 6 and June 20, 2007
- **RFP RESPONSE** – Board discussed process, number of applicants, potential ideas for proceeding after consultant is selected.

MOTION: by Member Ivimey to adjourn

SECOND: Member Sturdy

VOTE: 4 - 0 MOTION CARRIES

MEETING ADJOURNED AT: 8:55 P.M.

NEXT MEETING: WEDNESDAY, MAY 2, 2007 AT 6:30 P.M.

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: MAY 2, 2007