

**COHASSET PLANNING BOARD MINUTES**

**DATE:** WEDNESDAY, April 26, 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  
Peter J. Pratt, Vice Chairman  
Stuart Ivimey, Clerk  
Mike Westcott

**Board Members Absent:** Robert Sturdy

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

**Town Planner Present:** Elizabeth B. Harrington

**MEETING CALLED TO ORDER AT: 7:04 PM**

**7:04 P.M. 42 RIVER ROAD FORM – A APPLICATION, APP: ERIC & JANNA ODDLEIFSON, date stamped: 04/11/06 (21 day deadline = 05/01/06)** Simply moving lot line to increase size of one lot to bring that lot closer to the number of square feet the Bank appraisal of selling price was based on. Both parties submitted attestation via email to Planning Board office acknowledging knowledge of the change.

**MOTION:** by Member Westcott to approve this Form A as presented

**SECOND:** Member Pratt

**VOTE:** 4 – 0 MOTION CARRIES

**7:07 P.M. DISCUSSION – RED LION INN** Mr. Ordelheide and Neil Murphy in attendance. Building Inspector Egan explained that the issue is getting from the street, over the curb and up onto the sidewalk – the building itself is totally accessible. Ordelheide is in total agreement that the work needs to be done and is willing to pay for the area in front of the Red Lion Inn. MBTA Liaison Mark Brennan explained that time is of the essence as the road work for the Village is currently underway. Brennan and Neil Murphy will work together on a design plan as contractor that is currently working on the Village area is willing to do the work. Work on this to begin ASAP.

**7:20 P.M. ADMINISTRATION**

• **DISCUSSION ABOUT PERMANENT SURVEY MONUMENT PLACEMENT** All agreed that all new work should have permanent survey monuments included. The Board felt it was better to set the rule and judge exceptions as they present themselves. All agreed that the Sheldon case on 32 Deep Run did not fall into the category of having the permanent survey monument requirement waived as the survey monument in the middle of Deep Run is 260' from the Sheldon's lot line and should not be considered "nearby" their property.

**MOTION:** by Member Ivimey to require permanent survey monuments and, as unusual cases are presented, make an exception if necessary

**SECOND:** Member Westcott

**VOTE:** 4 – 0 MOTION CARRIES

• **VOTE TO APPROVE APRIL 12, 2006 MINUTES**

**MOTION:** by Member Ivimey to approve the April 12, 2006 minutes

**SECOND:** Member Pratt

**VOTE:** 4 – 0 MOTION CARRIES

• **DISCUSS/VOTE TO APPROVE EXTENSION REQUEST FORM**

**MOTION:** by Member Ivimey to approve the "Extension Request Form"

**SECOND:** Member Westcott

**VOTE:** 4 – 0 MOTION CARRIES

**7:30 P.M. 211 SOUTH MAIN STREET, ESTATES AT CASTLE HILL, DEFINITIVE SUBDIVISION APPLICATION PUBLIC HEARING, APPLICANT: FILI DELIGIANNIDIS, date stamped: 03/29/06.**

**(135 day decision deadline: 08/09/06)** Christos and Fili Deligiannidis, Attorney Bruce Issadore, Engineers Neal Murphy and Sean McCarthy, in attendance to represent this application. Member Ivimey read advertisement. Parcel is 10.7 acres on the west side of South Main and, north of Highland Estates. Involves construction of a roadway. 4 lots are proposed – Lot 2 is site of the existing Deligiannidis residence. Catch basins at the edge of the property line to detention basins will be installed. Underground utilities to a new hydrant. Sidewalk from Highland Lane to be extended. Member Moore thought this extension of an existing approved subdivision – Highland Estates is coming at a fortuitous time as Highland Estates construction is just beginning so this new project would not be happening through an existing, established subdivision. John Modzelewski commented on the length of the dead end road (Sect. 5.E.6) road to which Sean McCarthy explained that stationing is done around a cul-de-sac, 20' off the outside line of the cul-de-sac so the length is measured around the cul-de-sac as you would travel around it as opposed to the end of the roadway as if you had gone straight through it, so the roadway station and the cul-de-sac station cannot be looked at as the same. Neil Murphy noted that it should be addressed. Modzelewski also expressed concern as to whether an easement should be obtained from an abutter to the east because of the drainage that is heading towards the railway. Sean McCarthy explained that they are only capturing water in the roadway and directing it to where it already goes. Member Pratt voiced concern that the Board told Anthony Nader, Highland Estates applicant, several times that the Highland Lane roadway could not be extended. Member Moore views this as a modification of Highland Estates and that as long as what is proposed does not negatively impact what has already been approved, it should be considered. Neil Murphy added that this proposal addresses how to cross the railroad – Highland Estates could service these properties so they don't have a safety issue of crossing the railroad. Member Pratt still concerned that this is setting a precedent. John Modzelewski cited Sect. 5.B.1 for access to adjoining property that is not developed. Member Westcott asked if an easement has been worked out between King Taylor and the applicant regarding Castle Road. Attorney Issadore noted that the Deligiannidis have a letter from Attorney Walter Sullivan stating that they have a right/easement to use the road and that Sullivan thought 3 more lots was not an overburden and was within the easement rights. Member Westcott queried as to whether Castle Road would cease to exist because, according to this plan, there was no longer a need for it to exist. Dave Calhoun stated that Castle Road will not be shut down. Dave Calhoun, King Taylor Cohasset, will look at the application and plans and let Board know if he has issues with it. Modzelewski stated that Anthony Nader will have to come before the Board again with a request to modify his approved subdivision. Member Pratt felt this application has some fundamental deficiencies without documents from abutting owners stating their agreement and Pratt would like to motion that this is an invalid petition for a subdivision. Attorney Issadore noted that documents will be forthcoming from A. Nader stating his approval and, Issadore does not think Nader will have to come before the Board for a modification. Nader's attorney, Paul Ayoub, stated that Nader is in full support of this new subdivision and is in the process of negotiating easements with the Deligiannidis. Member Moore suggested a vote to reschedule this public hearing until the applicant can provide documents to make the application complete. Member Westcott wants to see a design resolution where Castle Road and Highland Lane will intersect in a fashion better than now proposed. Member Ivimey believes the Highland Estates subdivision needs to be reopened to amend the existing Highland Estates Subdivision as this road is a significant length and to also give abutters the chance to state whether they will be damaged by this. Member Pratt wants Town Counsel opinion regarding if this proposed subdivision triggers (as John Modzelewski suggests it does) Chapter 41, Section 81W and, if it does, what are the rights and responsibilities under State Law, of the Planning Board to act and, how is the Planning Board to proceed. John Modzelewski added the question as to whether or not the other person(s) owning a portion of the fee or way has to have their signatures on the application. Reopening of Highland Estates will require advertising, posting etc. Applicant will grant extension to the August 9 deadline equal to the number of days from tonight's meeting to the next June 14 meeting. No other comments from public.

**MOTION: by Member Ivimey to continue this hearing to June 14, 2006 with the applicant granting an extension to the August 9, 2006 decision deadline date equal to the number of days from tonight's meeting to June 14, 2006.**

**SECOND: Member Westcott**

**VOTE: 4 – 0 MOTION CARRIES**

**8:25 P.M. JERUSALEM ROAD ESTATES, PRELIMINARY SUBDIVISION FILING PUBLIC DISCUSSION, NAME OF SUBVIDER: JERUSALEM ROAD LP, date stamped: 03/29/06. (45 day**

**decision deadline: 05/12/06)** Attorney Robert C. Buckley, Rick Latini – Engineer from Daylor Consulting in attendance to represent application. Parcel is 45.3 acres between Jerusalem Road and Black Rock Road with 2 access roads – Road A crosses wetlands. Sewer will either be low pressure sewer or on-site disposal. Member Ivimey strongly suggests onsite rather than Hull sewer route. Member Ivimey also not in favor of two access roads ending in cul-de-sacs and wonders if that can be changed.

Public comment: Alex Adkins, 33 Black Rock Road, inquired as to whether Jerusalem Road LP owns any other paper roads properties adjacent to this? They do own a few parcels on the corners, but not the entire piece.

Building Inspector Egan explained that most have been absorbed into other parcels. Joe McElroy, 59 Windy Hill Road, made several points/comments: there has been money already spent by approx. 3 engineering companies that have drilled the property before and that information should be available; the current figure of 6 units on 45 acres is more acceptable than the last proposal; he opposes sewer hook-up; he is concerned, as he was in '85, about further diminishing the watershed; likes the idea of 2 cul-de-sacs; suggests adding plantings to absorb drainage before it hits Rattle Snake Run. McElroy also asked at what stage does this become sufficiently designed such that the previous plan is moot? It was explained that this plan supercedes the previous plan and that the Board will want the previous plan withdrawn if they reach a point of approving the current plan. Linda Indek, 17 Adams Road, expressed concern about the drainage stating that the drainage is bad already and needs to be dealt with and changes in the land will only change the direction and flow of the water. She also noted that the road is a bobsled run in the winter due to the drainage problems. Intek also asked if Black Rock Road would become part of the plan and therefore approved if the current subdivision plan is approved with access to Black Rock Road. Member Moore noted that the Board would probably condition that Black Rock Road would have to be brought up to subdivision standards. Town Planner Harrington suggested that this opened the question as to what right the applicant has to do things to that road. Member Moore noted that Black Rock Road may not be able to be used as access/frontage depending on whether it is an accepted road or not. Jack Keniley, 46 Black Rock Road, asked how the lots were going to be sewered – via Hull or Black Rock. Member Moore noted the Sewer Commission correspondence that they are not going to be allowed to run pipes to Hull and may therefore have to consider on-site. The applicant noted that it will be looked at and dealt with at the definitive subdivision. Member Pratt noted for the record that the Planning Board will not take well to an attempt to get a sewer plan from the Sewer Commission. Member Pratt questioned the degree of drainage into Straits Pond and whether this subdivision would trigger not only more drainage but might effect the composition of that drainage. Attorney Buckley noted that conditions/restrictions could be put in a Homeowners' Agreement.

Captain Trask noted that in the 1990's filing, there were issues with the water supply from Hingham and that no upstream configuration to increase the flow has been implemented although piping has been replaced, and suggested that current water flow figures be obtained from Aquarion Water. He also noted that the Ox Pasture layout is a mistake as the long driveways force the fire trucks to commit to the driveway with the hydrants behind them. He suggested sprinklering these properties as was done at Cedarmere. Board members suggested that the applicants review/study the decisions and conditions for Highland Estates and Ox Pasture Lane. Member Moore wants to see how the waste systems will be dealt with on the site plan.

**MOTION: by Member Pratt to continue this public discussion to the May 3, 2006 Planning Board Meeting.**

**SECOND: Ivimey Westcott**

**VOTE: 4 – 0 MOTION CARRIES**

In response to Captain Trask's concerns, Member Pratt suggested that the Board work during the summer on a Zoning Bylaw amendment that would require residential sprinklers in houses over a certain number of SF.

**9:20 P.M. DISCUSSION – SCITUATE HILL DRAFT DECISION** Only comment discusses was the applicant's suggestion that two years be changed to three years. Board agreed that this time extension made sense. Decision to be filed with Town Clerk tomorrow.

**MOTION: by Member Ivimey to accept the draft as modified at tonight's meeting.**

**SECOND: Member Westcott**

**VOTE: 4 – 0 MOTION CARRIES**

**9:30 P.M. ZBA RECOMMENDATIONS**

• **2 SHELDON RD. SPECIAL PERMIT APPL., APP: KELLI A. CALHOUN, date stamped: 04/11/06.** Application was denied without prejudice by the ZBA. Plans have been changed to push the structure back so it is 15' from Sheldon Road. Size has also been reduced.

**MOTION:** by Member Ivimey to recommend that the ZBA approve this special permit application.

**SECOND:** Member Pratt

**VOTE:** 4 – 0 MOTION CARRIES

• **2 SMITH PLACE, APPEAL OF BULDING INSPECTOR'S DECISION, APP: RICHARD BROWN**  
**date stamped: 04/19/06.** Member Pratt recused as he is abutter to an abutter. The Board decided it was premature to discuss this application as it is on the Planning Board agenda on May 3<sup>rd</sup> for a detailed discussion. The Board will withhold their discussion and recommendation until then.

• **19 ATLANTIC AVE., APPEAL OF BUILDING INSPECTOR'S DECISION, APP: JANET & JEFFREY BARKER, date stamped: 04/19/06.** Member Westcott recused as he is neighbor. This is basically a situation where a house burned down in approx. 1975 and not replaced. The question seems to be whether the owners have a right to rebuild a structure that has not existed for 30 years.

**MOTION:** by Member Pratt to issue no recommendation as this requires legal opinion that the Planning Board does not feel comfortable addressing. The Board does suggest that the ZBA seek Town Counsel opinion.

**SECOND:** Member Ivimey

**VOTE:** 3 – 0 MOTION CARRIES

**MOTION:** by Member Ivimey to adjourn

**SECOND:** Member Pratt

**VOTE:** 4 – 0 MOTION CARRIES

**MEETING ADJOURNED AT:** 9:40 P.M.

**NEXT MEETING:** WEDNESDAY, MAY 3, 2006, AT 7:00 P.M.

**MINUTES APPROVED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_