

**COHASSET PLANNING BOARD MINUTES**

**DATE:** WEDNESDAY, MAY 3, 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  
Robert Sturdy

**Board Members Absent:**

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

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

**MEETING CALLED TO ORDER AT: 7: 05 PM**

**7:05 P.M. 188 LAMBERT’S LANE - FORM A APPLICATION, APP: LAWRENCE & KAREN**

**AHERNE, date stamped: 04/27/06** Neil Murphy and the Ahernes in attendance. Splitting a lot with frontage on Lambert’s Lane into 2 so 2<sup>nd</sup> lot has frontage on Tad Lane. Discussion about “accepted” as a public way or “used and maintained as a public way” occurred.

**MOTION:** by Member Ivimey to approve this Form A application

**SECOND:** Member Pratt

**VOTE:** MOTION CARRIES 3 – 1 MOTION CARRIES

**7:15 P.M. ADMINISTRATION**

• **VOTE TO APPROVE APRIL 26, 2006 MINUTES**

**MOTION:** by Member Pratt to approve the April 26, 2006 minutes

**SECOND:** Member Ivimey

**VOTE:** 4 – 0 MOTION CARRIES

• **BOARD DISCUSSION ABOUT DINERO’S** Member Pratt asked that a letter be sent to DiNero’s, the Chief of Police and Bob Egan about complaints from neighbors about habitual illegal parking around the restaurant. Complaints are also being received about people eating outside. Member Moore noted that the Planning Board does not have any enforcement power so perhaps such complaints should be forwarded to him. In the long term, Member Pratt suggested that parking regulations for restaurants should be revisited and reexamined in the future for potential changes to the zoning bylaw.

**Member Westcott arrived at this point in the meeting – as reflected in the vote count.**

**7:30 P.M. 2 SMITH PLACE, DETERMINATION IF APPLICATION TO BE FILED BEFORE THE ZBA IS A REPETITIVE FILING**

R. Brown and Attorney Richard Henderson in attendance. R. Brown requested consent from the Planning Board to go back before the ZBA. At past meetings, the Planning Board has already determined that this project is acceptable.

**MOTION:** by Member Ivimey that even though Mr. Brown has not filed a repetitive petition, the Planning Board consents that it go back to the Zoning Board of Appeals for a rehearing on a Special Permit.

**SECOND:** by Member Pratt

**VOTE:** 5 – 0 MOTION CARRIES

Material changes explained to the Board included the fact that the number of bays has been reduced from 8 to 6 bays. All infrastructure, drainage, safety and environmental safeguards, and architectural design that have already been approved will remain the same. The only change is that the building will be smaller. Three factors are relevant to the disposition of the case:

1. The question of whether or not it was in a flood plain or watershed protection area. The evidence was overwhelming that there was no flooding concern and the Zoning Board found there was no violation of Section 9 so this is no longer an issue.
2. The MBTA has designated that the municipal parking lot is now on the MBTA lot which is now on Town property so therefore, 2 Smith Place abuts the town parking lot and parking is irrelevant to this whole project and no longer an issue.
3. Since there are no issues under Section 9 and no parking issues, there is no reason for a special permit at all, so whether or not access is through a residential neighborhood is irrelevant because that is a special permit condition and a special permit condition no longer applies to this project. It is now a matter of right project.

**MOTION: by Member Ivimey that the Planning Board recommend that this project be resubmitted as a matter of right as it does not violate any zoning regulations/provisions.**

**SECOND: by Member Westcott**

**VOTE: 5 – 0 MOTION CARRIES**

**7:45 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)** Rick Latini, Daylor Consulting in attendance. Member Sturdy noted for the record that his son owns property on the corner of Black Rock and Forest Ave., but since his son is not a direct abutter, Member Sturdy can participate in this hearing. R. Latini noted that Aquarium will do new hydrant flow tests and that they need to finish a survey to guarantee site lines. Member Pratt suggested that they also survey Black Rock Road to see if it can be brought up to a subdivision roadway. All members agreed that if Black Rock Road was a fully paved, two lane road that it would be used as a cut through and introduce a lot of traffic to the neighborhood. Member Pratt felt that Black Rock Road should only be used if the Fire Dept. demanded it used as an emergency access road, but should then be closed off with gate and chain. Member Ivimey again made it abundantly clear that intending to sue for a sewer connection should not even be considered. Member Moore stated that as the plan now stands, it is totally unacceptable and should be redesigned to show access off Jerusalem Road, not Black Rock Road. He also noted that there is no evidence of testing for on-site systems. Member Sturdy pointed out that the sewer arrangement with Hull has to be renewed in about 17 years and if that renewal does not happen, this subdivision would have to be able to provide some kind of on-site or the homeowners would have major problems.

**MOTION: by Member Pratt to deny this preliminary subdivision plan for reasons including but not necessarily limited to:**

1. **the location of the access to this subdivision off of Black Rock Road which is a private way that the Planning Board does not deem suitable for use as a public way**
2. **the lack of concrete engineering data and a concrete plan relative to wastewater treatment**
3. **any indications as to the disposition by the Conservation Commission as to the impacts of the Rivers Act**
4. **a general lack of specificity in the application**

**and does not imply approval of any other part of this preliminary subdivision plan**

**SECOND: Member Westcott**

**VOTE: 5 – 0 MOTION CARRIES**

John Modzelewski also questioned how the number of lots can be limited as there is a lot more frontage and a lot more area shown on this plan than is needed to create six lots and what is to prevent someone from buying a big parcel in the future and selling/using it for more lots – he indicates this application can be a Trojan Horse in the form of Form A's in the future. Member Moore cited Highland Estates and the Homeowners Association document as a possibility. Questions arose as to how far the Board can go with Homeowners Associations. Member Ivimey will interface with Town Counsel regarding use of the Homeowners Association and regarding how daisy chaining can be ended.

**8:40 PM EXECUTIVE SESSION**

**MOTION: by Member Sturdy to go into Executive Session to discuss legal matters relative to the Deligiannitis appeal of Manor Way.**

**SECOND: by Member Westcott**

**POLL: Member Pratt – yes, Member Ivimey – yes, Member Moore – yes, Member Westcott – ye, Member Sturdy – yes.**

**VOTE: 5 – 0 MOTION CARRIES**

**Planning Board entered Executive Session until 9:00 PM to discuss Deligiannitis appeal of Manor Way.**

**MOTION: by Member Ivimey to adjourn Executive Session and to resume open session.**

**SECOND: Member Pratt**

**POLL: Member Pratt – yes, Member Ivimey – yes, Member Moore – yes, Member Westcott – yes, Member Sturdy – yes.**

**VOTE: 5– 0 MOTION CARRIES**

**EXECUTIVE SESSION ADJOURNED AT: 9:00 P.M.**

**MOTION: by Member Ivimey to adjourn open session**

**SECOND: Member Sturdy**

**VOTE: 5– 0 MOTION CARRIES**

**MEETING ADJOURNED AT: 9:00 P.M.**

**NEXT MEETING: WEDNESDAY, MAY 31, 2006, AT 7:00 P.M.**

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

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