

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, SEPTEMBER 5, 2007
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – SELECTMEN’S OFFICE
41 HIGHLAND AVENUE, COHASSET, MA 02025

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

Board Members Absent: Robert Sturdy

Recording Secretary Present: Jo-Ann M. Pilczak

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

7:00 P.M. ADMINISTRATION

- **APPROVE AUGUST 22, 2007 MINUTES**

MOTION: by Member Ivimey to approve the August 22, 2007 Planning Board minutes

SECOND: Member Good

VOTE: 3 - 0 **MOTION CARRIES (Member Westcott had not arrived for this vote)**

- **WIND TURBINE BYLAW** – Planning Board administrator to sent memo to BOS requesting they refer to Planning Board for advertising of public hearing
- **TRAINING PROGRAMS IN 06/07?** – Member Ivimey - “Land Use & Development” Law Seminar, May, 2006.

7:05 P.M. 230 SOHIER STREET (FORMER COOK ESTATE) RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT APPLICATION CONTINUED PUBLIC HEARING, APPL: ABBOTT DEVELOPMENT, date stamped: March 7, 2007.

MOTION: by Member Ivimey to continue to September 19, 2007 at 7:00 PM

SECOND: Member Good

VOTE: 3 - 0 **MOTION CARRIES (Member Westcott had not arrived for this vote)**

7:20 P.M. 18 LITTLE HARBOR ROAD, LARGE HOME REVIEW CONTINUED PUBLIC HEARING, APPL: OCEANSIDE BLDRS., OWNER: DOUGLAS & KARA KARO, date stamped: 08/06/07 Member

Westcott arrived at the start of this hearing. Applicant Doug Karo and Engineer Paul Mirabito, and Greg Tansey Ross Engineering in attendance to represent application. Mirabito reviewed details of application. Mirabito addressed concerns from last meeting: regarding square footage: Mirabito compared proposed 3347 SF foundation to SF of surrounding homes – 2200, 2600, 2300, 3000, 2000 SF. Footprint of proposed home is not much larger than existing homes in neighborhood. Regarding drainage: Storm drainage calculations were submitted. Mirabito also noted that existing drain system was not properly engineering to adequately deal with water from uphill and that catch basin is packed and water is not getting into it. System of infiltrators will be installed on downhill side of house that will store the volume of water running off roof. Soil test pits can be dug if conditioned. Regarding height of house: provided average grade of house to midpoint of roof elevations which show height at 32.7’ which is less than the maximum 35’ allowed. Proposed coverage for the lot is 14% (20% allowed). Blasting is not needed for foundation as they are using same foundation as previous home, but, some ledge is being removed by hole ram and rock splitter and will continue for 1-2 more days.

Adele Janssens, 20 Little Harbor Rd.: concerned about how domineering the home will look from the rear and that while the footprint is not that much larger than surrounding homes, the total SF is larger. Karo noted that the proposed home (4464 SF) is 300 SF smaller than the average home constructed in Cohasset in the last 5 years.

Heather Palmer, 9 Little Harbor Road: asked if applicant looked at SF of other homes on street, not just 2 abutters as she feels the proposed home looks much larger from the street than the other houses on the street. Applicant noted that they have tried to make the house fit in with the “surrounding” houses which are the houses on either side and, behind.

Kathy Sherbrooke, 10 Little Harbor Rd.: asked for height of the house (in feet) above the other houses as opposed to the height of the house in terms of height above the lawn, so abutters can get a sense of height in terms of how high it will stand above the other houses. Building Inspector Egan explained how height is measured in the zoning bylaws and that the proposed house height measurement does fall within the bylaws.

Robert DiTullio, 24 Little Harbor Rd.: concerned about impact on the nature of the neighborhood.

Nathaniel Palmer, 9 Little Harbor Rd.: asked if architects had ever been to the site. (NO) He felt that the home is designed to look bigger than it is and that it is too ostentatious for the neighborhood.

Member Moore explained for the record that the major issue with this filing seems to be drainage concerns and that the design, as long as it meets zoning bylaw requirements, is not within the scope of the large home review.

Attorney Charles Humphreys (representing Mr. Slanetz of 14 Nichols Road) noted proposed grade of 92 but topo shows elevation of 85 on southerly side and asked whether elevation is taken as proposed grade, take it as you find it, or build it up to where you want it? Building Commissioner Egan answered that he has always taken it as existing grade which would have the effect on the surrounding properties. Humphreys also noted that septic system failed in the old house and a minor upgrade was implemented anticipating connection to the sewer system. He questioned whether system with a minor upgrade can support 5 bedroom home until sewer hookup can happen.

John Chessia, representing Slanetz: addressed his 09/05/07 comment memo. Noted that if existing drainage system fails, it will flood Slanetz home. He had concerns about ledge actually touching the Cultec system and questioned what the fall back will be if the Cultec system doesn't work. He also noted that the driveway is not shown on the plans and recommends a condition for pervious material on the driveway (applicant noted it will be pervious pavers).

Patricia Dean, 207 Jerusalem Rd.: most concerned about drainage. She had to install a gravity drain which connects into Nichols Rd. catch basin. Concerned that her pipe could back up and flood her home if the impact from the proposed house is too great and system cannot handle the drainage. She urged Board to consider existing homes. Applicant noted that drainage calcs. indicate post construction drainage will be less than pre-construction.

Eileen Craven, 6 Nichols Rd.: asked what recourse people have when someone else's drainage problem becomes yours? Att. Humphreys noted that one cannot cause the unnatural increase in flow of water on one's neighbor.

Adele Janssen: noted that lot has been clear cut and asked if relandscaping could be a condition. Applicant noted that land will be loamed, seeded and will retain more water than the overgrowth that previously existed. Trees will also be planted.

No swimming pool will be added to back of house.

Greg Tansey addressed Cultec System: same principal as drywell except spreads more laterally and is shallower than dry wells. Encased in fresh stone to increase storage capacity and infiltration. Two 4' wide x 21' long systems to be installed about 4' deep, with approx. 141 cu.ft. of storage capacity. Designed to mitigate roof runoff by holding water and gradually letting it seep into ground. Tansey feels design is conservative and more than adequate. Member Ivimey asked if lots 13 and 4 will be impacted if the Cultec System fails. It was noted that both of those lots flow into this property, not the reverse. Humphreys asked if Cultec System will function when ground freezes since it is so shallow. Tansey noted that heavy rainfall during frost conditions is rare. Chessia noted that temporary measures might need to be implemented while system is under construction.

Michele Skolnick, 26 Heather Drive: asked if it is possible to have elevations drawn to show proposed dwelling in relation to other houses on the street.

Humphreys: asked if applicants can plant a few trees in the back to soften the height a little. Applicant indicated that this is a \$2.5 million home and will be appropriately landscaped.

MOTION: by Member Moore to continue to September 19, 2007 when applicant can provide a soil analysis and confirm/resolve the height measurements with Building Inspector.

SECOND: Member Good

VOTE: 4 - 0 MOTION CARRIES

8:40 P.M. MANOR WAY MODIFICATION OF PLANNING BOARD DIVISION PUBLIC

HEARING, APPLICANT: KING TAYLOR COHASSET LLC, date stamped: August 20, 2007 – Applicant Dave Calhoun and Attorney Walter Sullivan in attendance to represent application for modification. Attorney Bruce

Issadore in attendance to represent Plaintiff in appeal. Member Ivimey read public hearing advertisement. Attorney Sullivan gave an overview of the subdivision filing, appeal and remand orders to provide Member Good with background information. Original subdivision decision allowed limited use of Castle Road with 1 abutter (Deligiannidis) having deeded right to travel from his home at 211 Castle Road to So. Main St. with restraints on further development using Castle Road. Applicant feels the only way to address Mr. Deligiannidis' traffic concerns is to close Castle Road which is what current modification plan will do - Calhoun is proposing that, rather than Castle Road being available for ultimate conveyance to the Homeowners' Association, the use of Castle Road be limited to Deligiannidis until such time that the Planning Board, in the future and by way of application, may determine Castle Road has been improved and adequate for further use. Also propose that the decision be modified to eliminate Castle Road as a separate and distinct entity and add it lot 6 with signs indicating that Castle Road is available only for the limited purpose of gaining access to the Deligiannidis' home from So. Main St. The owner of Lot 6 will actually own Castle Road, but will not be able to use it (access will be blocked by chain) – Lot 6 will only be able to use Manor Way - chain put across the top of Land Court Lot A-5 and the beginning of Land Court Lot A-1. Calhoun also submitted 3 amended plans: Sheet 1 which is the overall picture, Sheet 1A which is the list of conditions and sheet 3 which shows the six lots, includes lot 6 which includes all of Castle Road and the portions of Lot A-1 which are registered so lots 4 and 5 (which will be made somewhat smaller) will just be recorded. Also submitted: Amendments to existing decision which will be required; Sullivan transferred suggested revisions into redlined copies of a list of waivers, adding a waiver #6, a revised form 5 covenant; a modification to the conditions of the Planning Board approval to take into account the modifications to Lot 6; and, a redlined copy of the Homeowners' Assoc. which has been modified to reflect the fact that the homeowners will no longer be responsible for owning, controlling or maintaining Castle Road. Will work out plan for Fire Dept. to get through the chain if they need to and, will meet with and cooperate with the Water Dept. regarding requests for easements. Calhoun will also consider Capt. Trask request to consider sprinklering all homes. John Modzelewski noted that since Lot 6 is the hardest to access, perhaps it should be sprinklered. All Civil Design Comments in 09/04/07 memo were addressed and implemented in plans submitted at meeting.

Attorney Issadore (attorney for Deligiannidis) noted that if Castle Road was improved to point where emergency vehicles, pedestrians etc could safely access, the use may not have to be limited to one lot – if they just made Castle Road safe and accessible as is required for subdivisions. Calhoun stated that Deligiannidis is not being cooperative in responding to changes that have been made to address his demands/requests.

Issadore stated that the modification is an improvement over the decision that currently exists, but if Calhoun is going to the alternative of closing the road, Issadore asks Board to look at what should be imposed and how it should be imposed in a manner that accomplishes that objective:

- If Calhoun is giving up Castle Road now, it has to be made clear that some improvements have to be made to width, paving etc. if they come back in the future to apply for use of it
- Lot 6 has to use that portion of Castle Road which is in the Manor Way subdivision and Lots 1-5 should not be granted any easements to use Castle Road at any time in the future.
- Deed restrictions in favor of Deligiannidis so they are not returning to the Planning Board all the time (wants finality in regards to this issue)
- A standard about improvement to the road before there is a further modification about use
- The right for Deligiannidis to install a more substantial gate as well (and be responsibility to remove it in future if Planning Board approves changes in future) and, signage making it clear that access is to 211 So. Main St. (Deligiannidis residence) only.
- Some standard on the “just cause” clause that King Taylor represented that it would ask the Board to impose this new condition in a way which would make clear that the condition would remain in place until later modified by the Board for a “good cause shown” (as in remand order) and that good cause would at least require the road to be improved

Issadore is happy to have the case go to trial and let a judge make the decisions. The issue is a safety issue.

Member Moore noted that there is an underlying issue that no one wants to talk about - that someone wants the road brought up to standards so they can do future development.

Member Ivimey would like time to review all documents with Town Counsel.

MOTION: by Member Ivimey to close the public hearing

SECOND: Member Good

VOTE: 4 - 0 MOTION CARRIES

MOTION: by Member Moore to continue to September 19, 2007.

SECOND: Member Westcott

VOTE: 4 - 0 MOTION CARRIES

MOTION: by Member Ivimey to adjourn at 9:45 PM

SECOND: Member Good

VOTE: 4 - 0 MOTION CARRIES

NEXT MEETING: WEDNESDAY, SEPTEMBER 19, 2007 AT 7:00 P.M.

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: SEPTEMBER 19, 2007