

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, OCTOBER 3, 2007
TIME: 7:00 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
Robert Sturdy
Mike Westcott

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

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

7:00 P.M. CHARLES HUMPHREYS, WATERFRONT BUSINESS DISTRICT ZONING

BYLAW Humphreys would like to go forward with the Waterfront Business District zoning bylaw citizens' petition for Nov. 13, 2007 Town Meeting. To be advertised on October 24 and 31 for a November 7, 2007 public hearing. Humphreys to write ad copy and forward to planning board office.

7:05 P.M. ADMINISTRATION

- **TELEVISION ONLY MAJOR (eg: Zoning bylaw) PUBLIC HEARINGS**
MOTION: by Member Sturdy to broadcast only major public hearings such as zoning bylaw amendments
SECOND: Member Good
VOTE: 3 – 1 **MOTION CARRIES** (Member Westcott had not yet arrived)
- **APPROVE SEPTEMBER 19, 2007 MINUTES**
MOTION: by Member Ivimey to approve September 19, 2007 minutes
SECOND: Member Good
VOTE: 4 – 0 **MOTION CARRIES** (Member Westcott had not yet arrived)

7:10 P.M. 230 SOHIER STREET (FORMER COOK ESTATE) RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT APPLICATION CONTINUED PUBLIC HEARING,

APPL: ABBOTT DEVELOPMENT, date stamped: March 7, 2007. In attendance: Attorney Richard Henderson; Abbott Development – Robert Durant, Lee Bloom; Coler & Colantonio – Steve Campbell, Don Rose. John Modzelewski, Civil Designs. Richard Hucksam, Town Counsel. Steve Campbell - Only unresolved engineering issue from last meeting was test pit issue. 4 test pits were dug beneath detention basins “C” “B” and 2 in “A”. All detention basins (with some regrading in one) are above seasonal high ground water. John Modzelewski (Civil Designs) satisfied but noted that signed off logs should be filed in Planning Board Office. Drainage goes off on Town of Cohasset land and will require easement exchange to be worked out after approval (Town wants easement to loop water main through this property to increase flow to Fair Oakes). Tom Keefe, Tutela Engineering, confirmed that the applicant has agreed to allow the Water Dept. to loop through their land – Water Dept. will provide materials. Mark Bartlett, Norfolk Ram (consultant to Water Dept.) noted that they have tried to speak with Coler & Colantonio about reviewing drainage plans and installation of “Rain Gardens” but that

applicant has not returned calls. It was noted that this filing was begun in March, 2007 at which time plans were distributed to the Water Dept. and, that this is late in the process to be introducing new comments. Campbell noted that there will be plantings in the detention basins and that they are willing to meet with Norfolk Ram to review the entire vegetation plan. Water Dept. would appreciate the cooperation.

J. Modzelewski, Civil Designs: considers the following still lacking (cited his 07/28/07 memo).

- 50 'Leveling areas: need leveling areas at intersection - applicant will work on
- 150' turning radius: board has to decide if their plan is Ok or if they want wider radius
- Trees: needs to submit count in developed and undeveloped areas – applicant will supply
- Pipes: final construction set with updated pipe table and size – to be submitted
- Stormwater: Carr & Merrill had issues with 2 basins. Modzelewski said the submitted plan will be able to meet the requirements but is concerned that Carr & Merrill will be left out of process after public hearing is closed – closing public hearing without finalized set of plans restricts input from interested parties. Town Counsel noted that if more information is anticipated, hearing should remain open. As designed, Modzelewski says hydrology will work but will need some refining as they begin.
- Switching house models: applicant explained that footprints are similar enough so that having several models fit on each lot so buyers can choose from 1-3 models will not have impact.

Jack O'Leary, Merrill Assoc. represents D.Staszko: submit letter dated 10/03/07 to recap his concerns

- Hasn't seen revised plans: most recent set is dated 08/13/07 – which he has seen
- Asked if rep. of Town witnessed test pits: Modzelewski noted that in his entire professional career, he has never gone on site to witness test pits – they are done by professional engineer, which meets regulations and that witnessing is not required by regulations for stormwater only for BOH pits. O'Leary is concerned about the differences between two engineers' results.
- Pervious pavers: questioned the appropriateness and the effect on the abutting property if there is a gas spill. Modzelewski thought the rupture of a car gas tank is minimal. Planning Board likes pervious pavers and Water Dept. supports pervious pavers in driveways and other low traffic areas.
- Project density: based on non-contiguous land across Sohier St. - not satisfied
- Definition of "lot": does not satisfy the bylaw. Henderson stated that this is the Board's discretion. Town Counsel noted that he had just received on Oct. 2, 2007 a memo from Henderson addressing this and that he has not had time to review and opine and, requests opportunity to review.

Weijun Cao, Carr Research Labs, representing D. Staszko:

- Basin "C" Swale: concerned that it is not based on safe engineering design and may cause flooding. Brought up in July and feel it has not been addressed. Modzelewski agreed with her concern but noted that methods to improve will be conditioned.
- Erosion control plan pre/post construction: hasn't seen complete plan. Modzelewski noted that ConComm suggestions/conditions and inspections prior to and during construction will deal with this.

** Ms. Cao submitted written statement at 8:30 PM at the close of this agenda item. Public Hearing had closed at 8:00 PM. Town Counsel advised Planning Board that this written submission is not entered into record as it was not filed while public hearing was open.

MOTION: by Member Sturdy to close Public Hearing (8:00 PM)

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

Town Counsel: clock has started – for special permit application – 90 days. Town Counsel requested time to review legal issue memos before vote to approve happens. Member Sturdy wants to begin process to draw up final paper work, then vote to approve once all is in writing. Town Counsel advises that this is deliberation and vote is not required to proceed with paper work. Henderson asked if it would be more appropriate to have the motion and second made by a member who has been at all public hearings – Westcott missed one public hearing. Town Counsel noted this is a presumption that Member Westcott cannot properly participate or vote and there has not been that determination and, he does not see any

problems with what has been done. Member Ivimey wanted to discuss the curve of the road (150' vs 115') during deliberation. Modzelewski and Sturdy would like it flattened out. Campbell stated that this would be significantly difficult as it would impact swale, house, retaining wall and that applicant has dealt with it by posting speed limit etc. Members Moore, Good and Westcott felt this was dealt with at length during the summer, that the tight maneuver will slow drivers down and they have no problems with it. Modzelewski does not think 115 is adequate and can be worked on with some compromise - he will work with applicant. Sturdy will not vote a positive vote unless Modzelewski is completely satisfied. Member Ivimey is comfortable with the design and that the Conservation restriction locks up the lots on the other side of Sohler St. from development.

MOTION: by Member Ivimey to vote to approve the cluster development

Members Ivimey and Good suggests approving conditionally. Member Sturdy does not agree – he wants everything finalized and then the Board can approve with conditions. Town Counsel stated for the record that he has been waiting for a promised memo from the applicant's attorney regarding the lotting for many months, that it was received on October 2, 2007 and that he has not had time to review and that he asks for time to review and advise the Board on these legal issues before an approval vote. Further, he agrees with Member Sturdy and advises Board against conditional approvals – Board should approve or disapprove. (Straw poll: Westcott=yes; Ivimey=yes; Good=yes; Sturdy - no)

Member Ivimey withdraws his motion to approve.

MOTION: by Member Westcott to continue deliberation to October 17, 2007 at 6:30 PM

SECOND: Member Ivimey

VOTE: 5 – 0 MOTION CARRIES

Planning Board staff, Henderson and Modzelewski will draft decision.

10 minute break

8:40 P.M. 132 CJC HWY. – TRANSIT OVERLAY DISTRICT SPECIAL PERMIT AND SITE PLAN REVIEW APPLICATIONS PUBLIC HEARING, APPLICANT: CONNELL COHASSET GREENBUSH LLC, date stamped: 08/15/07

In attendance: Connell Co. - Shane Connell, Duane Connell, Geoffrey Wolf, Carleton Blake, Brian Healy; Cubellis, Inc. - James Kubat, Zachary Basinski; Attorney Walter Sullivan; Town Counsel Richard Hucksam; John Modzelewski, Civil Designs. Member Ivimey read advertisement.

Geoffrey Wolf (Chief Investment Officer) presented introductory overview of project: explained background of Connell Corporation. To date, buildings on 132 CJC site have been demolished and site has been cleaned up physically and environmentally. Connell goal is to build properties that they intend to own – so far the company has not sold any properties they own. Construction plans at the 132 CJC site include: 33,000 SF retail/office property designed with a Main Street feel with numerous small retailers on the first floor and ± 14 to 18 1/2 bedroom apartments on 22,000 SF second level and, 3400 SF pad site (which they hope to lease to a bank) for later “build to suit” construction. Have received written comments thus far from John Modzelewski, Fire Dept., Water Dept., BOH and ConComm. Will be meeting with ConComm on Oct. 4, 2007. Met last week with Modzelewski, Fire Dept and Water Dept. No revised submittal at this point. Two major issues centered around:

Fire Safety Concerns: Water supply issues – original design had one single water access point off the water main on Rt. 3A entering the property under the slab housing the building. This was changed to two water supplies off the Rt. 3A main creating a loop around the property and redundancy in the water supply. Traffic flow issues – turning radius for fire trucks getting around site was tight. Ran analysis and found that the engineering of all turns was sufficient to support the largest truck in the Cohasset fleet and then some. Nonetheless, some of the turns were tight so they reanalyzed with different methodology and some turns would not work. Will lose up to 2 parking spaces to remedy this. Also concerned that cars

backing out of garages might leave car and impede/block traffic flow. Close to buffer zone - still working on best solution to remedy this- this might involve reducing number of parking spaces also.

How does this project meet the goals of the TOD Bylaw? Smart Growth initiative promotes higher density mixed use near transit property development - to encourage trains instead of the use of cars, to encourage living near the train station, to encourage a mixture of uses within a site and to encourage pedestrian friendly living. This property (although half the size of the Shaw's plaza) is designed to comply with the bylaw by combining retail and residential in close proximity to the train station with pedestrian friendly amenities, interconnection to the train via the parking lot. View from Rt. 3A shows a building set back from the property (not a lot of asphalt and greenery on sides and back) with parking in back of the building to give the sense of a lot of open, green space, rather than the overwhelming feel of a supermarket parking lot. Connell has agreement with MBTA for easement for vehicle and pedestrian access connection to MBTA station via the parking lot. Side walk on Rt. 3A will tie into the MBTA site which will also encourage foot traffic. Site will have smaller retailers that are appropriate for the site such as Starbucks, drop-off dry cleaners, bank, small restaurant, fitness center etc.

Parking: Bylaw sets out requirement of 5 spaces/1,000 SF of retail plus 1 parking space/bedroom of residential. TOD bylaw makes two specific references to easing those requirements: in recognition of the mixed uses of the site, legislation says the Planning Board can take into account the mixed uses (residential/retail) on the site to reduce the parking requirements (as retail and residential park at different times of the day); and, shared parking to handle overflow. *To accommodate Fire Safety concerns, may lose 7-8 parking spaces and may need the Board to relax the required number of parking spaces as allowed by the TOD bylaw (they may average 4.9 spaces/1000 SF instead of 5.0 spaces/1000 SF.)*

Traffic: To be discussed in detail at next meeting. MBTA installing traffic light directly opposite the MBTA station driveway as required by Mass Highway.

Member Sturdy does not want to see this site empty out the village businesses.

Modzelewski inquired as to what apartment dwellers on back will be looking at. Wolf explained that the project definitely has a "back" (although gables will be full on the back, not façade backs), stores will not have entries on back. Dumpsters on back of property – will consider shielding. Apartment dwellers will not see what is exactly under them, they will look out onto wetlands and the train. Driving down No. main Street, all that can be seen is the top of the residential units, trains will see back of residential units.

Nearest residence to the back of the property is about 700'.

Open to Public:

Tom Keefe, Tutela Engineering: Consults for Water Dept. Will work with Fire Dept. to determine what type of fire flow can be provided in this portion of the system. This site is actually outside of the area conventionally considered part of the Cohasset water system. Water Dept. did extend line from main on Rt. 3A towards No. Main St. through the depot to accommodate the MBTA. Will discuss with Connell hooking into depot loop so there is another means to feed this site.

Wayne Sawchuk, 432 Beechwood St.: asked if Connell was being asked to help pay for extending the main to areas where there is no main at all such as on Cedar St. Keefe indicated this was a potential. Wolf indicated that Connell is not averse to helping the town fund this extension.

Peter Brown, EDC: EDC fully supports this project noting that the architecture is very superior to what is being done in many projects today and that this will be a much improved gateway to Cohasset. Cautioned public agencies/departments against expecting this small development to support projects the agencies want done and noted that support requests should be fair, with economic consideration.

Member Sturdy: Noted that this site is only on the water main on the way to the MBTA site and he would rather see money spent on the site itself. Further, he noted that the MBTA has put the water main to No. Main St. under the tracks and that No. Main St. is too far from this TOD site for Connell to focus attention on this (although Wolf did express Connell's not being averse to some contribution to this).

Modzelewski: pointed out that the site is all grey and building. Suggested Board look at the space.

Asked Connell if they were at height limits or, is there a way to loosen up the site by building up. Wolf

noted that the retail space, not the residential space, makes the site commercially viable. They did consider going up to 3rd story with the residential but would only achieve having a “tower” appearance at one end on top of the same box space on the first floor and, they could not add more because of parking constraints. They need the footprint for retail (residential adds to the site, but is secondary to retail). Maximum height is 47’ (55’ at the bell tower). While height is typically measured from pre-construction grade, if this entire property is going to be elevated by about 8’, Building Inspector Egan said measurements should be taken from post construction grade. Polled Board, and all votes “yes” that, in this case, measurement should be from post-construction grade. Modzelewski also noted that the amount of parking conforms with zoning, but could be loosen up the site by considering shared parking. Regarding the building “pad” Modzelewski asked the Board to consider how they are going to deal with the pad – do they want it even shown on the plan as part of the approval or, does the Board want Connell to come back with a new filing in the future? Member Sturdy suggested exempting the “pad” area from consideration and have them come back as a revision to the permit. Connell suggests that the approval include approval for construction of the pad and reserve review of the future building as a condition. Member Moore noted the Board would be fine with that as long as there are no changes. Changes to size or location of pad in the future would require re-opening to look at it again. Site Plan Review would be required. Location of drive-thru should be cited on the plan. Modzelewski asked why Connell located drive-thru on front of pad facing Rt. 3A rather than on other side so there is better façade on Rt. 3A. Modzelewski also noted that the exit into the right turn only lane does not seem to make sense as vehicles have to cross a right hand turn only lane to get out.

Member Sturdy noted that as long as everyone seems to be in basic agreement about this filing (and, based on comments at this meeting it would seem everyone is), the Board does not have to see every revised draft that evolves as working meetings occur – Modzelewski can work with them on this. Modzelewski also asked Connell to show the Chief Justice Cushing work that is proposed and the MBTA station on a plan to provide a better sense of layout and flow in relation to those.

Captain Trask: expressed his personal opinion that this is going to be an impressive gateway to the town and will set the bar high for future projects.

MOTION: by Member Sturdy to continue to October 24, 2007 at 7:30 PM and to include traffic presentation at that time.

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

MOTION: by Member Sturdy to adjourn at 10:40 PM

SECOND: Member Westcott

VOTE: 4 – 0 MOTION CARRIES (Member Ivimey had left prior to this motion)

NEXT MEETINGS: WEDNESDAY, OCTOBER 17, 2007 AT 6:30 PM (ZONING PUBLIC HEARING)
WEDNESDAY, OCTOBER 24, 2007 AT 7:00 PM (REGULAR MEETING)

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: OCTOBER 17, 2007