

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, DECEMBER 5, 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
Mike Westcott
Robert Sturdy

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

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

7:00 P.M. 100 POND ST. – INTEGRATION OF 3 ADDITIONAL UNITS – INFORMAL DISCUSSION

- JOSEPH & LILY SESTITO & ATTORNEY RICHARD HENDERSON - Joseph & Lily Sestito and Attorney Richard Henderson in attendance to represent application. Involves vacant lot owned owned by Sestito's which encroaches on 100 Pond St. Would like to address what to do to the vacant lot to create a new cluster. Henderson believes this entails an application to amend a pre-existing subdivision. Residents at 100 Pond St. do not want single family homes, they want to keep it part of the development. Sestitos are willing to build the 3 cluster units, using part of the common land as access to those units to keep away from Holly Lane. Economically, this will only work if 3 units are built. Applicant would like to do an amendment rather than a new cluster which would require new plans, new engineering etc and would be prohibitively expensive. Would redo new drainage calculations. In addition, 100 Pond St. was a 1982 cluster governed by the bylaws of that time, this amendment would be a 2007 amendment and, the zoning bylaws are different. Henderson feels this will not work unless the amendment is adapted to the 1982 zoning bylaw under which 100 Pond St. was approved. This means using the standard of 20,000 SF (1982) rather than 60,000 SF (2007) or, this will not be economically possible, will not work aesthetically and would be inconsistent with the bylaw. Condo Association has already voted on this and are encouraging applicant to go forward. Master deed to be amended to include this in the description and would integrate this into 100 Pond St. as a condo units. Member Sturdy noted that it all becomes 100 Pond St. land so the addition could possibly be 60,000 SF when considering the entirety of 100 Pond St. with everything else grandfathered at 20,000 SF. Henderson agrees and stated that they may have to show that the land as a totality could actually assume 3 more lots under the cluster permit. Members Moore and Ivimey think it should fall under current 60,000 SF required by current zoning. Henderson summed up that this is a unique situation in that it is a special permit being amended, a cluster development based upon a certain degree of consistency and if two different bylaws are used, it will not be consistent with the original concept. Applicant will calculate both ways (60,000 and 20,000 SF) and come back.

7:15 P.M. 209, 217 NO. MAIN ST. – THOMAS SAWYER WAY SUBDIVISION – PRELIMINARY SUBDIVISION FILING DISCUSSION, APPLICANT: ROBERT S. WILLIAMS, filed on Nov. 15, 2007.

John Cavanaro, Engineer, Attorney Henderson, Mr. and Mrs. Williams, Mr. and Mrs. Broderick in attendance. The applicant's property is entirely within the Residence A (RA) district. The proposed subdivision will be comprised of three existing parcels of property:

- 209 No. Main Street – 1.56+ acres – one existing dwelling on the parcel
- 217 No. Main Street - 3.83+ acres – one existing dwelling on the parcel
- 219 No. Main Street - .07 acres - one existing dwelling on the parcel

The three existing parcels of property are to be combined into one, seven (7) lot subdivision. All proposed lots exceed minimum frontage and area requirements. The existing dwelling at 209 No. Main Street, owned and occupied by the Brodericks, will remain on one lot of the proposed newly created seven lots. Access to the

Broderick lot will be moved from a current driveway off No. Main St. to a driveway off the new subdivision road. The existing dwellings at 217 and 219 No. Main St. are to be razed and six (6) new, approx. 3,000 SF dwellings will be constructed on the six (6) remaining newly created lots. The Williams and relatives will own and occupy four of the new dwellings, the Brodericks will own two of the dwellings and remaining lot will be sold. Property will be serviced by a shared system with two leaching fields – has already been approved by BOH as proposed. Property is not encumbered by any wetlands, but does consist of poor soil material. Lot slopes towards railroad. All seven lots will be accessed by one 400' road ending in a cul-de-sac turnaround. To reduce the impact of a roadway into this country like setting, the applicant would like to construct a modest, winding, narrow road to access the subdivision. Waivers will be sought in the Definitive Subdivision filing: requirement to locate all trees on the property > 12" ; 18' width of road rather than 24' (proposed plan is to have roadway \geq 24' at the entrance and then decrease to 18' for the last 250'); 45' radius (to perimeter) cul-de-sac rather than 50'; sidewalks on one side of the road. Abutter property slopes down to this property. Undulating low areas around the property will be maintained to preserve the natural aspects of the property. Homes will be located on existing knobs of land to enhance the ability to utilize existing drainage patterns which flow S/SE. Plan is to maintain existing drainage concept that exists today and will eventually be captured in a storm water detention pond and leach into the wetland on adjacent property. Applicant may need to obtain an easement over Town property to access these wetland areas. There is a common driveway that is situated to avoid the septic system area – Mrs. Prendergast is concerned about this driveway damning the water and causing back up onto her property. Member Sturdy would like the strip currently used by the Brodericks to access their property from No. Main St. conveyed by sale or by swap to abutters so this parcel cannot be used for access once the subdivision road is complete and so it does not fall into unmaintained state as an abandoned piece of property.

Michael Karp, 243 No. Main St.: his property floods every spring and after heavy rainfall to 1'-2' deep at a low point. Water table is high. He is concerned that any changes would have negative impact on his property.

Tom Wilton, 207 No. Main St.: Asked if power lines on his property to the Brodericks will be removed? Yes, utilities will be placed underground.

Pamela Prendergast, 235 No. Main St.: had concerns about height restrictions. Member Moore noted that height restriction will be 35' as per zoning. She also had concerns about tree removal – from the back of her house, she will have full view of the back of the new houses and asked if screening can be required. Yes. Board asked Cavanaro to locate Prendergast house on plans so Board can see her house in proximity to new subdivision. She circulated pictures of the flooding that occurs on and around her property.

John Modzelewski, noted that he would like Cavanaro to use the Cornell Rainfall Studies for designing the detention basin. Also confirmed site distances from the subdivision roadway – have 250' of clear view.

MOTION: by Member Westcott that, subject to what has been presented, the Planning Board does not see glaring deficiencies, except concerns about drainage, in this filing.

SECOND: Member Ivimey

VOTE: 5 – 0 MOTION CARRIES

8:05 P.M. TOD FINAL DECISION – SIGN SIGNATURE PAGE

MOTION: by Member Ivimey to sign the TOD final decision

SECOND: Member Westcott

VOTE: 5 – 0 MOTION CARRIES

8:06 P.M. PETER BROWN ON BEHALF OF THE EDC - EDC publicly congratulated Planning Board on the successful outcome of the Village Bylaw at November Special Town Meeting.

8:07 P.M. CHARLIE HUMPHREYS – WATERFRONT BUSINESS DISTRICT BYLAW –

PROCEDURAL DISCUSSION Humphreys noted that under CH. 43.55, gifts can be made to Town for specific purpose rather than to the general fund. He thinks the Harbor area has to be incorporated into the Village bylaw somehow. No one knows of any comments from Town Counsel. Humphreys thinks is simpler than the village and wants a bylaw on Spring 2008 ATM warrant. He acknowledged that to be approved, this would have to improve parking and not obstruct views. Member Westcott noted that they Board only committed to study the waterfront and having a bylaw on the Spring warrant is not realistic – could aim to get funding for a study on the Spring 2008 warrant. Member Moore agreed that the first step is to try to fund a consultant. Humphreys client, Mr. Peter Roy is willing to make gift to town to fully fund the study. Member Good suggested that the vote should be to

recommend Concord Square Development to study the waterfront in an entirely gifted capacity so there is no financial impact on the Town. Member Westcott thought limited sources of funding could be looked at with suspicion and would rather see multiple sources of funding – gifts, town, state monies. Westcott is currently consulting with Concord Square to study the waterfront and assist with updating the bylaws. Westcott would like to confirm with Town Manager if this study would have to go out for public bid or, can Concord Square be retained as an extension of the work done for the village. Peter Brown, EDC stated that the EDC is interested in moving forward and that the EDC supports a study of the waterfront as was done for the village out of fairness. Brown stated that the public process of review as was done with the village would lend credibility and should go through the selection process as there maybe a group that has more waterfront expertise than Concord Square. Brown further noted that the EDC might be able to help identify state funding. Copy of Village RFP to be forwarded to Humphreys. To continue to January 9, 2008 meeting.

8:25 P.M. NEW BUSINESS - PARK AREA BETWEEN FRENCH MEMORIES AND TEDESCHI'S

Member Sturdy brought this topic up – this park is vital open space element in an area where there is no other possibility of open space.

MOTION: by Member Sturdy that the Planning Board recommend to the CPC that they consider purchasing the park between French Memories and Tedeschi's to be maintained as public open space.

SECOND: Member Good

VOTE: 3 – 0 **MOTION CARRIES** (Members Ivimey and Moore abstained as they sit on the CPC)
EDC will study. CLF might be interested also.

8:30 P.M. ADMINISTRATION

• **BUDGET FY 08** – reviewed figures compiled by Planning Board Administrator. Member Moore to meet with Town Manager next week to present the proposed budgets.

• **VOTE TO ACCEPT NOVEMBER 28, 2007 MINUTES**

MOTION: by Member Ivimey to accept November 28, 2007 minutes

SECOND: Member Westcott

VOTE: 5 – 0 **MOTION CARRIES**

• **SET MEETING DATES FOR JANUARY, 2008 (DECEMBER, 2007?)** January 9 and January 23, 2008

• **JOSEPH'S HARDWARE – EXTENSION TO 12/31/07 – STATUS OF**

MOTION: by Member Ivimey to extend site plan review approval to June 30, 2008

SECOND: Member Westcott

VOTE: 5 – 0 **MOTION CARRIES**

• **SCENIC ROADS MAIL FROM GLENN PRATT** - Administrator to contact Glenn Pratt and inform him that the EDC is working on a similar topic. Forward Pratt's letter to EDC – they may be able to address his interest in their project.

MOTION: by Member Ivimey to adjourn at 9:00 PM

SECOND: Member Good

VOTE: 5 - 0 **MOTION CARRIES**

NEXT MEETING: WEDNESDAY, JANUARY 9, 2008 AT 7:00 PM REGULAR MEETING

MINUTES APPROVED: STUART IVIMEY, CLERK

DATE: JANUARY 9, 2008