

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, DECEMBER 6, 2006
TIME: 7:00 PM
PLACE: COHASSET TOWN HALL – BASEMENT MEETING ROOM
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: Alfred Moore, Chairman
Peter J. Pratt, Vice Chairman
Stuart Ivimey, Clerk
Robert Sturdy

Board Members Absent: Mike Westcott

Recording Secretary Present: Jo-Ann M. Pilczak

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

7:05 P.M. SPECIAL INTEREST TOPIC – Peter Brown of the EDC explained that the EDC is exploring expanding the municipal Town Parking and has a plan for getting 50 spaces instead of 25 for the same cost. Brown distributed plans to the board members and asked for feedback.

7:15 P.M. 551 BEECHWOOD STREET – FORM A, APP: TODD BESTICK, date stamped: 11/27/06 (21 day decision deadline: 12/17/06) – John Cavanaro represented application. Applicant wants to split a 7 acre parcel and build house on new lot. Applicant’s mother is current owner. One new lot will split house in half. Will have frontage but will create a non-conformity on the side setback of existing house and will require 10’ of the existing house be torn down. Cavanaro and Building Inspector Egan stated that the applicant is fully aware of this.

MOTION: by Member Sturdy to approve the Form A as presented

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

Planning Board Administrator to send letter to applicant and owner noting that the approval will require that a portion of the existing house be torn down.

7:30 P.M. RED LION INN – INFORMAL DISCUSSION – Mr. Ordelheide explained that the Red Lion Inn function business is very successful. As a result, he is referring hotel business to other locations/towns. He would like to build 29 additional units at the Red Lion so he can accommodate the hotel business himself. Style of the new building will be the same as the existing Inn. No parking underneath. Orderlheide is considering selling the units as timeshares. Building Inspector Egan noted that it will require a special permit from the ZBA based on the bylaw requirement. Member Moore saw no physical hint that the plans violate zoning and should be filed as a site plan, but suggested that Town Counsel and Ordelheide’s counsel clarify the legalities before an application is filed.

8:00 P.M. HIGHLAND ESTATES – ROAD NAME CHANGE, LOT RELEASES – Mr. Nader, Owner/Applicant, noted that the name has been changed to “Heritage Lane” as suggested by the Assessor.

MOTION: by Member Ivimey to accept the name change to Heritage Lane

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

Member Moore had visited site and noted that it looked good. John Modzelewski approves of everything so far but did note that the cul-de-sac radii are 40’ and did not recall the Planning Board waiving the 50’ minimum. Modzelewski requested that Mr. Nader obtain a letter from the Fire Dept. stating that the 40’ radii works for the Fire Dept. trucks, then obtain a waiver from the Planning Board. Water Comm. has agreement not to connect water to lots 5 and 14. Member Sturdy would like as-builts submitted.

MOTION: by Member Sturdy to release 3 lots of the applicant’s choosing until up-to-date as-builts of water line and site work are received after which 3 more lots of the applicant’s choosing will be released.

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

8:25 P.M. 480 JERUSALEM RD. - LARGE HOME REVIEW - PUBLIC HEARING, APP/OWNER: SEAN & STACY MULLANEY, date stamped: 11/21/06 (35 day deadline for public hearing: 12/25/06)

Member Ivimey read the public hearing advertisement. Applicant Sean Mullaney was in attendance to represent the application. No abutters attended the Public Hearing. "No Comment" was received from the Board of Health, Conservation Commission and the Sewer Commission. Application was for the demolition of a one story portion of an existing residential structure and replacing the one story portion with a new two story portion resulting in a total residential gross floor area of 5,087 sq. ft. Existing 2095 sq.ft. footprint will move out about 8' towards center of property, adding approx. 85 sq. ft. to footprint. This is the only change to footprint. Plan designs are taken from and consistent with the original 1870's design. No views will be blocked. No ongoing disputes with neighbors. The applicant met with neighbors and abutters to review the plans and design. Neighbors are enthusiastic about project. Planning Board Office has not received any opposition to this project. Much discussion occurred during the public hearing relative to this being an existing nonconformity and an extension of the nonconformity by the second story addition. There was also question as to whether this lot had frontage, whether this was a corner lot and where frontage should/could be taken. The issues of increased nonconformity and frontage and whether a special permit from the ZBA would therefore be required were also discussed. Building Inspector Egan had met with the applicant's attorney who presented deeds and documents showing that the lot line goes to the center of Stoneleigh Road, that the setback is taken from the center of Stoneleigh Road and that it does conform to the required setbacks for a side lot line. It was, however, suggested that the applicant could go before the ZBA or, if the applicant chooses not to take this route, it was suggested that the applicant's attorney write a short memo detailing his opinion of these legal questions/issues. For the purposes of this application, the Planning Board opinion was that this was not a corner lot as Stoneleigh Road does not meet the bylaw definition of a corner lot being "a lot at the point of intersection of and abutting on two or more intersecting streets or ways at the intersection." Further, the bylaws define the front lot line as "the property line dividing a lot from a street. On a corner lot or a through lot, only one street line shall be considered the front line." The Planning Board accepted that the applicant owned to the center of Stoneleigh Road on the Eisenhaure side and, accepted the applicant's claim that his front door, and therefore his frontage, is on Stoneleigh Road, thereby accepting that the front and the side set backs conform. Steve May of the Cohasset Water Dept. noted that current water service to existing house goes through another homeowner's property and asks that a new water line be installed and a new hydrant be installed somewhere in the vicinity of this residence. The Water Dept. is available to meet with the applicant to discuss logistics.

MOTION: by Member Ivimey to approve this large home review application as presented and to recommend that Building Inspector Egan issue building permits (with note being made that the front of the home is as shown of the plot plan and that setbacks are met for that frontage.)

SECOND: Member Pratt

VOTE: 3 - 1 MOTION CARRIES

9:15 P.M. LEGGAT McCALL – AGE-RESTRICTION ZONING BYLAW CHANGES Virginia Messinger and Mahmood Malihi in attendance. Asked Board for direction as to what next steps should be regarding the Age-restricted zoning bylaws. Very short deadlines – January 12, 2007 is deadline for warrant submissions for March 31, 2007 Town Meeting. Leggat-McCall needs better definitions of age restriction so they can sell the units. Leggat-McCall will draft bylaw amendment (with Members Ivimey, Pratt) that addresses people living in Cedarmere that states they can have visitors who can visit but cannot establish residency (and therefore not put children in the schools.) Also, enforcement will be via the Homeowners Assoc. rather than the Building Inspector.

MASTER PLAN - Did not address due to Member Westcott's absence.

9:45 P.M. ADMINISTRATION

• **VOTE TO ACCEPT 11/15/06 MINUTES**

MOTION: by Member Ivimey to accept the November 15, 2006 minutes

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

- **FY 08 BUDGET SUBMITTED** – Members Moore, Pratt want to attend Town Manager budget meetings.
- **ZBA RECS** – No comments were forwarded as ZBA mtg. was held last night prior to Planning Board mtg

- **OFFICE HOURS DURING HOLIDAY WEEK** – Office closed from Dec. 21 to Jan. 2, 2007
- **SET JANUARY, 2007 MEETING DATES** – January 3, January 10 and, if needed, January 24, 2007

MOTION: by Member Ivimey to adjourn

SECOND: Member Pratt

VOTE: 4 – 0 MOTION CARRIES

MEETING ADJOURNED AT: 10:15 P.M.

NEXT MEETING: WEDNESDAY, JANUARY 3, 2007, AT 7:00 P.M.

MINUTES APPROVED: Stuart W. Ivimey, Clerk

DATE APPROVED: January 3, 2007