

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, DECEMBER 16, 2009
TIME: 7:00 P.M.
PLACE: COHASSET TOWN HALL – BASEMENT MEETING ROOM
41 HIGHLAND AVENUE, COHASSET, MA 02025

Board Members Present: Alfred S. Moore, Jr. - Chairman
Stuart W. Ivimey, Vice Chair
Jean Healey Dippold, Clerk
Charles A. Samuelson
Clark H. Brewer

Board Members Absent:

Recording Secretary Present: Jo-Ann M. Pilczak

Meeting called to order at: 7:00 P.M.

7:00 P.M. ADMINISTRATION

- **VOTE TO ACCEPT AMENDED DECEMBER 2, 2009 MINUTES**

MOTION: By Member Ivimey to accept the December 2, 2009 minutes

SECOND: Member Samuelson

VOTE: 5 – 0 MOTION CARRIES

- **VOTE TO ENTER EXECUTIVE SESSION**

MOTION: by Member Samuelson to enter Executive Session to discuss pending CCI ENERGY litigation

SECOND: Member Ivimey

POLL: Members: Ivimey – yes; Samuelson – yes; Brewer – yes; Healey-Dippold – yes; Moore - yes

VOTE: 5 – 0 MOTION CARRIES

7:05 P.M. EXECUTIVE SESSION TO DISCUSS CCI ENERGY PENDING LITIGATION

MOTION: by Member Ivimey to adjourn Executive Session at 8:15 P.M. and resume Open Session

SECOND: Member Samuelson

POLL: Members: Ivimey – yes; Samuelson – yes; Brewer – yes; Healey-Dippold – yes; Moore - yes

VOTE: 5 – 0 MOTION CARRIES

Open Session resumed at 8:20 P.M.

8:20 P.M. 8 JAMES LANE, SITE PLAN REVIEW AND SPECIAL PERMIT CONTINUED PUBLIC HEARING, OWNER: STEPHEN CLEARY, APPLICANT: SOUTH COASTAL DEVELOPMENT GROUP, LLC filed on: March 5, 2009. - ADMINISTRATIVE DISCUSSION - Paul Cleary in attendance to represent application. Cleary indicated that his team intended to continue with the filing. He felt South Coastal was close to being ready to address drainage design and would like to go forward at January 20, 2010 meeting. Chairman Moore asked Cleary if he had delivered a check to the Planning Board office for the \$5,400 due to his Engineering Deposit and, as clearly indicated (at Dec. 2, 2009 meeting) as being required to continue. Cleary indicated he did not bring a check.

MOTION: By Member Samuelson to reject this application due to lack of required deposits and lack of progress.

MOTION: By Member Ivimey to amend Samuelson’s motion to add “and because information and material submitted thus far does not satisfy (fails to satisfy) the requirements of the applicable bylaws.

SECOND: Member Healey-Dippold

VOTE: 5 - 0 TO AMEND MOTION

MOTION: By Member Ivimey to deny approvals for this application due to lack of required deposits, lack of progress and because information and material submitted thus far does not satisfy (fails to satisfy) the requirements of the applicable bylaws.

SECOND: Member Moore

Chairperson Moore asked if there was any discussion – no discussion.

VOTE: 5 - 0 MOTION CARRIES – APPROVALS DENIED

Member of public asked if this means that the applicant cannot reapply for two years. Member Moore answered that he thought that was correct.

MOTION: By Member Samuelson to close the public hearing

SECOND: Member Ivimey

VOTE: 5 - 0 MOTION CARRIES

8:30 P.M. ATTORNEY CHARLES HUMPHREYS TO REPRESENT DONALD STASZKO REGARDING SITE PLAN APPROVAL FEE SCHEDULE FOR ENGINEERING DEPOSITS

Attorney Humphreys explained that this site was engineered many times when the Stop & Shop etc. was in Site Plan Review, that the septic has already been installed and, that the applicant must now apply for a Stormwater Management Review which has a large fee associated with it. Humphreys requested that the Engineering Deposit be reduced from \$10,000 to \$5,000 and the Legal Fee be reduced from \$2,000 to \$1,000 so the difference can be applied to the Stormwater Management Review fee. Humphreys agreed to draft an agreement that would require the applicant to bring his engineering and legal deposits up to \$10,000 and \$2,000 respectively if he is late in delivering additional deposits when his balance falls below 50%.

MOTION: By Member Ivimey to approve the \$5,000 Engineering Deposit and \$1,000 Legal Deposit, which will be replenished when the balance drops below 50% and which will revert back to the original \$10,000 and \$2,000 if request for additional deposits is late and before public hearings will continue.

SECOND: Member Samuelson

VOTE: 5 - 0 MOTION CARRIES

Attorney Humphreys to deliver agreement to Planning Board Office.

8:40 P.M. ATTORNEY RICHARD HENDERSON

• **QUONAHASSIT TRAIL LOT RELEASE – LOT #1** – John Modzelewski sent memo indicating he agrees that Lot #1 can be released.

MOTION: By Member Ivimey to release Lot #1

SECOND: Member Brewer

VOTE: 5 - 0 MOTION CARRIES

Board signed Lot Release form for Lot #1

• **BRIEF DISCUSSION – ABBOTT DEVELOPMENT EASEMENT** – Easement discussion did not happen, however, it was noted that Abbott has still not delivered the \$2,760 due for October invoices or the \$2,160 due for November invoicing.

MOTION: By Member Ivimey to advise Building Inspector Egan to issue Cease & Desist effective December 22 and effective until the Engineering Deposits are brought current.

SECOND: Member Healey-Dippold

VOTE: 5 - 0 MOTION CARRIES

8:45 P.M. ZBA RECOMMENDATIONS – ZBA Applications had just been received (Dec. 16, 2009) in Planning Board Office. Board discussing tonight as Board does not meet again prior to the ZBA Meeting. However, there was not adequate time to give applicants notice if they wanted to attend this meeting.

• **21 DEEP RUN SPECIAL PERMIT APPLI. APPLICANTS: ROBERT LEGGAT & SARA D'EATHE** – Architect Can Tiryaki and Land owner Sara D'Eathe in attendance to represent this application. Plan is to demolish existing garage and build a new garage. New garage will be higher so they will be extending the non-conformity in the vertical but improving the non-conformity in the horizontal (although it will still be within the setback) in that the proposed garage will be 11.8' from the property line rather than the current 8.1'. Board felt this was an improvement to the current garage.

MOTION: By Member Healey-Dippold to recommend that the ZBA approve this special permit application

SECOND: Member Ivimey

VOTE: 5 - 0 MOTION CARRIES

• **21 SHELDON RD., SPECIAL PERMIT APPLICATION. APPLICANTS: STEVEN J. MEYERS** – Member Ivimey recused self.

MOTION: By Member Samuelson that it appears this needs a Large Home Review, but the Board cannot offer a further recommendation due to lack of detailed information.

SECOND: Member Brewer

VOTE: 4 – 0 MOTION CARRIES

• **173A HULL ST. SPECIAL PERMIT APPLICATION. APPLICANTS: DONALD & M. KELLY CONETTA** - Appears that addition is non-conforming at side setback. Board not able to offer recommendation due to lack of information.

MOTION: By Member Ivimey to adjourn at 9:00 P.M.

SECOND: Member Samuelson

VOTE: 5 - 0 MOTION CARRIES

NEXT REGULAR MEETING: WEDNESDAY, JANUARY 6, 2010 AT 7:00 P.M.

MINUTES APPROVED: JEAN HEALEY DIPPOLD, CLERK

DATE: JANUARY 6, 2010