

Members Present: S. Woodworth Chittick, Chairman
Benjamin H. Lacy
Charles Higginson
Peter Goedecke
Susan Kent
David McMorris

Others Present: Jennifer Oram, Assistant Clerk
Attorney Jan Gould, Town Counsel’s Office

Chairman S. Woodworth Chittick called the meeting to order at 7:30PM.

Board Business

Minutes – Chairman Chittick moved to approve the minutes of September 7, 2010 as amended. Mr. Charles Higginson seconded the motion and the vote was unanimous. The Board will vote on the October minutes in December.

SPECIAL PERMIT – Filed by Corina Martinez of Hoadley Martinez Architects on behalf of the landowner, Town of Cohasset and the owner of the buildings, the Cohasset Sailing Club, to raze and reconstruct the club building and shed at 15-19 Lighthouse Lane. §9.1. File #10.09.10. Continued.

Susan Hoadley of Hoadley Martinez Architects and Carmen Hudson of Cavanaro Consulting addressed the Board and reviewed their submissions to the Board date stamped by the ZBA office October 18, 2010. Ms. Hoadley reviewed the pier coverage for the Board stating that the existing pier coverage is 28.41 feet and the proposed is 73.76 feet. There was a brief discussion about the coverage. Chairman Chittick stated the applicant’s are using the entire 7.35 acre lot of Government Island, and their total percentage of building coverage, plus or minus is 2% or below. Ms. Hudson of Cavanaro Consulting then reviewed how she obtained the coverage calculations. She stated that she used topographic maps to estimate the existing building and lot coverage. She estimated that the existing buildings (including the Sailing Club, Harbormaster building and the Lightkeeper’s buildings) totaled 4,637 square feet. The approximate area covered by other existing impervious materials (pavement and concrete) calculate to 51,385. The total number Ms. Hudson used to calculate the existing building coverage on the 7.35 acre lot was, plus or minus, 56,022 square feet. The existing building coverage is estimated to be 2% plus or minus and the existing lot coverage for the entire 7.35 parcel is estimated to be 18%. Chairman Chittick stated that under §9.11, they cannot increase ground area coverage by more than 300 square feet or 20%, whichever is greater, and that the proposed increase for this application is miniscule. After a brief conversation, Mr. Benjamin Lacy moved to close the hearing. Mr. Peter Goedecke seconded the motion and the vote was unanimous.

SPECIAL PERMIT – Filed by Paul Sheerin on behalf of Kendall Village Cohasset Builders, LLC, seeks to raze the existing four unit structure and reconstruct a three unit condominium structure at 150 North Main Street. §8.7.2. File #10.10.06.

Chairman Chittick opened the hearing. The applicant, Paul Sheerin, along with his Attorney, Attorney Walter Sullivan and the Architect on the project, Herb Kuendig all addressed the Board. Attorney Sullivan stated that Mr. Sheerin is the contract purchaser of the property and has been given authorization by the land owners to present this application to the Board. Attorney Sullivan then

reviewed the history of a previous application for this property that was brought before the Board in 2003. He stated that the application before the Board this evening is under §§8.7.1 and 8.8. He stated that the lot is nonconforming in both lot size and width and that the lot pre-exists zoning. The decision that was made by the Board in 2003 stated that 'property constituted a preexisting three family dwelling and use'. The applicants are proposing to raze and reconstruct the existing structure and replace it with three single family homes attached to one another as condominium units, with a two car garage under each home. Although the present structure holds four apartments, they are only seeking to build three units. Attorney Sullivan stated that there are no less than 12 (twelve) residences in the area that hold apartments. He said that the building will look like a single family home in the front, with the other units staggered behind. He and his client also feel there will be less traffic with the proposed than what is there presently. Attorney Sullivan stated that they have made changes to the original plans that were filed with the Board. The changes they made were in response to concerns of the neighbors that were discussed at the meeting. Architect Herb Kuendig stated that the changes included pulling the parking area back for screening, adding a wall to the back unit which would bring the grade up, they also added a wall in the front to cover up headlights shining on the McGowan's home at 154 North Main Street. Mr. Kuendig stated that they made efforts to make the building appear smaller by moving the building forward, lowered the building height all the way around by 1.5 feet, took off the end of the roof and changed it to a gable to reduce the massing of the building. They also removed the porches except the one in the front. Mr. Peter Goedecke asked if the square footage was reduced with these changes. Mr. Kuendig stated that it was not. Chairman Chittick pointed out that on the application it states the lot width is 119' feet but that they are proposing 117'. If this is what they are proposing they would be increasing their nonconformity and thus would need a Variance. Mr. Kuendig stated that they would then move the building back so as to restore the the 119' frontage. Chairman Chittick then asked the applicant to provide the Board with the calculations showing the square footage of the lot coverage. He also asked them to double check the numbers for the proposed building footprint as the numbers did not appear to add up. The Board needs this information to confirm that what the applicant is proposing is not exceeding the allowable lot coverage. Chairman Chittick then asked why they were proposing 13 (thirteen) parking spaces for a 3 (three) unit building. Mr. Sheerin stated that the parking area already exists. Mr. Lacy stated that it seemed that the parking is what would be most offensive and perhaps they could take away three parking spots. Chairman Chittick stated that the Bylaw states they only need 6 (six) parking spots and that 13 (thirteen) seems excessive. There was then a brief discussion regarding the number of bedrooms. Mr. Sheerin there would be 6-8 bedrooms. The Board asked that they be given a definitive number of bedrooms.

Chairman Chittick then opened the discussion to the neighbors. Mr. Roger Crafts of 156 North Main Street stated that he is concerned about the amount of noise that comes out of the present residence at 150 North Main Street. He had asked Lt. Quigley of the Cohasset Police Department to run a report of the noise complaints at the address since 2004 and the report shows there were 55 (fifty-five) reports made by the neighbors in that time. Mr. Chris McGowan of 154 North Main Street spoke against the proposed project stating it was too large a project for the size of the lot, that the proposed is too close to the neighbors and would loom over their properties. He also is concerned about the noise and light that will come from the proposed buildings. Ms. Rita Kuolas of 140 North Main Street expressed concern about the traffic and the location of the driveway. Chairman Chittick asked if she could suggest a remedy. She could not. Ms. Kimberly McGowan of 154 asked why the structure was allowed to be moved back on the lot. Chairman Chittick explained that even with moving the structure back, it complies with the required setbacks. Chairman Chittick added that 70-80 percent of the lots in Town are nonconforming. Mr. Chris McGowan then added that if the Board were to approve this application, they would be setting a precedent in their neighborhood. Mr. Richard Henderson of 129 North Main

Street stated that Mr. McGowan brought up a good point and asked how the Board could entertain the idea of tearing down a three family structure and replacing it with a larger structure but with the same use. He suggested that the applicants submit something showing there are similar structures in the neighborhood. Attorney Sullivan stated that they have a decision from 2003 that states that the three family use pre-exists zoning.

Chairman Chittick proposed that the hearing be continued as they need several items from the applicant which are: calculations regarding lot coverage and square footage, a new site plan eliminating parking spaces and lists of other dwelling in the neighborhood that are similar. **Chairman Chittick moved to continue the hearing. Mr. Lacy seconded the motion and the vote was unanimous.**

Chairman Chittick moved that the Board go in to Executive Session for the purposes of discussing pending litigation because such discussion, if held in open session, could compromise the ZBA's strategic position with respect to such litigation. Thereafter the Board will resume open session. Mr. Goedecke seconded the motion.

**Ms. Higginson – Aye
Mr. McMorris – Aye
Ms. Kent Aye
Mr. Lacy - Aye
Mr. Goedecke – Aye
Chairman Chittick – Aye**

The Board returned to open session at 9PM.

Order of Remand of the application for a COMPREHENSIVE PERMIT / Chapter 40B – Filed by Wilmarc Charles seeking to build 7 (seven) residential units in the existing single family residence at 25 Ripley Road. Chapter 40B sections 20-23, SP §5.3. File #10.06.23. Continued.

Chairman Chittick addressed the applicant, Mr. Wilmarc Charles , as well as his Attorney Mr. Creed and Engineer Neil Murphy. He stated that the Board has been in receipt of several submissions from abutters. In addition to that, the Board's engineer, John F. Modzelewski of Civil Designs Inc., has submitted an extensive memo reviewing this filing for the Board. In fairness, Chairman Chittick would like to give the applicant time to review the memo from Civil Designs and suggested that at the next hearing of the Board should have engineer Modzelewski present to review the plans with the applicant and his engineer.

Chairman Chittick invited the neighbors to speak and review their submissions given to the Board. Mr. Douglas Yeager of 79 Sohier Street stated that he and his neighbors have several concerns regarding this project which they have outlined in a letter they submitted to the Board on November 2, 2010. Mr. Yeager stated that they feel that this is the wrong project for the neighborhood. He stated that different abutters/neighbors will address the concerns separately this evening. Mr. Gregory Wipf of 3 Ripley Road made a presentation to the Board stating that it was his belief that Ripley Associates, LLC will not be able to build a septic system that will be able to support the proposed 11 (eleven) bedrooms. Mr. Rod Hobson of 31 Deep Run addressed the Board as a Trustee of the Paul Pratt Memorial Library. Mr. Hobson stated that the trustees are concerned about the overflow of parking. The other concern they have is that based on plans submitted, it looks like the exit to the parking lot will be facing the library. He feels this could be a public safety issue. Chairman Chittick stated that this may be something the

Board will have to look at. Ms. Josyln Peters of 12 Ripley Road stated that they are concerned about the high density of people that the proposed project would bring to the neighborhood and that this density would adversely impact the historic neighborhood. She stated they had contacted the Cohasset Police Department and had a report runs showing noise complaints from a similar property at 150 North Main Street. She stated that since 2004, the existing 4 (four) unit building at 150 North Main Street had received 55 noise complaints. This building has 5-6 cars at the site. The proposed project at 25 Ripley is planned to have 16 parking spots. It is her belief that based on these numbers the proposed project could generate as many 110 complaints in a similar period. She also stated that with so many cars on the lot, the traffic in the area would increase greatly. Ms. Patricia Hart of 63 Sohier Street addressed the Board. She stated that she had made several phone calls checking on the resumes that had been submitted to the Board of the developers for the proposed project. At a previous hearing, the applicants presented Mr. Larry Escobar as their proposed developer. Mr. Escobar listed several projects he had worked on. Mr. Escobar had listed the city of Worcester on his resume, and so Ms. Hart ended up speaking with the Division of Neighborhoods and Housing Development in Worcester. After speaking to the Director of this Division, Mr. Dennis Hennessey, Ms. Hart was told that the project listed on Mr. Escobar's resume at 574 Main Street in Worcester was a false address. Ms. Hart also discovered that Mr. Escobar is not a full time developer as he had stated and that she was unable to find a listing for the company he said that he worked for (Wellesley Development Corporation). She stated that with all she has uncovered, she and her neighbors have serious concerns. Chairman Chittick asked Attorney Creed and Mr. Charles if they are working with Mr. Larry Escobar. Attorney Creed stated that they have severed their ties with Mr. Escobar. Chairman Chittick asked about the other proposed developers who have come before the Board to which Attorney replied that they had cut ties with them as well. Attorney Creed added that they are in negotiations with other developers. Mr. Roger Crafts of 156 North Street addressed the Board. He stated that he too is concerned about the increased density that would come with the project. He also does not feel the project is economically feasible. He added that he knows that the Board was not to address the economics of the projects.

Chairman Chittick asked if anyone else wished to speak. Captain Mark Trask of the Cohasset Fire Department stated that during the initial application process he submitted a letter addressing safety concerns about the site. He feels the letter is most likely still current, but will review the new plans to see if any additional recommendations need to be made. Chairman Chittick stated that in Captain Trask's letter, concerns were cited about a utility pole. Captain Trask stated that the utilities would be better underground. Mr. Peter Claire of 21 Ripley Road then addressed the Board. He stated that he objects to the project for the reasons stated this evening. He added that he feels the on-site trash dumpster is not compliant

Chairman Chittick then asked Mr. Neil Murphy if he was the engineer on the project. He said that he was not, that Sitec did the engineering drawings. Mr. Murphy stated that he did do the engineering on the septic and drainage plans. Mr. Charles said that he did not agree with Mr. Murphy. Chairman Chittick stated that the Board would not get into this discussion and asked Attorney Creed if they planned on having an engineer on the project since at some point the Board would need plans that are stamped by an engineer. Attorney Creed stated that they would have an engineer when it came to the point when they needed one. Chairman Chittick added that it was his understanding that the Board would be receiving updated architectural plans and updated parking, lighting, etc. on a site plan. Attorney Creed stated that due to the lack of time, he had his cousin modify the existing architectural drawings. He added that they (the applicants) are supposed to have reduced costs and they cannot keep reproducing expensive plans.

Chairman Chittick stated that where the applicants have not had a chance to review the comments made by the Board's engineer, perhaps during the next meeting in December, the Town's engineer and the applicant's engineer can review the issues brought forth by Civil Designs. There was then an extensive conversation about who is still on the "team" for this project. A memo was provided by an audience member listing the team members that was part of the original application. Of the seven members listed on the memo, only Mr. Charles is still part of the original team for the project. Attorney Creed stated that he is part of the team as well. Chairman Chittick then stated that there will need to be an extensive review with engineers of the plans that are before the Board. In addition, Chairman Chittick stated that the Board was supposed to have received a lighting survey and asked the applicant to provide this. He also asked the applicants if it would be possible for them to conduct a traffic study. Attorney Creed stated he would take the request under advisement. After a brief discussion, **Chairman Chittick moved to continue the hearing to December. Mr. Lacy seconded the motion and the vote was unanimous.**

Chairman Chittick moved that the Board go in to Executive Session for the purposes of discussing pending litigation because such discussion, if held in open session, could compromise the ZBA's strategic position with respect to such litigation. Thereafter the Board will resume open session. Mr. Goedecke seconded the motion.

**Ms. Higginson – Aye
Mr. McMorris - Aye
Ms. Kent
Mr. Lacy - Aye
Mr. Goedecke – Aye
Chairman Chittick – Aye**

The Board returned to open session at 11PM.

DELIBERATIONS:

SPECIAL PERMIT – Filed by Corina Martinez of Hoadley Martinez Architects on behalf of the landowner, Town of Cohasset and the owner of the buildings, the Cohasset Sailing Club, to raze and reconstruct the club building and shed at 15-19 Lighthouse Lane. §9.1. File #10.09.10.

After a brief discussion Mr. Higginson **moved the Board grant a Special Permit with conditions to the applicants to raze and reconstruct the club building and shed at 15-19 Lighthouse Lane. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson, 3-0).**

VARIANCE – Filed by Attorney Richard Henderson on behalf of applicant/landowner Crocker Lane Realty, LLC for the construction of structure (Light Poles) greater than 45 feet in height at 215 Chief Justice Cushing Highway. File #10.06.23.

After a lengthy discussion Chairman Chittick **moved the Board deny the Variance. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson, 3-0).**

Documents: 15-19 Lighthouse Lane

Hoadley Martinez Transmittal Dated October 15, 2010, date stamped by the Cohasset ZBA October 18, 2010. Transmittal included Pile/Pier Count analysis, S-1 foundation plan, revised clubhouse exterior dimensions at cupola and Site Plan analysis of impervious surfaces for proposed lot.

Documents: 25 Ripley Road

Civil Designs, Inc. Six (6) page Memo drafted by engineer John F. Modzelewski, P.E.
Letter dated November 2, 2010 dated November 2, 2010 signed by abutters and neighbors Re:
Substantial Issues Remain Regarding Proposed 25 Ripley Development.
“Ripley Road 40B Project Team Functions” Memo