

COHASSET PLANNING BOARD MINUTES

DATE: WEDNESDAY, June 16, 2021
TIME: 6:30 PM

**Meeting Held Via Zoom Platform and in person in the Select Board's Office,
Town Hall, 41 Highland
Avenue, Cohasset, MA 02025**

Board Members Present: Amy Glasmeier, Chairman (AG)
Tom Callahan, Vice Chairman (TC)
Paul Grady, Clerk (PG)
Clark Brewer, Member (CB)
Erik Potter, Member (EP)

Member Absent: Paul Colleary, Associate Member (PC)

Town Staff Present: Karis North, Esq. – Special Counsel (Windy Hill, 1 Pleasant Street)
Cindy Amara, Esq. – Special Counsel (147 South Main Street)
Jennifer Oram, Assistant Director, Planning, Permits & Insp. &
Recording Secretary

Chair Amy Glasmeier called the Planning Board meeting to order at 6:30PM.

She then asked for a Roll Call Vote of Members Present: Clark Brewer – Aye, Tom Callahan – Aye, Paul Grady – Aye, Chairman Amy Glasmeier – Aye, and Erik Potter - Aye.

This meeting was held in person because the State had not affirmed if Zoom meetings would constitute legal meetings where the State of Emergency was lifted on June 15, 2021. To assure that all hearings remained open and legal, the Planning Board met in person at Town Hall, in the Select Board's meeting room, and had a zoom camera on to record the meeting.

PUBLIC HEARING - Pursuant to §300-5.4 of the Cohasset Zoning Bylaw for an application for a Large House Plan Review, filed by Eames Capital Partners, LLC. The subject property is Windy Hill Road Lot 32 (House number pending) – (Cont. from 5/26)

In attendance for the hearing:

- Shawn Richard, Applicant
- Jeff Hassett of Morse Engineering
- Attorney Richard Henderson

Documents Uses for this Hearing on file in the Planning Board Office and the Town Clerk's Office:

The public was advised about public comment and how it would proceed. If they wished to speak, they were advised to state their name and address and to please not give repetitive testimony.

Applicant, Shawn Richard, addressed the Board. He stated that the only new information they had was regarding the test pits on site. Jeff Hassett of Morse Engineering stated that they did conduct additional test pits on the site and as a result, did remove one dry wall. Other than the one minor change, they did not have any new information for the Board.

Chair Glasmeier asked if for Planning Board Comments.

Member Clark Brewer stated that he feels that his comments regarding the architecture on this project were responded to. He also thinks the lighting has been addressed and the fixtures are quality light fixtures.

Member Erik Potter stated that he understands the abutter's concerns. He has walked the site and would be open to adding a condition that would require that the native species on the left corner of the lot remain and not be removed. He added he is very sympathetic to the issues the neighbors have raised, but he must rule under the confines of the Bylaw.

Member Paul Grady asked if the vegetation being maintained would be the two large cedar trees and if they could modify the application to maintain those trees. Member Brewer stated that they may need to be removed due to change in grade. Mr. Hassett stated that those trees fall within the drywall and will need to be removed.

Vice Chairman Tom Callahan stated that he would like to see the original tree line be maintained. He would like this decision to be recorded at the Registry of Deeds. In addition, he would like the trees on the northwest corners maintained and thinks this could be done without them relocating the pool.

Chair Glasmeier stated she appreciates the additional test pits they conducted. She then asked about the culvert that is proposed on the driveway. Mr. Hassett clarified that the water from the storm would go across the driveway and into a grate that is being put into the driveway to capture that run-off. This grate was added to the plan per a request from the Conservation Commission. This stone trench works as a filter.

Chairman Glasmeier then opened the hearing for public comments. She asked that if anyone wished to speak to please keep the comments to new information.

Virginia Jensen of 542 Jerusalem Road asked about the storm trench and asked if the water would go over or under. Chair Glasmeier said the water would go to a storm drain unless it was a massive storm. Ms. Jensen asked if the applicants could maintain more of the native plantings on the site where a lot of trees were taken down. Applicant, Shawn Richards, stated that they have not removed a single piece of vegetation from the property since they have owned it. Mr. Hassett added that they are planting 39 native trees on this property.

Thomas Carroll of 1 Windy Hill asked that if the Planning Board was not the proper venue to add conditions to this project what is. Chair Glasmeier explained that the Large Home Review (LHR) is limited, and they cannot go beyond the features of it. Member Brewer added that the Board can approve a LHR with or without conditions. Mr. Carroll asked why the Board cannot look at the size of the house. Member Brewer stated that it's not specified in the LHR Bylaw, and that this Bylaw does not have "teeth". Chair Glasmeier added that the Board does not have standing to do that. Member Potter explained that the LHR was put into place to alert neighbors of these projects, but that private property rights supersede this Bylaw.

Virginia Brophy of 16 Beechwood Street takes exception to notice just to the neighbors; they need to look at the totality of the document. She expressed concerns about the plantings. Chair Glasmeier explained that both the Conservation Commission and the Planning Board worked with the applicants to ensure they mitigated as many of the water and planting concerns as possible. Mr. Hassett added that they have been before the Conservation Commission for many hearings and are before them again the next evening.

Planning Board member, Paul Grady, stated that the Planning Board has empathy for the neighbors, but the Planning Board must follow the Bylaws.

Kathy Berigan of 646 Jerusalem Road asked if the new ledge removal Bylaw that passed at Annual Town Meeting had been applied to this application. Chair Glasmeier explained that this application was filed prior to

the Bylaw being approved at the ATM so it would not apply to this application. Vice Chairman Callahan asked the applicant if it did apply, would they qualify/meet it. Applicant Sean Richards said they would with less than 1% removal.

After further discussion:

MOTION: Vice Chairman Callahan moved to close the hearing.
SECOND: Member Brewer
VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Paul Grady – Aye, Erik Potter – Aye, and Chair Amy Glasmeier –Aye (5-0). **MOTION CARRIES**

The Board then deliberated. Member Brewer would like to condition the lighting as dark sky. Vice Chairman Callahan would like to condition that the tree line on the East going north be maintained. He would like these conditions to be reduced to writing and filed at the registry of deeds.

MOTION: Vice Chairman Callahan moved to approve the Large Home Review for this project with the following conditions: Dark Sky Lighting is to be used, the existing tree line on the Northeast side needs to be maintained; these conditions and the decision are to be recorded at the Registry of Deeds
SECOND: Member Grady
VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Paul Grady – Aye, Erik Potter – Aye, and Chair Amy Glasmeier –Aye (5-0). **MOTION CARRIES**

PUBLIC HEARING – Pursuant to MGL, Chapter 40A, & §300-12.4, §300-12.6 and §300-18 of the Cohasset Zoning Bylaws for a combined Village Business District Special Permit & Site Plan Review application, filed by Marvell Properties, LLC. The subject property is 1 Pleasant Street. (Cont. from 5/12)

MOTION: Member Brewer moved to continue this hearing to June 23, 2021, at 8:30PM
SECOND: Member Potter
VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Paul Grady – Aye, Erik Potter – Aye, and Chair Amy Glasmeier –Aye (5-0). **MOTION CARRIES**

PUBLIC HEARING – Pursuant to MGL Ch40A & §300-12 of the Cohasset Zoning Bylaws for an application for Site Plan Review, filed by John Schiavo. The subject property is 147 South Main Street.

In attendance for the hearing:

- Attorney Adam Brodsky
- Jeff Hassett of Morse Engineering
- Pat Fisher, Architect
- Dick Rockwood of Rockwood Designs

Documents Uses for this Hearing on file in the Planning Board Office and the Town Clerk's Office:

- Revised Site Plan prepared by Morse Engineering dated June 11, 2021
- Memo from Morse Engineering, dated June 15, 2021, entitled *Summary of Revisions*
- Updated Architectural Plans, prepared by Dick Rockwood Designs, stamped by Pat Fisher, Architect

This hearing was continued from May 12, 2021. Attorney Brodsky addressed the Board and reviewed what they would be reviewing this evening. At the last meeting with the Board, the Board had asked about ADA compliance. Dick Rockwood and Architect, Pat Fisher will address that this evening. Jeff Hassett of Morse Engineering will review the minor changes made per the Conservation Commission. In addition, the Assistant Fire Chief has approved the Fire Truck sweep analysis.

Dick Rockwood and Architect, Pat Fisher addressed the Board. Mr. Rockwood stated that at the last meeting, questions about ADA compliance were asked and they have made additional minor adjustments to the project to address them. He and Ms. Fisher then reviewed the updated architectural plans. Mr. Rockwood stated they added a couple of dormers on the third floor where they have added a bedroom and a bathroom. The floor plan has changed due to each unit having an accessible bedroom and bathroom. There is a common area and three apartments; they installed a lift to access the apartments. Attorney Brodsky stated that the building footprint has not changed, the height has very slightly, by inches, and they are still below the maximum building height. The building will be fully sprinkled according to fire code. Ms. Fisher added that these three units will add three more ADA complaint units for the disabled community and there is a shortage of those.

Board Member Comments:

Member Potter stated that he lives close to the project and thinks it's a good project and thinks it will fit well into the space. Member Grady had no comments. Vice Chairman Callahan asked about the neighbors and buffering to the neighbors to one side. Mr. Hassett stated there will be a 6-foot-tall fence and green trees along Spring Street. Chair Glasmeier raised a point about the site being used for various vehicle repair shops and the neighbors making statements that the site is contaminated and has been filled. Attorney Brodsky stated that he believes the abutters have inaccurate information and that the Board is hearing rumors from interested parties. He stated there was a fire on the site, a permanent solution has been submitted to the Board along with a 21E report. If during construction when they open the ground, if anything is found and there is evidence of contamination, they have a legal obligation to report it. There is a rigorous program and failure to report is not tolerated by the State of MA. Member Brewer added they must have had a licensed site professional after the fire. After some further discussion:

MOTION: Vice Chairman Callahan to Close the Hearing for 147 South Main Street.
SECOND: Member Grady
VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Erik Potter – Aye, Paul Grady, and Chair Amy Glasmeier –Aye (5-0). MOTION CARRIES

MOTION: Vice Chairman Callahan to approve the Site Plan approval of 147 South Main Street and that any 21E finding be committed to writing.
SECOND: Member Grady
VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Erik Potter – Aye, Paul Grady, and Chair Amy Glasmeier –Aye (5-0). MOTION CARRIES

Administrative:

Planning Board Reorganization:

Position of Chairman

Member Paul Grady moved to nominate Amy Glasmeier as Chairman.
Member Erik Potter moved to nominate Clark Brewer Chairman.

Discussion:

Member Potter stated that he found Member Brewer to be open and transparent when he was Chairman. He is voting this way because he supports the idea of turnover annually. He agreed last year that it was time for a change and voted for Ms. Glasmeier to be Chair. It is for that reason he is voting for a new Chair, Clark Brewer. Vice Chairman Callahan stated that he was the deciding vote here and did not want to get into why he did not think Member Brewer should be the Chair. If Chair Glasmeier would like to continue while we are still meeting

in Zoom, he is Ok with that. After further back and forth and additional comments, Vice Chairman Callahan suggested they just move forward and keep things the same.

MOTION: Vice Chairman Callahan moved to keep the same Board organization as the previous year: Chairman Glasmeier, Vice Chairman Callahan and Member Grady as Clerk.

SECOND: Chair Glasmeier

VOTE: Roll Call Vote: Clark Brewer - Nay, Tom Callahan – Aye, Erik Potter – Aye, Paul Grady, and Chair Amy Glasmeier –Aye (4-1). **MOTION CARRIES**

Planning Board Liaison Assignments:

Member Callahan stated he was on too many committees. He is currently liaison to: Community Preservation Committee (CPC), Open Space Committee, Master Plan Implementation Committee (MPIC) and the Zoning Bylaw Working Group. He would like to stay on the ZBWG. He would like to give up CPC if he can. Member Brewer is on MPIC and the Elm Street Corridor Working Group. Member Grady agreed to take on the CPC and Erik Potter agreed to take on Open Space.

Planning Board Member Comments:

Chair Glasmeier updated the Board on a regular meeting she and the Chairs of the ZBA and the Conservation Commission, have been having with John Hallin the Building Inspector. They have now established a formal process where projects will first go to the Building Department and be reviewed by the Building Inspector.

Vice Chairman Callahan stated that the Select Board has been given comments about the Land Use Counsel RFQ and it appears their comments have been listened to. He is uncertain who will be on the interview team. Mr. Callahan then went on to address issues with Town Hall. He stated that it seemed to him that there were concerns and not a clear understanding about Town Hall staff and the lines of authority. Do they report to the Boards? Mr. Callahan was advised by Ms. Oram that Town Hall staff support, but do not report to the Boards. Vice Chairman Callahan then went on to suggest there be a large meeting amongst all Board members to investigate this further. The Board agreed this would be a good idea to get everyone together. He then began to mention specific staff members at which time Ms. Oram advised that this discussion was making her uncomfortable and that the discussion was beyond the scope of the posted agenda.

Member Potter agreed and the Board moved on.

Approval of Minutes:

MOTION: Vice Chairman Callahan moved to approve the minutes of March 10, 2021

SECOND: Member Brewer

VOTE: Roll Call Vote: Clark Brewer - Aye, Erik Potter – Aye, Tom Callahan – Aye, Paul Grady, and Chair Amy Glasmeier –Aye (5-0). **MOTION CARRIES**

Adjournment:

MOTION: Member Grady moved to adjourn the meeting at 8:20PM

SECOND: Member Potter

VOTE: Roll Call Vote: Clark Brewer - Aye, Tom Callahan – Aye, Erik Potter – Aye, Paul Grady – Aye, Paul Grady - Aye and Amy Glasmeier –Aye (5-0). **MOTION CARRIES**

Meeting adjourned at 8:20PM

**Respectfully submitted,
Jennifer Brennan Oram
Assistant Director PP&I/
Recording Secretary**

APPROVED