

Article 26 :Sunset the Senior Multifamily Residential Overlay District:

To see if the Town will vote to delete section 300:16, the Senior Multifamily Residential Overlay District, from the Zoning Bylaws.

To see if the Town will vote to replace the following sections which contain references to Section 300:16, the Senior Multifamily Residential Overlay District, from the Zoning Bylaws as follows:

Deleting definition of Dwelling, Multifamily in § 300-2.1, which now reads:

“DWELLING, MULTIFAMILY — A building containing three or more dwelling units. All housing units permitted by special permit issued by the Planning Board pursuant to Article 16, Senior Multifamily Residence Overlay District, of the Cohasset Zoning Bylaw, and all housing units permitted by comprehensive permit issued by the Zoning Board of Appeals pursuant to Chapter 40B of Massachusetts General Laws, shall be considered multifamily dwelling units for purposes of the enumeration of both the "total number of multifamily dwelling units of any kind erected in Cohasset" and of the "dwelling units of the Town" as specified in § 300-16.11C hereunder.[Amended 3-27-2004 by Art. 10; 4-30-2018 ATM by Art. 19]”

Replace it with:

“DWELLING, MULTIFAMILY – Attached dwelling units or buildings designed for or occupied by two or more families.”

Deleting § 300-3.1 B., which now reads:

“In addition, there are five overlay districts: the Floodplain and Watershed Protection District, the Water Resource District, the Residential Cluster Development District, the Senior Multifamily Residence Overlay District, the Transit-Oriented Development Overlay District, and the Ground-Mounted Solar Photovoltaic Installations Overlay District. [Amended 5-5-1975 by Art. 35; 4-7-1986 by Art. 39; 4-4-1987 by Art. 21; 4-4-1981 by Art. 26; 11-18-2002 by Art. 8; 4-1-2006 by Art. 17; 4-1-2006 by Art. 18; 4-30-2018 ATM by Art. 19]”

Replace it with:

“In addition, there are six overlay districts: the Floodplain and Watershed Protection District, the Water Resource District, the Residential Cluster Development District, the Transit-Oriented Development Overlay District, and the Ground-Mounted Solar Photovoltaic Installations Overlay District and Harbor Village Business Overlay District. [Amended 5-5-1975 by Art. 35; 4-7-1986 by Art. 39; 4-4-1987 by Art. 21; 4-4-1981 by Art. 26; 4-1-2006 by Art. 17; 4-1-2006 by Art. 18; 4-30-2018 ATM by Art. 19, Added 4-29-2019 ATM by Art. 18]”

Deleting § 300-4.3N.(4), which now reads:

“If a specific provision of this bylaw or of applicable state or federal law requires a greater number or percentage of "local action units" or so-called "affordable housing units" than required by this provision (for example, bylaw Article 16, MGL c. 40B), then the greater requirement shall control.”

Replace it with:

“If a specific provision of this bylaw or of applicable state or federal law requires a greater number or percentage of "local action units" or so-called "affordable housing units" than required by this provision (for example, MGL c. 40B), then the greater requirement shall control.”

Deleting § 300-17.10 A., which now reads:

“ Sections 300-16.11C and 300-7.2J of the bylaw shall not apply to the TOD Overlay District.”

Replacing it with:

“ Sections 300-7.2J of the bylaw shall not apply to the TOD Overlay District.”

Deleting § 300-22.9 A., which now reads:

“Section 300-16.11C of the bylaw shall not apply to HVBOD.”

Renumbering existing § 300-22.9 B. to § 300-22.9 A.

“No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Cohasset Planning Board that the premises have been built in accordance with the plan approved hereunder.”

Renumbering existing § 300-22.9 C. to § 300-22.9 B.

“The Cohasset Planning Board shall adopt, and from time to time amend, rules and regulations consistent with provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of Zoning Bylaw § 300-12.4, prescribe as minimum the size, form, contents, style and number of plans and specifications, the Town boards or departments from which the Cohasset Planning Board shall request written reports and the procedure for submission and approval of a special permit under the provisions of this Zoning Bylaw Article 22. The Cohasset Planning Board shall also specify the fees to be paid in connection with application for a special permit for an HVBOD, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age and affordability restrictions. Other specifications as deemed necessary by the Cohasset Planning Board shall be included in the rules and regulations. Failure to adopt such rules and regulations shall not affect the validity of this Zoning Bylaw Article 22.”

or to take any other action related thereto.

Select Board for ZONING BYLAW WORKING GROUP

INFORMATIONAL SUMMARY:

The Senior Multifamily Residential Overlay District (SMROD) was adopted in 2002. In the nineteen years since its approval, there have been no applications to develop utilizing Article 16.

In April 2006, an amendment at Annual Town Meeting was made to the Zoning Bylaws to sunset Article 16. However, the sunset provision in 300:16.1B created a legal inconsistency as it tied the provision to the completion of the Cook Estate project which was subsequently completed under a different Zoning Bylaw article. Currently, the SMROD zoning provisions cannot be utilized by developers, but it also cannot be formally removed from the Zoning Bylaws due to the wording of the amendment.

Finally, the SMROD contains a provision in 300:16.11C which restricts total number of multifamily dwelling units in Town to 15% of the total dwelling units in Town. This provision creates conflicts with overlay districts in the Zoning Bylaws adopted subsequently (Article: 17 Transit-Oriented Development Overlay District and Article: 22 Harbor Village Business Overlay District) and with recent guidance from the Department of Housing & Community Development regarding by right multifamily zoning in MBTA communities.

Therefore for all these reasons, the Master Plan's Zoning Bylaw Working Group recommends the removal of Article 16 from the Zoning Bylaws.

