

Index of Articles – Annual Town Meeting May 1, 2017

1. Annual Town Report	Adopted
2. Report of Committees	No Action Taken
3. Sewer Rate Increase	Adopted
4. FY18 Operating Budget	Adopted
5. Unpaid Bills of Prior Years	Adopted
6. FY17 Supplemental Appropriations	Adopted
7. Stabilization and Other Special Funds	Adopted
8. Capital Improvements Budget	Adopted
9. General Bylaws – Departmental Revolving Funds	Adopted
10. Funds for Road Repair and Maintenance	Adopted
11. Funds for One Time Cost Items	Adopted
12. New Water Main Loop	Adopted
13. MGL Chapter 91 Liability	Adopted
14. Additional Real Estate Exemptions	Adopted
15. Community Preservation Committee	Adopted
16. General Bylaws – Denial of Licenses and Permits	Adopted
17. Zoning Bylaw Amendment -Temporary Moratorium on Marijuana Establishments	Adopted
18. General Bylaws – Town Finance Director	Adopted
19. Sewer Betterment Refund	Adopted
20. Amend and Reallocate Special Education Stabilization Fund	Adopted
21. General Bylaws – Rights of Way	Adopted
22. Zoning Bylaw Amendment – Section 2.1 Definitions Definition of Residential Gross Floor Area	Adopted
23. Zoning Bylaw Amendment – Section 9.7 (8)b – Special Permits	Adopted
24. Zoning Bylaw Amendment – Section 2.1 Definitions Definition of a Dwelling Unit and Family	Indefinitely postponed
25. Zoning Bylaw Amendment – Section 4.2 (14) – Inclusionary Zoning	Adopted
26. Zoning Bylaw Amendment – Large Home Review Process	<b><u>Defeated</u></b>
27. General Bylaws - Creation of a Scenic Way Bylaw	Adopted
28. Citizens Petition – New Land Alteration Regulations	<b><u>Defeated</u></b>
29. Citizens Petition – Create a Scenic Roads Bylaw	Indefinitely postponed
30. Citizens Petition – Amending the Large Home Review Process	Indefinitely postponed
31. Citizens Petition – Amendment of the Table of Area Regulations	Indefinitely postponed
32. Citizens Petition – Expansion of Central Cohasset Waste Water Sewer System	Indefinitely postponed

**TOWN OF COHASSET**

**Annual Town Meeting – May 1, 2017**

At the Annual Town Meeting held on Monday May 1, 2017 at the Cohasset High School Sullivan Gymnasium the following articles were contained in the warrant and acted upon as follows.

Checkers sworn in by the Town Clerk, Carol L. St. Pierre at 6:30 p.m. were Elizabeth Anderson, Kelly Grech, Rebekah Matthey, Pearl Smith, Kenneth Warner and Lauren Walsh. Tellers Philip Faulkner, Peter Pearce, Susan Hobson Putziger and Linda Wakeman were appointed and sworn in by the Moderator Daniel Evans.

The Moderator called the meeting to order at 7:13 p.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list totaled 326. Precinct 1 - 210 voters and precinct 2 - 116.

Citizens recited the pledge of allegiance. A moment of silence was observed for citizens listed in the memoriam of the town report.

**Voted unanimously** to dispense with the reading of the call of the Meeting and Return of Service have been examined by the Moderator and found to be in order.

**Article 1: Annual Town Report**

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2016, or to take any other action related thereto.

**MOVED** that the reports of the various Town Officers as printed in the Annual Town Report for 2017, be accepted and placed in the permanent records of the town.

**Motion adopted unanimously.**

**Article 2: Reports of Committees**

To hear the reports of any Committee heretofore chosen and act thereon, or to take any other action related thereto.

Report from the Open Space and Recreation Commission. No further action taken.

**Article 3: Sewer Commission – Sewer Rate Increase**

To see if the Town will vote to authorize the Board of Sewer Commissioners to change sewer user rates as follows:

Flow-based usage fee: \$9.51 per 100 cubic feet;

or to take any other action related thereto.

**MOVED** that the Board of Sewer Commissioners decision to change sewer user flow-based usage fee to \$9.51 per 100 cubic feet be ratified and implemented.

**Majority vote required. Motion adopted.**

**Article 4: Operating Budget**

To see if the Town will vote to fix salaries and compensation of Elected Officers, and to see what sums the Town will vote to raise and appropriate from available funds or otherwise, for the payment of the salaries and compensation, expenses, equipment and outlays, capital and otherwise, of the several Town Departments, including the enterprise funds for the Water Department and Sewer Department, for the ensuing fiscal year, or to take any other action related thereto.

**MOVED** that Fifty Million One Hundred Eighty Four Thousand Four Hundred Forty Eight Dollars (\$50,184,448) be appropriated for the Fiscal Year 2018 Annual Town Budget to be allotted as follows: \$92,545 for salaries of elected Town Officials consisting of the Town Clerk \$82,028; Clerk, Board of Registrars (4) at \$329 each, total of \$1,316; Moderator, \$1; Selectmen, Chairman \$1,500; Members (4) at \$1,000 each, total of \$4,000; Board of Assessors, Chairman, \$1,300; Members (2) at \$1,200 each, total \$2,400; and the remaining \$50,091,903 for Personal Services, Expenses, and Capital Outlays, interest on Maturing Debt and other charges for various departments, as is further described in Appendix A in the Warrant, and to meet the appropriation, the following transfers are made:

\$2,288,512	from Sewer Enterprise Revenue,
\$5,026,798	from Water Enterprise Revenue,
\$65,337	from School Construction Surplus Fund,
\$24,747	from Reserve for Community Preservation Debt,
\$435,520	from Capital Stabilization Fund,
\$75,000	from Title V Betterment Fund,
\$58,861	from Sewer Betterment Debt Stabilization Fund,
\$12,548	from Sewer Debt Stabilization Fund.

AND \$42,197,125 is raised from taxation and other general revenues of the Town.

**A 2/3's vote required. Motion adopted unanimously.**

<b>DEPARTMENT</b>	<b>FISCAL 2015 BUDGET</b>	<b>FISCAL 2016 BUDGET</b>	<b>FISCAL 2017 BUDGET</b>	<b>FISCAL 2018 REQUESTED</b>	<b>FISCAL 2018 RECOMMEN</b>
<b>ADMINISTRATIVE SERVICES</b>					
TOWN MODERATOR	500	500	500	500	500
BOARD OF SELECTMEN	227,950	230,300	178,130	178,740	178,740
TOWN MANAGER	435,465	306,020	364,928	424,873	424,873
HUMAN RESOURCE MANAGEMENT	50,000	70,000	75,000	150,000	150,000
ADVISORY COMMITTEE	360	360	360	360	360
RESERVE FUND	200,000	200,000	200,000	225,000	225,000
DIRECTOR OF FINANCE	270,635	270,304	241,283	254,736	254,736
BOARD OF ASSESSORS	221,697	216,608	220,686	229,209	229,209
TREASURER/COLLECTOR	293,397	311,269	305,814	316,923	316,923
LEGAL SERVICES	175,000	175,000	150,000	150,000	150,000
CHIEF TECHNOLOGY OFFICE	200,000	315,000	360,000	369,000	369,000
TOWN TECHNOLOGY	-	-	99,000	107,124	107,124
TOWN CLERK	149,865	151,452	160,215	159,115	159,115
PERMITS & INSPECTIONS	170,824	153,296	164,739	230,402	230,402
UNCLASSIFIED	367,210	367,210	408,660	416,240	416,240
<b>ADMINISTRATIVE TOTAL</b>	<b>2,762,903</b>	<b>2,767,319</b>	<b>2,929,315</b>	<b>3,212,222</b>	<b>3,212,222</b>
<b>PUBLIC SAFETY</b>					
POLICE	2,246,844	2,265,054	2,337,670	2,409,956	2,409,956
FIRE	2,210,777	2,258,766	2,365,986	2,427,200	2,427,200
BUILDING COMMISSIONER	137,393	141,449	150,140	151,665	151,665

EMERGENCY MANAGEMENT	26,000	38,000	38,000	38,000	38,000
HARBORMASTER	109,732	112,693	115,248	116,514	116,514
SHELLFISH CONSTABLE	475	475	475	475	475
<b>PUBLIC SAFETY TOTAL</b>	<b>4,731,221</b>	<b>4,816,437</b>	<b>5,007,519</b>	<b>5,143,810</b>	<b>5,143,810</b>
<b>EDUCATION SERVICES</b>					
COHASSET SCHOOLS	16,957,496	17,505,000	18,320,276	18,895,656	18,895,656
SCHOOL SUPPORT OFFICER	-	55,000	75,000	100,000	100,000
SOUTH SHORE VOCATIONAL	84,721	73,471	84,057	86,158	86,158
<b>EDUCATION SERVICES TOTAL</b>	<b>17,042,217</b>	<b>17,633,471</b>	<b>18,479,333</b>	<b>19,081,814</b>	<b>19,081,814</b>
<b>PUBLIC WORKS/FACILITIES</b>					
DEPT OF PUBLIC WORKS	973,912	1,182,168	1,201,730	1,237,548	1,237,548
SNOW & ICE REMOVAL	125,000	125,000	125,000	125,000	125,000
STREET LIGHTING	45,000	45,000	45,000	45,000	45,000
TRANSFER STATION	465,732	469,877	497,416	474,398	474,398
FACILITIES MANAGEMENT	675,777	804,322	946,943	939,026	939,026
<b>PUBLIC WORKS/FACILITIES</b>	<b>2,285,421</b>	<b>2,626,367</b>	<b>2,816,089</b>	<b>2,820,972</b>	<b>2,820,972</b>
<b>HEALTH &amp; WELFARE</b>					
BOARD OF HEALTH	148,280	151,420	156,446	161,405	161,405
ELDER AFFAIRS	384,177	270,990	284,592	281,828	281,828
VETERANS SERVICES	134,250	138,850	138,850	141,592	141,592
<b>HEALTH &amp; WELFARE TOTAL</b>	<b>666,707</b>	<b>561,260</b>	<b>579,888</b>	<b>584,825</b>	<b>584,825</b>
<b>CULTURE &amp; RECREATION</b>					

LIBRARY	562,873	589,768	614,767	642,587	642,587
RECREATION	113,902	123,417	125,989	130,760	130,760
COMMON HISTORICAL COMMISSION	50	500	500	500	500
HISTORICAL PRESERVATION	600	600	600	600	600
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>677,425</b>	<b>714,285</b>	<b>741,856</b>	<b>774,447</b>	<b>774,447</b>
<b>DEBT SERVICE</b>					
DEBT SERVICE	3,262,518	3,167,326	3,166,674	3,077,980	3,077,980
<b>DEBT SERVICE TOTAL</b>	<b>3,262,518</b>	<b>3,167,326</b>	<b>3,166,674</b>	<b>3,077,980</b>	<b>3,077,980</b>
<b>BENEFITS &amp; INSURANCE</b>					
PENSION ASSESSMENT WORKERS COMPENSATION	1,591,141	1,706,914	1,880,030	2,296,320	2,296,320
UNEMPLOYMENT	7,500	7,500	5,000	5,000	5,000
HEALTH INSURANCE	3,570,467	4,556,164	4,863,705	5,155,527	5,155,527
LIFE INSURANCE	9,360	9,547	9,738	9,933	9,933
MEDICARE TAX	284,920	302,043	309,594	317,334	317,334
PROPERTY & LIABILITY INSURANCE	295,301	296,080	310,884	326,428	326,428
<b>BENEFITS &amp; INSURANCE TOTAL</b>	<b>5,881,197</b>	<b>7,010,867</b>	<b>7,518,201</b>	<b>8,308,542</b>	<b>8,308,542</b>
<b>GENERAL FUND GRAND TOTAL</b>	<b>37,309,609</b>	<b>39,297,332</b>	<b>41,238,875</b>	<b>43,004,612</b>	<b>43,004,612</b>
<b>SEWER ENTERPRISE FUND</b> (indirect costs included)					
	<b>2,242,921</b>	<b>2,555,842</b>	<b>2,480,061</b>	<b>2,259,706</b>	<b>2,259,706</b>
<b>WATER ENTERPRISE FUND</b> (indirect costs included)					
	<b>4,702,202</b>	<b>4,809,235</b>	<b>4,732,880</b>	<b>4,920,130</b>	<b>4,920,130</b>

**Article 5: Unpaid Bills from Previous Years**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow, pursuant to any applicable statute, a sum or sums of money, to be expended by the Town Manager, to pay for unpaid bills of the Town, the Water Commission and/or Sewer Commission from previous fiscal years, or to take any other action related thereto.

Department	Vendor	Amount	Description
Facilities	National Grid	\$5,117.03	Senior Center Electricity for 4th quarter FY16

**MOVED** that the following unpaid bills of the Town from previous fiscal years, be paid, as follows:

Department	Vendor	Amount	Description
Facilities	National Grid	\$5,117.03	Senior Center Electricity for 4th quarter FY16

AND to meet this appropriation, Five Thousand One Hundred Seventeen Dollars and Three Cents (\$5,117.03) be appropriated and transferred from available Free Cash (Undesignated Fund Balance) in the Treasury of the Town.

**An 8/10's vote required. Motion adopted unanimously.**

**Article 6: Supplemental Appropriations for Fiscal 2017**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, a sum or sums of money, to be expended by the Town Manager, needed by various departmental budgets and appropriations to complete the fiscal year ending June 30, 2017 or to decrease or otherwise adjust any budget line item as appropriated by the town at the May 2, 2016 Annual Town Meeting or the November 28, 2016 Special Town Meeting, or to take any other action related thereto.

Action	Amount	From	To
Supplemental Appropriation: Snow & Ice removal	\$80,000	Free Cash	Budget
Supplemental Appropriation: Debt Service	\$25,175	Free Cash	Debt Service (Bound Brook Project)
Supplemental Appropriation: Workers Comp	\$7,291	Free Cash	Budget

**MOVED** that One Hundred Twelve Thousand Four Hundred Sixty Six Dollars (\$112,466.00) be hereby appropriated for the items set forth below amending the amounts appropriated by the Town pursuant to the 2016 Annual Town Meeting held on May 2, 2016 and/or the Special Town Meeting held on November 28, 2016, which funds are to be expended by the Town Manager, to supplement certain departmental budgets and appropriations and to fund other deficits below to complete the fiscal year ending June 30, 2017 as follows:

<b>Action</b>	<b>Amount</b>	<b>From</b>	<b>To</b>
Supplemental Appropriation: Snow & Ice removal	\$80,000	Free Cash (Undesignated Fund Balance)	General Fund Budget: Snow & Ice
Supplemental Appropriation: Debt Service	\$25,175	Free Cash (Undesignated Fund Balance)	General Fund Budget: Debt Service:
Supplemental Appropriation: Workers Comp	\$7,291	Free Cash (Undesignated Fund Balance)	General Fund Budget: Workers Compensation

**Motion adopted unanimously.**

**Article 7: Stabilization and other Special Funds**

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute a sum of money to be deposited into the Capital Stabilization Fund, the OPEB Trust Fund, the General Stabilization Fund, the Sewer Capital Stabilization Fund, or to take any other action related thereto.

<b>Amount</b>	<b>Source of Funds</b>	<b>Fund</b>
\$50,000	General Revenues	1. General Stabilization Fund
\$1,070,000	General Revenues	2. Capital Stabilization Fund
\$100,000	General Revenues	3. OPEB Trust Fund
\$400,000	Sewer Retained Earnings	4. Sewer Capital Stabilization
\$200,000	Sewer Debt Stabilization	5. Sewer Capital Stabilization

**MOVED** that the following amounts be appropriated to be deposited in the following stabilization and other special funds:

<b>Amount</b>	<b>Source of Funds</b>	<b>Fund</b>
\$50,000	General Revenues	1. General Stabilization Fund
\$1,070,000	General Revenues	2. Capital Stabilization Fund
\$100,000	General Revenues	3. OPEB Trust Fund
\$400,000	Sewer Retained Earnings	4. Sewer Capital Stabilization
\$200,000	Sewer Debt Stabilization	5. Sewer Capital Stabilization



AND TO meet these appropriations, One Million Two Hundred Twenty Thousand Dollars (\$1,220,000) be raised and appropriated from taxation and other general revenues of the Town, Four Hundred Thousand Dollars (\$400,000) be transferred from Sewer Retained Earnings, and Two Hundred Thousand Dollars (\$200,000) be transferred from Sewer Debt Stabilization.

**A 2/3's vote required. Motion adopted unanimously.**

**Article 8: Capital Improvements Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute, a sum of money to fund various capital improvements, capital projects and/or capital equipment for the various departments, boards, commissions and agencies of the Town, or to take any other action related thereto.

**A.**

<b>Entity</b>	<b>Purpose</b>	<b>Amount</b>
School	Bus Lease	\$87,000
School	Digital Learning	\$45,009
School	Chrome Books	\$30,000
School	School Security	\$64,000
School	Teacher Desks	\$18,125
DPW	Heavy Haul Tractor Lease	\$41,760
DPW	Sidewalk Snow Removal Equipment	\$50,000
DPW	Dump Truck Body	\$20,000
DPW	Recycling Transfer Facility Roof	\$30,000
Fire	Front Line Pumper	\$600,000
Police	Front Line Cruiser	\$42,435
Police	Front Line Cruiser	\$42,435
Library	Audio Visual	\$17,000
Harbormaster	GPS/Radar Replacement	\$15,000
IT	Network Switches, etc.	\$28,000
IT	Upgrade old devices	\$25,000
IT	Security Cameras	\$56,000
IT	GIS Flyover	\$36,000
	<b>Total – ATM 2017</b>	<b>\$1,247,764</b>

**B.**

And to request an increase of borrowing authorization in the amount of \$406,000 for the Bound Brook Project as originally approved in Article 11 of the 11/17/14 Special Town Meeting.

**MOVED** that

- A. One Million Two Hundred Forty Seven Thousand Seven Hundred Sixty Four Dollars (\$1,247,764.00) be appropriated to be spent by the Town Manager with the approval of the Board of Selectmen for the purpose of purchasing certain items or services relating to capital or property, as set forth below;

<b>Department</b>	<b>Purpose</b>	<b>Amount</b>
School	Bus Lease	\$87,000
School	Digital Learning	\$45,009
School	Chrome Books	\$30,000
School	School Security	\$64,000
School	Teacher Desks	\$18,125
DPW	Heavy Haul Tractor Lease	\$41,760
DPW	Sidewalk Snow Removal Equipment	\$50,000
DPW	Dump Truck Body	\$20,000
DPW	Recycling Transfer Facility Roof	\$30,000
Fire	Front Line Pumper	\$600,000
Police	Front Line Cruiser	\$42,435
Police	Front Line Cruiser	\$42,435
Library	Audio Visual	\$17,000
Harbormaster	GPS/Radar Replacement	\$15,000
IT	Network Switches, etc.	\$28,000
IT	Upgrade old devices	\$25,000
IT	Security Cameras	\$56,000
IT	GIS Flyover	\$36,000
	<b>Total – ATM 2017</b>	<b>\$1,247,764</b>

AND

- B. The appropriation for the Bound Brook Project as originally approved in Article 11 of the November 17, 2014 Special Town Meeting, be increased in the amount of \$406,000, and to meet this appropriation, the intent is that the borrowing authorization previously voted by the Town be increased by the same amount of \$406,000 as accomplished below;

AND to meet these appropriations,

Funds totaling \$338,406.61 available in the following accounts shall be transferred,

\$426.50	Building Interconnectivity	Article 7, April 22, 2013 ATM
\$20,000.00	Asset List Compilation	Article 7, April 28, 2014 ATM
\$65,250.00	Pumpout Boat	Article 7, April 28, 2014 ATM
\$15,278.68	Osgood School Fire Alarm	Article 7, April 28, 2014 ATM
\$46,121.62	Osgood School HVAC Controls	Article 7, April 28, 2014 ATM
\$650.00	Town Clerk Voting Tabulator	Article 8, May 2, 2015 ATM
\$179,737.92	Refurbish Fire Rescue Pumper	Article 8, May 2, 2015 ATM
\$946.79	Powered Ambulance Cot/Loader	Article 8, May 2, 2015 ATM
\$9,506.26	IT/Digital Learning	Article 8, May 2, 2015 ATM
\$441.01	Police Unmarked Cruiser	Article 10, May 2, 2016 ATM
\$28.73	Police Tasers	Article 10, May 2, 2016 ATM
\$19.10	ALS Lucas Compression System	Article 10, May 2, 2016 ATM

And an additional \$489,357.39 shall be transferred from the Capital Stabilization Fund,

And the Treasurer of the Town, with approval by the Board of Selectmen, be authorized to borrow \$826,000 (\$420,000 for the Front Line Pumper, and \$406,000 for Bound Brook) and issue bonds and notes of the Town therefore.

Provided, however that the amounts listed above for particular projects in Section A are not to be construed as individual appropriations but instead the sums shown are intended to be estimates of individual projects but the amount appropriated is one line item in the total sum of \$1,247,764.00. The Town Manager, with the approval of the Board of Selectmen, is hereby authorized to distribute such funds in such a manner as may be needed to accomplish the forgoing list of projects, provided further, however, that the excess funds are available because one or more items cost less than estimated and not because an item intended to be procured is not so procured.

**A 2/3's vote is required. Motion adopted unanimously.**

**Article 9: General Bylaws – Departmental Revolving Funds**

To see if the Town will vote to amend the General Bylaws by adding a new ARTICLE VI, Section 10 as follows, and to set the funding limits for the Town's revolving fund for FY18, or to take any other action related thereto:

**SECTION 10. DEPARTMENTAL REVOLVING FUNDS**

- A. Purpose. This Section 10 establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
- B. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- i. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - ii. No liability shall be incurred in excess of the available balance of the fund.
  - iii. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Advisory Committee.
- C. Interest. Interest earned on monies credited to a revolving fund established by this Section 10 shall be credited to the General Fund.
- D. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this Section 10, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
- E. Authorized Revolving Funds. The Table set forth in this sub-section 10E establishes:
- i. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
  - ii. The department or agency head, board, committee or officer authorized to spend from each fund,
  - iii. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
  - iv. The expenses of the program or activity for which each fund may be used,
  - v. Any restrictions or conditions on expenditures from each fund;
  - vi. Any reporting or other requirements that apply to each fund and
  - vii. The fiscal years for which each fund shall operate under this Section 10.

<b>Revolving Fund</b>	<b>Spending Authority</b>	<b>Revenue Source</b>	<b>Allowed Expenses</b>	<b>Fiscal Years</b>
Conservation & Storm water	Town Manager, up to \$100,000	Conservation Fees, Storm water Permit Fees	Salaries or wages of Conservation Agent and staff; expenses & contractual services	FY 2018 and Subsequent Fiscal Years
Food Permits	Director of Public Health, with Town Manager approval, up to \$50,000	Food Permit Fees	Inspectional services and salaries; educational programs	FY 2018 and Subsequent Fiscal Years
Elder Affairs Programs	Director of Elder Affairs, with Town Manager approval,	Elder Affairs Program Fees	Expenses, supplies and contractual services to conduct	FY 2018 and Subsequent Fiscal Years

	up to \$100,000		programs and trips	
Recreation Programs	Director of Recreation, with Town Manager approval, up to \$900,000	Recreation Program Fees	Salaries, expenses, supplies, and contractual services	FY 2018 and Subsequent Fiscal Years

**MOVED**, that the General Bylaws be amended by adding a new ARTICLE VI, Section 10, as follows in Part A, and that the Town authorize for Fiscal Year 2018 the funding limits be set for each fund as noted in Part B;

**PART A – BYLAW AMENDMENT**

**Motion adopted unanimously.**

**Article 10: Funds for Road Repair and Maintenance**

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum to be expended by the Town Manager for road repairs and maintenance projects as identified by the Department of Public Works, or to take any other action related thereto.

**MOVED** that Two Hundred Twenty Five Thousand Dollars (\$225,000) be appropriated to be spent by the Town Manager for road repairs and maintenance projects as identified by the Department of Public Works,  
**AND TO** meet this appropriation, Two Hundred Twenty Five Thousand Dollars (\$225,000) be raised and appropriated from taxation and other general revenues of the Town.

**Motion adopted unanimously.**

**Article 11: Allocation of Funds for One Time Cost**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute a sum of money for funding one time expenditures and projects, or to take any other action related thereto.

<b>Amount</b>	<b>Source of Funds</b>	<b>Project</b>
\$6,000	Free Cash	1. New Fire Hose
\$6,000	Free Cash	2. New Motor, Town workboat
\$25,000	Free Cash	3. Equipment to permit broadcasting from the Senior Center
\$20,000	Free Cash	4. Cohasset Harbor Study (Town Match to State Grant)

Board of Selectmen: For Project Numbers 1, 2 and 4, Recommend Approval by a Vote of 5-0  
 For Project Number 3, Recommendation at Town Meeting

Advisory Committee: For Project Numbers 1, 2 and 4, Recommend Approval by a Vote of 8-0  
 For Project Number 3, Recommendation at Town Meeting

**MOVED** that Fifty Seven Thousand Dollars (\$57,000) be appropriated to be spent by the Town Manager for the following purposes:

Amount	Source of Funds	Project
\$6,000	Free Cash	1. New Fire Hose
\$6,000	Free Cash	2. New Motor, Town workboat
\$25,000	Free Cash	3. Equipment to permit broadcasting from the Senior Center
\$20,000	Free Cash	4. Cohasset Harbor Study (Town Match to State Grant)

AND TO meet this appropriation, Fifty Seven Thousand Dollars (\$57,000.00) be appropriated from Free Cash (Undesignated Fund Balance) in the Treasury of the Town.

**Motion adopted unanimously.**

**Article 12: New Water Main Loop**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, a sum or sums of money, for the Water Commission and the Town Manager to jointly expend to install a new water main loop, or to take any other action related thereto.

Amount	Source of Funds	Project
\$400,000	Water Department Retained Earnings	Water Main Loop

*The funds would be used to install a new water main loop from Lincoln Lane to Ledgewood Farm Drive. The loop will improve the water quality in the area as it ages at the end of the line. It will also ensure continuous water supply in the event of a water main break in the South Main Street and the area South of Beechwood Street. This has been on the Water Department's System Capital Improvement Plan for 10+ years.*

**MOVED** that Four Hundred Thousand Dollars (\$400,000.00) be appropriated to be spent by the Town Manager and the Water Commissioners jointly for the purpose of installing a new water main loop, and to meet such appropriation, Four Hundred Thousand (\$400,000.00) be transferred from the retained earnings of the Water Department.

**Motion adopted unanimously.**

**Article 13: Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by the MGL Chapter 91, Section 29, as amended, for all damages that may be incurred by the work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development maintenance, and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores, and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver bond on indemnity therefore to the Commonwealth, or to take any other action related thereto.

**MOVED** that liability be assumed by the Town of Cohasset in the manner provided by the MGL Chapter 91, Section 29, as amended, for all damages that may be incurred by the work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development maintenance, and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores, and shores along a public beach in accordance with Section 11 of said Chapter 91 and that the Board of Selectmen be hereby authorized to execute and deliver bond on indemnity therefore to the Commonwealth

**Motion adopted unanimously.**

**Article 14: Additional Real Estate Exemptions**

To see if the town will vote to accept Section 4 of Chapter 73 of the Acts of 1986 to grant an additional real estate tax exemption of not more than one hundred percent (100%). Such additional exemption may be granted to persons who qualify for property tax exemptions under clauses 17, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43 of Section 5 of Chapter 59 of the Massachusetts General Laws and also, to see if the town will vote to accept the amendment of Clause 41C in accordance with Chapter 184, Section 51 of the Acts of 2002, to subsequently grant an additional real estate tax exemption of not more than one hundred percent (100%). Such additional exemption may be granted to persons who qualify for property tax exemption under clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws, or to take any other action related thereto.

**MOVED** that Section 4 of Chapter 73 of the Acts of 1986 be hereby accepted to grant an additional real estate tax exemption of not more than one hundred percent (100%), where such additional exemption may be granted to persons who qualify for property tax exemptions under clauses 17, 17C 12, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43 of Section 5 of Chapter 59 of the Massachusetts General Laws and further, that the amendment of Clause 41 C in accordance with Chapter 184, Section 51 of the Acts of 2002, be hereby accepted to subsequently grant an additional real estate tax exemption of not more than one hundred percent (100%) where such additional exemption may be granted to persons who qualify for property tax exemption under clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws.

**Motion adopted unanimously.**

Proclamation offered by Mary Jo Larson for Shaun Selha.

**PROCLAMATION**

**WHEREAS**, Shaun Selha served on the Town of Cohasset’s Alternative Energy Committee from July 2012 to August 2016, and during this time demonstrated exemplary leadership, technical expertise in planning energy efficiency systems, and commitment to the well-being of the Town of Cohasset; and

**WHEREAS**, Shaun Selha was elected Chairman of the Alternative Energy Committee (AEC) in October 2013, and in this position was fully dedicated to developing an energy reduction plan and five-year roadmap for the Town of Cohasset’s successful application and designation as a Commonwealth of Massachusetts Green Community; and

**WHEREAS**, Shaun Selha consistently demonstrated collaborative stewardship, including energy-related presentations to engage and inform the Board of Selectmen, leaders in other Town boards and committees, citizens at Annual Town meetings, and students in Cohasset High School; and

**WHEREAS**, thanks to Shaun Selha’s leadership within the Alternative Energy Committee, the Town of Cohasset is now a designated Green Community, eligible to receive annual state grants for municipal clean energy and efficiency projects. With this designation, the Town received a first-year grant of \$141,460 in 2016, and is well-prepared to apply for subsequent grants; and

**WHEREAS**, Shaun Selha’s service and citizen leadership are distinguished by his vital contributions to the Town of Cohasset’s long-term energy efficiencies, financial stability and sustainability, the Alternative Energy Committee now recommends this Unanimous Motion:

**NOW THEREFORE BE IT RESOLVED that the Citizens of Cohasset, assembled here at Annual Town Meeting hereby acknowledge and affirm, with sincere appreciation, Shaun Selha, Chairman of the Alternative Energy Committee, for his devoted, strategic service to the Town of Cohasset, which continues to benefit from the energy conservation measures that he developed, particularly those contributing to the Town’s designation as a Green Community.**

**GIVEN under our hands and the seal of the TOWN OF COHASSET on this 1<sup>st</sup> day of May in the year Two Thousand Seventeen.**

**BOARD OF SELECTMEN**

**Kevin McCarthy, Chairman  
Paul Schubert  
Diane Kennedy  
Steven Gaumer  
Jack Keniley**

**Proclamation adopted unanimously.**

**Article 15: Community Preservation Committee**

To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2018 pursuant to Chapter 44B of the General Laws, also



known as the Community Preservation Act: to implement such recommendations by appropriating and/or reserving a sum or sums of money from the Community Preservation Fund established pursuant to such Act for (i) the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee; (ii) the acquisition, creation and preservation of open space; (iii) the acquisition, preservation, rehabilitation and restoration of historic resources; (iv) the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; (v) the acquisition and preservation of historic resources; (vi) the acquisition, creation, preservation and support of community housing; and (vii) the rehabilitation or restoration of open space and community housing acquired or created under such Act; upon the recommendation of the Community Preservation Committee, to amend any votes previously adopted by Town Meeting on prior recommendations of the Community Preservation Committee; to authorize the Board of Selectmen with the approval of the Community Preservation Committee, to acquire by purchase, gift or eminent domain such real property interests in the name of or enforceable by the Town, or to authorize the conveyance of such real property interests, enforceable by third parties, as may be required by the Community Preservation Act, acting by and through the Board of Selectmen or such other Town board as the Board of Selectmen may designate, including real property interests in the form of permanent affordable housing restrictions, historical preservation restrictions and conservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing; or to take any other action related thereto.

<b>Source of Funds</b>	<b>Use of Funds</b>	<b>Amount</b>
CPC Revenue	1. Open Space / Recreation Sub-Account	\$58,313
CPC Revenue	2. Historical Sub-Account	\$58,313
CPC Revenue	3. Affordable Housing Sub-Account	\$58,313
CPC Revenue	4. Administrative Sub-Account	\$29,156
<b>Source of Funds</b>	<b>Projects</b>	<b>Amount</b>
Affordable Housing Sub-Account	5. Funds for construction of affordable housing for disabled adults.	\$100,000
Open Space / Rec Sub-Account & CPC Revenue	6. Updating Deer Hill, Osgood, Sohier Street and Beechwood Street Playgrounds	\$250,000
CPC Revenue	7. Parker Avenue Boat Ramp	\$50,000
Historical Sub Account	8. Restoration of Maritime Museum	\$128,500
CPC Revenue	9. Repair Milliken Field Road Fence	\$12,000
CPC Revenue	10. Repairs to Milliken Field Road Tennis Courts	\$7,000
CPC Revenue	11. Debt Payment – Land Acquisition, Article 12(e) 2004 ATM	\$24,747

**MOVED** that the recommendations of the Community Preservation Committee be heard and acted upon as follows:

That the following amounts be appropriated from the Fiscal Year 2018 Community Preservation Fund estimated revenues and Sub-Accounts to the Community Preservation Fund accounts and projects as follows:

<b>Source of Funds</b>	<b>Use of Funds</b>	<b>Amount</b>
CPC Revenue	1. Open Space / Recreation Sub-Account	\$58,313
CPC Revenue	2. Historical Sub-Account	\$58,313
CPC Revenue	3. Affordable Housing Sub-Account	\$58,313
CPC Revenue	4. Administrative Sub-Account	\$29,156
<b>Source of Funds</b>	<b>Projects</b>	<b>Amount</b>
Community Housing Sub-Account	5. Funds for construction of affordable housing for disabled adults.	\$100,000
Open Space Sub-Account (A)	6. Updating Deer Hill, Osgood, Sohier St. and Beechwood St. Playgrounds	\$113,465 (A)
CPC Revenue (B)		\$136,535 (B)
CPC Revenue	7. Parker Avenue Boat Ramp	\$50,000
Historical Sub-Account	8. Restoration of Maritime Museum	\$128,500
CPC Revenue	9. Repair Milliken Field Road Fence	\$12,000
CPC Revenue	10. Repairs to Milliken Field Road Tennis Courts	\$7,000
CPC Revenue	11. Debt Payment – Land Acquisition Article 12(e) 2004 ATM	\$24,747

AND, that after June 30, 2019, any residual unexpended portion of the sums noted as items 5, 6, 7, 8, 9 and 10 shall not be further expended and shall be restored to the Community Preservation Fund from which the funds were drawn;

AND, that for each of the above recommendations, the Board of Selectmen, or such other Town board as the Board of Selectmen may designate, be authorized to acquire by purchase or gift and hold in the name of or enforceable by the Town and to grant to a nonprofit organization, charitable corporation or foundation, such land, real property interests and permanent affordable housing restrictions, preservation restrictions and conservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing.

**Motion adopted unanimously.**

**Article 16: General Bylaws - Denial of Licenses and Permits**

To see if the Town will vote to amend Article VI, Section 9.B of the General Bylaws to read as follows, or to take any other action related thereto:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually and may periodically furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or

business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**MOVED** that Article VI, Section 9.B of the General Bylaws is hereby amended to read as follows:

The Treasurer/Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually and may periodically furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**Motion adopted unanimously.**

**Article 17: Temporary Moratorium on Marijuana Establishments**

To see if the Town will vote to amend the Town of Cohasset Zoning Bylaws by adding a new Section 21 as follows, or to take any other action related thereto.

**Section 21: Temporary Moratorium on Marijuana Establishments**

21.1 **Purpose.** On November 8, 2016, the voters of the Commonwealth voted in favor of a ballot initiative petition for a law to regulate the possession, use, cultivation, production, distribution and sale of marijuana and marijuana products by adults 21 years of age or older through a licensing program yet to be fully defined and regulations yet to be adopted. That Law expressly states that municipalities may, among other things, adopt bylaws that impose reasonable safeguards on the operation of marijuana establishments, including bylaws that govern the time, place and manner of marijuana establishment operations and number of marijuana establishments, provided that such bylaws are not unreasonably impracticable or in conflict with the law or regulations.

Currently under the Zoning Bylaw, marijuana establishments are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Marijuana establishments are a new use and the regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider addressing such use and issues, as well as the potential impacts of regulations to be made by the Cannabis Control Commission.

The purpose of this section is intended to provide the Town with adequate time to study, reflect and decide how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments through bylaws that are not unreasonably impracticable and that are consistent with the Law and the regulations to be developed by the Cannabis Control Commission to implement the Law.

## 21.2 Definitions

The following definitions shall apply to this Section 21, inclusive. Other terms that are not expressly defined herein shall have the definition and meaning given to them by the Law. All other terms shall be given their ordinary, plain meaning.

“Consumer,” a person who is at least 21 years of age.

“Law,” Chapter 94G of the General Laws, as implemented by Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016, as any of the same may be amended from time to time.

"Manufacture," to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana " or “Marihuana,” all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana cultivator,” an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment,” a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer," an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products," products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility," an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer," an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Process" or "processing," to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined above.

**21.3 Temporary Moratorium.** For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on all uses of land and structures for marijuana establishments under the Law. Marijuana establishments shall not be permitted in any zoning district in the Town so long as this Section 21 is effective, as set forth in Section 21.4 below. Variances for marijuana establishments shall be strictly prohibited.

**21.4 Expiration.** Section 21 of the Zoning Bylaws and the temporary moratorium shall be in effect through the end of June 30, 2018.

**MOVED** that the Cohasset Zoning Bylaws be amended by adding a new Section 21, as follows:

**Section 21: Temporary Moratorium on Marijuana Establishments**

**21.1 Purpose.** On November 8, 2016, the voters of the Commonwealth voted in favor of a ballot initiative petition for a law to regulate the possession, use, cultivation, production, distribution and sale of marijuana and marijuana products by adults 21 years of age or older through a licensing program yet to be fully defined and regulations yet to be adopted. That Law expressly states that municipalities may, among other things, adopt bylaws that impose reasonable safeguards on the operation of marijuana establishments, including bylaws that govern the time, place and manner of marijuana

establishment operations and number of marijuana establishments, provided that such bylaws are not unreasonably impracticable or in conflict with the law or regulations.

Currently under the Zoning Bylaw, marijuana establishments are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Marijuana establishments are a new use and the regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider addressing such use and issues, as well as the potential impacts of regulations to be made by the Cannabis Control Commission.

The purpose of this section is intended to provide the Town with adequate time to study, reflect and decide how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments through bylaws that are not unreasonably impracticable and that are consistent with the Law and the regulations to be developed by the Cannabis Control Commission to implement the Law.

## 21.2 Definitions

The following definitions shall apply to this Section 21, inclusive. Other terms that are not expressly defined herein shall have the definition and meaning given to them by the Law. All other terms shall be given their ordinary, plain meaning.

“Consumer,” a person who is at least 21 years of age.

“Law,” Chapter 94G of the General Laws, as implemented by Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016, as any of the same may be amended from time to time.

"Manufacture," to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana " or “Marihuana,” all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana cultivator," an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment," a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer," an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products," products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility," an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer," an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Process" or "processing," to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined above.

**21.3 Temporary Moratorium.** For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on all uses of land and structures for marijuana establishments under the Law. Marijuana establishments shall not be permitted in any zoning district in the Town so long as this Section 21 is effective, as set forth in Section 21.4 below. Variances for marijuana establishments shall be strictly prohibited.

**21.4 Expiration.** Section 21 of the Zoning Bylaws and the temporary moratorium shall be in effect through the end of June 30, 2018.

**A 2/3's vote required. Motion adopted.**

**Article 18: General Bylaws – Director of Finance**

To see if the Town will vote to amend Section 21 of Article IV of the Town of Cohasset General Bylaws as follows; or to take any other action related thereto.

By amending “Section 21. Director of Finance/Town Accountant” to “Section 21. Director of Finance”.

By amending subsection (a) by striking “/Town Accountant”.

By amending subsection (b) by striking “/Town Accountant”.

By amending subsection (c) by striking “/Town Accountant”.

**MOVED** that Section 21 of Article IV of the General Bylaws be amended as follows:

By amending “Section 21. Director of Finance/Town Accountant” to “Section 21. Director of Finance”.

By amending subsection (a) by striking “/Town Accountant”.

By amending subsection (b) by striking “/Town Accountant”.

By amending subsection (c) by striking “/Town Accountant”.

**Motion adopted unanimously.**

**Article 19: Sewer Commission – Betterment Refund**

To authorize Sewer Commission to appropriate \$5,715.11 for the purpose of returning sewer betterment fee for the property defined as 80 Lantern Lane, Parcel ID: E7-48-026 to Edwin and Priscilla Daniels located at 18 Roubound Road Norwell, MA 02061, or take any other action related thereto.

**MOVED** that \$5,715.11 be appropriated from available Free Cash (Undesignated Fund Balance) in the Treasury of the Town for the purpose of settlement of a claim relating to the property defined as 80 Lantern Lane, Parcel ID: E7-48-026, to Edwin and Priscilla Daniels located at 18 Roubound Road Norwell, MA 02061.

**Motion adopted unanimously.**

**Article 20: Amend and Re-Allocate Special Education Stabilization Fund**

To see if the town will vote:

(i) to accept MGL Chapter 40, Section 13E;



(ii) to establish a new Special Education Reserve Fund under the Municipal Modernization Act (MMA) pursuant to Session Laws: Chapter 218 of the Acts of 2016, Section 24 which inserted new Section 13E under Chapter 40 for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation;

(iii) to transfer the existing balance in the Special Education Stabilization Fund established May 2016, from said Special Education Stabilization Fund (MGL Chapter 40, Section 5B) to the newly established Special Education Reserve Fund (MGL Chapter 40, Section 13E), and

(iv) to terminate the previously established Special Education Stabilization Fund pursuant to MGL Chapter 40, Section 5B,

or to take any other action related thereto.

**MOVED** that the Town:

(i) accept MGL Chapter 40, Section 13E;

(ii) to establish a new Special Education Reserve Fund under the Municipal Modernization Act (MMA) pursuant to Session Laws: Chapter 218 of the Acts of 2016, Section 24 which inserted new Section 13E under Chapter 40 for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation;

(iii) to transfer the existing balance in the Special Education Stabilization Fund established May 2016, from said Special Education Stabilization Fund (MGL Chapter 40, Section 5B) to the newly established Special Education Reserve Fund (MGL Chapter 40, Section 13E), and

(iv) to terminate the previously established Special Education Stabilization Fund pursuant to MGL Chapter 40, Section 5B,

**A 2/3's vote required. Motion adopted unanimously.**

**Article 21: General Bylaws - Rights of Way**

To see if the Town will vote to amend the Town of Cohasset General Bylaws by renumbering Paragraph (k) of Section 2 of Article III to include a new subparagraph (1) and by adding to the same section a new subparagraph (2) as follows; or to take any other action related thereto.

(k) (1) Pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 6N the Selectmen are authorized to provide for the making of temporary repairs to private ways subject to the following conditions:

(i) Any repairs shall be as determined by the Board of Selectmen;

- (ii) Drainage facilities shall be included to the extent required by public convenience and necessity as determined by the Board of Selectmen upon advice from the Superintendent of Public Works;
  - (iii) The Board of Selectmen shall make a determination that such repairs are required by public necessity before such repairs may be undertaken;
  - (iv) Such repairs shall only be made if the Board of Selectmen receives a petition from abutter(s) who own at least fifty percent (50%) of the linear footage along such way;
  - (v) Betterment charges may be assessed by the Board of Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs;
  - (vi) The Town shall have no liability as a result of any such repairs, except as may be provided by law, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutter(s) who petitioned therefore;
  - (vii) The private way shall have been opened to the public use for two (2) years or more prior to the undertaking of such repairs;
  - (viii) The Board of Selectmen may require a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Superintendent of Public Works, to be paid to the Town prior to the commencement of such repairs;
  - (ix) The Board of Selectmen may use any collection process deemed necessary in collecting from the abutters.
- (2) Pursuant to M.G.L Chapter 82, the Board of Selectmen is authorized to lay out, alter and relocate public ways and private ways, and to order specific repairs for public and private ways. For owners of any private ways open to the public for public use:
- (i) Such owners may petition the Board of Selectmen (a) to lay out, alter and relocate such private ways, (b) to order specific repairs to such ways, and (c) to place an article on the warrant to have such ways accepted by Town Meeting as a public way.
  - (ii) The laying out, alteration and relocation of any private way or portion thereof shall only cause such private way or portion thereof to become a public way upon the acceptance by Town Meeting of such lay out, alteration or relocation and the acquisition by the Town of rights to property for any such way or portion thereof that is to be a public way.
  - (iii) Before any such way is entered upon for the purposes of construction, or is closed up, the persons upon whose application such way was laid out, relocated or altered or specific repairs are to be made shall give to the Town security satisfactory to the Board of Selectmen that such persons will indemnify the Town for all damages and

charges that the Town is obligated to pay arising from such laying out, alteration, relocation and specific repairs.

- (iv) After due notice and hearing, the Board of Selectmen may determine to approve or deny all or any part of such petitions in accordance with applicable law and policies implemented by the Board of Selectmen.
- (v) Costs and charges may be apportioned, assessed and collected pursuant to any applicable law, including as betterments pursuant to G.L. c. 80.
- (vi) The Board of Selectmen may from time to time adopt and amend policies and guidelines to implement their authority hereunder.

**MOVED** that the General Bylaws, Article III, Section 2, Paragraph K be amended by renumbering the existing language as subparagraph (1), and by adding to the same section a new subparagraph (2) as follows:

- (k) (1) Pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 6N the Selectmen are authorized to provide for the making of temporary repairs to private ways subject to the following conditions:
  - (i) Any repairs shall be as determined by the Board of Selectmen;
  - (ii) Drainage facilities shall be included to the extent required by public convenience and necessity as determined by the Board of Selectmen upon advice from the Superintendent of Public Works;
  - (iii) The Board of Selectmen shall make a determination that such repairs are required by public necessity before such repairs may be undertaken;
  - (iv) Such repairs shall only be made if the Board of Selectmen receives a petition from abutter(s) who own at least fifty percent (50%) of the linear footage along such way;
  - (v) Betterment charges may be assessed by the Board of Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs;
  - (vi) The Town shall have no liability as a result of any such repairs, except as may be provided by law, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutter(s) who petitioned therefore;
  - (vii) The private way shall have been opened to the public use for two (2) years or more prior to the undertaking of such repairs;
  - (viii) The Board of Selectmen may require a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Superintendent of Public Works, to be paid to the Town prior to the commencement of such repairs;

- (ix) The Board of Selectmen may use any collection process deemed necessary in collecting from the abutters.
- (2) Pursuant to M.G.L Chapter 82, the Board of Selectmen is authorized to lay out, alter and relocate public ways and private ways, and to order specific repairs for public and private ways. For owners of any private ways open to the public for public use:
  - (i) Such owners may petition the Board of Selectmen (a) to lay out, alter and relocate such private ways, (b) to order specific repairs to such ways, and (c) to place an article on the warrant to have such ways accepted by Town Meeting as a public way.
  - (ii) The laying out, alteration and relocation of any private way or portion thereof shall only cause such private way or portion thereof to become a public way upon the acceptance by Town Meeting of such lay out, alteration or relocation and the acquisition by the Town of rights to property for any such way or portion thereof that is to be a public way.
  - (iii) Before any such way is entered upon for the purposes of construction, or is closed up, the persons upon whose application such way was laid out, relocated or altered or specific repairs are to be made shall give to the Town security satisfactory to the Board of Selectmen that such persons will indemnify the Town for all damages and charges that the Town is obligated to pay arising from such laying out, alteration, relocation and specific repairs.
  - (iv) After due notice and hearing, the Board of Selectmen may determine to approve or deny all or any part of such petitions in accordance with applicable law and policies implemented by the Board of Selectmen.
  - (v) Costs and charges may be apportioned, assessed and collected pursuant to any applicable law, including as betterments pursuant to G.L. c. 80.
  - (vi) The Board of Selectmen may from time to time adopt and amend policies and guidelines to implement their authority hereunder.

**Motion adopted unanimously.**

Proclamation offered by Diane Kennedy for Mary E. Granville

**PROCLAMATION**

**Whereas, Mary E. Granville**, was first elected to the Cohasset Board of Assessors in May 2003 and has served fourteen years as a member of the Cohasset Board of Assessors; and

**Whereas**, as a member of the Cohasset Board of Assessors, **Mary** discharged her responsibilities with fairness and impartiality; and

**Whereas**, as an Ex-officio member of the Economic Development Committee of Cohasset, **Mary** served one year and discharged her responsibilities with fairness and impartiality; and

**Whereas, Mary** applied her knowledge of Massachusetts General Laws governing assessing and her familiarity with the Town of Cohasset to decision making, always in the best interest of the town and the taxpayers of Cohasset; and

**Whereas, Mary** with her considerate way and expertise made her an asset to the Board of Assessors; and

**Whereas**, such dedication and service to the Town cannot come without great sacrifice to personal matters and family life; and

**Whereas, Mary** has lived and served in the community she loves for many years; and

**Whereas**, the Board of Selectmen now recommends this Unanimous Motion for Commendation to **Mary E. Granville**.

**NOW THEREFORE BE IT RESOLVED** that the Citizens of Cohasset, assembled here at Annual Town Meeting hereby acknowledge with sincere appreciation the long and devoted service to the Town of Cohasset and will be ever grateful to Mary E. Granville for her commitment and dedication to the Cohasset community.

**GIVEN** under our hands and the seal of the **TOWN OF COHASSET** on this 1<sup>st</sup> day of May in the year Two Thousand Seventeen.

BOARD OF SELECTMEN

Kevin McCarthy, Chairman  
Paul Schubert  
Diane Kennedy  
Steve Gaumer  
Jack Keniley

**Proclamation adopted unanimously.**

**Article 22: Zoning Bylaw Amendment – Section 2.1 Definitions – Definition of Residential Gross Floor Area (RGFA).**

To see if the Town will vote to AMEND the Zoning Bylaws Section 2.1 – Definitions as follows:

**Residential Gross Floor Area (RGFA):** The sum of the total **Floor Area – Gross**, as defined herein, of the finished area of above grade floors or portions of floors in a residential structure, an individual Dwelling Unit, excluding unfinished finished areas with ceiling heights less than seven (7) feet and attics, unfinished areas of unheated space and attached or detached garages with access (doors, driveways) for motor vehicles. As used in these by-laws, the term “finished area” shall mean the heated enclosed area within a Dwelling Unit that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the area within the Dwelling Unit.”

So as to read:

“**Residential Gross Floor Area (RGFA):** The sum of the total **Floor Area – Gross**, as defined herein, of the finished area of above grade floors or portions of floors in an individual **Dwelling Unit**, excluding finished areas with ceiling heights less than seven (7) feet and unfinished areas of attached or detached garages with access (doors, driveways) for motor vehicles. As used in these by-laws, the term “finished area” shall mean the heated enclosed area within a **Dwelling Unit** that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the area within the **Dwelling Unit**.”

Or to take any other action related thereto.

**MOVED** that the Cohasset Zoning Bylaws Section 2.1 be amended as follows (removed language shown with ~~strikeout~~, added language is underlined):

**Residential Gross Floor Area (RGFA):** The sum of the total **Floor Area – Gross**, as defined herein, of the finished area of above grade floors or portions of floors in a residential structure, an individual Dwelling Unit, excluding unfinished finished areas with ceiling heights less than seven (7) feet and attics, unfinished areas of unheated space and attached or detached garages with access (doors, driveways) for motor vehicles. As used in these by-laws, the term “finished area” shall mean the heated enclosed area within a Dwelling Unit that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the area within the Dwelling Unit.”

So as to read:

“**Residential Gross Floor Area (RGFA):** The sum of the total **Floor Area – Gross**, as defined herein, of the finished area of above grade floors or portions of floors in an individual **Dwelling Unit**, excluding finished areas with ceiling heights less than seven (7) feet and unfinished areas of attached or detached garages with access (doors, driveways) for motor vehicles. As used in these by-laws, the term “finished area” shall mean the heated enclosed area within a **Dwelling**

**Unit** that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the area within the **Dwelling Unit.**”

**A 2/3’s vote required. Motion adopted.**

**Article 23: Zoning Bylaw Amendment – Section 9.7 (8)b – Special Permits**

To see if the Town will vote to AMEND the Zoning Bylaws **Section 9.7 (8)b Special Permit Uses** as follows:

“b: ~~The~~ If the land ~~if~~ is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

So as to read:

“B: If the land is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

Or to take any other action related thereto.

**MOVED** that the Cohasset Zoning Bylaws Section 9.7 (8)b Special Permit Uses be amended as follows (removed language shown with ~~strikeout~~, added language is underlined):

“b: ~~The~~ If the land ~~if~~ is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

So as to read:

“B: If the land is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

**MOVED** that the Cohasset Zoning Bylaws Section 9.7 (8)b Special Permit Uses be amended as follows (removed language shown with ~~strikeout~~, added language is underlined):

“b: ~~The~~ If the land ~~if~~ is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

So as to read:

“B: If the land is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than ten feet above mean sea level;”

**A 2/3’s vote required. Motion adopted.**

**Article 24: Zoning Bylaw Amendment – Section 2.1 Definitions – Definition of Dwelling Unit and Family**

To see if the Town will vote to AMEND the Zoning Bylaws **Section 2.1, Definitions** by striking the definition of “DWELLING UNIT” in its entirety and replacing the definition of “DWELLING UNIT” with a new definition so as to read:

**“Dwelling Unit:** A single housekeeping unit providing independent facilities for one or more individuals living together as a single family, including permanent provisions for cooking, eating, living, sleeping, and sanitation.”

And, by striking the definition of “FAMILY” in its entirety and replacing the definition of “FAMILY” with a new definition so as to read:

**“Family:**

(a) One or more persons related by blood, kinship, adoption, marriage, guardianship or other authorized custodial relationship, living together as a single housekeeping unit, including no more than two domestic or health care workers, and/or

(b) Three (3) or fewer persons not related by blood, kinship, adoption, marriage, guardianship or other authorized custodial relationship, residing as a single housekeeping unit, excluding minor children, shall also constitute a family.”

Or to take any other action related thereto.

**MOVED** that the article be indefinitely postponed.

**Motion adopted unanimously.**

**Article 25: Zoning Bylaw Amendment – Section 4.3 (14) – Inclusionary Zoning**

To see if the Town will vote to AMEND the Zoning Bylaws **Section 4.3 (14) Inclusionary Zoning** as follows (removed language shown with strikeout, added language is underlined):

4.3 (14). Inclusionary Zoning. In any residential development ~~of multifamily or apartment units~~ containing 5 or more units, ~~proposed on or after July 1, 2006~~ within any district ~~with the exception of the VB District~~ and under any portion of the Bylaw, a minimum of one (1) unit or ten percent (10%) of the total number of dwelling units, whichever is greater, shall be ~~eligible for qualification as~~ required to be a “Local Action Units” (as defined in 760 C.M.R. ~~45.02~~ 56) in accordance with the standards and conditions set forth in 760 C.M.R. ~~45.03~~ 56, so as to be eligible for inclusion within the “Subsidized Housing Inventory” (as defined in 760 C.M.R. ~~45.02~~ 56), of the Town. In the event that the 10% calculation results in fractional units, there shall be a rounding up to the nearest whole number.

Fees-in-lieu-of-units option: If authorized by the Planning Board as an alternative to the requirements indicated above, an applicant may contribute to the established, “Cohasset Affordable Housing Trust,” to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.

Calculation of fee-in-lieu-of units. For the purposes of this bylaw/ordinance the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated



from regional construction and sales reports. The SPGA will make the final determination of acceptable value.

Schedule of fees-in-lieu-of-units payments. Payments shall be made according to the schedule set forth below. Upon receipt of the payment the Cohasset Affordable Housing Trust shall notify the Planning Board Office and the Inspector of Buildings. One-half of the cash contribution shall be made prior to the issuance of a building permit for a project. The remainder of the cash contribution shall be made prior to the issuance of a Certificate of Occupancy for the project. If a temporary Certificate of Occupancy is sought by the applicant 10% of the balance of the remaining cash contribution shall be paid prior to the issuance of such temporary Certificate of Occupancy with the remaining balance being paid prior to the issuance of the final Certificate of Occupancy.

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 Section 16, MGL c. 40B), then the greater requirement shall control.

(4/1/06 Article 13; 11/13/07 Article 4),

Or to take any other action related thereto.

**MOVED** that the Cohasset Zoning Bylaws, Section 4.3 (14) Inclusionary Zoning, be amended as follows (removed language shown with ~~strikeout~~, added language is underlined):

4.3 (14). Inclusionary Zoning. In any residential development ~~of multifamily or apartment units~~ containing 5 or more units, ~~proposed on or after July 1, 2006~~ within any district ~~with the exception of the VB District~~ and under any portion of the Bylaw, a minimum of one (1) unit or ten percent (10%) of the total number of dwelling units, whichever is greater, shall be ~~eligible for qualification as~~ required to be a “Local Action Units” (as defined in 760 C.M.R. ~~45.02~~ 56) in accordance with the standards and conditions set forth in 760 C.M.R. ~~45.03~~ 56, so as to be eligible for inclusion within the “Subsidized Housing Inventory” (as defined in 760 C.M.R. ~~45.02~~ 56), of the Town. In the event that the 10% calculation results in fractional units, there shall be a rounding up to the nearest whole number.

Fees-in-lieu-of-units option: If authorized by the Planning Board as an alternative to the requirements indicated above, an applicant may contribute to the established, “Cohasset Affordable Housing Trust,” to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.

Calculation of fee-in-lieu-of units. For the purposes of this bylaw/ordinance the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports. The SPGA will make the final determination of acceptable value.

Schedule of fees-in-lieu-of-units payments. Payments shall be made according to the schedule set forth below. Upon receipt of the payment the Cohasset Affordable Housing Trust shall notify the Planning Board Office and the Inspector of Buildings. One-half of the cash contribution shall be made prior to the issuance of a building permit for a project. The remainder of the cash contribution shall be made prior to the issuance of a Certificate of Occupancy for the project. If a temporary Certificate of Occupancy is sought by the applicant 10% of the balance of the remaining cash contribution shall be paid prior to the issuance of such temporary Certificate of Occupancy with the remaining balance being paid prior to the issuance of the final Certificate of Occupancy.

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 Section 16, MGL c. 40B), then the greater requirement shall control.

(4/1/06 Article 13; 11/13/07 Article 4),

**A 2/3's vote required. Motion adopted unanimously.**

**Article 26: Zoning Bylaw Amendment - Large Home Review Process**

To see if the Town will vote to make the following amendments to Section 5.5 of the Zoning Bylaw, “Large House Plan Review”, as follows:

By Deleting Subsections (2) thru (4), and replacing them with the following:

2. Where the RGFA exceeds these limits, the proposed work shall be submitted for a Large House Site Plan Review by the Planning Board with the objective of making the proposed plan harmonious with, and not harmful, injurious or objectionable to existing uses in the area. The Applicant will submit the following minimal information, or such information that may be required by any applicable Rules and Regulations passed by the Planning Board:

- A) a site plan showing the location of the subject house, and the existing and proposed site conditions, topography, building elevations, extent of shadows cast, setbacks, lot coverages, floor area ratios, grading and landscape design;
- B) for an existing house, photographs of all sides, and for both existing and proposed houses, a drawn or computer-generated depiction of how the house is proposed to appear post-construction, including building & siding materials and colors;
- C) a map and narrative description of the surrounding neighborhood with data regarding house styles, house sizes and dimensions, and building & siding materials, and photographs of all houses within a 300-ft. radius of the proposed house location;
- D) a certified list of abutters, as defined herein; and
- E) required filing fee.

The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with these application requirements.

3. If changes to a pre-existing, non-conforming house will require a finding or relief under MGL c. 40A, s. 6 or under Section 8 of the Zoning Bylaw, such relief shall be obtained prior to filing for Large House Site Plan Review.

4. Review and Decision:

- A) The Planning Board shall hold a hearing within 35 days of receipt of a completed Application. Notice of the hearing shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the Applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the Applicant on any public or private street or way shall be considered abutters under this Section. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application.
- B) The Planning Board is not empowered to deny a building permit or prohibit construction of the proposed house under this Large House Site Plan Review process. As a site plan review process, its decision shall be either “approved as submitted” or “approved with conditions”, such conditions consistent with the factors listed in subsection (D) below. The Board may not add as a condition a change to any dimensional requirement of the Zoning Bylaw that is more restrictive than that the Bylaw would permit as of right.
- C) The Planning Board shall prepare its decision and provide it to the Applicant within 21 days of the close of the public hearing, with copies to the Building Inspector and Zoning Board of Appeals as may be appropriate. If the Planning Board has not issued its decision within that time, the project, as described in the submission, shall be deemed approved as submitted.
- D) Under Large House Site Plan Review, the Planning Board will consider any or all of the following factors as are applicable to the proposal:
  - 1) Scale of Buildings. All houses being reviewed shall, as best as practicable, be sited and constructed in a manner that is consistent with the scale of other structures in its vicinity through the use, by way of example, of appropriate massing, screening, lighting, building materials and other architectural techniques such as variation in detail, form and the use of vegetated buffers.
  - 2) Preservation of Landscape. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
  - 3) Lighting. Exterior lighting shall minimize the impact on neighboring properties.
  - 4) Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties.
  - 5) Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize

potential for flooding. Drainage shall be designed so that the rate of runoff shall not be increased at the project boundaries.

- 6) Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

The above criteria may be supplemented by the requirements and criteria of other permits that may be needed for the proposed house to be constructed. Where another permit is needed, the Board's conditions hereunder shall defer to, and incorporate by reference, such permit.

The above criteria may be supplemented by any future specific and applicable design criteria promulgated by the Planning Board or by the provisions of any other General or Zoning Bylaw.

5. Revision and Amendment of Plans: Any revision, amendment or new information relating to an LHR application shall be considered as follows:

- A) Pending LHR Applications. Revision or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.

- B) Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Board for a determination as to whether the revisions are major or minor and shall be processed as follows:

- 1) Minor. If the Board determines the proposed revisions or amendments to be minor, the Board shall notify the Applicant within one week of the Board's determination.
- 2) Major. If the Board determines the proposed revisions or amendments to be major, the Board shall notify the Applicant within one week of the Board's determination. The revisions shall then be reviewed in the same manner as the original application through a hearing.

6. The Planning Board is authorized to promulgate regulations to further application and enforcement of this bylaw, including but not limited to, regulations setting forth application procedures and review procedures consistent with this bylaw.

7. Appeals. An Applicant, or any person receiving notice under Subsection 4(A) above, may appeal the Planning Board's approval as submitted, approval with conditions or plan modifications to the Zoning Board of Appeals in accordance with Section 12.3 of the Zoning Bylaw. The appeal review shall be limited to the Planning Board's compliance with the procedures and review criteria of the Bylaw, and the reasonableness of its decision in light of the intent of the Bylaw.

Or to take any other action related thereto.

## **MOVED**

To see if the Town will vote to make the following amendments to Section 5.5 of the Zoning Bylaw, “Large House Plan Review”, as follows:

By Deleting Subsections (2) thru (4), and replacing them with the following:

2. Where the RGFA exceeds these limits, the proposed work shall be submitted for a Large House Site Plan Review by the Planning Board with the objective of making the proposed plan harmonious with, and not harmful, injurious or objectionable to existing uses in the area. The Applicant will submit the following minimal information, or such information that may be required by any applicable Rules and Regulations passed by the Planning Board:

- A) a site plan showing the location of the subject house, and the existing and proposed site conditions, topography, building elevations, extent of shadows cast, setbacks, lot coverages, floor area ratios, grading and landscape design;
- B) for an existing house, photographs of all sides, and for both existing and proposed houses, a drawn or computer-generated depiction of how the house is proposed to appear post-construction, including building & siding materials and colors;
- C) a map and narrative description of the surrounding neighborhood with data regarding house styles, house sizes and dimensions, and building & siding materials, and photographs of all houses within a 300-ft. radius of the proposed house location;
- D) a certified list of abutters, as defined herein; and
- E) required filing fee.

The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with these application requirements.

3. If changes to a pre-existing, non-conforming house will require a finding or relief under MGL c. 40A, s. 6 or under Section 8 of the Zoning Bylaw, such relief shall be obtained prior to filing for Large House Site Plan Review.

#### 4. Review and Decision:

- A) The Planning Board shall hold a hearing within 35 days of receipt of a completed Application. Notice of the hearing shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the Applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the Applicant on any public or private street or way shall be considered abutters under this Section. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application.
- B) The Planning Board is not empowered to deny a building permit or prohibit construction of the proposed house under this Large House Site Plan Review process. As a site plan review process, its decision shall be either “approved as submitted” or “approved with conditions”, such conditions consistent with the factors listed in subsection (D) below. The Board may not

add as a condition a change to any dimensional requirement of the Zoning Bylaw that is more restrictive than that the Bylaw would permit as of right.

- C) The Planning Board shall prepare its decision and provide it to the Applicant within 21 days of the close of the public hearing, with copies to the Building Inspector and Zoning Board of Appeals as may be appropriate. If the Planning Board has not issued its decision within that time, the project, as described in the submission, shall be deemed approved as submitted.
- D) Under Large House Site Plan Review, the Planning Board will consider any or all of the following factors as are applicable to the proposal:
  - 1) Scale of Buildings. All houses being reviewed shall, as best as practicable, be sited and constructed in a manner that is consistent with the scale of other structures in its vicinity through the use, by way of example, of appropriate massing, screening, lighting, building materials and other architectural techniques such as variation in detail, form and the use of vegetated buffers.
  - 2) Preservation of Landscape. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
  - 3) Lighting. Exterior lighting shall minimize the impact on neighboring properties.
  - 4) Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties.
  - 5) Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that the rate of runoff shall not be increased at the project boundaries.
  - 6) Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

The above criteria may be supplemented by the requirements and criteria of other permits that may be needed for the proposed house to be constructed. Where another permit is needed, the Board's conditions hereunder shall defer to, and incorporate by reference, such permit.

The above criteria may be supplemented by any future specific and applicable design criteria promulgated by the Planning Board or by the provisions of any other General or Zoning Bylaw.

- 5. Revision and Amendment of Plans: Any revision, amendment or new information relating to an LHR application shall be considered as follows:

- A) Pending LHR Applications. Revision or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.
- B) Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Board for a determination as to whether the revisions are major or minor and shall be processed as follows:
- 1) Minor. If the Board determines the proposed revisions or amendments to be minor, the Board shall notify the Applicant within one week of the Board's determination.
  - 2) Major. If the Board determines the proposed revisions or amendments to be major, the Board shall notify the Applicant within one week of the Board's determination. The revisions shall then be reviewed in the same manner as the original application through a hearing.
6. The Planning Board is authorized to promulgate regulations to further application and enforcement of this bylaw, including but not limited to, regulations setting forth application procedures and review procedures consistent with this bylaw.
7. Appeals. An Applicant, or any person receiving notice under Subsection 4(A) above, may appeal the Planning Board's approval as submitted, approval with conditions or plan modifications to the Zoning Board of Appeals in accordance with Section 12.3 of the Zoning Bylaw. The appeal review shall be limited to the Planning Board's compliance with the procedures and review criteria of the Bylaw, and the reasonableness of its decision in light of the intent of the Bylaw.

Or to take any other action related thereto.

**A 2/3's vote required. Motion defeated. Seven Voters stood to call for hand count. Hand count taken. In favor 161; Opposed 105. Motion is defeated.**

**Article 27: Creation of a Scenic Roads Bylaw**

To see if the Town will vote to create a new Article XVII of the General Bylaws, "Scenic Roads in Cohasset":

**Article XVII – Scenic Roads in Cohasset**

**Section 1. Authority & Purpose:**

The Planning Board's authority and jurisdiction shall be consistent with M.G.L. c. 40, s. 15C.

This Bylaw is intended to protect the natural beauty that exists within the rights-of-way of select public ways designated as Scenic Roads in the Town of Cohasset by providing the necessary

criteria and standards for designation of and regulating certain activities within the right-of-way of a Scenic Road.

## Section 2. Definitions:

In the absence of contrary meaning established through legislation or judicial action pursuant to M.G.L. c. 40, s. 15C, these terms contained in that statute shall be construed as follows:

Abutter:        1) Owners of land sharing a boundary line with the portion of the right of way containing the proposed Disturbance Area;  
                     2) Owners of land sharing a boundary line with land within the preceding definition (1);  
                     3) Owners of land directly opposite the proposed Disturbance Area;  
                     4) Owners of land sharing a boundary line with land within the preceding definition (3);  
                     all definition including abutting owners of another town, if applicable.

Disturbance Area: The area of land within the Scenic Road's right of way where regulated work is to be performed.

Posting: The marking of a tree or stone wall on the right-of-way on a Scenic Road for the purpose of a Scenic Road public hearing. For Protected Trees, such marking as described in M.G.L. c. 87, s. 3. For Protected Stone Walls, a ribbon or other appropriate "flagging" material temporarily affixed to the stone wall at issue in a Scenic Road hearing and viewable from the paved road.

Protected Stone Wall: A contiguous arrangement of stone, cut or otherwise, dry-fitted or mortared, in excess of 20 years of age, or otherwise deemed by the Historical Commission to be of historical significance, located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road. Includes any of its appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. Does not include walls constructed of manufactured concrete block.

Protected Tree: Any living Specimen Tree of any size, or any other living tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot from the ground located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road.

Right-of-way: The area on and within the legal boundaries of the Scenic Road. If the boundaries are unknown, any affected Protected Trees or Protected Stone Walls shall be presumed to be within the right-of-way until shown to be otherwise.

Specimen Tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4" or larger are eligible to be considered specimen trees.

## Section 3. Procedure for Designation of Scenic Roads:



- A) A proposal to designate a public way as a Scenic Road may be instigated by any of the following: the Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of thirty (30) registered voters, half of whom must be residents of the proposed Scenic Road.
- B) The Planning Board shall hold a public hearing on the request for Scenic Road designation with notice to the Town Clerk, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the last publication at least seven days prior to the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the next gathering of Annual or Special Town Meeting on the merits of designating the proposed way as a Scenic Road.
- C) The Planning Board's written recommendation shall address the following criteria:
- 1) Age and historic significance of affected roads, trees and stone walls;
  - 2) Contribution of the affected trees and/or stone walls to scenic beauty;
  - 3) Exceptional qualities of affected trees in terms of age, spread, species or specimen;
  - 4) Protection of natural resources as well as scenic and aesthetic quality of area;
  - 5) Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining the affected trees and/or stone wall;
  - 6) Scenic vistas of the area.
- D) The proposal shall be brought forward as a warrant article of the Planning Board with its recommendation. If the Planning Board recommendation is negative, the proponent of the designation shall present the proposal at Town Meeting. A majority vote of Town Meeting will be required. Approval of the designation shall be effective as of the date of Town Meeting action. Any work not physically commenced as of the date of the designation shall conform to this Bylaw.
- E) Following the designation of a Scenic Road, the Planning Board shall notify all municipal departments, the Massachusetts Highway Department, the Commissioners of Norfolk County, all utility companies servicing properties abutting the Scenic Road, and all property owners along the Scenic Road.

#### Section 4. Regulated Activity:

The following are the activities regulated under this Bylaw and through the Scenic Road Work Permit process:

- A) Utility & Road Work: Any roadway repair, maintenance, reconstruction or paving work, utility installation and repair work done within the right-of-way of a Scenic Road by any person or agency, public or private, including construction of new driveways or alterations of existing ones to the extent such work takes place within or accessing the right of-way, and roadside cutting for clearance for vehicles or for improvement of line-of-sight, except as allowed in the next subsection.

- B) Cutting or Removal of Trees: The removal of one or more Protected Trees, trimming of major branches, or cutting of roots to a degree sufficient in the Tree Warden's written opinion to cause eventual destruction of a tree. Not included is the clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the repair, maintenance, reconstruction or paving work for a road.
- C) Tearing Down or Destruction of Stone Walls: The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of at least five (5) square face feet (height x length of stone wall "face") of a Protected Stone Wall. The temporary removal of a Protected Stone Wall is permitted without Planning Board approval if the Department of Public Works (is notified before the work begins. The DPW may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining stone walls. Repair of a Protected Stone Wall, not involving the tearing down or destruction of it, is not covered by this Bylaw.
- D) Municipal Sidewalks: When construction of a municipal sidewalk within the right of way of a Scenic Road is deemed a public safety necessity by the Town and its construction has been approved by Town Meeting, a Protected Tree may be removed if there is no feasible alternative, subject to the compensation set out in Section 5(H) below.

#### Section 5. Scenic Road Work Permit:

- A) Any work designated under Section 4 above shall be required to obtain a Scenic Road Work Permit from the Planning Board prior to commencement of the activity, or as soon after an emergency activity as is possible.
- B) Filing Instructions – Any person or entity seeking a Scenic Road Work Permit shall do so on an application form supplied by the Planning Board, together with the following:
- 1) a written description and plans or drawings showing the location and the nature of the proposed Disturbance Area;
  - 2) a statement explaining the purpose and need for the proposed impact upon a Protected Stone Wall or Protected Tree;
  - 3) a statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed impact upon a Protected Stone Wall or Protected Tree;
  - 4) a list, certified by the Assessor's office, of abutters, as defined herein;
  - 5) except in the case of town agencies, a Scenic Road Work Permit fee as specified in the Planning Board's Fee Schedule;
  - 6) photographs of all Protected Stone Walls or Protected Trees within and adjacent within 50 feet to the proposed Disturbance Area prior to any work;

- 7) any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.

C) Posting - A Posting, as defined above, is required at least seven (7) days prior to a Scenic Road public hearing.

D) Public Hearing - The Planning Board shall hold a public hearing as soon as practical but in no event later than forty-five (45) days from the date on which the application for a Scenic Road Work Permit is received unless a longer time is agreed to by the applicant. Notice will be given by the Board to other Town Departments and the public as set forth in Section 3(B) above.

E) Coordination with Tree Warden – As stated in the Scenic Road Act and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under M.G.L. Chapter 87. In the event of such a joint hearing, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of this Bylaw in any way lessen the Tree Warden’s duties under M.G.L. Chapter 87.

F) Considerations - In acting on a Scenic Road Work Permit, the Planning Board shall consider the following in making its determination:

- 1) public safety;
- 2) scenic and aesthetic characteristics and quality of the area;
- 3) quality and extent of shade and tree canopy;
- 4) accident history within five hundred (500) feet of tree(s) and stone walls at issue;
- 5) commentary contributed by the Tree Warden, town agencies, abutters and other interested parties;
- 6) preservation of natural resources and environmental systems;
- 7) preservation of historical and cultural resources values;
- 8) compatibility with surrounding neighborhood;
- 9) recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- 10) relationship of the road design to the standards of the Planning Board’s Subdivision Rules and Regulations but recognizing that a waiver from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- 11) adequacy and value of compensatory actions proposed, such as replacement of trees or stone walls or restoration of the same;
- 12) traffic patterns, volume, congestion and posted speed limit;
- 13) consistency with articulated Town policies and the Cohasset Master Plan;
- 14) feasibility for avoiding disturbance to trees or stone walls by proposing a safe location for a walkway, driveway or road elsewhere; and
- 15) other sound planning principles and considerations.

G) Decision - The Planning Board shall make a decision to issue or deny a Scenic Road Work Permit within twenty-one (21) days after closing the public hearing, and shall be filed with the Town Clerk within that time. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Building Inspector, the Conservation Commission and the Historical Commission. The approval of a Scenic Road Work Permit shall be valid for one (1) year. Any work outlined in the issuance of a Scenic Road Work Permit not completed within one (1) year after issuance will necessitate a new and separate filing for a Scenic Road Work Permit. Appeal of a decision shall be done in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

H) Restoration –

- 1) Protected Stone Walls – Unless waived, any restoration ordered within a Decision shall consist of replacing the Protected Stone Wall on a square face foot per square face foot basis. Stone walls shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such stone walls shall be used to repair other sections of the stone wall. No Protected Stone Wall shall be cut without construction of an appropriate stone terminus – i.e. stone piers or granite posts.
- 2) Protected Trees – Unless waived, any restoration ordered within a Decision shall consist of replacing the removed Protected Trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis, at locations specified by the Planning Board and the Tree Warden. A one (1) square inch per two (2) square inch replacement is calculated by finding the diameter of a tree in question at four point five (4.5) feet up from the base above the ground and determining its trunk area ( $3.14 \times \text{tree radius squared}$ ). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). The restoration shall be verified by the Tree Warden. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s). The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Cohasset shall be outlined in the Scenic Road Work Permit.

Section 6. Enforcement:

- A) Failure to File – Failure to file for a Scenic Road Work Permit where needed shall result in an immediate stop work order from the Planning Board and/or Building Inspector, shall necessitate an immediate filing as detailed above, and may result in an order for restoration measures to be taken.
- B) Failure to Comply – Failure to comply with the terms of a Scenic Road Work Permit may result in an order requiring remedial measures to be taken, may include fines as set forth below, and may result in enforcement through non-criminal disposition under M.G.L., Chapter 40, Section 21D.

C) Fines - Anyone who violates the provisions of this Bylaw may be fined through non-criminal disposition under M.G.L., Chapter 40, Section 21D, at a fine of \$300 per day, with each day's failure to comply constituting a separate and distinct offense.

Section 7. Severability:

If, in any respect, any provision of this Bylaw, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects, this Bylaw shall stand.

Or to take any other action related thereto.

**MOVED**

To see if the Town will vote to create a new Article XVII of the General Bylaws, "Scenic Roads in Cohasset":

**Article XVII – Scenic Roads in Cohasset**

Section 1. Authority & Purpose:

The Planning Board's authority and jurisdiction shall be consistent with M.G.L. c. 40, s. 15C.

This Bylaw is intended to protect the natural beauty that exists within the rights-of-way of select public ways designated as Scenic Roads in the Town of Cohasset by providing the necessary criteria and standards for designation of and regulating certain activities within the right-of-way of a Scenic Road.

Section 2. Definitions:

In the absence of contrary meaning established through legislation or judicial action pursuant to M.G.L. c. 40, s. 15C, these terms contained in that statute shall be construed as follows:

- Abutter:
- 1) Owners of land sharing a boundary line with the portion of the right of way containing the proposed Disturbance Area;
  - 2) Owners of land sharing a boundary line with land within the preceding definition (1);
  - 3) Owners of land directly opposite the proposed Disturbance Area;
  - 4) Owners of land sharing a boundary line with land within the preceding definition (3);
- all definition including abutting owners of another town, if applicable.

Disturbance Area: The area of land within the Scenic Road's right of way where regulated work is to be performed.

Posting: The marking of a tree or stone wall on the right-of-way on a Scenic Road for the purpose of a Scenic Road public hearing. For Protected Trees, such marking as described in M.G.L. c. 87, s. 3. For Protected Stone Walls, a ribbon or other appropriate "flagging" material temporarily affixed to the stone wall at issue in a Scenic Road hearing and viewable from the paved road.

Protected Stone Wall: A contiguous arrangement of stone, cut or otherwise, dry-fitted or mortared, in excess of 20 years of age, or otherwise deemed by the Historical Commission to be of historical significance, located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road. Includes any of its appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. Does not include walls constructed of manufactured concrete block.

Protected Tree: Any living Specimen Tree of any size, or any other living tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot from the ground located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road.

Right-of-way: The area on and within the legal boundaries of the Scenic Road. If the boundaries are unknown, any affected Protected Trees or Protected Stone Walls shall be presumed to be within the right-of-way until shown to be otherwise.

Specimen Tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4" or larger are eligible to be considered specimen trees.

### Section 3. Procedure for Designation of Scenic Roads:

- A) A proposal to designate a public way as a Scenic Road may be instigated by any of the following: the Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of thirty (30) registered voters, half of whom must be residents of the proposed Scenic Road.
- B) The Planning Board shall hold a public hearing on the request for Scenic Road designation with notice to the Town Clerk, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the last publication at least seven days prior to the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the next gathering of Annual or Special Town Meeting on the merits of designating the proposed way as a Scenic Road.
- C) The Planning Board's written recommendation shall address the following criteria:
  - 1) Age and historic significance of affected roads, trees and stone walls;
  - 2) Contribution of the affected trees and/or stone walls to scenic beauty;
  - 3) Exceptional qualities of affected trees in terms of age, spread, species or specimen;
  - 4) Protection of natural resources as well as scenic and aesthetic quality of area;

- 5) Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining the affected trees and/or stone wall;
  - 6) Scenic vistas of the area.
- D) The proposal shall be brought forward as a warrant article of the Planning Board with its recommendation. If the Planning Board recommendation is negative, the proponent of the designation shall present the proposal at Town Meeting. A majority vote of Town Meeting will be required. Approval of the designation shall be effective as of the date of Town Meeting action. Any work not physically commenced as of the date of the designation shall conform to this Bylaw.
- E) Following the designation of a Scenic Road, the Planning Board shall notify all municipal departments, the Massachusetts Highway Department, the Commissioners of Norfolk County, all utility companies servicing properties abutting the Scenic Road, and all property owners along the Scenic Road.

#### Section 4. Regulated Activity:

The following are the activities regulated under this Bylaw and through the Scenic Road Work Permit process:

- A) Utility & Road Work: Any roadway repair, maintenance, reconstruction or paving work, utility installation and repair work done within the right-of-way of a Scenic Road by any person or agency, public or private, including construction of new driveways or alterations of existing ones to the extent such work takes place within or accessing the right of-way, and roadside cutting for clearance for vehicles or for improvement of line-of-sight, except as allowed in the next subsection.
- B) Cutting or Removal of Trees: The removal of one or more Protected Trees, trimming of major branches, or cutting of roots to a degree sufficient in the Tree Warden's written opinion to cause eventual destruction of a tree. Not included is the clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the repair, maintenance, reconstruction or paving work for a road.
- C) Tearing Down or Destruction of Stone Walls: The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of at least five (5) square face feet (height x length of stone wall "face") of a Protected Stone Wall. The temporary removal of a Protected Stone Wall is permitted without Planning Board approval if the Department of Public Works (is notified before the work begins. The DPW may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining stone walls. Repair of a Protected Stone Wall, not involving the tearing down or destruction of it, is not covered by this Bylaw

D) Municipal Sidewalks: When construction of a municipal sidewalk within the right of way of a Scenic Road is deemed a public safety necessity by the Town and its construction has been approved by Town Meeting, a Protected Tree may be removed if there is no feasible alternative, subject to the compensation set out in Section 5(H) below.

Section 5. Scenic Road Work Permit:

B) Any work designated under Section 4 above shall be required to obtain a Scenic Road Work Permit from the Planning Board prior to commencement of the activity, or as soon after an emergency activity as is possible.

B) Filing Instructions – Any person or entity seeking a Scenic Road Work Permit shall do so on an application form supplied by the Planning Board, together with the following:

- 1) a written description and plans or drawings showing the location and the nature of the proposed Disturbance Area;
- 2) a statement explaining the purpose and need for the proposed impact upon a Protected Stone Wall or Protected Tree;
- 3) a statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed impact upon a Protected Stone Wall or Protected Tree;
- 4) a list, certified by the Assessor's office, of abutters, as defined herein;
- 5) except in the case of town agencies, a Scenic Road Work Permit fee as specified in the Planning Board's Fee Schedule;
- 6) photographs of all Protected Stone Walls or Protected Trees within and adjacent within 50 feet to the proposed Disturbance Area prior to any work;
- 7) any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.

C) Posting - A Posting, as defined above, is required at least seven (7) days prior to a Scenic Road public hearing.

D) Public Hearing - The Planning Board shall hold a public hearing as soon as practical but in no event later than forty-five (45) days from the date on which the application for a Scenic Road Work Permit is received unless a longer time is agreed to by the applicant. Notice will be given by the Board to other Town Departments and the public as set forth in Section 3(B) above.

E) Coordination with Tree Warden – As stated in the Scenic Road Act and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under M.G.L. Chapter 87. In the event of such a joint hearing, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of this Bylaw in any way lessen the Tree Warden's duties under M.G.L. Chapter 87.



F) Considerations - In acting on a Scenic Road Work Permit, the Planning Board shall consider the following in making its determination:

- 1) public safety;
- 2) scenic and aesthetic characteristics and quality of the area;
- 3) quality and extent of shade and tree canopy;
- 4) accident history within five hundred (500) feet of tree(s) and stone walls at issue;
- 5) commentary contributed by the Tree Warden, town agencies, abutters and other interested parties;
- 6) preservation of natural resources and environmental systems;
- 7) preservation of historical and cultural resources values;
- 8) compatibility with surrounding neighborhood;
- 9) recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- 10) relationship of the road design to the standards of the Planning Board's Subdivision Rules and Regulations but recognizing that a waiver from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- 11) adequacy and value of compensatory actions proposed, such as replacement of trees or stone walls or restoration of the same;
- 12) traffic patterns, volume, congestion and posted speed limit;
- 13) consistency with articulated Town policies and the Cohasset Master Plan;
- 14) feasibility for avoiding disturbance to trees or stone walls by proposing a safe location for a walkway, driveway or road elsewhere; and
- 15) other sound planning principles and considerations.

G) Decision - The Planning Board shall make a decision to issue or deny a Scenic Road Work Permit within twenty-one (21) days after closing the public hearing, and shall be filed with the Town Clerk within that time. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Building Inspector, the Conservation Commission and the Historical Commission. The approval of a Scenic Road Work Permit shall be valid for one (1) year. Any work outlined in the issuance of a Scenic Road Work Permit not completed within one (1) year after issuance will necessitate a new and separate filing for a Scenic Road Work Permit. Appeal of a decision shall be done in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

H) Restoration –

- 1) Protected Stone Walls – Unless waived, any restoration ordered within a Decision shall consist of replacing the Protected Stone Wall on a square face foot per square face foot basis. Stone walls shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such stone walls shall be used to repair other sections of the stone wall. No Protected Stone Wall shall be cut without construction of an appropriate stone terminus – i.e. stone piers or granite posts.
- 2) Protected Trees – Unless waived, any restoration ordered within a Decision shall consist of replacing the removed Protected Trees with nursery grade trees on a one (1)

square inch per two (2) square inch replacement basis, at locations specified by the Planning Board and the Tree Warden. A one (1) square inch per two (2) square inch replacement is calculated by finding the diameter of a tree in question at four point five (4.5) feet up from the base above the ground and determining its trunk area (3.14 x tree radius squared). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). The restoration shall be verified by the Tree Warden. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s). The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Cohasset shall be outlined in the Scenic Road Work Permit.

Section 6. Enforcement:

- A) Failure to File – Failure to file for a Scenic Road Work Permit where needed shall result in an immediate stop work order from the Planning Board and/or Building Inspector, shall necessitate an immediate filing as detailed above, and may result in an order for restoration measures to be taken.
- B) Failure to Comply – Failure to comply with the terms of a Scenic Road Work Permit may result in an order requiring remedial measures to be taken, may include fines as set forth below, and may result in enforcement through non-criminal disposition under M.G.L., Chapter 40, Section 21D.
- C) Fines - Anyone who violates the provisions of this Bylaw may be fined through non-criminal disposition under M.G.L., Chapter 40, Section 21D, at a fine of \$300 per day, with each day's failure to comply constituting a separate and distinct offense.

Section 7. Severability:

If, in any respect, any provision of this Bylaw, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects, this Bylaw shall stand.

Or to take any other action related thereto.

**Motion adopted unanimously.**

## **Article 28: Citizen's Petition - New Land Alteration Regulations**

### **Part 1:**

To see if the Town will vote to delete Section 11 of the Zoning Bylaw, "Regulations Governing Earth Removal", in its entirety, and replace it with new Section 11 titled "**Section 11 – Land Alteration Management**"

#### 11.1. Purpose:

To promote land development and site planning practices which are responsive to the scenic, archaeological, historic and aesthetic character of Cohasset without preventing the reasonable development of land, by: regulating earth removal, ledge removal, grading and clearing activities associated with land development;

limiting alteration of natural topography prior to development review; preserving as much as practicable existing trees, vegetation and land forms from damage or removal during site development; preventing erosion and sedimentation and controlling stormwater runoff; and preventing fragmentation of wildlife habitat and loss of vegetation.

#### 11.2. Applicability:

All Clearing, excavating, filling or Grading activities proposed to take place on any lot in any zoning district, unless specifically exempted under Sect. 11.3, or below the thresholds for regulation established under Sect. 11.4, shall obtain a Site Alteration Special Permit from the Planning Board pursuant to this Section 11. "Subdivision Approval Not Required" projects shall be subject to this Bylaw.

#### 11.3. Exemptions:

The following activities are exempt from having to obtain a Site Alteration Special Permit:

- A) Removal of hazardous trees (a tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property).
- B) Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants.
- C) Activity required by a D.E.M. approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- D) Construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements or in connection with a subdivision approved in accordance with the town's Subdivision Rules and Regulations.
- E) Work conducted in accordance with any prior and still-valid earth removal or building permit issued pursuant to the predecessor version of this Section 11 or other sections of the Cohasset Zoning Bylaw.

- F) Agricultural activities in existence at the time this bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A, section 3.
- G) Exploratory work associated with the siting of a new or replacement individual sewage disposal system, provided that such activity shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment, and which is otherwise being monitored by the appropriate boards having jurisdiction.
- H) Maintenance of existing landscaped areas that exceed Clearing limits herein, as long as such areas are not expanded.

11.4. Land Alteration Limitations:

A) In the case of Clearing, the limit that may be cleared is:

1) In the RA District	70% Undeveloped/Unimproved Lots 75% Developed/Improved Lots
2) In the RB District	50% Undeveloped/Unimproved Lots 60% Developed/Improved Lots
3) In the RC District	40% Undeveloped/Unimproved Lots 50% Developed/Improved Lots
4) In the DB, WB & VB Districts	85% Undeveloped/Unimproved Lots 85% Developed/Improved Lots
5) In the HB, LI, TB Districts	70% Undeveloped/Unimproved Lots 75% Developed/Improved Lots
6) In Overlay Districts	According to the respective underlying District
7) In the OS District	0%, or the minimum necessary for any permitted or grandfathered structures thereon

- B) In the case of excavation of soils, gravel or ledge for permanent removal from the site, no more than ten (10) cubic yards may be removed in a given calendar year, excepting the amount necessarily excavated in connection with the lawful construction of a building, structure, foundation, basement, septic system, or other utility.
- C) In the further case of excavation, and in the case of filling and grading, outside the footprint of any building or structure foundations, Post-Construction Grade shall differ from Pre-Construction Grade by no more than a two-foot or five-percent (5%) change in grade, plus or minus, whichever is greater.
- C) In the further case of excavating, chipping, blasting or otherwise altering or impacting upon Exposed Ledge Face, as well as being subject to the limitations of subsections (B) and (C) above, removal of Exposed Ledge Face shall be limited to no more than a 15% decrease in

height of the Exposed Ledge Face relative to Pre-Construction Grade at all points, and to no more than a 2-foot deep removal into the Exposed Ledge Face.

- D) In the further case of grading and filling, where new slopes are created by the permitted grading and filling activity, such slopes shall be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the remaining natural contours and undulations of the land to the greatest extent possible.
- E) Required Mitigation Measures. If work is permitted, the following mitigation measures will become part of the Decision as are applicable
  - 1) Any Clearing of vegetation and alteration of topography shall be mitigated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat. A minimum of 4" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted. Post-Construction Grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.
  - 2) Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

#### 11.5. Application Requirements:

- A) Unless determined otherwise by the Planning Board, or until detailed regulations of the Planning Board are passed, all applications for a Site Alteration Special Permit shall adhere to the filing requirements of the Stormwater Permit process under Article XV of the General Bylaws and the Subdivision Rules and Regulations process as are applicable.
- D) Before seeking to obtain a Site Alteration Special Permit, applicants should first obtain any necessary permits from the Zoning Board of Appeals (special permits or variances), the Board of Health (for septic system permitting), the Sewer Commission (for sewer line location), and Conservation Commission (for wetlands and stormwater permits).

#### 11.6. Review and Decision:

- A) The Planning Board shall act on applications according to the procedures and time limits specified in Section 12.4(1)(b)(1), (2), (3) and (4) of the Zoning Bylaw. Appeals shall be governed by M.G.L. c. 40A, s. 17.
- B) The Planning Board may grant a Site Alteration Special Permit after a public hearing only where such conditions and safeguards as required by this Section have been made, and only after a determination that such grant would not be detrimental to the public health, safety,

welfare, comfort, or character of the neighborhood and would not be adverse to the town's economy and environment. The Planning Board will consider the following factors as part of its determination:

- 1) The availability of reasonable alternatives to the site alterations proposed.
- 2) Comparison to neighboring properties for consistency in topography.
- 3) Compliance with the performance standards under the Stormwater Permit process under Article XV of the General Bylaws, even if a separate Stormwater Permit is not required, and the degree of preservation of natural drainage channels on the site.
- 4) Avoidance of impacts upon rare and endangered species and wildlife habitat on a site, and maintenance of contiguous forested areas.
- 5) Priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and Specimen Trees.

C) The Planning Board is authorized to promulgate regulations to further application and enforcement of this bylaw, including but not limited to, regulations setting forth application procedures, review procedures, specific review standards and specific design criteria consistent with this bylaw.

#### 11.7. Security:

The Planning Board may require a performance guarantee in a form acceptable to it to cover the costs associated with compliance with this bylaw, in the same manner and on the same conditions as are applicable to performance guarantees related to subdivision projects as may then be applicable.

#### 11.8. Severability:

If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's Zoning Bylaw.

### **Part 2:**

In furtherance of the passage of Part 1 of this Article, to see if the Town will add and amend Definitions in Section 2 of the Zoning Bylaw as follows:

#### **Additions:**

Clearing: The complete removal of ground vegetation or trees down to a height of 2" or less, and/or the complete removal of areas of tree canopy.

Exposed Ledge Face: Any portion of rock ledge lying above a height of two feet or greater above Pre-Construction Grade at any given point.

Grade: The surface, level and/or elevation of the ground.

Pre-Construction Grade: The Grade of a lot or site prior to the Development proposed.

Post-Construction Grade: The Grade of a lot or site upon completion of the Development proposed.

### **Amendments:**

Under the definition of Development, to add the following two sub-definitions:

Developed/Improved: A lot or site that has previously been altered from its natural state by the addition of still-existing, man-made Buildings or by man-made Clearing done for the purpose of adding still-existing Buildings.

Undeveloped/Unimproved: A lot or site 1) that has not been altered from its natural state, or 2) if developed in the past, that no longer has any man-made Buildings upon it (but which may still have a fence or stone wall), or 3) which was cleared for agricultural use, or 4) upon which the sole human activity has been exploratory work for a septic system or other Development.

Under the definition of Height, to change the words “pre-construction ground” to “Pre-Construction Grade”.

<u>Name:</u>	<u>Address:</u>	<u>Name:</u>	<u>Address:</u>
Thomas J. Callahan	35 Hillside Drive	Leonard Snyderman	241 Jerusalem Road
Lisey Good	241 Jerusalem Road	Susan Playfair	249 Atlantic Avenue
Stephen Crummey	394 Atlantic Avenue	Paul Hickey	400 Atlantic Avenue
Maryanne Wetherland	419 Jerusalem Road	Thomas Wetherland	419 Jerusalem Road
Richard Swanborg	48 Nichols Road	Shelley Vanderweil	449 Jerusalem Road

**MOVED that Section 11 of the Zoning Bylaw, “Regulations Governing Earth Removal,” be deleted in its entirety and replaced with the following:**

### **SECTION 11 - LAND ALTERATION MANAGEMENT**

#### **11.1. Purpose:**

To promote land development and site planning practices which are responsive to the scenic, archaeological, historic and aesthetic character of Cohasset without preventing the reasonable development of land, by: regulating earth removal, ledge removal, grading and clearing activities associated with land development; limiting alteration of natural topography prior to development review; preserving as much as practicable existing trees, vegetation and land forms from damage

or removal during site development; preventing erosion and sedimentation and controlling stormwater runoff; and preventing fragmentation of wildlife habitat and loss of vegetation.

### 11.2. Applicability:

All Clearing, excavating, filling or Grading activities proposed to take place on any lot in any zoning district, unless specifically exempted under Sect. 11.3, or below the thresholds for regulation established under Sect. 11.4, shall obtain a Site Alteration Special Permit from the Planning Board pursuant to this Section 11. "Subdivision Approval Not Required" projects shall be subject to this Bylaw.

### 11.3. Exemptions:

The following activities are exempt from having to obtain a Site Alteration Special Permit:

- A) Removal of hazardous trees (a tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property).
- B) Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants.
- C) Activity required by a D.E.M. approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- D) Construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements or in connection with a subdivision approved in accordance with the town's Subdivision Rules and Regulations.
- E) Work conducted in accordance with any prior and still-valid earth removal or building permit issued pursuant to the predecessor version of this Section 11 or other sections of the Cohasset Zoning Bylaw.
- F) Agricultural activities in existence at the time this bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A, section 3.
- G) Exploratory work associated with the siting of a new or replacement individual sewage disposal system, provided that such activity shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment, and which is otherwise being monitored by the appropriate boards having jurisdiction.
- H) Maintenance of existing landscaped areas that exceed Clearing limits herein **prior to the adoption of this Bylaw**, as long as such areas are not expanded.



11.4. Land Alteration Limitations:

A) In the case of Clearing, the limit that may be cleared is:

1) In the RA District	70% Undeveloped/Unimproved Lots 75% Developed/Improved Lots
2) In the RB District	50% Undeveloped/Unimproved Lots 60% Developed/Improved Lots
3) In the RC District	40% Undeveloped/Unimproved Lots 50% Developed/Improved Lots
4) In the DB, WB & VB Districts	85% Undeveloped/Unimproved Lots 85% Developed/Improved Lots
5) In the HB, LI, TB Districts	70% Undeveloped/Unimproved Lots 75% Developed/Improved Lots
6) In Overlay Districts	According to the respective underlying District
7) In the OS District	0%, or the minimum necessary for any permitted or grandfathered structures thereon

**On a Residential lot that is Developed/Improved prior to the adoption of this Bylaw, limited expansion over the Clearing limits herein may be permitted without a Site Alteration Special Permit if the clearing is for necessary utility work or expansion, only to the extent needed for the utility installation. Limited expansion over the Clearing limits herein for the purposes of constructing an accessory structure (all structures but for the main house) may be permitted without a Site Alteration Special Permit, but limited to the area needed for the accessory structure or 10% of the remaining non-cleared area of the lot, whichever is less.**

- B) In the case of excavation of soils, gravel or ledge for permanent removal from the site, no more than ten (10) cubic yards **per 15,000 sq. ft. of lot area** may be removed in a given calendar year, excepting the amount necessarily excavated in connection with the lawful construction of a building, structure, foundation, basement, septic system, or other utility.
- C) In the further case of excavation, and in the case of filling and grading, outside the footprint of any building or structure foundations, Post-Construction Grade shall differ from Pre-Construction Grade by no more than a two-foot or five-percent (5%) change in grade, plus or minus, whichever is greater.
- D) In the further case of excavating, chipping, blasting or otherwise altering or impacting upon Exposed Ledge Face, as well as being subject to the limitations of subsections (B) and (C) above, removal of Exposed Ledge Face shall be limited to no more than a 15% decrease in height of the Exposed Ledge Face relative to Pre-Construction Grade at all points, and to no more than a 2-foot deep removal into the Exposed Ledge Face.

- E) In the further case of grading and filling, where new slopes are created by the permitted grading and filling activity, such slopes shall be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the remaining natural contours and undulations of the land to the greatest extent possible.
- F) Required Mitigation Measures. If work is permitted, the following mitigation measures will become part of the Decision as are applicable
- 1) Any Clearing of vegetation and alteration of topography shall be mitigated with native vegetation planted in disturbed areas as **is reasonably** needed to restore **the affected area to its previous native condition**. A minimum of 4" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted. Post-Construction Grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.
  - 2) Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

#### 11.5. Application Requirements:

- A) Unless determined otherwise by the Planning Board, or until detailed regulations of the Planning Board are passed, all applications for a Site Alteration Special Permit shall adhere to the filing requirements of the Stormwater Permit process under Article XV of the General Bylaws and the Subdivision Rules and Regulations process as are applicable.
- B) Before seeking to obtain a Site Alteration Special Permit, applicants should first obtain any necessary permits from the Zoning Board of Appeals (special permits or variances), the Board of Health (for septic system permitting), the Sewer Commission (for sewer line location), and Conservation Commission (for wetlands and stormwater permits).

#### 11.6. Review and Decision:

- A) The Planning Board shall act on applications according to the procedures and time limits specified in Section 12.4(1)(b)(1), (2), (3) and (4) of the Zoning Bylaw. Appeals shall be governed by M.G.L. c. 40A, s. 17.
- B) The Planning Board may grant a Site Alteration Special Permit after a public hearing only where such conditions and safeguards as required by this Section have been made, and only after a determination that such grant would not be detrimental to the public health, safety, welfare, comfort, or character of the neighborhood and would not be adverse to the town's economy and environment. The Planning Board will consider the following factors as part of its determination:
- 1) The availability of reasonable alternatives to the site alterations proposed.

- 2) Comparison to neighboring properties for consistency in topography.
  - 3) Compliance with the performance standards under the Stormwater Permit process under Article XV of the General Bylaws, even if a separate Stormwater Permit is not required, and the degree of preservation of natural drainage channels on the site.
  - 4) Avoidance of **adverse** impacts upon rare and endangered species and wildlife habitat on a site, and maintenance of contiguous forested areas.
  - 5) Priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and Specimen Trees.
- C) The Planning Board is authorized to promulgate regulations to further application and enforcement of this bylaw, including but not limited to, regulations setting forth application procedures, review procedures, specific review standards and specific design criteria consistent with this bylaw.

#### 11.7. Security:

The Planning Board may require a performance guarantee in a form acceptable to it to cover the costs associated with compliance with this bylaw, in the same manner and on the same conditions as are applicable to performance guarantees related to subdivision projects as may then be applicable.

#### 11.8. Enforcement:

- A) Failure to File – Failure to file for a Special Permit where needed shall result in an immediate stop work order from the Planning Board and/or Building Inspector, shall necessitate an immediate filing as detailed above, and may result in an order for restoration measures to be taken.**
- B) Failure to Comply – Failure to comply with the terms of a Special Permit may result in an order requiring remedial measures to be taken, may include fines as set forth below, and may result in enforcement through non-criminal disposition under M.G.L., Chapter 40, Section 21D.**
- C) Fines - Anyone who violates the provisions of this Bylaw may be fined through non-criminal disposition under M.G.L., Chapter 40, Section 21D, at a fine of \$300 per day, with each day’s failure to comply constituting a separate and distinct offense.**

#### 11.9. Severability:

If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's Zoning Bylaw.

**AND MOVED further that Section 2, Definitions, of the Zoning Bylaw be amended by adding the following:**

Clearing: The complete removal of ground vegetation or trees down to a height of 2" or less, and/or the complete removal of areas of tree canopy.

Exposed Ledge Face: Any portion of rock ledge lying above a height of two feet or greater above Pre-Construction Grade at any given point.

Grade: The surface, level and/or elevation of the ground.

Pre-Construction Grade: The Grade of a lot or site prior to the Development proposed.

Post-Construction Grade: The Grade of a lot or site upon completion of the Development proposed.

**AND MOVED further that Section 2, Definitions, of the Zoning Bylaw be amended by amending the following:**

Under the definition of Development, to add the following two sub-definitions:

Developed/Improved: A lot or site that has previously been altered from its natural state by the addition of still-existing, man-made Buildings or by man-made Clearing done for the purpose of adding **to** still-existing Buildings.

Undeveloped/Unimproved: A lot or site 1) that has not been altered from its natural state, or 2) if developed in the past, that no longer has any man-made Buildings upon it (but which may still have a fence or stone wall), or 3) which was cleared for agricultural use, or 4) upon which the sole human activity has been exploratory work for a septic system or other Development.

Under the definition of Height, to change the words "pre-construction ground" to "Pre-Construction Grade".

**A 2/3's vote required.**

**Hand count taken. In favor 156; Opposed 95. Motion is defeated.**

**Article 29: Citizen's Petition to Create a Scenic Roads Bylaw**

To see if the Town will vote to create a new Article XVII of the General Bylaws, "Scenic Roads in Cohasset":

**Article XVII – Scenic Roads in Cohasset**

**Section 1. Authority & Purpose:**

The Planning Board's authority and jurisdiction shall be consistent with M.G.L. c. 40, s. 15C.

This Bylaw is intended to protect the natural beauty that exists within the right-of-ways of select roads designated as Scenic Roads in the Town of Cohasset by providing the necessary criteria and standards for designation of and regulating certain activities within the right-of-way of a Scenic Road.

## Section 2. Definitions:

In the absence of contrary meaning established through legislation or judicial action pursuant to M.G.L. c. 40, s. 15C, these terms contained in that statute shall be construed as follows:

Abutter:        1) Owners of land sharing a boundary line with the portion of the right of way containing the proposed Disturbance Area;  
                    2) Owners of land sharing a boundary line with land within the preceding definition (1);  
                    3) Owners of land directly opposite the proposed Disturbance Area;  
                    4) Owners of land sharing a boundary line with land within the preceding definition (3);  
                    all definition including abutting owners of another town, if applicable.

Disturbance Area: The area of land within the Scenic Road's right of way where regulated work is to be performed.

Posting: The marking of a tree or stone wall on the right-of-way on a Scenic Road for the purpose of a Scenic Road public hearing. For Protected Trees, such marking as described in M.G.L. c. 87, s. 3. For Protected Stone Walls, a ribbon or other appropriate "flagging" material temporarily affixed to the stone wall at issue in a Scenic Road hearing and viewable from the paved road.

Protected Stone Wall: A contiguous arrangement of stone, cut or otherwise, dry-fitted or mortared, in excess of 20 years of age, or otherwise deemed by the Historical Commission to be of historical significance, located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road. Includes any of its appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. Does not include walls constructed of manufactured concrete block.

Protected Tree: Any living Specimen Tree of any size, or any other living tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot from the ground located wholly or partially within, or on the boundary line of, the right-of-way of a Scenic Road.

Right-of-way: The area on and within the legal boundaries of the Scenic Road. If the boundaries are unknown, any affected Protected Trees or Protected Stone Walls shall be presumed to be within the right-of-way until shown to be otherwise.

Specimen Tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4" or larger are eligible to be considered specimen trees.

## Section 3. Procedure for Designation of Scenic Roads:

A) A proposal to designate a road as a Scenic Road may be instigated by any of the following: the Planning Board, the Board of Selectmen, the Conservation Commission, the Historical

Commission, or by petition of thirty (30) registered voters, half of whom must be residents of the proposed Scenic Road.

- B) The Planning Board shall hold a public hearing on the request for Scenic Road designation with notice to the Town Clerk, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the last publication at least seven days prior to the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the next gathering of Annual or Special Town Meeting on the merits of designating the proposed way as a Scenic Road.
- C) The Planning Board's written recommendation shall address the following criteria:
  - 1) Age and historic significance of affected roads, trees and stone walls;
  - 2) Contribution of the affected trees and/or stone walls to scenic beauty;
  - 3) Exceptional qualities of affected trees in terms of age, spread, species or specimen;
  - 4) Protection of natural resources as well as scenic and aesthetic quality of area;
  - 5) Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining the affected trees and/or stone wall;
  - 6) Scenic vistas of the area.
- D) The proposal shall be brought forward as a warrant article of the Planning Board with its recommendation. If the Planning Board recommendation is negative, the proponent of the designation shall present the proposal at Town Meeting. A majority vote of Town Meeting will be required. Approval of the designation shall be effective as of the date of Town Meeting action. Any work not physically commenced as of the date of the designation shall conform to this Bylaw.
- E) Following the designation of a Scenic Road, the Planning Board shall notify all municipal departments, the Massachusetts Highway Department, the Commissioners of Norfolk County, all utility companies servicing properties abutting the Scenic Road, and all property owners along the Scenic Road.

Section 4. Regulated Activity:

The following are the activities regulated under this Bylaw and through the Scenic Road Work Permit process:

- A) Utility & Road Work: Any roadway repair, maintenance, reconstruction or paving work, utility installation and repair work done within the right-of-way of a Scenic Road by any person or agency, public or private, including construction of new driveways or alterations of existing ones to the extent such work takes place within or accessing the right of-way, and roadside cutting for clearance for vehicles or for improvement of line-of-sight, except as allowed in the next subsection.
- B) Cutting or Removal of Trees: The removal of one or more Protected Trees, trimming of major branches, or cutting of roots to a degree sufficient in the Tree Warden's written opinion

to cause eventual destruction of a tree. Not included is the clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the repair, maintenance, reconstruction or paving work for a road.

- C) Tearing Down or Destruction of Stone Walls: The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of at least five (5) square face feet (height x length of stone wall "face") of a Protected Stone Wall. The temporary removal of a Protected Stone Wall is permitted without Planning Board approval if the Department of Public Works (is notified before the work begins. The DPW may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining stone walls. Repair of a Protected Stone Wall, not involving the tearing down or destruction of it, is not covered by this Bylaw.
- E) Municipal Sidewalks: When construction of a municipal sidewalk within the right of way of a Scenic Road is deemed a public safety necessity by the Town and its construction has been approved by Town Meeting, a Protected Tree may be removed if there is no feasible alternative, subject to the compensation set out in Section 5(H) below.

Section 5. Scenic Road Work Permit:

- F) Any work designated under Section 4 above shall be required to obtain a Scenic Road Work Permit from the Planning Board prior to commencement of the activity, or as soon after an emergency activity as is possible.
- B) Filing Instructions – Any person or entity seeking a Scenic Road Work Permit shall do so on an application form supplied by the Planning Board, together with the following:
  - 1) a written description and plans or drawings showing the location and the nature of the proposed Disturbance Area;
  - 2) a statement explaining the purpose and need for the proposed impact upon a Protected Stone Wall or Protected Tree;
  - 3) a statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed impact upon a Protected Stone Wall or Protected Tree;
  - 4) a list, certified by the Assessor's office, of abutters, as defined herein;
  - 5) except in the case of town agencies, a Scenic Road Work Permit fee as specified in the Planning Board's Fee Schedule;
  - 6) photographs of all Protected Stone Walls or Protected Trees within and adjacent within 50 feet to the proposed Disturbance Area prior to any work;
  - 7) any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.

C) Posting - A Posting, as defined above, is required at least seven (7) days prior to a Scenic Road public hearing.

D) Public Hearing - The Planning Board shall hold a public hearing as soon as practical but in no event later than forty-five (45) days from the date on which the application for a Scenic Road Work Permit is received unless a longer time is agreed to by the applicant. Notice will be given by the Board to other Town Departments and the public as set forth in Section 3(B) above.

E) Coordination with Tree Warden – As stated in the Scenic Road Act and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under M.G.L. Chapter 87. In the event of such a joint hearing, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of this Bylaw in any way lessen the Tree Warden’s duties under M.G.L. Chapter 87.

F) Considerations - In acting on a Scenic Road Work Permit, the Planning Board shall consider the following in making its determination:

- 1) public safety;
- 2) scenic and aesthetic characteristics and quality of the area;
- 3) quality and extent of shade and tree canopy;
- 4) accident history within five hundred (500) feet of tree(s) and stone walls at issue;
- 5) commentary contributed by the Tree Warden, town agencies, abutters and other interested parties;
- 6) preservation of natural resources and environmental systems;
- 7) preservation of historical and cultural resources values;
- 8) compatibility with surrounding neighborhood;
- 9) recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- 10) relationship of the road design to the standards of the Planning Board’s Subdivision Rules and Regulations but recognizing that a waiver from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- 11) adequacy and value of compensatory actions proposed, such as replacement of trees or stone walls or restoration of the same;
- 12) traffic patterns, volume, congestion and posted speed limit;
- 13) consistency with articulated Town policies and the Cohasset Master Plan;
- 14) feasibility for avoiding disturbance to trees or stone walls by proposing a safe location for a walkway, driveway or road elsewhere; and
- 15) other sound planning principles and considerations.

G) Decision - The Planning Board shall make a decision to issue or deny a Scenic Road Work Permit within twenty-one (21) days after closing the public hearing, and shall be filed with the Town Clerk within that time. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Building Inspector, the Conservation Commission and the Historical Commission. The approval of a Scenic Road Work Permit shall be valid for one (1) year. Any work outlined in the issuance of a Scenic Road Work



Permit not completed within one (1) year after issuance will necessitate a new and separate filing for a Scenic Road Work Permit. Appeal of a decision shall be done in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

H) Restoration –

- 1) Protected Stone Walls – Unless waived, any restoration ordered within a Decision shall consist of replacing the Protected Stone Wall on a square face foot per square face foot basis. Stone walls shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such stone walls shall be used to repair other sections of the stone wall. No Protected Stone Wall shall be cut without construction of an appropriate stone terminus – i.e. stone piers or granite posts.
- 2) Protected Trees – Unless waived, any restoration ordered within a Decision shall consist of replacing the removed Protected Trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis, at locations specified by the Planning Board and the Tree Warden. A one (1) square inch per two (2) square inch replacement is calculated by finding the diameter of a tree in question at one (1) foot above the ground and determining its trunk area ( $3.14 \times \text{tree radius squared}$ ). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). The restoration shall be verified by the Tree Warden. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s). The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Cohasset shall be outlined in the Scenic Road Work Permit.

Section 7. Enforcement:

- A) Failure to File – Failure to file for a Scenic Road Work Permit where needed shall result in an immediate stop work order from the Planning Board and/or Building Inspector, shall necessitate an immediate filing as detailed above, and may result in an order for restoration measures to be taken.
- B) Failure to Comply – Failure to comply with the terms of a Scenic Road Work Permit may result in an order requiring remedial measures to be taken, may include fines as set forth below, and may result in enforcement through non-criminal disposition under M.G.L., Chapter 40, Section 21D.
- C) Fines - Anyone who violates the provisions of this Bylaw may be fined through non-criminal disposition under M.G.L., Chapter 40, Section 21D, at a fine of \$300 per day, with each day's failure to comply constituting a separate and distinct offense.

Section 8. Severability:

If, in any respect, any provision of this Bylaw, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects, this Bylaw shall stand.

<u>Name:</u>	<u>Address:</u>	<u>Name:</u>	<u>Address:</u>
Lisey Good	241 Jerusalem Road	Leonard Snyderman	241 Jerusalem Road
Susan Playfair	249 Jerusalem Road	Paul Hickey	400 Atlantic Avenue
Stephen Crummey	394 Atlantic Avenue	Thomas Wetherland	419 Jerusalem Road
Maryanne Wetherland	419 Jerusalem Road	Shelley Vanderweil	449 Atlantic Avenue
Richard Swanborg	48 Nichols Road	Jennifer Dial	21 Rocky Lane

**Moved** that this article be indefinitely postponed.

**Motion adopted unanimously.**

**Article 30: Citizen’s Petition Amending the Large Home Review Process**

To see if the Town will vote to make the following amendments to Section 5.5 of the Zoning Bylaw, “Large House Plan Review”, as follows:

By Deleting Subsections (2) thru (4), and replacing them with the following:

2. Where the RGFA exceeds these limits, the proposed work shall be submitted for a Large House Site Plan Review by the Planning Board. The Applicant will submit the following minimal information, or such information that may be required by any applicable Rules and Regulations passed by the Planning Board:

- A) a site plan showing the location of the subject house, and the existing and proposed site conditions, topography, building elevations, extent of shadows cast, setbacks, lot coverages, floor area ratios, grading and landscape design;
- B) for an existing house, photographs of all sides, and for both existing and proposed houses, a drawn or computer-generated depiction of how the house is proposed to appear post-construction, including building & siding materials and colors;
- C) a map and narrative description of the surrounding neighborhood with data regarding house styles, house sizes and dimensions, and building & siding materials, and photographs of all houses within a 300-ft. radius of the proposed house location;
- D) a certified list of abutters, as defined herein; and
- E) required filing fee.

The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with these application requirements.

3. Notwithstanding the foregoing, changes to a pre-existing, non-conforming house that will require a finding or relief under MGL c. 40A, s. 6 or under Section 8 of the Zoning Bylaw are exempt from the requirements of Large House Plan Review.

4. Review and Decision:

- A) The Planning Board shall hold a hearing within 35 days of receipt of a completed Application. Notice of the hearing shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the Applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the Applicant on any public or private street or way shall be considered abutters under this Section. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application.
- B) The Planning Board shall prepare its decision and provide it to the Applicant within 21 days of the close of the public hearing, with copies to the Building Inspector and Zoning Board of Appeals as may be appropriate. If the Planning Board has not issued its decision within that time, the project, as described in the submission, shall be deemed approved.
- C) In considering approval under Large House Site Plan Review, the Planning Board will consider the following factors:
- 1) Scale of Buildings. All houses being reviewed shall be sited, and construction implemented, in a manner that is consistent with the scale of other structures in its vicinity through the use of appropriate massing, screening, lighting, building and siding materials and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. Structures shall be arranged insofar as practicable to avoid casting shadows or increased shadows onto abutting property.
  - 2) Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing use of wetlands, flood plains, hilltops, any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
  - 3) Lighting. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
  - 4) Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties.
  - 5) Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.

- 6) Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

The above criteria may be superseded and/or supplemented by the requirements and criteria of other permits that may be needed for the proposed house to be constructed.

The above criteria may be supplemented by any specific and applicable design criteria promulgated by the Design Review Board, the Planning Board or by the provisions of any other General or Zoning bylaw.

- 5. Revision and Amendment of Plans: Any revision, amendment or new information relating to an LHR application shall be considered as follows:

- A) Pending LHR Applications. Revision or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.

- B) Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Board for a determination as to whether the revisions are major or minor and shall be processed as follows:

- 1) Minor. If the Board determines the proposed revisions or amendments to be minor, the Board shall notify the Applicant within one week of the submittal of such revisions.
- 2) Major. If the Board determines the proposed revisions or amendments to be major, the Board shall notify the Applicant within one week of the submittal of such revisions. The revisions shall then be reviewed in the same manner as the original application through a hearing.

- 6. The Planning Board is authorized to promulgate regulations to further application and enforcement of this bylaw, including but not limited to, regulations setting forth application procedures, review procedures, specific review standards and specific design criteria consistent with this bylaw.

- 7. Appeals. An Applicant, or any person receiving notice under Subsection 3(A) above, may appeal the Planning Board's approval, denial, conditions or plan modifications to the Zoning Board of Appeals in accordance with Section 12.3 of the Zoning Bylaw.

<u>Name:</u>	<u>Address:</u>	<u>Name:</u>	<u>Address:</u>
Thomas J. Callahan	35 Hillside Drive	Leonard Snyderman	241 Jerusalem Road
Lisey Good	241 Jerusalem Road	Susan Playfair	249 Jerusalem Road
Stephen Crummey	394 Atlantic Avenue	Thomas Wetherland	419 Jerusalem Road
Maryanne Wetherland	419 Jerusalem Road	Shelley Vanderweil	449 Jerusalem Road
Richard Swanborg	48 Nichols Road	Kathryn Cetrulo	577 Jerusalem Road

**Moved** that this article be indefinitely postponed.  
**Motion adopted unanimously.**

**Article 31: Citizen’s Petition Amendment of the Table of Area Regulations**

To see if the Town will vote to delete all portions of the existing Table of Area Regulations found in Sect. 5.3.1 of the Zoning Bylaw having to do with the RA, RB and RC districts, and all asterisked notes thereto, and replacing same with the following table, and also deleting Note 4 in Section 5.4:

USE Use as Permitted %	<u>Minimum Required Lots</u>			<u>Minimum Yards</u>			Bldg.  <u>Height (Ft)</u>	<u>Maximum Permitted</u>		Coverage
	<u>Area (Sq ft)</u>	<u>Frontage (Ft)</u>	<u>Width (Ft)</u>	<u>Front (Ft)</u>	<u>Side (Ft)</u>	<u>Rear Depth (Ft)</u>		Floor Area Ratio	Coverage Structural %	
Table 4.2										
DISTRICT R-A										
Single-family Dwelling	18,000	50	100	20	15*	15*	35	.25	N/A	22
Conversion to a 2-family	24,000	50	100	20	15*	15*	35	.25	N/A	22
From Table 4.2	+6,000 for each additional family more than 2									
Permitted community facility and other structure or other principal use	18,000	50	100	20	15*	15*	35	.25	N/A	22
DISTRICT R-B										
Single-family Dwelling	35,000	50	125	30	20*	30*	35	.30	N/A	25
Conversion to a 2-family	48,000	50	125	30	20*	30*	35	.30	N/A	25
From Table 4.2	+8,000 for each additional family more than 2									
Permitted community facility and other structure or other principal use	35,000	50	125	30	20*	30*	35	.25	N/A	22
DISTRICT R-C										
Single-family Dwelling	60,000	50	150	30	20*	30*	35	.33	N/A	27
Conversion to a 2-family	80,000	50	150	30	20*	30*	35	.33	N/A	27
From Table 4.2	+10,000 for each additional family more than 2									
Permitted community facility and other structure or other principal use	60,000	50	150	30	20*	30*	35	.33	N/A	27
-----										
Notes applicable to all Res. Districts										

<u>Name:</u>	<u>Address:</u>
Thomas J. Callahan	35 Hillside Drive
Lisey Good	241 Jerusalem Road
Stephen Crummey	394 Atlantic Avenue
Maryanne Wetherland	419 Jerusalem Road
Richard Swanborg	48 Nichols Road

<u>Name:</u>	<u>Address:</u>
Leonard Snyderman	241 Jerusalem Road
Susan Playfair	249 Atlantic Avenue
Paul Hickey	400 Atlantic Avenue
Thomas Wetherland	419 Jerusalem Road
Shelley Vanderweil	449 Jerusalem Road

**Moved** that this article be indefinitely postponed.  
**Motion adopted unanimously.**

**Article 32: Citizen’s Petition Expansion of Central Cohasset Waste Water Sewer System**

Pursuant to the authority of Massachusetts General Laws, Chapter 39, Section 10 and Article II, Section 2(c) of the General By-laws of the Town of Cohasset the undersigned, all being registered voters of the Town of Cohasset request the insertion of the following article in the Warrant for the Annual Town Meeting to be held on May 1, 2017.

To see if the Town will authorize the expansion of the Central Cohasset Waste Water Sewer System District Phase 3 Collection system, which expansion shall begin at it's current terminus at the Veteran's Pump Station located on the Northeasterly side of Chief Justice Cushing Highway and run in a generally Northerly direction approximately 2,400 linear ft. and terminating on the Northeasterly side of Chief Justice Cushing Highway at 380-400 Chief Justice Cushing Highway, providing sewer connections for the residential and commercial buildings constructed or to be constructed on the Easterly side of Chief Justice Cushing Highway. The cost of laying, constructing and installing the sewer connection pipes, manholes and appurtenant equipment together will all design and permit costs in connection with the extension of the sewer district as aforesaid, shall be funded by raising a sum of money by grant, taxation, surplus, revenue, borrowing, private contribution or a combination of any of the foregoing methods of payment,

or act on anything relating thereto.

<u>Name:</u>	<u>Address:</u>
Ryan L. Stasko	488 Jerusalem Road
Barbara L. O’Pray	172 Beach Street
Charles D. Henry	31 Otis Avenue
Thomas E. Hurwitch	30 Beach Street
Victoria C. Hurley	136 Border Street

<u>Name:</u>	<u>Address:</u>
Mary C. Sease	34 Atlantic Avenue
John C. McNutty	468 CJ Cushing Hwy
James S. Conway	434 King Street
Michael J. Hurley	136 Border Street
Henry A. Rattenbury	7 Briarwood Lane

**Moved** that this article be indefinitely postponed.  
**Motion adopted unanimously.**

It was moved and seconded that the Annual Town Meeting be dissolved at 10:15 p.m.  
 A True Record, ATTEST:  
 Carol St. Pierre, Town Clerk