

Town of Cohasset  
Zoning Bylaw Working Group - Master Plan Implementation Committee  
February 2, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 9:00 am on February 2, 2021 virtually on Zoom.

In attendance were:

Katie Dugan, MPIC representative  
Cassie Malatesta, MPIC representative  
Tom Callahan, Planning Board representative  
Woody Chittick, Zoning Board of Appeals representative  
Paul Colleary, Planning Board representative  
Peter Pescatore, Open Space & Recreation representative  
Jen Oram, Assistant Director of Permits & Inspections  
John Hallin, Building Commissioner & Zoning Officer

Absent:

Jack Creighton, Cohasset Select Board representative

The meeting was called to order at 9:02 am.

### **Land Alteration**

The working group continued its agenda from January 26<sup>th</sup> meeting. The committee had previously reviewed in December benchmarking done by Katie Dugan on clear cutting and tree protection bylaws in nine other Massachusetts communities. In addition, the committee had reviewed the proposed bylaws on Land Alteration proposed in spring 2017 by citizen's petition and spring 2020 by the Open Space & Recreation Committee.

At this meeting, the committee discussed the need to clearly define the "problem statement" so that the bylaw directly addresses (i) the concerns of the community and (ii) land alteration activities taking place in Town over the last several years since the Nichols Road incident in 2016. Peter Pescatore expressed that he would like to see a Land Alteration bylaw which prevents developers from scrapping a lot clear of trees and ledge. The committee discussed whether only undeveloped lots should be considered in bylaw or whether it should also include the redevelopment of residential parcels when the parcel is significantly reconfigured. Tom Callahan expressed that he would like to see the Land Alteration bylaw to include clear cutting, grade changes and ledge removal for all parcels in Town which was the 2017 bylaw proposal. While the Conservation Commission enforces Stormwater Bylaw, Tom Callahan had explored with Town Counsel combining aspects of land alteration and stormwater into a single comprehensive bylaw but according to counsel it is not possible, and so the bylaws will have to operate in parallel. Woody Chittick raised the concern of the administrative burden on the Planning Board and the Building Inspector associated with special permit process for land alteration which applies to all parcels in Town. He asked for a list of examples of undeveloped and developed lots which experienced clear cutting or significant ledge removal, beyond the example of 71 Nichols Road, to better understand the policy issue related to land alteration. John Hallin commented that he is concerned that any

proposed bylaw includes careful description and measurement of the trigger events which would require special permit. For example, the current Article 11: Earth Removal bylaw is triggered at a very low level by the removal of only 10 cubic yards of material. Katie Dugan recommended that the committee look at the Framingham Land Disturbance and Stormwater Bylaw as it has some aspects which Cohasset might consider including the exclusion lots smaller than 20,000 square feet and the measurement of land disturbance. Tom Callahan volunteered to re-draft a third version of the Land Alteration bylaw reflecting the working group discussion today and the Framingham Land Disturbance bylaw.

### **Joint Meeting with the Planning Board**

The Planning Board has requested a joint meeting the Zoning Bylaw Working Group on Wednesday, February 3<sup>rd</sup> at 7:00 pm. The goal is to update the Planning Board on the work that the Zoning Bylaw Working Group has undertaken since its charge was approved in September 2020. Katie Dugan has begun a draft update on the various longer-term zoning projects in process related to residential zoning, harbor zoning, housing options and other clean-up such as overlay districts. She will circulate a draft end of Tuesday, February 2<sup>nd</sup> for the working group to comment on. Katie Dugan will finalize presentation on Wednesday morning and circulate to the ZBWG and the Planning Board.

### **Administrative**

The working group agreed that the next meeting will be on Wednesday, February 17<sup>th</sup> at 10:30 am.

### **Adjourn**

The meeting adjourned at 10:57 am.

### **Documents**

Benchmarking Matrix\_Land Alteration\_Trees

CitPetZoning Bylaw Land Alteration\_2017

Cohasset Stormwater Management Bylaw

Stormwater Application for Project Review

Land Alteration Bylaw Language\_2020

Framingham Land Alteration Bylaw