

Town of Cohasset  
Zoning Bylaw Working Group - Master Plan Implementation Committee  
February 24, 2022 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 11:00 am on February 24, 2022 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  
John Hallin, Building Commissioner & Zoning Officer  
Lauren Lind, Director of Planning

Absent:

Jack Creighton, Cohasset Select Board representative  
Peter Pescatore, Open Space & Recreation representative  
Paul Colleary, Planning Board representative

The meeting was called to order at 11:36 am.

### **Minutes**

The working group voted to approved minutes from February 3, 2022. Katie Dugan will send this minutes to Town Clerk's office to be posted on the Town website.

### **Update on Housing Choice – MBTA Multi Family Zoning District**

Lauren Lind gave an update on a presentation she attended put on the MA Municipal Lawyers Association regarding the state's Regulations re: MBTA Multi Family Zoning District. The Housing Choice legislation (MGL 40A, Section 3A) was passed in January 2019. The state finally published the detailed Regulations which will govern implementation of this Housing Choice legislation in all MBTA Communities. While multi-family housing is a priority Cohasset and part of the housing options that the ZBWG would like to see implemented in the reorganization & redraft, the Regulations as drafted would have a significant impact on Cohasset.

The working group review a Google Earth map prepared by Katie Dugan with the 0.5 mile radius of the train station. Lauren laid out the key aspects of the Regulations as follows:

- Multi-family housing "as of right" without age restrictions and must be suitable for families with children
- No portion of the district that is less than 5 contiguous acres will count toward the minimum 50 acre size requirement
- Gross density of 15 acres per unit
- Reasonable number of multi-family units = REGARDLESSS OF COMMUNITY SIZE a minimum of 750 units OR a specified percentage of the total number of housing units in community (15% of commuter rail community)
- When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district.
  - Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure, publicly owned land that is dedicated to existing public uses
- If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity (750 units), then the MBTA community must change the boundaries

of the multi-family district or make changes to the dimensional regulations to that district to allow for the development of a greater number of multi-family units as of right.

- The draft guidelines do not mandate the construction of any specified number of housing units; it is only required that there be a multi-family zoning district of reasonable size.
- Mixed-use is allowed in the multi-family zone so long as the multi-family housing density works.
- If there is existing multi-family housing in the proposed district that was allowed by special permit, incorporate any provisions that applied to the special permit in the new zoning.

The Regulations are open for comment with the Department of Housing & Community Development (DCHD) until March 31, 2022. Following that comment period, all Towns will be required by December 31, 2022 to submit a plan for compliance with the Regulations or a letter certifying compliance. Depending on their MBTA assets, Towns will have until December 2023 or December 2024 to pass bylaw changes to bring their communities into compliance.

Lauren Lind is recommending that the Town Manager and the Select Board write a letter to the State expressing concerns regarding the Regulations. The working group agreed that this would be an important step and agreed to provide any support or input on draft response. Lauren Lind will reach out to the working group when she is getting ready to present to the Select Board later during the month of March.

**RFQ - Comprehensive Zoning Bylaw Redraft & Reorganization**

Katie Dugan and Cassie Malatesta gave a brief update on the RFQ process. The good news is that two firms participated in the extended timeline and the second pre-proposal Zoom to answer questions. Barrett Consulting & Bob Mitchell continue to show interest in the RFQ and a new firm with broader planning services, Stantec, also participated in the call. The proposals are due from prospective consultants on Thursday, March 3<sup>rd</sup>. Michelle Leary will keep the Interview Committee up to speed on next steps.

**Comprehensive Zoning Reorganization & Redraft**

The working group discussed Reorganization 2.0 proposal drafted by Woody Chittick and Katie Dugan. This reorganization outline builds on the January 21<sup>st</sup> memo from Tom Callahan but also incorporates some thoughts from the organization of the Concord Bylaws. The key aspects of the reorganization include: (i) the inclusion of all amendment references in an Index Table of Amendments like Concord, (ii) pulling all procedures out of the bylaws into a Code of Cohasset Regulations similar to the state CMR. These two changes would significantly reduce the non-critical text in the bylaws and allow reader to focus on key provisions related to zoning. The working group discussion the proposal below:

<p><b>Preface – Laws &amp; Regulations Governing Land Use</b></p> <p><b>Article 1 – Purpose &amp; Administration</b></p> <p>Scope – Existing Article 1</p> <p><b>Amendment &amp; Validity</b> – Existing Article 13</p> <p><b>Administration</b> - Existing Article 12</p> <p>Execution – 12.1</p> <p>ZBA Appeals – 12.3</p> <p>Special Permits – 12.4</p> <p>Variances – 12.5</p> <p>Site Plan Review – 12.6</p> <p><b>Enforcement</b> – Existing Article 12</p> <p>Violation &amp; Penalties – 12.2</p>	<p><b>Article 5 – Business &amp; Other Use Regulations</b></p> <p><b>Use Regulations</b> – Existing Article 4 BUT organize and move language from table of uses to text in bylaw:</p> <p><b>Business:</b></p> <p>Commercial - retail Services and other uses in DB, VB, HB, TB</p> <p>Industrial – wholesale &amp; manufacturing in LI uses</p> <p>Waterfront – uses unique to WB district</p> <p>Institutional – congregant facilities+</p> <p>Agricultural – forestry, livestock+</p> <p><b>Other:</b></p> <p>Community Facilities – Church, golf course...</p> <p>Restricted or Prohibited - Marijuana –</p>
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<p><b>Article 2 – Definitions</b>  <i>Consolidate into single article all definitions from:</i>  Existing Article 2 – Definitions  Existing Article 10 – RCDD  Existing Article 17 - TODOD  Existing Article 21 – Moratorium on Marijuana  Existing Article 22 – HVBOD</p> <p><b>Article 3 – Zoning Districts</b>  <b>Established Zoning Districts</b> – Existing Article 3  Z</p> <p><b>Article 4 – Residential Use Regulations</b>  <b>Use Regulations</b> – Existing Article 4 BUT organize and move language from table of uses to text in bylaw:  One Family Dwelling  Two Family Dwelling  Accessory Dwelling Unit – Existing Article 15  Inclusionary Zoning – Existing 4.3N  Multifamily – <i>NEW</i> –per MGL 40A, 3A  Transient Lodging –Inns/Motels, B&amp;B, AirB&amp;B  Accessory Residential Buildings  Storage/Equipment</p>	<p><b>Article 6 – Dimensions</b>  <b>Table of Dimensions</b> - Existing Article 5 BUT organize and integrate language from footnotes 1-18 into text of bylaws</p> <p><b>Article 7 – Special Regulations</b>  <b>Nonconforming Uses, Structure &amp; Lots</b> – Existing Article 8  <b>Parking &amp; Loading Regulations</b> – Existing Article 7  <b>Sign Regulations</b> – Existing Article 6  <b>Large Home Review</b> – Existing 5.4 – Eliminate?</p> <p><b>Article 8 – Overlay Districts</b>  <b>Residential Cluster Development</b> – Existing Article 10  <b>Village Business</b> – Existing Article 18  <b>Transit Oriented Development</b> – Existing Article 17  <b>Harbor Village Business</b> – Existing Article 22  <b>Historic District</b> – Reference existing district</p> <p><b>Article 9 – Environmental &amp; Land Alteration</b>  <b>Land Alteration</b> - Existing Article 11  <b>Floodplain &amp; Watershed District</b> - Existing Article 9  <b>Water Resource District</b> - Existing Article 14  <b>Sustainability</b> – Model bylaw available?</p> <p><b>Article 10 – Alternative Energy</b>  <b>Wind Energy Conservation</b> – Existing Article 19  <b>Solar Photovoltaic OD</b> – Existing Article 20</p>
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The working group agreed to explore further this reorganization outline. Tom Callahan was going to circulate the table of contents for the draft Code of Cohasset Regulations. In addition, Tom Callahan was going to take the latest version of the bylaws and create a draft following the flow of the Reorganization 2.0. Katie Dugan was going to begin work on the Index of Table of Amendments. The focus of the next working group would be to review and discuss how this flow of content works.

**Administrative**

The meeting adjourned at 1:24 pm. The next working group meeting will be Monday, March 7<sup>th</sup> at 2:00 pm.

**Documents**

- 1-21-22 Reorganization Memo
- 2-6-22 Definitions Comparison Chart
- Addendum RFQ
- RFQ Timeline Extension Memo\_02.08.22
- Concord Zoning Bylaws
- MBTA Community Multi-Family Zoning
- Overlay District Observations\_01.22.21
- Reorganization 2.0