

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
March 3, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 12:30 am on March 3, 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
Peter Pescatore, Open Space & Recreation representative
Jack Creighton, Cohasset Select Board representative
Paul Colleary, Planning Board representative
Jen Oram, Assistant Director of Permits & Inspections
John Hallin, Building Commissioner & Zoning Officer

Absent:

The meeting was called to order at 10:33 am.

Minutes

The working group approved the Zoning Bylaw Working Group minutes from February 17, 2021. Katie Dugan will send copies to Town Clerk to post on the Town website.

Update on Residential Zoning

Following the last Zoning Bylaw Working Group discussion on the Brook & Derensis opinion on FAR as a residential zoning metric, Cassie Malatesta followed up with Rockport Planning Board and the MAPC to understand more details regarding the Rockport 2015 which limited gross floor area (GFA) on certain residential lots to <7,000 sq.

- In speaking with the MAPC, it sounds as if Rockport recently engaged the MAPC to update and recodify their bylaw. In correspondence with Ralph Wilmer of the MAPC, relayed that the current issue of additions on buildings <5,999 SF and 6,000 SF + was looking at which setback applies - 20' or 25' - and what happens if the lot will not accommodate the greater setback.
- In speaking with Rockport Planning Board, Cassie Malatesta corresponded with the former chair of the Planning Bards at the time of this adoption, Herm Lilja.
 - Most of the existing house lots in Rockport are less than one acre even along the ocean. As with most oceanside communities, the available ocean frontage is increasingly purchased by retirees with means who either choose to expand an available house or tear down the existing structure and maximize the size of a new home. As with other coastal towns, the year round citizens, many of whom grew up in town, are alarmed by the loss of ocean views as the renovated and new homes increasingly blocked the view lanes to the ocean. It has always been enjoyable to drive along the coast in Rockport and view the ocean from various angles as you passed ocean front property, but the view corridors were fast disappearing.

- The concern of the year-round residents increased when a summer visitor purchased two abutting lots along the coast, tore down the existing homes, combined the lots, and constructed a new 10,000+ sq ft home. This structure radically changed the view corridors alongside this home. Mega or monster homes were not what the general population of Rockport wanted as new or replacement homes anywhere in town and especially along the coast. The Rockport Planning Board received many impassioned pleas from citizens leading up to 2015 zoning amendment for an end to the construction of mega or monster homes. In addition to the oceanfront home described above, the Planning Board had approved the construction of another single family home of 10,000 + sq ft along the coast as well as two duplexes of over 8,000 sq ft on interior lots. These structures were triple the size of neighboring homes and equally inappropriate for the neighborhoods in which they were built.
- Reflecting on this community input, the Planning Board considered two options. One was limiting the size of any new house or the ultimate size of a remodeled house to 175% gross floor area (GFA) of the abutting homes. This would mean that the size of a new structure would be limited by the size of the abutting homes and additional oversized homes or monster homes would not be possible where the average size of the abutting homes was much smaller. The second approach presented to the Planning Board was to limit the size of a residence on a two-acre lot. Lots of two acres are rare in Rockport, but possible, especially when abutting lots are combined as described above.
- Given that the PB did not know how the residents would react to either approach when these concepts were presented at Town Meeting in September 2015, both possibilities to curb residential construction were on the warrant. At town meeting the prevailing feeling was that the 175% GFA approach to new construction, which included the calculation of GFA for all abutting structures, was too burdensome; however, limiting the GFA of new or renovated structures on lots of less than 2 acres with increasing side setbacks was approved.
- As stated above, the Planning Board chose GFA for house size because it was an established practice of the Board of Assessors. In so doing, the maximum size of a house is limited by lot size when under 2 acres; by front, rear and side setbacks (using existing side setbacks for under 4000 sq ft and expanded for 4000-7000 sq ft); and by height limits of 30 ft and 2 ½ stories by existing by-laws.

On Monday, the working group received the data it had requested from the Assessor's Office for FY 17 to FY 21. Katie Dugan and Cassie Malatesta will follow up and begin work on some sample residential zoning metrics for RA, RB and RC which include average GFA, FAR, lot coverage and other possible metrics. They will report out at the next meeting of the Zoning Bylaw Working Group.

Annual Town Meeting – Articles for Town Warrant

Katie Dugan confirmed that all three articles had been reviewed by Town Counsel and suggestions had been incorporated into the versions currently under review by the working group.

Use Variance

The working group reviewed a Use Variance amendment bylaw (Article 12.5). "To see if the Town will vote to AMEND the Zoning Bylaws Section 300-12.5, Variance to eliminate the absolute prohibition of Use variances found in Section 12.5." The Zoning Bylaw Working Group had no changes to proposed article. The working group

voted 5-0 to recommend the Use Variance to the Planning Board for public hearing. Jack Creighton and Cassie Malatesta abstained from the vote.

Senior Multifamily Residential Overlay District

The working group reviewed the Senior Multifamily Residential Overlay District amendment bylaw (Article 16). "To see if the Town will vote to delete section 300:16, the Senior Multifamily Residential Overlay District, from the Zoning Bylaws; and To see if the Town will vote to replace the following sections which contain references to Section 300:16, the Senior Multifamily Residential Overlay District." The Zoning Bylaw Working Group made some minor changes to proposed article including selecting a replacement definition for dwelling, multifamily which conforms with existing definition in Article 10. The working group voted 5-0 to recommend the Use Variance to the Planning Board for public hearing. Jack Creighton and Cassie Malatesta abstained from the vote.

Land Alteration

The working group reviewed the Land Alteration amendment bylaw (Article 16). "To see if the Town will vote to section 300:11, Regulations Governing Earth Removal and replace with the following new Article 11, Regulations Governing Land Alteration." The Zoning Bylaw Working Group made some minor changes to proposed article including the inclusion of a notification to the Open Space & Recreation Committee when permits under 11.2 were sought by applicants. The working group voted 5-0 to recommend the Use Variance to the Planning Board for public hearing. Jack Creighton and Cassie Malatesta abstained from the vote.

Katie Dugan will make changes as recommended to the three zoning articles and send final versions to Lauren Lind, Town Planner. Lauren will forward to Town Manager's Office for vote to place on the Town Warrant by the Select Board on Tuesday, March 9th and public hearings by the Planning Board on Wednesday, March 24th.

Zoning Bylaw Outline

The working group reviewed a draft outline and cover memo prepared by Tom Callahan which proposed a reorganization and complete redraft of the Zoning Bylaws. Conceptually, the redraft reflects many aspects of the discussions the Zoning Bylaw Working Group has been having related to residential zoning, housing options and harbor zoning. To eliminate redundant procedural/permitting sections of many articles in the zoning bylaws, Tom Callahan proposed creating a separate "Land Use Permitting Boards Application Manual" which covered rules, standards & procedures related to variance and special permits, subdivisions, overlay districts. The proposed zoning bylaw redraft also includes some new concepts proposed by Tom Callahan including (i) consolidation of the commercial districts to a single Rt. 3A commercial district, (ii) the consolidations of the Harbor into single district with three sub-districts (residential, mixed use, recreational, commercial) and (iii) single waterfront overlay which includes more than just Harbor but areas previously not zoned waterfront such as Straight's Pond.

The committee thanked Tom Callahan for his effort in re-envisioning so comprehensively the Zoning Bylaws and Rules & Regulations. The committee agreed that many of the aspects of what was being proposed in the outline including (i) simplification and consolidation of definitions and (ii) the consolidation of various districts had merit. The Zoning Bylaw Working Group did express concern that the scope of the comprehensive zoning bylaw changes exceeded the current charge of the working group and that discussion with the Planning Board and Select Board would be needed before proceeding further. The group also discussed the fact that the scope and community buy-in needed for a larger

scope project would likely require outside consulting resources and a sustained effort over 2+ years. The working group agreed to continue a discussion regarding the zoning bylaw overhaul at future working group meeting. Tom Callahan will circulate to the full working group all the documents he had prepared including: Cohasset zoning bylaw re-write-, revised table of area regulations & uses, table of procedures & timelines, and land use permitting board application manual.

Update on Harbor Zoning

Given the busy agenda for today's meeting, the Zoning Bylaw Working Group agreed to postpone the discuss on Harbor zoning until the next meeting.

Housing Options

The working group agreed to postpone the discuss on next steps related to ADU recommendations and the Housing Choice legislation update until the March meeting.

Administrative

The working group agreed that the next meeting will be on Monday, March 22nd at 12:30 pm.

Adjourn

The meeting adjourned at 12:44 pm.

Documents

New Zoning Outline_01.26.21
4 Windy Hill_Public Comments FB
DHCD Preliminary Guidance MBTA Communities_01.29.21
Draft Measurement of Height Policy Procedure
Half Mile Radius of MBTA Station
Housing Choice Summary Final_MAPC
Land Alteration Bylaw (Article 11)_03.01.21
PB Land Alteration Memo (Article 11)_03.01.21
RA Lots_Residential
SMROD (Article 16)_03.01.21
Use Variance (Article 12.5)_12.21.20_Final
ZBWG ATM Calendar_Warrant Articles
Zoning By-Law Height Diagram with JF Edits