

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
June 9, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 2:00 pm on May 19, 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
Jen Oram, Assistant Director of Permits & Inspections

Absent:

John Hallin, Building Commissioner & Zoning Officer
Paul Colleary, Planning Board representative

The meeting was called to order at 2:08 pm.

Minutes

The working group approved the Zoning Bylaw Working Group minutes from May 19, 2021.

Comprehensive Zoning Reorganization & Redraft

Katie Dugan briefly reviewed memo provided by Lauren Lind regarding Community One Stop for Growth Grant Program applications:

Submitted Grant Application – State will announce awards in October 2021

- **Elm Street Corridor Revitalization - \$500,000:** Proposed funding for Phase 2 of the ongoing Elm Street Corridor Revitalization Project – Build upon next steps of Phase 1 Public Engagement & Preliminary Design.
- **Comprehensive Zoning Bylaw Recodification - \$75,000:** Proposed funding for a comprehensive rewrite of the Zoning Bylaws to include organization/clarity improvements along with integration of zoning goals recommended in the Master Plan.

Updates

Harbor Zoning

Katie Dugan and Peter Pescatore reviewed the data and information collected regarding Harbor Zoning. Key observations include the following:

- The landside zoning around the Harbor is overly comprised of SEVEN zoning districts plus ONE overlay district.
- There are a total of 170 parcels that the ZBWG identified in the Harbor area. However, only 15% of these parcels directly impact/the communities direct access and view corridor to the Harbor
- The latest flood zone map indicates that the add 8-10' to the base flood elevation. This flood abatement level is on top of the 35' maximum height in the table of area regulations.

- There are FOUR commercial zones and ONE overlay district which ring the waterside land around the Harbor. This could lead to potential conflicting pattern of re-development.
- The by-right vs. special permit uses differ between the commercial districts. The Table of Uses needs to be edited and simplified with an emphasis on future uses.

The working group discussed two recommendations regarding Harbor Zoning:

- *Absolute Maximum Height (including Base Flood Elevation)* – Currently, height limit is uniform limit of 35’ applied everywhere in town. However, around the Harbor this is ADDITIVE to the Base Flood Elevation (BFE). The CHI project in the HVBOD will be grandfathered, but it is the consensus that further allowance of buildings potentially 40-50 ft. in height will not be outcome that the community supports as preserving the view corridors around the harbor is a priority. Given the recent sale of parcels around the Harbor and the potential for additional re-development in the future, the working group recommends making this change to the maximum height around the Harbor at STM 2021.
- *Waterfront Business Zoning* – The working group reviewed the 24 parcels that ring the Harbor and represent the majority of view corridor. After much discussion of two proposals regarding potential zoning changes. The working group discuss two proposals for re-zoning. Ultimately, the majority agreed that re-zoning a select number of parcels to Waterfront Business district and Open Space district, while keeping the existing HVBOD, would allow for needed rationalization of harbor zoning.

As a follow up, Peter Pescatore is going to get additional detail on exact figures for BFE for parcels surrounding the Harbor in order to assess whether proposed Absolute Maximum Height (including Base Flood Elevation) should be 25’ or something slightly higher. In addition, Peter and the harbor sub-group will discuss further what amendments should be made to the Table of Uses for Waterfront Business district.

Housing Options

Katie Dugan and Woody Chittick met with Affordable Housing Steering Committee on May 25, 2021 to review the draft recommendations regarding Accessory Dwelling Units (ADUs) and the work being done by the ZBWG related to Housing Options. The discussion was wide ranging and brought to light the need to develop a “full menu of housing options” to address moderate-income affordable housing. ADUs represent one potential solution but multi-family, mixed-use, senior and smaller format housing are additional tools that will be needed. The AHSC asked a number of good questions regarding ADUs, but their focus seemed to be on the more practical aspects of ADUs and whether the revisions to the existing bylaw would result in actual units. The focus on production of units was key aspect of the conversation and underscores the need to having multiple zoning solutions related to housing in order to achieve some level of housing production to mitigate the addition of 20-25 units of large single family dwelling new homes/construction annually.

Residential Zoning

The group reviewed the preliminary recommendations presented to the Planning Board at the end of May including the following areas of recommended changes:

Proportionality – Table of Area Regulations

- *New Lot Coverage & FAR Regulations* – The working group discussed RGFA limits as a tool but agreed that generally this will not address massing. The use of FAR regulations could provide much more control related to proportionality of house vs. lot size. The committee discussed the value of phasing in FAR regulations like Newton, but suggestion was made that phasing-in could have the impact of accelerating development to avoid new regulations. The working group reviewed case studies prepared by Cassie Malatesta for RA, RB, and RC districts which showed various examples of FAR 0.10 to 0.30. Cassie Malatesta will work with Tom Callahan and Woody Chittick to further refine a series of recommendations regarding FAR. Katie Dugan suggested that eliminating “structural coverage” to allow for addition of FAR metric, but keeping “total coverage” from Table of Area Regulations.
- *Set-Backs* – Sub-group will look at additional data being prepared by Woody Chittick on nineteen communities and develop further recommendations regarding varying the set-backs by district to allow to make more proportional to lot size by district.
- *Height Definition* – Proposal has been developed to address complexity of existing height definition and measure at “ridge line”. Based on previous height analysis done by the working group, the committee does not believe that modifications to height definition will impact existing development as most new homes/new construction are under 30’.
- *Frontage* - Sub-group will look at additional data being prepared by Woody Chittick and develop further recommendations.

Land Use

- *Elimination of Single Lot Exemption (300:8.3B)* – The committee discussed that there seemed to be broad support from the Planning Group regarding elimination of the Single Lot Exemption. This will definitely be one of the changes recommended by the working group for STM 2021.
- *Frontage Definition* – The working group discussed the Wellesley definition of frontage. The value of definition is that it allows the Planning Board to re-evaluate adequacy of the way based on changes to the “way”. Katie Dugan will circulate the Wellesley definition of “Street” as Cohasset’s definition is currently lacking.
- *Lot Shape Requirements* - Sub-group will look at additional data being prepared by Woody Chittick and develop further recommendations.

STM 2021 – Potential Warrant Articles

Tom Callahan prepared a draft set of potential warrant articles for Special Town Meeting. These includes (i) revisions to Height Definition, (ii) elimination of 300:8.3B Single Lot Exemption, (iii) revisions to Frontage Definition, (iv) addition to Article 11: Land Alteration to include Ledge Protection, and (v) Harbor Re-Zoning including absolute height maximum above Base Flood Elevation (BFE) and re-zoning of several parcels on the waterside of Harbor. Given the meeting was running long, the committee agreed to table discussions on the details until the July meeting.

Administrative

The working group agreed that the next regular committee meeting will be on Wednesday, July 14th at 2:00 pm.

The meeting adjourned at 4:03 pm.

Documents

Fall 2021 TM_05.19.21

Brewster_Residential Zoning Chart

Building & Inspections Pre Permitting Procedure_06.02.21

Cohasset Subdivision of Land

Common Driveway Minimum Standards

Housing Choice_March 2021

Housing Choice_MBTA Communitities

MPIC_ZBWG PP Follow Up Analysis_06.15.21

MPIC Letter of Support_Comprehensive Redraft & Reorganization Grant

MPIC One Stop for Growth Update Memo_06.08.21

Plymouth Bylaw

MGL Chapter 40A

Rule of Seven_Getting to Yes

Wellesley_Rules & Regulations Governing Inadequate Ways

Wellesley_Adequacy of Way Application

ZBWG Real Estate Consultants Consideration