

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
July 14, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 2:00 pm on July 14, 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
Jen Oram, Assistant Director of Permits & Inspections

Absent:

John Hallin, Building Commissioner & Zoning Officer
Paul Colleary, Planning Board representative
Jack Creighton, Cohasset Select Board representative

The meeting was called to order at 2:05 pm.

Minutes

The working group approved the Zoning Bylaw Working Group minutes from June 9, 2021.

Discussion of Potential STM Warrant Articles

Tom Callahan reviewed with the working group a revised set of draft warrant articles for Special Town Meeting.

ZWG 1 - Height Definition

Proposed article “MOVED, that within Section 300-2.1 of the Zoning Bylaw, the definition of “Height”, be amended by deleting the current definition and replaced. The working group discussed revising language so that measurement of pre-construction grade conforms with policy adopted by Building & Inspection department. Tom Callahan will give edits to Jen so that diagram can be included in bylaw text. In addition, discussed adding language to call out flat & mansard rooves separately from sloped which will now be measured to the ridgeline. Implications of the changes to definition and additional article on table of area regulations would be 35’ maximum height on sloped roof and 30’ maximum height on flat/mansard. The group agreed this was in line with discussions re: massing and previous review of data for large home review.

ZWG 2 – Single Lot Exemption Reform

Proposed article “MOVED, that Section 300-8.3 of the Zoning Bylaw, subsection B, be deleted, and that subsection C be re-designated as subsection B.” The working group discussed the land use cases in Cohasset which back-up the recommendation to remove this section of the bylaw. Research done by Woody Chittick also demonstrates that no other community in the Commonwealth, as far as the working group can identify, has language such as that in 300-8.3B. The consensus is that municipalities stick the

statutory protections in MGL40A, Section 6 but do not expand like in the case of Cohasset's zoning bylaws.

ZWG 3 – Frontage Definition

Proposed article “MOVED, that within Section 300-2.1 of the Zoning Bylaw, the definition of “Frontage” be amended by deleting the current definition and replace with new language”. The working group discussed several models for language that Katie Dugan had sourced. The committee agreed that sticking to language which tied directly to MGL 41, 81L was important. In addition, the group agreed that definition of “Street” needed to be revised so it was tied to statutory language so that case law could better guide land use. Finally, the group discussed the need to develop “Adequacy of Access Standards” based on bylaw language that John Hallin had researched from Plymouth. Tom Callahan will incorporate into a new draft STM article for discussion at next ZBWG. In addition, Katie Dugan and Tom Callahan will meet with John Hallin and Brian Joyce from Town Hall to review the language as it relates to specifics for construction and drainage. The group also discussed the need to revise the Common Driveway Regulations for discussion with the Planning Board. Tom Callahan will work on revised language to existing regulations, which have not been modified since 2011, and Woody Chittick will benchmark communities on standards for common driveways.

ZWG 4 – Ledge Protection

Proposed article “Moved, that Article 300-11, Regulations Governing Land Alteration, be amended as follows to include addition of ledge removal in Earth Removal section 300-11.3.” The proposed language is a follow-up to the Land Alteration bylaw which passed at ATM 2021 which included new language regarding clearing activities. The language will regulate only “Exposed Ledge Face” as it relates to structures other than the primary Dwelling. The group gave some comments to Tom Callahan to incorporate into the next draft which further streamlined the proposal for special permit process through the Planning Board.

ZWG 5 – Step 1 Harbor Re-zoning

Proposed article moved that relative to the zoning in Cohasset Harbor, moved that the following changes to the Zoning Bylaw: absolute height at Harbor including base flood elevation, rezoning of several parcels to Waterfront Business to rationalize the number of zoning districts in the twenty or so parcels ringing the Harbor. The draft needs substantial revisions, including further discussion of Table of Uses, and the working group will review a new draft at the next meeting. Peter Pescatore is going to get base flood elevation data from Town so group can discuss what maximum height proposal should be. In addition, Katie Dugan is going to update the parcels and re-zoning proposal based on committee's discussions.

Other Updates Zoning Bylaw Working Group

The committee did not have time to review in detail all the work prepared by Woody Chittick regarding residential zoning. The broad conclusion was that in many aspects of residential zoning that Cohasset is often the least restrictive relative to its peers. His work was comprehensive review of nineteen Towns zoning bylaws across a number of areas relating to proportional zoning and land use as follows:

Memo & Table 1 – Lot Area, Frontage & Width

Memo & Table 2 – Setbacks

Memo & Table 3 – Coverage

Memo & Table 4 – Height

Memo & Table 5 – Proportional Zoning

The committee agreed to review and discuss this work in detail an upcoming meeting. In the meantime, Woody will follow up with several Towns (Concord, Dedham, Newton, Lexington, Milton & Weston” to understand the “why” behind the variety of solutions used for proportional zoning. The committee agreed that Cohasset should put in place FAR or other time of proportional zoning into its comprehensive zoning redraft & reorganization work.

Katie Dugan briefly updated the committee on the Master Plan Implementation Committee’s Annual Update to the Select Board scheduled for July 27th and Planning Board for August 11th. The presentation reviewed the status of Top Five Implementation Priorities from Year 1 (Elm Street Corridor, Sewer Planning, Affordable Housing, Economic Development and Zoning Bylaw Reforms). The presentation also discussed Next Five Priorities for Year 2+ (Land Use Focus, Sidewalk Priorities & Route 3A Improvements, Climate Adaptation & Sea Level Rise, Comprehensive Public Facilities Plan, Historical Preservation Efforts).

Administrative

The working group agreed that the next regular committee meeting will be on Wednesday, August 4th at 2:00 pm.

The meeting adjourned at 4:17 pm.

Documents

Fall TM 2021 TM_Draft 05.19.21

Cover Memo_Peer Group Area of Dimensions

Coverage.xls

FAR Digest Final.xls

FAR Sensitivity.xls

Harbor Recommendations_07.21.21

Height.xls

Lot Area.xls

Lot Shape & Build Factors.xls

MPIC Update_2021_07.14.21

Proportional Zoning.xls

Setbacks.xls

Street Definitions.PDF

Table 1 – Lot Area, Frontage & Width

Table 2 – Setbacks

Table 3 – Coverage

Table 4 – Height

Table 5 – Proportional Zoning

Memo to ZWG_TC_07.08.21

Plymouth Bylaw

Wellesley_Rules and Regulations_Adequacy of the Way Reviews

Wellesley_Adequacy of the Way App
Wellesley_Street Acceptance Policy