

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
August 4, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 2:00 pm on August 4, 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

Absent:

John Hallin, Building Commissioner & Zoning Officer
Jen Oram, Assistant Director of Permits & Inspections
Paul Colleary, Planning Board representative
Jack Creighton, Cohasset Select Board representative

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

Minutes

No minutes were approved. The committee will approve minutes from July 14, 2021 at next meeting.

Discussion of Potential STM Warrant Articles

Tom Callahan reviewed with the working group a revised set of draft warrant articles for Special Town Meeting. He plans on previewing these STM articles along with a draft of rules & regulations (Common Driveways & Non-Subdivision Private Ways) with the Planning Board at the next meeting on August 11th.

ZWG 1 - Height Definition

Reviewed new draft of proposed STM bylaw language. Discussed further implications of having maximum for sloped and flat & mansard roof. Katie Dugan reminded the group that we had reviewed and looked at four years of ZBA hearings and Large Home Review hearings and no applicants approached the 35' or 30' maximum.

ZWG 2 – Single Lot Exemption Reform

No changes to the proposed draft STM bylaw language discussed in August. Working group agreed that committee will focus on descriptions of bylaw language included in Town Warrant closer to public hearing process.

ZWG 3 – Frontage & Street & Common Driveways Definition

No changes proposed to draft language. Woody Chittick will review further and make comments to make sure language we are using is consistent and ties directly to MGL statues related to ways. Following, discussion of Residential Access, the working group recommended small changes to the Common Driveway definition be added to proposed ZWG 3 article.

ZWG 4 – Residential Access

Reviewed benchmarking of 22 Towns and memo prepared by Woody Chittick regarding Common Driveways. Key points covered are as follows:

- Once again Cohasset stands as an outlier, with far more liberal parameters than all but 1 or two others. Cohasset is also unusual in that Common Driveways seem to be treated as a stand-alone device, and not as a sub-set of the Subdivision Control Bylaw. Contrast this to Westwood, for example, whose CD bylaw

expressly states that the first step in a Planning Board 's application review is a finding that ***“the use of a shared driveway does not circumvent the intent of the Subdivision Control Law”***.

- 14 Towns place Common Driveways (hereafter CDs) in their Zoning Bylaws, and 9 (including Cohasset) cover these entirely in Planning Board Rules & Regulation. Those that do cover CDs under Zoning do have more comprehensive design standards within their Planning Board Rules & Regulations, as a sub-set of Subdivision Control .
- 13 of the 15 assign administration to Planning Boards via the Special Permit process; which makes sense given point #2. Only 2 towns assign administration solely to Zoning Boards (Bedford & Dedham).
- Cohasset is also an outlier in the maximum number of lots eligible for Common Driveway service: a limit of 3 (or fewer) lots is the norm across all Towns surveyed—we are far too generous :

Maximum Number of Lots for a Common Driveway

- 2 = 4 towns
- 3 = 7
- 5 =1
- 6 =1
- 8 = 1 (Cohasset)
- unknown =1
- Cohasset is also too generous in maximum driveway length
 - 250 ft =1
 - 300 ft =1
 - 400 ft =1
 - 500 ft =3
 - 750 ft =1 (Cohasset)
 - 1,000 ft =1 (Concord) ; also, no house on a CD may be more than 1000 ft from nearest hydrant

After reviewing and discussing the data, the committee reviewed the draft Amendments to the Common Driveway Regulations and recommended that Common Driveways be limited to no more than 3 three lots and a length of 350 feet. Katie Dugan and Tom Callahan also reviewed the highlights from the meeting on Residential Access Standards with Brian Joyce and John Hallin on August 3rd. The recommendations included having only one width standard, rather than three in current regulations, of 40' permanent easement and 24 foot layout (18 feet of pavement and 3 foot wide shoulder on either side). In addition, Brian Joyce is sending along language for drainage which will ensure important compliance to NPDES and MS4 Standards. The committee made small changes to definition of Common Driveways which will be included in

The committee then turned to reviewing the Access Standards language in the proposed ZWG4 article. After much discussion, the group concluded that detailed regulations re: Non-Subdivision Private Ways were better suited to be addressed in regulations. Tom Callahan will re-write ZWG 4 as a Residential Property Access Regulations for discussion at the Planning Board and for future public hearing. The committee agreed that this type of private way should be defined as having access standards between revised common driveway standards and full subdivision private way as defined under Cohasset's Subdivision of Land Bylaw 225. Tom Callahan will circulate a draft prior to Planning Board meeting next Wednesday.

Tom Callahan will revise the STM draft article ZWG 3 and two sets of rules & regulations along with his memo to the Planning Board to the full working group by the end of the week.

ZWG 5 – Ledge Protection

No changes to the proposed draft STM bylaw language discussed in August. However, the committee agreed that Land Counsel review was needed to make sure that proposed language complied with MGL. Ultimately this

warrant article is a policy decision to be made by the Planning Board and the community through the public hearing process as to whether the Town would like to further regulate Exposed Ledge Face.

ZWG 6 – Step 1 Harbor Re-zoning

The working group reviewed the revised draft of the Harbor re-zoning. Tom Callahan had revised to include new language including mixed use for all of Waterfront Business district along with adding off-street parking standards. The consensus of the group was that this article still needed work and that input from the Planning Board on the overall scope of such an article for STM would be important.

Administrative

The meeting adjourned at 4:34 pm. The next Zoning Bylaw Working Group will be on Thursday, September 2nd at 2:00 pm.

Documents

Fall 2021 TM_Revised_08.04.21
Common Driveway Comparisons
Common Driveway Minimum Standards
Common Driveways_KCD_08.04.21
Common Driveways Assessment
Concord FAR_The Why
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