

Town of Cohasset  
Zoning Bylaw Working Group - Master Plan Implementation Committee  
September 2, 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  
Jack Creighton, Cohasset Select Board representative  
John Hallin, Building Commissioner & Zoning Officer  
Jen Oram, Assistant Director of Permits & Inspections

Absent:

Paul Colleary, Planning Board representative

The meeting was called to order at 2:01 pm.

### **Minutes**

The working group approved the Zoning Bylaw Working Group minutes from July 14, 2021 and August 4, 2021. Katie Dugan will send copies of approved minutes to Town Clerk for posting to the Town website.

### **Brief Update on Select Board Goals – Fiscal 2022**

Katie Dugan and Jack Creighton updated the Zoning Bylaw Working Group on the draft Fiscal 2022 Select Board Goals. The Select Board goals discussed are as follows:

- Develop a comprehensive communication structure that incorporates inbound communication (resident support), outbound communication (resident outreach) as well as internal communication and support between town staff and boards, committees, and commissions.
- Working with Master Plan Implementation Committee, the Planning Board & the Zoning Bylaw Working Group, address pressing land use issues facing the community including: finalize and present to Town Meeting a comprehensive zoning bylaw revision, beginning to scope a village revitalization project, and supporting the Harbor plan.
- Initiate public facilities capital planning, including soliciting public input and identifying funding options.

### **Next Steps / ZBWG Streams of Work**

Katie Dugan presented a draft work plan for the Zoning Bylaw Working Group for the Fall. There are three proposed streams of work are as follows:

- STM Articles & Public Hearings Regulations – Public hearings with planning board on STM articles and Regulations related to Common Driveways and Residential Access. Based on feedback from Planning Board, the working group is now looking at Building Moratorium in specific zoning districts as a tool for the Town to slow development while comprehensive zoning overhaul is completed.
- Consultant / Public Forums & Consensus Building – Clarify best practices related to comprehensive zoning redrafts & reorganization and work with Town to prepare RFP for consultant to work with working group on community consensus & public forums related to comprehensive zoning reforms.
- Comprehensive Redraft & Reorganization – Continue work related to making specific recommendations for changes to zoning bylaws in three strategic areas: residential zoning, harbor and housing options. In addition, the working group agrees that additional changes are needed to reorganization & to extract regulations & plan review requirements from the text of the bylaws.

The working group agreed that it would like Carolyn Murray of KP Law to educate the working group further on (1) Building Moratoriums and (2) Comprehensive Zoning Bylaw Redraft & Reorganization. Katie Dugan will work with Lauren Lind to schedule this meeting for the week of September 13<sup>th</sup>. In addition, Katie Dugan will work with Lauren Lind to reach out to Bob Mitchel from Citizen Planner Training Collaborative to seek his additional advice as it relates to successful comprehensive zoning bylaw redraft & reorganization and report back to the working group.

### **Discussion of Potential STM Warrant Articles**

Tom Callahan reviewed with the working group a revised set of draft warrant articles for Special Town Meeting. Based on feedback received from the Planning Board on August 11<sup>th</sup>, the working group has reduced the number of articles proposed for Special Town Meeting from six to three. Amendment of Height definition and changes to Table of Area Regulations will be incorporated into broader comprehensive zoning redraft & reorganization. The Harbor zoning changes will also be incorporate in comprehensive zoning redraft & reorganization; however, the working group discussed how a building moratorium around the Harbor could help slow down development trends and give the working group, the Planning Board and the community time to develop and socialize important changes to Harbor zoning over the next 18 months.

### **ZWG 1 – Single Lot Exemption Reform**

No changes to the proposed draft STM bylaw language discussed in August. Woody Chittick will work on memo which lays out the case for removal of 300:11.3B from the zoning bylaws.

### **ZWG 2 – Residential Access Definitions**

The working group discussed changes to definitions of Street, Frontage and Common Driveways. Woody Chittick will review further and work on memo which lays out the case for changes to definitions in 300:2.1.

### **ZWG 3 – Ledge Protection**

The working group discussed changes related to addition of ledge protection restrictions to 300:11.2. Woody Chittick had circulated language from MGL 40, Section 21-17 which needs to reviewed by land counsel in conjunction with proposed restrictions. Katie Dugan will work with Lauren Lind to get access to Carolyn Murray to review and provide legal opinion to the working group before proceeding further with revisions to the proposed language.

The group briefly reviewed the Building Moratorium memo written by Executive Office of Communities & Development as it what is considered legal but also supported by case law. The four critical elements of any moratorium are as follows:

- A building moratorium should be adopted as an amendment to a local zoning bylaw or ordinance in accordance with the provisions of Chapter 40A, The Zoning Act.
- A building moratorium should be directed at the type of development needing control and should not prohibit all uses within a zoning district.
- The enactment of a building moratorium should be for the purpose of allowing a municipality an opportunity to study the effects of probable future development.
- The length of a building moratorium must be reasonably related to the amount of time necessary to study the growth problem and implement recommendations.

The working group agreed that it needed to be further education by land counsel on Building Moratoriums as a potential tool for the Town to utilize in conjunction with comprehensive zoning bylaw redraft & reorganization.

### **Discussion of Common Driveway Regulations & Residential Access Regulations**

The working group reviewed and commented on two sets of Planning Board Regulations. The goal is to have these regulations ready for public hearing by the Planning Board during October.

### ***Common Driveway Regulations***

The working group discussed the proposed regulations to Section 1, the reference to Highway Surveyor position, and specific language in section 5 and 8 related to standards of construction and drainage. Tom Callahan will reach out to Brian Joyce for his feedback on those two sections and incorporate changes discussed.

### ***Residential Access Regulations***

The working group discussed the proposed regulations to Section 1, Section 4, the elimination of Section 5, and the general need to make sure that these regulations conform to definitional changes being proposed in STM articles related to access. Tom Callahan incorporate changes discussed.

### **Administrative**

The meeting adjourned at 4:10 pm. The next Zoning Bylaw Working Group will be session with Carolyn Murray on Thursday, September 16, 2021.

### **Documents**

Proposed Amendment to Common Driveway Regulations\_WC and KD Edits\_08.03.21

Memo to ZWG\_08.12.21

Building Moratorium Memo

Common Driveway Comparison

Common Driveway Assessment Memo

FY 22 Select Board Goals

Presentation Flow Outline STM Articles to Planning Board

Residential Access Regulations\_WC and KD edits\_08.04.21

STM Articles Fall 2021\_WC and KD Edits\_08.04.21

ZBWG Streams of Work