

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
September 23, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 2:00 pm on September 23, 2021 virtually on Zoom.

In attendance were:

Katie Dugan, MPIC representative
Cassie Malatesta, MPIC representative
Tom Callahan, Planning Board representative
Paul Colleary, Planning Board representative
Woody Chittick, Zoning Board of Appeals representative
Peter Pescatore, Open Space & Recreation representative
Jen Oram, Assistant Director of Permits & Inspections
John Hallin, Building Commissioner & Zoning Officer
Carolyn Murray, Land Counsel, KP Law

Absent:

Jack Creighton, Cohasset Select Board representative

The meeting was called to order at 2:09 pm.

Minutes

The working group approved the Zoning Bylaw Working Group minutes from September 16, 2021. Katie Dugan will send copies of approved minutes to Town Clerk for posting to the Town website.

STM Warrant Articles

ZWG 1 – Single Lot Exemption

The working group reviewed the draft article. The working group discussed the detail of the rationale behind the proposed changes which would delete 8.3B and 8.3C which will be incorporated into presentation to the Planning Board. The committee also discussed the need to analyze the undeveloped residential lots (LUC 130, 131, 132) which will potentially impacted by changes. Woody Chittick volunteered to analyze data provided by Katie Dugan from the 2021 Assessor's Office. Paul Colleary asked some clarify questions regarding 8.3A vs. 8.3B and expressed concerns that individual undeveloped parcel's value could be impacted by the zoning changes. Woody Chittick referenced the Zoning Act which expressly gives the Town the ability to regulate zoning for the benefit of the community including purposes such as (i) to lessen congestion in the streets, (ii) to prevent overcrowding of the land, (iii) to conserve the value of land and buildings, and (iv) to avoid undue concentration of population to name a few. The majority of the group agreed that although the zoning bylaw change will impact some parcels this is a necessary change in order to avoid some of the land use issues including the concerns expressed in the Master Plan of "Cohasset feels overcrowded and can't handle more housing" and that there needed to be better balance of scale of housing to neighborhood & lot size.

The working group voted to recommend ZWG 1 article to the Planning Board for public hearings by a vote of 4-0 with one abstention.

ZWG 2 – Changes to Lot, Parcel & Access Definitions

The working group reviewed the draft article. The working group discussed the detail of the rationale behind the proposed amendment of four residential zoning changes and the addition of six new definitions to the zoning bylaws. Katie Dugan will incorporate this into presentation to the Planning Board. John Hallin expressed his support for these definitional changes as it will allow the Building & Inspections Office and Zoning Officer to rely

on specific definitional support when denying building permits for parcels that do not meet the criteria for buildable lots.

The working group voted to recommend ZWG 2 article to the Planning Board for public hearings by a vote of 4-0.

ZWG 3 – Ledge Protection

The working group reviewed the draft article. The working group discussed the detail of the rationale behind the proposed phase two amendment to Article 8: Land Alteration to include protection of Exposed Ledge Face in certain specific scenarios. The working group further discussed the feedback from legal counsel that MGL 40, Section 21(17) allows for the regulation of removal of ledge. Further, Carolyn Murray provided examples of two bylaws from Rockport and Manchester-by-the-Sea which passed regulations targeting the removal of Exposed Ledge Face. Katie Dugan will incorporate this into presentation to the Planning Board.

The working group voted to recommend ZWG 3 articles to the Planning Board for public hearings by a vote of 4-0.

Building Moratorium Discussion

Finally, the working group discussed the presentation made by Carolyn Murray on September 16th regarding Building Moratoriums. After discussion with the working group and input from John Hallin & Lauren Lind, the group agreed that it did not make sense to pursue a building moratorium at this time for any zoning district in Cohasset. The working group briefly discussed that it could discuss more if appropriate as it relates to the comprehensive zoning bylaw redraft & reorganization and hold early public hearings in January in advance of ATM 2022.

Wrapping up the meeting, Katie Dugan agreed to revise the three articles as discussed and send along to Carolyn Murray, KP Law for review by Town Counsel. Once comments from legal counsel are received, she will revise and send final drafts for public hearing to Lauren Lind, the working group, and the Town Manager's office. Finally, Katie Dugan will submit to Lauren Lind the three Notices of Intent that are due Friday, October 24th.

Katie Dugan will follow up with John Hallin, Zoning Enforcement Officer, to confirm his attendance at public hearings as his support for ZWG 1 and ZWG 2 will be important evidence and support for changes to the zoning bylaws.

Katie Dugan will begin working on a presentation for the Public Hearings which open on Wednesday, October 13th. The presentation will give an overview of the rationale and research behind the proposed ZWG 1 – Deletion of 8.3B & 8.3C, ZWG 2 – Changes to Residential Zoning Definitions, ZWG 3 – Ledge Protection. She will circulate a draft prior to the committee meeting on October 12th when the materials will be finalized for Planning Board distribution.

Administrative

The meeting adjourned at 3:59 pm. The next Zoning Bylaw Working Group will be October 12, 2021 at 1:00 pm.

Documents

10 Ocean Ledge Memo
Above Ground Ledge Documentation
Building Moratorium Memo
Building Permits Data on New Homes & New Construction
Comprehensive Redraft & Reorganization_PB_06.02.21
Manchester by the Sea Zoning Bylaws
Residential Lots Memo

Revised STM Timeline

Rockport Zoning Bylaws

Single Lot Exemption Memo

ZBWG Streams of Work

ZWG 1_Deletion of 8.3B and 8.3C

ZWG 2_Changes to Residential Zoning Definitions

ZWG 3_Ledge Protection (alternative 1 and 2)