

ARTICLE 11 Regulations Governing Land Alteration

§ 300-11.1 Purpose and Intent

To promote land development and site planning practices which are responsive to character of Cohasset's topography without preventing the reasonable development of land. This land alteration article regulates (i) clearing activities and (i) earth removal associated with land development.

This land alteration article is in addition to and works with the (i) Cohasset's Wetlands Bylaw (General Bylaws, Part II, Chapter 260), whose purpose is to protect wetlands, related water resources, and adjoining land areas and the (ii) Stormwater Management Bylaw (General Bylaws, Part II, Chapter 223), whose purpose is to prevent and reduce existing and future flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, and promote environmentally sensitive site design practices.

§ 300-11.2 Activities Subject to a Special Permit

All clearing activities proposed to take place on any lot in any zoning district that exceed the limits set forth below must obtain a Special Permit from the Planning Board, unless specifically exempted herein.

Clearing activity means the complete removal of trees 4" in diameter or greater, measured at 5 feet above existing grade. Percent of lot area will be measured by square feet of disturbed earth from clearing activities divided by total square feet of the lot.

- A. All lots with an area of 18,000 square feet or less shall be exempt from this requirement.
- B. In the OS District or all lots with Land Use Code 200 (Open space as defined by Massachusetts Department of Revenue Property Type Classification Codes), clearing of the lot is prohibited unless necessary for permitted or grandfathered use.
- C. On an undeveloped lot (Land Use Code 130, 131, 132, 390, 391, 392, 393, 431, 440, 441, 442 017, 0186, 086, as defined by Massachusetts Department of Revenue Property Type Classifications Codes), clearing is not permitted in excess of:
 - (1) 70% of lot area in the RA, RB, and RC Districts.
 - (2) 85% of lot area in the HB, LI, TB, DB, VB, & WB Districts.
- D. When residential developed lots (Land Use Code 101 as defined by Massachusetts Department of Revenue Property Type Classifications Codes) are subdivided or reconfigured into multiple lots for redevelopment clearing activity is not permitted in excess of 70% of lot area in the RA, RB & RC Districts.
- E. There shall be no further clearing, beyond the above thresholds, for those undeveloped lots (as defined in §300-11.2C transitioned to developed lots for a period of ten (10) years after the final certificate of occupancy is issued for structures constructed upon it.
- F. The following activities are exempt from having to obtain a Special Permit, in all districts:
 - (1) Routine maintenance or removal of hazardous trees (a tree with a structural defect or disease).
 - (2) Temporary work relative to emergency storm events or emergency repairs to any utilities (gas, water, sewer, electric, telephone, etc.), including situations that pose an immediate danger to life and/or property
 - (3) Activities conducted in accordance with Forest Stewardship Plan approved by the Massachusetts Department of Conservation & Recreation.
 - (4) Construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements or in connection with a subdivision approved in accordance with the Town's Subdivision Rules & Regulations.

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- (5) Exploratory work associated with the siting of a new or replacement sewage disposal system, and which is otherwise being monitored by the appropriate Town boards and departments having jurisdiction.
- (6) Agricultural activities in existence at the time this bylaw was adopted, work conducted with approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A, section 3.
- (7) Work conducted in accordance with any prior and still-valid earth removal or building permit issued pursuant to the predecessor version of this Article 11 or other sections of the Cohasset Zoning Bylaw.

§ 300-11.3 Other Land Alteration Activities

Earth removal means the extraction of materials, including soil, loam, sand, gravel, or stone.

It also includes the alteration or removal of Exposed Ledge Face. Exposed Ledge Face means any portion of rock formation lying above pre-construction grade at any given point.

These materials shall not be removed from any lot within the Town unless such removal will constitute an exempt operation as hereinafter provided or is subject to a valid Building Permit, Special Permit or Stormwater Bylaw Permit.

A. The following activities are exempt:

- (1) The transfer of material from one part of the Lot to another part of the same Lot.
- (2) The removal of material from land in use by the Town or other governmental agency.
- (3) Where earth removal was necessarily excavated in connection with the lawful construction of a building, sewer system, other utilities, or a driveway, provided that the quantity of material removed does not exceed that actually displaced by the portion of the principal building, garage, sewer system, utility or driveway below finished grade.

B. All other land alteration activities that involve Exposed Ledge Face removal as it pertains to a Structure must obtain an Other Land Alteration Activities Special Permit from the Planning Board. For illustrative purposes, this includes the excavation and construction of a Structure or an Accessory Building to the principal use of the lot such as, but not limited to, fences, sheds, barns, patios, athletic courts, and pools.

§ 300-11.4 Application, Review & Decision

- A. No land alteration activities described herein shall begin prior to issuance of Building Permit by the Town, written approval by the Planning Board or Conservation Commission, or the issuance of a Clearing Activities Special Permit Per §300-11.2 above, Other Land Alteration Activities Special Permit per §300-11.3, and/or a Stormwater Bylaw Permit per General Bylaws, Part II, Chapter 223 from those respective boards if required.
- B. All applications for a Special Permit hereunder, and the review of and decision regarding same, shall follow the provisions of §300-12.4 of the Zoning Bylaws and the Subdivision Rules and Regulations

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process as are applicable. The Planning Board may, by rule and regulation, supplement those bylaws with specific filing requirements.

- C. The Planning Board may require a performance guarantee in a form acceptable to it to cover the costs associated with compliance with this Article in the same manner and on the same conditions as are applicable to performance guarantees related to subdivision projects.
- D. When a Special Permit application per §300-11.2 is submitted to the Planning Board, the Open Space & Recreation Committee shall also be notified, and it may submit comments within 14 days of receipt.