

Town of Cohasset
Zoning Bylaw Working Group - Master Plan Implementation Committee
March 22, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 12:30 pm on March 22, 2021 virtually on Zoom.

In attendance were:

Katie Dugan, MPIC representative
Tom Callahan, Planning Board representative
Woody Chittick, Zoning Board of Appeals representative
Peter Pescatore, Open Space & Recreation representative
Paul Colleary, Planning Board representative
Jen Oram, Assistant Director of Permits & Inspections

Absent:

Jack Creighton, Cohasset Select Board representative
Cassie Malatesta, MPIC representative
John Hallin, Building Commissioner & Zoning Officer

The meeting was called to order at 12:33 am.

Minutes

The working group approved the Zoning Bylaw Working Group minutes from March 3, 2021. Katie Dugan will send copies to Town Clerk to post on the Town website.

Annual Town Meeting – Articles for Town Warrant

The Zoning Bylaw Working Group reviewed all three warrant articles for public hearings on Wednesday, March 24th with the Planning Board. The group discussed key points to emphasize when presenting Use Variance amendment, sunsetting of Senior Multifamily Residential Overlay District, and the Land Alteration amendment.

Katie Dugan confirmed that the working group will be presenting and seeking recommendation votes from the Advisory Committee on Thursday, April 8th and the Select Board on Tuesday, April 13th.

Update on Residential Zoning

Katie Dugan gave a brief update on the work with Assessor's data to develop some metrics for RA, RB and RC districts. Cassie Malatesta will be helping with the data analysis once a few questions regarding the dataset have been answered by Mary Quill, hopefully by the end of this week. The goal is to provide a set of common metrics across all residential zoning districts for discussion purposes which compares lot size, date built/date major remodel, gross building area (above grade), floor area ratio and % lot coverage. Following the Newton example, the data will be analyzed by conforming & non-conforming lot sizes and broken into a sliding scale to see if this provides additional observations on residential zoning.

Katie Dugan gave a brief overview of the Newton FAR Working Group report from 2009 which was circulated in the working group meeting packet. The Newton FAR Working Group was appointed to the study floor area ratio (FAR) and to propose amendments to the Zoning Ordinance designed to ensure that residential and commercial FAR regulations (1) more accurately reflect current conditions and (2) result in new construction that is in keeping with surrounding structures and the Newton Comprehensive Plan.

FAR limits were added to the dimensional controls in residential zoning districts in Newton in 1997 as a response to concerns about the demolition of smaller homes and their replacement with larger-scale dwellings that many felt were out of character with their surroundings. In Newton, residential FAR limits range from .2 to .4, which translates to a maximum allowed gross floor area for a dwelling of 20% to 40% of lot size. At the time FAR was adopted, FAR limits were made applicable to new residential construction and to residential construction when over 50% of an existing house was demolished.

The following were the key take-aways from the Newton FAR Working Group:

1. The Working Group agreed that the purpose of FAR limits is to regulate above-grade building mass.
 - A number of elements of massing cannot be regulated by FAR limits, or indeed, by other dimensional control. Quality of design, compatibility of design with neighboring structures, topography, and landscaping influence neighborhood character.
2. Exemptions of certain elements from the definition of gross floor area (and therefore from FAR calculations) have led to unintended design results and have provided incentives for creative encouraged the inclusion of half stories over garages and above the second floor to provide living areas “free” from FAR calculations.
 - The proposed definition of “floor area, gross” would remove existing exemptions for attic and half story space, above-grade portions of basements, some enclosed porches, and detached structures
3. The Working Group found the City’s existing residential zoning districts too blunt to account for the range of neighborhood character, yet acknowledged the need, at present, to develop FAR recommendations that work within existing zones.
 - The Working Group is proposing a sliding scale of FAR limits for each of the three residential and commercial districts it studied. As noted above, the scale takes into account the average rise in actual FARs resulting from the changes to the definition of gross floor area and also addresses the specific challenges faced by small lots, as well as the need to ensure that new development respects its surroundings.
 - In all residential zoning districts, the proposal was lots be divided by size into seven categories. FAR limits are set for the very beginning and very end of each category. For lot sizes falling in the between the two ends of a category, the FAR limit will vary smoothly, that is, linearly.
 - The Working Group arrived at these new FAR limits based on their professional judgment about the amount of "mass above ground" that lots in each zoning district can support and still maintain the look and feel consistent with current development and with the Newton Comprehensive Plan.
4. The Working Group strongly recommends a period of phasing in of the proposed changes. First, a phase-in period will allow additional data to be gathered to further assess the amendments. Second, a phase-in period will also allow the public to become accustomed to the changes and to plan their construction projects accordingly.

Update on Harbor Zoning

The Harbor Zoning sub-committee, led by Peter Pescatore, has reviewed background materials prepared by Woody Chittick and Tom Callahan on Harbor parcels, uses, table of area regulations and zoning from Whitehead around the Harbor to Trendowicz Marina and the Municipal Boat Ramp. The committee listened to a report from Peter Pescatore regarding preliminary recommendations after two months of study. The following preliminary Harbor Zoning recommendations were discussed:

Residential Zoning

At this time, the sub-committee does not recommend any changes to the study area with residential zoning. The committee discussed the RC, RB and RA sections of residential zoning and generally concluded that zoning suits the character of the three zones. If changes were to be recommended, they should be incorporated into the larger residential zoning discussion being led by Cassie Malatesta and not be separated into separate residential Harbor zoning discussion.

- RC - Whitehead along Howard Gleason Road and Margin Street to the Cove with upland area to the Northwest, currently RC. Given the minimum 60,000 sq foot lot size and the fact that the largest parcels are under 10 acres, an increase in single family density would not infringe on any view corridors or materially affect the traffic along the small access roads. The working group did discuss whether it would be worth considering zoning changes which might prohibit condominium development in the case of redevelopment of Bellamine property. There were no conclusions made on this point.
- RB - Border Street Water Side, currently RB and Border Street Land Side, currently RB – minimum 35,000 sq foot lot size. This district runs along the South rim of the harbor to and along the Gulf River to the South including the Gulf Bridge and is a mature neighborhood. The sub-committee recommended no change to the existing zoning because they felt that the protection afforded by the RB requirements and the economics involved would prohibit any unwanted development that would material affect the existing public vision corridors or public access to the harbor.
- RA & RB - Gulf River, Eastern Side – RA -18,000 minimum sq. foot lot size and RB 35,000 continuing South to the Scituate Line. Both of these zones are mature neighborhoods and we believe that the current zoning protections are adequate protection. There is limited additional land use development potential with the exception of one larger parcel near the Scituate Town Line.
- RA - Parker Avenue, currently Residence A – 18,000 minimum sq. foot lot size. This is mature neighborhood with no commercial interest and should remain as zoned.

Commercial Zoning

The waterside commercial zoning from the Cove through the narrow spit of land by the Marina is much more complex checkerboard of zoning and has the high potential to be redeveloped in the near future given change in ownership of several of the commercial businesses. The current zoning switches between HBVOD to Municipal to RB to Waterfront Business (WB) to RC to Open Space to Light Industrial (LI) to RB zoning. In addition, there is a small section of Downtown Business (DB) zoning on border street across from the War Memorial that was not included in the HBVOD which should be addressed as part

of commercial zoning discussion. That is eight zoning districts in the space of around a half mile around the Harbor.

The recommendation of the Harbor zoning sub-committee is that the working group focus its initial attention on reducing the number of zoning districts and harmonizing the waterside commercial into potentially a single Waterfront Business (WB) zoning district. The committee discussed the need to review parcel by parcel detail at a future meeting including a detailed review of uses and table of area regulations for WB zoning vs LI, DB and HBVOD.

1. HBVOD - The Cove, currently Harbor Village Business Overlay District. Since this district was recently enacted in 2019 and is in the permitting stage with the town the working group discuss whether to change the zoning to WB or keep HBVOD.
2. RB, Municipal, Waterfront Business - This area from the War Memorial up to the historic cupola is Zoned as Municipal. Then WB from there to the Seawall past Atlantica. The stretch of seawall from there to the Lobster Pound is RB and from there to the Gulf Bridge again becomes WB. The working group discussed recommending that the entire area from the War Memorial at the West end to the Gulf Bridge, with the exception of the existing Historic Municipal Zone be designated as WB.
3. DB - The working group also briefly discussed the need to address the couple parcels across from the War Memorial on the landside which are zoned Downtown Business. This includes the Legion building.
4. RC - Government Island - This area houses the Town Harbor Master's Headquarters Building, the commercial fishermen's wharf and docks, a public park, 2 historic buildings and a Semaphore Signaling Site, the Non Profit Sailing Club and 3 areas for public permitted parking. This are should be redistricted to either Waterfront Business or Municipal. WB would bring the area under a more realistic zoning designation. The working group also discussed that feel a Municipal Designation would also be the correct zoning for this area.
5. Open Space - The Creek along Parker Avenue, currently is zoned as Open Space. The OS area extends East at the harbor to the Trendowicz Marina and contains the Municipal Boat Ramp, Pier and Parking Area. This district should be redistricted as Municipal or Waterfront Business.
6. Light Industrial (LI) - East from the currently zoned OS District, this district contains the Trendowicz Marina only and should be redistricted as Waterfront Business.
7. RB - The narrow spit of land East of the marina is currently RB. This is unusable land for any purpose and should be redistricted as municipal to create a small conservation area.

The working group also discussed another potential Harbor Zoning model proposed by Tom Callahan in his bylaw rewrite of January 2021. The second model also greatly simplified the current checkerboard zoning around the Harbor by creating a single Harbor District with 5 subdistricts. The committee agreed to study discuss and compare the merits of either (1) the single WB model proposed by Sub-Committee working group regarding commercial zoning or (2) single harbor district with sub-district model for commercial zoning waterside.

- Harbor (HAR)– This district, as shown on the Zoning Map, includes all waterfront properties in the former Res B, Res C, WB and LI districts, and HVBOD Overlay District, on Howard Gleason Rd.,

Margin St., Cove Rd., Elm St., Border St. up to the entrance to Government Island, Government Island and the end of Parker Ave.

Sub-Districts to HAR as follows:

- Harbor Residential (HRES)
- Harbor Mixed Use (HMU)
- Harbor Recreational (HREC)
- Harbor Commercial (HCOM)
- Harbor Open Space (HOS)

Finally, the Zoning Bylaw Working Group agreed with the official formation of the Harbor Infrastructure Working Group by the Select Board at the end of March that a future joint meeting later in the spring would be valuable to coordinate and discussion preliminary recommendations. Katie Dugan will work with Tim Davis and Lauren Lind to coordinate when a meeting between zoning working group and harbor infrastructure would be most productive later this spring.

Other Updates

Woody Chittick and Katie Dugan gave a brief update to the working group on research they have been doing related to definition of streets & ways along with a primer on ANR and Subdivision Control Bylaw. The topic has come up as a result of Land Use discussions and in particular related to three recent permit board discussions regarding further development on Dolan Lane, Black Horse Lane and Windy Hill. While not directly related to the working group's on residential zoning, it is important as learnings from this work may impact and require tightening of certain definitions in the ultimate recommendations made by the Zoning Bylaw Working Group. The immediate observation is that additional training for the Planning Board and the ZBA related to "qualified ways", ANR and Subdivision Control Law is needed as this will directly impact the number of buildable lots and land use regulation.

Administrative

The working group agreed that the next meeting will be on Wednesday, April 7, 2021 at 4:00 pm and Monday, April 26, 2021 at 2:00 pm.

The working group agreed that the first meeting in April would focus on residential zoning metrics. Jen Oram will finish up work related to ZBA hearings & height measurements in applications from 2017-2021.

The second meeting in April will focus on continuing the Harbor zoning conversation. Katie Dugan and Jen Oram will work on developing a parcel by parcel map of the section of waterside commercial district from CHI through Government Island/Marina off Parker Avenue, including small section of commercial opposite war memorial on Border Street. They will develop map including current zoning and proposed zoning in Tom Callan's harbor zoning model (dated January 21, 2021). Katie Dugan will also work with Woody Chittick to develop chart comparing "uses" and "table of area of regulations" for commercial zones around the Harbor for discussion at meeting on April 26th.

Adjourn

The meeting adjourned at 2:46 pm.

Documents

Windy Hill, Black Horse Lane, Dolan Lane_Questions
Ways Subdivisions_Karis North Questions
Summary of FAR Working Group Newton
Summary Assessor's Dolan, Windy Hill, Black Horse
Subdivision of Land and Streets & Ways Primer
Subdivision of Land and Streets & Ways Recommendations
ANR Ancient Way Pamphlet
Nonconforming Lots & ANRs
Land Use Goals and Recommendations
Inactive Streets List
Current Cohasset Street Names_Updated 11.21.16
S. Shore Chamber Presentation on Housing Choice
Housing Choice Summary_MAPC
Harbor Bylaw Working Group Recommendations
Exceptions to Residential Area Dimensions
Area Regulations Over Time
Cover Memo_TC_02.17.21
Zoning Outline_TC_01.26.21