

**ARTICLE YYY.**

To see if the Town will vote to amend the **Cohasset Code, Chapter 300, Zoning** to update, reorganize and clarify the provisions of Article 5. Area Regulations and Article 2. Definitions by:

- (a) Deleting the text of Article 5 in its entirety, including the **Table of Area Regulations** appended as Attachment 2 to Chapter 300 and replacing them with the following new Article 5 text and Table of Dimensional Regulations:

**ARTICLE 5. DIMENSIONAL REGULATIONS****§ 300-5.1. General**

- A. No new building or other structure may be erected, and no new lot may be created or developed, except in conformity with the applicable dimensional requirements set forth in this Article 5 or as may be expressly provided elsewhere in this Zoning Bylaw.
- B. No existing lot on which a building is located may be reduced or changed in size or shape, nor may the building be moved or changed so that either the building or lot fails to comply with the dimensional requirements, or other provisions of this Zoning Bylaw, applicable to said lot or to the construction of such building on said lot, except:
  - (1) When a portion of a lot is taken or conveyed for public purpose; or
  - (2) When, pursuant to statute, a lot on which more than one dwelling in existence prior to July 1, 1955, and not abandoned, is divided so that one such dwelling will be located on each lot resulting from the division.

**§ 300-5.2. Interpretation.**

The basic dimensional requirements pertaining to development and use of land and structures in each Zoning District are set forth in the **§300.5.3 Table of Dimensional Regulations**. For purposes of interpreting said dimensional requirements, the following rules will apply:

- A. Lot Area. The calculation of minimum lot area may not include any land within the limits of an abutting street or private way, or any portion of the lot below mean high water.
- B. Lot Frontage. Minimum lot frontage is measured along a continuous length of the street line. On corner and through lots, minimum frontage is measured along one street line only.
- C. Lot Width.

- (1) The required minimum lot width specified in the **§300-5.3 Table of Dimensional Regulations** is measured between the sidelines of the lot, along a line which is parallel to the center line of the abutting street and touches the point of the principal building nearest to the front lot line, which measurement line may or may not coincide with the required front setback line.
- (2) The portion of the lot between the front yard setback line and the front lot line may have a lesser lot width than the minimum lot width specified in **§300-5.3**, provided the lot width of said portion is equal to or greater than the required frontage distance at all points.

D. Setbacks.

- (1) Front, side, and rear yard setbacks must conform to the yard definitions set forth in Article 2 of this Zoning Bylaw.
- (2) The minimum required front yard setback for a building is measured from the front lot line and extends the full width of the lot between the side lot lines.
- (3) For the purpose of determining front yard setback requirements, all yards bounding on a street, including but not limited to through lots and corner lots, will be considered front yards.
- (4) When measuring the setback distance between a building and a property line, the following permitted building projections shall be disregarded:
  - a. construction elements that extend no more than 2 feet from the building wall surface, including but not limited to eaves, chimneys, bay windows that do not provide additional floor area, and belt courses; and
  - b. unenclosed entry porches, unenclosed steps, and bulkheads, provided that they do not exceed 30 square feet in area, and do not project more than 6 feet from the foundation wall of the building.

- E. Lot Coverage. The lot area measurement used to calculate lot coverage by buildings and other impervious surfaces may not include more than 50% of any wetlands, water bodies, and land with slopes greater than 45° within the lot boundaries.

**§300-5.3 TABLE OF DIMENSIONAL REGULATIONS**

DISTRICT	Min. Lot	Min. Lot	Min. Lot	Min.			Max.		Max. % Lot Coverage	
	Area (sq. ft.)	Frontage (ft.)	Width (ft.)	Setbacks (ft.)			Height (ft.)		Total	By Buildings
R-A	18,000 <sup>2</sup>	50	100	20	15 <sup>3</sup>	15 <sup>4</sup>	35	25	30	20 <sup>5</sup>
R-B	35,000 <sup>6</sup>	50	125	30	20 <sup>7</sup>	20 <sup>8</sup>	35	25	30	20R-
R-C	60,000 <sup>9</sup>	50	150	30	20 <sup>10</sup>	30 <sup>11</sup>	35	25	30	20

<sup>1</sup> Except where the Zoning Bylaw otherwise expressly limit the heights of certain accessory structures such as, but not limited to, signs, fences, solar energy installations, or communication structures.

<sup>2</sup> Plus 6,000 sq. ft. for each additional Dwelling Unit created in a Two-family Conversion or a Multi-family Conversion.

<sup>3</sup> Except 10 ft. for any portion of a Principal Building with less than 15 feet in height, and 3 ft. for any accessory building with less than 15 ft in Height and set back at least 75 ft. from the Front Lot Line.

<sup>4</sup> Except 3 ft. for any Accessory Building with less than 15 ft. in Height and set back setback of at least 75 ft. from the Front Lot Line.

<sup>5</sup> Except the lesser of 25% of the lot area or 3600 sq. ft. for a lawfully preexisting nonconforming lot containing less than 18,000 sq. ft. of area.

<sup>6</sup> 48,000 sq. ft. for a Two--family Conversion; 48,000 sq. ft. for the first two Dwelling Units in a Multi-family Conversion plus 8,000 sq. ft. for each additional Dwelling Unit.

<sup>7</sup> Except 15 ft. for any portion of a Principal Building with less than 15 ft. in Height, and 6 ft. for any Accessory Building with less than 15 ft. in Height and set back at least 100 ft. from the Front Lot Line.

<sup>8</sup> Except 6 ft. for any Accessory Building with less than 15 ft. in Height and set back at least 100 ft. from the Front Lot Line.

<sup>9</sup> 80,000sq. ft. for a Two-family Conversion; 80,000 Sq. Ft. for the first two Dwelling Units in a Multi-family Conversion plus 10,000 sq. ft. for each additional Dwelling Unit

<sup>10</sup> Except 15 ft. for any portion of a Principal Building with less than 15 ft. in Height, and 6 ft. for any Accessory Building with less than 15 ft. in Height and set back at least 100 ft. from the Front Lot Line.

<sup>11</sup> Except 6 ft. for any Accessory Building with less than 15 ft. in Height and set back at least 100 ft. from the Front Lot Line.

**§300-5.3 TABLE OF DIMENSIONAL REGULATIONS (Cont.)**

DISTRICT	Min. Lot	Min. Lot	Min. Lot	Min.			Max.		Max. %	
	Area (sq. ft.)	Frontage (ft.)	Width (ft.)	Setbacks (ft.)			Height (ft.)		Lot Coverage	
				Front	Side	Rear	Principal	Accessory <sup>12</sup>	Total	By Buildings
<b>DB</b>	5,000 <sup>13</sup>	50 <sup>14</sup>	50 <sup>15</sup>	15	10	15	35	25	80 <sup>16</sup>	.....
<b>WB</b>	.....	20	20	15	10	15	35	25	80	.....
<b>VB</b>	5,000	50	50	15	10	15	35	25	80	.....
<b>HB</b>	10,000 <sup>17</sup>	50 <sup>18</sup>	100 <sup>19</sup>	50 <sup>20</sup>	20 <sup>21</sup>	20 <sup>22</sup>	35	25	60	25 <sup>23</sup>
<b>LI</b>	80,000	200	200	50 <sup>24</sup>	30	30	45	25	60	25
<b>TB</b>	80,000	200	200	50	30	30	45	25	60	25
<b>OS</b>	.....	.....	.....	30	20	30	35	25	.....	25

<sup>12</sup> Except where the Zoning Bylaw otherwise expressly limits the height of certain accessory structures such as, but not limited to, signs, fences, solar energy installations, or communication structures.

<sup>13</sup> 40,000 SQ. Ft. for any Dwelling containing two Dwelling Units, plus 4,000 sq. ft. for each additional Dwelling Unit.

<sup>14</sup> 20 ft. for any Dwelling containing two or more Dwelling Units.

<sup>15</sup> 20 ft. for any Dwelling containing two or more Dwelling Units.

<sup>16</sup> 25% if the Lot is used for a Dwelling containing two or more Dwelling Units.

<sup>17</sup> 88,000 sq. ft. for any Dwelling containing two Dwelling Units, plus 4,000 sq. ft. for each additional Dwelling Unit.

<sup>18</sup> 200 ft. for any Dwelling containing two or more Dwelling Units.

<sup>19</sup> 200 ft. for any Dwelling containing two or more Dwelling Units.

<sup>20</sup> 15 ft. for an Accessory Free-Standing Sign; 100 ft. for any Dwelling containing two or more Dwelling Units

<sup>21</sup> 50 ft. for any Dwelling containing two or more Dwelling Units.

<sup>22</sup> 50 ft. for any Dwelling containing two or more Dwelling Units.

<sup>23</sup> No maximum Building Coverage if the Lot is used for a Dwelling containing two or more Dwelling Units.

<sup>24</sup> 15 ft. for an Accessory Free-Standing Sign.

**§300-5.4 Supplemental Regulations.** The following regulations supplement the basic dimensional requirements set forth in the **§300-5.3 Table of Dimensional Regulations.**

- A. The maximum gross floor area of any single story in any building is 80,000 square feet.
- B. No open storage or display of goods, products, materials, or equipment, no gasoline pump, vending machine, or similar commercial device, and no other structure except as permitted under §300-5.4. D may be located nearer to any side or rear lot line than the required setback distance for a building on the lot, or 15 feet, whichever is less.
- C. No structure may be located within a required front yard except as provided in §300-5.4. D.
- D. Subject to the clear vision requirements for corner lots set forth in §300-5.4. E, the following structures may be located within a required side, rear or front yard, subject to the clear vision safety requirement for corner lots set forth in:
  - (1) A fence not exceeding 6 feet in height, a flagpole, a utility pole, a mailbox, and an accessory sign permitted under Article 6.
  - (2) A retaining or perimeter wall not exceeding 3 feet in height.
- E. A fence, hedge, wall, or similar enclosing structure located within a front yard of a corner lot may be no higher than 3 feet above the grade of the centerlines of the abutting streets at any point within the clear vision safety triangle formed by a straight line across the lot which connects the two street lines at points measured 25 feet from the point of intersection of said street lines.
- F. For buildings and other structures in a DB, VB, or WB District, the required 10 foot side yard setback will not apply where the wall adjoining a side lot line is a party wall.
- G. The Zoning Board of Appeals may grant a special permit to allow a reduction in the minimum side yard setback requirements specified in the Table of Dimensional Regulations for the DB and WB Districts.
- H. The Planning Board may grant a special permit to allow a reduction in the minimum side, front or rear yard setback requirements specified in the Table of Dimensional Regulations for the VB District.
- I. Minimum side yard requirements will not apply in the DB or VB District where the side lot line abuts a railroad right-of-way. The minimum rear yard requirements will not apply in the LI District where the rear lot line abuts a railroad right of way.
- J. In any district except the HB and LI Districts, as an alternative to the minimum front setback requirements specified in the Table of Dimensional Regulations, a building may be set back from the street line a distance equal to the average setbacks of the principal buildings located within 200 feet on either side the building in question. If no principal building is located within said 200 feet, the intervening space will be counted as a building meeting the

minimum front setback specified in the Table (whether or not said space is laid out as a separate lot).

- K. Within the HB, TB, and LI Districts, no building or other structure may be built within 100 feet of a residence district boundary, except where the district boundary is a street, in which case the required distance will be reduced to 50 feet.
- L. In the VB District, no new building may be located closer than 30 feet to any R-A or R-B District boundary, provided, that where a lot is located only partially within the VB District, this requirement will be satisfied if all new buildings on the lot are located at least 30 feet from any property boundary line which abuts an R-A or R-B zoned lot.
- M. Within the HB, TB, and LI Districts, a green strip not less than 35 feet wide must be maintained along the street frontage of any developed lot. Such green strip must be landscaped with grass, trees and/or shrubs. No paved areas except driveways, and no structures except permitted signs, are allowed within the required green strip.
- N. Within the HB, TB, and LI Districts, a green strip not less than 30 feet wide must be maintained along any property line abutting land residentially zoned land. The green strip may not be built upon or used for any purpose other than to serve as a vegetative buffer on which grass, bushes, flowers, or trees are grown and maintained. No structures or pavement are allowed within the required green strip.
- O. In the VB District, the municipal parking lot shown on the Assessor's Map as Parcels 18-004 and 18-014 may be used to satisfy the minimum lot frontage requirements specified in the Table of Dimensional Regulations, provided that the length of the property line bounding on the municipal parking lot is at least equal to the minimum frontage length specified in the Table.
- P. Notwithstanding the height limitations set forth in the Table of Dimensional Regulations, the Zoning Board of Appeals may grant a special permit to allow light poles and lighting facilities to be erected to a height of 70 feet in the HB and LI District, for the sole purpose of illuminating athletic fields for night sporting events.
- Q. Landfill Height Limit. The vertical distance above the mean level of the ground within 10 feet of the horizontal limit of a landfill to the top surface of the landfill, including any final cap or covering material, may not exceed 45 feet.
- R. The minimum width of a legal service driveway is 12 feet.

#### **§ 300-5.5. Large House Plan Review.**

- A. Applicability. Unless the Building Inspector is in receipt of a written statement from the Planning Board that it has reviewed and approved an application for Large

House Review in accordance with the provisions of this Section, no building permit may issue for:

- new construction of a single-family detached dwelling or building accessory to such a dwelling, or
- any exterior alteration, expansion, reconstruction, or replacement of an existing single-family detached dwelling or building accessory to such dwelling,

if the resulting residential gross floor area (RGFA) on the lot will exceed the greater of 4,000 square feet or an RGFA equal to 10% of the area of a lot.

This RGFA threshold for Large House Plan Review applicability is not intended to alter or nullify the applicability of any other regulations set forth in Article 5 that may or may not affect the calculation of RGFA.

**B. Application Requirements.**

- (1) A person applying for a large house plan review must file an application with the Planning Board, together with the filing fee, the RGFA calculation certified by a registered architect or engineer, and the following plans and documentation:
  - a. A site plan showing the location of the subject house, and the existing and proposed site conditions, topography, building elevations, setbacks, lot coverages, floor area ratios, grading, and landscape design;
  - b. For an existing house, photographs of all sides, and for both existing and proposed houses, a drawn or computer-generated depiction of how the house is proposed to appear post-construction, including exterior materials;
  - c. A context map with a narrative description of the surrounding neighborhood with data regarding house styles, sizes, dimensions, building siding materials, and context photographs of all within a three-hundred-foot radius of the proposed house location.
  - d. Not less than two permanent survey monuments must be located on the property in question and shown on the plan, unless waived by the Planning Board.
- (2) The application, supporting plans, and documentation must address the design standards described in §300-5.5. C and must include such further information as the Planning Board may require.
- (3) For any subsequent applications concerning the same subject premises, the Planning Board may waive the filing of plans and documents to the extent they duplicate those previously filed.

C. Planning Board Review. An important purpose of the Large House Plan Review process is to provide an opportunity for the Planning Board to discuss large house plan with the applicant and the abutters, toward the objective of making the proposed plan harmonious with, rather than harmful, injurious or objectionable to, existing properties and uses in the area.

(1) Among the factors the Planning Board will consider in reviewing a proposed project is the degree to which the proposed construction conforms to following design standards:

a. Scale of buildings. The scale of the proposed construction should be appropriate in relation to the scale of other buildings in its vicinity. The construction plans should employ appropriate massing, screening, lighting, building and siding materials and other architectural techniques such as variation in detail, form and siting. The plans should address the need for vegetated buffers or screening, and the arrangement of structures to minimize casting shadows onto abutting property.

b. Preservation of landscape. The construction plan should minimize soil removal, as well as changes to wetlands, floodplains, hilltops, existing grades and existing vegetation on the site, and should preserve unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features.

c. Lighting. Exterior lighting should be limited to only that necessary to accomplish safety and design objectives and must be arranged to minimize the impact on neighboring properties.

d. Circulation. Walkways, drives and parking must be designed be safe and convenient and, insofar as practicable, should be designed and located in a manner that will not have adverse effects on the use and enjoyment of adjacent properties or on any Town streets abutting the premises.

(2) In addition to the above design standards, the Planning Board may consider other factors based on previous reviews and decisions, on recommendations received from other town boards or agencies, and by the requirements of other permits that have already issued or that may be required for the proposed construction.

D. Procedure.

(1) The Planning Board shall hold a hearing within 35 days of the filing of an application for a large house plan review.

(2) The Planning Board shall, within one week of receipt of the application, transmit copies of the application and supporting materials to appropriate Town boards and departments for review.

(3) The Planning Board shall give notice of such hearing to the applicant and to all owners of abutting lots in the manner called for in the Planning Board rules and regulations.



- (4) Within 14 days after the conclusion of the public hearing, the Planning Board shall either approve the application or approve the application with conditions and send a written statement of this final decision to the applicant and to the owners of abutting lots by regular mail. The Planning Board shall also transmit a copy of the final decision to the Building Inspector.
- E. Post Approval. Any building, reconstruction or expansion following the Planning Board’s approval of a large house plan must conform with any conditions in the statement of approval, and in all other respects with the application, plan, supporting documents and other representations of the applicant.
- F. Any changes or design deviations from the reviewed project must be resubmitted to the Planning Board for a subsequent, additional review unless determined by the Building Inspector to be minor or insubstantial in nature.

**§300-5.6. Temporary Structures.**

In any business District, the Zoning Board of Appeals may grant a special permit to authorize the erection and maintenance of a temporary building or structure that does not conform to the requirements of this Zoning Bylaw, provided the Board finds that the temporary structure will not be detrimental or injurious to persons, property or improvements in the neighborhood or the Town. Such authorization may not be for more than one year and may not be extended.

*AND*

- (b) Adding the following definition of the term “Street Line” to Article 2. Definitions:

STREET LINE.

The sideline of the street right-of way on which a lot bounds.

*AND*

- (c) by modifying the existing definitions of Article 5-related terms in Article 2. Definitions, as follows:

FLOOR AREA, GROSS.

The total floor area of a building measured from the exterior faces of contained within the exterior walls. ~~of a building including space used for heating and other utilities.~~

### FLOOR AREA, NET.

The sum of the areas of ~~all the several~~ floors of a building or dwelling unit, measured from the interior faces of the interior walls, ~~but excluding. It does not include any areas of the building or unit that are not intended or designed for human habitation, such as cellars,~~ unenclosed porches, basements, cellars and attics with ceiling heights of less than 7 feet, any floor space ~~in accessory buildings or in the main building~~ intended and designed for parking of motor vehicles in order to meet the minimum parking requirements of this Zoning Bylaw, or any ~~such~~ floor space intended and designed ~~for to house~~ accessory heating and ventilating equipment., ~~If the foregoing are not usable for human occupancy. Any areas usable for human occupancy are to be considered a part of the net floor area.~~

### FLOOR AREA RATIO.

The ratio of the sum of the gross-net floor area of all buildings on a lot to the ~~total~~ lot area; ~~provided, however, that for purposes of calculating floor area ratio the calculation of gross floor area shall exclude basements, cellars, attics with ceiling height less than seven feet, underground parking, and garages, and provided further that for purposes of calculating floor area ratio, the calculation of total lot area measurement shall exclude 50% of land that is any area within the boundaries of the lot that is wetlands or a water area body, and or has slopes greater than 45°. in accordance with the Table of Area Regulations, Note 7.~~

### RESIDENTIAL GROSS FLOOR AREA (RGFA).

The sum of the total ~~“floor area, gross,” as defined herein, of the~~ finished areas of all above-grade floors or portions of above-grade floors in ~~an individual dwelling unit a single-family detached dwelling and its accessory buildings, as measured from the interior faces of the interior walls,~~ excluding finished areas with ceiling heights less than seven feet. ~~and unfinished areas of attached or detached garages with access (doors or driveways) for motor vehicles. As used in this bylaw, For purposes of this definition,~~ the term “finished area” shall mean the heated enclosed area of a building within a dwelling unit that is suitable for year-round use, ~~embodying walls, floors, and ceilings that are similar to the rest of the area of the dwelling unit.~~

### FRONTAGE.

The length of the street line dividing a lot from the ~~right of way of~~ street on which ~~it~~ the lot bounds.

LOT.

An area or parcel of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or recorded plan. ~~A parcel shall not be considered a lot unless it conforms with the Table of Area Regulations. §300-5.3.~~

LOT, CORNER.

A lot ~~at the point of intersection of and abutting~~ bounding on two or more intersecting streets ~~or ways~~ at their ir intersection.

LOT LINE, FRONT.

The ~~property street~~ line ~~dividing a lot from a street on which the lot frontage is measured~~. On a corner lot or through lot only one street line shall be considered the front lot line.

LOT LINE, REAR.

The lot line most nearly opposite to and most distant from the front lot line. In the case of a triangular or other irregular shaped lot, or where the most distant lot line is at an angle ~~in excess of greater than~~ 45° to a straight line connecting the extreme ends of the front lot line ~~or lines or touches a front corner, to the rear lot line, a the designated rear lot line shall be a 10-foot long line drawn 10 feet long~~ within the lot, parallel to the straight line that connects the extreme ends of the front lot line. ~~shall be designated the rear lot line. In the case of a corner lot or through lot, the rear lot line shall be the line opposite the street on which the principal building has frontage.~~

LOT WIDTH.

The horizontal distance between the side lot lines of a lot as measured ~~at the actual front yard depth which~~ along a line parallel with centerline of the abutting street, ~~may or may not coincide with the required front setback line. The lot width must be parallel with the center line of the travelled way.~~

YARD, FRONT (SETBACK).

An open space ~~the width of which shall~~ extending the full width of the lot between the ~~exterior side lot lines, from~~ and the depth of which shall commence at the front lot line ~~and extend to a line the full width of the lot and that touches~~ to the nearest wall of a

~~principal building, the point of the principal building nearest to the front lot line (hereinafter called the setback line); no point along the setback line shall be closer to any point along the front lot line than the shortest distance from the nearest point of the principal building to the front lot line.~~

YARD, REAR (SETBACK).

An open space extending ~~across~~ the full width of the lot ~~line~~ between the side lot lines, ~~from the rear line wall of the a~~ building or other structure ~~wall and to~~ the rear lot line.

YARD, REQUIRED.

With respect to any front yard, side yard, or rear yard, the minimum distance required between a building or other structure and the respective lot lines for such yard, as set forth in the Article 5 of this Zoning Bylaw. Table of Area Regulations in the Table of Area Regulations set forth in §300-5.3.

YARD, SIDE (SETBACK).

An open space ~~extending for the full length of the main~~ between a building or other structure and ~~between the nearest point of the building and its corresponding the~~ side lot line and extending from the front yard setback line to the rear yard setback line.

AND

(d) TO FURTHER AMEND the **Cohasset Code Chapter 300, Zoning** by deleting §300-4.3. R. Temporary Structures.

OR TO TAKE ANY OTHER ACTION RELATIVE THERETO.