

ARTICLE XX

To see if the Town will vote to amend the **Cohasset Code, Chapter 300, Zoning** to update, reorganize and clarify the provisions of Article 4. Use Regulations by:

- (a) Deleting the text of Article 4 in its entirety, including the Table of Use Regulations appended as Attachment 1 to Chapter 300, and replacing them with the following new Article 4 text and Table of Principal Use Regulations:

ARTICLE 4. USE REGULATIONS

§300-4.1 General

- A. No land or structure may be used or occupied, in whole or in part except for one or more of the uses permitted under this Zoning Bylaw, by right or by special permit, in the District(s) in which the land or structure is located.
- B. No structure or land in any District may be used for a purpose that is injurious, dangerous, noxious, or offensive to the community by reason of the emission of odors, waste fumes, dust, smoke, vibration, noise, glare, radiation, or contamination of soils or water. At a minimum, every use must comply with the following performance standards:
- (1) The use may not emit any smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines.
 - (2) The use may not emit air pollution particle concentrations exceeding 0.3 grains per cubic foot.
 - (3) Flammable and radioactive liquids must be stored in accordance with applicable Occupational Safety and Health Administration (OSHA) standards.
 - (4) The use must conform to “dark sky” principles. All exterior lighting must be directed downward and must be shielded in a manner that prevents spillage of glare or intense light beyond the property boundaries of the lot.
 - (5) Discharge of waste into any private or public system must comply with applicable requirements of the Cohasset Board of Public Health or Sewer Commissioners.
 - (6) The use may not cause vibrations that are discernible without special instruments beyond any property boundary of the lot on which the use is located. This limit does not apply to vibrations caused by motor vehicles, trains, aircraft, or water vessels operated in a manner normally incidental to a lawful principal use, or to vibrations caused by construction activities conducted in accordance with a building permit or special permit.

- (7) The use may not produce unusual or objectionable odor or noise detectable at any property boundary of the lot on which the use is located.
- C. Uses and Activities Expressly Prohibited. The following uses and activities are expressly prohibited in all Districts:
- (1) The open display or open storage of junk, including but not limited to inoperable vehicles, and other worn out, cast off, or discarded articles and materials that are ready for destruction or have been stored or collected for salvage or conversion into some other use.
 - (2) Non-medical marijuana establishments. Pursuant to GL c.94G, §3, all types of marijuana establishments, as defined by GL c.94G, §1, and as may otherwise be defined by Massachusetts law or regulation, are prohibited, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000, RMDs operated pursuant to §300-4.2. E(2) of this Zoning Bylaw, or hardship cultivation of marijuana conducted pursuant to **§300-4.5.B (8)** of this Zoning Bylaw.
 - (3) Commercial earth removal, quarrying, and mining operations.
 - (4) Mobile home parks; trailer camps.

§300-4.2 Principal Use Regulations

A. General

Except as may be expressly allowed elsewhere in this Zoning Bylaw, no land and no building or other structure may be used in any District for any principal use that does not fall within a Use Category listed in the **§300-4.2. D Table of Principal Uses** as permitted by right or by special permit in that District.

B. Provisions Applicable to the Table of Principal Uses.

- (1) The **§300-4.2. D Table of Principal Uses** lists principal uses of land and structures by Use Category. Each Use Category listed in the Principal Use column of the Table will be interpreted by reference to the corresponding Use Category description in **§300-4.2.C**, and any special regulations for the Use Category set forth in this Article.
- (2) A principal use is permitted by right in a District if it falls within a Principal Use Category denoted by the word “Yes” in the District column. If a principal use falls within a Principal Use Category denoted by the symbol "SP" in the District

column, the use is permitted in the District only with a special permit issued by the Zoning Board of Appeals; if denoted by the symbol “SPP,” the use is permitted in the District only with a special permit issued by the Planning Board.

- (3) A principal use is prohibited in a District if it falls within a Principal Use Category denoted by the word “No” in the District column. A use that does not fall within any Use Category listed in the **Table of Principal Uses** or is not otherwise expressly allowed elsewhere in this Zoning Bylaw or exempted by federal or state law, is also prohibited.
- (4) Where a use or activity may fall within more than one of the Principal Use Categories listed in the **Table of Principal Uses**, the more specific category description applies. If equally specific, the more restrictive category description applies.
- (5) Where an asterisk (*) follows the word “Yes” or the symbols “SP” or “SPP” in the **Table of Principal Uses**, the use is subject to the **§300-12.7 Site Plan Review** provisions.
- (6) Uses of land or structures within the boundaries of one or more of the Overlay Districts are also governed by any specific use regulations for the applicable Overlay District(s).

C. **Principal Use Classifications and Category Descriptions**

- (1) Open Space, Governmental and Exempt Uses.
 - a. *Cemetery.* Burial ground or graveyard.
 - b. *Child Care Facility.* Use of land and structures for the primary, accessory, or incidental purpose of operating a childcare center or a school-aged childcare program as defined in G.L.c.15D, § 1A.
 - c. *Commercial Agriculture Use.* Use of land and structures for commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as described in G.L. c.40A, §3, where the use is conducted on a parcel of 5 acres or more in size.
 - d. *Essential Services.* Underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformers, and other similar equipment and accessories in connection therewith (but not including buildings) necessary for the furnishing of adequate service by public utilities or governmental agencies for the public health, safety, or general welfare.

- e. *Exempt Educational Use.* Use of land and structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions, or bodies politic; or use of land and structures for educational purposes by a religious sect or denomination or by a non-profit educational corporation. Such use may include associated athletic facilities, playgrounds, dormitories, administrative offices, and similar facilities primarily and substantially related to the purpose of education.
- f. *Farm.* Use of land and structures on a parcel of less than 5 acres for agricultural purposes such as growing of plants and crops and keeping of farm animals and may include a seasonal farm stand solely for the sale of agricultural products produced on the premises.
- g. *Governmental Use.* Use of land or structures for municipal purposes, including but not limited to essential municipal services such as public safety and water and sewer systems, and buildings used for the conduct of municipal operations; also, use of land or structures for any public purpose use conducted by an agency of the Federal government or by an agency of the Commonwealth of Massachusetts.
- h. *Private Conservation or Open Space Recreation Use.* Use of privately owned land and water resources for non-commercial purposes such as forestry, fishing, hiking, horseback riding, cross-country skiing, birdwatching, grazing, gardening, and conservation of soils, water, plants and wildlife; use of privately owned open space for non-commercial passive or active recreation, including bathing beaches, picnic grounds, playgrounds for children, and playing fields.
- i. *Religious Use.* Use of land and structures for religious purposes on land owned or leased by a religious sect or denomination, including the conduct of public worship, religious instruction, maintenance of a convent, parish house, and similar facilities, and non-commercial activities primarily and substantially related to furthering the beliefs and practices of such religious sect or denomination.

(2) Institutional Uses.

- a. *Club or Lodge.* The meeting place and associated facilities of an organization or association dedicated to a particular interest or activity, whether open to the public or limited to members only, such as a social club, a membership club, a service club, or a cultural or historical society.
- b. *Hospital or Nursing Facility.* A hospital, infirmary, nursing home, convalescent home, or rest home.
- c. *Library or Museum.* A non-profit institution where collections of historical, cultural, musical, artistic, or scientific objects and materials are exhibited or loaned out for purposes of education, research, or enjoyment.

(3) Residential Uses.

- a. *Assisted Living Residence.* Congregate housing for older persons or persons with disabilities, where nursing care, housekeeping services, and prepared meals are provided to the residents as needed.
- b. *Multi-Family Conversion.* The conversion of a Single-Family Dwelling, in existence on May 5, 1955, into more than two principal dwelling units.
- c. *Multi-family Dwelling.* Two or more principal dwelling units contained within one or more buildings on a lot or contiguous lots in the same ownership.
- d. *Single-Family Detached Dwelling.* A detached building containing one principal Dwelling Unit.
- e. *Two-Family Conversion.* The conversion of a Single-Family Dwelling, in existence on May 5, 1955, into two principal dwelling units.

(4) Business Uses.

- a. *Automobile Repair.* An establishment whose principal business is performing repair and maintenance of the moving parts of automobiles and where substantially all work is conducted within a building.
- b. *Building Trade.* The shop of a carpenter, electrician, mason, painter, plumber, or other building tradesman where all on-site work and storage are enclosed within a building.
- c. *Craft Shop/ Artist Studio.* The shop or studio of an artist, potter, sculptor, woodworker, silversmith, or similar craftsman, where all work and storage are enclosed within a building.
- d. *Fast Food Restaurant.* An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, not cooked to order, directly to the customer, usually wrapped or bagged, intended for immediate consumption on or off the premises, and usually requiring ordering of food at a counter or take-out window and without a server.
- e. *Financial or Business Office.* A bank, credit union, or other financial institution; loan agency, insurance agency, employment agency, real estate agency, brokerage, or similar business office.
- f. *For Profit Education.* A private school operated for profit; a business offering classes or training programs for a fee, such as dance instruction, music lessons, driving instruction, tutoring, and computer literacy training, but not including animal training.

- g. *Funeral Home*. Mortuary, undertaking, or other, similar funeral establishment, but not including cremation facilities.
- h. *Indoor Entertainment, Amusement, or Sports Facility*. A theater or concert hall; a bowling alley, arcade, indoor sports or fitness facility, or a similar commercial facility offering entertainment or leisure activities to the public.
- i. *Medical Laboratory or Clinic*. A laboratory where clinical pathology tests are conducted to detect, monitor, and treat disease; a clinical facility for medical diagnosis and treatment of outpatients; outpatient rehabilitation center but not including drug rehab or criminal rehabilitation programs.
- j. *Medical Marijuana Treatment Center/Registered Marijuana Dispensary (RMD)*.
- k. *Mixed Use Building*. A building occupied by one or more non-residential uses permitted in the underlying District, and one or more dwelling units located above the ground floor.
- l. *Office Building*. A building occupied by multiple financial, business, or professional offices.
- m. *Personal Service Establishment*. Beauty parlor, barbershop, nail salon, laundry or dry-cleaning drop-off/pickup facility, pet groomer, day spa, shoe repair shop, and similar establishments whose principal business is to provide on-site, personal, or small-scale consumer services.
- n. *Print Shop; Photo Studio*. Printing or copy shop not exceeding 3,000 square feet of gross floor area; videography or photography studio.
- o. *Professional Office*. Office of a doctor, dentist, lawyer, accountant, architect, consultant, engineer, or similar professional. Such use includes medical and dental offices with incidental laboratories and clinics.
- p. *Repair Shop*. Shop for repair of household appliances, furniture, electronics, office equipment, bicycles, lawnmowers, and similar small-scale equipment, where all repair work and storage are enclosed within a building.
- q. *Restaurant*. Restaurant, lunchroom, coffee shop, or similar establishment where meals and beverages are prepared to order and are served primarily for consumption on the premises, but not including a Fast Food Restaurant.
- r. *Retail Store*. Establishment where products, wares, merchandise, or other things are displayed and offered for sale to the public at retail.
- s. *Transient Lodging Accommodations*. The letting of rooms for transient occupancy in a licensed hotel, motel, or inn.

- t. *Veterinary Practice*. The office of a veterinarian; a primarily outpatient facility for the practice of veterinary medicine relating to the prevention, diagnosis, and treatment of customary household pets, including facilities for keeping overnight a maximum of 3 patients for short-term treatment or post-surgical recovery.
- u. *Veterinary Hospital*. A facility providing veterinary medical services on an outpatient or in-patient basis, and including without limitation, performance of clinical services, surgical services, research, and in-patient care for such animals.

(5) Open Air Business Uses.

- a. *Automobile Service Station*. Establishment for sale of motor vehicle fuel and related products and services, including a car wash facility and minor repairs.
- b. *Commercial Greenhouse or Garden Center*. Retail or wholesale sales of nursery, garden and /or farm products, primarily or partly conducted outside of a building, and not part of a Commercial Agricultural Use.
- d. *Dealership*. Establishment for retail sales of new and/or used cars and trucks, motorcycles, house trailers, small aircraft, and the like, including a salesroom and customarily related dealership facilities.
- e. *Kennels; Stables*. Commercial kennels or stables operated on less than 5 acres, where all animals are kept within buildings or fenced enclosures set back at least 200 feet from any property line.
- f. *Marina or Boat Yard*. Commercial facility for the sale, storage, rental, repair, docking, and refueling of boats, including customary accessory uses such as sales of marine-related parts and equipment; commercial boat building, sales, and storage.
- g. *Open Air Sales or Storage*. Wholesale sales or commercial storage facility such as a lumber yard, fuel storage plant, or contractor's yard, where some or all the products are stored outside of a building. This use category does not include junkyards or other facilities for the sale or storage of used auto parts, junk, waste products, or salvage materials.
- h. *Outdoor Entertainment*. Miniature golf course, drive-in movie theater, or other open-air place of entertainment, but not including amusement parks or racetracks.
- i. *Outdoor Sports Facility or Club*. Golf driving range, skating rink, riding stable, boating facility, or similar commercial facility for athletic activities primarily conducted out of doors, whether open to members or to the public; country club, golf club, yacht club, tennis club, swim club, or similar sports club.

- j. *Pet Day Care, Pet Boarding or similar commercially operated facility* for boarding and keeping of dogs or other small domestic pets on a temporary basis, but not including breeding or sales.
- (6) Light Industrial Uses.
- a. *Enclosed Wholesale Business or Storage.* Wholesale sales or commercial storage facility where all sales operations and storage are confined within a building.
 - b. *Light Manufacturing.* Manufacturing, processing, fabrication, packaging and testing of food, textiles, or medical, electronic, mechanical, wood, or plastic products where the operations are confined within a building, and where appropriate facility and process controls are maintained to ensure (i) that all dust, fumes, smoke, and vapors are effectively confined to the premises, and (ii) that no noise, vibration, or flashing of light is perceptible without instruments beyond the boundaries of the lot on which the use is located.
 - c. *Repair Garage, Auto Body Shop, or similar establishment* for the repair, maintenance, or painting of motor vehicles or construction equipment, where all but minor repairs are conducted within a building sufficiently sound-insulated to confine disturbing noise to the premises.
 - d. *Research and Development Laboratory.* A facility where basic research, applied research, and experimental development are used to create new or improved products or processes.
- (7) Renewable Energy Uses.
- a. *Ground-Mounted Solar Energy Facility.* See Article 20.
 - b. *Wind Energy Conversion Facility.* See Article 19.
- (8) Adult Uses. Adult businesses including adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores and establishments that display live nudity as defined in G.L.c.40A, §9A.

§300-4.2. D TABLE OF PRINCIPAL USE REGULATIONS

| Use Categories | Residential Districts | | | Non-Residential Districts | | | | | | Official and Open Space District |
|--------------------------------------------------------|-----------------------|------|------|---------------------------|-----------------|------|------|------|------|----------------------------------|
| | R-A | R-B | R-C | DB | VB ¹ | WB | HB | TB | LI | OS |
| 1. Open Space. Governmental and Exempt Uses | | | | | | | | | | |
| a. Cemetery | SP | SP | SP | No | No | No | No | SP | SP | SP |
| b. Child Care Facility | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* |
| c. Commercial Agriculture | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| d. Essential Services | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | SP |
| e. Exempt Educational Use | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* |
| f. Farm | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| g. Governmental Use | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* |
| h. Private Conservation or Open Space Recreational Use | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |

¹ Special Permits in the VB District are subject to the additional requirements specified in Article 18.

| Use Categories | Residential Districts | | | Non-Residential Districts | | | | | | Official and Open Space District |
|------------------------------------|-----------------------|------|------|---------------------------|-----------------|------|------|------|------|----------------------------------|
| | R-A | R-B | R-C | DB | VB ¹ | WB | HB | TB | LI | OS |
| i. Religious Use | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* | Yes* |
| 2. Institutional Uses | | | | | | | | | | |
| a. Club or Lodge | SP | SP | SP | SP | SPP | SP | SP | SP | SP | No |
| b. Hospital or Nursing Facility | SP* | SP* | SP* | Yes* | Yes* | SP* | SP* | SP* | SP* | SP* |
| c. Library or Museum | SP* | SP* | SP* | Yes* | Yes* | SP* | SP* | SP* | SP* | SP* |
| 3. Residential Uses | | | | | | | | | | |
| a. Assisted Living Facility | No | No | No | SP* | SPP* | No | SP* | No | No | No |
| b. Single-Family Detached Dwelling | Yes | Yes | Yes | SP | SPP | No | SP | No | No | No |
| c. Two-Family Conversion | Yes | Yes | Yes | SP | SPP | No | SP | No | No | No |
| d. Multi-Family Conversion | SP | SP | SP | SP | SPP | No | SP | No | No | No |
| e. Multi-Family Dwelling | No | No | No | SP | SPP | No | SP | No | No | No |
| 4. Business Uses | | | | | | | | | | |
| a. Automobile Repair | No | No | No | SP* | No | No | SP* | SP* | SP* | No |
| b. Building Trade | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| c. Craft Shop; Artist Studio | No | No | No | Yes | Yes | No | Yes | Yes | Yes | No |

| Use Categories | Residential Districts | | | Non-Residential Districts | | | | | | Official and Open Space District |
|--------------------------------------------------------|-----------------------|-----|-----|---------------------------|-----------------|-----|------|------|------|----------------------------------|
| | R-A | R-B | R-C | DB | VB ¹ | WB | HB | TB | LI | OS |
| d. Financial or Business Office | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| e. For Profit Education | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| f. Funeral Home; Mortuary | SP* | SP* | SP* | SP* | SPP* | N | SP* | SP* | SP* | N |
| g. Indoor Entertainment, Amusement, or Sports Facility | No | No | No | SP* | SPP* | SP* | SP* | SP* | Yes* | N |
| h. Medical Laboratory or Clinic | No | No | No | No | No | No | No | Yes* | Yes* | No |
| i. Medical Marijuana Treatment Center | No | No | No | No | No | No | No | SPP* | No | No |
| j. Mixed Use Building | No | No | No | SP* | SPP* | No | SP* | No | No | No |
| k. Office Building | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| l. Personal Service Establishment | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| m. Print Shop; Photo Studio | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| n. Professional Office | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| o. Repair Shop | No | No | No | Yes* | Yes* | No | Yes* | Yes* | Yes* | No |
| p. Restaurant | No | No | No | Yes* | Yes* | SP* | Yes* | SP* | SP* | No |
| q. Retail Store | No | No | No | Yes* | Yes* | SP* | Yes* | Yes* | Yes* | No |
| r. Transient Lodging Facilities | No | No | No | SP* | SPP* | SP* | SP* | SP* | SP* | No |

| Use Categories | Residential Districts | | | Non-Residential Districts | | | | | | Official and Open Space District |
|----------------------------------------------|-----------------------|-----|-----|---------------------------|-----------------|-----|------|------|------|----------------------------------|
| | R-A | R-B | R-C | DB | VB ¹ | WB | HB | TB | LI | OS |
| s. Veterinary Practice | No | No | No | SPP* | SP* | No | SP* | SP* | SP* | No |
| t. Veterinary Hospital | No | No | No | No | No | No | SP* | SP* | SP* | No |
| 5. Open Air Business Uses | | | | | | | | | | |
| a. Automobile Service | No | No | No | SP* | No | No | SP* | SP* | SP* | No |
| b. Commercial Greenhouse; Garden Center | No | No | No | No | No | No | Yes* | Yes* | No | No |
| c. Dealership | No | No | No | No | No | No | SP* | SP* | SP* | No |
| d. Kennels; Stables | No | No | No | No | No | No | No | Yes | Yes | No |
| e. Marina; Boat Yard | No | No | No | SP | SPP | SP | Yes | Yes | Yes | No |
| f. Open Air Wholesale or Storage Business | No | No | No | No | No | No | No | SP* | Yes* | No |
| g. Outdoor Entertainment | No | No | No | No | No | No | No | No | Yes* | No |
| h. Outdoor Sports Facility or Club | No | No | No | No | No | SP* | Yes* | Yes* | Yes* | No |
| i. Pet Day Care; Pet Boarding | No | No | No | No | No | No | Yes* | Yes* | No | No |
| 6. Light Industry Uses | | | | | | | | | | |
| a. Enclosed Wholesale or Storage Business | No | No | No | No | No | No | No | Yes* | Yes* | No |
| b. Light Manufacturing | No | No | No | No | No | No | No | Yes* | Yes* | No |

| Use Categories | Residential Districts | | | Non-Residential Districts | | | | | | Official and Open Space District |
|----------------------------------------------------------|-----------------------|-----|-----|---------------------------|-----------------|----|-----|------|------|----------------------------------|
| | R-A | R-B | R-C | DB | VB ¹ | WB | HB | TB | LI | OS |
| c. Repair Garage; Auto Body Shop | No | No | No | No | No | No | SP* | SP* | SP* | No |
| d. Research and Development Laboratory | No | No | No | No | No | No | No | Yes* | Yes* | No |
| 7. Alternative Energy Uses | | | | | | | | | | |
| a. Ground Mounted Solar Energy Installation ² | No | No | No | No | No | No | No | SPP* | No | No |
| b. Wind Energy Conservation Facility | No | No | No | No | No | No | No | SPP* | No | No |

² Subject to the requirements specified in §300-20.5 through 20.13.

E. **Special Principal Use Regulations**

(1) Medical Marijuana Treatment Center/Registered Marijuana Dispensary (RMD).

The Zoning Board of Appeals may issue a special permit for the operation of a licensed and registered medical marijuana treatment center/ marijuana dispensary (RMD), provided that all applicable requirements of this Zoning Bylaw are satisfied, including the following standards and limitations:

- a. Exterior signage may identify the RMD facility only by its registered name.
- b. The RMD may not use medical symbols, graphics or images of marijuana or related paraphernalia, or colloquial references to cannabis and/or marijuana, or otherwise display advertisements for marijuana or any brand of marijuana on the exterior of the building or in any interior signage or product display that is visible from outside the building.
- c. No exterior signage or interior signage or display visible from outside the building may use any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat a debilitating medical condition or related symptoms, or the recreational use of marijuana. Nor may any such signage or display include any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.
- d. An RMD may not be located within a radius of 500 feet from the site of a school, day-care center, playground, or any other facility in which children commonly congregate. The 500-foot distance will be measured in a straight line between the nearest point of the lot on which the facility in question is located to the nearest point of the lot on which the proposed RMD will be located.
- e. No marijuana may be ingested in any manner by anyone at the RMD, except as authorized pursuant to 105 CMR 725.105(N)(8) for the purposes of teaching use of vaporizers or demonstration of use of other related products.
- f. All dispensing, cultivation, preparation, and storage of marijuana may occur only within an enclosed, locked indoor area.
- g. The RMD must comply with all security requirements set forth in 105 CMR 725.110.
- h. The RMD may not sell any products other than marijuana, including MIPs, marijuana seeds and other products such as vaporizers that facilitate the use of marijuana for medical purposes.
- i. Access to the RMD will be limited to those authorized pursuant to 105 CMR 725.110(A)(1).
- j. In deciding whether to grant a special permit for an RMD, the Zoning Board of Appeals may consider whether the applicant has entered into a host agreement with the Town and if so, the terms of such host agreement.

- k. In granting a special permit for an RMD, the Zoning Board of Appeals may impose such conditions as it deems reasonably necessary to ensure compliance with this Zoning Bylaw, including, but not limited to conditions that limit the RMD to operating only certain days of the week and/or during only certain hours of the day.
 - l. The Zoning Board of Appeals may limit the duration of a special permit for an RMD to a specified time period and require the applicant to apply for a renewal of the special permit before the specified time period expires in order to continue operating the RMD.
- (2) Multifamily Dwellings. The Zoning Board of Appeals may grant a special permit for construction and use of attached dwelling units and buildings containing two or more dwelling units in the DB and HB Districts, subject to the applicable dimensional requirements set forth in the §300-5.3 Table of Dimensional Regulations and the applicable parking standards set forth in §300-7.1. The Planning Board may grant such a special permit in the VB District.

§300-4.3 ACCESSORY USE REGULATIONS

A. General

- (1) Accessory uses are permitted on the same lot as the principal use served, or on an adjacent lot under the same ownership and in the same District.
- (2) Accessory uses are allowed only in connection with lawful principal uses. An accessory use may not, in effect, convert a principal use to a use not permitted in the underlying District.
- (3) An accessory use must be one that is customarily incidental and subordinate to the principal use served.
- (4) When a principal use is allowed by special permit, its accessory use(s) may not conflict with any requirements or limitations of that special permit.
- (5) Except for the cultivation of marijuana under a hardship registration and in full compliance with all requirements set forth in 105 CMR 725.035 and in **§300-4.3 (7)**, the acquisition, cultivation, possession, processing, transfer, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products is not considered a lawful accessory use.

B. **Special Accessory Use Regulations.** The following Accessory Uses are subject to special regulations.

(1) Accessory Dwelling Unit (ADU). The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit (ADU) within an existing single-family detached dwelling located in a residential District, or within an existing accessory building on the same lot as such dwelling, subject to the following requirements:

- a. The owner(s) of the subject premises must live in either the principal single-family dwelling or the ADU as his/her/their primary residence except for bona fide temporary absences. For purposes of this Section, “owner(s)” shall mean one or more individuals who hold legal title or beneficial title to the premises.
- b. No more than one ADU may be permitted on a lot.
- c. An ADU will not be permitted on a lot on which more than one principal dwelling is located.
- d. To be eligible for an ADU special permit, the principal single-family dwelling must have a net floor area of at least 1,200 square feet and must have been in existence for at least 10 years at the time the special permit application is submitted.
- e. Except for lawfully preexisting nonconforming buildings, the subject lot and existing buildings must conform to the dimensional requirements applicable to single-family detached dwellings and their accessory buildings in the District in which the premises are located. Any structural changes or additions to accommodate the ADU must also conform to the applicable dimensional requirements.
- f. All exterior alterations of the principal single-family dwelling to accommodate the ADU, including construction of exterior stairways or exits required by law, must be designed so that the exterior appearance of the building remains that of a single-family detached dwelling. Exterior stairways and exits added to the principal dwelling must be located at the side or rear of the dwelling.
- g. Exterior alterations to either the principal dwelling or an accessory building to accommodate the ADU must be compatible with the architecture of the principal single-family dwelling and must meet all applicable dimensional requirements for the District in which the premises are located.
- h. For a lawfully preexisting nonconforming principal dwelling or accessory building to be eligible for an ADU special permit, there may be no change made to the existing building footprint or increase in gross floor area to accommodate the ADU that will increase an existing nonconformity or create a new nonconformity.

- i. The net floor area of an ADU located within a principal single-family dwelling may not exceed 25% of the net floor area of the principal dwelling or 900 square feet, whichever is less. The net floor area of an ADU located within an accessory building may not exceed 900 square feet.
 - j. Adequate provisions must be made for both water supply and the disposal of sewage, waste and drainage generated by the principal single-family dwelling and the ADU in accordance with the requirements of the Board of Public Health.
 - k. In addition to the off-street parking required for the principal dwelling, at least one off-street parking space must be provided for each bedroom in the accessory dwelling unit.
 - l. The Zoning Board of Appeals may require that any new outside parking and storage areas be screened by fencing or landscaping.
 - m. In order to grant a special permit for an ADU, the Zoning Board of Appeals must make a finding that the construction and occupancy of the accessory dwelling unit will not be more detrimental to the neighborhood in which the principal single-family dwelling is located, nor more injurious to persons or property than the existing single-family detached dwelling use.
 - n. The Zoning Board of Appeals may issue no more than 10 ADU special permits in any one calendar year. Moreover, no special permit may be issued to create a new ADU if ADU special permits are in effect for more than 10% of the single-family detached dwellings in the Town.
- (2) Bed and Breakfast Establishment. The Zoning Board of Appeals may grant a special permit for operation of a Bed and Breakfast Establishment as an accessory use in an existing, owner-occupied, single-family detached dwelling in any Residential District, subject to the following requirements:
- a. Rooms may be let only on a short-term basis, not to exceed periods of 90 days.
 - b. No meals other than a breakfast may be provided to the guests.
 - c. The Bed and Breakfast Establishment must comply with all applicable State and local health requirements.
 - d. No additions or other expansions may be made to an existing dwelling in order to create additional bed-and-breakfast guest rooms in a Bed-and-Breakfast Establishment.

- (3) Common Driveways. The Planning Board may grant a special permit to authorize the construction and use of a Common Driveway in the Residential Districts, for accessory access purposes serving up to 4 detached single-family dwellings on separate lots, provided that the Common Driveway application satisfies the following requirements:
- a. Each of the lots served by the Common Driveway must have at least the minimum frontage on a street required for the underlying District.
 - b. Each of the lots served by the Common Driveway may be used for only one detached single-family dwelling.
 - c. If the lots to be served by the Common Driveway must each be under separate ownership, the owners of all the lots to be served by the Common Driveway must be co-applicants for the special permit.
 - d. The Common Driveway must provide direct access from a public street through the frontage of one of the lots to be served, or partly through one and partly through another adjacent lot to be served.
 - e. The Common Driveway must be constructed to no less than 14 feet in width within an access easement of at least 20 feet in width, must be no longer than 750 feet in length, and must otherwise conform to the Common Driveway design and construction standards adopted by the Planning Board.
 - f. The Common Driveway must result in less impervious lot coverage, fewer curb cuts on public streets, safer access, and/or fewer impacts on wetlands or other significant natural features than the alternative of having the lots accessed by multiple driveways or by a subdivision roadway.
 - g. The Common Driveway must be constructed at least 10 feet from the boundary line of any abutting lot not served by the Common Driveway.
 - h. No parking or structures will be allowed within the Common Driveway easement.
 - i. The Common Driveway applicant must submit for the Planning Board's approval a proposed form of easement for use and maintenance of the Common Driveway (and any associated utility lines and drainage facilities) by the owners of the lots served, and which prohibits above-ground structures and parking within the easement.
 - j. The Common Driveway applicant must submit for the Planning Board's approval a proposed form of covenant establishing legal and financial responsibilities for continuing maintenance, snow removal and repair of the Common Driveway, including any associated drainage facilities; providing

specific standards for maintenance and repair; and providing a procedure for resolving disputes.

- k. If the Planning Board grants the Common Driveway special permit, the approved easement and covenant must be recorded with the special permit and referenced on the deeds to each of the lots served by the Common Driveway.
 - l. A Common Driveway is not a “street” for frontage purposes under this Zoning Bylaw. The Planning Board shall include a statement to that effect in every Common Driveway special permit.
- (4) Family Home Daycare. The Zoning Board of Appeals may grant a special permit for operation of a Family Home Daycare, as defined in G.L. c.15D, §1A, as accessory to a lawful, single-family detached dwelling use in any District.
- (5) Guest House. In any residential District, use of a lawful, accessory building as a guest house is permitted as accessory to a single-family detached dwelling use. Such guest house may be used only to accommodate personal guests and family members on a temporary and intermittent basis, without remuneration.
- (6) Home Occupation. A customary Home Occupation is permitted by right as accessory to a detached single-family dwelling use in all residential Districts, subject to the following requirements:
- a. The Home Occupation may be conducted only by one or more occupants of the principal dwelling.
 - b. The Home Occupation must be conducted entirely within the principal dwelling or a lawful accessory building on the premises. No more than 600 square feet of gross floor area may be devoted to the Home Occupation.
 - c. The Home Occupation must be clearly incidental and subordinate to use of the dwelling as a single-family residence.
 - d. No exterior features may be added or changed that alter the residential nature of the premises, or that are not customary on residential premises. Any sign identifying the Home Occupation must comply with the applicable requirements of Article 6.
 - e. Except for the temporary or seasonal open-air storage of fishing boats or fishing or lobstering equipment owned and used in the conduct of the Home Occupation by an occupant of the principal dwelling, any goods, wares, materials, equipment, or other items used or produced by the Home Occupation must be stored in a manner that is not visible from any abutting lot or street.

- f. No equipment or process may be used in the conduct of the Home Occupation that creates noise, vibration, glare, fumes, odors, or electric interference detectable to the normal senses beyond the boundaries of the lot.
 - g. Off-street parking must be provided as required under **Article 7**.
- (7) Hardship Cultivation of Medical Marijuana. Hardship cultivation of marijuana for medical use under a hardship registration is allowed as an accessory use in all Districts, by right, subject to the following requirements and limitations:
- a. Hardship cultivation of marijuana may occur only in compliance with all the requirements of 105 CMR 725.035.
 - b. Hardship cultivation and storage of marijuana may occur only in the primary residence of the registered qualifying patient or personal caregiver;
 - c. Hardship cultivation and storage of marijuana may not occur in any accessory building or in the yard or other area outside the primary residence of the registered qualifying patient or personal caregiver;
 - d. Hardship cultivation and storage of marijuana must be in an enclosed, locked, indoor area accessible only to the registered qualifying patient or his or her personal caregiver(s).
 - e. The hardship cultivation and storage of marijuana must not be visible or otherwise perceptible from the street or other public areas, including without limitation:
 - (i) Visual observation;
 - (ii) Noise exceeding than the maximum noise level permissible pursuant to applicable law;
 - (iii) Smell or odor.
 - f. Hardship cultivation of marijuana may occur only in compliance with all applicable building, sanitary and safety codes and must be conducted in a manner that does not endanger the public health, safety or welfare or create a risk of fire or public nuisance.
 - g. The hardship cultivation of marijuana may not occur within the common area of any multifamily residential use.
 - h. The Building Inspector may inspect the cultivation and/or storage site of a registered qualifying patient with a hardship cultivation registration, or the cultivation site of his or her personal caregiver(s), at any time. Acceptance of a hardship cultivation registration by a registered qualifying patient constitutes consent for such inspection of the cultivation and/or storage site.

- i. All registered qualifying patients or their personal caregivers shall provide annual written notice to the Building Inspector that they are engaged in the hardship cultivation of marijuana. Such written notice must state the address at which the hardship cultivation or storage of marijuana is occurring and the specific enclosed, locked area accessible only to the registered qualifying patient or his or her personal caregiver(s) in which the hardship cultivation or storage of marijuana is occurring.

(8) Communication Structures.

- a. Accessory roof-mounted television antennas not exceeding 10 feet in height and dish-type antennas not exceeding 24-inches in diameter are allowed by right in all Districts.
- b. The Zoning Board of Appeals may grant a special permit for the erection and maintenance of any other accessory radio, television or similar communication tower, antenna, or related structure. A special permit for any such tower, antenna, or related structures to be used in connection with the operation of an amateur radio station, however, may not be denied unless the Zoning Board of Appeals finds that the safety of the public would be endangered.

(9) Parking or Garaging of Commercial Motor Vehicles. Garaging or parking of commercial motor vehicles is a permitted accessory use in all non-residential Districts. In the Residential Districts, however, the parking or garaging of commercial vehicles is limited to one light commercial motor vehicle (maximum of 10,000 pounds gross vehicle weight), unless the Zoning Board of Appeals authorizes the garaging or parking of more than one such light commercial vehicle or one larger commercial vehicle, by special permit.

(10) Accessory Small Scale Solar Energy Systems. Small-Scale Solar Energy Systems are allowed by right in all Districts as accessory to all residential and non-residential uses.

- a. Roof-mounted accessory solar energy panels are excluded from building height measurement provided they do not project more than 6 feet above the highest point of the building's roofline.
- b. Ground-mounted accessory solar energy installations are subject to the setback and ground coverage regulations for the underlying District. Such installations may not exceed 12 feet in height, except as may be allowed by special permit.
- c. The Zoning Board of Appeals may grant a special permit for a ground-mounted solar energy installation that exceeds the 12 foot height limit at various times of the day, such as a "flower-style" system, provided however that the maximum height of such an installation, when fully extended, may not exceed 18 feet, and may not extend into any required setback area of the lot.

(11) Electric Vehicle Charging Station.

- a. In residential Districts, an accessory EVCS for use by the occupants of the premises is allowed as of right.
- b. In all non-residential Districts, the Planning Board may approve the installation of one or more accessory Electric Vehicle Charging Stations through **Site Plan Review**, subject to the following:
 - (i) The charging service is provided at no cost to the user.
 - (ii) The installation of the charging station will not result in the reduction of required parking spaces.
 - (iii) The location and positioning of the charging station allows for safe and easy accessibility.
 - (iv) The Planning Board may condition its approval with appropriate safeguards such as imposing a limit on the height, number, and type of charging stations allowed on the premises, and requiring screening and landscaping.

(12) Drive-through or Drive-up Service Facility. The Planning Board may issue a special permit for a drive-through or drive-up service window or kiosk to serve a principal business use in a non-residential District provided the Planning Board finds that such feature is customarily accessory to the business use served, and that it will not result in undue safety hazards either on the business premises or on any adjacent public way. At a minimum, the following requirements shall apply:

- a. The Applicant must submit a detailed analysis of the average wait time and the average number of vehicles expected to be served during each hour the business is open.
- b. A dedicated drive-through service lane must be provided that is separate and distinct from any parking aisle, fire lane, or other site circulation lane.
- c. The drive-through service lane must be designed so that there is adequate space to accommodate the expected number of waiting vehicles at peak times.
- d. The entrance and exit for the drive-through service lane must be located at least 25 feet from any street intersection or pedestrian crosswalk.

(13) Mechanical or Live Entertainment. The Zoning Board of Appeals may grant a special permit to allow mechanical or live entertainment as accessory to a Restaurant use in the DB, WB, HB, TB, and LI Districts. The Planning Board may

grant a special permit to allow such entertainment as accessory to a Restaurant use in the VB District.

- (14) Open Display and Storage. The open display and storage of goods, products, materials, or equipment is permitted as accessory to a business or light industrial use conducted in a completely enclosed building on the same premises, provided that no portion of the open display or storage extends beyond the minimum building setback requirements for the underlying District unless allowed as a temporary use under §300-4. 4. D.

§300-4.4 Temporary Uses

A. Trailers and Mobile Homes.

- (1) Except as allowed under paragraphs (2) and (3) below, no trailer, mobile home, or other vehicle designed or used for living or office purposes, whether on wheels or otherwise, may be kept on a lot for more than 30 days in any 12-month period unless it is stored within an enclosed building, or unless the Zoning Board of Appeals issues a special permit to extend the temporary 30-day limit.
- (2) The owner or occupant of a residence that has been destroyed by fire or other natural disaster may place a mobile home on the site of the destroyed residence and occupy the mobile home for a period not to exceed 12 months while the residence is rebuilt. Any such temporary mobile home use must comply with all applicable provisions of the State Sanitary Code.
- (3) The Building Inspector may allow the temporary use of a trailer in connection with an active construction project.

B. Outdoor Amusements. The operation of outdoor amusement parks, bazaars, or fairs may be allowed for up to 30 days by special permit in all Districts except the OS District, provided there are no permanent structures. The Zoning Board of Appeals is the Special Permit Granting Authority for such use except in the VB District where the Planning Board is the designated Special Permit Granting Authority.

C. Outdoor Retail Sale of Holiday Decorations. In any Business or Light Industrial District, outdoor storage, display and retail sales of holiday trees, wreaths, swags, and similar seasonal decorations made primarily of natural materials, is permitted commencing on the fourth Friday of November of any year, provided that all products, advertising materials, equipment, and other paraphernalia related to such sales are completely removed from the premises no later than December 31 of the same year. Such temporary use is allowed whether or not it is connected with the principal use of the premises, provided it does not extend into the lot's required building setback areas.

- D. **Temporary Unenclosed Storage.** Temporary unenclosed storage of building supplies and equipment is allowed in connection with a building permit issued for the lot. All such supplies and equipment must be removed within 60 days from completion of the work for which the building permit was issued.
- E. **Temporary Open Displays.** In the VB District only, the Building Inspector may allow the temporary open display of goods, products, materials, or equipment on public sidewalks during normal business hours, provided that such display neither reduces the usable width of the sidewalk to less than 4 feet nor interferes with safe and adequate pedestrian passage on the sidewalk.

§300-4. 5. Inclusionary Housing Contribution (IHC) Requirements.

The purposes of the following Inclusionary Housing Contribution Requirements are to increase affordable housing opportunities throughout the Town of Cohasset, and to create “local action units” as defined in 760 CMR 56) eligible for inclusion in the Town’s “subsidized housing inventory” (as defined in 760 CMR 56).

A. Minimum IHC Requirements.

- (1) A minimum IHC equal to 10% of the total number of new dwelling units will be required as a condition of a special permit allowing any Residential Cluster Development, multi-family conversion, multi-family dwelling, mixed use building, or mixed-use development that results in a net increase of 5 or more dwelling units in the Town, whether by new construction or by alteration, reconstruction, or change of existing residential or non-residential space, and whether on one lot or on contiguous lots.
- (2) A minimum IHC equal to 10% of the total number of new lots created will be required for a Residential Cluster Development subdivision resulting in 5 or more building lots for residential use.
- (3) Development projects may not be segmented into phases to avoid compliance with the minimum IHC requirement.
- (4) Whenever the 10% calculation results in a fractional number of .05 or more, the fractional number will be rounded up to a whole number. Whenever the 10% calculation results in a fractional number of less than .05, the Applicant may elect to have the fractional number rounded up to the next whole number or to have the fractional number converted to a cash payment equivalent based upon the payment in lieu formula provided in §300-4.5. F.

(5) If any applicable Federal or State law requires a greater number or percentage of “local action units,” than required in this Zoning Bylaw, the greater number or percentage will control.

B. Methods for Meeting IHC Requirements.

- (1) Required IHC units or lots must be provided within the subject development site or subdivision, except where the designated Special Permit Granting Authority finds good cause for allowing the IHC dwelling unit requirement to be met off-site and further finds that allowing the alternative IHC method will better serve the purposes of this §300-4.5. The off-site exception is not available for the IHC lot requirement.
- (2) Authorized off-site inclusionary dwelling units may be provided by new construction or by rehabilitation of existing non-residential buildings, in one or more locations approved by the Special Permit Granting Authority.
- (3) Fee-in lieu cash payments elected to meet fractional IHC requirements under paragraph B will be calculated on a per-unit cost or per lot value, as determined from regional construction and sales reports acceptable to the Special Permit Granting Authority. The Special Permit Granting Authority will make the final determination concerning the acceptable per unit cost or per lot value. At least one-half of the required amount must be paid prior to the issuance of the first building permit for the development project or, in the case of a Cluster Development subdivision, prior to Planning Board endorsement of the definitive subdivision plan. The remainder is to be paid prior to the first certificate of occupancy for the development project, or prior to the release of any lots in a cluster subdivision for sale or building.

C. Density Bonus. In granting a special permit for a Residential Cluster Development or Cluster Development subdivision, the Planning Board may authorize up to a 10% increase in the number of dwelling units or the number of buildable lots otherwise allowable under Article 10.

D. Deed Restrictions. Each IHC dwelling unit must be made subject to an affordable housing deed rider meeting the requirements established by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for the Local Initiative Program.

AND FURTHER AMEND THE COHASSET CODE, CHAPTER 300, ZONING BY:

- (b) Modifying the existing Article 2 definitions of Accessory Dwelling, Bed and Breakfast Establishment, Common Driveway, Multi-family Dwelling, Guest House, and Accessory Use as follows:

ACCESSORY DWELLING UNIT (ADU).

A ~~separate-secondary~~ dwelling unit within a single-family detached ~~one-family~~ dwelling or within an accessory building on the same lot, to be used and occupied independently of the ~~primary_ dwelling~~ principal dwelling unit.

BED AND BREAKFAST ESTABLISHMENT. A private, owner-occupied, ~~house~~ single-family detached dwelling where three or more rooms are let on a short-term basis not to exceed 90 days and ~~only a continental~~ breakfast is the only meal served.

COMMON DRIVEWAY. A privately owned driveway used to provide shared vehicular access between the street and two or more conforming lots, via the frontage(s) of at least one of the lots served. ~~A driveway having access over legal frontage and serving more than one lot, all lots served having legal frontage. A common driveway may not serve as legal frontage.~~

DWELLING, MULTI-FAMILY. ~~Attached dwelling units~~ Two or more principal dwelling units in one or more buildings on a lot, ~~designed for or occupied by two or more families.~~

GUEST HOUSE. ~~Dwelling~~ An accessory building used ~~only~~ intermittently ~~by to~~ accommodate personal guests and family members on a temporary basis, without remuneration.

USE ACCESSORY. A use customarily incidental and subordinate to the principal use of a structure or lot, ~~or a use not the principal use, that is~~ and located on the same lot as the principal use. ~~structure.~~

AND FURTHER AMEND THE COHASSET CODE, CHAPTER 300, ZONING BY:

- (c) Amending Article 2. Definitions by deleting the definitions of the following terms: Apartment; Bed and Breakfast House; Lodging House; Veterinary Hospital; Veterinarian Practice.

AND FURTHER AMEND THE COHASSET CODE, CHAPTER 300, ZONING BY:

- (d) Adding the following new definitions -to **Article 2. Definitions**:

SMALL-SCALE ACCESSORY SOLAR ENERGY SYSTEM. A Ground-mounted or roof-mounted solar energy installation primarily designed and intended to generate electricity to serve as a source of power, heat, and light for the principal use of the lot, with a capacity to generate no more than 125% of the load typically consumed by said principal use.

DRIVE-THROUGH OR DRIVE-UP SERVICE FACILITY. A structural feature such as a service window or automated machine used by a business to provide services or dispense products directly to customers waiting in their vehicles.

REHABILITATION CENTER. A type of health care facility (not a hospital) providing outpatient physiotherapy, occupational therapy, speech therapy, and other physical rehabilitation treatment, counselling, or assessment and evaluation services, but including substance abuse or criminal rehabilitation.

AND FURTHER AMEND THE COHASSET CODE, CHAPTER 300 BY:

- (e) Deleting the existing text of **Article 15. ADU Special Permits** in its entirety;
- (f) Deleting the existing Common Driveway provisions, **§300-7.3. D** and the 2nd sentence of **§300-7.2**.
- (g) Amending §300-12.7. A, as follows:

The requirements for Site Plan Review under this Section apply to ~~commercial, industrial, and multi-family uses in all base zoning districts~~ any use falling within a principal use category identified with an asterisk (*) in the §300-4.3 Table of Principal Use Regulations.

AND TO SEE IF THE TOWN WILL FURTHER VOTE to authorize the Town Clerk to make non-substantive changes to the Zoning Bylaw in order to conform any existing Article 4 section numbers to the corresponding section numbers in the new Article 4 text adopted under part (a) of this Warrant Article, and to change any existing references to the “Table of Use Regulations” to read “Table of Principal Use Regulations.”

OR TAKE ANY OTHER ACTION RELATIVE THERETO.