

ZONING BYLAWS

Town of COHASSET, MA

Revised Thru March 29, 2008

TABLE OF AMENDMENTS

Amended as noted below and in margins.

N.B. These notes are not part of the bylaw but were inserted to facilitate research.

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SECTION 1: Scope

1.1 TITLE

This Bylaw shall be known and may be cited as the ZONING BYLAW for the TOWN OF COHASSET, MASSACHUSETTS, which herein is called “this Bylaw.”

1.2 AUTHORITY

This Bylaw is adopted by virtue of and pursuant to the authority granted to the Town of Cohasset by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended, herein called the Zoning Act, and the Home Rule Amendments of the Massachusetts Constitution and any and all amendments thereto.

(See 12/2/69 A 1st pg.)

1.3 PURPOSE

To promote the health, safety, convenience, and welfare of the inhabitants of Cohasset by lessening congestion in the streets; securing safety from fires, panic, or other danger; providing adequate light and air; preventing the overcrowding of land; to conserve health; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment; to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to preserve and protect the outstanding characteristics and natural beauty of the town with due consideration given to the geography, topography, and history of Cohasset.

1.4 REPEALED AND EFFECTIVE DATE

All previous Zoning Bylaws of the Town of Cohasset, Massachusetts, are hereby repealed. This bylaw shall take effect in accordance with provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

(See 12/2/69 SS 12)

1.5 BASIC REQUIREMENTS

The provisions of this bylaw shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, and the general welfare of the Town of Cohasset, Massachusetts; and except for the Zoning Bylaw adopted by the Town Meeting on April 1, 1978 and all amendments thereto, the provisions of this bylaw are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any other lawfully adopted town bylaw, state and federal statute, covenant, regulation, or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, bylaw, or other regulations, that provision which imposes the greater restriction or the higher standard will govern; and when in conflict with a higher authority, the higher authority will prevail.

1.6 APPLICATION

Except as herein provided, or as specifically exempted by the Zoning Act, the provisions of this bylaw shall apply to the following: The erection, construction, alteration, occupancy, relocation, sale, use of buildings or structures, or the use of land.

SECTION 2: Definitions

(See 12/2/69 SS 9)

2.1 DEFINITIONS

For the purpose of this bylaw, certain terms and words shall have the meaning given herein. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular, and words implying the masculine gender shall apply to the feminine gender. The words “used” or “occupied” include the words “designed”, “arranged”, “intended”, or “offered to be used or occupied”. The words “building”, “structure”, “lot”, “land”, or “premises” shall be construed as though followed by the words “or any portion thereof”. The word “shall” is always mandatory and not merely directory. The word “constructed” shall include the words “built”, “enlarged”, “erected”, “altered”, “moved”, and “placed”. For the purpose of this bylaw the following terms have the meaning intended herein. Terms not defined in this section but defined in the State Building Code or the Massachusetts General Laws have the meanings given therein.

Abandonment: Abandonment shall be deemed to have occurred:

- 1) Where a nonconforming residential use has ceased to be occupied, used, pursued or otherwise engaged in for more than a three-year period or a nonconforming business use has ceased to be occupied, used, pursued or otherwise engaged in for more than a two-year period; or,
- 2) Where there has been a removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing within a two year period; or,
- 3) Where the nonconforming use or building has been replaced by a conforming use or building.

Accessory Dwelling: A separate dwelling unit within a detached one family dwelling to be occupied independently of the Principal Dwelling Unit.

Alteration: Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories, size, use, or location of a building or other structure.

Apartment: A dwelling unit that may be either owner-occupied or rented that is located within a multifamily dwelling or in a building containing one or more non-residential uses.

(11/13/07 Article 4)

Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

(3/31/01 Article 16)

Areas of Special Flood Hazard: The land in the flood plain having a one percent or greater chance of flooding in any given year.

(6/24/86 Article 39)

Automotive Graveyard or Junkyard: A collection of two or more unregistered motor vehicles on any lot or parcel under single ownership.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

(6/24/86 Article 39)

Bed and Breakfast Establishment: A private owner-occupied house where three or more rooms are let on a short term basis not to exceed 90 days and only a continental breakfast is served.

(3/28/98 Article 27)

Bed and Breakfast House: A private owner-occupied house where two or fewer rooms are let on a short term basis not to exceed 90 days and only a continental breakfast is served. Persons letting rooms in either the Cohasset Bed and Breakfast Establishment or the House would not be relatives of the homeowner; nor would persons “letting” rooms in either the

establishment or the house be seeking to reside in a dormitory, a convalescent house, a nursing house, a group house, rest home or any type of housing which must be licensed or regulated by the Commonwealth of Massachusetts.

(3/28/98 Article 27)

Board: The Board of Appeals of the Town of Cohasset, Massachusetts.

Building: Any structure or portion thereof, either temporary or permanent, having a roof or other covering forming a structure (including tents or vehicles located on private property) for the shelter of persons, animals, or property of any kind.

Building, Accessory: A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Common Driveway: 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.

(10/10/89 Article 25)

Community Facilities: Premises used for religious, educational, health, or recreational uses, including public housing for the elderly, and/or premises operated by a governmental body.

Coverage Building: The portion of a lot covered or occupied by buildings.

(11/17/03 Article 16)

Coverage, Maximum Permitted: The portion of a lot covered by any manmade materials that are impervious to water.

(4/8/85 Article 25)

Coverage Structural: The portion of a lot covered or occupied by buildings or other structures.

(4/8/85 Article 32)

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(6/24/86 Article 39)

Driveway Legal Service: An open space, located on a private lot, which is not more than twenty four feet in width, built for access to a private garage or off-street parking space.

Dwelling Multifamily: A building containing three or more dwelling units. All housing units permitted by Special Permit issued by the Planning Board pursuant to Section 16 “Senior Multi-family Residence Overlay District” of the Cohasset Zoning Bylaws, and all housing units permitted by Comprehensive Permit issued by the Zoning Board of Appeals pursuant to Chapter 40B of Massachusetts General Laws, shall be considered multi-family dwelling units for purposes of the enumeration of both “the total number of multi-family dwelling units of any kind erected in Cohasset” and of the “dwelling units of the town” as specified in Section 16.10.3 hereunder.

(3/27/04 Article 10)

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, 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 such public utilities or governmental agencies for the public health, safety, or general welfare.

Family: One or more persons, including domestic employees, occupying a dwelling unit and living as a single housekeeping unit.

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Fast Food Restaurant: An establishment whose 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 waiter or waitress.
(11/6/95 Article 49)

Flood Plain District: (See Section 9)

Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency (“FEMA”) has delineated both areas of special flood hazard and the risk premium zones applicable to the Town of Cohasset.
(6/24/86 Article 39)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
(6/24/86 Article 39)

Floor Area, Gross: Total floor area 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 the several floors of a building, measured from the interior faces of the walls. It does not include cellars, unenclosed porches, attics, any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw; or any such floor space intended and designed for 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.
(10/10/89 Article 25)

Floor Area Ratio: The ratio of the sum of the gross floor area of all buildings on a lot to the total lot area provided, however, that for the 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 calculation of total lot area shall exclude 50% of land that is wetlands, water areas, and slopes greater than forty-five degrees in accordance with Section 5.4.7.
(11/13/07 Article 4)

Frontage: The length of the line dividing a lot from the right-of-way of the street on which it bounds. This is to be measured at the right-of-way boundary and not at the centerline of the street.

Green Strip: An area landscaped with grass, trees, or shrubs and cannot be built upon, paved, parked upon, or used for vehicular traffic.
(4/6/91 Article 48)

Guest House: Dwelling used only intermittently by personal guests and family without remuneration.

Height: The vertical distance above the mean level of the ground within ten feet of the outside walls of the structure to the top of the parapet or to the top of the main roof surface, whichever is higher, on a flat roof; or for a sloped roof, to the midpoint of the main and/or other roofs, including without limitation, those of additions, ells, sheds, and dormers. The midpoint shall be half the distance from the plate line to the ridge line measured over the outer surface of the roof boarding. The limitations of this clause shall not apply to projections not used for human habitation where the greatest section of which does not exceed five percent of the roof area, including without limitation: chimneys, antennas, or cupolas.
(4/8/85 Article 32)

Home Occupation: Any activity conducted by the inhabitants of and entirely within a dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building or its surrounding lot. Home occupations in a residential district permitted as of right include that of: physician, artisan, teacher, day nurse, lawyer, architect, engineer, clergyman, accountant, osteopath, dentist, tailor, hairdresser, real estate broker, or similar occupations or professions. Also included are the occupation of a builder, carpenter, painter,

plumber, electrician, mason, sign painter, or other artisan, or by a tree surgeon, landscaper, or fisherman for incidental work and storage in connection with his off-premises occupation.

Impervious: Impenetrable by surface water.

(4/7/86 Article 39)

Impervious Surface: A material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

(3/31/01 Article 16)

Loading Space: An off-street space used for loading or unloading, and which is not less than 14 feet in width, 45 feet in length and with overhead clearance of 14 feet and containing not less than 1300 square feet, including both access and maneuvering area.

Lodging Unit: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include a boarding unit, a tourist house unit, or a rooming unit.

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 designated a lot unless it conforms with the Table of Area Regulations, Section 5.3.1.

(6/18/84 Article 6)

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets or ways at the intersection.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The property line dividing a lot from a street. On a corner lot or through lot only one street line shall be considered the front line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or irregular lot or where the most distant lot line is at an angle in excess of forty-five degrees to a straight line connecting the extreme ends of the front lot line or lines or touches a front corner, a line ten feet long within the lot parallel to the above straight 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.

(6/18/86 Article 6)

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this bylaw, or any amendment thereto, which is not in conformity with all provisions of this bylaw.

Lot, Through: An interior lot, the front and rear lot lines which abut streets, or a corner lot two opposite lines of which abut streets.

Lot, Width: The horizontal distance between the side lot lines as measured at the actual front yard depth which may or may not coincide with the required front setback line. The lot width must be parallel with the centerline of traveled way.

(11/13/78 Article 8)

Marina: Docks including without limitation, so called dockominiums and/or mooring facilities that are rented, licensed, or leased on a short or long-term basis.

(12/5/88 Article 10)

Membership Club: A nonprofit social, sports, or fraternal entity, association, or organization maintaining a building or facilities which are used exclusively by members and their guests and which may or may not contain bar facilities.

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Mean High Water: 4.8 feet above 0.0 datum (Mean Sea Level).

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock.
(3/31/01 Article 16)

Owner: The titleholder, duly authorized agent, attorney, purchaser, devisee, trustee, or any person having vested or equitable interest in the use of the structure or lot in question.

Parking Space: An off-street space having an area of not less than 176 square feet plus access and maneuvering space, for exclusive use as a parking stall for one motor vehicle or two motorcycles whether inside or outside a structure.
(See *Parking Requirement Diagram - Section 7.*)

Person: The word “person” shall include one or more individuals, a partnership, an association, or corporation.

Potential Drinking Water Source: Areas of Cohasset which could provide potable water in the future.
(3/31/01 Article 16)

Premises: A lot, and any building, structures, and uses thereon (except as provided in Section 11.)

Private Boat Dock: A single dock for the private use of the owner of the land on which it is constructed. Located such that it will not adversely affect the property of abutters.
(12/5/88 Article 10)

Public Hearings: Hearings shall be conducted pursuant to Chapter 40A of the General Laws of the Commonwealth of Massachusetts as amended.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.
(3/31/01 Article 16)

Recorded: Recorded in the Norfolk Registry of Deeds or registered in the Norfolk Registry District of the Land Court.

Residential Area: A residential area is any area situated within a district zoned primarily for residential purposes under the zoning bylaw. It includes R-A, R-B, and R-C.

Residential Gross Floor Area (RGFA): The sum of the total Floor Area – Gross, as defined herein, of the above grade floors or portions of floors in a residential structure, excluding unfinished attics, unheated space and attached or detached garages.

Sign: Any letter, word, numeral, symbol, drawing, picture, flag, pennant, trademark, emblem, design, device, article, and object that advertises, calls attention to, or indicates any premises, material, person, event, or activity, whatever the nature of the material and manner of composition or construction not within a building. For the purpose of this bylaw a double-faced sign will be considered one sign.

Sign, Accessory: Any billboard, sign or other device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is located or the business or activity transacted thereon, or as for sale or to let, and which contains no other advertising matter of any kind.

Sign, Nonaccessory: Any billboard, sign, or other advertising device that does not come within the foregoing definition of an accessory sign.

Sign, Advertising: A sign used to direct attention to a service, sale, or other activity not performed on the same premises upon which the sign is located.

Sign, Business: A sign used to direct attention to a service, product sold, or other activity performed on the same premises upon which the sign is located.

Sign, Directional: A sign indicating in, out, one way, or similar notation to facilitate the direction of traffic on a property.

Sign, Identification: A sign used simply to identify the name, address and title of an individual, family, or firm occupying the premises upon which the sign is located, or naming the accessory use.

Sign, Political: Any sign on which a person's candidacy for public office is announced or advertised or which expresses the view of the owner or occupant on a matter of public concern.

(3/29/04 Article 9)

Sign, Posting: A sign for protection of persons or property (e.g., no trespassing, hunting, shooting, trapping.)

Sign, Standing: Any sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

Sign, Surface area:

- a. For a sign either free-standing or attached the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. But not including any unlettered supporting framework and bracing which are incidental to the display itself.
- b. For a sign applied to a building the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing of a different color than the finish material of the building.
- c. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest geometric form which encompasses all of the letters and symbols.
- d. For double-faced signs, the area shall be computed for one side only.

Sign, Temporary: Any sign intended to be exhibited for a period of not more than thirty days during any twelve month period and which sign shall be governed by the same standards as to size, location, and purpose as any other sign.

(4/6/91 Article 48)

Special Permit: Written permission for the use of a structure or lot or any activities conducted upon a premises which may be permitted under this bylaw only upon application to and with the approval of the board and/or planning board in accordance with the provisions of Section 12.4.

Story: That part of a building between any floor and the next higher floor or lower roof line. Where a building is not divided into stories, a story shall be considered fifteen feet in height. A story shall be at least fifty percent above grade.

Street: A public or private way for vehicular use which is commonly used by the public or dedicated to public use as shown on a plan of record.

Structure: A combination of materials combined at a fixed location to give support or shelter, such as: a bin, bridge, building, dock, fence, framework, flag pole, platform, retaining wall, reviewing stand, sign, stadium, swimming pool, tank, tennis court, tent, tower, trestle, and a tunnel.

Structure Nonconforming: A structure lawfully existing at the effective date of this bylaw or any amendment thereto which is not in conformity with all provisions of this bylaw.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement is started or if the structure has been damaged or is being restored before the damage occurred. For purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

(6/24/86 Article 39)

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Substantially Different Use: Any use that is not permitted either by right or by special permit of the board of appeals within the district in which the lot is located.

Toxic or Hazardous Material: Any substance or mixture of substances with physical, chemical, or infectious characteristics posing a significant, actual or potential threat, to water supplies or other hazards to human health if such substance or mixture of substances were discharged to air, land, or water. Toxic or hazardous materials include, without limitation solvents and thinners in quantities greater than normal household use, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws Chapter 21C, Chapter 21E, 310 CMR 30.00.

(4/7/86 Article 39 3/31/01 Article 16)

Trailer: Vehicle designed to be towed for living or working purposes whether on wheels or not.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

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 located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the effective date of this bylaw or any amendment thereto that is not in conformity with all provisions of this bylaw.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended; or for which it may be used, occupied, or maintained under this bylaw.

Variance: Such departure from the terms of this bylaw as the board, upon appeal or petition, is empowered to authorize.

Watershed Protection District: (See Section 9)

Yard, Front (Setback): An open space the width of which shall extend between the exterior side lines 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 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.

(6/18/84 Article 6)

Yard, Rear: An open space, except for an accessory structure or accessory use as herein permitted, extending across the full width of the lot line between the rear line of the building wall and the rear lot line.

Yard, Required: With respect to any Front Yard, Side Yard, or Rear Yard, the distance required between the principal building and the respective lot lines for such yard in the Table of Area Regulations set forth in Section 5.3.1.

(4/8/85 Article 32)

Yard, Side: An open space extending for the full length of the main building between the nearest point of the building and its corresponding side lot line and extending from the front yard to the rear yard.

(4/6/91 Article 48)

Zoning Act: Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto.

Zoning Bylaw: The Zoning Bylaw of the Town of Cohasset.

SECTION 3: Establishment of Zoning Districts

(See 11/7/55 SS 1 3/9/59 Article 34 12/2/69 SS 1)

3.1 DIVISION INTO DISTRICTS

The Town of Cohasset, Massachusetts, is divided into ten (10) zoning districts designated as follows:
(4/8/85 Article 40; 3/31/07 Article 14)

<u>Name</u>	<u>Abbreviation</u>	
Residential A, B, and C	R-A, R-B, R-C	(RC: 3/9/59 Article 34)
Waterfront Business	WB	(WB: 5/1/76 Article 38)
Downtown Business	DB	
Village Business	VB	(VB: 3/31/07 Article 14)
Highway Business	HB	
Light Industry	LI	
Technology Business	TB	(TB: 3/27/00 Article 16)
Official and Open Space	OS	(OS: 4/8/85 Article 40)

In addition, there are five overlay districts: The Flood Plain and Watershed District, the Water Resource District, Residential Cluster Development District, Senior Multi-family Residence Overlay District, and the Transit-Oriented Development Overlay District.

(5/5/75 Article 35; 4/7/86 Article 39; 4/4/87 Article 21; 4/4/81 Article 26; 11/18/02 Article 8; 4/1/06 Article 17; 4/1/06 Article 18)

3.2 ZONING MAP

The location and boundaries of the Zoning Districts are established and shown on the following maps, which are parts of this bylaw. The Zoning Districts other than the Flood Plain and Watershed Protection District are shown on a map entitled "Town of Cohasset, Massachusetts, Zoning District Map dated March 2002", prepared by Amory Engineers P.C. as revised through March 2002 with all explanatory matter thereon and amendments thereto. The Floodplain and Watershed Protection District is located as shown on a plan entitled "Cohasset and Floodplain and Watershed Protection District January 1975, " prepared by Richardson and Kalishes, Land Use Consultants, as revised by Gale Engineering Inc., November 1976 with all explanatory matter thereon and amendments thereto. The authenticity of the zoning map shall be identified by the signature of the town clerk and the imprinted seal of the town. Any change in the location of boundaries of a zoning district by amendment of this bylaw shall be authenticated in the same manner. The zoning map shall be kept on file in the office of the town clerk. Photographic reductions of this zoning map may serve as copies of the zoning map.

(3/9/95 Article 34: US Naval Am Depot put in RC)

(3/25/00 Article 16: LI west of CJC put into TB)

(3/31/01 Article 20: Hagerty Property on Parker Ave. put in OS)

(4/1/02 Article 24: HB southeasterly of Sohier Street expanded 200')

3.3 BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundary of districts shown on the zoning map, these rules apply:

1. Where a district boundary line is indicated as a street, railroad, watercourse, or other body of water, it shall be construed to be the centerline or middle thereof. Where such a boundary approximates a town boundary, then it runs to the limits of the jurisdiction of the town.
2. Where a district boundary line is indicated as running outside the lines of and parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the zoning map. If no dimension is given, such distance shall be determined by the use of the scale shown on the zoning map.

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3. Where a district boundary line is indicated as a specific elevation, it shall be construed as the distance above mean sea level, based on the Massachusetts Geodetic Datum of 1929. The map entitled "Flood Plain and Watershed Protection District" contains locations of benchmarks for the flood plain and watershed protection districts.
4. When a district boundary line divides a lot that is in one ownership of record at the time such line is adopted, a use that is permitted on one portion of the lot may be extended fifty feet into the other portion; provided the first portion includes the required lot width and depth, and only if the lot has frontage on a street in the less restricted district. The board, however, may authorize by special permit the increase of such district to not more than two hundred feet. This allowance does not apply to flood plain and watershed protection districts described in Section 9 or to the water resource districts described in Section 14.
(4/4/87 Article 23; 4/7/86 Article 39)
5. Where a district boundary line is shown approximately on the location of a property or lot line, and the exact location of the boundary line is not indicated by means of a figure or otherwise, then the property or lot line shall be the boundary line.
6. In any case not covered by the other provisions of this section, the location of a district boundary line shall be determined by the distance in feet, if given, from other lines upon the zoning map or if distances are not given, then by the scale of the zoning map.
(See 12/2/69 SS 4)

SECTION 4: Use Regulations

4.1 APPLICABILITY OF USE REGULATIONS

No building, structure, or land shall be used or occupied, in whole or in part, except for one or more of the purposes permitted in its district (inclusive of purposes permitted in any overlay district, now existing or hereinafter adopted).
(4/1/06 Article 18)

4.2 PERMITTED USES

In the following Table of Use Regulations the uses permitted by right in the district are designated by the word “Yes.” Those uses that may be permitted by special permit issued by the board of appeals in the district, in accordance with Section 12.4, are designated by the letters “SP.” Those uses that may be permitted by special permit issued by the planning board in the district, in accordance with Section 12.4 and with Section 18, are designated by the letters “SPP.” Uses that are not permitted in the districts are designated by the work “No.”
(11/13/07 Article 4)

TABLE OF USE REGULATIONS

Table Amended in entirety 4-8-85, Article 40
 Table format: 4-1-78 Article 21
 Table Amended by adding TB 3-37-2000 Article 16
 Table Amended by adding VB 3-31-2007 Article 14
 Table Amended by adding SPP Designation 11-13-2007 Article 4

The Table of Use Regulations that follows is part of this Bylaw.

USE	Residential			Non-Residential						Official & Open Space District
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Residential										
Detached one-family dwelling.	Yes	Yes	Yes	SP	SP	No	SP	No	No	No
The conversion and/or use of a one-family dwelling existing on 1/5/55 as a dwelling <u>for not more</u> than two (2) families subject to Table 5.3.1 (Table of Area Regulations).	Yes	Yes	Yes	SP	SPP	No	SP	No	No	No
The conversion and/or use of a one-family dwelling existing on 1/5/55 as dwelling <u>for more than</u> two (2) families subject to Table 5.3.1.	SP	SP	SP	SP	SPP	No	SP	No	No	No
Dwellings for more than one family including those in combination with stores or other permitted uses subject to Table 5.3.1 and 7.1. <i>(11/17/03 Art. 17; 3/31/07 Art. 15).</i>	No	No	No	SP	SPP	No	SP	No	No	No
Accessory Dwelling Unit within a detached one family dwelling subject to Section 15.	SP	SP	SP	SP	SPP	No	SP	No	No	No

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USE	Residential			Non-Residential					Official & Open Space District	
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Residential										
Accessory residential building such as tool shed, boathouse, shelter or stable for domestic animals, private greenhouse, guest house, swimming pool, or private detached garage for up to four vehicles, including one commercial vehicle, or open air parking for only one commercial vehicle.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Bed and Breakfast Establishment.	SP	SP	SP	No	No	No	No	No	No	No
Bed and Breakfast House.	Yes	Yes	Yes	No	No	No	No	No	No	No
Home Occupation. (See Section 4.3.5.)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Wall, fence, hedge, or similar enclosure.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Storage of lobstering or fishing equipment or of any boat within or outside a building.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Community Facilities										
Church, rectory, parish house, convent, or other religious use.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
Nonprofit educational use either public, private, or religious.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
Street, bridge, tunnel.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Golf course, fishing, reservations, or wildlife preserve.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
Cemetery.	SP	SP	SP	No	No	No	No	SP	SP	SP
Historical Association or Society.	SP	SP	SP	Yes	Yes	SP	SP	SP	SP	SP
Hospital or sanitarium.	SP	SP	SP	Yes	Yes	SP	SP	SP	SP	SP
Sanitary landfill and other solid waste facilities.	No	No	No	No	No	No	No	No	SP	No
Administrative, cultural, recreational, wastewater treatment, water supply, fire, police, or other protective use operated by the town or other governmental agency.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
Agricultural										
Agriculture, horticulture, and floriculture, not including a greenhouse or stand for retail sale.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

USE	Residential			Non-Residential					Official & Open Space District	
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Agricultural										
Stand for retail sale of agricultural or farm produce raised primarily on the premises, or articles of home manufacture from such produce, and ancillary products to the greenhouse business, such as peat or insecticides.	SP	SP	SP	Yes	Yes	No	Yes	Yes	Yes	SP
Noncommercial forestry, growing of crops and other vegetation, and conservation of water plants and wildlife in natural habitat.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Raising or keeping of farm animals, livestock, or poultry for use by residents of the premises subject to board of health's regulations and provided that no noise or odor is observable at the lot lines.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
Raising of livestock, horses, poultry, and grazing animals for commercial use.	No	No	No	No	No	No	No	SP	SP	No
Commercial stables, kennels, or veterinary hospital in which all animals, fowls, or other forms of life are in completely enclosed buildings at least two hundred feet from any lot line.	No	No	No	No	No	No	SP	SP	SP	No
Retail sale of holiday trees, wreaths, swags, and similar natural decorations for a period commencing on the fourth Friday in November of any year subject to complete removal not later than December 31 of such year. <i>(4/6/91 Art. 53)</i>	No	No	No	SP	SPP	SP	Yes	Yes	Yes	No
Retail & Services										
Stores for the sale of goods at retail, including dry goods, food, apparel and accessories, furniture and home furnishings, smallwares, and hardware.	No	No	No	Yes	Yes	SP	Yes	Yes	Yes	No
Restaurants (other than fast-food restaurants) serving foods or beverages from within the premises. <i>(11/16/95 Art. 49)</i>										
– with mechanical or live entertainment.	No	No	No	SP	SPP	SP	SP	SP	SP	No
– no mechanical or live entertainment.	No	No	No	Yes	Yes	SP	Yes	SP	SP	No
Fast-Food Restaurant. <i>(11/6/95 Art. 49)</i>	No	No	No	SP	SPP	SP	SP	SP	SP	No
Establishments selling new and/or used automobiles and trucks, new automobile tires and other accessories, farm equipment, aircraft, motorcycles, and household trailers.	No	No	No	No	No	No	SP	SP	SP	No

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USE	Residential			Non-Residential						Official & Open
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	Space District OS
Retail & Service										
Hotels and motels	No	No	No	SP	SPP	SP	SP	SP	SP	No
Trailer camp.	No	No	No	No	No	No	No	No	No	No
Lodging house for not more than five persons other than members of the family.	SP	SP	SP	No	No	No	No	No	No	No
Funeral home or mortuary establishment.	SP	SP	SP	SP	SPP	No	SP	SP	SP	No
Retail sale of marina petroleum products, fishing and boating gear, apparel, boats and boat trailers and supplies.	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Showroom for building supplies.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Convalescent and nursing home.	SP	SP	SP	No	No	No	Yes	Yes	Yes	No
Medical and dental offices not attached to the doctors' or dentists' residences.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Membership club or nonprofit organization.	SP	SP	SP	SP	SPP	SP	SP	SP	SP	No
Auto service stations and automotive repair garages (not including junkyards).	No	No	No	SP	No	No	SP	SP	SP	No
Automotive graveyard or other junkyard.	No	No	No	No	No	No	No	No	No	No
Miscellaneous trade and repair service and shops.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Indoor motion picture amusement and recreation establishment.	No	No	No	SP	SPP	SP	SP	SP	Yes	No
Outdoor motion picture establishment.	No	No	No	No	No	No	No	No	No	No
Helicopter landing area and commercial communication towers.	No	No	No	No	No	No	No	SP	SP	No
Wind energy conversion facility. <i>(3/29/08 Art. 15)</i>	SPP	SPP	SPP	SPP	No	SPP	SPP	SPP	SPP	SPP
Private boat docks. <i>(4/10/89 Art. 24)</i>	SP	SP	SP	No	No	SP	No	No	SP	No
Boat yards, repair and open-air sale and storage of boats, boat livery, or marina. <i>(4/10/89 Art. 24)</i>	No	No	No	SP	SPP	SP	Yes	Yes	Yes	No
Commercial parking lot.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Appliance and furniture repair service.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No

USE	Residential			Non-Residential					Official & Open Space District	
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Retail & Service										
Commercial or membership sports and recreational facilities.	No	No	No	No	No	SP	Yes	Yes	Yes	No
Miscellaneous business offices including insurance and real estate.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Personal service establishments, including beauty salon, barbershop, tailor, etc.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Other similar retail and service uses.	No	No	No	SP	SPP	SP	SP	SP	SP	No
Bank with accessory drive-in windows.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Customary accessory uses.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Facility for assembling electrical or electronic devices, appliances, apparatus and supplies, including computers.	No	No	No	No	No	No	No	Yes	Yes	No
Wholesale and Manufacturing										
Plant for drycleaning, cold storage or freezing, power laundry.	No	No	No	No	No	No	SP	SP	Yes	No
Mining or quarrying.	No	No	No	No	No	No	No	No	No	No
Storage yard, warehouse or distribution plant for: construction supplies and equipment, firewood, building material, textiles, food products, household supplies, and any products of manufacturing activities permitted in this district. (whether or not produced on the premises).	No	No	No	No	No	No	No	Yes	Yes	No
Above ground storage of gas and petroleum products. (3/25/95 Art. 66)	SP	SP	SP	SP	SPP	SP	SP	SP	SP	SP
Printing establishment.	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Publishing establishment.	No	No	No	No	No	No	No	No	Yes	No
Plant for manufacturing electrical or electronic devices, appliances, apparatus, and supplies.	No	No	No	No	No	No	No	No	Yes	No
Manufacturing plant for medical, dental or drafting instruments, optical goods, watches or other precision instruments.	No	No	No	No	No	No	No	No	Yes	No

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USE	Residential			Non-Residential						Official & Open
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	Space District OS
Wholesale and Manufacturing										
Manufacturing of advertising displays, awnings, shades, bakery products, nonalcoholic beverages, brushes, candy, clothing or other textile products, jewelry, ice, leather goods, toys, or wood products.	No	No	No	No	No	No	No	No	Yes	No
Beverage bottling or food packaging plant but not including meat and fish products.	No	No	No	No	No	No	No	No	Yes	No
Light metal fabrication or refinishing plant.	No	No	No	No	No	No	No	No	No	No
Research, experimental, or testing laboratory.	No	No	No	No	No	No	No	Yes	Yes	No
Wholesaling and manufacturing other durable and nondurable goods.	No	No	No	No	No	No	No	No	SP	No
Customary accessory uses incidental to a permitted main use.	No	No	No	No	No	No	No	Yes	Yes	No
All Uses										
With the exception of trailers being used in connection with an active construction project, temporary structures including trailers for storage of materials or equipment. (4/6/91 Art. 53)	SP	SP	SP	SP	SPP	SP	SP	SP	SP	SP
Temporary (less than 30 days) amusement enterprise not including any permanent structures.	SP	SP	SP	SP	SPP	SP	SP	SP	SP	No

4.3 ADDITIONAL USE REGULATIONS

1. Uses permitted by right or by special permit shall be subject to all provisions of this bylaw, except as otherwise provided in any overlay district, now existing or hereinafter adopted. (4/1/06 Article 18)
2. There shall be no use of a building, structure, or land in any district 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, light radiation, or other causes. (see section 4.3.10.)
3. The open display or open storage of junk shall be prohibited in all districts, including, but not limited to unregistered automobiles, 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.
4.
 - a. No trailer or other vehicle designed or used for living or office purposes, whether on wheels or otherwise, and including so-called “mobile homes” shall hereafter be allowed to remain in the town for a total of more than thirty days in any twelve month period except when stored; provided, however, the board of appeals may permit such use as a temporary use for a longer period. No “trailer coach park”, as defined in Massachusetts General Laws, Chapter 140, shall be permitted in the town. This section shall not apply to trailers being

used in connection with an active construction project and which may be allowed with the permission of the building inspector.

(4/6/91 Article 49)

- b. No zoning ordinance or bylaw shall prohibit the owner or occupier of a residence that has been destroyed by fire or other natural holocaust from placing a mobile home on the site of such residence and residing in such home for a period not to exceed twelve months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the state sanitary code.
(4/3/82 Article 13)
 - c. Except for those trailers approved by the building inspector in connection with an active construction project, in addition to the requirements for a special permit, any trailer or any nonoperative or unregistered motor vehicle, regardless of its use, remaining in any business or light industry district for more than thirty days shall be subject to all provisions of this bylaw and all rules and regulations pertaining to buildings or structures in that district.
(4/6/91 Article 49)
5. The following regulations apply to the use of a portion of a one-family dwelling in any "R" district for a home occupation:
- a. No more than one nonresident shall be employed therein at any given time.
 - b. Not more than 40 percent of the ground floor area and not to exceed 500 square feet total of floor area shall be devoted to such use and the use is carried on strictly within the principal building.
 - c. There shall be no display of goods, wares, or materials of the occupation visible from the lot line, except for the temporary or seasonal open-air storage of fishing boats or of fishing and lobstering equipment owned and used by a resident of the premises.
 - d. There shall be no advertising on the premises except as provided for in Section 6.4 of this bylaw.
 - e. The buildings shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to their exterior appearance, and shall have no odor, gas, smoke, dust, noise, or electrical disturbance observable at the lot line, and shall include no features of design not customary in residential buildings.
6. Enclosure of Uses
- a. In a business district all uses permitted as a right or permissible on special authorization, and all uses accessory thereto, shall be conducted within a completely enclosed building, except the following:
 - (1) Uses permitted as right or permissible on special authorization in any residential district.
 - (2) The dispensing of fuel and lubricants at an auto service station.
 - (3) The dispensing of food, beverages, or goods at a drive-in or stand.
 - (4) Automobile parking lots.
 - (5) Boat yard, open air boat sales area, boat livery, or marina.
 - (6) Exterior signs as herein permitted.
 - (7) The open display or storage of goods, products, materials, or equipment in connection with the main use conducted in a completely enclosed building on the same premises, subject to the condition that no portion of the open use extends nearer to any street or lot line than the corresponding yard requirements specified for buildings in the same district. This requirement shall not apply in the VB district, where the open display of goods, products, materials or equipment on public sidewalks shall be allowed on a temporary basis provided that, in the opinion of the building inspector, such display is routinely removed outside of normal business hours and does not constrain the usable width of the sidewalk to less than four feet nor interfere with adequate pedestrian passage on the sidewalk. This requirement shall also not apply in any business or light industry district where, for a period commencing on the fourth Friday in November of any year and subject to complete removal not later than December 31 of the same year, holiday trees, wreaths, swags, and similar natural decorations may be stored, displayed and sold whether

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or not they are connected with the main use of the enclosed building on the same premises provided that setback and green strip conditions are observed.

(4/6/91 Article 49; 11/13/07 Article 4)

- b. In a light industry district all uses permitted as of right or by special permit may be conducted within or without a completely enclosed building.
7. In all districts, all lights and other sources of illumination (whether interior or exterior) and all intense lights emanating from operations or equipment (such as from an acetylene torch) shall be shielded from direct view at normal eye level.
8. No parking for an industrial district and no vehicular access in an industrial district shall be on land that is zoned other than industrial. Vehicular access in an industrial district shall be over a public way.
9. New public ways and ways into the light industry district shall be constructed in accordance with the latest Land Subdivision Rules and Regulations of the Planning Board of the Town of Cohasset, Massachusetts.
10. The following regulations apply to manufacturing or other industrial use of any lot in the light industry district:
 - a. The proposed uses shall not emit any smoke of a shade darker than No. 2 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines;
 - b. No air pollution particle concentrations shall exceed 0.3 grains per cubic foot;
 - c. Inflammable or radioactive liquids shall be stored according to the provisions of the Occupational Safety and Health Administration standards;
 - d. The discharge of wastes shall be into a system subject to the written approval of the Cohasset Board of Health and/or Sewer Commissioners;
 - e. Vibration shall not exceed the safe range of Table 7, U.S. Bureau of Mines;
 - f. There shall be no unusual or objectionable odor or noise and no direct or sky reflected glare shall be permitted.
11. A Bed and Breakfast Establishment and/or House shall be located within an existing single family, owner-occupied detached dwelling.
(3/28/98 Article 27)
12. No apartment to be created in the Downtown Business District or Village Business District may be constructed on the first floor of a building or structure. Apartments in this district may only be created in connection with a commercial use which is located on the first floor of the structure.
(11/17/03 Article 17; 3/31/07 Article 14)
13. All residential uses shall be subject to Section 5.5.
(3/27/04 Article 7; 4/1/06 Article 18)
14. Inclusionary Zoning. In any residential development of multifamily or apartment units containing 5 or more units, proposed on or after July 1, 2006 within any district with the exception of the VB District and under any portion of the Bylaw, a minimum of one (1) unit or ten percent (10%) of the total number of dwelling units, whichever is greater, shall be eligible for qualification as "Local Action Units" (as defined in 760 C.M.R. 45.02) in accordance with the standards and conditions set forth in 760 C.M.R. 45.03, so as to be eligible for inclusion within the "Subsidized Housing Inventory" (as defined in 760 C.M.R. 45.02) of the Town. In the event that the 10% calculation results in fractional units, there shall be a rounding up to the nearest whole number. If a specific provision of this bylaw or of applicable state or Federal law requires a greater number or percentage of "Local Action Units" or so-called "affordable housing units" than required by this provision (for example, Bylaw Section 16, MGL c. 40B), then the greater requirement shall control.
(4/1/06 Article 13; 11/13/07 Article 4)

SECTION 5: Area Regulations

(See 11/7/55 SS 3, 10/7/57, Article 2 3/9/59, Article 34 11/9/65 Article 2 3/2/68 Article 28 12/2/69 SS 3, 3/28/98 Article 27)

5.1 APPLICABILITY OF AREA REGULATIONS

The regulations for each district pertaining to lot area and dimensions shall be specified in this section and set forth in the Table of Area Regulations, and shall be subject to further provisions of this section, except as otherwise provided in any overlay district, now existing or hereinafter adopted.

(4/1/06 Article 18)

5.2 GENERAL PROVISIONS

1. All requirements for area or dimensions must be fulfilled exclusive of any part of a lot below mean high water (see definition).
2. For the purpose of determining setback requirements all yards including but not exclusively those of through or corner lots, wherever they front on a street, shall be considered front yards on the street or streets on which they are located.
(6/18/84 Article 7)
3. A legal service driveway shall have a minimum width of twelve feet.
4.
 - a. Frontage shall be measured at the street line. On corner and through lots, frontage shall be measured on one street only.
(4/3/82 Article 14)
 - b. No lot may have a width of less than the required frontage as set forth in 5.3 at any point between the frontage street and the nearest point of the building.
(4/3/82 Article 14)
5. Building within the flood plain or watershed protection districts shall be subject to Section 9.
6. In this section, the minimum required setback distance for any structure except an entrance or exit driveway or wall shall be measured from the front lot line provided, however, that where a street has a right-of-way width of less than forty feet, the setback distance shall include an additional twenty feet and be measured from the centerline of the street, and further provided that any setback and/or front, side, or rear yard shall conform to the yard definitions as set forth within Section 2. Except for a perimeter wall, fence, or similar enclosure, not in excess of six feet in height, a flag pole, utility pole, or mail box, no point of any structure shall be closer than the required setback distance to any point of the front lot line, or centerline of the street, as the case may be.
(4/3/82 Article 1 6/18/84 Article 7 3/31/01 Article 22)
7. A fence, hedge, wall, or other enclosing structure within the lot lines may be maintained on a corner lot provided that it shall not at intersecting streets, obstruct visual clearance between three feet and ten feet above the grade of the street in the area formed by the curb lines and a straight line joining said curb lines at points which are twenty-five feet measured from the intersection of the curb lines. Where curbs do not exist, the lines shall be where such curb would be required if built.
8. No open storage or display of goods, products, materials, or equipment, no gasoline pump, vending machine, or similar commercial device and no structure except for a perimeter wall, fence, or similar enclosure not in excess of six feet in height, or flag pole, utility pole, or mail box shall be located nearer to any side or rear lot line than either fifteen feet or the permitted setback distance for a building on the lot, whichever distance is lesser.
(6/18/84 Article 7 3/27/93 Article 23)
9. No lot in any district on which a building is placed shall be reduced or changed in size or shape nor the building moved or changed so that the building or lot fails to comply with the lot area, frontage, coverage, setback, yard, or other provisions of this bylaw applicable to said lot or to the construction of such building on said lot, except:
 - a. When a portion of a lot is taken or conveyed for public purpose; or
 - b. When pursuant to statute, a lot is divided on which more than one dwelling not abandoned is in existence prior to July 1, 1955, so that one such dwelling is on each lot resulting from such division.
(3/3/62 Article 23; 3/7/64 Article 38)

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5.3 TABLE OF AREA REGULATIONS

The Table of Area Regulations that follows together with the Notes (5.3.2 and 5.4) are part of the Bylaw.
(6/18/84 Article 8; 4/8/85 Article 41; 11/17/03 Article 16)

5.3.1 TABLE OF AREA REGULATIONS

USE	Minimum Required Lots			Minimum Yards			***Maximum Permitted			
	Area (Sqft)	Frontage (Ft)	Width (Ft)	Front (Ft)	Side (Ft)	Rear Depth (Ft)	Height (Ft)	Coverage (%)	Coverage Structural (%)	Coverage Building (%)
Use as Permitted Table 4.2										
<u>DISTRICT R-A</u>										(11/17/03 Art. 16) (11/13/06 Art. 22)
Single-family Dwelling	18,000	50	100	20	15*	15*	35	30	N/A	20**
Conversion to a 2-family From Table 4.2	24,000 +6,000 for each additional family more than 2	50	100	20	15*	15*	35	30	N/A	20**
Permitted community facility and other structure or other principal use. (6/18/84 Art. 8)	18,000	50	100	20	15*	15*	35	30	N/A	20**
*Permitted accessory building	(may be constructed no closer than 3 feet to the side lines and/or rear lines of its lot if less than 15 feet in height and 75 feet in setback)							40 of rear yard		
*Portion of a main building less than 15 feet in height	(may extend no closer than 10 feet to side lines of its lot)									
**Pre-existing nonconforming lot. (11/13/06 Art. 22)	(The maximum building coverage shall not exceed 25% of the actual area of said lot or 3,600 sq. ft., whichever is less, in the event the subject lot is a lawful, preexisting, nonconforming lot containing less than 18,000 sq.ft.).									
<u>DISTRICT R-B</u>										
Single-family Dwelling	35,000	50	125	30	20*	30*	35	30	N/A	20
Conversion to a 2-family From Table 4.2	48,000 +8,000 for each additional family more than 2	50	125	30	20*	30*	35	30	N/A	20
Permitted community facility and other structure or other principal use. (6/18/84 Art. 8)	35,000	50	125	30	20*	20*	35	30	N/A	20
*Permitted accessory building	(may be constructed no closer than 6 feet to the side lines and/or rear lines of its lot if less than 15 feet in height and 100 feet in setback)							40 of rear yard		
*Portion of a main building less than 15 feet in height	(may extend no closer than 15 feet to side lines of its lot)									
<u>DISTRICT R-C</u>										
Single-family Dwelling	60,000	50	150	30	20*	30*	35	30	N/A	20
Conversion to a 2-family From Table 4.2	80,000 +10,000 for each additional family more than 2	50	150	30	20*	30*	35	30	N/A	20
Permitted community facility and other structure or other principal use. (6/18/84 Art. 8)	60,000	50	150	30	20*	30*	35	30	N/A	20
*Permitted accessory building	(may be constructed no closer than 6 feet to the side lines and/or rear lines of its lot if less than 15 feet in height and 100 feet in setback)							40 of rear yard		
**Portion of a main building less than 15 feet in height	(may extend no closer than 15 feet to side lines of its lot) (*4/4/92 Art. 39 Restriction removed)									

COHASSET ZONING BYLAWS

<u>USE</u>	<u>Minimum Required Lots</u>			<u>Minimum Yards</u>			<u>***Maximum Permitted</u>			
	<u>Area (Sqft)</u>	<u>Frontage (Ft)</u>	<u>Width (Ft)</u>	<u>Front (Ft)</u>	<u>Side (Ft)</u>	<u>Rear Depth (Ft)</u>	<u>Height (Ft)</u>	<u>Coverage (%)</u>	<u>Coverage Structural (%)</u>	<u>Coverage Building (%)</u>
Use as Permitted Table 4.2										
<u>ANY "R" DISTRICT</u>										
Funeral home, mortuary	40,000	200	200	30	20	50	35	30	N/A	20
Nursing, Convalescent home	40,000	200	200	30	20	50	35	30	N/A	20
<u>DISTRICT DB</u> (1/15/80 Art. 25)										
Any permitted structure or principal use (except dwellings for occupancy by more than 1 family)	5,000	50	50	15	10	15	35	80	N/A	
Dwelling for occupancy by more than one family** (**4/6/85 Art. 41 WB removed)	40,000 +4,000 for each additional family more than 2	20	20	15	10	15	35	25	N/A	
<u>DISTRICT WB</u>										
Any permitted structure or principal use	No Req.	20	20	15	10	15	35	80	N/A	
<u>DISTRICT VB</u>										
Any permitted structure or principal use (* See Section 5.4 Table of Area Regulations Notes Sub-section 1) (** See Section 5.4 Table of Area Regulations Notes Sub-section 15) (11/13/07 Article 4)	5,000	50	50	15*	10**	15**	35	80	N/A	
<u>DISTRICT HB</u>										
Any permitted structure or principal use	10,000	50	100	50*	20	20	35	60	25	
*Accessory sign in Highway Business District (15 feet from property line)										
Dwelling for occupancy by more than one family	88,000 +4,000 for each additional family more than 2	200	200	100	50	50	35	60	N/A	
<u>DISTRICT LI</u>										
Any permitted structure or principal use	80,000	200	200	50*	30	30	45	60	25	
*Accessory sign in Light Industry (15 feet from property line)										
<u>DISTRICT TB</u> (3/25/00 Art. 16)										
Any permitted structure or principal use	80,000	200	200	50	30	30	45	60	25	
<u>DISTRICT OS</u>										
Any structure	No Req.	No. Req.	No. Req.	30	20	30	35	No Req.	25	

*** Art. 39 4/4/92 Stories removed

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5.3.2.

- a. The amendment relating to a change in the table of area regulations of the Area DB shall not apply for a period of five years from its effective date to a lot for downtown business use, provided a plan for such lot was recorded or endorsed or a deed was duly recorded in the Norfolk Registry of Deeds and land conformed to the existing zoning requirements as of July 1, 1980, and had less area, frontage, width, yard, or depth requirements than the newly effective zoning requirements but contained no area requirements and twenty foot frontage; provided further that the provisions of this sentence shall not apply to more than three adjoining lots held in common ownership.
(4/5/80 Article 26 4/8/85 Article 41)
- b. The amendment relating to a change in the table of area regulations pertaining to Districts R-A, R-B, and R-C shall not apply to a lot in R-A, R-B, and R-C districts, provided a plan for such lot was recorded or endorsed or a deed was duly recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court, was improved by a residential dwelling, and conformed to the existing zoning requirements as of January 1, 1985, but had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements.
(4/8/85 Article 41)

5.4 TABLE OF AREA REGULATION NOTES

1. For structures in a DB, VB or WB district, the required side yard shall be a minimum of ten feet unless the wall adjoining a side lot line is a party wall or, for uses in the VB district, unless a side yard less than ten feet is specifically authorized by grant of a special permit by the special permit granting authority upon a finding that such reduced side yard is consistent with the necessary findings for issuance of a special permit set forth in Section 12.4.1.b of this bylaw.
(3/31/07 Article 14; 11/13/07 Article 4)
2. Side yard regulations in the DB or VB district and rear yard depth regulations in LI district shall not apply where said regulations apply to yards abutting a railroad right-of-way.
(3/31/07 Article 14)
3. In any district except for the HB or LI districts, an exception from setback requirements may be made for a building constructed as near to the line of any street as the average of the setbacks of the dwellings or other main buildings nearest thereto on either side of the building in question, unless such side building is more than two hundred feet from the building in question. In such case, the intervening space shall be considered as though occupied by a main building having the required setback (whether or not said space is laid out as a separate lot.)
4. Notwithstanding the foregoing, in an R-C district if:
 - a. a lot contains an area exceeding 120,000 square feet (exclusive of any part below mean high water); or,
 - b. lots adjacent to one or more said lots are owned by the same owners in an identical manner and contain an aggregated area exceeding 120,000 square feet (exclusive of any parts of said lots below mean high water),The requirement that each lot must contain at least 60,000 square feet is varied to the extent that so long as no lot or subdivided lot may contain less than 20,000 square feet if the average size of the areas of all the lots contained in a subdivision plan of said lot or of said adjacent lots, shall amount to at least 60,000 square feet (exclusive of ways and roads.)
(4/4/87 Article 32)
5. A basement or cellar, to be inhabited as a dwelling unit, must have the ceiling not less than five feet above the average elevation of the land immediately surrounding the building foundation wall.
6. This Sub-section was removed.
(11/13/07 Article 4)
7. In determining the maximum coverage as set forth in the table of area regulations, only that portion of the lot that may be dedicated to allowable uses shall be used in making that calculation. Not more than fifty percent of wetlands,

water areas, and slopes greater than forty-five degrees shall be used in determining maximum coverage. The maximum permitted coverage shall include, but not be limited to, all access roads and parking areas including reserve parking.

(4/6/91 Article 50)

8. Within the the highway business, technology business and light industry districts, along any street frontage a green strip not less than thirty-five (35) feet wide shall be maintained and landscaped with grass, trees and/or shrubs, not paved, except for driveways, not parked upon and not built upon except for signs.
(4/1/06 Article 14)
9. Within the highway business, technology business and light industry districts, no building or structure shall be built within one hundred feet of a residence district except where the zoning district boundary is in a street, in which case the setback shall be fifty feet.
(4/8/85 Article 36)
10. Within the highway business, technology business and light industry districts, there shall be maintained a green strip not less than thirty feet wide on which to grow grass, bushes, flowers, or trees and which shall be unbuilt upon, unused, unpaved, and not parked upon along any property line abutting land residentially zoned.
(4/8/85 Article 36)
11. Increased Density - Low Or Moderate Income Housing. The planning board shall have the power pursuant to Massachusetts General Laws, Chapter 40A, Section 9, to grant a special permit to allow an increase in the number of building lots in a subdivision or the number of dwelling units in a residential cluster district (RCDD) to an amount ten percent greater than that permitted by the table of area regulations; provided however, that as a condition of such grant, the developer of the subdivision or the RCDD shall be permitted to use such excess ten percent housing only as housing for persons of low or moderate income, and further provided that ten percent of the lots in the subdivision or ten percent of the dwelling units in the RCDD that would have been permitted by the table of area regulations shall also be used for housing for persons of low or moderate income.
(10/10/89 Article 23)
12. Maximum Floor Area. Notwithstanding anything to the contrary contained in this bylaw, no single structure which has a total gross floor area in excess of eighty thousand square feet on any story shall be permitted in any district.
(3/25/95 Article 64)
13. A Bed and Breakfast House shall be subject to the requirements set forth in the Table of Area Regulations applicable to a single family dwelling in the zoning district in which it is located. No addition or expansion of an existing dwelling shall be allowed in order to create additional Bed and Breakfast rooms in a Bed and Breakfast House.
(3/28/98 Article 27)
14. Landfill Height Limit: The vertical distance above the mean level of the ground within ten (10) feet of the horizontal limit of a landfill to the top surface of the landfill, including any final cap or covering material, shall not exceed forty-five feet.
(3/28/98 Article 20)
15. For structures in the VB district, the required front yard and rear yard shall meet the minimum yard requirements in Table 5.3.1 unless a reduced front yard and/or rear yard is specifically authorized by grant of a special permit by the special permit granting authority upon a finding that such reduced front and/or rear yard is consistent with the necessary findings for issuance of a special permit set forth in Section 12.4.1.b of this bylaw.
(11/13/07 Article 4)
16. In the VB district, the municipal parking lot on Assessor's map-parcels 18-004 and 18-014 shall be considered a street only for the purposes of providing frontage as required in table 5.3.1. and for no other purpose, provided that the length of the property line dividing the municipal parking lot from the parcel claiming frontage on said lot is at least equal to the minimum frontage required by table 5.3.1.
(11/13/07 Article 4)

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17. New buildings in the VB district shall be set back a minimum of thirty feet from a RA or RB district provided, however, that a lot located partially within the VB district shall be deemed to satisfy this requirement provided that all new buildings on the lot are set back a minimum of thirty feet from an adjacent lot within a RA or RB district.

(11/13/07 Article 4)

5.5 LARGE HOUSE PLAN REVIEW

(3/27/04 Article 7)

1. Notwithstanding the area requirements set forth in preceding subsections of this Section 5, and any variances obtained from same, the RGFA for any residential building or structure, in any residential district, to be constructed pursuant to a building permit issued on or after 2/18/04 either as new construction or as an alteration, expansion/extension/ enlargement, reconstruction or replacement of an existing residential building or structure, may not exceed the greater of 3,500 square feet or 10% of the area of the lot up to a maximum of 6,000 square feet, absent review as follows. This threshold does not nullify the applicability of any of the other area regulations set forth in Section 5 that may or may not have an impact upon the calculation of RGFA.
2. Where the RGFA exceeds these limits, the proposed work shall be submitted for a Large House Plan Review by the Planning Board. The Planning Board shall review and discuss the Large House Plan with the applicant and abutters, toward the objective of making the proposed plan harmonious with, and not harmful, injurious or objectionable to existing uses in the area.
3. A person applying for a Large House Plan Review shall file an application with the Planning Board, including copies of a site plan and a filing fee, as required by the Planning Board. The application and site plan shall include the elements to be reviewed by the Planning Board and shall also include such further information as the Planning Board shall reasonably require by rule or regulation. Not less than two permanent survey monuments shall be located on the property in question and shown on the plan, unless waived by the Planning Board. In subsequent applications concerning the same subject matter, the Planning Board may waive the filing of plans and documents to the extent they duplicate those previously filed. Copies of the rules and regulations concerning the Large House Plan Review shall be filed with the Town Clerk.
4.
 - a. The Planning Board shall hold a hearing within 35 days of the filing of an application with the Town Clerk for a Large House Plan Review with respect to a residential building or structure having an RGFA exceeding the threshold established by section 5.5.1.
 - b. The Planning Board shall, within one week of receipt of site plan application, transmit to appropriate town boards and departments, for review, one copy of the application and site plan.
 - c. Notice of such hearing shall be given to the applicant and all abutters in the manner called for in the Planning Board rules and regulations.
 - d. Within 21 days after the conclusion of the public hearing, the Planning Board shall inform the Building Inspector that the hearing has been completed and furnish the Building Inspector, in writing, with any recommendations, which are relevant to the issuance of the building permit.

SECTION 6: Sign Regulations

(3/6/67 Article 32

3/2/68 Article 29)

6.1 ADMINISTRATION

1. No sign (except a posting or an identification sign, not exceeding two square feet in area, or a political sign attached to a residence or in the front yard) shall be erected altered or relocated without a building permit. Permit review shall be confined to determining whether the sign conforms to this Bylaw. The Building inspector may require a drawing and other pertinent information before issuing a permit.
2. Removal of new signs: The building inspector shall order removal of any new signs which do not conform to this bylaw.
3. The building inspector shall order the removal of abandoned signs which shall be done by the owner or tenant of the establishment to which it designates. Penalties shall be enforced according to Section 6.1.5 of this bylaw.
4. All signs, whether erected before or after the effective date of this bylaw shall be maintained in a safe condition to the satisfaction of the building inspector.
5. Penalties: Whosoever violates any provision of this section or any lawful order of the building inspector shall be punished by a fine of \$100 per day, each day being a separate offense. Monies derived from such penalties shall be for use of the town.

6.2 SIGNS PERMITTED IN ALL DISTRICTS

1. Sheet Banners: Sheet banners or temporary signs advertising a public entertainment, charitable, religious, or educational event and on issuance of a permit by the building inspector, may be displayed in locations approved by the building inspector fourteen days prior to and seven days after the event.
2. Temporary Signs: A permit for a temporary accessory or business sign may be issued by the building inspector for thirty days and may be renewed for one additional thirty day period during any twelve month period.
(4/6/91 Art. 51)
3. Existing Signs: Any lawful sign existing before enactment of this bylaw may be continued, although such signs may not conform to this section. If there is an expiration of a special permit issued by the board of appeals after date of adoption of this bylaw, such sign must be made to conform to the provisions herein or be removed.

6.3 SIGNS PROHIBITED IN ALL DISTRICTS

1. Accessory signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located are prohibited. No such sign shall remain in place in or on vacated premises for more than thirty days from the day of vacancy. Penalties pursuant to Section 6.1.5, will be enforced thereafter.
2. Special promotional signs, pennants, streamers, ribbons, spinners, other moving devices, strings of lights or other similar devices are prohibited.
 - a. Strings of flags or pennants, streamers, ribbons, spinners or other moving devices are prohibited.
(4/6/91 Article 51)
 - b. In any business or light industry district, except for the period of time each year beginning with Thanksgiving and ending January 15 of the ensuing year, strings of lights or other similar devices are prohibited.
(4/6/91 Article 51)

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3. Signs which have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, and fluorescent, exposed gaseous tube type, and neon signs are prohibited. This applies whether sign is exterior to a building or designed to be visible through a door or window.
4. Signs illuminated by other than a stationary white or off-white steady light are prohibited. No illumination shall be permitted which casts glare into any portion of any street or residential premises.
5. Signs which are pasted or attached to a utility pole, tree, fence, or other signs or structures which are on or over public or private ways are prohibited except for legal posting of private property (e.g., no hunting, trespassing.)
6. Mechanically active signs are prohibited.
7. Signs painted directly on a wall, rock, tree, or pole are prohibited.
8. Movable or portable signs such as those used in connection with gas filling stations, automobile dealers, and garage activities are prohibited, except for the normal business signs that are permanently affixed to trucks or other commercial vehicles legally parked at a premises, provided that the vehicles are those of the owner or employee of the business conducted on the premises or are on the premises in the course of normal business activity.
(4/6/91 Article 51)
9. Signs which obstruct visibility in such a way as to constitute a hazard to safe traveling on a public way are prohibited.
10. No sign shall extend above the main roof line of the building to which it is fastened.
11. No nonconforming sign shall be altered unless such alteration makes it a conforming sign. Repainting and repair shall not be considered alterations.
12. No signs, other than residential signs, shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m., except that if a business or office is open to the public after 10:00 p.m., the sign may be illuminated until closing.
13.
 - a. Subject to subparagraph (b) hereof, no billboard or sign of a general advertising nature which does not pertain to a building, structure or use on the same premises as the location of such sign shall be permitted within the town.
(3/25/95 Article 62)
 - b. Churches, educational institutions, and other nonprofit organizations which abut public land may, with the written permission of the board of selectmen, erect a sign on such abutting public land so long as the sign otherwise complies with all provisions of this bylaw and describes thereon only the name of the educational institution or other nonprofit organization and its hours of operation or the name and denomination of a church and its hours of service.
(3/25/95 Article 62)
14. No sign, other than identifying accessory signs, shall be posted or affixed upon any public structure or public building, except as may be authorized or required by law.

6.4 REGULATIONS IN RESIDENTIAL DISTRICTS

Signs shall be permitted in residential districts which comply with the following regulations:

1. All signs shall be accessory signs except temporary and political signs.
2. Decorative devices shall be permitted.
3. No signs greater than two square feet in area shall be placed within fifteen feet of property lot line unless attached to a building, except signs pertaining to sale or lease of property.

4. No sign in a residential district shall exceed six (6) square feet, except for those in connection with municipal uses.
(3/28/98 Article 37)
5. Not more than two signs, each not more than six feet in area, indicating the home occupation or activity being lawfully conducted on the premises.
6. One unlighted temporary sign not over six square feet in area pertaining to the sale or lease or construction or repair of the premises.
7. Political signs posted by the owner or occupant of the property.
8. Nonaccessory signs are prohibited in residential districts, except as provided for in subsections 6.4.6 and 6.4.7
9. Any sign, the physical condition or appearance of which has substantially deteriorated, shall be removed.
(3/27/04 Article 9)

6.5 REGULATIONS IN BUSINESS AND LIGHT INDUSTRY DISTRICTS

Signs in business and light industry districts shall comply with the following requirements:

1. One accessory sign for each tenant, attached flat against the wall of a building, provided that such sign shall not exceed twenty-five square feet in area per tenant and total sign area shall not exceed ten percent of the area of the wall.
2. One other sign not over forty square feet in area for each multiple of two hundred feet of lot frontage on the principal street; one such sign shall be permitted on a lot having a frontage of less than two hundred feet.
3. One directory of the establishment occupying a building at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the premises.
4. All accessory signs in highway business and light industry districts shall be located not less than fifteen feet from the property line and are not to exceed twenty feet in height.
5. This section shall not apply to signs used exclusively for municipal or public transportation.
6. Unlighted directional signs not exceeding one square foot each in area pertaining to permitted building and uses of premises other than dwellings and their accessory uses.
7. In all business districts, each premise may display one unlettered cloth flag no larger than twenty square feet that may be extended over the sidewalk no closer than two feet from the curb line nor eight feet above the sidewalk. Lettered flags may be displayed only as temporary signs according to paragraph 6.2.2 of this zoning bylaw.
(4/6/91 Article 52 3/25/95 Article 60)

SECTION 7: Off-Street Parking And Loading Regulations

(See 10/7/57 Article 2 5/1/76 Article 39)

7.1 OFF-STREET PARKING, LOADING AND DRIVEWAY

In any district, except as otherwise provided in any overlay district, now existing or hereinafter adopted, if a structure is constructed or enlarged, or an existing use is enlarged or changed, or the dimensions of a lot are changed, off-street parking and loading spaces shall be provided in accordance with the following Table of Off-Street Parking Standards. (4/1/06 Article 18)

TABLE OF OFF-STREET PARKING STANDARDS

Use	Number of Parking Spaces Required Per Unit
A. Dwelling except dwelling in business district for more than one family.	Two spaces per unit.
B. Dwelling in business district other than the VB district for occupancy by more than one family. (11/13/07 Article 4)	1 1/2 space per unit on same or contiguous lot on common ownership subject to covenant to assure permanent use for off-street parking, as the board of appeals deems adequate.
C. Convalescent and nursing homes, hotels and motels, public housing, and other places with sleeping accommodations.	One space for each sleeping room for single or double occupancy, or where not divided into such rooms (as in a dormitory) one space for each two beds.
D. Hospitals and sanitariums.	One space for each sleeping room for single or double occupancy or where not divided into rooms (as in a dormitory) one space for each two beds.
C. & D. (above)	One space for each four employees on the largest shift.
E. Meeting hall, auditoriums, private clubs and lodges, funeral homes, restaurants that are part of a mixed use development, theaters, bowling alleys and other amusements, bus depots and other passenger terminals, other places of public assembly. (4/1/06 Article 14)	One space for each three seats, or where benches are used, one space for each six linear feet of bench, where no fixed seats are used (as in a terminal), one space per eighty square feet of public floor area; except in the Light Industry, Technology Business and Highway Business districts, for restaurants that are part of a mixed use development, one space per two hundred square feet of net floor area. (4/1/06 Article 14)
F. Libraries and museums, as well as civic, cultural and community facilities in the Light Industry, Technology Business and Highway Business districts. (4/1/06 Article 14)	One space per two hundred square feet of net floor area. (4/1/06 Article 14)

Use	Number of Parking Spaces Required Per Unit
<p>G Offices, stores, other business establishments, including retail businesses (whether service-oriented or otherwise), showrooms, consumer service establishments, public banks and other monetary institutions, automotive repair shops and service stations. <i>(4/1/06 Article 14)</i></p>	<p>One space for each one hundred square feet of net floor area, except one space for each two hundred square feet of net floor area in the Light Industry, Technology Business and Highway Business districts. <i>(4/1/06 Article 14)</i></p>
<p>H Warehouse, distribution plants, truck terminals, printing and publishing establishments, laboratories, power laundries, dry cleaning plants, manufacturing and processing plants, and other storage, manufacturing and industrial buildings.</p>	<p>One space for each five hundred square feet of gross floor area.</p>
<p>I Nursery schools, veterinary, hospitals, golf courses, farm stands, drive-ins, open air storage yards and sales lots, and for all other permitted or permissible uses.</p>	<p>Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as the case may be.</p>
<p>J Mixed uses.</p>	<p>Number of parking spaces shall be calculated separately for each use.</p>
<p>K Stores, offices and other lawful uses permitted pursuant to this zoning bylaw in the VB District in the vicinity of the municipal parking lot located on Assessor’s map-parcels 18-004 and 18-014 or on parcel 39-064. <i>(3/31/07 Article 14; 11/13/07 Article 4)</i></p>	<p>None, providing that the legal walking distance between the nearest designated parking space in said lot and the main pedestrian entrance of the store, office or other use does not exceed five hundred feet.</p>
<p>L Apartments permitted pursuant to this zoning bylaw in the VB District. <i>(11/13/07 Article 4)</i></p>	<p>One space per unit unless the apartments are proposed within that portion of a building existing on 1/5/55 or unless a reduced number is specifically authorized within the final action of the special permit granting authority upon a finding that one space per unit is not necessary for public safety and convenience, that the creation on on-site parking spaces is incompatible with approved design guidelines or that adequate provision for parking has otherwise been proposed. <i>(11/13/07 Article 4)</i></p>

7.2 GENERAL PARKING AND LOADING REGULATIONS

1. Accessory parking or loading spaces that are maintained in any district in connection with an existing use on the effective date of this bylaw shall hereafter be maintained so long as the use continues, unless an equivalent number of parking or loading spaces is constructed elsewhere conforming to the requirements of these regulations.
2. When units of measurements that determine the number of required parking or loading spaces result in a requirement of a fractional space, a fraction over one-half shall require one parking or loading space.
3. The required parking spaces for all uses except dwellings in business district for occupancy by more than one family shall be provided either on the same premises with the parking generator, or on any premises associated therewith. The walking distance between the farthest point of the parking areas and the main pedestrian entrance to the building or use in question shall not exceed five hundred feet, except that in the case of parking space for employees

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only, the distance may be increased to one thousand feet. Such walking distance shall be only over land owned or controlled by the parking generator or over a public way. When the required parking spaces are not immediately adjacent to the parking generator, directional signs to the parking spaces must be posted. Such signs shall conform with Section 6.

4. Where required parking spaces are provided not adjacent to the lot on which the use or structure they are intended to serve is located, such spaces shall be in the same ownership as the property occupied by the use or structure to which the parking spaces are accessory. If both the structure and the parking area are leased, the period of time of the parking area lease shall be the same as the structure lease.
5. When loading spaces are necessary, they shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this bylaw.
6. Parking spaces for one use shall not be considered as providing the required parking facilities for any other use, except as otherwise provided in any overlay district, now existing or hereinafter adopted or except as authorized by the board of appeals where it is clearly demonstrated that the need for parking occurs at different times.
(4/1/06 Article 18)
7. All parking and loading spaces required under this bylaw shall be built and must be inspected by the building inspector. No occupancy permits shall be granted until said parking and loading facilities have been approved by the building inspector.
8. Parking space shall be deemed inadequate if, when the off-street parking area is substantially full, there is frequent parking on the street near the premises in question.
9. All parking spaces and aisles shall be designed in accordance with the chart in Section 7 of this bylaw.
10. Notwithstanding anything to the contrary herein contained, in any district other than the Light Industry, Technology Business and Highway Business districts (which districts are specifically excluded from application of this Section 7.2.10), contingent upon adequate space being provided and dedicated by a recordable covenant to the exclusive use of parking, not more than thirty-three percent of the required parking space may remain undeveloped or set aside as a green area at the sole discretion of the planning board as a part of a site plan review until such time as at its sole discretion the planning board may require that all or part of the undeveloped parking area be surfaced and lined as parking spaces.
(4/8/85 Article 39; 4/1/06 Article 14; 4/1/06 Article 18)
11. In addition to all other requirements contained in the Section 7, automobile dealers engaged in the sale at retail or wholesale of new and used cars shall devote not less and twenty percent of the required parking spaces to customer parking.
(4/7/86 Article 42)
12. A Bed and Breakfast Establishment shall have one parking space for each sleeping room for single or double occupancy. A Bed and Breakfast House shall be subject to the same parking requirements where applicable to the existing single family dwelling.
(3/28/98 Article 27)
13. Except for common driveways which (a) meet the required standards as set forth in the Planning Board's Rules and Regulations, or (b) satisfy all conditions imposed by the Planning Board in cases where such common driveways do not meet the required standards, no Driveway Legal Service shall be located nearer to any side or rear lot line than either five feet or the permitted setback distance for a main or accessory building whichever distance is lesser.
(3/31/01 Article 25)
14. Accessory parking spaces that are maintained in existence within the village business (VB) district as of the date of adoption of Section 18 of this bylaw shall be maintained in connection with an existing use as of said date, and shall be subject to Section 7.2.1. unless otherwise authorized by the special permit granting authority upon a

finding that the maintenance of said spaces is not necessary for public safety or that adequate provision for parking has otherwise been proposed.

(11/13/07 Article 4)

7.3 PARKING AND LOADING SPACE STANDARDS

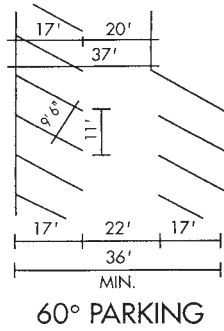
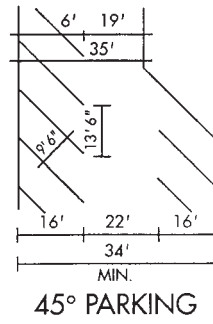
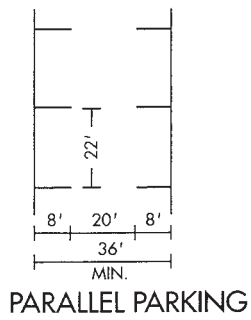
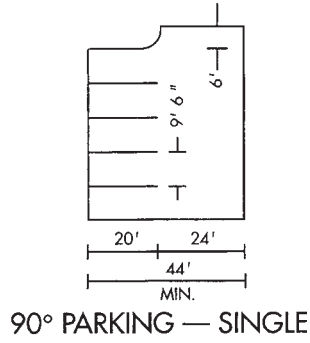
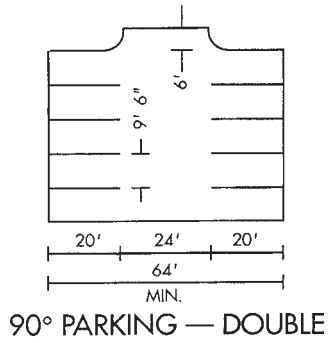
1. All parking or loading areas containing over five spaces shall be subject to the following:
 - a. Within a residential district such parking areas shall be placed at least twenty-five feet from all street and lot lines.
 - b. Within a residential district, such area shall be effectively screened wherever visible at normal eye level from any point within fifty feet of the lot line on an abutting lot also in a residential district.
 - c. The area and access driveways thereto shall be surfaced with a durable and dustless material and shall be constructed so that all surface water drains rapidly to a planning board approved system.
 - d. Any fixture used to illuminate an area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

2. Any parking area shall also be subject to the following:
 - a. There shall be no vehicle parking or loading spaces within five feet of any front, side, or rear lot line.
 - b. There shall be no vehicle repair facilities, or storage of materials or equipment within parking areas.
 - c. Parking shall not be located within the required front yard area in any "R" district. However, access driveways may be located within the required front yard areas.
 - d. Parking and loading spaces shall be arranged so as not to require backing of vehicles onto any street.

3. Any nonresidential driveway shall be subject to the following:
 - a. No portion of any entrance or exit driveway to the area shall be closer than 150 feet to the centerline of a street intersecting the street servicing the entrance or driveway. No more than two driveways shall serve one area.
 - b. No point of any two driveways leading from a street to a single area shall be within fifty feet of each other at their intersections with the front lot line.
 - c. No entrance or exit driveway shall exceed twenty-four feet in width except for a suitable radius of curvature at the entrances.
(4/7/86 Article 41)

4. Common driveways servicing three or more lots may be permitted by majority vote of the planning board if it is clearly demonstrated that improved use of the land, protection of wetlands, or similar public purposes are served. In approving a common driveway and setting conditions thereon, the planning board shall consider the character and intensity of the uses to be served by the proposed driveway, the traffic safety, ease of access at street and highway entrances and intersections, as well as the safety and access to the uses served. For the purpose of this section, the planning board shall, after a public hearing, adopt reasonable rules and regulations for the construction of common driveways, and shall amend such regulations in the same manner. The planning board may adopt differing standards for various classes of driveway uses, provided that the standards to be required of the highest class of use may be equal to but not greater than that required for a comparable subdivision roadway as defined by Chapter 41, Massachusetts General Laws.
(4/5/80 Article 29)

PARKING REQUIREMENTS DIAGRAMS



PARKING REQUIREMENTS

PARKING REQUIREMENT

- 90° Parking - Double
- 90° Parking - Single
- Parallel Parking
- 45° Parking
- 60° Parking

SECTION 8: Nonconforming Uses, Structures, and Lots

(See 11/7/55 SS2 3/7/64 Article 38 12/2/69 SS2)

8.1 APPLICATION OF NONCONFORMITY

The provisions of this section shall apply to all districts as established by the bylaw and as amended. The planning board shall be the special permit granting authority under this section in the VB district and the board of appeals shall be the special permit granting authority under this section in all other districts.

(3/29/08 Article 16)

8.2 BUILDINGS AND USES ALREADY IN EXISTENCE

1. Any lawful building, structure, or use lawfully existing or lawfully begun or authorized under any special permit or building permit issued before the first publication of notice of the public hearing on this bylaw, that does not conform to the provisions hereof, may be continued without expansion unless and until abandoned. When abandoned, all future structures and uses shall conform to this bylaw.
2. Construction or operations authorized under such a pre-notice building or special permit shall conform to this bylaw unless the use or construction is commenced within six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.3 SINGLE LOT EXEMPTION

Notwithstanding the lot regulations hereof, a detached one-family dwelling or other lawful building may be constructed on a lot having less than the required area, width, depth, and/or frontage (provided that all other provisions of this bylaw are complied with) if:

1. Such lot is exempted from such requirements by Chapter 40A, Section 6, of the General Laws of the Commonwealth; or,
2. Such lot, on or before the effective date of the requirements in question:
 - a. Was lawfully laid out by a plan or deed duly recorded in the Norfolk Registry of Deeds, or registered in the Registry District of the Land Court;
 - b. Was in conformity with the area, width, and frontage provisions of the zoning bylaw, if any, applicable to the construction of such a dwelling or other building on said lot at the time of such registration or recording; and,
 - c. Was, on said effective date, held in ownership separate from that of adjoining land, or if held in ownership the same as that of adjoining land, had an area of not less than: a. 9,000 square feet in R-A district; b. 15,000 square feet in R-B district; c. 20,000 square feet in R-C district; or,
3. Such lot was shown on a definitive subdivision plan duly approved by the Cohasset Planning Board and was in conformity with the area, width, and frontage provisions of the zoning bylaw applicable at the time of such approval to the construction of such a dwelling or other building on said lot.

8.4 DEFINITIVE PLAN EXEMPTION

If a definitive plan or a preliminary plan followed within seven months with a definitive plan is submitted to the planning board for approval under the subdivision control law, the land shown on such plan shall be governed by the zoning bylaw in effect at the time of submission while such plan is being processed, and if such plan is finally approved, for eight years from the date of endorsement of such approval, except in the case where such plan was submitted or submitted and approved before January 1, 1976, for seven years from the date of endorsement of such approval.

(See A.G approval 5/19/93; 3/27/93 Article 24)

8.5 SUBDIVISION APPROVAL NOT REQUIRED EXEMPTION

When a plan referred to Section 81P of Chapter 41 has been submitted to the planning board and written notice of such submission has been given to the town clerk, the use of the land shown on such plan shall be governed by applicable provisions of the zoning bylaw in effect at the time of submission of such plan while such plan is being processed under the subdivision control law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period three years from the date of endorsement by the planning board that approval under the subdivision control law is not required or words of similar import.

8.6 EFFECTIVE DATE

For the purpose of this Section 8, the “effective date” of the lot area regulations established by the zoning bylaw first adopted, shall be July 1, 1955, and the “effective date” of any lot area regulations subsequently established shall be the date of notice of the hearing before the planning board on the amendment in question, according to Chapter 40A of the General Laws of the Commonwealth as amended.

8.7 EXTENSION AND ALTERATION

1. An existing nonconforming building or structure may be extended, altered, or enlarged so long as the extension, alteration, or enlargement complies in all respects with the Area Regulations as set forth in Section 5.3.1 and, *(10/26/87 Article 2)*

2. The special permit granting authority may authorize by special permit extension of nonconforming use of a building, structure, or land; or structural alteration or enlargement of a nonconforming building, provided that the special permit granting authority finds that such extension, alteration, or enlargement: *(3/29/08 Article 16)*
 - a. Shall not be substantially more detrimental than the existing nonconforming use to the neighborhood; and,
 - b. Shall not be injurious or dangerous to the public health or hazardous because of traffic congestion or other reason.

8.8 CHANGE OF NONCONFORMING USE

The special permit granting authority may authorize by special permit a nonconforming use of a building, structure, or land, to be changed to a specific use not substantially different in character (or in its effect on the vicinity) provided that it finds that such change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. *(3/29/08 Article 16)*

8.9 RESTORATION OF NON-CONFORMING BUILDINGS

A building or structure devoted to nonconforming use (whether in whole or in part) and a building or structure nonconforming in height, setback, yards, or other provisions, may, if damaged, destroyed, or razed, be repaired or reconstructed within the same portion of the lot, the exterior dimensions of any vertical section of which does not exceed that of the original building, and used as before, provided that such repair or reconstruction does not increase its nonconformity and is substantially completed within three years with respect to buildings and structures for residential use and two years with respect to building and structures for business use, of the date of damage, destruction, or razing. In any business or light industry district, Section 12.6.1 shall apply to any such repair or reconstruction. *(10/10/89 Article 22)*

8.10 TEMPORARY STRUCTURE

In any business district the special permit granting authority may authorize by special permit a temporary building or structure not in conformity with the provisions of this bylaw provided that such permit will not be detrimental or injurious to persons, property, or improvements in the vicinity and the town. Such authorization shall not be for more than one year nor be extended. *(3/29/08 Article 16)*

SECTION 9: Special Flood Plain and Watershed Protection District

(See 12/2/69 SS1A 3/7/72 Article 37 5/5/75 Article 35)

9.1 PURPOSES

1. To protect persons and property from the hazards of flood and pollution.
2. To protect, preserve, and maintain the water table and water recharge areas within the town so as to preserve and protect the water supplies of the town and adjacent towns.
3. To assure the continuation of the natural flow patterns of the watercourses within the town in order to provide adequate and safe water storage and runoff capacity.

9.2 LOCATION

The Flood Plain and Watershed Protection District boundaries are shown on the Flood Insurance Rate Map (such map, hereinafter, the "FIRM"), as Zones A, A1-30, and VI-30 to indicate the 100 year flood plain. The exact boundaries of such Flood Plain and Watershed Projected District are defined by the 100 year water surface elevations shown on the FIRM, as further defined by the flood profiles contained in the flood insurance study dated January 15, 1986, as revised through September 29, 1986, and entitled "Flood Insurance Study - Town of Cohasset, Massachusetts, Norfolk County", prepared by the Federal Emergency Management Agency (hereinafter called the "Flood Insurance Study"). The floodway boundaries are delineated on the Cohasset Flood Boundary Map ("FBFM") dated January 15, 1986, as revised through July 2, 1992, and further defined by the floodway data tables contained in the Flood Insurance Study. The FIRM, the FBFM, and the Flood Insurance Study are on file with the offices of the town clerk, planning board, building inspector, and board of selectmen.

(6/24/86 Article 39; 4/1/06 Article 18)

9.3 RELATION TO DISTRICTS

For the purpose of this bylaw the flood plain and watershed protection district shall be considered as superimposed on the other districts shown on the zoning map and any building, structure, use, or land included within the flood plain and watershed protection shall also be deemed to be within the particular district or districts in which it is located, as shown on the zoning map, and shall be subject to all the restrictions and regulations of said particular district or districts in addition to those set forth in this section.

9.4 BOUNDARIES

The location of the boundary lines of the flood plain and watershed protection district as shown on the flood plain and watershed protection map shall be determined in the same manner as hereinbefore set forth in Section 3.3 for determining the location of boundary lines of the districts shown on the zoning map.

9.5 ALLOWED USES

In the flood plain and watershed protection district the following uses are permitted as a matter of right:

1. Conservation of soil water, plants, and wildlife (including wildlife shelters.)
2. Proper operation and maintenance of dams and other water control devices for public water supplies, agricultural, recreational, flood control, or maintenance purposes, or for the propagation of fish or shellfish.
3. Outdoor recreation including, but not necessarily limited to: boating, golfing, fishing, hunting, nature study, and bicycle and horseback riding (including establishment and maintenance of paths therefor.)

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4. Fishing, shellfishing, forestry, grazing, farming, gardening, nurseries, truck-gardening, and harvesting of crops including, but not limited to, such crops as cranberries, marsh hay, seaweed, sea moss, berries, fruits, and seeds.
5. Salt marsh ditch maintenance under governmental authority for mosquito control.
6. The creation, construction, alteration, enlargement, maintenance and proper use of dams, reservoirs, water control structures, remedial replacement septic systems of the same capacity as any pre-existing septic systems on the same lot or parcel, water treatment storage, pumping and transmission facilities together with appropriate incidental structures, offices, and buildings and works for public water supply purposes and under the control and management of any federal, state, or municipal agency, all as may be permitted by general or special laws of the Commonwealth of Massachusetts and notwithstanding the fact that any of the same may temporarily or permanently alter (1) the water level, (2) the nature of flood storage capacity, and (3) the natural flow of water within the district.
(1/19/76 Article 4 3/25/00 Article 31)
7. Public parks and incidental recreation uses.
(1/19/76 Article 4)
8. Soil observation tests, percolation test, and other such tests, provided site is restored to original conditions.

9.6 SPECIAL PERMIT REQUIRED

(3/7/64 Article 20; 1/19/76 Article 4)

1. In a flood plain and watershed protection district, no building or structure shall be constructed, used, erected, altered, or otherwise placed or moved for any purpose, and no land shall be filled, excavated, or otherwise changed in grade, except as permitted by Section 9.5 Allowed Uses, or pursuant to special permit therefore issued by the board of appeals as hereinafter provided.
2. Any application for such special permit shall be submitted to the board of appeals. The application, except as hereinafter provided shall be accompanied by a plan of the premises in question, submitted in quadruplicate showing:
 - a. the boundaries and dimensions of the lot;
 - b. the location, dimensions, and elevations of existing and proposed structures, buildings, driveways, sewage disposal systems, and watercourses thereon;
 - c. the existing contours of the land at one foot intervals referred to mean sea level datum certified by a registered professional engineer or land surveyor and any proposed changes therefrom; and,
 - d. such other information as is deemed necessary by the board of appeals to indicate the complete physical characteristics of the proposed construction and/or grading. The board of appeals, upon written request prior to the submission of an application, may then or thereafter waive or modify the specifications for the plan which accompanies an application, provided that the plan as proposed in such request or accepted by the board contains sufficient information to indicate the complete physical characteristics of the proposed construction and/or grading.

9.7 SPECIAL PERMIT USES

In the flood plain and watershed protection district the board of appeals may authorize by special permit, subject to such conditions as it may impose under Section 9.9 of this section, the following uses or structures:

1. Footbridges and plank walks so long as the walking surfaces do not exceed eighteen inches in width.
2. Public sewer facilities and public solid waste disposal areas, including structures incidental to said facilities.
(1/19/76 Article 4)
3. Temporary storage of materials and/or equipment for a period or periods not to exceed ninety days in each instance.

4. Dams, excavations, or changes in watercourses to create ponds, pools, or private reservoirs for agriculture fishing, wildlife, or recreational uses, drainage improvements and flood control, not otherwise permitted as a matter of right.
(1/19/76 Article 40)
5. Nonresidential structures incidental to any of the uses allowed under Section 9.5 of this section, provided, however, that the same do not exceed twenty feet in height or two hundred square feet in total ground coverage and that the water quality or natural drainage pattern of any watercourse is not adversely affected thereby.
6. The construction and maintenance of a driveway of minimum legal and practical width where alternative means of access from a public way are unavailable;
7. The installation and maintenance of underground utilities provided the area affected is restored substantially to its original condition; and,
8. Any other construction, movement, or placement of a building or structure, filling, excavation, or changing in grade, provided that it is shown by affirmative evidence that:
 - a. The proposed structure or use is not subject to damage by flooding or waves, nor is the land unsuitable for the proposed structure or use because of drainage conditions;
(3/31/01 Article 24)
 - b. The land if subject to tidal action or adjacent to tidal waters, is ten feet above mean sea level;
 - c. The proposed construction, use and/or change in grade will not obstruct or divert flood flow or reduce natural flood storage capacity to the extent of substantially raising the high water level in the same or adjoining districts;
 - d. The proposed system of drainage and/or private sewage disposal will not cause pollution or otherwise endanger property or the public health; and,
 - e. The proposed use of the land does not derogate substantially from the purposes of the flood plain and watershed protection district as set forth above or the purposes of this bylaw.

9.8 REFERENCE TO OTHER BOARDS

Within seven days after receipt of the application for a special permit under this section the board of appeals shall transmit copies thereof, together with copies of the accompanying plans to the board of health, the planning board, and the conservation commission. All such boards shall investigate the application and report in writing their recommendations to the board of appeals. The board of appeals shall not take final action on such application until it has received a report thereon from the board of health, planning board, and the conservation commission or until said boards have allowed thirty-five days to elapse after receipt of such application without submission of a report.

(3/7/64 Article 20)

9.9 CONDITIONS OF PERMIT

In granting a special permit under this section, the board of appeals shall impose conditions specially designed to safeguard the property, health, and safety of occupants of the premises and of other land, and to insure conformity with the purposes of this section and this bylaw, which may include conditions as to:

1. placement of building or structure,
2. type of foundation,
3. elevation of floors,
4. method of anchoring building to foundations,
5. design of drainage system and private sewage disposal system,

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6. area and depth of any excavation,
7. area, depth, and composition of any fill,
8. occupancy of building, and
9. certification of performance by a registered professional engineer or land surveyor.

9.10 LOT AREA REQUIREMENT

Where any portion of a lot lies within the flood plain and watershed protection district, that portion may be used to satisfy the area and frontage requirements for the district in which the lot is situated provided; however, (a) that areas greater than five feet in breadth which are covered by water or subject to tidal flow shall not be included to satisfy said area or frontage requirements, and (b) that areas covered by water in any part of a year shall not comprise more than fifteen percent of the required lot area.

9.11 EXTENSION, ENLARGEMENTS, RESTORATION OR ALTERATIONS OF NONCONFORMING BUILDING OR USE-RESTORATION OF NONCONFORMING BUILDING

In the flood plain and watershed protection district the board of appeals may authorize by special permit an extension, enlargement, restoration, or alteration of a nonconforming use of a building, structure, or land, provided:

1. That the restrictions and regulations contained in this Section 9 shall apply in addition to the provisions of Section 8.6 and 8.8; and,
2. That the ground area coverage of any building or structure in the lot as of the effective date of this Section 9 is not increased by more than 300 square feet or twenty percent, whichever is greater, by any alterations or enlargements.

9.12 GENERAL PROVISIONS RELATING TO THE FLOOD PLAIN DISTRICT

(6/24/86 Article 39)

1. In any area outside of the flood plain as shown on the flood plain and watershed protection map within Zone A, where the 100 year flood elevation is not provided on the FIRM, the applicant for a special permit shall obtain any existing flood elevation data and it shall be reviewed by the conservation commission and the building inspector. If the data is sufficiently detailed and accurate in the opinion of the conservation commission and the building inspector, it shall be relied upon to require compliance with this bylaw and the state building code.
2. All development, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Massachusetts General Laws, Chapter 131, Section 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in a flood plain.
3. All encroachments in floodways, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant for a special permit demonstrating that such encroachment shall not result in any increase of flood levels during the occurrence of the 100 year flood.
4. Within the areas designated as coastal high hazard areas (Zone V) within the flood plain district, all new construction shall be located landward of the reach of the mean high tide.

SECTION 10: RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT

(4/4/81 Article 26)

10.1 DEFINITIONS

Cluster Development: An option which permits an applicant to build single-family (and multifamily) dwellings with reduced lot area and frontage requirements so as to create a development in which the buildings and accessory uses are clustered together into one or more groups with adjacent common open land.

Homes Association: A corporation or trust owned or to be owned by the owners of lots or residential units within a tract approved for cluster development, which holds the title to open land and which is responsible for the costs and maintenance of said open land and any other facilities to be held in common.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a residential cluster development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of the residential cluster development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the residential cluster development, but shall not include streets or parking areas except those incidental to open space uses.

Wetlands: Area characterized by vegetation described in General Laws, Chapter 131, Section 40.

Multifamily: (For the purpose of this section only.) Attached dwelling units or buildings designed for or occupied by two or more families.

10.2 PURPOSE

In addition to purposes set out in General Laws, Chapter 40A and the local zoning, the planning board may grant a special permit for cluster development in the residence B and residence C districts upon the following terms and conditions:

1. To encourage the more efficient use of land in harmony with its natural features;
2. To encourage creativity in the design of developments through a carefully controlled process;
3. To encourage a less sprawling form of development, a shorter network of streets and utilities, more economical development of land with less consumption of open space;
4. To permanently preserve natural topography and wooded areas within development areas and to preserve usable open space and recreation facilities close to homes;
5. To provide an efficient procedure to ensure appropriate high quality design and site planning to enhance the neighborhoods in which they occur and to the town as a whole;
6. To promote diverse and energy efficient housing at a variety of costs.

10.3 PROCEDURES

1. Filing of Application

Each application for a special permit to cluster shall be filed with the planning board, with a copy filed forthwith with the town clerk, and shall be accompanied by eight copies of a preliminary plan of the entire tract under consideration, prepared by a professional architect, engineer, and landscape architect.

2. Contents of Application

Said application and plan shall be prepared in accordance with requirements for a preliminary subdivision plan in the rules and regulations of the planning board governing subdivision of land, whether or not the development constitutes a subdivision, and shall include proposed location, bulk, and height of all proposed buildings. In addition, the applicant shall provide the following information:

- a. The number dwellings which could be constructed under this bylaw by means of a conventional development plan, considering the whole tract, exclusive of waterbodies and land prohibited from development by legally enforceable restrictions, easements, or covenants. (Note: if areas such as wetlands, flood plains, or steep slopes are not counted in figuring the number of permissible units, the applicant should be required to exclude those areas in making his calculations.)
- b. An analysis of the site, including wetlands, slopes, soil conditions, areas within the on hundred year flood, trees over eight inches diameter, and such other natural features as the planning board may request.
- c. A summary of the environment concerns relating to the proposed plan.
- d. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
- e. Evaluation of the open land proposed within the cluster, with respect to size, shape, location, natural resource value and accessibility by residents of the town or of the cluster.
- f. Design characteristics shall be stated in the application and shall include, but not be limited to, building material, architectural design, streets, site and building landscaping.

3. Review of Other Boards

Before acting upon the application, the board shall submit it with the plan to the following boards, which may review it jointly or separately: The board of health, the design review board, the conservation commission, and other boards the planning board may deem appropriate. Any such board or agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the planning board. Failure to make recommendations within twenty days of receipt shall be deemed lack of opposition.

4. Definitive Residential Cluster Development Plans

After the opportunity for review by other boards has taken place, the applicant shall submit to the planning board in accordance with Chapter 41 Section 81K-gg, eight definitive plans and other plans heretofore mentioned within ten days of the expiration of the previous twenty days as set forth in Section 10.3.3.

5. Public Hearing

The planning board shall hold a hearing under this section, in conformity with the provisions of General Laws, Chapter 40A, Section 9 and of the zoning bylaw and regulations of the planning board. The hearing shall be held within sixty-five days after filing of the application and preliminary plans with the board and the clerk. Notice shall be given by publication and posting and by first-class mailings to "parties in interest" as defined in General Laws, Chapter 40A, Section 11. The decision of the board, and any extension, modification, or renewal thereof, shall be filed with the board and clerk within ninety days following the closing of the public hearing. Failure of the board to act within ninety days shall be deemed a grant of the permit applied for. Issuance of the permit requires a two-third vote of all members of boards over five members, four members of a five member board, and unanimous vote of a three-member board.

6. Relation to Subdivision Control Act

A special permit issued hereunder by the planning board shall not be a substitute for compliance with the planning board rules and regulations or the subdivision control act. The planning board, by granting a special permit is not obliged to approve any definitive plan nor reduce any time periods for the board's consideration under the subdivision control act. However, in order to facilitate processing, the planning board may accept a combined plan and application which shall satisfy this section, the planning board rules and regulations, and the Subdivision Control Act.

10.4 USES

The permitted uses in the residential cluster development may include single-family homes on separate lots and or multiple family homes together with open space.

10.5 MINIMUM DIMENSIONAL REQUIREMENTS

1. The area of the tract to be developed shall not be less than ten acres in a residence B or residence C district.
2. Every building shall be limited to thirty-five feet in height.
3. Minimum width of open land between any group of lots and adjacent property shall be thirty feet and between each group of clustered buildings shall be thirty feet.

10.6 LOTS

1. The number of building lots and/or the number of buildings to be constructed within may not exceed the number of building lots of said parcel under this bylaw. The applicant shall furnish plans to identify the number of lots which could be created on said parcel under this bylaw without such permit.
2. Each building lot shall contain a site which, subject to approval by the board of health, may be suitable for an on-site septic disposal system, or has adequate provision for sewerage.
3. Each lot shall be of a size and shape as shall provide a building site which shall be in harmony with the natural terrain and other features of the tract.
4. The front, side, and rear yards of each lot shall be shown on said plan by dashed lines indicating the area within which a building may be built.
5. If the tract falls within two zones, the area requirement for the larger zone shall be used.

10.7 DESIGN STANDARDS

1. The housing shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of natural features and amenities of the site and the surrounding areas.
2. The housing shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
3. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and roadways.
4. Individual buildings shall be related but not identical to each other in design, mass, material, placement, and connection to provide a visually and physically integrated development. Rigidity in design shall be avoided by variation in building locations, landscaping, structural coverage, building materials, floor area, and cost.
(4/4/87 Article 20)
5. Treatment of the sides and rear of all buildings within the development shall be comparable in amenities and appearance to the treatment given to street frontage of these same buildings.
6. All buildings shall be arranged so as to preserve visual and audible privacy between adjacent buildings.
7. Multifamily dwelling units cannot exceed thirty percent of the units in a residential cluster development.
8. The architectural theme of a multifamily dwelling shall be carried out by use of compatible building materials, color, exterior detailing, bulk, and/or roof lines. Rigidity in design shall be avoided by variations in building, location, planting, lot coverage, and building materials.

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9. No dwelling unit in any building of two or more dwelling units shall be designed, constructed, or altered to have more than two bedrooms. For the purposes of this provision, each room in excess of four rooms, exclusive of bathrooms, closets, or other small service rooms of less than forty-eight square feet, shall be considered a bedroom.

10.8 LANDSCAPE DESIGN STANDARDS

1. A maximum of twenty-five percent of the planned residential cluster development may be covered by impervious waterproof surface.
(4/8/85 Article 33)
2. Whenever appropriate, existing trees and vegetation shall be preserved and integrated into the landscape design plan.
3. Whenever possible, the existing terrain shall be preserved and earth moving shall be kept to a minimum.
4. For active recreation areas, the planning board may require a buffer zone of a minimum of fifty feet, where said active recreation area adjoins land not part of the cluster residential area.
5. Suitable indigenous shrubs and other plant material may be used for screening. Lands used for buffer may be maintained as common open space or as private open space subject to a deed restriction.

10.9 PARKING AND CIRCULATION DESIGN STANDARDS

1. There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, and off-street parking.
2. Off-street parking shall conform to the provision of Section 7 of the bylaw.
3. Parking facilities shall be designed with careful regard to arrangement, topography, landscaping, ease of access and shall be developed as an integral part of an overall site design.

10.10 COMMON OPEN SPACE

1. Provision shall be made so that at least forty-five percent of the land area shall be open land, and that the open land shall include all land not dedicated to parking, roads, or lots.
(4/8/85 Article 33)
2. Areas which are considered by the planning board as marginal or unsuitable for building, such as flood plains, inaccessible wetland and water areas, steep slopes, highly erodible or poorly drained areas, areas of very shallow bedrock, or of very high water table shall be included in the permanent open space; but no more than twenty-five percent of the required open space shall consist of such marginal or unbuildable areas.
(4 /8/85 Article 33)
3. Open spaces may be utilized as natural courses for disposal for storm drainage on the site. No conditions shall be allowed which are likely to cause erosion or flooding of any structures.
4. Such open space may be in one or more parcels of a size and shape appropriate for its intended use as determined by the planning board and shall be within easy access to all residents of the residential cluster development.

10.11 OWNERSHIP

1. The open land, and such other facilities as may be held in common shall be conveyed in one of the following manners, as determined by the planning board.
2. (In general, valuable natural resource land such as wetlands not suitable for any public use, or suitable for extensive public recreational use, should be conveyed to the town or to a trust; whereas land which will be principally used by the residents of the cluster should be conveyed to a homeowner's association.)

- a. To a corporation or trust comprising a homeowner's association whose membership includes the owners of all lots or units contained in the tract. The developer shall include in the deed to owners of individual lots beneficial rights in said open land, and shall grant a conservation restriction to the Town of Cohasset over such land pursuant to Massachusetts General Laws, Chapter 184, Section 31-33, to insure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the town through its conservation commission in any proceeding authorized by Section 33 of Chapter 184 of the Massachusetts General Laws. In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homeowner's association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Norfolk Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:
 - (1). Mandatory membership in an established home association as a requirement of ownership of any lot in the tract;
 - (2). Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the homes association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homes association or the owner of any lot;
 - (3). Provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law.
 - b. To a nonprofit organization, the principal purpose of which is the conservation of open space. The developer or charity shall grant a conservation restriction as set out in (a) above.
 - c. To the conservation commission of the town for park or open space use, subject to the approval of the selectmen, with a trust clause insuring that it be maintained as open space.
3. Subject to the above, the open space may be used for recreational purposes including golf courses, riding trails, tennis courts, gardens, and swimming pools. The board may permit open land owned by a homeowner's association to be used for individual septic systems, or for communal septic systems if it and the board of health are convinced that proper legal safeguards exist for proper management of a communally owned system.
 4. Common open space and driveways shall be owned and maintained by the homeowner's association.

10.12 FURTHER REQUIREMENTS

1. No use other than residential or recreational shall be permitted, except that the planning board may authorize the use of a single unit at any one time as a model exclusively for the subject development and not as a sales unit.
(4/8/85 Article 33)
2. No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown upon the plan.
3. No certificate of occupancy shall be issued by the building inspector until he has certified to the planning board that the premises have been built in accordance with the plan approved by the board hereunder.
4. The planning board may impose other conditions, safeguards, limitations on time and use pursuant to its regulations.
5. The planning board may grant a special permit hereunder for clustering if the developer conforms to the subdivision control law.
6. Except insofar as the subdivision is given five years protection under General Laws, Chapter 40A, Section 6, the special permits granted under this section shall lapse within two years excluding time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use has not sooner commenced or if construction has not begun, except that the planning board may grant an extension for good cause and shall grant an extension if the delay was caused by the need to seek other permits.

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7. Subsequent to granting of the permit, the planning board may permit relocation of lot lines within the cluster. However, any change in overall density, street layout, or open space layout will require further hearings.
8. Except as specified in a special permit granted under this section, all requirements of the zoning bylaw shall be in full force and effect.
9. When any portion of a cluster lies within a water resource district, the number of dwelling units served by on-site sewage disposal systems within the district shall not exceed the number allowed under Section 5 - Area Regulations, of this bylaw.
(4/7/86 Article 39)

10.13 FINDINGS OF THE BOARD

1. The board may grant a special permit under this section only if it finds that the applicant has demonstrated the following: That the cluster plan will be in harmony with the general purpose of the bylaw and the requirements of General Laws, Chapter 40A, and the long range plan of the town (if any); that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services, or allowing for greater variety in prices or types of housing.
2. In connection with issuing or denying a special permit under this section, the planning board shall issue to the applicant and shall file with the town clerk a written decision which shall include:
 - a. A copy of the subdivision and site plans;
 - b. A finding that the plan is in harmony with the purposes and intent of the zoning bylaw and this section; and,
 - c. A list of any conditions imposed by the planning board.
3. If the planning board disagrees with the recommendations of the conservation commission or the board of health, it shall state its reasons therefor in writing.

SECTION 11: Regulations Governing Earth Removal

(See 12/2/69 SS 4E Changed from SS 10 to SS 11 4/4/81 Article 26)

11.1 GENERAL PROVISIONS:

Earth materials, including soil, loam, sand, gravel, or stone shall not be removed from any premises within the town unless such removal will constitute an exempt operation as hereinafter provided. For purposes of this section, the term “premises” shall have the meaning set forth in “Definitions” and also shall include more than one lot if all said lots are:

1. Adjacent to one or more said lots; and,
2. owned by the same owner or owners in an identical manner.

11.2 EXEMPT OPERATIONS:

The removal of earth material in any of the following operations shall be an exempt operation:

1. The removal of not more than ten cubic yards of material in the aggregate in any year from one premises.
2. The transfer of material from one part of a premises to another part of the same premises.
3. The removal of material from land in use by the town or other governmental agency.
4. The removal of material necessarily excavated in connection with the lawful construction of a building, structure, sewage system, or other utility, provided that the quantity of material removed does not exceed that actually displaced by the portion of the building, structure, road, driveway, sidewalk, or path below finished grade.

SECTION 12: Administration and Enforcement

(See 12/2/69 SS 5

Changed from SS 11 to SS 12 on 4/4/81 Article 26)

12.1 EXECUTION

The building inspector appointed by the selectmen shall enforce the provision of this bylaws as hereinafter provided.

1. No building or structures shall be constructed, externally altered, or changed in use in the town without a building permit from the building inspector.
(3/7/60 Article 35)
2. The building inspector shall withhold such a permit unless such construction, alteration, or proposed use is in conformity with all the provisions of this bylaw.
3. Where a special permit from or variance by the board of appeals is required or site plan approval is required by the planning board, the building inspector shall issue no building permit except in accordance with the written decision of the respective board.
4. The status of previously approved permits shall be as determined by the Zoning Act, Chapter 40A.
5. Any structure or lot for which a permit is required shall not be used or occupied until the owner applies for and receives from the building inspector a certificate of use and occupancy.
6. Fees may be established from time-to-time.

12.2 ENFORCEMENT

1. The building inspector shall make an investigation of an alleged violation of any provision of this bylaw or any permit or decision thereunder and such investigation may include inspection of the premises where such violations may exist.
2. Where written complaint is made, the building inspector shall take action upon such complaint within fourteen days of the receipt thereof, and he shall notify in writing the party making the written complaint of his action or nonaction and the reasons therefore.
3. If the building inspector finds no violation or prospective violation, any person aggrieved by the decision, any regional planning agency, or any person, officer, or board of the town or any abutting city or town may within thirty days of the date of said decision appeal to the board of appeals.
4. The building inspector shall give immediate notice in writing to the owner and to any occupants of the premises if a violation is found. Such notice shall order the violator to cease and desist and refrain from any violation within a specified period of time. Any person aggrieved by this decision or any officer or board of the town may within thirty days of such decision appeal to the board of appeals.
5. If, after such order, the violation continues and no appeal to the board of appeals is taken within thirty days of such order, the building inspector shall forthwith make application to the Superior Court for an injunction restraining the violation and shall take such other action as is necessary to enforce the provisions of this bylaw.
6. If, after action by the building inspector, appeal is taken to the board of appeals, and after a public hearing, the board of appeals finds that there has been a violation or prospective violation, the building inspector shall issue an order to cease and desist and refrain from such violation within a specified period of time, unless such order has been previously issued under Section 12.2.4.

7. If such violation then continues, the building inspector shall take such action as may be necessary to enforce this bylaw.
8. Any owner who, having been served with a cease and desist notice and who ceases any work or activity, shall not leave any structure or lot in a condition that is a hazard or menace to the public safety, health, or general welfare. The building inspector shall have the power to require that premises be put in safe condition or such condition that (s)he directs to bring them into conformity with this bylaw.
9. Any order directing the discontinuance of any unlawful action, use, or condition and the abatement of violation may contain a stipulation specifying a time limit for such order to be carried out.
10. Nothing herein shall preclude any officer or citizen from taking any other lawful action to prevent violation of this bylaw.
11. A penalty not to exceed One Hundred and no/100 Dollars per violation shall be assessed, and each twenty-four hour period such violation continues shall constitute a separate offense.
(3/27/93 Article 22)

12.3 BOARD OF APPEALS

(See 12/2/69 SS; 6/18/84 Article 4)

1. Appointment

There shall be a board of appeals of three members and three associate members, appointed by the board of selectmen as provided in Chapter 40A of the General Laws. Said board shall have all the powers and duties of boards of appeals under said Chapter and in addition all the powers and duties herein prescribed.

2. Appeals

Appeals to the board of appeals may be taken:

- a. By any person aggrieved by reason of his inability to obtain a permit or enforcement action by the building inspector under this bylaw; or,
- b. by any regional planning agency or any person, officer, or board of the town of any abutting city or town aggrieved by an order or decision of any administrative official under this bylaw, including any decision regarding an alleged violation.

In any case, no such appeal shall be heard by said board unless after the refusal of a permit or the issuance of the order of decision, said appeal is filed with the town clerk as hereinafter provided.

3. Any appeal to the board of appeals to any order or decision relative to this bylaw shall be made in accordance with the conditions set out in the Zoning Act, Chapter 40A. All such appeals shall be conducted and granted in accordance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts as amended.
4. The board of appeals is empowered to grant a special permit or a variance under conditions and regulations.
5. Any special permit granting board shall adopt rules relative to the issuance of such permits and file a copy of said rules with the town clerk.

12.4 SPECIAL PERMITS

(4/1/78 Article 21; 5/1/76 Article 41; 11/13/07 Article 4)

The board of appeals shall hear and decide only such special permits as it is specifically authorized to grant by the terms of this bylaw. The planning board shall hear and decide only such special permits as it is specifically authorized to grant by the terms of this bylaw. The special permit granting authority may grant special permits after a public hearing only

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where such conditions and safeguards as required by this bylaw have been made, and only after a determination that such grant would not be detrimental to the public health, safety, welfare, comfort, or the convenience of the community and would not be adverse to the town's economy and environment.

(11/13/07 Article 4)

1. A special permit shall not be granted by the special permit granting authority unless and until:

(11/13/07 Article 4)

- a. A written application for a special permit is submitted indicating the specific section of this bylaw under which the special permit is sought and stating the grounds on which it is requested;
- b. The special permit granting authority has made written findings certifying compliance with the specific provisions of this bylaw governing the exception and that satisfactory provision and arrangement has been made covering the following where applicable, and action taken assuring that the special exception will not have an adverse effect on adjoining properties or properties generally in the district:

(11/13/07 Article 4)

- (1). Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, off-street parking and loading areas where required, traffic flow and control, access in case of fire or catastrophe, and the capability of public roads to support the added traffic safely.
- (2). The proposed use will not create any danger of pollution of public or private water facilities, and the methods of drainage at the proposed site, either on-site or via public sewage systems wherever necessary, are adequate. No excessive demand shall be imposed on the water supply system.
(11/13/07 Article 4)
- (3). Signs, if any, proposed exterior lighting with reference to glare, and that no excessive noise, vibration, light, dust, smoke, heat, glare, or odor shall be observable at the lot lines.
- (4). Refuse collection or disposal and service areas, with particular reference to items in paragraphs (1) and (2) above.
- (5). Screening and buffering with reference to type, dimensions, and character.
- (6). Required yards and other open space.
- (7). Economic effect and general compatibility and harmony with adjacent properties and other property in the district.
- (8). Prior to issuance of a special permit in the Village Business (VB) district, the special permit granting authority shall make findings of compliance with the additional required performance standards in Section 18, which findings shall be set forth in the written decision of the special permit granting authority.
(11/13/07 Article 4)
- (9). The comments and recommendations of the planning board have been considered where the zoning board of appeals is the special permit granting authority and where the special permit has been submitted to the planning board and the planning board has submitted its recommendations as required by this bylaw. Reasons for not accepting any of the comments and recommendations of the planning board shall be noted.
(11/13/07 Article 4)
- (10). A special permit shall only be issued following a public hearing held within sixty-five days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the town clerk by the applicant.
(11/13/07 Article 4)

2. Within ten days after receipt of the application for a special permit, under this Section, the special permit granting authority shall transmit copies thereof, together with copies of the accompanying plans to the board of health, the planning board (if the planning board is not the special permit granting authority), the zoning board of appeals (if

the zoning board of appeals is not the special permit granting authority), and the conservation commission. All such boards shall investigate the application and report in writing their recommendations to the special permit granting authority.

(11/13/07 Article 4)

3. The special permit granting authority shall not take final action on such application until it has received a report thereof from the board of health, the planning board (if the planning board is not the special permit granting authority), the zoning board of appeals (if the zoning board of appeals is not the special permit granting authority), and the conservation commission or until said boards have allowed thirty-five days to elapse after receipt of such application without submission of a report. Failure by the special permit granting authority to take final action upon the application for a special permit within ninety days of the close of the public hearing shall be deemed to be a grant of the permit applied for and the town clerk shall certify forthwith.

(11/13/07 Article 4)

4. A special permit granted pursuant to this Section shall lapse after two years, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by said date except for good cause.

(11/13/07 Article 4)

12.5 VARIANCE

(4/1/78 Article 21; 5/1/76 Article 42; 3/25/00 Article 28; 3/31/01 Article 30)

As provided by statute, the board of appeals may authorize with respect to a particular building, structure, or parcel of land, after a duly advertised public hearing, held within sixty-five days after filing of an application with said board and with the town clerk a variance from any of the terms of this zoning bylaw where, owing to the circumstances relating to soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the owner of said building or parcel, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such zoning bylaw. A variance may not authorize a use not otherwise permitted in the district in which the land or structure is located.

1. Before any variance is granted, the board must find all of the following conditions to be present:
 - a. Conditions and circumstances are unique to the applicant's lot, structure, or building and do not apply to the neighboring lands, structures, or buildings in the same district.
 - b. Strict application of the provisions of this bylaw would deprive the applicant of reasonable use of the lot, structure, or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.
 - c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this bylaw.
 - d. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this bylaw.
 - e. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.
2. The board may, in approving a variance, impose conditions, safeguards, and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards, or limitations based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioners, or any owner. A variance for use properly granted prior to January 1, 1976, but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

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3. Within ten days after receipt of the application for a variance under this section, the board of appeals shall transmit copies thereof, together with copies of the accompanying plans to the board of health, the planning board, and the conservation commission. All such boards shall investigate the application and report in writing their recommendations to the board of appeals.
4. The board of appeals shall not take final action on such application until it has received a report thereon from the board of health, the planning board, and the conservation commission or until said boards have allowed thirty-five days to elapse after receipt of such application without submission of a report. Failure of the board to take final action within one hundred days of filing of such application shall be deemed to be a granting of the variance and the town clerk shall certify forthwith.
(4/7/90 Article 28)
5. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reestablished only after notice and a new hearing pursuant to Chapter 40A.

12.6 SITE PLAN REVIEW

(4/2/77 Article 26; 5/1/76 Article 40)

1. No permit to build, construct, reconstruct or expand any buildings or structures:
(4/8/85 Article 38)
 - a. In any district where the building or structure is nonconforming by virtue of its use except where the construction, reconstruction, or expansion would neither increase nor change the nonconforming use or where the nonconforming use would thereby be eliminated; or,
 - b. In any business or light industry district where such construction, reconstruction, or expansion shall exceed a total gross floor area of two hundred square feet, shall be issued by the building inspector until he shall have received from the planning board a written statement of final approval of the planning board in accordance with the provisions of this section or until seventy-five days have elapsed after an application for such plan approval has been filed with the planning board. This section shall not include signs attached to a building, or normal maintenance.
(4/7/90 Article 31)
2. The planning board shall review preliminary site plans and shall issue site plan approval if the board finds the following:
 - a. That the proposed development will be harmonious with, and not harmful, injurious or objectionable to existing or future uses in the area;
 - b. That natural resources will not be unduly exhausted;
 - c. That erosion will be controlled during and after construction and will not adversely effect adjacent or neighboring property or public facilities or services;
 - d. That increased or decreased runoff due to development on the site will not be injurious to any downstream property owners or cause hazardous conditions on adjoining streets;
 - e. That the proposed development will not result in undue pollution of ground or surface waters whether fresh or salt;
 - f. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
3. A person applying for a site plan review shall file an application with the planning board, including copies of a site plan and a filing fee, as required by the planning board. The application and site plan shall include the elements on which the planning board is to make a finding and determination, as provided in this section and shall also include information as to the nature and extent of the proposed use of buildings, and such further information as the planning board shall reasonably require by rule or regulation. Not less than two permanent survey monuments shall be located on the property in question and shown on the plan, unless waived by the planning board. In subsequent

applications concerning the same subject matter, the planning board may waive the filing of plans and documents to the extent they duplicate those previously filed. Copies of the rules and regulations concerning the site plan review shall be filed with the town clerk.

(4/7/90 Article 29)

4. The planning board shall, within one week of receipt of site plan application, transmit to appropriate town boards and departments, for review, one copy of the application and site plan. The planning board shall not make a finding and determination upon an application until it has received the final report of the agencies designated by the planning board thereon, or until thirty-five days shall have elapsed since the transmittal of said copies of the site plan to the designated agencies without such report having been submitted. No permit, or any extension, modification, or renewal thereof, shall take effect until the town clerk certifies that twenty days have elapsed and no appeal has been filed, or that such appeal has been dismissed or denied.
5. The planning board shall hold a duly advertised public hearing within thirty days after the filing of an application and site plan, and except as hereinafter provided, shall take final action within twenty-one days after the date of the public hearing. Such final action shall consist of either:
 - a. A finding and determination that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in significant detriment to the neighborhood or the natural qualities of the town;
 - b. A written denial of the application for such finding and determination, stating the reasons for such denial, including a statement of the respect in which any elements of the proposal are deemed by the planning board to be unsuitable or detrimental to the neighborhood of the natural qualities of the town; or
 - c. A finding and determination, subject to such reasonable order of conditions, modifications, and restrictions as the planning board shall set forth, that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in significant detriment to the neighborhood or the natural qualities of the town.
6. In the event that the planning board approves a site plan under these provisions, any building, reconstruction, or expansion shall be carried on only in conformity with any conditions, modifications, and restrictions subject to which the board shall have made its findings and determinations and only in conformity with the application and site plan and its amendments, if any, on the basis of which the findings and determination are made.
7. Minor changes to the approved site plan may be submitted to the building inspector for approval and if deemed insignificant or minor in nature or effect, may be approved by him. Any changes designated to be significant or major by the building inspector or the planning board, shall be resubmitted to the planning board in the form of a new site plan. Any building, reconstruction, or expansion not approved by the building inspector or the planning board shall be ordered halted and fully removed.
8. The approval of a site plan, or a modification or amendment thereof, shall remain effective for a period of one year only from the date of such approval (either directly or by inaction), unless prior to the expiration of such one year period, the applicant makes substantial effort to build in accordance with the approved site plan, or unless the planning board votes to extend the time for a period not to exceed one additional year.
9. This section shall be enforced by the building inspector according to the provisions set forth in Section 12.2 of this bylaw.
10. Any person aggrieved by a decision of the planning board, or by its failure to act in connection with its duty to review a site plan under this section, may appeal to the Superior Court or to the Land Court of Norfolk County under Section Fourteen A of Chapter 240 of the General Laws of the Commonwealth of Massachusetts.
11. Applications for a permit to build, reconstruct, alter the exterior of, or expand any buildings or structures in any business or light industry district where site plan approval is not required shall be accompanied by a plan of buildings showing location on lot, access, egress, parking provisions, and plan of work for which permit is sought. Said plans shall be transmitted to the planning board by the building inspector. The planning board may make recommendations of an advisory nature to the applicant based on the site plan review criteria.

SECTION 13: Amendment, Validity

(See 12/2/69 SS 8 Changed from SS 12 to SS 13 4/4/81 Article 26)

13.1 AMENDMENT

This bylaw may be amended from time to time in accordance with the Zoning Act, Chapter 40A of the General Laws of the Commonwealth of Massachusetts. During the amendments procedure, subdivision plans in process or review by the planning board under the subdivision control law shall be subject to the provisions of Chapter 40A.

13.2 VALIDITY

(See 12/2/69 SS 11)

The invalidity, unconstitutionality, or illegality of any provision of this bylaw or boundary shown on the zoning map shall not have any effect upon the validity, constitutionality, or legality of any other provisions or boundary.

SECTION 14: Water Resource District

(Section 14 adopted in entirety 4/7/86 Article 39 3/31/01 Article 16 3/29/03 Article 21)

14.1 PURPOSE

The purpose of the Water Resource District is to:

(a) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Cohasset; and (b) preserve, protect, and maintain the existing and potential ground and surface water resources providing water supply for the Town of Cohasset; and (c) conserve the natural resources of the Town of Cohasset; and (d) prevent temporary and permanent contamination of the environment.

14.2 ESTABLISHMENT OF DISTRICT

The water resource district is hereby established as an overlay district. The water resource district is delineated on the Zoning Map.

14.2.A. Definitions

For the purposes of this Section of the Bylaw, the following terms and words are given the meanings stated below.

Bank. The portion of land surface which normally abuts and confines a water body and which lies between a water body and a bordering vegetated wetland and adjacent floodplain, or in the absence of these features, it lies between a water body and an upland; the upper boundary of a bank is the first observable break in the slope or the mean annual flood level; whichever is lower, the lower boundary of a bank is the mean annual low flow level.

Department. The Massachusetts Department of Environmental Protection

Zone A. Zone A means:

(a) the land area between the surface of Lily Pond, the Aaron River Reservoir, and the tributaries or associated surface water bodies to Lily Pond and the Aaron River Reservoir, which includes Bound Brook/Herring Brook, Aaron River, Peppermint Brook, and Brass Kettle Brook, and the upper boundary of the bank; and

(b) the land area within a 400 foot lateral distance from the upper boundary of the banks of Lily Pond and the Aaron River Reservoir; and

(c) the land area within a 200 foot lateral distance from the upper boundary of the banks of a tributary or associated surface water body to Lily Pond and the Aaron River Reservoir, which includes Aaron River, Peppermint Brook, Brass Kettle Brook, and Bound Brook/Herring Brook excluding Bound Brook south of the Bound Brook Control Structure located on Beechwood Street.

(d) The area of land described in subparagraph (a), (b) and (c) immediately above, is generally depicted on a map entitled "Zone A Delineation" prepared by the Norfolk Ram Group, LLC dated March 2002 and which is on file with the Town Clerk. The Zone A areas shown on this map are provided to generally depict the above noted limits of the Zone A areas around the protected waters, in relation to known parcels of land of record at the Cohasset Assessors Office. The specific Zone A limits as defined in (a), (b) and (c) immediately above (e.g. 200 foot or 400 foot lateral distances) shall control in all matters of interpretation of this map.

(e) The area of land described in subparagraph (a), (b), (c) and (d) immediately above which shall also be shown on the Town of Cohasset Zoning District Map.

14.3 USE REGULATIONS

The water resource district shall be considered to be superimposed over any other district established in this bylaw. Land in the water resource district may be used for any use otherwise permitted in the underlying district, subject to the following limitations:

1. Prohibited Uses:

The following are prohibited:

- a. Manufacture, storage, transport, or disposal of toxic or hazardous materials as a principal activity.
- b. Sanitary landfill and other solid waste facilities, automotive graveyard, or other junkyard, municipal wastewater treatment facility, and road salt stockpile.
- c. Auto service stations and automotive repair garages;
- d. Underground storage of hazardous materials or petroleum substances;
- e. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L.c. 21, §26-through 53; M.G.L.c. 111, §17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;
- f. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L.c. 21 C and 310 CMR 30.00, except for the following;
 - (1). very small quantity generators as defined under 310 CMR 30.000;
 - (2). household hazardous waste centers and events under 310 CMR 30.390;
 - (3). waste oil retention facilities required by M.G.L. c. 21, § 52A;
 - (4). water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
- g. Petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes established in the US Office of Management and Budget publication, Standard Industrial Classification Manual, as amended;
- h. Storage of liquid hazardous materials, as defined in G.L.c. 21 E, and liquid petroleum products, unless such storage is:
 - (1). above ground level; and
 - (2). in an impervious surface; and
 - (3). either
 - (a). in container(s) within a building; or in above ground container(s);
 - (b). outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;
- i. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- j. Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
(11/13/07 Article 3)
- k. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
- l. Storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate. The term "storage" as used in this section shall exclude land

application of manure as fertilizer and the deposition of manure on the ground by farm animals and household pets;

(11/13/07 Article 3)

- m. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, septic systems or utility works;
- n. Discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:
 - (1). the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - (2). treatment works approved by the Department designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
 - (3) publicly owned treatment works;
- o. Storage of commercial fertilizers, as defined in MGL Chapter 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

14.3.1A Prohibitions within Zone A of Public Drinking Water Supply

In addition to the uses prohibited in the Water Resource District pursuant to Section 14.3.1, the following uses are prohibited within Zone A:

- (a) All underground storage tanks,
- (b) All above-ground storage of liquid hazardous material as defined in M.G.L. c. 21E, or liquid propane or liquid petroleum products, except as follows:
 - 1. Storage is incidental to:
 - a. normal household use, outdoor maintenance, or the heating of a structure;
 - b. use of emergency generators;
 - c. a response action conducted or performed in accordance with M.G.L. c. 21E and 310 CMR 40.000 which is exempt from a ground water discharge permit pursuant to 314 CMR 5.05 (14); and
 - 2. Storage is within a building, either in container(s) or above-ground tank(s) or outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, or 110% of the combined storage capacity of any tanks connected by piping or any other means, whichever is greater, and all piping shall at a minimum have secondary containment. However, these storage requirements do not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in accordance with applicable state and local requirements.
- (c) Treatment or disposal works subject to 314 CMR 3.00 or 5.00, except the following:
 - 1. The replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;
 - 2. Treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in non-compliance with Title 5, 310 CMR 15.00, provided that the facility owner has received all necessary approvals from the Department, including without limitation permitting by the Department in accordance with 314 CMR 5.00, any requirement by the Department that the facility owner disinfect the effluent and any requirement by the Department that the facility provide a higher level of treatment prior to discharge;
 - 3. Treatment works approved by the Department for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05 (3) or 5.05 (13); or
 - 4. Discharge by a public water system of waters incidental to water treatment processes.

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- (d) Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c 21C and 310 CMR 30.000, except for the following:
 - 1. Very small quantity generators, as defined by 310 CMR 30.000;
 - 2. Treatment works approved by the Department designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- (e) Sand and gravel excavation operations;
- (f) Uncovered or uncontained storage of fertilizers; application of quick release fertilizers or similar nutrient-containing soil additives;
- (g) Uncovered or uncontained storage of road or parking lot deicing and sanding materials;
- (h) Storage or disposal of snow or ice removed from highways and streets outside the Zone A, that contains deicing chemicals;
- (i) Uncovered or uncontained storage of manure;
- (j) Junk and salvage operations;
- (k) Motor vehicle repair operations;
- (l) Cemeteries (human and animal) and mausoleums;
- (m) Solid waste combustion facilities or handling facilities as defined in 310 CMR 16.00;
- (n) Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2500 square feet of any lot, whichever is greater; and
- (o) Commercial outdoor washing of vehicles, commercial car washes.

14.3.2. Uses and Activities Requiring a Special Permit

The following uses and activities are permitted in the Water Resource District, exclusive of the Zone A area, only upon the issuance of a Special Permit by the Zoning Board of Appeals (“the Board”) under such conditions as the Board may require:

- a. Storage of more than 600 gallons of home heating oils;
- b. Those activities, not prohibited in Section 14.3.1 above, that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use or that require an EPA identification number. Such activities shall require a special permit to prevent contamination of groundwater;
- c. On-site sewage disposal having an estimated sewage flow greater than 10,000 gallons per day regardless of lot size or greater than 600 gallons per day if within 500 feet of Lily Pond, Aaron River, Aaron River Reservoir, Peppermint Brook, or Brass Kettle Brook;
- d. Except for single-family dwellings, on-site sewage disposal systems having an estimated sewage flow exceeding sixty gallons per day per 10,000 square feet of lot area, and single family dwellings with on-site disposal systems having an estimated sewage flow exceeding 600 gallons per day;
- e. Any use that will render impervious more than 40% or 2,500 square feet of any lot, whichever is greater. Any special permit for such use shall include the following conditions. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
- f. More than minor removal of existing trees and vegetation on more than seventy percent of a lot area.

14.4 DESIGN AND OPERATION GUIDELINES

Within the water resource district, the following design and operations guidelines shall be observed in all new construction except for single-family dwellings.

1. **Safeguards**

Provisions shall be made to protect against hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.

2. **Location**

Where the premises are partially outside of the water resource district, such potential sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.

3. **Disposal**

Provision shall be made to assure that any waste disposed on the site shall contain no hazardous materials in quantities substantially greater than associated with normal household use.

4. **Drainage**

Floor or lavatory drainage shall be directed to an impervious retention facility for controlled removal. Provision shall be made for on-site recharge of all storm water runoff from impervious surfaces unless, following consultation with the Conservation Commission, the building inspector determines that either recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the building inspector following consultation with the Conservation Commission. Dry wells shall be used only where other methods are infeasible and shall employ oil, grease, and sediment traps. Drainage from loading and unloading areas for hazardous materials shall be separately collected for safe disposal.

14.5 PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT

1. The Zoning Board of Appeals (“the Board”) may, in its discretion, grant a special permit for a use or activity listed in section 14.3(2) above if the board determines that the purposes of the Water Resource District as stated in Section 14.1 “Purpose of District” above and the specific standards described and referred to in subsection (c) below are satisfied. The Board shall not grant a special permit under this section unless the petitioner’s application includes, in the Board’s opinion, sufficiently detailed, definitive and credible information to support positive findings in relation to such purposes and standards. The board shall consider the recommendations, if any, of the Board of Health, Conservation Commission, Planning Board, and Water Commission and shall state in its decision the basis for any departure from such recommendations.
2. Upon receipt of the special permit application, the Board shall transmit one copy to the Planning Board, Board of Health, the Conservation Commission, and Water Commission for their written recommendations. Failure to respond in writing within 35 days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.
3. The Board may grant the special permit only upon finding that the proposed structure or use meets the purposes of the Water Resource District as stated in Section 14.1. “Purpose of District”, the provisions of Section 12.4 through 12.4.4 of this Bylaw entitled “Special Permits By Board of Appeals, Conditions, Procedures”, any regulations or guidelines adopted by the Board and the following standards. The proposed use must:
 - a. in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource District; provided that no special permit may be granted unless the Board determines that the groundwater quality resulting from on-site waste disposal, other operations on-site, and natural recharge will not fall below federal or state standards for drinking water when averaged over the boundaries of the site, or, if existing groundwater quality is already below those standards, that on-site disposal or operations will result in no further deterioration and unless the Board

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- determines that the proposed control and response measures adequately and reliably mitigate risk to groundwater quality resulting from accident or system failure;
- b. be designed to minimize substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
4. The Board may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the Planning Board.
 5. The applicant shall file seven (7) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the Board and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
 - a. a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
 - b. for those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, if any, Fire Chief, and Board of Health. The plan shall include:
 - (1). provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; materials and wastes with impervious floor surfaces;
 - (2). evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
 - c. proposed down-gradient location(s) for groundwater monitoring well(s), should the Board deem the activity a potential groundwater threat.
 6. The Board may impose reasonable conditions which the Board determines are necessary to ensure adequate safeguarding of the Water Resource District; such conditions may include without limitation, the following:
 - a. Monitoring wells to be located downgradient of potential pollution sources, with periodic sampling to be conducted by the owner at his expense and the reporting of said sampling to be provided to the Board of Health and Water Commission at the owners expense.
 - b. Pollutant source reduction, including limitations on use of parking area deicing materials and periodic cleaning or renovation of pollution control devices, such as catchbasin sumps.

14.6 NONCONFORMING USES

Legally pre-existing nonconforming structures and uses in the Water Resource District shall be governed by Section 8 of these bylaws.

14.7 ENFORCEMENT

Written notice of any violations of this Bylaw shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

SECTION 15: Accessory Dwelling Unit Special Permit

(3/30/02 Article 18)

15.1 PURPOSE

1. To provide a useful type of housing to meet the needs of residents.
2. To protect the stability, property values and character of one family residential neighborhoods and help preserve ownership of one family dwellings.
3. To facilitate the Town's monitoring of the creation and maintenance of Accessory Dwelling Units.

15.2 SPECIAL PERMIT CONDITIONS

1. An applicant for an Accessory Dwelling Unit Special Permit shall be an owner or owners of a detached one family dwelling (House) with at least a 50% ownership interest and shall have his/her/their primary residence either in the Accessory Dwelling Unit or in the Principal Dwelling Unit within the House.
2. The net floor area of the Accessory Dwelling Unit shall not exceed the lesser of 25% of the net floor area of the House or 900 square feet.
3. The House must have at least 1200 square feet of net floor area.
4. No Accessory Dwelling Unit Special Permit granted hereunder shall take effect sooner than ten years after final occupancy permits are issued for the House.
5. At least one off street parking space shall be provided for each bedroom in the Accessory Dwelling Unit in addition to parking required for the House.
6. The exterior appearance of the House shall not be altered by the creation of the Accessory Dwelling Unit except for stairways and exits as required by law, which shall be in the side or rear of the House; and, restoration shall be consistent with the original architecture of the House.
7. Outside storage areas shall be screened by fencing or landscaping.
8. Only one House may be present on the lot where the accessory dwelling is to be located.
9. Only one Accessory Dwelling Unit may be created within a House.
10. The lot size must comply with the requirements for a one family dwelling as set forth under Section 5.3. This provision shall not apply to lawful, pre-existing, non-conforming structures.
11. To qualify for an Accessory Dwelling Unit Special Permit, for a pre-existing, non-conforming structure, per Section 8.2, the Accessory Dwelling Unit shall be constructed within the living and/or sleeping area of the pre-existing structure, shall not be permitted to increase the total square footage of the pre-existing structure and shall not alter the footprint of the pre-existing structure.
12. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Accessory Dwelling Unit and the House and for an adequate water supply to such Accessory Dwelling Unit and the House in accordance with the requirements of the Board of Health.
13. The Accessory Dwelling Unit and all other modifications to the House shall be designed so that appearance of the House remains that of a one family dwelling, and the construction and occupancy of the Accessory Dwelling Unit

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will not be more detrimental to the neighborhood in which the House is located or injurious to persons or property than the existing one-family use.

14. An Accessory Dwelling Unit shall not be occupied as such unless the owner or owners of the House have secured an Accessory Dwelling Unit Special Permit pursuant to this section. The special permit will be limited to the original applicant(s) and shall terminate upon transfer of ownership of the House.
15. The owner shall notify the Building Commissioner in writing, within 6 months of the lapse in use of the Accessory Dwelling Unit as such.
16. No special permit shall be granted when more than 10% of the single-family dwellings, based on the number of single-family dwellings as per Town of Cohasset Assessor records, have an Accessory Dwelling Unit pursuant to this section.
17. No more than ten (10) new Accessory Dwelling Special Permits shall be issued by the Zoning Board of Appeals in a single calendar year.

15.3 APPLICATION PROCEDURE

1. An application for an Accessory Dwelling Unit Special Permit shall include a site plan and floor plan. When the creation of an Accessory Dwelling Unit involves exterior alteration of the House, per Section 15.2.6, elevation plans shall show the sides of the building affected by the creation of an Accessory Dwelling Unit, before and after the construction of the Accessory Dwelling Unit. These plans shall include, at a minimum, footprint of existing House, location and number of off-street parking spaces, square footage of existing House, square footage of proposed Accessory Dwelling, and location/means of ingress and egress from the Accessory Dwelling Unit. All plans must be prepared and stamped by a registered professional Architect or Engineer.
2. An application for an Accessory Dwelling Unit Special Permit must include a notarized letter stating that the applicant will occupy one of the dwelling units in the House. Every Accessory Dwelling Unit Special Permit shall include a condition that the applicant will occupy one of the dwelling units in the House.
3. The procedures and requirements stated in this Section 15 for the review and approval or denial of an application for an Accessory Dwelling Unit Special Permit shall be in addition to the provisions of Section 12.4 of this Zoning Bylaw, which provisions shall also apply to an application for an Accessory Dwelling Unit Special Permit.

SECTION 16: Senior Multi-family Residence Overlay District

(11/18/02 Article 8)

The Senior Multi-family Residence Overlay District created herein shall be deemed to be an overlay district. The location and boundaries of the Senior Multi-family Residence Overlay District are established and shown as the Residence B and Residence C Zoning Districts on a map entitled, "Town of Cohasset, Massachusetts, Zoning District Map, March 2002" prepared by Amory Engineers, P.C. The requirements set forth below shall constitute an alternative means of development of land of appropriate area within the District, provided that a Special Permit in accordance with this Section 16 is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, all requirements of the underlying district shall apply to the land.

All provisions of this Section 16 of the Cohasset Zoning Bylaws shall cease in their effect and operation, as a whole and severable, upon passage of this paragraph by action of Town Meeting, such that no further special permits under this Section 16 may be applied for by any person, partnerships, corporations, or other entity following the date of first public advertisement of the amendatory town meeting warrant article containing this paragraph. The sole exemption to such 'sunsetting' action of this paragraph shall be a SMRD development known as the Cook Estate, which property is identified as Assessor's Map 43, Plot 002, and including Lot C (14.82 acres), Lot B (2.1 acres) and Lot 1A (2 acres) as shown on same Map, provided that said identified development be applied for under Section 16 by such entity that is selected by the Board of Selectmen pursuant to an RFP process, and which shall proceed under the Local Initiative program, and/or Local Initiative Program Units Only pursuant to 760 C.M.R. 45.00 et seq.

(4/1/06 Article 15)

16.1 DEFINITIONS

Senior Multi-family Residence Development (SMRD): Housing containing one (1) and (2) bedroom units and/or studio units for independent living for persons who have attained the age of 55 years including associated dining facilities, common rooms, activity rooms, offices, accessory structures, and recreation facilities.

Affordable to persons or families qualifying as low income: Affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the area median household income.

Affordable to persons or families qualifying as moderate income: Affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the area median household income.

Affordable to persons or families qualifying as median income: Affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 80% but less than 120% of the area median household income.

16.2 PURPOSE

The following are the purposes of this SMRD Bylaw:

1. To provide alternative housing for a maturing population.
2. To promote the development of housing affordable to low, moderate and median income elderly persons.
3. To provide a type of housing which reduces residents burdens of property maintenance and which reduces demands on municipal services.
4. To promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

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5. To create an incentive for the creation of appropriate housing for independent living for persons who have attained the age of 55 years and the creation of appropriate housing which is affordable to persons or families qualifying as low, moderate or median income by allowing the development of housing of greater density than would otherwise be permitted in the underlying zoning district.

16.3 PROCEDURES

1. Each application for a SMRD shall be filed with the planning board with a copy filed forthwith with the town clerk, and shall be accompanied by eight copies of a preliminary plan of the entire tract under consideration, prepared by a professional architect, engineer and landscape architect.
2. Said application and plan shall be prepared in accordance with requirements for a preliminary subdivision plan in the rules and regulations of the planning board, whether or not the development constitutes a subdivision, and shall include proposed location, bulk, and height of all proposed buildings. In addition, the applicant shall provide the following information:
 - a. An analysis of the site, including wetlands, slopes, soil conditions, areas within the 100 year floodplain, trees over eight inches in diameter, and such natural features as the planning board may request.
 - b. A summary of the environmental concerns related to the proposed plan.
 - c. Sufficient information, including soil evaluation and percolation test data, in accordance with the rules and regulations of the Cohasset Board of Health and applicable Department of Environmental Protection regulations, to make a determination that adequate provision is made for the disposal of septic waste or written confirmation from the Town of Cohasset Sewer Commission detailing an agreement to accept the proposed wastewater flow.
 - d. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
 - e. Design characteristics shall be stated in the application and shall include, but not be limited to, building material, architectural design, streets, site and building landscaping.
3. Before acting upon the application, the board shall submit it with the plan to the following boards and departments, which may review it jointly or separately: the board of health, sewer commission, water commission, conservation commission, design review board, police department, fire department and other boards and departments the planning board may deem appropriate. Any such board or agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the planning board. Failure to make recommendations within twenty days of receipt shall be deemed lack of opposition.
4. After opportunity for the review by other boards has been provided pursuant to Section 16.3.3, the applicant shall submit to the Planning Board in accordance with the requirements for a definitive subdivision plan in the rules and regulations of the Planning Board, eight definitive plans and the other plans and materials stated above in Section 16.3.2 within ten days of the expiration of the twenty day review period provided pursuant to Section 16.3.3.
5. The planning board shall hold a public hearing under this section, in conformity with the provisions of the General Laws, Chapter 40A, Sections 9 and 11.
6. A special permit issued under this Section 16 shall not be a substitute for compliance with the Subdivision Control Law, MGL Ch. 41, Section 81K-81GG or the Planning Board's Rules and Regulations where such compliance is required pursuant to applicable law. The granting of a special permit pursuant to this Section 16 shall not constitute a waiver of any requirement of the Subdivision Control Law or the Planning Board's Rules and Regulations. However, in order to facilitate processing, the Planning Board may accept a combined plan and application which shall satisfy the requirements of this Section 16, the Subdivision Control Law and the Planning Board's Rules and Regulations, where applicable.

16.4 USES

The following uses are permitted in a SMRD by grant of the special permit described in this Section 16: any combination of single family, two-family and multi-family residential structures. Such structures may include associated dining

facilities, common rooms, activity rooms, offices, accessory structures and recreation facilities that provide, for the benefit of their residents, services including, without limitation, meals served in a common dining room or delivered to rooms and apartments; housekeeping or laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting and walking; security; exercise programs; medication reminders; and social and recreational activities.

16.5 MINIMUM DIMENSIONAL REQUIREMENTS

1. The total area of the tract, or set of contiguous parcels held in common ownership, to be developed shall not be less than ten acres in a Residence B or Residence C district.
2. The total number of dwelling units shall be limited to 10 units per acre. For purposes of total dwelling unit calculation, total area shall be exclusive of all wetland resource areas and floodplains.
3. Every building shall be limited to thirty-five (35) feet in height.

16.6 DESIGN STANDARDS

1. The housing shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of natural features and amenities of the site and the surrounding areas.
2. The housing shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
3. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and roadways.
4. Walking and bicycle paths shall be provided within the site and as a means of connection to adjacent conservation lands and neighboring streets and sidewalks, when possible.
5. Individual buildings shall be related but not identical to each other in design, mass, material, placement, and connection to provide a visually and physically integrated development. Rigidity in design shall be avoided by variation in building locations, landscaping, structural coverage, building materials, floor area and cost.
6. Treatment of the sides and rears of all buildings within the development shall be comparable in amenities and appearance to the treatment given the street frontage of these same buildings.
7. All buildings shall be arranged so as to preserve visual and audible privacy between adjacent buildings.
8. No dwelling unit in any building shall be shall be designed, constructed or altered to have more than two bedrooms. For the purposes of this provision, each room in excess of four rooms, exclusive of bathrooms, closets, or other small service rooms of less than forty-eight square feet, shall be considered a bedroom.

16.7 LANDSCAPE DESIGN STANDARDS

1. A maximum of twenty-five percent (25%) of the total area of the tract, or set of contiguous parcels held in common ownership, to be developed as a SMRD may be covered with impervious surface.
2. Whenever appropriate, existing trees and vegetation shall be preserved and integrated into the landscape design plan.
3. Whenever possible, the existing terrain shall be preserved and earth moving shall be kept to a minimum.
4. Suitable indigenous shrubs and other plant material may be used for screening.

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5. A 50 foot wide perimeter buffer between a SMRD and abutting properties is required around the entire SMRD perimeter. Access roads and pedestrian paths may cross the buffer at the discretion of the planning board. The perimeter buffer may be utilized as natural courses for disposal of storm drainage on the site. The planning board may reduce the width of the buffer to no less than 30 feet at appropriate locations, taking into account the character of open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed.

16.8 PARKING AND CIRCULATION DESIGN STANDARDS

1. There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and off-street parking.
2. Two parking spaces shall be provided for each two bedroom unit and one parking space shall be provided for each one bedroom unit. Additional required parking, in proximity to any clubhouse or other facility serving residents in common, including guest and employee parking, shall be as determined by the Planning Board.
3. Parking facilities shall be designed with careful regard to the arrangement, topography, landscaping, ease of access and shall be developed as an integral part of the overall design.

16.9 AFFORDABILITY AND DENSITY BONUS COMPONENT

1. At least 25% of the dwelling units shall be affordable to persons who meet or qualify under this bylaw's definition of low or moderate income housing for a period not less than thirty (30) years.
2. A density bonus of 2 units per acre shall be granted when at least 25% of the dwelling units, in addition to affordable units as per Section 16.9.1 herein, are affordable to persons who meet or qualify under this bylaw's definition of median income housing for a period not less than thirty (30) years.
3. Affordable units in a SMRD must qualify as low or moderate income housing units eligible to be included in the calculation of such units by the Department of Housing and Community Development ("the D.H.C.D.") when determining the percentage of the Town of Cohasset's total housing units which are low or moderate income housing units. To assure such qualification, affordable units in a SMRD shall meet the requirements of the D.H.C.D. for qualification as low or moderate income housing units, including without limitation the definition of low or moderate income housing stated in 760 C.M.R. 30.02 and the requirements for calculation of the statutory minima stated in 760 C.M.R. 31.04 as the same are currently in effect and as the same may be amended.

16.10 FURTHER REQUIREMENTS

1. No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown upon the plan.
2. No certificate of occupancy shall be issued by the building inspector until he has certified to the planning board that the premises have been built in accordance with the plan approved hereunder.
3. The total number of multi-family dwelling units of any kind erected in Cohasset shall not exceed 15% of the dwelling units in the Town. Such percentage shall be computed without reference to accessory apartments constructed pursuant to Section 15 herein and shall be determined by the Town of Cohasset Assessor. Developments and/or projects for which the Board of Selectmen as Chief Elected officials of the Town apply to the Department of Housing and Community Development for approval under the Local initiative program pursuant to 760 C.M.R. 45.00 et seq., shall neither be subject to nor precluded by the 15% limitation stated in this Section 16.10.3.
(3/29/04 Article 10)
4. The Planning Board shall approve the form or forms of ownership and management controls and/or restrictions which limit the occupancy of units in a SMROD to residents who have attained the age of fifty-five years and, where appropriate, to persons or families qualifying as low, moderate or median income, which controls and/or restrictions may be altered from time to time during the useful life of the development so long as the age-restricted and/or

income limitation is not altered and so long as no temporary or permanent overnight occupancy for a period in excess of six months in a nine month period by any person who has not attained the age of 55 years, related or not, is permitted. The spouse of a qualified resident who has attained the age of 55 years shall be exempt from the age-restriction limitation hereby imposed. All units shall be subject to restrictive covenants mandating said restriction, approved as to form by the Planning Board, recorded within the chain of title, which, in addition to the enforcement of any conditions of a special permit issued hereunder by the Building Inspector, shall be directly enforceable by a Homeowners Association comprised of the owners of the units within the SMROD.

(3/31/07 Article 13)

5. The Planning Board shall adopt, and from time to time amend, rule and regulations consistent with provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of Section 16 of this Bylaw, prescribe as minimum the size, form, contents, style and number of plans and specifications, the town Boards or Departments from which the Planning Board shall request written reports and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a Special Permit for a SMRD, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age and affordability restrictions. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations. Failure to adopt such rules and regulations shall not affect the validity of this Section 16.
6. A SMRD shall constitute housing intended for persons of age fifty-five or over within the meaning of MGL, ch. 151B, Section 4 and 42 USC, Section 3601 et seq. and in accordance therewith one hundred percent (100%) of the dwelling units in a SMRD shall be owned and occupied by at least one person fifty-five years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, as the same are currently in effect and as the same may be amended.

SECTION 17: Transit-Oriented Development Overlay District

(4/1/06 Article 17)

The Transit-Oriented Development Overlay District (“TOD Overlay District”) created herein shall be deemed to be an overlay district. The location and boundaries of the TOD Overlay District is the Light Industry district to the North of Chief Justice Cushing Highway (Commonwealth Route 3A), as shown on a map entitled “Town of Cohasset, Massachusetts Zoning District Map, March 2002 prepared by Amory Engineers, P.C.”, excluding any other areas in the Town that are zoned Light Industry. Said overlay district is comprised of Cohasset Assessors’ plots Map 71, Plot 1, Map 73, Lot 13, Map 74, Lot 5, Map 74, Lot 7, Map 74, Lot 7T, Map 74, Lot 8, Map 74, Lot 8T and Map 74, Lot 9. The requirements set forth below shall constitute an alternative set of standards for development and use of real estate within the said Light Industry District, provided, however, that a Special Permit in accordance with this Section 17 is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, then all requirements of the underlying district shall apply to the land, but such alternate set of standards for development and use of real estate within said Light Industry District, as provided herein, shall not apply.

17.1 DEFINITIONS

For the purposes of this Section of the Bylaw, the following terms and words are given the meanings stated below:

Drive-Through Facility. A facility that allows for transactions of goods (including food and/or beverage) or services without leaving a motor vehicle.

Mixed Use. Development contained on a single parcel or adjoining parcels that includes different uses and which provide for a variety of activities throughout the day.

Pedestrian-Friendly. The design of environments that promote pedestrian comfort, safety, access and visual interest.

Public Seating Area. Any outside seating or activity area designated for use by the public, including outdoor areas provided by Restaurants.

Shared Parking. Parking that is utilized by two or more different uses, or two or more distinct lots, with different peak period parking demand, part of which may be the Transit Station parking.

Transit-Oriented Development (TOD). A Development pattern created in the vicinity of a transit facility or station that is characterized by higher density, mixed uses, a safe and attractive pedestrian environment, reduced parking, and a direct and convenient access to the transit facility and retail services and conveniences.

Transit Station. The area including the platform, which supports transit usage and that is owned and/or operated by the transit agency.

17.2 PURPOSE

The following are the purposes of this TOD Overlay District Bylaw:

1. Encourage a mix of moderate to high density Development within walking distance of a transit station;
2. Create a commuter-friendly environment to encourage transit use;
3. Reduce automobile dependency and roadway congestion (and also thereby reducing pollution) by locating multiple destinations and trip purposes within walking distance of one another;
4. Encourage healthy exercise through walking between the Transit Station and conveniently close retail goods and services and/or residences;

5. Create a Pedestrian-Friendly neighborhood that promotes, facilitates and encourages safe walking, bicycling, human interactions and retail conveniences for both commuters and non-commuters;
6. Where such district may have areas conducive to housing, allow for housing options;
7. Establish an area with retail establishments (goods and services) that serve the anticipated needs and conveniences of the transit ridership as well as other persons within and without the TOD Overlay District; and
8. Provide for an expanded property tax base.
9. The Town considers the mixing of residential and commercial uses in the TOD Overlay District to be one of the fundamental purposes of this Section 17 of the Cohasset Zoning Bylaw.

17.3 PROCEDURES

1. Any development, use and/or change of use allowed pursuant to this Section 17 shall require an application for a special permit in the TOD Overlay District, and for Site Plan Review pursuant to Section 12.6 of the Cohasset Zoning Bylaw, to be filed with the Town Clerk with a copy filed forthwith with the Planning Board and shall be accompanied by eighteen (18) copies of a site plan of the entire tract under consideration, prepared by a professional engineer, architect or landscape architect.
2. Said application and plan shall be prepared in accordance with the requirements for a Site Plan Review in the rules and regulations for Site Plan Review as adopted by the Cohasset Planning Board, inclusive of all checklists, and shall include the proposed location, bulk, and height of all proposed buildings. In addition, the applicant shall provide the following information:
 - a. An analysis of the site, including wetlands, slopes, soil conditions, areas within the 100-year flood plain, trees over eight inches in diameter and such other natural features as the Planning Board may request.
 - b. A summary of the environmental concerns related to the proposed plan.
 - c. Sufficient information, including soil evaluation and percolation test data, in accordance with the rules and regulations of the Cohasset Board of Health and applicable Department of Environmental Protection regulations, to make a determination that adequate provision is made for the disposal of septic waste or written confirmation from the Town of Cohasset Sewer Commission detailing an agreement to accept the proposed wastewater flow.
 - d. A description of the neighborhood in which the lot lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
 - e. Design characteristics shall be shown through rendering or elevations and shall include, but not be limited to, building material, architectural design, streets, site and building landscaping.
 - f. An economic impact analysis of the proposed use and development upon the Town.
 - f. Any other information required by the Planning Board in the rules and regulations adopted by it with respect to such special permit process.
3. Before acting upon any application, the Planning Board shall submit a copy of such application along with a copy of the plan to each of the following boards and departments, which may review it jointly or separately: the board of health, sewer commission, water commission, conservation commission, design review board, police department, fire department and other boards and departments that the Planning Board may deem appropriate. Any such board or department to which the application and plan are referred for review shall submit such recommendations, as it deems appropriate, to the Planning Board. Failure to make recommendations within thirty-five days of receipt shall be deemed lack of opposition by the non-responding board or department.

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4. The Planning Board shall hold a public hearing under this Section 17 and take action thereupon, in conformity with the provisions of the General Laws, Chapter 40A, Sections 9 and 11.
5. A special permit issued under this section 17 shall not be a substitute for compliance with the Site Plan Review requirements of Section 12.6 of the Cohasset Zoning Bylaw where such compliance is required pursuant to applicable law. The granting of a special permit pursuant to this Section 17 shall not constitute a waiver of any requirement of Section 12.6, as above. However, to facilitate processing, the Planning Board may accept a combined plan and application which shall satisfy the requirements of this Section 17 and Section 12.6 of the Cohasset Zoning Bylaw where applicable.

17.4 USES

1. Special Permit Uses.

One or more of the following single uses or Mixed Uses, in a single structure or in multiple standalone structures, of such features and dimensions as will be in compliance with the design standards of Section 17.5, the parking rules of Section 17.6 and the dimensional requirements of Section 17.7, are permitted in the TOD Overlay District by grant of the special permit described in this Section 17, if involving one or more of the following:

- a. Retail uses, whether service-oriented or otherwise, including, without limitation, banks (with or without drive-through facilities), restaurants (but excluding fast food restaurants), public seating areas, dry cleaners, drugstores, convenience stores, beauty salons, barber shops, tailors and other personal services.
- b. One- and/or two-bedroom dwelling units in multi-family format, so long as part of a Mixed Use Development in which aggregate net floor area of dwelling units (exclusive of garages and other covered parking structures) does not exceed 40% of total net floor area on the entire tract under consideration.
- c. Civic, cultural and community facilities.
- d. Offices, stores, daycare facilities and other business establishments.
- e. Train stations.
- g. Buildings and uses accessory to the above, including, without limitation, parking garages that are accessory to dwelling units and cafeterias.

2. Prohibited Uses.

Any use that is not an allowed use (by right or special permit) in the Light Industry District shall be prohibited in the TOD Overlay District, except as allowed by a special permit issued pursuant to this Section 17.

17.5 DESIGN STANDARDS

1. The layout of all buildings proposed for a particular site within the TOD Overlay District shall take into account access to public paths, public sidewalks and/or public roadways that connect to other developed sites, uses, and roadways in the TOD Overlay District as well as the Transit Station.
2. Individual buildings proposed for a particular site within the TOD Overlay District shall be related to each other (and to the buildings in earlier approved TOD Overlay District Developments, if any) in design, mass, material, placement and connection to provide for a visually and physically integrated TOD Overlay District.
3. Treatment of the sides and rears of all buildings within the development shall be comparable in amenities and appearance to the treatment given the street frontage of these same buildings.
4. Included residences shall be in visual and architectural harmony with the non-residential portions of the development.

5. Subject to the provisions of Section 6, all signs shall be complementary in their use of color, shape, and material. Signs may be double-sided.
6. Street trees shall be planted along all rights-of-way.
7. Landscaped areas, open spaces and plazas are encouraged.
8. Pedestrian amenities including benches, trash receptacles and planters shall be provided along sidewalks.
9. Facades over 50 feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments.
10. The Town considers residential use to be a necessary component of the TOD Overlay District, pursuant to Section 17.2.9. Therefore a TOD application must contain a residential component.

17.6 PARKING AND CIRCULATION STANDARDS

1. Parking requirements within the TOD Overlay District are as follows:
 - a. For residential uses, 1 space for each one-bedroom unit and 2 spaces for each two-bedroom unit.
 - b. For non-residential uses, 1 space per 200 square feet of floor area (net).
2. Further reduction in the number of required parking spaces may be permitted by the Planning Board pursuant to this Section 17 after findings made by such Planning Board in its sole determination. The bases for such findings may include, but are not limited to the following: the Development will be adequately served by users of public transportation; the existence of the Transit Station parking otherwise mitigates the need for compliance with the parking ratio stated in Section 17.6.1; and, peak parking demand of the proposed uses in the development do not coincide.
3. Shared parking is strongly encouraged.
 - a. On any lot in the TOD Overlay District that serves more than one use, the total number of spaces required for a Development (taken as a whole) may be reduced, provided that the applicant submits credible evidence to the satisfaction of the Planning Board that the peak parking demand of the uses do not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight.
 - b. The Planning Board, in its discretion may cumulate a certain amount or percentage of the Transit Station parking with that of any lot within the TOD Overlay District that adjoins the Transit Station for purposes of the adjoining lot's compliance with the stated parking ratios, if an appropriate written agreement between the lot owners exists. This will be consistent with the Pedestrian-Friendly environment where it is expected that commuters will walk from the Transit Station to the retail conveniences on such adjoining lots.
4. Subject to mutual agreement between the ownership of the Transit Station and the ownership of lots within the TOD Overlay District that adjoin the Transit Station, there shall be road connections for vehicular passage from the Transit Station to the parking lots of such adjoining properties within the TOD Overlay District that feature retail and/or residential Development.
5. Bicycle racks shall be provided on site at a ratio of 1 space for every 20 automobile parking spaces, except that if the Planning Board determines in its discretion that the Transit Station parking area provides for such bicycle racks in sufficient number and proximity to the Development, the Planning Board may permit a ratio of 1 bicycle rack for each greater number of automobile spaces as it decides.

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6. All parking lots must provide pedestrian access ways that meet the Dimensional Requirements detailed in Section 17.7.
7. Signage that shows the location and best means of access to the Transit Station must be provided at all parking facilities of the Development if there is direct vehicular access from the parking lot of the Development to the parking lot of the Transit Station without utilizing the main streets or highways.
8. To reduce congestion on the highways and main streets, cross-easement access between the Transit Station parking area and parking areas in Developments on lots adjacent to the Transit Station is encouraged. Due safety provisions shall be provided for intersections of walkways and bikepaths with automobile cross-access roads.

17.7 DIMENSIONAL REQUIREMENTS

1. Building Setbacks.
 - a. A building (inclusive of any Public Seating Area that it provides) shall have a minimum front yard setback of 20 feet. Additionally, except for any projection/structure not used for human habitation (including, without limitation, cupolas, chimneys and towers), the upper surface area of which does not exceed five percent of total roof area in the development, no building or portion thereof within 35 feet from its property's front lot line shall be higher than 21 feet.
 - b. The minimum "green strip" requirement under Section 5.4.8 of the Bylaw shall be 35 feet for the TOD Overlay District, maintained pursuant to Section 5.4.8, but may also contain sidewalks and pedestrian lighting.
 - c. The minimum setback for a side yard shall be 10 feet.
 - d. The minimum setback for a back yard shall be 10 feet.
2. Bulk and Lot Coverage.
 - a. Minimum lot coverage is 40 percent. Maximum lot coverage is limited to 80 percent.
 - b. Minimum structural coverage is 20 percent. Maximum structural coverage is limited to 40 percent.
3. Driveways.
 - a. The creation of new curb cuts shall be avoided whenever an alternative point of access is available or can be created. Even if curb cuts already exist, shared access agreements are encouraged, in particular, joint collector and distributor roads, to minimize points of entry and exit onto highways and main roads that would cause traffic congestion.
 - b. The minimum width for one-way traffic is 12 feet.
 - c. The minimum width for two-way traffic is 18 feet.
4. Sidewalks.
 - a. A minimum unobstructed sidewalk width of 5 feet is required.
 - b. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.

17.8 AFFORDABLE HOUSING - “LOCAL INITIATIVE UNITS”

1. In any Development within the TOD Overlay District that features dwelling units as a part thereof, the following shall apply, subject to Sections 17.8.2 and 17.8.3:
 - a. No less than ten less than ten percent (10%) of the total number of dwelling units shall be eligible for qualification as “Local Initiative Units” (as defined in 760 C.M.R. 45.02) in accordance with the standards and conditions set forth in 760 C.M.R. 45.03, so as to be eligible for inclusion within the “Subsidized Housing Inventory” (as defined in 760 C.M.R. 45.02) of the Town;
 - b. The Planning Board may set such conditions on approval of dwelling units in a Development and such restrictions as to 10% of such dwelling units that are consistent with the criteria under 760 C.M.R. 45.03 for qualification of such 10% of dwelling units as Local Initiative Units.
2. Section 17.8.1 shall not apply to any Development that features less than 5 dwelling units and shall not apply to the portions of any Development to which Section 17.8.1 applies that are other than dwelling units.
3. In a Development to which Section 17.8.1 applies, in the event that the 10% calculation results in fractional units, there shall be a rounding up to the nearest whole number. (For example, 5 dwelling units shall include at least 1 Local Initiative Unit; and 11 dwelling units shall include at least 2 Local Initiative Units.)

17.9 RELATIONSHIP TO OTHER BYLAW SECTIONS AND FURTHER REQUIREMENTS

1. Sections 16.10.3 and 7.2.10 of the Bylaw shall not apply to the TOD Overlay District.
2. Any standards for development and use that are not specifically set forth herein shall be the standards applicable to development and use in the underlying district.
3. The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of General Laws and other applicable provisions of the General Laws and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of this Section 17, prescribe as minimum the size, contents, form, style and number of plans and specifications, the Town boards or Departments from which the Planning Board will request written reports and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a TOD Overlay Development, bonding requirements to satisfy conditions of approval, and reporting requirements to satisfy compliance with the affordability restrictions. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations. Failure to adopt such Rules and Regulations shall not affect the validity of this Section 17.

SECTION 18: Special Permits in the Village Business (VB) District

(11/13/07 Article 4)

In addition to the requirements and procedures set forth in Section 12.4, applications for special permits in the Village Business (VB) District shall be subject to the additional required performance standards included in this Section 18.

1. In addition to other findings of compliance as required pursuant to this bylaw, a special permit shall not be granted by the special permit granting authority unless and until the special permit granting authority has issued written findings certifying compliance with the performance standards of this Section 18, as follows:
 - a. The maximum allowable floor area ratio shall be 1.3 provided, however, that the maximum allowable floor area ratio may be increased to 2.0 by the special permit granting authority provided that any such increase in floor area ratio shall not entitle the applicant to relief from other dimensional requirements of this bylaw unless such relief is otherwise and separately granted by variance, and only upon one or more of the following specific findings:
 - i. A floor area ratio greater than 1.3 will result from permitted additions or expansions to buildings in existence as of the date of adoption of this Section 18.
 - ii. The approved use with a floor area ratio greater than 1.3 will provide a public benefit in addition to those necessary to meet all the other requirements of this bylaw such as: construction of off-site infrastructure serving a public purpose, such as parking and sidewalks; construction of low or moderate income apartments; construction of a building that will produce emissions that are at least 50% less than required to comply with the Massachusetts State Building Code based on calculations performed using the latest available version of energy modeling software issued by the United States Department of Energy; or a combination of such public benefits.
 - iii. For purposes of the previous subsection (ii), the term “low or moderate income apartments” means a) low or moderate income housing as defined in M.G.L. c.40B and its regulations, b) “community housing” as defined in M.G.L. c.44B and its regulations, and/or c) housing that would be available to occupants having household incomes up to 125% of area median income, as area median income is then defined under M.G.L. c.40B and its regulations.
 - b. The total gross floor area of a single apartment in the VB District shall be not less than 700 square feet nor more than 1,500 square feet.
 - c. In addition to the required performance standards in this Section 18, the special permit granting authority may adopt regulations establishing additional design guidelines for development in the VB district.
 - d. In granting a special permit, the special permit granting authority may impose conditions on building and site design to ensure the architectural compatibility with the surrounding neighborhood, and to ensure consistency with approved design guidelines.
 - e. The special permit granting authority shall not take final action on a special permit application proposing any expansion or exterior renovation of a building in the VB district that was built prior to 1/15/55 until first requesting, in addition to those reports detailed in Section 12.4.2, a report thereof from the historical commission, or until the historical commission has allowed thirty-five days to elapse after receipt of a copy of such application without submission of a report. Reasons for not accepting any of the comments and recommendations of the historical commission shall be noted by the special permit granting authority in the final action on the application.

2. In the VB District, the special permit granting authority may allow apartment units on ground floors of buildings only where:
 - a. The building is located behind another building that has one or more retail or services uses on the ground floor, when considered relative to a street; or the residential portion of the first floor of a building is located behind one or more retail or services uses within the same building, when considered relative to a street; and
 - b. Where the applicant demonstrates and the special permit granting authority specifically finds that first floor residential uses will not have an adverse impact on the continuity of any retail or services uses located adjacent to a street.
3. The planning board shall be the special permit granting authority for uses identified by the letters “SPP” in Section 4.2 the Table of Use Regulations. A special permit issued pursuant to this Section 18 shall not be a substitute for compliance with Section 12.6, Site Plan Review, of these zoning bylaws where such compliance is required pursuant to applicable law. The grant of a special permit pursuant to this Section 18 shall not constitute a waiver of any requirement of Section 12.6. However, to facilitate processing, the planning board as special permit granting authority may accept a combined plan and application which must satisfy all applicable requirements of these zoning bylaws, including without limitation the requirements of Section 12.4, Section 12.6, this Section 18 and the rules of the special permit granting authority relative to issuance of special permits.

SECTION 19: Town of Cohasset Wind Energy Conversion Facility Bylaw

(3/29/08 Article 14)

19.1 PURPOSE AND INTENT

It is the express purpose of this bylaw to accommodate large distributed generation, wind energy conversion facilities, hereinafter referred to as a wind turbine(s), in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the facilities. The bylaw enables the review of wind turbines by the town's Planning Board in keeping with the Town's existing bylaws. This bylaw is intended to be used in conjunction with other regulations adopted by the Town, including historic district regulations, site plan review and other local bylaws designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure development in Cohasset.

19.2 DEFINITIONS

Height: The height of a turbine(s) is measured to the highest point reached by the blades. The height of the tower will be measured to the top of the nacelle.

Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generators and protects them from the weather.

Rotor: The blades and hub of the wind turbine(s) that rotate during turbine operation.

Set Back: The base of the tower to the nearest lot line.

Size: Only wind turbines greater than 500 kilowatts are covered by this Bylaw.

Special Permit Granting Authority (SPGA): Board designated by zoning ordinance or bylaw with the authority to issue permits.

Wind energy conversion facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Turbine Flickering: The blinking effect while the rotor is in motion. Attention will be paid to siting the wind turbine(s) to reduce significant flickering.

Wind Monitoring or Meteorological ("test" or "met") Towers: Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower.

19.3 DISTRICT REGULATIONS

19.3.1. Use Regulations:

19.3.1. Wind Turbine.

The construction of any wind turbine under this Bylaw shall be permitted in all zoning districts, subject to issuance of a Special Permit and provided the proposed use complies with all Dimensional and Special Permit Requirements set forth in Sections 19.3 and 19.4 of this bylaw.

19.3.1.2. Wind Monitoring or Meteorological Towers.

Temporary erection of Wind Monitoring or Meteorological Towers shall be permitted in all zoning districts subject to the issuance of a building permit for a temporary structure for not more than eighteen months.

19.3.2. Site Control.

The applicant shall submit with the application documentation of the applicant's legal right to install and use the proposed facility at the subject property. Documentation should also include proof of control over the setback areas.

19.3.3. Dimensional Requirements.

All wind turbines shall comply with the requirements set forth in this Section 19.3.3.

19.3.3.1. Height.

Wind turbines shall have a maximum height of 350-feet, as measured from the Pre-Construction Grade to the highest point reached by the nacelle. The SPGA may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any adverse impacts. Monopole towers are the preferred type of support for wind turbines.

19.3.3.2. Setback.

a) Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.

b) In addition, the following setbacks shall be observed:

1. In order to ensure public safety and to protect the interest of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line in a residential district, shall be equal to the total height of the turbine to the highest point.

19.4 SPECIAL PERMIT CRITERIA

The SPGA may grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw and is consistent with the applicable criteria for granting Special Permits.

19.4.1. General.

Proposed wind turbine(s) shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

19.4.1.1. Visual Impact.

The proponent shall demonstrate through project siting and proposed mitigation that the wind turbine minimizes any impact on the visual character of surrounding neighborhoods and the community; this may include, without limitation, information regarding site selection, turbine design, buffering, lighting and cable layout.

19.4.1.2. Color.

Wind turbine(s) shall be painted a non-reflective color.

19.4.1.3. Lighting and Signage.

Wind turbine(s) shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required marking and /or lights for the structure.

a) Lighting of equipment structures and any other facilities on site (except lighting) required by the FAA shall be shielded from abutting properties.

b) Signs on the facility shall be limited to:

1. Those needed to identify the property and the owner and warn of any danger; and,
2. Educational signs providing information on the technology and renewable energy usage.

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c) All signs shall comply with the requirements of the Town's sign regulations unless relief is granted by the S.P.G.A.

19.4.2.1. Land Clearing/Open Space/Rare Species.

Wind turbines shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind turbines facilities shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity (particularly avian species, bats, etc.) as may be applicable law.

19.4.2.2. Storm Water.

Storm water run-off and erosion control shall be managed in a manner consistent with all applicable state and local law.

19.4.2.3. Noise.

The wind turbine and associated equipment shall conform with Massachusetts noise regulations (310 CMR 7.10). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

19.4.2.4. Shadowing/Flicker.

Wind turbines shall be sited in a manner that does not result in significant shadowing or flicker impacts. Applicant must demonstrate that this effect does not have significant adverse impact on adjacent uses through siting.

19.5 USES BY TELECOMMUNICATIONS CARRIERS

Wind turbines may be used to locate telecommunications antennas, subject to applicable law governing such uses and structures, and subject to the following additional requirements:

- a) All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened from view year-round (either through effective landscaping or existing natural vegetated buffers);
- b) Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower; and;
- c) All cabling associated with the personal wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.

19.6 MONITORING AND MAINTENANCE

19.6.1. After the wind turbine is operational, the applicant shall submit to the SPGA at annual intervals from the date of issuance of the Special Permit, a report detailing operating data for the facility (including but not limited to days of operation, energy production in accordance with the special permit conditions).

19.6.2. The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, without limitations, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present.

19.6.3. Notice shall be provided to the SPGA of any change in ownership of the facility.

19.7 ABANDONMENT OR DISCONTINUATION OF USE

19.7.1. Within six months that a wind turbine(s) is scheduled to be discontinued, the applicant will notify the SPGA by certified U.S. mail of the proposed date of abandonment or discontinuance of operations. In the event that an applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for 190 days. In the case of a multi-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.

19.7.2. Upon abandonment or discontinuation of use, the owner shall physically remove the wind turbine(s) within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the SPGA." Physically remove" shall include, but not be limited to:

- a) Removal of the wind turbine(s) and tower(s), all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property.
- b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations.
- c) Restoration of the location of the wind turbine(s) to its natural condition, except that any landscaping, grading or below grade foundation may remain in the after-condition.

19.7.3. If an applicant fails to remove a wind turbine in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The SPGA may in its decision provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election to cover costs of removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of removal of the facility as determined by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

19.8 TERMS OF SPECIAL PERMIT

A Special Permit issued for any wind turbine(s) facility shall be valid for 25 years unless extended or renewed. At the end of that time period, the wind turbine(s) shall be removed by the applicant.

19.9 APPLICATION PROCEDURES

19.9.1. Special Permit Granting Authority (SPGA)

The SPGA for wind energy conversion facilities, also referred to as Wind Turbine(s) is this bylaw shall be the Planning Board.