

General Bylaws

Administrative Bylaws

COHASSET CODE

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Construction and Penalties
[Adopted as Art. I, §§ 1 and 2, of the 1988 General Bylaws]

§ 1-1. When effective. [Amended 4-30-2018 ATM by Art. 18]

These chapters shall constitute the bylaws of the Town of Cohasset, which shall be in lieu of all bylaws heretofore in force, except for the zoning bylaws, and shall become effective upon approval of the Town Meeting and the Attorney General of the Commonwealth of Massachusetts after publication, pursuant to MGL c. 40, § 32.

§ 1-2. Effect of repeal.

The repeal of a bylaw shall not have the effect of reviving any bylaw previously repealed.

§ 1-3. Amendments and new bylaws.

Any or all of these bylaws may be repealed or amended and any other bylaws may be adopted by a majority vote at any Town Meeting, provided an article for that purpose has been inserted in the warrant for such meeting. A change in a zoning bylaw requires a two-thirds vote of the Meeting.

§ 1-4. Licenses and permits.

When a bylaw prohibits anything from being done without license or permission from a certain officer, board, or committee, such officer, board, or committee shall have the power to license or permit such thing to be done, unless otherwise provided by law.

§ 1-5. Severability. [Amended 4-30-2018 ATM by Art. 18]

The invalidity of any chapter or section of these bylaws shall not affect the validity of any chapter, section or bylaw otherwise valid, and these bylaws shall remain in effect as amended from time to time, except for those chapters or sections thereof which are determined to be invalid.

§ 1-6. Violations and penalties.

- A. Whoever violates any provision of these bylaws shall, unless some other penalty is expressly provided by law, pay for each offense a fine not to exceed \$200.
- B. Prosecution for the breach of any of the provisions of these bylaws shall be commenced within six months from the alleged breach.

§ 1-7. Noncriminal disposition. [Added 4-6-1991]

Any section of these bylaws or rules and regulations of any municipal department, board or commission, violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate enforcing person, be enforced in the manner provided in MGL c. 40, § 21D, Noncriminal disposition of certain violations. "Enforcing person" as used in this bylaw shall mean the Animal Control Officer, Chairman of the Conservation Commission, Harbor Master, Assistant Harbor Master, Health Agent, Building Inspector, Town Manager, any police officer or such other official as the Board of Selectmen may from time to time designate, each with respect to a violation of any section of these bylaws or rules and regulations within their jurisdiction having a specific penalty. If more than one official has

jurisdiction in any given case, any such official may be an enforcing person with respect thereto.

§ 1-8. Definitions and word usage.

- A. The words "public way" shall include any highway, Town way, road, bridge, street, sidewalk, or square dedicated to public use.
- B. The words "owner" or "occupant" of a building or land shall include any sole owner or occupant and any joint tenants, tenants in common, or tenants by the entirety, of the whole or any part of a building or lot of land.
- C. The word "person" shall include individuals, corporations, societies, associations, and partnerships.
- D. Any use in these bylaws of the phrase "by law" shall mean in accordance with the laws of the United States of America and of the Commonwealth of Massachusetts, as well as regulations promulgated by the authority thereof, as from time to time amended.
- E. Whenever used herein, a pronoun in the masculine gender shall include the feminine gender. Whenever the context may be so construed, any noun, pronoun, or verb in the singular shall include the plural. The words "herein" and "hereunder" or any compound of the word "here" shall refer to the entire bylaws, as from time to time amended.
- F. The "Troika" shall consist of the Town Moderator, who shall be the Chairman of the Troika, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee. **[Added 4-28-2014]**
- G. "Town Manager Act" shall mean "An Act Providing for a Town Manager in the Town of Cohasset" as set forth by Chapter 34 of the Acts of 1997, as amended by Chapter 421 of the Acts of 1998, Chapter 330 of the Acts of 2000 and Chapter 3 of the Acts of 2014, and as the same may be amended from time to time. **[Added 4-28-2014]**

ARTICLE II
Recodification of General Bylaws

[The recodification of the Cohasset General Bylaws as Division 1, Chapters 1 through 260, of this Code was approved by Town Meeting 4-30-2018 by Art. 18, approved by the Attorney General's office 6-21-2018. A complete copy of Art. 18 is on file in the office of the Town Clerk.]

DEPARTMENTAL REVOLVING FUNDS

Chapter 8

DEPARTMENTAL REVOLVING FUNDS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 5-1-2017 ATM by Art. 9. Amendments noted where applicable.]

§ 8-1. Purpose.

This chapter establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

§ 8-2. Expenditure limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Advisory Committee.

§ 8-3. Interest.

Interest earned on monies credited to a revolving fund established by this chapter shall be credited to the General Fund.

§ 8-4. Procedures and reports.

Except as provided in General Laws Chapter 44, § 53E1/2 and this chapter, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§ 8-5. Authorized revolving funds.

The Table set forth in this section establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;

- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years for which each fund shall operate under this chapter.

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses	Fiscal Years
Conservation and Stormwater	Town Manager	Conservation fees, Stormwater permit fees	Salaries or wages of Conservation Agent and staff; expenses and contractual services	FY 2018 and subsequent fiscal years
Food Permits	Director of Public Health, with Town Manager approval	Food permit fees	Inspectional services and salaries; educational programs	FY 2018 and subsequent fiscal years
Elder Affairs Programs	Director of Elder Affairs, with Town Manager approval	Elder Affairs program fees	Expenses, supplies and contractual services to conduct programs and trips	FY 2018 and subsequent fiscal years
Recreation Programs	Director of Recreation, with Town Manager approval	Recreation program fees	Salaries, expenses, supplies, and contractual services	FY 2018 and subsequent fiscal years
Library Patron Printing [Added 6-16-2020 ATM by Art. 9]	Library Director	Patron printing and copying fees	Supplies, maintenance, and related expenses	FY 2021 and subsequent fiscal years
Road Moratorium Fees [Added 6-16-2020 ATM by Art. 9]	DPW Director	Road opening fees and fines	Roadway and related infrastructure expenses	FY 2021 and subsequent fiscal years
Cohasset Tree Bank [Added 6-16-2020 ATM by Art. 9]	DPW Director	Tree mitigation fees	Tree planting, maintenance and related expenses	FY 2021 and subsequent fiscal years
Vaccination Clinic Fund [Added 12-12-2022STM by Art. 7]	Director of Public Health	Grants/payments from vaccination clinics	Vaccination clinic administration, including vaccines, equipment, and staffing	FY 2023 and subsequent fiscal years

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses	Fiscal Years
Library Programs [Added 6-3-2024ATM by Art. 11]	Library Director	Fees paid by patrons to participate in various library programs	Supplies, maintenance, and expenses related to patron programs	FY25 and subsequent years
Specialized Inspections (electrical, plumbing, gas-fitting, etc.) [Added 6-3-2024ATM by Art. 11]	Director of Permits and Inspections	Fees paid by property owners and contractors for specialized inspections	Salaries, expenses, and contractual services	FY25 and subsequent years
Rental Inspections and other Programs [Added 12-9-2024STM by Art. 8]	Director of Public Health and Town Manager	Fees paid by property owners for inspections	Salaries, expenses and contractual services	FY25 and subsequent years

COHASSET CODE

Chapter 12

FINANCE

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VI of the 1988 General Bylaws. Amendments noted where applicable.]

§ 12-1. Audits. [Amended 4-6-1991]

All accounts of the Town shall be audited biennially, either under the supervision of the Director of Accounts, Department of Revenue, in accordance with the provisions of MGL c. 44, § 35, or by a person chosen by the Selectmen, in accordance with MGL c. 44, § 42.

§ 12-2. List of unpaid bills.

Each head of a department, board, or committee authorized to expend money shall furnish the Town Accountant at the close of the fiscal year a list of unpaid bills, indicating the amount due, to whom it is owed, and for what purpose. This information shall be incorporated in the Town Accountant's annual report. Authorization for payment of expenditures from a prior fiscal year which have exceeded the Town's appropriation requires a four-fifths vote at an Annual Town Meeting and a nine-tenths vote at a Special Town Meeting.

§ 12-3. Solicitation of bids.

Town officers, boards and committees shall comply with Massachusetts statutes regarding solicitation of bids relating to public works projects, public buildings and municipal contracts, including, without limitation, MGL c. 30B; MGL c. 30, §§ 39A through 39M; and MGL c. 149, §§ 44A through 44M.

§ 12-4. Contractor to furnish bond.

Any officer contracting for work for the Town at a cost in excess of \$2,000 shall require the contractor to furnish a bond to guarantee the faithful performance of the contract, in accordance with MGL c. 149, § 29.

§ 12-5. Work paid for in part by private citizens.

No board, committee, or officer having charge of any work for which partial payment is to be contributed by private citizens shall undertake the work until a sum estimated by the officer, board, or committee as sufficient to cover the portion of the cost chargeable to such private citizens has been deposited with the Town Treasurer-Collector.

§ 12-6. Purchase of hardware or software.

- A. The Town Accountant shall refuse to authorize payment for purchase of any hardware or software that does not conform to the standards of the Computer Advisory Committee. **[Amended 6-10-1994]**
- B. The use of Town-owned computer hardware or software for private, non-work-related purposes or the use of software not properly licensed shall be a violation of this bylaw punishable by fine and/or disciplinary action by the appropriate authority.
- C. The School Department and Paul Pratt Memorial Library are exempt from the provisions of this section except for hardware and software purchased and used for general administrative purposes.

§ 12-7. Monthly reports. [Added 6-28-2005]

- A. The Town Director of Finance shall present to the Board of Selectmen on a monthly basis an accurate monthly expense status report of the line items in all Town budgets, including month to date, and year to date figures to track the rate of expenditures, together with any encumbrances for which the Town is obligated to pay in the future. The Cohasset School Committee shall cause to be prepared on a monthly basis an accurate monthly expense status report of the expenditure items in the school

budget, except as may otherwise be required by law, including month to date, and year to date figures to track the rate of expenditures, together with any encumbrances for which the Town is obligated to pay in the future and shall provide a copy thereof to the Director of Finance of the Town. Copies shall be made available to the public at the Town Clerk's office and the Paul Pratt Memorial Library. **[Amended 4-30-2018 ATM by Art. 18]**

- B. The Town Director of Finance shall present to the Board of Selectmen on a monthly basis an accurate monthly income and expense status report of the expenditures, direct and indirect, in all Town revolving and enterprise accounts, including month to date, and year to date figures to track the rate of expenditures. The Cohasset School Committee shall cause to be prepared on a monthly basis an accurate monthly income and expense status report of the expenditures, direct and indirect, in all school revolving and enterprise accounts, including month to date, and year to date figures to track the rate of expenditures, except as may otherwise be required by law, with a copy to the Town's Director of Finance. Copies shall be made available to the public at the Town Clerk's office and the Paul Pratt Memorial Library.

§ 12-8. Denial, suspension or revocation of license or permit for failure to pay taxes or other charges. [Amended 2-3-2014]

- A. Any Town board, officer or department or other local licensing or permitting authority may deny any application for or revoke or suspend a building permit or any local license or permit, including renewals and transfers, issued by any board, officer, or department for any person, corporation or business enterprise that has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of MGL c. 21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- B. The Treasurer-Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually and may periodically furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board. **[Amended 5-1-2017 ATM by Art. 16]**
- C. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or

introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate.

- D. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- E. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.
- F. This section shall not apply to the following licenses and permits: open burning, MGL 48, § 13; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping license, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181. **[Amended 4-30-2018 ATM by Art. 18]**

OFFICERS, BOARDS AND COMMITTEES

Chapter 30

OFFICERS, BOARDS AND COMMITTEES

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
General Provisions
[Adopted as Art. I, § 3, of the 1988 General Bylaws]

§ 30-1. Officers and members to be registered voters and sworn in.

All elected officers and members of boards and committees shall be registered voters of the Town and shall, before entering into that position, be sworn in by the Town Clerk.

§ 30-2. Compensation.

Unless otherwise specified in these bylaws, officers and members of boards and committees shall receive no compensation.

§ 30-3. Office held until successor installed.

All officers and members of boards and committees shall continue to hold office until their successors are installed.

§ 30-4. Resignations.

Persons who resign from Town offices, boards, or committees shall submit formal notification of their resignation to the Town Clerk, as well as to the chairman of the board or committee from which they are resigning.

§ 30-5. Vacancies.

Vacancies in office shall be filled for the remainder of an unexpired term in the following manner:

- A. Vacancies in elected offices shall be filled in accordance with MGL c. 41, §§ 10 and 11.
- B. Unless otherwise provided by law or these bylaws, vacancies in appointive offices shall be filled by the original appointing authority.

§ 30-6. Books, papers and documents.

- A. All officers of the Town at the expiration of their term of office shall deliver to their successors all books, papers, documents and other properties in their custody belonging to the Town.
- B. All books, papers, and documents belonging to the Town and not necessary for the immediate use of any department shall be placed in the custody of the Town Clerk and deposited in the Town vault.

§ 30-7. Appointment of committees.

Unless otherwise provided by vote of the Town, by law, or in these bylaws, all committees shall be appointed by the Moderator or other appointing authority as soon as possible after the passage of the vote creating the committee. If a committee is chosen by nominations from the floor of the Town Meeting, no person shall nominate more than one member of such committee.

§ 30-8. Appointment of successors to standing committees.

Appointments of successors to standing committees shall be made within 30 days after the Annual Town

Meeting, unless otherwise provided by law or these bylaws.

§ 30-9. Organization; duties and reports.

Unless otherwise provided, the first-named member of a committee shall immediately call all members of the committee together for the purpose of organization. Each committee shall thereafter proceed with its duties and report to the Town as promptly as possible, and, unless it is discharged, it shall make a report at the next Annual Town Meeting. The members of a committee which fails to make a report at such Annual Town Meeting shall by such failure be held to have resigned, and without further action or vote new members shall be appointed by the original appointing authority unless other action is taken by express vote of the Meeting.

§ 30-10. Notice of public hearings. [Amended 4-30-2018 ATM by Art. 18]

All committees responsible for any matter requiring a public hearing shall give proper public notice, stating the time, place, and purpose of such hearing, in accordance with MGL c. 30A, §§ 18 to 25.

§ 30-11. Reports of committees.

- A. A vote to accept the report of a committee, except a report of progress, shall, unless otherwise provided, discharge the committee, but it shall not operate as an adoption of the recommendations of such report without an express vote duly passed to that effect.
- B. All reports of committees, except reports of progress, shall be in writing and shall be permanently filed with the Town Clerk, and if the Selectmen so require or the Town so votes, the report of any committee shall be published as a part of the next Annual Town Report.

§ 30-12. Quorum.

A majority of the members of a committee shall constitute a quorum, and unless otherwise provided by law, governing instrument, or these bylaws, a majority vote of those members constituting a quorum shall prevail.

§ 30-13. Chairman.

Each board, commission, or committee shall annually elect a chairman from its membership.

§ 30-14. Records.

Each board, commission, or committee shall keep records of its meetings and other proceedings sufficient to ensure continuity in its operation from year to year.

§ 30-15. Inventory of property.

Each Town officer, each head of a Town department, committee, or board, and any individual having charge or custody of any real or personal property belonging to or under the control of the Town shall annually by January 10 file with the Board of Selectmen and the Town Accountant an itemized inventory of such property, both real and personal, under his control. This report shall include a description of the property and an appraisal of its replacement value, and shall be true, accurate, and complete as of the close of business on December 31 of the preceding year. Each office, or head of a Town department, committee, or board, shall, upon the purchase or acquisition of any property, render a statement in writing to the

Selectmen and the Town Accountant fully describing the property, with the replacement value thereof.

§ 30-16. Reports to be printed in Annual Town Report.

The reports of all officers, boards, or committees which are to be printed in the Annual Report shall be delivered to the Selectmen at least 60 days before the date of the Annual Town Meeting.

§ 30-17. Disposition of money collected.

Unless otherwise provided by statute or these bylaws, all fees, fines or other money collected in the name of or on behalf of the Town by any Town officer, board, or committee shall be turned over to the Treasurer-Collector.

§ 30-18. Notice and conduct of meetings. [Amended 4-30-2018 ATM by Art. 18]

All boards, commissions, or committees shall comply with MGL c. 30A, §§ 18 to 25, concerning notice of meetings and conduct of proceedings.

§ 30-19. Notice of appointment and term of office.

Any individual, group of individuals, or board which has the authority under this bylaw or under state law to appoint members to boards, commissions, or committees shall, when making any such appointment, notify each appointee in writing of the board, commission, or committee to which he has been appointed, the inception date of his term of office, and the termination date of his term of office, and unless otherwise provided by state law, the termination date shall be June 30.

§ 30-20. Petition to remove member.

A majority of the members of an appointed committee present at a duly constituted meeting of the committee may vote to petition in writing the Board of Selectmen or other appointing authority to remove a member who is absent from four consecutive meetings of the committee without the permission of its chairman. The Board of Selectmen or other appointing authority shall have the authority to remove an appointed committee member who has been so absent, shall act on the petition within 15 days of its receipt and shall forthwith notify the chairman of the petitioning committee, the committee member who is the subject of the petition, and the Town Clerk of its action.

ARTICLE II
Elected Town Officers
[Adopted as Art. III of the 1988 General Bylaws]

§ 30-21. Town Moderator.

- A. The Moderator shall be elected for a term of three years and shall receive compensation as fixed by the Town Meeting.
- B. The Moderator is the head of the legislative branch of the Town and shall preside at Town Meeting.
- C. All committees authorized by the Town Meeting, except as otherwise provided by law, these bylaws, or vote of the Town, shall be appointed by the Moderator as soon as possible after passage of the vote creating the committee.

§ 30-22. Selectmen.

- A. The Board of Selectmen shall consist of five members: one member to be elected in 1988 to hold office for three years, two members to be elected in 1989 to hold office for three years, two members to be elected in 1990 to hold office for three years, and each to hold office until his successor is qualified. Thereafter when the term of a member expires, the Town shall elect by ballot members of the Board to serve for three years and until a successor is qualified. They shall hold no other elected Town office, and shall receive compensation as fixed by the Town Meeting.
- B. The executive powers of the Town shall be vested in the Board of Selectmen, which shall have all the powers given to boards of selectmen by the General Laws of the Commonwealth of Massachusetts, the Town Manager Act, and such additional powers that may be given to the Board of Selectmen by the General Bylaws of the Town of Cohasset, which may be amended from time to time. The Selectmen shall exercise, through the Town Manager, general supervision over all matters affecting the interest or welfare of the Town. The Board of Selectmen shall serve as the chief goal setting and policymaking body of the Town, and as such shall not normally administer the day-to-day affairs of the Town. **[Amended 4-28-2014]**
- C. The Selectmen shall cause to be compiled, printed, posted and distributed the warrant for each Annual and Special Town Meeting, in accordance with the provisions of Chapter 45, Town Meeting, of these bylaws.
- D. The Selectmen shall cause to be printed and ready for distribution, at least seven days before the Annual Town Meeting, a report giving a detailed statement of the receipts and expenditures of the Selectmen, Treasurer-Collector, School Committee, and all other Town officers, boards or committees who or which have had charge of expenditures of Town funds for the financial year immediately preceding. The Annual Report shall also contain all reports for the preceding year submitted by appointed and elected officers, boards and committees, and the Town Clerk's record of Town Meetings held, a list of vital statistics of Cohasset citizens, election results, the jury list and any other matters required under MGL c. 40, § 49.
- E. The Selectmen may appear, either personally or by Town Counsel or by special counsel duly employed by them, before any court, committee of the Legislature, commission, or other tribunal, to protect the interests of the Town, but they are not authorized hereby to commit the Town to any course of action. They shall have authority as agents to institute, prosecute, and defend suits and claims against or involving the interests of the Town, and may pay settlements not exceeding \$10,000

from any appropriation or funds which may be legally available for the purpose, when, in their judgment and upon advice of counsel, such settlement is in the best interests of the Town. **[Amended 7-27-1990]**

- F. The Selectmen shall have the possession and management of all real property purchased or taken for taxes not inconsistent with law or with the right of redemption. They may sell at public or private sale any property acquired by the Town through proceedings based on nonpayment of taxes and may impose upon the property so sold such restrictions, reservations, or conditions as shall seem appropriate. They may execute, acknowledge, and deliver, in the name and under the Seal of the Town, deeds or other instruments therefor. In the sale, conveyance and transfer of real estate permitted or specifically authorized by the Town vote for a stipulated sum to a designated person, the Selectmen may, whenever they deem it in the best interests of the Town, sell, convey and transfer such real estate for a larger sum to a different person or at a public auction.
- G. Whenever it is necessary to execute a deed or other instrument conveying any interest in land belonging to the Town, other than a tax deed, unless it is otherwise provided by law or by vote of the Town, such deed or instrument shall be executed on behalf of the Town by a majority of the Selectmen, and it shall be sealed with the Town Seal.
- H. The Selectmen shall have the right to sell any item of personal property of the Town after it has been properly appraised by a qualified person. If the property is appraised at more than \$1,000, the property shall be offered for sale at public auction. If property is not sold at public auction, or if it has been declared by a qualified person to be unsalable or of negligible value, the Selectmen may offer it to nonprofit charitable organizations and, if not accepted, to anyone who will remove the property promptly at no charge. All moneys realized from all sales shall be turned over to the Town Treasurer-Collector. **[Amended 4-30-2018 ATM by Art. 18]**
- I. The Selectmen shall keep insured against loss, damage, or fire all insurable property of the Town, both real and personal. They shall maintain general liability, group health, accident, and life insurance for all eligible Town employees.
- J. The Selectmen shall have such other powers, duties, and responsibilities as are provided by the Massachusetts General Laws, including, without limitation, the following:
 - (1) Appointing workers at elections, in accordance with MGL c. 51; **[Amended 6-2-1998]**
 - (2) Acting as Tree, Park and Cemetery Commissioners and in that connection shall, among other things, care for and maintain trees, playgrounds, and public parks, including Wheelwright Park, in conformity with the Massachusetts General Laws and with provisions of specific bequests; **[Amended 6-2-1998]**
 - (3) Caring for and managing all public cemeteries; **[Amended 6-2-1998]**
 - (4) Issuing gasoline permits and the following licenses: Sunday, liquor, entertainment, common victualler, inn holder, Class I, II, and III automobile dealers, junk collector, auctioneer, peddler, and transient vendor. They shall establish appropriate fees for such licenses and permits if not otherwise specified by law; **[Amended 4-4-1992; 6-2-1998]**
 - (5) Renting property of the Town under their jurisdiction on such terms and conditions as they deem appropriate and in the best interest of the Town; **[Amended 6-2-1998]**
 - (6) Conducting hearings involving complaints about dogs and other animals, and enforcing the provisions of these bylaws concerning such matters; **[Amended 6-2-1998]**

- (7) That decorative lighting be permitted on the Town Common for events sponsored by nonprofit, civic, charitable, recreational and educational organizations; the size, type, form, duration and location of such lighting shall be subject to the written permission of the Board of Selectmen. Nothing contained herein shall limit the lighting being displayed during the period that is allowed under § 300-6.3B(2) of the Zoning Bylaw for the enjoyment of citizens and visitors to the Town of Cohasset; **[Amended 7-22-1997]**
- (8) The Board of Selectmen is authorized to establish from time to time fees and charges for licenses, permits and other municipal purposes granted by departments under the Board's jurisdiction, such authority hereby granted and such fees and charges established to be consistent with the General Laws of the commonwealth. **[Amended 7-6-1999]**

K. Public and private ways. **[Amended 12-1-1996; 5-1-2017 ATM by Art. 21]**

- (1) Pursuant to the provisions of MGL c. 40, § 6N, the Selectmen are authorized to provide for the making of temporary repairs to private ways subject to the following conditions:
 - (a) Any repairs shall be as determined by the Board of Selectmen;
 - (b) Drainage facilities shall be included to the extent required by public convenience and necessity as determined by the Board of Selectmen upon advice from the Superintendent of Public Works;
 - (c) The Board of Selectmen shall make a determination that such repairs are required by public necessity before such repairs may be undertaken;
 - (d) Such repairs shall only be made if the Board of Selectmen receives a petition from abutter(s) who own at least 50% of the linear footage along such way;
 - (e) Betterment charges may be assessed by the Board of Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs;
 - (f) The Town shall have no liability as a result of any such repairs, except as may be provided by law, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutter(s) who petitioned therefor;
 - (g) The private way shall have been opened to the public use for two years or more prior to the undertaking of such repairs;
 - (h) The Board of Selectmen may require a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Superintendent of Public Works, to be paid to the Town prior to the commencement of such repairs;
 - (i) The Board of Selectmen may use any collection process deemed necessary in collecting from the abutters.
- (2) Pursuant to MGL c. 82, the Board of Selectmen is authorized to lay out, alter and relocate public ways and private ways, and to order specific repairs for public and private ways. For owners of any private ways open to the public for public use:
 - (a) Such owners may petition the Board of Selectmen to lay out, alter and relocate such private ways, to order specific repairs to such ways, and to place an article on the warrant to have such ways accepted by Town Meeting as a public way.

- (b) The laying out, alteration and relocation of any private way or portion thereof shall only cause such private way or portion thereof to become a public way upon the acceptance by Town Meeting of such layout, alteration or relocation and the acquisition by the Town of rights to property for any such way or portion thereof that is to be a public way.
 - (c) Before any such way is entered upon for the purposes of construction, or is closed up, the persons upon whose application such way was laid out, relocated or altered or specific repairs are to be made shall give to the Town security satisfactory to the Board of Selectmen that such persons will indemnify the Town for all damages and charges that the Town is obligated to pay arising from such laying out, alteration, relocation and specific repairs.
 - (d) After due notice and hearing, the Board of Selectmen may determine to approve or deny all or any part of such petitions in accordance with applicable law and policies implemented by the Board of Selectmen.
 - (e) Costs and charges may be apportioned, assessed and collected pursuant to any applicable law, including as betterments pursuant to MGL c. 80.
 - (f) The Board of Selectmen may from time to time adopt and amend policies and guidelines to implement its authority hereunder.
- L. The Selectmen shall have additional appointment powers pursuant to the Town Manager Act. **[Added 4-28-2014]**

§ 30-23. Town Clerk.

- A. The Town Clerk shall be elected for a term of three years and shall assume office seven days after his election. An individual who has served in the office of Town Clerk for five consecutive years may, by vote at a Town election, hold that office during good behavior pursuant to the provisions of MGL c. 41, § 19B. He shall be compensated as fixed by Town Meeting.
- B. The Town Clerk shall perform the duties required of him by the Massachusetts General Laws, including, without limitation, keeping a record of vital statistics, election results, the jury list, the list of residents of the Town, and the list of registered voters, and shall record and file all agreements and other papers and documents affecting the interests of the Town.
- C. The Town Clerk shall instruct the Town Counsel to record every instrument conveying an interest in land to the Town, except as otherwise provided by law, in the proper Registry of Deeds, and shall retain custody of all such recorded instruments upon their return from the Registry of Deeds. He shall keep, in a book devoted to that purpose alone, true copies of all conveyances executed and delivered by the Town of any interest in land.
- D. The Town Clerk shall keep on file these bylaws and all revisions thereof and additions or amendments thereto, and shall make copies available to the public. The Town Clerk shall serve ex officio as a member of the Bylaw Committee.
- E. The Town Clerk shall keep minutes of all Town Meetings and record all votes as declared by the Moderator. His report of any Town Meeting shall include each article in its entirety, together with the main motion and any amendments thereto and the disposition thereof.
- F. The Town Clerk shall immediately after every Town Meeting furnish the Board of Assessors, the Town Accountant, and the Treasurer-Collector with a statement of all moneys appropriated by the

Town at such meeting, and of the purpose of each appropriation.

- G. The Town Clerk shall include in the regular record of a Town Meeting such portions of any report of a board or committee whose recommendations have been adopted as may be necessary for understanding the action taken by the Town. Unless such a report has been printed in full in the Town Report, the Clerk shall cause it to be entered in full in the Book of Reports. This book shall be properly indexed. The reports shall be numbered for each municipal year in the order of their presentation, and a marginal reference shall be made of the date of the meeting at which the report was presented. The regular record of the meeting shall also make reference to the number of the report as entered in the Book of Reports.
- H. The Town Clerk, as soon as possible after a vote of the Town has been passed which relates to or affects the duties of any board, committee, or officer of the Town, shall furnish a copy of such vote to such board, committee, or officer.
- I. The Town Clerk shall promptly notify in writing each individual who was elected to an office or committee at any Town Meeting.
- J. The Town Clerk shall provide and have in readiness for use at Town Meetings a sufficient supply of "Yes" and "No" ballots. These ballots shall be identical in size, shape, color, paper, and ink, and in size and style of type.
- K. The Town Clerk shall, at least 60 days prior to each Annual Town Meeting, notify in writing the chairman of any committee which has made no report to the Selectmen for inclusion in the Annual Report that a report must be presented from the floor at the Annual Town Meeting for that year.

§ 30-24. Board of Assessors.

- A. The Board of Assessors shall consist of three members, each elected for a three-year term, with one member elected each year. They shall hold no other elective office and shall receive compensation as fixed by the Town Meeting.
- B. The Board of Assessors shall elect a Chairman and a Secretary each year.
- C. The Board of Assessors shall annually establish or cause to be established the fair market value for all real estate and personal property in the Town and shall assess taxes accordingly, as provided under MGL c. 59. **[Amended 4-6-1991]**
- D. The Assessors shall deliver the tax list and warrant for collection to the Town Treasurer-Collector. Additional warrants shall be issued to the Treasurer-Collector for all taxes assessed or reassessed which are not covered by the original warrant.
- E. The Assessors shall keep the record required by law of all tax abatements. Each month the Assessors shall notify the Town Treasurer-Collector and Town Accountant in writing as to the amount of taxes abated from each tax levy.

§ 30-25. School Committee.

- A. The School Committee shall consist of five members, two members to be elected at the Annual Town Meeting in 1988 to hold office for three years, two members to be elected at the Annual Town Meeting in 1989 to hold office for three years, and one member to be elected at the Annual Town Meeting in 1990 to hold office for three years, each to hold office until his successor is qualified. Thereafter when the term of a member expires, the Town shall elect by a ballot a member of the

Committee to serve for three years and until his successor is qualified. **[Amended 4-30-2018 ATM by Art. 18]**

- B. The School Committee shall formulate the policy of the local school system to achieve the educational objectives of the community in conformity with the directives of the State Board of Education.
- C. The School Committee shall have such duties and responsibilities as are provided in the Massachusetts General Laws and shall be specifically responsible for the following areas of school administration:
 - (1) Policy determination;
 - (2) Financial planning and budgeting;
 - (3) Appointment and dismissal of personnel;
 - (4) Approval of courses and textbooks;
 - (5) Planning of school services;
 - (6) Evaluation of school programs;
 - (7) Negotiation of contracts with School Department employees;
 - (8) Purchase of materials, equipment, and supplies for the School Department and awarding of contracts for the physical plant.
- D. The School Committee shall elect a Chairman and shall appoint one of its members as Secretary, who shall keep and have available a permanent record book, in which all its votes, orders, and proceedings shall be recorded.
- E. Meetings of the School Committee shall be properly called and advertised.
- F. The School Committee shall meet at least every other month with the Student Advisory Committee.
- G. As soon as a vacancy occurs on the School Committee, written notice must be given to the Board of Selectmen. After one week's notice, the Board of Selectmen and the remaining members of the School Committee shall meet together and by majority vote elect a person to fill the vacancy. The new appointee shall serve only until the next Town election, at which time a successor shall be elected to fill the unexpired term.

§ 30-26. Board of Public Health. [Amended 6-2-1998; 1-25-1996; 7-17-2000; 5-24-2021ATM by Art. 28]

- A. The Board of Public Health shall consist of three members, with one member elected each year for a three-year term.
- B. Each year the Board shall elect one of its members as Chairman.
- C. The Board shall have such duties and responsibilities as are prescribed by MGL c. 111 and the regulations promulgated thereunder.
- D. The Board may establish reasonable health regulations. A summary of such regulations which summary describes the substance of the regulation shall be published once in a newspaper of general

circulation in the Town. Regulations pertaining to the subsurface disposal of sanitary sewage shall be noticed in accordance with MGL c. 111, § 31. All adopted regulations shall be filed with the Town Clerk.

- E. The Board shall have authority to restrain and prosecute violators of state or local health regulations.
- F. The Board shall have authority to issue permits for private disposal facilities, collection of garbage, and construction and repair of septic systems. The Board of Public Health shall not grant a site assignment for a proposed solid waste facility or any portion thereof located within the Water Resource District, where solid waste facilities are a prohibited use.

§ 30-27. Planning Board.

- A. The Planning Board shall consist of five members, with one member elected each year for a five-year term and one associate member elected for a three-year term. Such associate member shall sit on the Planning Board only when designated by the Chairman of the Planning Board for the purposes of acting on any matter within the jurisdiction of the Planning Board in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board. **[Amended 3-2-2010; 5-2-2016 ATM by Art. 22]**
- B. The Planning Board shall elect from among its members a Chairman, a Vice Chairman, and a Clerk each year.
- C. The Planning Board shall from time to time study needs and potential of the Town and, where necessary, prepare plans. It shall submit a report of such studies and plans to the Selectmen and shall furnish a copy of the report to the Department of Housing and Community Development. It shall also report to the Town Meeting on the condition of the Town and shall give information on any plans or proposals for Town development and shall also send a copy of this report to the Department of Housing and Community Development. **[Amended 4-30-2018 ATM by Art. 18]**
- D. The Planning Board shall have responsibility for administration of subdivision control, in accordance with MGL c. 41, §§ 81K through 81GG.
- E. The Planning Board shall have such other duties and responsibilities as are imposed upon it by MGL c. 40A and MGL c. 41, §§ 81A through 81J.

§ 30-28. Water Commissioners.

- A. There shall be three Water Commissioners with one elected each year for a three-year term.
- B. The Water Commissioners shall have exclusive charge and control of the municipal Water Department and water system subject to federal and state laws and these bylaws, and to such instructions, rules, and regulations as the Town may from time to time impose by its vote.
- C. The Water Commissioners shall fix just and equitable rates for the use of the Town water system and shall prescribe the time and manner of payment of such charges. In setting rates, the Water Commissioners shall raise sufficient income to defray all operating expenses, interest charges, and payments on the principal as they may accrue upon any bonds or notes issued for the purchases of the municipal water system. Upon approval by Town Meeting, such water rates shall become effective.
- D. The Water Commissioners shall have the power to award contracts for sums not to exceed those approved by the Town Meeting for all work to be performed in the construction and maintenance of the Town water system.

- E. The Water Commissioners shall establish rules and regulations for the use of the Town water system. These rules and regulations shall become effective when filed with the Town Clerk.
- F. The Water Commission pursuant to the provisions of MGL c. 40, § 39H, is authorized to enter into contracts with, or go to aid, any other city, town, commission, district, or water company, as defined in MGL c. 165, § 1, with regard to the operation, administration, repair, and maintenance of its water supply system. Such contracts may be made to provide water to another city or town on an emergency basis, or to provide water service on a long-term basis to any other city, town, commission, district, or water company or to one or more customers of any other town who cannot be reasonably provided water supply services by that town. Any such contracts may be for a period not to exceed 20 years, and may not exceed 50% of the daily safe yield as certified by the Department of Environmental Protection, and the aggregate of all such contracts may not exceed 50% of the daily safe yield as certified by the Department of Environmental Protection; provided, however that such contracts shall not take effect without the approval of Town Meeting. **[Amended 12-28-1998; 5-9-2007; 4-30-2018 ATM by Art. 18]**

§ 30-29. Sewer Commissioners. [Amended 4-6-1991]

- A. There shall be three Sewer Commissioners, with one elected each year for a three-year term.
- B. The Sewer Commissioners shall supervise the operation of the Sewer Department and shall ensure that it conforms with all federal and state environmental and health regulations.
- C. The Sewer Commissioners shall be responsible for all planning relating to the expansion of the Town sewer system and shall establish and update a master plan incorporating all areas of the Town.
- D. The Sewer Commissioners have the power to award contracts for sums not to exceed those approved by Town Meeting for all work to be performed in the construction and maintenance of the Town sewer system.
- E. The Sewer Commissioners shall establish fees for the use of the Town sewer system. Such fees shall be based upon the volume of water used and shall be approved by vote of the Town Meeting.
- F. The Sewer Commissioners may from time to time prescribe rules and regulations for the connection of estates and buildings with sewers, and for inspection of materials, the construction, alteration and use of all connections entering into such sewers, and may prescribe penalties for each violation of any such rule or regulation as authorized by law.
- G. The Sewer Commissioners shall have such other duties and powers as are provided by federal and state law and these bylaws.

§ 30-30. Trustees of Paul Pratt Memorial Library.

- A. There shall be nine Library Trustees with three elected annually, each for a three-year term.
- B. The Library Trustees shall elect a Chairman and a Secretary each year.
- C. The Town Treasurer-Collector shall act as Treasurer of the Paul Pratt Memorial Library.
- D. Except as otherwise provided in the Massachusetts General Laws, the Library Trustees shall have the control of the following:
 - (1) All gifts and bequests to the Library, in accordance with the terms of such gifts or bequests.

[Amended 6-2-1998]

- E. The Town Manager shall appoint the Head Librarian and other professional assistants and the Library Trustees shall select books and all other library media. **[Amended 6-2-1998]**

§ 30-31. Recreation Commission.

- A. The Recreation Commission shall consist of seven members, with one elected each year for four successive years and three elected the fifth year. All members shall serve a five-year term.
- B. The Recreation Commission shall promote, encourage, and coordinate recreational activities for all citizens of the Town, and in connection therewith may establish self-supporting service revolving funds, to the extent permitted by MGL c. 44, § 53D.
- C. The Recreation Commission shall be responsible for making recommendations to the Board of Selectmen concerning maintenance and improvement of recreational areas owned by the Town. **[Amended 6-2-1998]**
- D. The Recreation Commission may cooperate with adjoining towns in establishing joint recreational areas. **[Amended 6-2-1998]**

§ 30-32. Cohasset Housing Authority.

- A. The Cohasset Housing Authority shall consist of five members, with one member to be elected in each of four consecutive years for a five-year term, and one member to be appointed by the Department of Housing and Community Development every fifth year for a five-year term. **[Amended 4-30-2018 ATM by Art. 18]**
- B. The Authority is responsible for determining the need for community housing in the Town, as set forth in MGL c. 121B.
- C. The Authority is responsible for obtaining approval and funding for community housing projects from the Commonwealth of Massachusetts Department of Housing and Community Development and/or the United States Department of Housing and Urban Development. **[Amended 4-30-2018 ATM by Art. 18]**
- D. The Authority shall oversee the construction of community housing projects and shall be responsible for their operation, maintenance, and administration.

ARTICLE III
Appointed Town Officers
[Adopted as Art. IV of the 1988 General Bylaws]

§ 30-33. Town Manager. [Amended 4-28-2014]

- A. The appointment, duties and powers, compensation, removal and other matters relating to the Town Manager shall be set forth in the Town Manager Act, as the same may be amended from time to time.
- B. The Board of Selectmen may reappoint an incumbent Town Manager without a search committee.
- C. Prior to initiating a search, the Selectmen should assess the operations of Town government to identify in writing the skills and abilities that the applicant for Town Manager should possess.
- D. The candidates for the Town Manager position shall be persons of demonstrated ability with administrative experience in public management or business administration who are qualified by reasons of education and experience. In addition to the foregoing, pursuant to Section 4(a) of the Town Manager Act, the candidates shall also have professional integrity, strong interpersonal skills, and financial acumen. The candidates shall also have demonstrated management experience in public and/or non-public entities. Additional desired attributes are knowledge of Massachusetts' municipal law, and experience in collective bargaining, procurement and human resource management.
- E. The Board of Selectmen shall create a search committee to assist in the selection of candidates for the position of Town Manager. The Selectmen shall solicit Town residents for the committee and may choose to employ professional consultants to work in tandem or independently in the same function. The committee shall have an odd number of members and shall be composed of a minimum of seven but no more than nine individuals. The Selectmen may seek funding, if necessary, for professional services and associated expenses in connection with the search.
- F. The search committee will interview and vet candidates in accordance with the profile required by the Town Manager Act and as described in Subsections C and D above. The search committee will present the Selectmen with more than one candidate, but no more than five. The Selectmen may accept or reject the presented candidates. In the event of rejection, the search process may be repeated until a successful candidate is accepted, or the Board of Selectmen may terminate the search committee.
- G. The Board of Selectmen shall establish written annual goals and expectations for the Town Manager, including specific management objectives and performance indicators, which may be amended by the Selectmen from time to time. The Selectmen shall establish procedures for providing feedback and guidance to the Town Manager on a regular basis. The Selectmen shall review the performance of the Town Manager prior to completion of the first six months of employment and thereafter not less than once per year.

§ 30-34. Town Counsel.

- A. The Town Counsel shall be appointed annually by the Board of Selectmen. He shall be a member of the Massachusetts Bar. On the recommendation of the Town Counsel, the Board of Selectmen may appoint one or more assistant Town Counsels, who shall serve at the pleasure of the Town Counsel. Any of the duties of Town Counsel may be performed by an assistant at the direction of Town Counsel.
- B. The Town Counsel shall be compensated as determined by the Board of Selectmen.

- C. Upon request of the Board of Selectmen, the Town Counsel shall prepare or approve all contracts, deeds, bonds, and other legal instruments relating to the Town, and shall give legal advice and furnish written opinions when so requested by the Board of Selectmen to any Town officer, board, or committee regarding any substantial legal question or matter relating to the duties of that officer, board or committee, other than the School Committee, and shall at the expense of or in behalf of the Town employ any other counsel; provided, however, that the Selectmen may employ any qualified counsel to conduct labor negotiations for the Town.
- D. The Town Counsel shall, upon the request of the Board of Selectmen, supervise the investigation of any claim arising out of an injury to person or property under circumstances which may give rise to a claim for damages against the Town and shall advise the Selectmen as to the steps he deems necessary or proper to protect and defend the Town against such claims.
- E. The Town Counsel shall prosecute or defend all cases pending in any federal or state court to which the Town is a party.
- F. The Town Counsel shall serve ex officio as a member of the Bylaw Committee.

§ 30-35. Town Accountant.

- A. The Town Accountant shall be appointed by the Town Manager under the provisions of MGL c. 41, § 55, and shall, in addition to the duties and responsibilities outlined in this section, perform such tasks as may be required by the Board of Selectmen. The Chairman of the Advisory Committee will participate in the selection of the Town Accountant. **[Amended 6-2-1998]**
- B. The Town Accountant shall be compensated as determined by the Town Manager and approved by Town Meeting. **[Amended 6-2-1998]**
- C. The Town Accountant shall examine all bills, drafts, orders, and payrolls of the Town and if found correct and approved as required by MGL c. 41, § 56, shall draw a warrant upon the treasury for their payment.
- D. The Town Accountant shall keep a complete set of books in which shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied, and the abatements made.
- E. The Town Accountant shall at regular intervals and at least as often as once each month send to the Selectmen, the Advisory Committee, and to each board, committee, head of department or officer having the authority for disbursement of an appropriation, a statement of the amount of orders approved and warrant drawn on behalf of said board, department, or officer during the preceding month, and a statement of the balance of such appropriation remaining subject to draft. The monthly statement shall report actual as well as projected revenue.
- F. The Town Accountant shall immediately upon the close of each calendar year compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriation during the first six months of such year, the amount estimated to be expended from such appropriations during the second six months of such year, and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Selectmen and the Advisory Committee, or to such committee as the Town may appoint to consider and report on proposed appropriations.

- G. The Town Accountant shall make an annual report to be published as a Town document giving a statement of all receipts and expenditures of the Town for the past fiscal year, including those of funds managed by trustees or commissioners for the Town and showing also the amount of each specific appropriation, the expenditures therefrom and the purpose for which money has been spent. Such report shall contain a statement of any change in the amount of the Town debt during the years and a list of indebtedness incurred and unpaid at the end of the fiscal year.
- H. The Town Accountant shall annually furnish the Board of Assessors with all financial data required to compute the tax rate as soon as necessary figures are available.
- I. The Town Accountant shall meet as necessary with the Advisory Committee and report to it on matters pertaining to the Annual Town Budget.

§ 30-36. Police Chief.

- A. The Town Manager shall appoint upon merit and fitness alone, and may remove, the Police Chief subject to the Selectmen's approval by a majority vote of its full membership pursuant to Section 5D of the Town Manager Act. **[Amended 6-2-1998; 4-28-2014]**
- B. He shall be compensated as determined by the Town Manager. **[Amended 7-27-1990; 6-2-1998]**
- C. The Police Chief shall have such other powers and duties as are assigned to him by law, including, without limitation, the following:
 - (1) The charge of all police officers, both regular and auxiliary, and the responsibility for assigning them to their respective duties;
 - (2) The control of all Town property used by the Police Department; and
 - (3) The right to enter into mutual aid agreements with such neighboring towns as the Town Manager may authorize. **[Amended 6-2-1998]**

§ 30-37. Fire Chief.

- A. The Town Manager shall appoint upon merit and fitness alone, and may remove, the Fire Chief subject to the Selectmen's approval by a majority vote of its full membership pursuant to Section 5D of the Town Manager Act. **[Amended 6-2-1998; 4-28-2014]**
- B. He shall be compensated as determined by the Town Manager. **[Amended 7-27-1990; 6-2-1998]**
- C. The Fire Chief shall make rules and regulations for the operation of the Fire Department, shall be responsible for its efficiency and discipline, and shall have control of all Town property used by the Fire Department. The Fire Chief shall be the chief administrator of the Fire Department.
- D. The Fire Chief shall be responsible for assigning the members of his force, including call men, to their respective duties.
- E. The Fire Chief shall have absolute control at fires and alarms of fires in the Town and shall direct such measures as are necessary for the protection of life and property and for the control and extinguishment of fires.
- F. The Fire Chief shall administer the Town's Ambulance Service and shall ensure that there is adequate staff, properly qualified, to service the Town's ambulance at all times.

G. The Fire Chief shall have the following duties:

- (1) To purchase, subject to approval of the Town Manager, all proper apparatus used by the Fire Department and shall maintain it in good order; **[Amended 6-2-1998]**
- (2) To act as a Forest Warden of the Town and have such duties and responsibilities as are provided by MGL c. 48, §§ 8 through 28C;
- (3) To issue such permits as are permitted by law for outdoor burning;
- (4) To enter into mutual aid agreement with such neighboring towns as the Town Manager may authorize; **[Amended 6-2-1998]**
- (5) To perform such regular inspections of nursing homes and schools as are required by the Massachusetts State Building Code; and
- (6) To fulfill such other powers and duties as are assigned to him by law or delegated to him by the Town Manager. **[Amended 6-2-1998]**

§ 30-38. Building Inspector.

- A. The Building Inspector shall be appointed by the Town Manager for a term of three years. **[Amended 7-27-1990; 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Building Inspector shall not be engaged in, or directly connected with, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building within the Town of Cohasset, or the preparation of plans or specifications therefor, except for a building of which he is the owner.
- D. The Building Inspector shall issue all necessary notices or orders to remove illegal or unsafe conditions, and shall ensure compliance with all requirements of the Massachusetts State Building Code for the safety, health, and general welfare of the public.
- E. The Building Inspector shall receive applications and issue permits for the construction, reconstruction, alteration, repair, demolition, and removal of structures, and for the installation of equipment. He shall inspect the premises for which such permits have been issued and enforce compliance with the Massachusetts State Building Code.
- F. The Building Inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, variances granted, and notices and orders issued, and all such records shall be available to the public during normal working hours.
- G. The Building Inspector shall periodically inspect and certify schools, the Library and other buildings for public assembly, and structures for multiple residence, and all reports of such inspections shall be in writing.
- H. The Building Inspector shall submit an annual report to the Selectmen of all permits and certificates issued, fees collected, inspections made, and notices and orders issued during the previous year; a monthly report to the Department of Housing and Community Development of building permits issued during the previous month; and a weekly report to the Board of Assessors of permits issued during the previous week. **[Amended 4-30-2018 ATM by Art. 18]**

- I. The Building Inspector shall be responsible for enforcing the provisions of Chapter 228, § 228-6, of these bylaws, concerning hazardous conditions caused by discharge of water on public highways.
- J. The Building Inspector shall be responsible for the enforcement of the Town's Zoning Bylaw and MGL c. 40A, § 7. **[Added 8-30-1989; amended 4-30-2018 ATM by Art. 18]**

§ 30-39. Wire Department Superintendent.

- A. The Wire Department Superintendent shall be appointed annually by the Town Manager. He shall be a licensed electrician. **[Amended 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Wire Department Superintendent shall inspect and approve all wiring done in the Town by electrical contractors; test periodically all fire alarm boxes and maintain the Town fire alarm system; inspect, maintain, replace, and install as needed all traffic signals; and make repairs and additions to the electrical systems of all Town-owned buildings and properties.

§ 30-40. Plumbing Inspector.

- A. The Plumbing Inspector shall be appointed annually by the Town Manager. He shall be a licensed plumber. **[Amended 6-2-1998]**
- B. He shall be compensated for each inspection according to rates established by the Board of Selectmen.
- C. He shall inspect and approve all new plumbing installations and alterations of existing plumbing facilities.

§ 30-41. Inspector of Gas Piping and Gas Appliances.

- A. The Inspector of Gas Piping and Gas Appliances shall be appointed annually by the Town Manager. He shall be a licensed plumber or licensed gas fitter. **[Amended 6-2-1998]**
- B. He shall be compensated for each inspection according to rates established by the Board of Selectmen.
- C. He shall enforce rules and regulations with respect to the installation of gas appliances and gas piping.

§ 30-42. Harbor Master.

- A. The Harbor Master shall be appointed by the Town Manager and shall serve until his successor is appointed. **[Amended 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Harbor Master shall be responsible for regulation of the harbor in accordance with Chapter 121, Harbor, of these bylaws, for determining the place of anchorage for vessels, and for issuing mooring and temporary permits.
- D. The Harbor Master shall report to the Department of Environmental Protection of the commonwealth

any shipwrecks in the area under his supervision, as well as any violation of MGL c. 102, § 17, concerning the deposit of any substance which may obstruct or hinder navigation. **[Amended 4-30-2018 ATM by Art. 18]**

- E. He shall have such other powers and duties as are assigned to him under Chapters 90B and 102 of the Massachusetts General Laws.

§ 30-43. Constable.

- A. A Constable shall be appointed by the Town Manager from among those applying, for a term not to exceed three years. **[Amended 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Constable shall post the warrant for each Annual and Special Town Meeting, as provided in Chapter 45, Town Meeting, of these bylaws, shall serve warrants and processes as directed by the Selectmen, and may serve such other writs and processes as are permitted to a constable under the Massachusetts General Laws.

§ 30-44. Sealer of Weights and Measures.

- A. The Sealer of Weights and Measures shall be appointed annually by the Town Manager. He shall be qualified by knowledge and experience in the testing for accuracy of scales and other measuring devices. **[Amended 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Sealer of Weights and Measures shall check annually, or more often if need be, all scales and other measuring devices used by commercial establishments within the Town and shall affix thereto an official seal showing the date of inspection and attesting to the accuracy of the weighing or measuring device.
- D. Fees for sealing weighing or measuring devices are set by the Board of Selectmen. **[Amended 4-30-2018 ATM by Art. 18]**

§ 30-45. Director of Veterans' Services.

- A. The Director of Veterans' Services shall be a veteran, appointed by the Board of Selectmen, under the provisions of MGL c. 115, § 10.
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Director of Veterans' Services shall assist veterans to obtain the benefits to which they are entitled.

§ 30-46. Director of Civil Defense and Emergency Preparedness.

- A. The Director of Civil Defense and Emergency Preparedness shall be appointed by the Board of Selectmen as provided in Chapter 639 of the Acts of 1950, as amended, and shall serve until his successor is appointed.

- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. In times of emergency the Director of Civil Defense and Emergency Preparedness shall be the coordinator of personnel and facilities and shall be responsible to the Board of Selectmen for establishing an operating center with a communications system.
- D. He shall be assisted by a deputy and also by the members of the Auxiliary Police Force.

§ 30-47. Shellfish Constable.

- A. The Shellfish Constable shall be appointed by the Town Manager for a term of three years. He shall be qualified by training and experience in shellfishery management. **[Amended 6-2-1998]**
- B. He shall be compensated as provided in Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Shellfish Constable shall enforce all statutes, ordinances, bylaws, rules, and regulations relative to shellfish in the Town and in the performance of his duties may request any person he suspects of unlawful shellfishing or possessing shellfish unlawfully taken to display them, and may arrest without a warrant a person refusing or failing to comply with his request.
- D. He shall have the authority granted natural resource officers for enforcement of MGL c. 130, §§ 31, 37, 41, 43, and 44.
- E. He shall have such other duties and responsibilities as are permitted by law and authorized by the Board of Selectmen.

§ 30-48. Animal Control Officer.

- A. The Animal Control Officer shall be appointed annually by the Town Manager. **[Amended 6-2-1998]**
- B. He shall be compensated in accordance with Chapter 34, Personnel, of these bylaws, as amended from time to time.
- C. The Animal Control Officer shall have such powers and duties as are provided and are assigned to a dog officer in MGL c. 140, §§ 136A through 175.
- D. The Town Manager shall set the hours, duties, and other requirements of the position. These duties shall include, without limitation, enforcement of Chapter 69, Article I, Dogs, of these bylaws. **[Amended 6-2-1998]**

§ 30-49. Fence Viewers.

- A. Two or more Fence Viewers shall be appointed by the Board of Selectmen for one-year terms.
- B. They shall be compensated for each inspection according to rates established by the Board of Selectmen.
- C. Fence Viewers shall decide disputes concerning the building and maintenance of partition fences in accordance with provisions of MGL c. 49.

§ 30-50. South Shore Regional School Committee member.

- A. The member of the South Shore Regional School Committee shall be appointed by the Board of Selectmen for a three-year term.
- B. The member shall represent the Town in establishing policy and determining budget requirements for the South Shore Regional Vocational High School in accordance with MGL c. 71.

§ 30-51. Public Works Superintendent. [Added 5-5-1995]

- A. The Public Works Superintendent shall be appointed by the Town Manager and shall be a person who is specially fitted by training or experience to perform the duties of the position. **[Amended 6-2-1998]**
- B. He shall be compensated as determined by the Town Manager. **[Amended 6-2-1998]**
- C. Except as otherwise provided by these bylaws, the Public Works Superintendent shall make rules and regulations for the operation of the Department of Public Works, shall be responsible for its efficiency, and shall have control of all vehicles and equipment used by the Department. **[Amended 4-30-2018 ATM by Art. 18]**
- D. The Public Works Superintendent shall be responsible for the following municipal operations and such other related responsibilities as may be assigned to him by the Town Manager from time to time: **[Amended 6-2-1998]**
 - (1) Proper administration of the Town's Recycling Transfer Facility, in conformity with federal, state and municipal laws relating thereto and regulations promulgated thereunder; **[Amended 4-30-2018 ATM by Art. 18]**
 - (2) Care of trees and the removal and replacement of trees on Town property;
 - (3) Care and maintenance of all public grounds, the Common, Town parks, and Town cemeteries;
 - (4) Maintenance of off-road infrastructure for other departments; **[Amended 4-30-2018 ATM by Art. 18]**
 - (5) Surface and maintenance of all public ways and sidewalks, removal of obstructions therefrom, maintaining storm drainage systems and installing and maintaining road markings, highway signs and other highway devices essential to public safety;
 - (6) Reconstruction, resurfacing, repairing of necessary drainage and public ways that have been open to the public for one year, make temporary repairs as authorized by law, all as authorized by vote of the Board of Selectmen when public necessity requires.

§ 30-52. Treasurer-Collector. [Added 12-11-1996]

- A. The Treasurer-Collector shall be appointed by the Town Manager for a three-year term and shall be a person who is specially qualified by training or experience to perform the duties of the position. **[Amended 6-2-1998]**
- B. The compensation for this position shall be as determined by the Town Manager. **[Amended 6-2-1998]**
- C. The Treasurer-Collector shall have custody of all notes and bonds, as well as temporary custody of all bills, vouchers, and payrolls until paid. After payment, all bills, vouchers, and payrolls shall be placed in the custody of the Town Accountant.

- D. The Treasurer-Collector shall act as Treasurer of the Paul Pratt Memorial Library.
- E. The Treasurer-Collector shall administer all cemetery funds under the jurisdiction of the Town of Cohasset in conformity with Chapter 96, Cemeteries, of these bylaws.
- F. The Treasurer-Collector may be removed from office by the Board of Selectmen during the term of office after hearing only for good cause.
- G. The Treasurer-Collector shall enclose with the mailing of each real estate tax bill sent to residents an explanation of the breakdown of the total tax rate for the Town. This explanation shall indicate the total rate of education, public safety, and general government costs, each one including all employee benefit costs and debt costs, all of which will be determined by the Town Accountant. **[Amended 6-2-1998]**

§ 30-53. Director of Finance. [Added 7-17-2000]

- A. The Town Manager shall appoint upon merit and fitness alone, and may remove, the Director of Finance subject to the Selectmen's approval by a majority vote of its full membership pursuant to Section 5D of the Town Manager Act. **[Amended 5-21-2014; 5-1-2017 ATM by Art. 18]**
- B. The Director of Finance shall submit financial reports as may be required to the Board of Selectmen and the Town Manager in a form approved by the Board of Selectmen. **[Amended 5-1-2017 ATM by Art. 18]**
- C. The following departments shall report to the Director of Finance: Treasurer-Collector and Deputy Assessor. **[Amended 5-1-2017 ATM by Art. 18]**
- D. Except for the reporting requirements, there shall be no other changes in the offices of the Treasurer-Collector or Deputy Assessor.

ARTICLE IV
Appointed Boards and Committees
[Adopted as Art. V of the 1988 General Bylaws]

§ 30-54. Advisory Committee.

- A. The Advisory Committee shall consist of nine members, with three members to be appointed each year for three-year terms, the conclusion of each term being the end of the fiscal year.
- B. Appointments shall be made by the Troika as soon as practical after the final adjournment or dissolution of each Annual Town Meeting. **[Amended 5-21-2014]**
- C. Members shall be registered voters of the Town and shall have no other elective or appointive office with the exception of those serving on the Troika. No member shall serve more than two consecutive full terms. **[Amended 5-21-2014]**
- D. Each December, the Advisory Committee shall meet and elect from their membership a Chairman, a Secretary, and such other officers as the membership deems fit and necessary, who shall hold office until their successors are elected. A true record of the proceedings of this Committee shall be kept, and a copy of this record shall be filed annually in the office of the Town Clerk. **[Amended 4-22-2009]**
- E. Five members of the Committee shall constitute a quorum for the transaction of business. **[Amended 4-22-2009]**
- F. Absence from five consecutive meetings, unless excused by vote of the Advisory Committee, shall be cause for removal.
- G. When a vacancy occurs among the appointed members of the Advisory Committee, notice shall be given immediately by the Chairman to the Town Clerk. The Town Clerk shall thereupon notify the previously specified appointing committee, which shall promptly fill the vacancy.
- H. The Advisory Committee shall review all articles in the warrant for any Town Meeting and shall report thereon in writing or otherwise to the Town Meeting such recommendations as it deems to be in the best interest of the Town.
- I. The Advisory Committee shall require the Selectmen, the School Committee, and other Town officers under whose direction appropriations of money are expended to submit to it an estimate of the appropriations necessary for their various departments and to appear before it for consultation regarding such estimates at such times and places as the Committee shall determine. The Advisory Committee shall state the amounts which, in its opinion, shall be appropriated for the ensuing year, shall add such explanations and suggestions as may be relevant thereto, and shall report thereon as provided above.
- J. The Advisory Committee may hold hearings and shall, upon written request at a reasonable time in advance, grant a hearing to the petitioners for any articles appearing in a warrant before making recommendations.
- K. No collective bargaining agreement shall be considered at a Town Meeting or at a Special Town Meeting that will consider appropriating the necessary moneys to fund the cost items contained in said agreement unless that agreement has been presented to the Advisory Committee no later than 30 days prior to the start of said Meeting. **[Amended 1-25-1996]**

§ 30-55. Capital Budget Committee.

- A. The Capital Budget Committee shall consist of five members appointed for three-year terms. Two members shall be appointed each of two successive years and one member shall be appointed the following year. Each member shall be a legal resident of the Town. The Committee may include one associate member in addition to the five regular members. Such associate may vote only when designated by the Chairman of the Capital Budget Committee. The Chairman shall designate the associate member to vote only in the case of absence, inability to act, or conflict of interest on the part of any member of the Capital Budget Committee, or in the event of a vacancy on the Committee. **[Amended 12-15-2010]**
- B. Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.
- C. The Capital Budget Committee shall be an advisory body to the Town Manager, Board of Selectmen, Advisory Committee, and Town Meeting. The Committee is charged with the review, evaluation, and recommendation of any Town Meeting article intended to materially alter the enduring value of the Town's asset base or capital structure, including any bond or debt offering or refinancing, lease obligation or other liability for any authorized or proposed Town Meeting article. The Committee shall review, evaluate, and make recommendations thereto for any Town Meeting article which meets one or more of the following criteria: **[Amended 6-21-2007; 12-15-2010]**
- (1) Acquisition of land or buildings;
 - (2) New construction, reconstruction, repair, replacement, or improvement of buildings, land, utilities, or other public facilities, waterways, and access thereto, drainage, streets, sidewalks, and parks, with a cost greater than \$10,000;
 - (3) The purchase of major equipment, including motor vehicles, office equipment, or other items, that has an intended useful life of greater than 30 months and an acquisition cost of greater than \$10,000;
 - (4) Planning services, design services, or feasibility studies for any capital project as defined in this bylaw.

§ 30-56. School Facilities Committee.

- A. The School Facilities Committee shall consist of nine members appointed for three-year terms.
- B. Three members shall be appointed by the Moderator, three by the Selectmen, and three by the School Committee, the initial appointments by each appointing authority to be for one-, two-, and three-year terms. This provision shall take effect as terms of present appointees expire.
- C. The School Facilities Committee shall, as circumstances require, investigate and study the condition and adequacy of school facilities, and shall report to the Town Meeting its recommendations as to major maintenance and remodeling of present buildings, additions thereto, new buildings, and location and acquisition of sites.
- D. The School Facilities Committee may proceed on its own initiative in these matters and shall respond promptly to all written requests from the School Committee.

§ 30-57. Zoning Board of Appeals.¹

- A. The Zoning Board of Appeals shall consist of three members and three associate members, each appointed for a three-year term by the Board of Selectmen; provided, however, that the initial appointment of one member and one associate member shall be for three years, one member and one associate member for two years, and one member and one associate member for one year. Thereafter one regular member and one associate member shall be appointed each year.
- B. The Zoning Board of Appeals shall hold public hearings as required for the following purposes:
 - (1) To hear and decide appeals from the decision of the Building Inspector concerning issuance or denial of building permits on the basis of conformity with zoning laws;
 - (2) To hear and decide applications for special permits;
 - (3) To authorize or deny variances from the zoning law; and
 - (4) To fulfill such other responsibilities as are required under MGL c. 40A.

§ 30-58. Elder Affairs Board. [Amended 6-2-1998; 1-10-2012]

- A. The Elder Affairs Board shall consist of nine members, each appointed for a three-year term by the Board of Selectmen with three members appointed each year. There shall also be up to three associate members, each appointed for a three-year term by the Board of Selectmen. The associate members shall be nonvoting.
- B. The Elder Affairs Board shall coordinate and carry out programs meeting problems of aging, in cooperation with the Massachusetts Department of Elder Affairs.
- C. The Elder Affairs Board shall submit an annual report to the Town and send a copy thereof to the Massachusetts Department of Elder Affairs.

§ 30-59. Conservation Commission. [Amended 4-6-1992]

- A. The Conservation Commission shall consist of seven members, each appointed for a three-year term by the Board of Selectmen. Two members shall be appointed each of two successive years, with three members appointed the following year. There shall also be two associate members, each appointed for a one-year term by the Board of Selectmen. The associate members shall be nonvoting.
- B. The Conservation Commission shall hold public hearings and administer the provisions of MGL c. 131, § 40.
- C. The Conservation Commission shall develop programs to preserve natural resources and protect the wetlands and watershed areas of the Town.
- D. The Commission shall have authority to appoint a Conservation Commission Agent who shall have such duties and responsibilities as shall be delegated to him by the Commission.

§ 30-60. Registrars of Voters.

- A. The Registrars of Voters shall consist of the Town Clerk and three other persons appointed for three-year terms by the Board of Selectmen, with one member appointed each year as prescribed in MGL c. 51, § 15.

1. Editor's Note: See also Ch. 300, Zoning, § 300-12.3.

- B. The Registrars of Voters shall be responsible for maintaining accurate lists of qualified voters of the Town and shall provide facilities for new citizens of the Town to register for the purpose of voting.
- C. The Registrars of Voters shall conduct an annual census to determine the number of persons in the Town 17 years of age or older.
- D. They shall have such other duties and responsibilities as may be assigned to them under MGL c. 51.

§ 30-61. Historical Commission.

- A. The Historical Commission shall consist of seven members, each appointed for a three-year term by the Board of Selectmen, with two members appointed for each of two successive years, and three members appointed the following year.
- B. The Historical Commission shall identify and record the historic landmarks of Cohasset and develop a program for the preservation and maintenance of the archaeological and historical assets of the Town.
- C. The Commission may acquire in the name of the Town, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee or lesser interest in any real or personal property of significant historical value and may manage such property.

§ 30-62. Cohasset Harbor Committee. [Amended 4-6-1991]

- A. The Cohasset Harbor Committee shall consist of 11 members appointed by the Selectmen as follows: two citizens-at-large for three-year terms, one representative of the Yacht Club, one representative of the Cohasset Center for Student Coastal Research, one representative of the Cohasset Maritime Institute, one representative of the Sailing Club, two representatives of the commercial fishermen, one independent member, one representative of the Recreation Commission and the Harbor Master shall serve as a permanent ex officio member. Each appointment thereafter shall be for a three-year term. Nothing contained herein shall affect or change the terms of those individuals now in office.
[Amended 4-20-2018 ATM by Art. 24]
- B. The Harbor Committee shall make recommendations to the Selectmen and the Town Meeting concerning operation of the harbor.

§ 30-63. Design Review Board.

- A. The Design Review Board shall consist of five members and two associate members appointed for three-year terms, provided that of the first five regular members appointed, one shall serve one year, two shall serve for two years, and two shall serve for three years. Associate members shall serve for three years.
- B. Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.
- C. The Building Inspector shall be an ex officio member of the Design Review Board. Other members shall include, where possible, in order of preference, a registered architect, a landscape architect, a designee of the Planning Board, a craftsman, and one or more of the following: a nominee of any of the local historical societies, a building contractor, a lawyer, or a licensed real estate broker.
- D. The Board shall keep records of its proceedings and exhibits, together with its recommendations and the reasons therefor, in a file open to the public.

- E. The Design Review Board, when requested, shall assist Town boards, departments and commissions in the review of plans, applications, or other matters relating to structures other than single-family dwellings. It shall submit written advisory reports to the requesting board, department, or commission within 21 days after receipt of the request for review. Review may include, but is not limited to, landscaping, external appearance, and location and scale of structures relative to site.
- F. All recommendations and reports of the Design Review Board shall have the concurrence of at least three members and shall be advisory only.

§ 30-64. Government Island Advisory Committee. [Amended 1-16-2001]

- A. The Government Island Advisory Committee shall consist of seven members, one of whom shall be the Harbor Master. Each of the other members shall be appointed by the Selectmen for a three-year term, with two members appointed each year.
- B. The Government Island Advisory Committee shall keep the Selectmen and the Town Manager advised of the condition of Government Island for the recreational use of Cohasset residents.
- C. The Government Island Advisory Committee shall make suggestions to the Board of Selectmen and the Town Manager regarding the maintenance and improvement of Government Island and shall propose any capital expenditures necessary for maintenance and improvement of Government Island.
- D. The Government Island Advisory Committee shall report annually to the Board of Selectmen, as well as provide the Board with copies of its meeting minutes.

§ 30-65. Historic District Commission.

The method of appointment, term of office, and powers and duties of the Historic District Commission are set forth in Chapter 132, Historic District, of these bylaws.

§ 30-66. Bylaw Committee.

- A. The Bylaw Committee shall consist of five members of whom two permanent members shall be Town Counsel and Town Clerk and three members shall be appointed for three-year terms, provided that one of the initial appointees shall serve for one year, another for two years, and the third for three years. At least one appointed member shall be a member of the Massachusetts Bar.
- B. Appointments shall be made by a Committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.
- C. The Bylaw Committee shall review any article proposed in the warrant for any Annual Town Meeting or Special Town Meeting which involves a change in or an addition to the bylaws of the Town of Cohasset. If the wording or indexing of the proposed change or addition does not conform to the pattern or style of the present bylaws, the Committee shall so advise the Selectmen; the Committee shall also recommend appropriate placement of the change or addition within the bylaws.
- D. When the Town in an Annual Town Meeting or Special Town Meeting has adopted a change in or addition to the bylaws, the Bylaw Committee shall ensure the change or addition be typed and photocopied in sufficient quantity and inserted in its proper place in each copy of the bylaws located in the Town Hall or any other public office in the Town and in those copies in the Paul Pratt Memorial Library. The cost of the typing and copying shall be borne by the Town.

§ 30-67. Computer Advisory Committee.

- A. The Computer Advisory Committee shall consist of six persons, three citizens appointed by the Board of Selectmen for two-year terms and three ex officio members, one person designated by the School Committee from the school administrative staff, and two appointed by the Board of Selectmen from the municipal administrative staff. **[Amended 6-10-1994]**
- B. The purpose of the Committee shall be to maintain a set of hardware and software standards ("Committee Standards") for Town departments in order to provide for cross-utilization of hardware, common training, and file sharing and to achieve other efficiencies that may be gained by sharing compatible hardware and software.
- C. The Committee shall review proposed departmental purchases of hardware and software to determine if such acquisitions conform to the Committee Standards and are technologically appropriate.
- D. The Committee shall make recommendations to Town Meeting, the Capital Budget Committee, and the Advisory Committee.
- E. The Committee shall revise the Committee Standards from time to time to recognize the changing needs of Town departments, and technological advances in the computer field.

§ 30-68. Community Preservation Committee. [Added 1-15-2002]

- A. There is hereby established a Community Preservation Committee which shall be appointed by the Board of Selectmen and shall consist of nine members to be made up as follows:
 - (1) One member shall be a member of the Conservation Commission.
 - (2) One member shall be a member of the Historical Commission.
 - (3) One member shall be a member of the Planning Board.
 - (4) One member shall be a member of the Board of Selectmen. **[Amended 4-30-2018 ATM by Art. 18]**
 - (5) One member shall be a member of the Housing Authority.
 - (6) One member shall be a member of the Open Space and Recreation Committee. **[Amended 4-30-2018 ATM by Art. 18]**
 - (7) Three members shall be citizens of the Town.
- B. The members shall be appointed to three-year terms, the conclusion of each term being the end of the fiscal year. Initially, three members shall be appointed to three-year terms, three members shall be appointed to two-year terms, and three members shall be appointed to one-year terms, so that three members shall be appointed each fiscal year.
- C. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum, except to adjourn from time to time. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by a majority vote of those voting and present. The Community Preservation Committee is responsible for evaluating the community preservation needs of the Town of Cohasset and making recommendations to Town Meeting.
- D. Subject to any and all responsibilities set forth in MGL c. 44B, § 5(b)(1) through (3) and (c), the

Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Water Commission, the Open Space and Recreation Committee, and the Housing Authority in conducting such studies. As part of its study, the Committee shall review any current Master Plan or Open Space Plan and hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. **[Amended 4-30-2018 ATM by Art. 18]**

- E. Subject to MGL c. 44B, § 5(b)(2) through (3) and (c), the Committee shall make recommendations to the Town Meeting for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of open space, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historical resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- F. The Committee may include in its recommendations to Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with community preservation, but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or set aside for later spending funds for general purposes that are consistent with community preservation.
- G. Subject to the requirement of MGL c. 44B, §§ 5(d) and (e) and 6, the Town Meeting may make appropriations from or reservations of Community Preservation Funds in the amount recommended by the Committee or it may reduce or reject a recommended amount. The Committee shall keep a record of its recommendations to the Town Meeting and the specific action taken on them.
- H. The Committee shall maintain an inventory of all real property interest acquired, disposed of or improved after the Committee's recommendations are acted on by Town Meeting.

§ 30-69. Cohasset Affordable Housing Trust. [Added 7-10-2008]

A. Trust Fund; Board of Trustees.

- (1) There shall be in the Town of Cohasset a Cohasset Affordable Housing Trust Fund (hereinafter referred to as "the Trust"). The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Cohasset for low- and moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B. **[Amended 4-30-2018 ATM by Art. 18]**
- (2) There shall be a Board of Trustees which shall include seven Trustees. The Trustees shall be appointed by the Board of Selectmen and shall include one member of the Board of Selectmen and are designated as public agents for purposes of the Constitution of the commonwealth. The initial terms of the Trustees shall be staggered as one- or two-year terms. All terms thereafter shall be for two years.

B. The powers of the Board of Trustees shall include the following:

- (1) To accept and receive real property, personal property or money, by gift, grant, contribution,

devise or transfer, from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with the provisions of the Cohasset Zoning Bylaw or General Bylaws, or any general or special law or any other source, including money from the Community Preservation Act, MGL c. 44B; provided, however, that any such money received from MGL c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust, and provided further that at the end of each fiscal year the Trust shall ensure that all expenditures of funds received from said MGL c. 44B are reported to the Community Preservation Committee of the Town for inclusion in the Community Preservation Initiatives Report, Form CP-3, to the Department of Revenue; **[Amended 4-30-2018 ATM by Art. 18]**

- (2) To accept and receive municipal, school or other public property, subject to a majority vote of Town Meeting to transfer said property to the Trust, for the purposes of the Trust;
- (3) To purchase and retain real or personal property for the purposes of the Trust, including without restriction investments that yield a high rate of income or no income, and to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
- (4) To manage or improve real property;
- (5) To sell, lease, exchange, transfer or convey any real property for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Board deems advisable, notwithstanding the length of any such lease or contract;
- (6) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments, sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust; **[Amended 4-30-2018 ATM by Art. 18]**
- (7) To employ and pay reasonable compensation to advisors and agents, such as accountants, appraisers and lawyers, as the Board deems necessary.
- (8) To apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;
- (9) To carry property for accounting purposes at other than acquisition date values;
- (10) To borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral. (Any debt issued by the Trust shall not be deemed to constitute a debt or liability of the Town of Cohasset or a pledge of the faith and credit of the Town, but shall be payable solely from the revenues, funds and/or assets of the Trust. Any debt instrument executed by the Trust shall contain on the face thereof a statement to the effect that the Town of Cohasset is not obligated to pay the same or the interest thereof except from revenues, funds and/or assets of the Trust and that neither the faith and credit nor the taxing power of the Town of Cohasset is pledged to the payment of the principal of or the interest on such debt. The issuance of debt by the Trust shall not directly or indirectly or contingently obligate the Town of Cohasset to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment); **[Amended 5-24-2021 ATM by Art.**

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- (11) To make distributions or divisions of principal in kind;
 - (12) To defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this bylaw, to continue to hold the same for such period of time as the Board may deem appropriate;
 - (13) To extend the time for payment of any obligation to the Trust;
 - (14) To provide grants or loans to assist in the identification and production of low- or moderate-income housing which advance the efforts to increase the subsidized housing inventory in the Town of Cohasset; and **[Amended 5-24-2021ATM by Art. 18]**
 - (15) To convey, through sale, lease or transfer, real property purchased under this bylaw to any for-profit or nonprofit developer or any public agency to provide low- or moderate-income housing, subject to an affordable housing restriction under MGL c. 184, § 26 or §§ 31 to 33.
- C. In each fiscal year, the Trust shall prepare an Annual Report to be included in the Town of Cohasset's Annual Town Report. The Annual Report shall include a summary of the finances of the Trust and shall include the most recent audited financial statements of the Trust. The Annual Report shall also identify the short- and long-term goals of Trust. **[Amended 5-24-2021ATM by Art. 18]**
- D. Payments to Trust.
- (1) As a means of providing available assets for the Trust, all moneys received by the Town through the following means shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust:
 - (a) Cash payments made by developers to the Town for purposes of creating or preserving affordable housing, under any development agreements or development approvals pursuant to the Cohasset Zoning Bylaw;
 - (b) Gifts, grants, donations, contributions or other cash payments to the Trust for the purpose of providing low- or moderate-income housing;
 - (2) General revenues appropriated into the Trust become Trust property, and to be expended these funds need not be further appropriated;
 - (3) All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board of Trustees within one year of the date they were appropriated into the Trust, shall remain Trust property;
 - (4) The Trust is exempt from Massachusetts General Laws Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof; and
 - (5) The books and records of the Trust shall be reviewed annually by an independent auditor in accordance with accepted accounting practices.
- E. As used in this bylaw, the term "low- or moderate-income housing" shall mean "low-income housing" or "moderate-income housing" as defined in MGL c. 44B, § 2.

- F. As used in this bylaw, the Subsidized Housing Inventory ("SHI") is the official measure of a community's stock of low- or moderate-income housing for the purposes of MGL Chapter 40B, the Comprehensive Permit Law. **[Amended 5-24-2021ATM by Art. 18²]**
- G. The Town Treasurer-Collector shall be the custodian of the Trust's funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund. **[Amended 4-30-2018 ATM by Art. 18]**
- H. General provisions.
- (1) The Trust is a governmental body for purposes of MGL c. 30A, §§ 18 to 25. **[Amended 4-30-2018 ATM by Art. 18]**
 - (2) The Trust is a board of the Town for purposes of MGL c. 30B and MGL c. 40, § 15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from MGL c. 30B.
 - (3) The Trust is a public employer and the members of the Board are public employees for purposes of MGL c. 258.
 - (4) The Trust shall be deemed a public agency and Trustees as special municipal employees for purposes of MGL c. 268A.
 - (5) All projects for new construction of affordable housing or conversion of existing units into affordable housing that are proposed to be funded or subsidized by the Trust shall be so constructed or converted through the Local Initiative or Local Access Programs as governed by the then-applicable regulations of the Department of Housing and Community Development, or its successor.
 - (6) At any time after the expiration of five years after the date on which this Trust is created by the Town, it may be terminated in the same manner as it was created, except that it shall remain in existence to complete any pending undertakings or obligations. During such winding down, the then-membership of the Board of Selectmen shall serve as the Trustees. The balance of any funds held by the Trust after winding down shall pass to the Town's Community Preservation Fund or some other substitute affordable housing fund created by the Town. Non-monetary assets of the Trust shall pass to the Town under the control of the Board of Selectmen under such restrictions as applicable law may require or as may have been prior imposed upon such assets.

2. Editor's Note: This article also provided for the redesignation of former Subsection F as Subsection G.

COHASSET CODE

Chapter 34

PERSONNEL

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 11-17-2014 by Art. 12 (Art. XI of the 1988 General Bylaws). Amendments noted where applicable.]

§ 34-1. Classification and Compensation Plan; employment policies.

- A. All provisions of the Town's bylaws pertaining to the Town's personnel, and all plans established pursuant to such provisions, shall be administered by the Town Manager, who is hereby established as the Town's agency for such purposes within the meaning of MGL c. 41, § 108C.
- B. All Town personnel other than those chosen by general election, those under the control of the School Committee, those covered by a collective bargaining agreement, and those who are under individual contract with the Town shall be covered by a Classification and Compensation Plan (the "plan") to be established pursuant to the provisions of this bylaw. Individual contracts may incorporate provisions of the plan, as determined by the Town Manager in his/her discretion acting pursuant to this bylaw.
- C. The plan shall be established and contained in a manual, to be prepared and administered by the Town Manager, which shall be reviewed and adopted by the Board of Selectmen. The plan shall contain, without limitation, provisions governing the terms and conditions of employment, including but not limited to wages, fringe benefits, work schedules, and grievance procedures. Pursuant to MGL c. 41, § 108A, any plan establishing minimum and maximum salaries and/or the attainment of maximum salaries by periodical step-rate increases based on length of service shall be determined by the Town Manager, subject to approval by vote at Town Meeting.
- D. The Town Manager shall also prepare, establish, maintain, and enforce employment policies, which shall be reviewed and adopted by the Board of Selectmen.

§ 34-2. When effective.

This bylaw shall go into effect upon the adoption by the Board of Selectmen of a manual created by the Town Manager pursuant to § 34-1C.

§ 34-3. Collective bargaining agreements.

The provisions of any collective bargaining agreement negotiated between the Town and an employee group or union pursuant to the requirements of MGL c. 150E, § 1 et seq., shall prevail over the provisions of this bylaw and any actions taken pursuant to this bylaw.

§ 34-4. Severability.

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

TOWN MEETING

Chapter 45

TOWN MEETING

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. II of the 1988 General Bylaws. Amendments noted where applicable.]

§ 45-1. Annual Town Meeting.

- A. The Board of Selectmen shall set the date for the Annual Town Meeting on or before December 31 of the preceding year. The Annual Town Meeting shall be held commencing at a time of that day established by the Board of Selectmen at the time of issuance of the warrant in the month March, April or May of any year. The meeting for the election of those officers who by law must be elected by ballot, and for determining such matters as by law must be decided by ballot, shall take place within the 35 days after the opening of the Annual Town Meeting; the time that the polls shall be open for each election shall be determined by the Board of Selectmen in accordance with MGL c. 54, § 64. **[Amended 4-6-1991; 5-4-1995; 8-26-2002; 1-9-2007; 6-6-2011; 7-2-2012]**
- B. The Selectmen shall give notice of every Annual Town Meeting by causing a constable to post attested copies of the warrant for such Meeting at the post office in the Town, and in not less than five other public places in the Town, not less than seven days before the day appointed for the Meeting. **[Amended 7-27-1990]**
- C. The Selectmen shall insert any article in the warrant for an Annual Town Meeting upon written request by 10 or more registered voters of the Town or upon written request by the Town Manager regarding the organization of the Town into operating agencies. The names and addresses of the first 10 registered voters requesting insertion of an article shall be printed in the warrant immediately following such article. Such requests for insertion of an article in the warrant must be received by the Selectmen 75 days before the specified time for the Annual Town Meeting. **[Amended 6-2-1998]**

§ 45-2. Special Town Meeting.

- A. The Selectmen may call a Special Town Meeting to consider any matter which in their opinion requires action prior to the next Annual Town Meeting. The Selectmen shall call a Special Town Meeting upon written request of 200 registered voters of the Town, the Meeting to be held not later than 45 days after the receipt of such a request.
- B. The Selectmen shall give notice of every Special Town Meeting by causing a constable to post attested copies of the warrant for the Meeting at the post office in the Town, and in not less than five other public places in the Town, not less than 14 days before the day appointed for the Meeting. In addition thereto, a copy of the warrant printed in some convenient form shall be sent by mail or delivered to each registered voter of the Town, at least 14 days before the day appointed for the Meeting.
- C. The Selectmen shall insert any article in the warrant for a Special Town Meeting upon written request by 100 registered voters of the Town or upon written request by the Town Manager regarding the organization of the Town into operating agencies. The names and addresses of the first 10 registered voters requesting insertion of an article shall be printed in the warrant immediately following such article. The request for insertion of an article in the warrant must be received by the Selectmen within seven days after the call for the Special Town Meeting. No action shall be valid unless the subject matter thereof is contained in the warrant. **[Amended 6-2-1998]**

§ 45-3. Review of warrant articles by Advisory Committee and Bylaw Committee. [Amended 4-6-1991]

- A. Copies of all articles in the warrant for Annual or Special Town Meetings shall immediately be forwarded by the Selectmen to the Advisory Committee for its consideration. The Advisory Committee shall have the right to request the Selectmen insert articles in the warrant until 20 days

before the Annual Town Meeting.

- B. At least 10 days prior to the printing of the warrant for any Special or Annual Town Meeting the Board of Selectmen shall provide the Bylaw Committee for its review any proposed article which involves a change in or an addition to the bylaws of the Town of Cohasset.

§ 45-4. Quorum.

One hundred registered voters shall constitute a quorum at a Town Meeting, except that a motion to adjourn shall not require a quorum. No vote shall be held to be invalid for lack of the required quorum unless it appears from the records of the Town Clerk of the Meeting that before the results of such vote were declared the presence of a quorum was duly questioned and found to be lacking.

§ 45-5. Rules for government of Town Meeting.

- A. The Moderator, while occupying the chair, shall not participate in any discussion before the Meeting.
- B. Town Meetings are open, and participation is limited to registered voters of the Town; provided, however, that nonregistered voters and nonresidents may address the Meeting under the following circumstances:
 - (1) A professional person employed by the Town regarding any matter under discussion at a Meeting may address the Meeting without its consent.
 - (2) Other nonregistered voters and nonresidents may, upon order of the Moderator, address a Meeting regarding any matter under discussion at such Meeting, provided that the Moderator's order may be appealed as provided in Subsection L of this section.
- C. Every person speaking upon a subject in any Meeting shall confine his remarks to the question before the Meeting, avoid personalities, and be seated when he has finished. Any person who is employed by another person regarding any matter under discussion at a Meeting shall disclose the fact of his employment before speaking thereon.
- D. Every person desiring to speak shall rise, address the chair, and, on obtaining recognition, shall state his name and stand while speaking unless the Moderator otherwise directs.
- E. No person shall speak on any subject a second time for more than five minutes unless the Meeting permits him to do so.
- F. No person shall speak more than twice upon any questions, except to correct an error or make an explanation, without first obtaining the permission of the Meeting, and not until others who have not spoken upon the question shall speak if they so desire.
- G. When a question is to be voted on for which only a majority vote is required, the decision of the meeting shall be determined by the voices of the voters, and the Moderator shall promptly announce the vote as it appears to him by sound. If the Moderator is unable to determine the vote by the sound of the voices, or if his announcement is thereupon doubted by seven or more voters rising in their places for that purpose, the Moderator shall without debate determine the vote in either of the following ways:
 - (1) By ordering a hand vote, for which he may appoint tellers to make and report the count; or
 - (2) By ordering a vote by ballot of the Meeting.

- H. If, after debate, the Meeting so orders, or if, upon recommendation of the Advisory Committee, the Moderator so orders (subject to appeal as provided in Subsection L in this section), the vote on any motion shall be taken in one of three ways:
- (1) By a hand vote;
 - (2) By a vote with the use of a checklist;
 - (3) By a "yes" or "no" ballot with or without the use of a checklist.
- I. When the Moderator rules that a motion is readily divisible, and either the Moderator deems it advisable or seven voters present so request, the motion shall be divided and the vote upon each part be taken separately.
- J. When a question is under debate, these motions shall be received: (1) to adjourn to a fixed time; (2) to lay on the table; (3) to stop debate ("previous question"); (4) to postpone to a certain time; (5) to commit; or (6) to amend, and these motions shall have precedence in the order stated. The first three shall be decided without debate, and the latter three may be debated. Motions to lay on the table or to stop debate require at least a two-thirds vote. When proposed amendments involve amounts, if to purchase, the largest amount, or, if to sell, the smallest amount, shall be put to a vote first.
- K. A motion to reconsider any vote may be made at an adjourned session of the Meeting only if the mover of this motion has given notice at the session of the Meeting at which the vote was taken of his intention to make such motion at an adjourned session. There can be no reconsideration of a vote once it has been reconsidered or after a vote not to reconsider it. A motion to reconsider any vote must be made before the final dissolution of the Meeting during which the vote was taken. Nothing contained in the foregoing subsection, however, shall prevent or be construed as preventing the reintroduction of any matter in an article of the warrant for a subsequent Town Meeting.
- L. Any voter may appeal from the decision of the Moderator, and when his appeal is properly seconded by seven or more voters no other business, except a motion to adjourn to a fixed time or to lay on the table, shall be in order until the question of appeal has been decided. The appeal shall be decided without debate and by a hand vote. If there is a tie vote, the Moderator's decision stands.
- M. The duties of the Moderator and the government of the Town Meeting not specifically provided for by law or in this chapter shall be determined by the rules of practice recommended in "Town Meeting Time: A Handbook of Parliamentary Law" (Johnson, Trustman, & Wadsworth, Second Edition, 1984), so far as they are appropriate for the conditions and powers of the Town.
- N. Whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven or more members of a Town Meeting may challenge such declaration, at which time a count shall be held; and further, pursuant to Chapter 448 of the Acts of 1996,³ the governing procedure for this Town Meeting and Special Town Meeting shall be that, whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven or more members of a Town Meeting may challenge such declaration, at which time a count shall be held. **[Amended 7-22-1997]**

3. Editor's Note: See MGL c. 39, § 15.

Regulatory Bylaws

Chapter 60

ALARM SYSTEMS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

ALARM SYSTEMS

Fire prevention — See Ch. 112.

ARTICLE I
Burglar Alarm Systems
[Adopted as Art. VII, § 27, of the 1988 General Bylaws; amended 4-6-1992; 7-17-2000]

§ 60-1. Definitions.

For the purpose of this article, the following terms, phrases, words and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BURGLAR ALARM SYSTEM — An assembly of equipment and devices or a single device, such as a solid state unit which plugs directly into a one-hundred-ten-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this article. The provisions of §§ 60-2 to 60-6 of this article shall apply to all users.

DIRECT COMMUNICATION — An alarm system which has the capability of transmitting system signals directly to an appropriate receiver within the Cohasset Police Station.

FALSE ALARM —

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents;
- B. Any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempt thereat. For the purpose of this definition, activation of alarm systems by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances, shall not be deemed to be false alarms.

INTERCONNECT — To connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device, for the purpose of using the telephone line to transmit an emergency message indicating the activation of the alarm system.

PUBLIC NUISANCE — Anything which annoys, injures or endangers the comfort, repose, health or safety of any persons or of any community or neighborhood.

§ 60-2. Rules.

The Chief of Police, with the approval of the Selectmen, may promulgate such rules as may be necessary for the implementation of this article.

§ 60-3. Automatic dialing devices.

- A. Interconnecting system.
 - (1) No automatic dialing device shall be interconnected to any telephone numbers at the Police Department after the effective date of this article.
 - (2) All automatic dialing devices interconnected to Police Department telephone lines shall be

disconnected. The user of each device shall be responsible for having the device disconnected upon notification by the Chief of Police.

- B. Intermediary services. Any person using an automatic dialing device may have the device interfaced through existing telephone lines to an appropriately equipped transfer station for transmission to the Police Department. Transfer is to be facilitated through:
- (1) Private answering service.
 - (2) Privately owned or operated facility or terminal.

§ 60-4. Direct connections to Police Department.

- A. All alarms shall be subject to authorization by the Chief of Police prior to being connected to the Cohasset Police Station.
- B. The Chief of Police shall have the authority to request proposals and bids from alarm companies in order to furnish at no cost to the Town a communications console and the necessary lines of communications which are compatible with the receipt of alarm signals. Each of the bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered, except that no fee shall be assessed to the Town of Cohasset for any alarms or connections to the console from properties owned by the Town of Cohasset. Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this Subsection B relate solely to the aforementioned communications console, connections by the alarm user, and fees and charges related to the installation and maintenance of the console. Any alarm user has the right to contact any alarm company of his choice for the sale, installation, maintenance, and/or service of the alarm system to be installed on his premises.

§ 60-5. Control and curtailment of signals emitted by alarm systems.

- A. Every alarm user shall submit to the Chief of Police the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Cohasset Police Department of any changes in the list of authorized persons or employees so named in the alarm listing.
- B. All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within 10 minutes after activation of the alarm system. All existing alarm systems in use within the Town of Cohasset shall be required to install an appropriate shutoff device and otherwise comply with the provisions of this article.
- C. Any alarm system emitting a continuous and uninterrupted signal for more than 10 minutes, which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection A of this section and which disturbs the peace, comfort or repose of the community, or a neighborhood where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under Subsection A of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.
- D. No alarm system which is designed to transmit emergency messages or signals of intrusion to the

Police Department shall be tested until the police dispatcher has been notified. Unauthorized tests will constitute a false alarm.

§ 60-6. Violations and penalties.

- A. The user shall be assessed \$25 as a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The Police Chief shall notify the alarm user by certified mail or by service in hand by a police officer of such violation and said user shall submit payment within 30 days of said notice to the Treasurer-Collector for deposit into the general fund.
- B. Failure to remove an interconnecting system within 30 days of notice shall constitute a violation punishable by a fine of \$50.
- C. Interconnection of an automatic dialing device to any Police Department telephone shall constitute a violation punishable by a fine of \$50.
- D. Failure to establish and maintain an emergency list of at least two persons or employees suitable for notification shall constitute a violation punishable by a fine of \$50.
- E. Failure to comply with the penalties established in this section may result in a written order from the Chief of Police causing all connections to the user's alarm to be removed from the Cohasset Police Department.

ARTICLE II
Fire Alarm Systems
[Adopted 7-17-2000 (Art. VII, § 27A, of the 1988 General Bylaws)]

§ 60-7. Definitions.

For the purpose of this article, the following terms, phrases, words and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory.

ALARM SYSTEM — Either a fire alarm system or other alarm system as described below:

- A. **FIRE ALARM SYSTEM** — An assembly of equipment and devices or a single device such as a single station unit which plugs directly into an electrical connection, or a device which has its own battery power, arranged to signal the presence of fire, heat, smoke or other hazard requiring urgent attention and to which the Fire Department is expected to respond. Burglar alarm systems and alarm systems which monitor movement, vibration or unauthorized intrusion into a premises are specifically excluded from the provisions of this article.
- B. **OTHER ALARM SYSTEM** — An assembly of equipment and devices or a single device such as a single station unit which plugs directly into an electrical connection or a device arranged to signal the presence of a hazard or hazardous situation requiring urgent attention and to which the Fire Department is expected to respond. Other alarm systems may include, but are not restricted to, a system which is designed to detect the presence of a hazardous, flammable, explosive, toxic, corrosive or otherwise harmful gas, liquid or solid. Burglar alarm systems and alarm systems which monitor movement, vibration or unauthorized intrusion into a premises are specifically excluded from the provisions of this article.

FALSE ALARM —

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents.
- B. Any signal or oral communication transmitted to the Fire Department requesting or requiring or resulting in a response on the part of the Fire Department when in fact there has been no activation due to the presence of fire, heat, smoke, or other hazardous condition.
- C. For the purpose of either Subsection A or B above, activation of alarm systems due to an act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances, shall not be deemed to be false alarms.

§ 60-8. Control and curtailment of signals emitted by alarm systems.

- A. Every alarm user shall submit to the Chief of the Fire Department the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Cohasset Fire Department of any changes in the list of authorized persons or employees so named in the alarm listing.
- B. In order to protect against the situation where an alarm user or his designee is unable to respond to open the premises for investigation and abate the signal or noise emitted by the alarm system, the

Cohasset Fire Department shall be issued a key and detailed instructions in order to enter and reset or discontinue the audible or visual alarm(s). The owner or his designee shall be responsible for providing security, if necessary, in the event that the alarm system cannot be properly reset and placed back in service.

- C. No alarm system which is designed to transmit emergency messages or signals of fire or other hazards to the Cohasset Fire Department shall be tested or taken out of service for maintenance, alteration, or repair unless the Fire/Police Dispatcher has been notified. Unauthorized tests or activations due to failure of the owner or his agents to comply with the specifications of this section shall constitute a false alarm.

§ 60-9. Violations and penalties.

- A. The user shall be assessed \$250 as a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The Chief of the Fire Department shall notify the alarm user by certified mail of such violation and said user shall submit payment within 30 days of said notice to the Cohasset Fire Department for deposit into the general fund.
- B. Failure to establish and maintain an emergency list of at least two persons or employees suitable for notification shall constitute a violation punishable by a fine of \$50.
- C. Failure to comply with the penalties established in this section may result in a written order from the Chief of the Fire Department causing all connection to the user's alarm system to be removed from the Cohasset Fire Department.

COHASSET CODE

Chapter 63

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, § 15, of the 1988 General Bylaws. Amendments noted where applicable.]

§ 63-1. Possession and consumption.

No person shall consume an alcoholic beverage, as defined in MGL c. 138, or have in his possession any such beverage with the intention of consuming it in a public place or a place to which the public has a right of access, or on private property without the owner's consent.

§ 63-2. Seizure.

Alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before a court, at which time they shall be restored to the person entitled to lawful possession.

§ 63-3. Violations and penalties.

Any person convicted under this bylaw shall be fined a sum not exceeding \$50 for each offense.

ANIMALS

Chapter 69

ANIMALS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

COHASSET CODE

Animal Control Officer — See Ch. 30, § 30-48.

ARTICLE I
Dogs
[Adopted as Art. VII, § 12, of the 1988 General Bylaws]

§ 69-1. License required.

- A. No person shall keep and maintain a dog in the Town of Cohasset unless it is licensed. The license period each year shall be from January 1 to December 31.
- B. Licenses will be issued at the Town Clerk's office. Proof of rabies vaccination and spaying or neutering certificates are required to obtain a license. Dogs must be licensed at the age of six months or older or within 30 days of the date on which the owner of the dog becomes a resident, whichever event shall first occur.

§ 69-2. Dog license fees.

The fees for the licensing of dogs will be \$6 for spayed females and neutered males and \$10 for unspayed females and unneutered males until December 31, 1989, and thereafter the annual fees for licensing of dogs will be \$8 for spayed females and neutered males and \$15 for unspayed females and unneutered males.

§ 69-3. Late fee.

Any individual who has not licensed his or her dog by May 1, in any year, shall pay an additional late fee of \$25.

§ 69-4. Kennel license fees.

The fee for licensing of kennels will be as follows:

Number of Dogs	Fee
1 to 3	\$45
4 to 9	\$90
10 or more	\$135

§ 69-5. Impounded dogs.

- A. The Animal Control Officer, upon apprehending any dog, shall make a complete registry, entering the breed, color and sex of such dog, its license number, and the name and address of the owner, if known.
- B. If an owner of an impounded dog is known, such owner shall be given notice of the impounding within 24 hours thereof. Such owner may reclaim the dog upon payment of \$15 for the first reclaiming in any calendar year, \$20 for the second reclaiming in any calendar year, and \$30 for the third and each subsequent reclaiming in any calendar year, together with the license fee, if unpaid, and the reasonable costs incurred by the Town for impounding and maintaining the dog. The boarding fee for impounded dogs shall be the current rate then charged by the boarding kennel.
- C. Disposition of dogs not reclaimed shall be in accordance with the laws of the Commonwealth of Massachusetts.

§ 69-6. Noise and nuisances. [Amended 7-27-1990]

No person shall keep a dog which, by biting, barking or any other activity, disturbs the peace and quiet of any neighborhood or endangers the safety of any person. Any owner or keeper of a dog who shall permit such dog to be in any street or public place without either being effectively restrained by chain or leash under the direct and positive control of such owner, keeper, or other person or attended by a person exercising control, or who shall permit such dog to run upon property of another without express permission of the owner or occupant of such property, may be punished by a fine as provided in this bylaw.

§ 69-7. Violations and penalties. [Amended 4-30-2018 ATM by Art. 18; 4-29-2019 ATM by Art. 15]

Violations of § 69-6 will result in the following penalties:

- A. First violation: \$50.
- B. Second violation: \$100.
- C. Third violation: \$300.
- D. Fourth and subsequent violations: \$500.

§ 69-8. Failure to vaccinate.

The fine for failure to vaccinate for rabies will be \$50.

§ 69-9. Removal of wildlife.

Wildlife shall be removed from public or private property at the discretion of the Animal Control Officer and a service fee shall be charged accordingly.

§ 69-10. Animal bites.

All animal bites shall be reported immediately to the Animal Control Officer.

§ 69-11. Removal of fecal material. [Added 7-20-2010]

- A. Purpose. To abate the potential health danger of fecal material from dogs.
- B. Applicability. This bylaw applies to all persons who own, possess, care for or control a dog while located within the Town of Cohasset.
- C. General.
 - (1) Any person who owns, possesses, cares for or controls a dog shall take every precaution to not permit his or her dog to defecate on any sidewalk, street, parking lot or any other public place or on private property not owned by the above person.
 - (2) Any person who owns, possesses, cares for or controls a dog shall promptly remove and properly dispose of any fecal matter deposited by such dog in any public place or on private property not owned by such person.
- D. Enforcement. Whoever violates this section shall pay for each offense a fine of \$50. At the discretion of the enforcing persons, who shall be the Board of Public Health and the Health Agent, this section may be enforced by noncriminal disposition in the manner provided in MGL c. 40, § 21D. **[Amended**

5-24-2021ATM by Art. 28]

- E. Exemption. This bylaw shall not apply to any dog accompanying any disabled person, who because of his or her disability is unable to comply with these requirements.

ARTICLE II
Horses, Livestock and Poultry
[Adopted as Art. VII, § 11, of the 1988 General Bylaws]

§ 69-12. Prohibited acts.

No person shall permit any horse, livestock, or poultry under his care to go upon any sidewalk, graze in any public place, cause damage to property, or interfere with the safety and convenience of any person.

COHASSET CODE

Chapter 80

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

BUILDING CONSTRUCTION

Building Inspector — See Ch. 30, § 30-38.

Building numbers — See Ch. 84.

Historic District — See Ch. 132.

Stormwater management — See Ch. 223.

Wetlands protection — See Ch. 260.

Zoning — See Ch. 300.

Subdivision of land — See Ch. 325.

ARTICLE I

Building Permits

[Adopted 1-29-2004 (Art. VII, § 40, of the 1988 General Bylaws); amended 6-23-2004]

§ 80-1. Publication of building permits issued. [Amended 4-30-2018 ATM by Art. 18; 5-1-2023ATM by Art. 19]

Each week, the office of the Building Inspector shall cause to be published on the Town's website a list of all building permits issued during the previous week, except those issued for interior alterations, re-roofing, plumbing, electrical and gas. This information shall also be available at the Building Department office during regular business hours. The list shall include the name or names of the applicant or applicants, the address of the property, the date the permit was issued, a brief description of the proposed construction or operations and the statement: "An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by an order or decision of the Building Inspector in violation of any provision of the Zoning Act, Massachusetts General Laws Chapter 40A, § 1 et seq., or the Town's Zoning Bylaw."

ARTICLE II
Stretch Energy Code
[Adopted 8-11-2015 (Art. XVII of the 1988 General Bylaws)]

§ 80-2. Definitions.

The terms below shall have the following meanings for the purposes of this article:

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 80-3. Purpose.

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the Building Code for both new construction and existing buildings.

§ 80-4. Applicability.

The Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34 and 51, as applicable.

§ 80-5. Incorporation of code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into these General Bylaws, Chapter 80, Article II.

§ 80-6. Enforcement. [Amended 4-30-2018 ATM by Art. 18]

The Stretch Code is enforceable by the Building Inspector.

ARTICLE III
Solar Photovoltaic Installations
[Adopted 11-28-2016 STM by Art. 8]

§ 80-7. Photovoltaic array installation requirements.

All solar photovoltaic installations shall comply with the National Electric Code (NEC) and National Fire Protection Association (NFPA) codes, regulations and standards and as they exist at the time of application for installation.

COHASSET CODE

Chapter 84

BUILDING NUMBERS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, § 28, of the 1988 General Bylaws. Amendments noted where applicable.]

§ 84-1. Number required; placement and size.

All buildings or structures occupied in whole or in part for residential purposes shall, upon the sale or transfer of such building or structure, be equipped by the seller with an approved street number. Number(s) shall be posted at the main entrance of such building or structure. The number for any building or structure located farther than 100 feet from the street serving the building or structure shall be displayed not more than 10 feet from the driveway entrance leading to such building or structure. Numbers shall not be less than four inches in height.

BUSINESSES

Chapter 89

BUSINESSES

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Hours of Operation
[Adopted as Art. VII, § 30, of the 1988 General Bylaws]

§ 89-1. Sale of food. [Amended 3-16-2000]

No person shall sell at retail between the hours of 11:00 p.m. and 6:00 a.m. any food. The term "food" as used in this section shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide. This section shall not apply to the sale of food or alcoholic beverages to be consumed on the premises on which they are sold when such sale is by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises. Persons found guilty of violating this section shall pay a fine of \$50. For purpose of this section each separate sale shall be deemed a separate offense. In the event of sale of several items or articles at one time to one customer, only one sale shall be deemed to have taken place.

§ 89-2. Store or business engaged in retail sale of food. [Amended 3-16-2000]

No store or place of business engaged in the retail sale of food shall be open for the transaction of retail business between the hours of 11:00 p.m. and 6:00 a.m. This section shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises on which they are sold when such sale is by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises. This section shall not be deemed to repeal or replace § 89-1 of this article, and each section shall be deemed separately enforceable. Violators of this section shall be subject to a fine of \$50 for each violation. In case of continuing violations every calendar day upon which a store shall remain open shall be deemed a separate offense.

§ 89-3. Deliveries.

No store or place of business shall accept delivery of any item for sale between the hours of 11:00 p.m. and 7:00 a.m. This section shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises at which they are sold when such sale is by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises. Violators of this section shall be subject to a fine of \$50 for each violation. For purposes of this section each separate delivery shall be deemed a separate offense. In the event of delivery of several items or articles at one time by one deliverer, only one delivery shall be deemed to have taken place.

§ 89-4. Operation of heavy construction equipment. [Amended 7-17-2000; 4-30-2018 ATM by Art. 18]

No person shall operate heavy construction equipment between the hours of 11:00 p.m. and 7:00 a.m. This provision shall not apply to the operation of snow removal by the Town or private contractor or to the operation of equipment by the Town, any utility company or private contractor operating for the protection of the public health or the public safety or the operation of trash removal vehicles pursuant to MGL c. 111, § 31A, in business, commercial and industrial zones.

§ 89-5. Severability.

An adjudication that § 89-1, 89-2 or 89-3 of this article or any part of this article is unconstitutional or

invalid shall not operate to affect the constitutionality or validity of the other sections or any part thereof which can be given effect without the provision deemed unconstitutional or invalid.

ARTICLE II
Marijuana Establishments
[Adopted 4-30-2018 ATM by Art. 21]

§ 89-6. Prohibition of marijuana establishments.

Pursuant to MGL c. 94G, § 3, all types of marijuana establishments, as defined by MGL c. 94G, § 1, and as may otherwise be defined by Massachusetts law or regulation, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Cohasset. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000.

ARTICLE III
Plastic Bag Reduction
[Adopted 4-30-2018 ATM by Art. 25]

§ 89-7. Purpose and intent.

- A. The production and use of thin-film, single-use plastic checkout bags have significant impacts on the environment, including but not limited to: contributing to the potential death of marine animals through ingestion and entanglement, contributing to pollution of the land environment, creating a burden to solid waste collection and recycling facilities (Cohasset does not recycle plastic bags), clogging storm drainage systems, and requiring the use of millions of barrels of crude oil nationally for their manufacture, and plastic bags are not biodegradable so they gradually disintegrate into minute particles which absorb toxins contaminating the food chain including the food humans eat.
- B. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

§ 89-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ASTM D6400 — The American Society for Testing and Materials (ASTM) International Standard Specification for Compostable Plastics.

CHECKOUT BAG — A bag with or without handles provided by a store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the store.

COMPOSTABLE PLASTIC BAG — A plastic bag that conforms to the current ASTM D6400 standard specifications by a recognized verification entity.

PRODUCT BAG —

- A. A bag in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are placed by the consumer to deliver such items to the point of sale or checkout area of the store; or
- B. A bag that contains or wraps foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a recyclable bag or reusable bag. Bags without handles used to cover clothing such as a dry-cleaning bag are not included in this definition.

RECYCLABLE PAPER BAG — A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag:

- A. The word "recyclable" or a symbol identifying the bag as recyclable; and
- B. A label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

REUSABLE BAG — A bag that is either:

- A. Made of cloth or other machine-washable fabric; or

- B. Made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material, and is more than four mils in thickness.

SINGLE-USE PLASTIC CHECKOUT BAG — A plastic checkout bag that is less than four mils thick and is not a compostable plastic bag.

STORE — Any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

§ 89-9. Use regulations.

- A. No store in the Town shall provide to any customer a single-use plastic checkout bag. Existing stock should be phased out within six months of November 1, 2018, and any remaining stock should be disposed of properly.
- B. If a store provides checkout bags to customers, it may only provide reusable bags, recyclable paper bags or compostable plastic bags.
- C. If a store provides product bags to customers, the bag shall comply with the requirements of being either a reusable bag, recyclable paper bag or compostable bag.

§ 89-10. Administration and enforcement.

- A. This bylaw may be enforced by any Town police officer or agent of the Board of Public Health or other individuals appointed by the Town Manager. **[Amended 5-24-2021ATM by Art. 28]**
- B. A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a noncriminal disposition pursuant to MGL c. 40, § 21D, and the Town's noncriminal disposition bylaw. The following penalties apply:
- (1) First violation: a written warning.
 - (2) Second violation: fine of \$100.
 - (3) Third violation: fine of \$200.
 - (4) Fourth and subsequent violations: fine of \$300.
- C. Each day the violation continues constitutes a separate violation.

§ 89-11. Effective date.

This bylaw takes effect on November 1, 2018.

ARTICLE IV
Plastic Water Bottle Ban
[Adopted 6-3-2024ATM by Art. 24]

§ 89-12. Purpose and intent.

The goal of this bylaw is to reduce the common use of single-use plastic water bottles and to promote the use of reusable bottles by consumers, thereby reducing local land and marine pollution, reducing waste, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of Cohasset.

§ 89-13. Definitions.

NONCARBONATED WATER — Means water which, by nature and after possible treatment and packaging, taking into consideration usual technical tolerance, does not contain free carbon dioxide in amounts larger than are necessary to keep the hydrogen carbonate salts present in the water dissolved.

REUSABLE BOTTLE — Means a beverage container that is either (1) made from a plastic alternative such as stainless steel or glass, or (2) made of plastic other than polyethylene or polyvinyl chloride that is durable, nontoxic, and generally considered a food-grade material.

SINGLE-USE PLASTIC BOTTLE — Means a beverage container made from any type of plastic resin.

§ 89-14. Sale restrictions.

Effective on January 1, 2025, it shall be unlawful to sell noncarbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Cohasset.

§ 89-15. Exemptions.

Sales or distribution of noncarbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, county, commonwealth or federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

§ 89-16. Enforcement; violations and penalties; inspection of businesses.

- A. Enforcement of this article shall be the responsibility of the Health Department or their designee. The Health Department shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.
- B. Any establishment or person conducting sales in violation of this article shall be subject to a noncriminal disposition fine as specified in MGL c. 40, § 21D. The following penalties apply:
 - (1) First violation: written warning.
 - (2) Second violation: \$100 fine.
 - (3) Third violation: \$200 fine.
 - (4) Fourth and subsequent violations: \$300 fine.

- C. Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Cohasset.
- D. All businesses may be routinely inspected until the Health Department, or their designee, deems the inspection to no longer be required.

§ 89-17. Effective date.

The bylaw shall be effective January 1, 2025.

COHASSET CODE

Chapter 96

CEMETERIES

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VIII of the 1988 General Bylaws. Amendments noted where applicable.]

§ 96-1. Board of Selectmen to have jurisdiction.

The Board of Selectmen shall have jurisdiction over all public cemeteries.

§ 96-2. Deposit of funds.

The Town will accept and forever hold in trust any money or securities which may hereafter be deposited with the Town Treasurer-Collector for the perpetual care, preservation, or improvement of any public or private burial place, or any lots or graves therein, in conformity with provisions of the Massachusetts General Laws.

§ 96-3. Perpetual care.

The Treasurer-Collector is authorized to enter into agreements on behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to provide perpetual care for such lot and the structures and the grass thereon.

§ 96-4. Cemetery fund.

Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund, and unless otherwise specifically provided for in the terms of the gift, the income only shall be used.

FIRE PREVENTION

Chapter 112

FIRE PREVENTION

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

COHASSET CODE

Alarm systems — See Ch. 60.

Hazardous materials — See Ch. 125.

ARTICLE I
Tampering with Fire Department Equipment
[Adopted as Art. VII, § 13, of the 1988 General Bylaws]

§ 112-1. Prohibited acts.

No unauthorized person shall tamper with apparatus, machinery, or equipment belonging to the Fire Department, or with any signal boxes, wires, poles, or other article connected with the fire alarm system, except to ring an alarm in case of fire or other emergency.

ARTICLE II
Fire Lanes
[Adopted 5-5-1995 (Art. VII, § 35, of the 1988 General Bylaws)]

§ 112-2. Obstructing private way.

It shall be unlawful to obstruct or block a private way with a vehicle or any other means that prevents access by fire apparatus or equipment to any multiple-family building, stores, shopping centers, schools and places of public assembly.

§ 112-3. Obstructing fire lane.

It shall be unlawful to obstruct or park a vehicle in any fire lane. Fire lanes are to be a distance of 12 feet in width from the curbing of a sidewalk in a shopping center, apartment complex and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Chief of the Fire Department or the Planning Board.

§ 112-4. Removal of objects or vehicles.

Any object or vehicle obstructing or blocking any fire lane or private way may be removed or towed by the Town under the direction of a police officer at the expense of the owner and without liability to the Town.

§ 112-5. Fire lane signs.

The owner of record of any land or building affected by this article shall provide and install signs indicating the existence of a fire lane. The sign shall be no less than 12 inches by 18 inches and shall read "Fire Lane — No Parking — Tow Zone."

§ 112-6. Violations and penalties. [Amended 4-30-2018 ATM by Art. 18]

Any person violating any provision of this article shall, for each offense, be punished by a fine of \$25. Each day that such violation continues shall constitute a separate offense.

ARTICLE III

Key Boxes

[Adopted 6-2-1998 (Art. VII, § 36, of the 1988 General Bylaws)]

§ 112-7. Key boxes required.

All businesses in the Town of Cohasset shall provide and install key boxes as determined by the Fire Chief in order to gain access during emergency situations. This bylaw shall affect only new or substantially renovated business (over 50% assessed valuation) as of July 1, 1998.

HARBOR

Chapter 121

HARBOR

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. IX of the 1988 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Harbor Master — See Ch. 30, § 30-42.

Watercraft — See Ch. 255.

Harbor Committee — See Ch. 30, § 30-62.

§ 121-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOAT — Includes every type of watercraft used or capable of being used as a means of transportation on water, other than a seaplane.

BOAT OWNER — An individual or entity having legal ownership of a boat. **[Amended 4-6-1991]**

COHASSET HARBOR — Consists of the body of water lying inside a straight line projected across the channel from White Head Dolphin at Long's Point to White Rock and shall not include the channel extending seaward beyond that point, but shall specifically include all waters within the Town of Cohasset lying west and south of the Border Street Bridge known as "the Gulf." **[Amended 7-17-2000]**

HARBOR MASTER — Includes the Harbor Master, Assistant Harbor Master, and Deputy Harbor Masters, all duly appointed by the Board of Selectmen.

INDIVIDUAL — Natural person.

LENGTH OF BOAT — The length overall from the fixed most forward point of the boat or its extremities to the point furthest aft, including, without limitation, parts affixed to the boat such as bow pulpits, bowsprits, boomkins, mizzen booms, rudders, swim platforms, and outboard motors in raised position.

MOORING HOLDER — An individual or entity holding a valid mooring permit.

PRUDENT SEAMANSHIP — Having regard for the lives and safety of the public, state of visibility, traffic density, maneuverability of vessels, state of the wind, current, and water and the current Rules of the Road.

SKIN DIVER — A swimmer using fins, masks, snorkel tubes, or self-contained underwater breathing apparatus.

TENDER — Shall refer to a skiff or dinghy used to transport individuals or property from shore to a boat moored within Cohasset Harbor.

§ 121-2. Moorings.

A. Permit.

- (1) An approved mooring permit (hereinafter "permit") from the Harbor Master is required for installation of mooring tackle for any boat, float, or lobster car/pound within the limits of Cohasset Harbor. The application for a permit shall be that prescribed by the Board of Selectmen on the form titled "Application for Mooring Location," dated April 1985, as revised from time to time.
- (2) No permit shall be issued to a corporation, trust, partnership, joint venture, or other entity nor shall a permit be held in joint tenancy, tenancy in common, or other form of joint ownership; provided, however, that permits shall continue to be issued from year to year in accordance with all provisions of these bylaws and regulations promulgated by the Harbor Master to those entities currently holding permits which operate clubs or marine-related businesses adjacent to Cohasset Harbor. **[Amended 12-11-1996]**

- (3) The Harbor Master shall issue or deny a request for a permit within 15 days of the date of application. The Harbor Master shall keep accurate records and books and shall issue a signed copy of the "Application for Mooring Location" on file in the office of the Harbor Master for all boat owners with an assigned mooring location.
- (4) The "Application for Mooring Location" shall contain such information as required by the Harbor Master. The Harbor Master shall ensure that a signed copy of the "Application for Mooring Location" is on file in the office of the Harbor Master for all boat owners with an assigned mooring location.
- (5) Once issued no mooring permit shall be renewed unless the boat owner has regularly moored his boat in Cohasset Harbor during the preceding year and has paid an excise tax on his boat to the Town of Cohasset. If the boat owner wishes to remove his boat from Cohasset Harbor for a period of seven days, the Harbor Master must be notified in advance of such removal.
- (6) All mooring tackle shall be constructed in accordance with the "Mooring Specifications for Cohasset Harbor," as revised from time to time by the Harbor Master (hereinafter called the "specifications") and on file with the Harbor Master, and shall not be set or moved without first being inspected by and the move approved by the Harbor Master.
- (7) No boat with a length overall in excess of 45 feet shall be assigned a mooring location or slip in Cohasset Harbor.
- (8) Mooring locations shall not be sold, bequeathed, transferred, swapped, bartered, rented or leased. In the event of the death of a mooring holder, the Harbor Master shall offer to assign the mooring location to the deceased mooring holder's surviving spouse. The surviving spouse shall have 90 days after receipt of the written offer from the Harbor Master in which to accept, by written response, such assignment. If the assignment is not accepted in writing within such ninety-day period, the mooring location shall be reassigned in accordance with these bylaws and regulations governing Cohasset Harbor. The Harbor Master shall make the written offer to the surviving spouse as soon as reasonably practicable after learning of the deceased mooring holder's death. Upon the death of the surviving spouse, the mooring location shall revert to the Town of Cohasset.
- (9) No individual or entity may be assigned more than one mooring. The mooring location assigned is restricted to the boat assigned to that location, and no other boat may occupy that location without the permission of the Harbor Master.
- (10) A mooring location waiting list shall be maintained by the Harbor Master, using the date on the "Application for Mooring Location" as the basis for position on the list. All persons must reaffirm their position on the waiting list by April 1 of each year with the Harbor Master. If a person fails to reaffirm his or her position on the waiting list by April 1, the Harbor Master shall send such person a notice by certified mail ("notice") of such failure to reaffirm and thereafter, upon reaffirmation and payment of a fine within 15 days of the receipt of the notice, the person shall be entitled to maintain his or her position on the waiting list. A record of the reaffirmation shall be kept on the "Application for Mooring Location" form on file with the Harbor Master. Persons not reaffirming on or before April 1 in each year or within the fifteen-day grace period shall be removed from the list. The Selectmen shall from time to time set the fine for failure to reaffirm on the mooring list prior to April 1. **[Amended 11-16-1992]**
 - (a) Those persons or entities holding permits from the Harbor Master to install mooring tackle and moor their boats in Cohasset Harbor shall pay a mooring fee and receive a decal by

April 1 of each year. Upon failure to pay the mooring fee, the Harbor Master shall remove the individual's or entity's mooring tackle from the harbor at the expense of the individual or entity failing to pay the mooring fee.

- (b) All persons and entities owning boats, other than unregistered tenders, who have a continuous right to moor such boat at any privately owned mooring, pier, wharf, or float within the confines of Cohasset Harbor shall pay the current year boat excise and a user's fee as set by the Board of Selectmen from time to time and shall receive a decal by June 1 of each year. Upon failure to pay the user's fee, the Harbor Master shall pursue such remedies as are available under the terms of these harbor bylaws and regulations promulgated by the Harbor Master, the General Bylaws of the Town of Cohasset or the laws of the Commonwealth of Massachusetts. **[Amended 5-5-1995]**
- (c) If a mooring holder ("holder") fails to pay the mooring fee by April 1 of each year, the Harbor Master shall send the holder a notice by certified mail ("notice") of such failure and thereafter upon payment of the mooring fee and a fine within 15 days of the receipt of such notice, the holder shall be entitled to retain the mooring location. In the event the holder fails to pay the fine and mooring fee within 15 days of the receipt of the notice, the Harbor Master shall remove such holder's mooring tackle from the confines of Cohasset Harbor, and such removal shall be at the expense of the holder. The Selectmen shall from time to time set the fine for failure to pay the mooring fee on or before April 1.
- (11) All boats moored or berthed in Cohasset Harbor shall display either a mooring decal or a user's decal on the aft port quarter of the boat to indicate that the appropriate fee has been paid and the boat owner has authorization to place the boat on a particular mooring or be otherwise moored in Cohasset Harbor.
- (12) The owners of all boats moored or berthed in Cohasset Harbor not displaying either a mooring decal or a user's decal shall, during certain times of the year as prescribed by the Board of Selectmen, pay a temporary per diem fee as set by the Board of Selectmen annually on or before July 1.
- (13) A boat moored or berthed in violation of this chapter of the bylaws or without permission from the Harbor Master shall be removed from its mooring and stored at the owner's expense. Payment for removal and storage shall be made before the boat is released to the boat owner.
- B. If the Harbor Master determines that the mooring tackle conforms to the specifications, he shall issue a permit and assign a location if one is available. If the Harbor Master determines that the mooring tackle does not conform to the specifications or for other valid reasons deems it improper to issue a mooring permit, he shall refuse to do so. The Harbor Master shall promulgate regulations with respect to the care and maintenance of mooring tackle, the temporary assignment of boats to moorings and with regard to such other matters pertaining to the mooring of boats as are consistent with this bylaw and the authority conferred upon the Harbor Master by the laws of the Commonwealth of Massachusetts.
- C. Sale of boat.
 - (1) In the event a boat owner sells or otherwise disposes of the boat described on the "Application for Mooring Location," the boat owner may retain the mooring location for another boat if the following conditions are met:
 - (a) The Harbor Master is notified by the boat owner within 30 days of the transaction relating

to the sale or other disposition of the boat and of the boat owner's intention to place another boat on the mooring location.

- (b) The boat replacing that described on the original "Application for Mooring Location" must be, in the judgment of the Harbor Master, approximately the same size.
 - (c) The boat owner obtains the Harbor Master's approval to place a different boat on the existing mooring location on or before July 31 of the year next after the year of sale or other disposition of the original boat.
- (2) Failure to fulfill the above conditions by the boat owner shall terminate the boat owner's permit, and the mooring location may be reassigned to another boat owner.

§ 121-3. Speed limit for boats.

The boat owner or operator thereof shall not permit a boat to be operated at a speed in excess of four nautical miles per hour or cause a disturbing wake and shall use prudent seamanship within the confines of Cohasset Harbor.

§ 121-4. Skin diving.

Any person skin diving in Cohasset Harbor shall on each occasion obtain the prior permission of the Harbor Master and shall:

- A. Display a diver's flag not less than 12 inches square consisting of a red field and a white diagonal stripe;
- B. Display such flag on a float or other similar device upright at a height sufficient to be visible to passing boats;
- C. Tow such float and flag with him while he is submerged in the water, except that for commercial purposes, permission in writing may be granted by the Harbor Master to display flags in another manner;
- D. Be required to operate only from a boat attended by another person.

§ 121-5. Operation of boats; swimming or diving.

No person shall operate a boat in Cohasset Harbor while towing a water skier, aquaplane, or other similar device except in connection with a water carnival and exhibition authorized by the Selectmen or in an area designated by the Selectmen. No person shall swim or dive from Town or private piers or floats within Cohasset Harbor unless enrolled in an organized instructional program permitted by the Harbor Master. No swimming is permitted near or in a navigational channel, fairway or an area where vessels normally navigate. No person shall operate a boat in Little Harbor while towing a water skier, aquaplane or other similar device except on even-numbered days.

§ 121-6. Unlawful deposits.

No person shall discharge, deposit, or throw overboard into the harbor oil, refuse, bait or any similar type of waste.

§ 121-7. Races.

Small sailing classes will be allowed to race within Cohasset Harbor when under the jurisdiction of an authorized committee recognized by the Harbor Master. Such small boats shall respect the maneuvering problem of larger vessels in the harbor and shall be equipped with gunwale guards and shall make every reasonable effort to prevent damage to other boats moored in the Harbor.

§ 121-8. Town landings, floats and piers.

The Harbor Master shall be responsible for Town landings, floats and piers and may promulgate regulations with respect to the use thereof.

§ 121-9. Effect on other regulations.

Nothing contained herein shall be held or construed to supersede, conflict, or interfere with, or limit the jurisdiction of the United States Government with respect to the enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of any department of the Commonwealth of Massachusetts having jurisdiction over boats, harbors or navigable waters.

§ 121-10. Violations and penalties.

Any violation of the provisions of this chapter of the General Bylaws of the Town of Cohasset shall be subject to the penalty set forth in Chapter 1, § 1-6, and nothing contained herein shall preclude the Harbor Master from seeking other appropriate relief, including, without limitation, injunctive relief in the appropriate court having jurisdiction.

COHASSET CODE

Chapter 125

HAZARDOUS MATERIALS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. XIII of the 1988 General Bylaws; amended 8-17-2001. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 112.

Mercury thermometers — See Ch. 165.

§ 125-1. Purpose.

The purpose of this chapter is to protect, preserve and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the Town from contamination and to protect the public health and welfare.

§ 125-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

COMMERCIAL OR INDUSTRIAL FACILITY — Public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to manufacturing, processing, or other industrial operations; wholesale establishments; service or retail establishments; printing or publishing establishments; research and development facilities; small quantity or very small quantity generators of hazardous waste as defined by the Department; laboratories; hospitals; schools. This definition shall specifically include, but not be limited to, all vehicle body work or repair facilities, machine shops, dry cleaners, photo-processing labs, funeral homes, and furniture strippers.

DEPARTMENT — The Massachusetts Department of Environmental Protection.

DISCHARGE — The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material upon or into any land or water so that such hazardous material or any constituent thereof may enter the air, land, or waters of the commonwealth. "Discharge" includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

FLAMMABLE FLUID — Any fluid which will emit a vapor which can be ignited by a flame or spark.

HAZARDOUS MATERIAL — A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under Massachusetts General Laws (MGL) Chapters 21C and 21E using the Massachusetts Oil and Hazardous Material List (in 310 CMR 40.0000).

MATERIALS SAFETY DATA SHEET (MSDS) — Information sheets, available by law from the manufacturer, containing data on physical characteristics, flammability, explosivity, reactivity, and the health and safety hazards of specific chemicals, as well as information relative to procedures recommended for spills and leaks of specific chemicals and special protection and precautions to be taken in the handling of specific chemicals.

REPORTABLE QUANTITY — The quantity of oil or hazardous material the release of which, or threat of release of which, requires notification to the Department under MGL c. 21E, § 7, and/or 310 CMR 40.0350 through 310 CMR 40.0352.

USE OF HAZARDOUS MATERIAL — The handling, generation, treatment, storage, or management of hazardous materials.

§ 125-3. Hazardous material storage.

A. Registration.

- (1) Anyone storing hazardous materials in quantities totaling more than 25 pounds dry weight or 50 gallons liquid shall register with the Board of Public Health the types, quantities, location, and methods of storage of said hazardous materials. Registration required by this provision shall be initially submitted by July 1, 1986, and annually thereafter within 30 days of July 1 each year. **[Amended 5-24-2021ATM by Art. 28]**
- (2) Any owners or operators of commercial, industrial or municipal establishments, including home occupations and agriculture, meeting the registration requirement for the first time subsequent to July 1, 1986, shall register initially within 30 days of meeting such requirements and thereafter within 30 days of July 1, each year.
- (3) Copies of registration information shall be regularly forwarded by the Board of Public Health to the Fire Department. **[Amended 5-24-2021ATM by Art. 28]**
- (4) The Health Agent shall maintain and make available a listing of materials deemed to be hazardous.
- (5) Registration requirements. The following information must be submitted as part of the registration process:
 - (a) A map or drawing locating areas where hazardous materials are stored, handled, and/or in use. The map shall be drawn to scale, on paper eight inches by 11 inches (or an as-built plan of the facility may be substituted), with a North arrow and names of bordering streets clearly noted. If storage occurs both indoors and outdoors, a map for each of the indoor and outdoor storage areas shall be submitted. Areas in which emergency equipment such as spill kits and medical supplies are kept must also be identified on the map, and submitted to the Board of Public Health as well as the Fire Department. **[Amended 5-24-2021ATM by Art. 28]**
 - (b) A written description shall accompany the map and specify: product names (chemical names or types may be substituted here); MSDS sheets for each product; quantities of materials in each location; the type of storage container (e.g., fifty-five-gallon drum, underground storage tank); and anticipated on-site additions, for the subject registration period, of hazardous materials meeting the threshold quantity noted above.
 - (c) Information pertaining to the disposal of hazardous wastes: hazardous waste generator ID number, name of the hazardous waste transporter(s), and methods of handling spills of a volume under the reportable quantity (as defined in this chapter). Facilities without an ID number may contact the Department at 1-800-343-3420 to obtain one.
- (6) Updating of registration.
 - (a) If, during or after the registration period, a change in ownership and/or occupancy of a business occurs, an updated registration must be submitted to the Board of Public Health within 30 days. Registration is not transferable between past and future owners of a business and/or occupants of a premises. **[Amended 5-24-2021ATM by Art. 28]**
 - (b) If any of the following activities occur during or after the registration period, the corresponding information in the business' registration package shall be highlighted and corrected at the time of re-registration:

- [1] Remodeling, operating changes, or expansion of an existing facility which would modify the type or quantity of hazardous materials managed;
 - [2] Changes in the location or method of use, storage, manufacture or handling of hazardous materials in any facility; and/or
 - [3] Addition of new hazardous materials meeting the threshold quantity listed above which are not anticipated in the registration.
- (7) Facility closure. In the event that a facility permanently ceases operations during the subject registration period, the owner or operator of the facility shall notify the Board of Public Health of said closure at least 30 days before the closure. **[Amended 5-24-2021ATM by Art. 28]**

B. Inventory.

- (1) In addition to registration, owners or operators of commercial, industrial, or municipal establishments, including home occupations and agriculture, registered in accordance with Subsection A(1) or (2) above shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, sale, use and disposal of hazardous materials. The purpose of this inventory is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within the Town over the registration period.
- (2) Owners or operators shall produce the latest reconciled inventory within 24 hours of request by the Health Agent.
- (3) Storage of flammable fluids may also be subject to inventory control under 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code. **[Amended 4-30-2018 ATM by Art. 18]**

C. Aboveground storage.

- (1) Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with MGL c. 21C.
- (2) Aboveground containers of hazardous materials stored by anyone registered in accordance with Subsection A(1) and (2) shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a dike of impermeable construction, with provisions for rainwater shelter or removal. The volume of the area enclosed by the dike shall be equal to or greater than 120% of the capacity of the containers within the dike.

D. Existing underground storage tanks. Owners of every underground storage facility, including home heating oil storage tanks, that have been installed prior to the effective date of this bylaw shall provide the Board of Public Health the following information by July 1, 1986: **[Amended 5-24-2021ATM by Art. 28]**

- (1) Name, address and telephone number (day and night) of the owner;
- (2) Name, address and telephone number (day and night) of the operator;
- (3) The number of tanks on the property and the capacity and contents of each tank;
- (4) Evidence of the date of purchase and installation of each tank, including license and Fire Department permit, if any;
- (5) Sketch map showing the location of all tanks on the property.

- E. New or replacement underground tanks. The following provisions apply to new or replacement underground tanks:
- (1) All new and replacement tanks shall be designed and constructed to minimize the risk of corrosion and leakage, and shall comply with the provisions of 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code, whether storing flammable fluids or not. **[Amended 4-30-2018 ATM by Art. 18]**
 - (2) The Board of Public Health or, if having jurisdiction, the Fire Chief may prohibit placement or replacement of a tank or approve it subject to conditions if a determination is made that placement or replacement constitutes a danger to a public or private water supply, by reason of its proximity to any public or private well, groundwater supply, groundwater recharge area, or body of surface water or for any other reason. **[Amended 5-24-2021 ATM by Art. 28]**
- F. Testing and defects.
- (1) All tanks shall be subject to tests conducted at the owner's expense at installation, 10 years after installation, 15 years after installation, and annually thereafter. The test shall be one approved by the Health Agent, shall meet National Fire Prevention Association Pamphlet 329 criteria for better than 0.05 gallon per hour accuracy, and shall comply with 527 CMR 1.00 as amended. **[Amended 4-30-2018 ATM by Art. 18]**
 - (2) Owners of tanks for which evidence of installation date is not available shall, at the order of the Health Agent, have such systems tested annually in accordance with Subsection F(1).
 - (3) If the Health Agent determines that the tank is not product-tight, it shall be disposed of under his direction or, if involving flammable liquids, under direction of the Fire Chief.
 - (4) All leaking tanks must be emptied by the owner or operator within 12 hours of leak detection and removed by the owner or operator in a period of time not longer than that determined by the Health Agent or, if having jurisdiction, the Fire Chief. Repair of known leaking tanks shall not be permitted.
- G. Abandonment of tanks. **[Amended 4-30-2018 ATM by Art. 18; amended 5-24-2021 ATM by Art. 28]**
- (1) Except as provided in Subsection G(2) below, no tank may be abandoned in place. Aboveground tanks shall be disposed of after being emptied of all products. Any underground storage tank out of service for a period in excess of six months shall be considered abandoned. Any tank taken out of service (even temporarily) shall be emptied of all hazardous materials under the direction of the Fire Chief if involving flammable liquids, and otherwise under direction of the Board of Public Health. The product and tank shall be disposed of at the owner's expense as directed by the official directing removal.
 - (2) If the owner of a tank used for storage of nonflammable materials, which is located under a building and which cannot be removed from the ground without first removing the building, decides to abandon it, the owner shall promptly notify the Fire Chief and the Board of Public Health of this decision and, subject to the directions of the Board of Public Health, have all the hazardous materials removed from the tank and the tank filled with sand or other inert material, prescribed by the Board of Public Health.
 - (3) The owner of a tank which will be out of service for less than six months shall promptly give notice of the decision to the Fire Chief, if involving flammable liquids, or otherwise to the Board

of Public Health, and, where the tank is subsurface, the materials remaining shall be removed from the tank and disposed of as directed and the tank filled with water or an inert gas, as directed; provided, however, that nothing contained in Subsection G(1) through (3) shall pertain to the seasonal use of heating oils.

§ 125-4. Water Resource District.⁴

Within the Water Resource District as defined in Article 14 of the Cohasset Zoning Bylaw the following additional requirements shall apply:

- A. New tanks. As of July 1, 1986, new installation of tanks for the underground storage of hazardous materials is prohibited.
- B. Replacement tanks.
 - (1) Replacement tanks for underground storage must not be of greater storage capacity than the tanks they replace.
 - (2) Replacement tanks shall have complete secondary containment including piping with overflow detection, monitoring devices and alarms as designed and certified by a registered professional engineer. Such installation shall be annually certified as operational to the satisfaction of the Board of Public Health. **[Amended 5-24-2021ATM by Art. 28]**
- C. Herbicides and pesticides. Notice of planned routine application of herbicides or pesticides by the Town of Cohasset or commercial contractors must be provided to the Board of Public Health at least seven days prior to application in order to allow review regarding consistency with the pesticide label and state pesticide regulations. **[Amended 5-24-2021ATM by Art. 28]**

§ 125-5. Exemptions and variances.

- A. The following materials, activities, and facilities are not within the scope of authority of this bylaw:
 - (1) Household waste including garbage, trash, and domestic sanitary sewage.
 - (2) Wastes generated from the growing of agricultural crops and the raising of animals, including manure which is returned to the soil as fertilizer.
 - (3) The labeling of hazardous materials which are or will be exposed for sale at retail establishments.
 - (4) Treatment, storage, and disposal facilities as defined by 310 CMR 30.000.
 - (5) Large quantity generators of hazardous wastes as defined by 310 CMR 30.000.
 - (6) Facilities that file Tier II reports as defined by SARA Title III.
- B. The Board of Public Health may, unless otherwise required by law, vary the application of any provision of this bylaw in any case when, in its opinion, the applicant has demonstrated that a degree of environmental protection equivalent to that required under this chapter will still be achieved, and that all other applicable requirements, including those contained in 527 CMR 1.00 as amended, will be met. The applicant at his own expense must notify all abutters by certified mail at least 14 days before the hearing at which such variance request will be considered. The notification shall state the

4. Editor's Note: See Ch. 300, Zoning, Art. 14, Water Resource District.

variance sought and the reasons therefor. The Board of Public Health shall also notify the Water Department, Planning Board, Fire Chief, and Building Inspector of any variance requested under this section, for their response in writing. Any variance granted by the Board of Public Health shall be in writing; any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. **[Amended 4-30-2018 ATM by Art. 18; 5-24-2021ATM by Art. 28]**

- C. No provision of this bylaw shall be construed as superseding the authority of the Conservation Commission pursuant to Massachusetts General Laws or the General Bylaws.

§ 125-6. Additional prohibitions.

Other than that which is allowed by other local, state, or federal laws, regulations, and/or permits, the discharge of hazardous materials within the limits of the Water Resource District is prohibited. This prohibition includes, but is not limited to, discharges of hazardous materials to exposed and unsaturated soils, wetlands, surface water resources, groundwater, sanitary sewers, storm drains, floor drains and sinks which discharge to the environment, and septic systems.

- A. The owner or operator of a facility where a hazardous material has been discharged into the Water Resource District shall immediately report the discharge to the Fire Department, which shall notify the Health Agent and the Water Department.
- B. The sale and/or use of septic system additives or cleaners not specifically allowed by the Department (310 CMR 15.027 and 15.028) is prohibited.
- C. The installation of new underground storage containers for hazardous materials other than for gasoline or for chemicals used in the treatment of a public drinking water source is prohibited.

§ 125-7. Notification and emergency planning.

- A. Notification. In the case of a spill and/or loss of hazardous material at or above the reportable quantity, the owner/operator must immediately report the spill or loss to the Fire Department. Notification to the Board of Public Health shall occur within 24 hours of the spill. Notification to the Department's Emergency Response Section shall be made in accordance with 310 CMR 40.0000. **[Amended 5-24-2021ATM by Art. 28]**
- B. Planning. The following precautions shall be taken by all facilities subject to the registration requirements set forth above:
- (1) The map and written description specified above must also be posted at one of the following on-site locations: guard shack, fire alarm box, sprinkler riser, or other location acceptable to the head of the Fire Department. The location of this posting must be specified during registration.
 - (2) MSDS sheets must be kept on file at all times at an on-site location, and must be readily available during routine inspections and in the event of an emergency.
 - (3) Facilities shall provide adequate and reasonable employee training programs to ensure the proper use, storage, transportation and handling of hazardous materials.
 - (4) Facilities shall provide emergency spill containment kits on site and in accessible areas, and all employees shall be trained in their use.

§ 125-8. Severability.

Each provision of this bylaw shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

§ 125-9. Enforcement; violations and penalties. [Amended 5-24-2021ATM by Art. 28]

- A. The Board of Public Health or its agents may enter upon privately owned property for the purpose of performing their duties under this bylaw.
- B. Any person who fails to comply with provisions of this bylaw shall be punished by a fine of \$300. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation. Upon the request of the Board of Public Health, the Board of Selectmen shall take such legal action as is necessary to enforce this bylaw. This bylaw may be enforced pursuant to the noncriminal disposition statute, MGL c. 40, § 21D.

HISTORIC DISTRICT

Chapter 132

HISTORIC DISTRICT

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. XII of the 1988 General Bylaws. Amendments noted where applicable.]

§ 132-1. Title and purpose.

This bylaw shall be known, and may be referred to, as the "Historic District Bylaw." The purpose of this bylaw is to establish within the Town of Cohasset a historic district which shall preserve and protect the distinctive architectural character of the Cohasset Common as a permanent legacy.

§ 132-2. Establishment of Cohasset Common Historic District.

There is hereby established in the Town of Cohasset a district to be known as the "Cohasset Common Historic District," as shown on a plan to be filed with the Cohasset Town Clerk and the Massachusetts Historical Commission and to be recorded with the Norfolk County Registry of Deeds.

§ 132-3. Establishment of Historic District Commission.

- A. Membership. There is hereby established the Cohasset Common Historic District Commission ("the Commission"), which shall consist of seven members appointed by the Selectmen and which shall at all times include at least four members who are residents of the Historic District itself, at least one member who is a licensed realtor, at least one member chosen from nominees submitted by the American Institute of Architects, and at least one chosen from nominees submitted by the Cohasset Historical Society; provided, however, that with respect to the latter two organizations, if no nominee is proposed to the Selectmen within 30 days of the respective organization's receipt of a request for nominees from the Selectmen, the Selectmen may proceed to appoint any architect or any member of the Cohasset Historical Society, as the case may be.
- B. Alternates. There shall also be two alternate members appointed by the Selectmen, one of whom at all times shall be a resident of the Historic District.
- C. Qualifications. All members and both alternate members must be year-round residents of the Town of Cohasset.
- D. Officers. The Commission shall elect a Chairman and a Vice Chairman from within its number and a Secretary who may be within or without its number. In the absence of the Chairman, the Vice Chairman shall preside at meetings.
- E. Terms. When the original members of the Commission are appointed by the Selectmen, three members and one alternate shall be appointed for a term of one year, two members and one alternate for a term of two years, and two members for a term of three years, and members (including alternate members) may be reappointed an unlimited number of times. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.
- F. Vacancies. In the case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, his or her place shall be taken by an alternate member designated by the Chairman. Each member and each alternate shall continue in office after expiration of his or her term until his or her successor is duly appointed by the Selectmen and accepts such appointment in writing received by the Town Clerk.

§ 132-4. General duties, powers and authority of Historic District Commission.

- A. The Commission shall have the duty of implementing this bylaw by receiving and reviewing application in connection with the altering or constructing of any building or structure within the Historic District as hereinafter provided in this bylaw.

- B. The Commission shall have the power to adopt rules and regulations for the conducting of its business and shall cause all such rules and regulations to be filed with the Town Clerk immediately following their respective adoption.
- C. The Commission shall have such other duties, powers and authority as may be delegated or assigned to it from time to time by a vote of a Town Meeting.

§ 132-5. Definitions.

As used in the bylaw the following words and phrases shall include the meanings indicated below:

ALTERING — Includes the terms "rebuilding," "reconstructing," "restoring," "removing," and "demolishing," and the phrase "changing in exterior color."

BUILDING — A combination of materials forming a shelter for persons, animals, or property.

COMMISSION — The Cohasset Common Historic District Commission acting as such.

CONSTRUCTING — Includes the terms "building," "erecting," "installing," "enlarging," and "moving."

EXTERIOR ARCHITECTURAL FEATURE — Such portion of the exterior of a building or structure as is open to view from a public street, public way, or public park, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color, and texture of exterior building materials, the color of paint or other materials applied to exterior surface, and the type and style of windows, doors, lights, signs, and other appurtenant fixtures.

STRUCTURE — A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk or driveway, tennis court, or swimming pool.

§ 132-6. Certificates and applications.

- A. Certificates. Except as hereinafter provided in accordance with § 132-7 and/or § 132-8, no building or structure within the district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship with respect to such construction or alteration. **[Amended 4-30-2018 ATM by Art. 18]**
- B. Application. Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.
- C. Building and demolition permits. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the district and no demolition permit for demolition or removal of a building or structure within the district shall be issued by the Town or any department thereof until the certificate required by this section has been issued by the Commission.
- D. Criteria. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or

additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable bylaw. The Commission shall not consider interior arrangements or architectural features not subject to public view.

- E. Limitation. The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the district.

§ 132-7. Exclusions from Commission control.

- A. Initial exclusions. The authority of the Commission shall not extend to review any of the following categories of buildings, structures or exterior architectural features in the district:
- (1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
 - (2) Storm doors and windows, screens, window air conditioners, lighting fixtures and television antennae.
 - (3) Signs of not more than one square foot in area in connection with use of a residence for customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly and by a constant white light.
 - (4) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided that such reconstruction is begun within one year thereafter and carried forward with due diligence.
- B. Additional exclusions. The Commission may determine from time to time after public hearing that certain additional categories of exterior architectural features, structures or signs may be constructed or altered (including colors) without review by the Commission without causing substantial derogation from the intent and purpose of this bylaw.
- C. Certificate of nonapplicability. Upon request, the Commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the Commission in accordance with the provisions of Subsections A and B.
- D. Nonapplicability to ordinary maintenance and related action. Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the district which does not involve a significant change in design, material, color, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this bylaw.

§ 132-8. Commission procedure.

- A. Meetings. Meetings of the Commission shall be held at the call of the Chairman or, in the absence of the Chairman, the Vice Chairman, and they shall be called at the request of two members of the

Commission and in such other manner as the Commission may determine in its rules. Meetings shall also be posted at least 48 hours in advance.

- B. Quorum and voting. A majority of the members of the Commission shall constitute a quorum, but the concurring vote of a majority of the members of the Commission (including alternate member or members if one or more regular members are absent or otherwise unable to act) shall be necessary to issue the certificates described above and to determine whether a public hearing is required as specified below.
- C. Initial determinations. The Commission shall determine promptly, and in all events within 14 days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural feature which is subject to approval by the Commission, and if the Commission determines that such application involves any such feature which is subject to approval by the Commission, the Commission shall thereafter hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.
- D. Dispensing with public hearings. A public hearing on an application need not be held if:
 - (1) Such hearing is waived in writing by all persons entitled to notice thereof; or
 - (2) If the Commission determines that the exterior architectural feature involved or its category, as the case may be, is so insubstantial in its effect on the Historic District that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on the application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as hereinafter provided in Subsection E, and 10 days shall elapse after the mailing of such notice before the Commission may act upon such application.
- E. Public hearings. If the Commission decides to hold a public hearing on any application, it shall fix a reasonable time for such hearing and shall give public notice of the time, place and purposes thereof at least 14 days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Cohasset Planning Board, to any resident of or property owner in the Town of Cohasset filing written request for notice of hearings, such request to be renewed yearly in December with the Town Clerk, and to such other persons as the Commission shall believe should receive notice.
- F. Certificates of appropriateness. If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the Historic District, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within 14 days of the receipt of such notice the applicant files a written notification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of

appropriateness to be issued to the applicant.

- G. Certificates of nonapplicability. In the case of determination by the Commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of § 132-7, the Commission shall cause a certificate of nonapplicability to be issued to the applicant.
- H. Certificate of hardship. If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the Historic District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without substantial detriment or derogation, or, in the event of failure to make a determination on an application within the time specified in Subsection K, the Commission shall cause a certificate of hardship to be issued to the applicant.
- I. Execution of certificate. Each certificate issued by the Commission shall be dated and signed by its Chairman, Vice Chairman, Secretary or such other person designated by the Commission to sign such certificates on its behalf.
- J. Rules, regulations and permanent records. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this bylaw or MGL c. 40C and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall also file a copy of any such rules and regulations with the Town Clerk.
- K. Final determinations. Final determinations on applications shall be made by the Commission as soon as convenient after either its original receipt of each application (if no public hearing is to be held) or after said public hearing, but in all events within 60 days after the filing of the application, or within such further time as the applicant may allow in writing, and if the Commission shall fail to make a determination within such period of time, the Commission shall thereupon issue to the applicant a certificate of hardship.
- L. Specific criteria. The Commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as solar energy equipment and wind-activated power-generating equipment, which will meet the requirements of the Historic District, and a roster of certain colors of paint and roofing materials which will meet the requirements of the Historic District, but no such determination shall limit the right of an applicant to present other designs or colors to the Commission for its approval.

§ 132-9. Review procedure.

Any applicant aggrieved by a determination of the Commission may, within 20 days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the Metropolitan

Area Planning Council, of which Cohasset is a member. The finding of the person or persons making such review shall be filed with the Town Clerk within 40 days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided below.

§ 132-10. Appeal to Superior Court.

- A. Any applicant aggrieved by a determination of the Commission or by the finding of a person or persons making a review may, within 20 days after the filing of the notice of such determination or such finding with the Town Clerk, appeal to Norfolk Superior Court.
- B. The remedy provided by this section shall be exclusive, subject only to the appellate rights of the parties.
- C. Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken, and costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the Court that the appellant acted in bad faith or with malice in making the appeal to the Court.

§ 132-11. Superior Court jurisdiction; violations and penalties.

- A. The Norfolk Superior Court has jurisdiction to enforce the provisions of this bylaw and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain violations thereof, and, without limitation, such Court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.
- B. Whoever violates any of the provisions of this bylaw shall be punished by a fine of not less than \$10 nor more than \$300. Each day during any portion of which a violation continues to exist shall constitute a separate offense. **[Amended 4-30-2018 ATM by Art. 18]**

§ 132-12. Severability.

The provisions of this bylaw shall be deemed to be severable, and if any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

JUNK AND SECONDHAND ARTICLES

Chapter 144

JUNK AND SECONDHAND ARTICLES

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, §§ 17 and 18, of the 1988 General Bylaws. Amendments noted where applicable.]

§ 144-1. Junk collectors.

No person shall engage in the business of collecting or purchasing junk, scrap metals, or secondhand articles in the Town without a license from the Board of Selectmen.

§ 144-2. Junk shops.

No person shall deal in or keep a shop for the purchase, sale, or barter of junk, scrap metal, or secondhand articles, nor shall any person use any building, enclosure, or other structure for the storage, sale, or keeping of rags, waste paper stock, or other flammable material without a license from the Board of Selectmen.

§ 144-3. Violations and penalties. [Amended 4-30-2018 ATM by Art. 18]

Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license, or in any other place or manner than that designated in his license or after notice to him that his license has been revoked, or violates any rule, regulation or restriction adopted by the Board of Selectmen pursuant to MGL c. 140, § 54, shall forfeit \$20.

COHASSET CODE

Chapter 165

MERCURY THERMOMETERS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 8-17-2001 (Art. VII, § 39, of the 1988 General Bylaws). Amendments noted where applicable.]

§ 165-1. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

HEALTH CARE FACILITY — Any hospital, nursing home, skilled nursing facility, extended care facility, long-term care facility, clinic or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

MANUFACTURER — Any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that produces a mercury thermometer. If the mercury thermometer is produced in a foreign country, the manufacturer is the importer or domestic distributor.

MERCURY THERMOMETER — A product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and that is used to measure body temperature.

§ 165-2. Retail sale prohibition.

It shall be unlawful for any person in the Town of Cohasset to sell or supply, through wholesale, retail, or online retail distribution channels, a mercury thermometer to consumers and patients, except by prescription. No mercury thermometer may be sold through prescription unless the manufacturer thereof shall supply clear instructions in writing to the consumer or patient on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur.

§ 165-3. Manufacturing prohibition.

It shall be unlawful for any person to manufacture a mercury thermometer in the Town of Cohasset.

§ 165-4. Importation prohibition.

It shall be unlawful for any health care facility to import, purchase, or distribute a mercury thermometer in the Town of Cohasset, except in the case of medical necessity as determined by a licensed physician.

§ 165-5. Violations and penalties.

Any person who violates this bylaw shall, for each offense, be punished by a fine of not more than \$100 per mercury thermometer.

§ 165-6. Effective date.

This chapter shall take effect January 1, 2002.

PEACE AND GOOD ORDER

Chapter 180

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, §§ 19 to 24, of the 1988 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 63.

Peddling and soliciting — See Ch. 184.

Animals — See Ch. 69.

Smoking — See Ch. 211.

§ 180-1. Rubbish and litter.⁵ [Amended 4-30-2018 ATM by Art. 18]

No person shall dispose of rubbish, filth, or litter of any kind on any street, sidewalk, or other publicly owned area in the Town, with the exception of the Recycling Transfer Facility.

§ 180-2. Posting of notices or advertisements.

No person shall affix or attach any poster, handbill, notice or advertisement by any means, including painting or drawing, upon any fence, tree, post, building, or other structure within the Town, without the express consent of the owner.

§ 180-3. Proper apparel to be worn in public.

No person shall swim or appear in public view in the Town without wearing proper apparel.

§ 180-4. Diving from bridges.

No person shall leap, jump, or dive from Cunningham's Bridge on Atlantic Avenue, Mill Bridge on Border Street, or Cat Dam Bridge on Nichols Road. The Selectmen shall post signs informing the public of this restriction.

§ 180-5. Unlawful entry on property.

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon any public property for the purpose of looking or peeping into windows of a house or other building or of spying in any manner upon any person therein.

§ 180-6. Hunting; discharge of firearms.

Hunting and the discharge of firearms, air rifles, and pellet guns are prohibited within all of that part of the Town bounded and described as follows: westerly by South Main Street, northerly by Elm Street and a portion of Cohasset Harbor, easterly by portions of Cohasset Harbor and Gulf River, southerly by the Scituate town line, all of which area is delineated in red ink on a copy of the Cohasset zoning district maps filed with the office of the Town Clerk.

- A. This bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties.
- B. This bylaw shall not apply to hunting or the discharge of firearms by any person on land owned or legally occupied by such person subject to the provisions of existing laws.

5. Editor's Note: See also Ch. 217, Solid Waste.

COHASSET CODE

Chapter 184

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Solicitors
[Adopted 7-27-2007 (Art. VII, § 16A, of the 1988 General Bylaws)]

§ 184-1. License required.

It shall be unlawful for any solicitor as defined in this bylaw to engage in such business within the Town without first obtaining a license therefor in compliance with the provisions of this bylaw. The provisions of this bylaw shall not apply to any person exempted under Chapter 100 or 101 of the Massachusetts General Laws.

§ 184-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LICENSEE — Any solicitor who has been issued a license in accordance with the provisions of this bylaw.

SOLICITOR — Any person who, for himself/herself, or for any other person, firm, organization, entity, or corporation, travels by foot, automobile, or any other type of conveyance from place to place, from house to house, or from street to street, for the purpose of:

- A. Taking or attempting to lease or take orders for sales of goods, wares, merchandise, or services, including without limitation the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, or the contracting of all home improvements or services to be performed in the future, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payment on such sale; or
- B. Soliciting contributions for or donations to any charitable or nonprofit organization and who receives any wage, salary, percentage of contribution or donation, or other remuneration with respect to such activities.

§ 184-3. Application for license; fee.

- A. Applicants for a license shall file with the Cohasset Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing but not limited to the following information:
 - (1) Name of applicant;
 - (2) Address of applicant (local and permanent home address);
 - (3) Applicant's date of birth, height, weight, and eye and hair color;
 - (4) Applicant's social security number;
 - (5) The length of time for which a license to solicit and/or canvass is desired and the dates, times, and locations where solicitation or canvassing activities are intended;
 - (6) A brief description of the nature and purposes of the intended solicitation, including but not limited to the type of business and goods to be sold;
 - (7) The name and address of the applicant's employer. If the applicant is self-employed, such application shall disclose whether the applicant receives any wage, salary, percentage of

contribution or donation, or any other remuneration for solicitation activities, and shall identify by name and address the entity, organization, or person from whom the applicant receives such remuneration;

- (8) A recent photograph of the applicant. The picture shall be supplied by the applicant and measure two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishable manner;
 - (9) If using a motor vehicle, the year, make, model, color, vehicle identification number, registration number, state of registration, and vehicle owner's name and address.
- B. At the time of filing the application, each applicant shall pay a fee of \$75. **[Amended 11-2-2015 STM by Art. 11]**

§ 184-4. Investigation; public hearing; issuance of license.

- A. Upon receipt of the application, the Chief of Police or his designee shall investigate whether the applicant has a criminal record or has been assessed regulatory fines, penalties, or other administrative action for past soliciting activities. After an investigation, but no later than seven business days after the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on said application within seven business days of the applicant's filing shall constitute an approval.
- B. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen upon the filing of a request in writing with the Board of Selectmen no later than seven business days from issuance of the denial by the Chief of Police. The Board of Selectmen must act upon the appeal at one of its next two regularly scheduled meetings. Failure to act shall constitute an approval of the application. If the applicant is aggrieved by the decision of the Board of Selectmen, the applicant may appeal to the Superior Court pursuant to MGL c. 249, § 4.
- C. Such license when issued shall contain the signature of the Police Chief or the Board of Selectmen and shall show the name and address of the licensee, a recent photograph of the licensee, the date of issuance, an expiration date, and the license number.

§ 184-5. Licenses and exemptions.

- A. Each solicitor is required to possess an individual license. Solicitors, when engaged in the activities described in § 184-2 above, must display the identifying badge issued by the Police Department. The badge shall be worn on an outer garment or otherwise prominently displayed so as to be easily readable by any person facing said solicitor.
- B. Any solicitor representing any charitable, civic, or political cause or purpose who receives any wage, salary, percentage of donation or contribution, or other remuneration shall inform each person being solicited that the solicitation is a "paid solicitation." Any such solicitor's license shall display prominently the words "Paid Solicitor."
- C. No license shall be transferred.
- D. No license shall be required for officers or employees of the Town, county, state, or federal government when on official business. No license shall be required for minors under the age of 18 unless in connection with a commercial activity. No license shall be required for any candidate for public office or any person representing a candidate for public office, nor shall a license be required

for any person soliciting support for or membership in any cause, political purpose or organization, or religious organization. No license shall be required for any person soliciting for any charitable or nonprofit organization unless such person meets the criteria set forth in Subsection B of the definition of "solicitor" in § 184-2 above.

- E. As a condition of the license, each licensee is required to report to the Cohasset Chief of Police changes to the licensee's address or vehicle information whenever these occur but no later than the day on which the licensee intends to engage in solicitation.

§ 184-6. Revocation of license.

The Chief of Police and the Board of Selectmen are hereby vested with jurisdiction over the revocation of licenses. A license issued under this bylaw may be revoked where there is a reasonable basis for concluding that the licensee has violated any of the provisions of this bylaw, has made a false or misleading statement in the application, has violated any other local, state, or federal law or regulation, or has engaged in conduct which presents a danger to members of the public. Any person aggrieved by revocation may request a hearing before the Board of Selectmen, which request must be made in writing no later than seven business days from issuance of notice of revocation. A hearing shall be scheduled for one of the next two regularly scheduled meetings of the Board of Selectmen. Any person aggrieved by a decision of the Board of Selectmen may appeal to the Superior Court pursuant to MGL c. 249, § 4.

§ 184-7. Expiration of license.

Each license issued under the provisions of this article shall continue in force for a period determined by the Chief of Police, not to exceed one year, unless sooner revoked.

§ 184-8. Renewal of license. [Amended 4-30-2018 ATM by Art. 18]

A license issued under the provision of this article may be renewed by the Chief of Police upon request by the applicant. An applicant requesting a renewal of a license must apply in person for such license renewal, must provide such information as required by § 184-3 to obtain the initial license, and must pay a fee of \$75.

§ 184-9. Misrepresentation.

No licensee, and no person exempted from license, may misrepresent in any manner the buyer's right to cancel as provided for in Chapters 93, 93A, and 255 of the Massachusetts General Laws. No licensee, and no person exempted from license, may use any play, scheme, or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment for the purpose of making a sale of goods or services or obtaining donations or contributions.

§ 184-10. Trespassing.

It shall be unlawful for any licensee or person exempted from license to enter the premises of a person who has displayed a "no trespassing" or "no soliciting" sign or poster. It shall be unlawful for licensees or persons exempted from license to ignore a person's "no solicitation" directive or to remain on private property after its owner or occupant has indicated that the solicitor is not welcome.

§ 184-11. Violations and penalties.

Any person violating any provision of this article shall be subject to loss of the solicitation license and may be arrested without a warrant, and upon conviction be punished by a fine of not less than \$50 nor more than \$100 for each and every offense.

COHASSET CODE

Chapter 198

SEWERS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

SEWERS

Sewer Commissioners — See Ch. 30, § 30-29.

Stormwater management — See Ch. 223.

ARTICLE I
Sewer Districts
[Adopted 5-21-2014 (Art. XVI of the 1988 General Bylaws)]

§ 198-1. Definitions.

For the purposes of this article, the following terms and phrases shall have the following meanings:

ACT — An Act Authorizing the Town of Cohasset to Construct and Operate a System or Systems of Sewerage and Sewage Disposal, as set forth by Chapter 65 of the Acts of 1962, as amended by Chapter 104 of the Acts of 1964, Chapter 131 of the Acts of 1975 and Chapter 147 of the Acts of 2013, as the same may be amended from time to time.

DISTRICT MAP — The map titled "Sewer District Map," prepared by Coughlin Environmental Services, LLC, and dated April 2014, as the same may be amended from time to time, showing each Sewer District.

SEWER DISTRICT — The Central Cohasset Sewer District, the North Cohasset Sewer District and any other properties, areas and ways that may be established as, or part of, a designated Sewer District pursuant to the Act, as any of the same may be amended from time to time.

§ 198-2. Sewer Districts established.

- A. The Central Cohasset Sewer District shall be as set forth on the District Map, as the same may be amended from time to time pursuant to the Act.
- B. The North Cohasset Sewer District shall be as set forth on the District Map, as the same may be amended from time to time pursuant to the Act.

§ 198-3. Sewer District capacity.

Each Sewer District shall have the following maximum capacities for sewage, wastewater and other waste and shall be further subject to the limitations of the existing wastewater collection, treatment and disposal system components, as the Sewer Districts may be amended from time to time pursuant to the Act:

- A. Central Cohasset Sewer District: 450,000 gallons per day (average daily flow as defined by the Town's NPDES permit).
- B. North Cohasset Sewer District: 80,000 gallons per day (average daily flow as defined by the intermunicipal agreements between Cohasset, Hingham and Hull).

§ 198-4. Fees and charges. [Amended 4-30-2018 ATM by Art. 18]

The Sewer Commission may, by vote at a regular meeting of such Commission, prescribe, fix, impose and collect charges, fees, assessments and the like pursuant to the Act. Consistent with the provisions of § 30-29E of the Town of Cohasset General Bylaws, only annual usage fees based upon the volume of water used shall be approved by the vote of Town Meeting.

COHASSET CODE

Chapter 205

SIGNS AND BILLBOARDS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. X of the 1988 General Bylaws. Amendments noted where applicable.]

§ 205-1. Certain billboards, signs and devices prohibited. [Amended 4-30-2018 ATM by Art. 18]

No person, firm, association, or corporation shall erect, display, or maintain within the limits of the Town a billboard, sign, or other outdoor advertising device, except those authorized by MGL c. 93, §§ 30 and 32, or by additions to or amendments of said sections.

§ 205-2. Exceptions.

- A. This chapter shall not apply to signs or other devices erected and maintained in conformity with law which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as "for sale" or "to let" and which contain no other advertising matter. This chapter shall not apply to billboards, signs, or other advertising devices legally maintained at the time this chapter was originally approved by the Attorney General.
- B. This chapter shall not apply to signs used exclusively for municipal, religious or charitable purposes.

§ 205-3. Sign regulations. [Amended 4-30-2018 ATM by Art. 18]

Signs are also subject to Article 6, Sign Regulations, of Chapter 300, Zoning.

§ 205-4. Violations and penalties. [Amended 4-30-2018 ATM by Art. 18]

Whoever violates any of the provisions of this chapter shall be punished by a fine of not more than \$100 and whoever, after conviction of such violation, unlawfully maintains such billboard, sign or other outdoor advertising device for 20 days thereafter shall be subject to a fine of not more than \$300.

SMOKING

Chapter 211

SMOKING

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, § 33, of the 1988 General Bylaws; amended 6-6-2003. Subsequent amendments noted where applicable.]

§ 211-1. Smoking prohibited in public places or workplaces.

No person shall smoke in any public place or workplace.

§ 211-2. Definitions. [Amended 4-30-2018 ATM by Art. 18]

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

BAR — An area within a food service establishment which is devoted primarily to serving alcoholic beverages for consumption by guests on the premises and in which the consumption of food is only incidental to the consumption of such beverages.

EMPLOYEE — Any individual who performs services for an employer in return for wages or profit.

EMPLOYER — Any individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Cohasset or any department thereof, which regularly uses the services of two or more employees.

ENCLOSED — An area separated from another area by walls and under a roof.

PUBLIC PLACE — An enclosed, indoor area and outdoor eating areas associated with restaurants when open to and used by the general public, including but not limited to the following facilities: auditoriums; licensed child-care locations; educational facilities; elevators; hotel and motel lobbies; stairwells, halls, entranceways and public rest rooms; libraries; municipal buildings; museums; retail stores; restaurants; retail food establishments; sports arenas; theaters; transit facilities; and any other rooms or halls when used for public meetings. A room or hall used for a private social function in which the sponsor of the private function and not the owner, proprietor or person normally in charge has control over the seating arrangements shall not be construed as a public place.

RESTAURANT — Any establishment serving food for consumption on the premises, which maintains tables for the use of its customers. This includes, without limitation, cafeterias and cafeterias in the workplace.

RETAIL FOOD ESTABLISHMENT — Any establishment in which the primary activity is the sale of food items to the public for off-premises consumption, including, without limitation, supermarkets and grocery stores.

RETAIL STORE — Any establishment selling goods or articles to the public.

SEATING CAPACITY — That capacity designated on the occupancy permit of any restaurant, theater or sports arena.

SMOKING — The lighting of any cigar, cigarette, pipe or other tobacco product or having the possession of any lighted cigar, cigarette, pipe or other tobacco product.

SPORTS ARENA — Any sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley or other place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

WORKPLACE — Any area within a structure or portion thereof where an employee(s) performs services for his employer; it includes employee lounges, rest rooms, conference rooms, hallways, stairways and entranceways within the structure where employees perform services for their employer. It also includes an area outside the structure within 20 feet of any entrance to the structure.

§ 211-3. Applicability.

The prohibition against smoking in public places shall apply to the interior of all restaurants, bars and bar areas within restaurants in their entirety.

§ 211-4. Display of signs; knowingly permitting violation.

- A. Any person having control of premises upon which smoking is prohibited by this chapter shall conspicuously display upon the premises an appropriate number of signs reading "Smoking Prohibited by Law."
- B. It shall be unlawful for any person having control of any premises in which smoking is prohibited by this chapter to knowingly permit, or for its, his, or her agent to knowingly permit, a violation of this chapter.

§ 211-5. Retaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises rights afforded by this chapter.

§ 211-6. Regulations. [Amended 5-24-2021ATM by Art. 28]

The Board of Public Health may promulgate regulations for the administration of this chapter of the bylaws.

SOLID WASTE

Chapter 217

SOLID WASTE

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Recycling

[Adopted as Art. VII, § 31, of the 1988 General Bylaws; amended 7-22-1997]

§ 217-1. Mandatory recycling program; use of Recycling Transfer Facility. [Amended 6-2-1998; 4-30-2018 ATM by Art. 18]

All persons using the Town Recycling Transfer Facility located on Cedar Street shall be required to recycle all materials designated as recyclable materials in rules and regulations issued by vote of the Board of Selectmen, and further the Board of Selectmen is authorized to promulgate rules and regulations in connection with the management and administration of the mandatory recycling program and the Recycling Transfer Facility, to take effect on such date as determined by the Board of Selectmen.

§ 217-2. Private haulers. [Amended 7-17-2000]

All persons who collect solid waste or other discarded material for hire from residences, businesses, or any address in the Town of Cohasset shall be required to recycle all materials designated as recyclable by vote of the Board of Selectmen, and, further, the Board of Selectmen is authorized to promulgate rules and regulations in connection with the management and administration of the mandatory recycling program for private haulers, to take effect on such date as determined by the Board of Selectmen.

ARTICLE II
Private Landfills
[Adopted 4-6-1992 (Art. VII, § 34, of the 1988 General Bylaws)]

§ 217-3. Maintenance of abandoned or closed landfill. [Amended 5-24-2021ATM by Art. 28]

- A. The owner or operator of a private landfill in the Town shall, as approved by the Board of Public Health, provide for maintenance of the property, leachate collection, leachate treatment or removal, runoff control, air monitoring, odor control, surface water testing and groundwater testing for a period of 30 years following the abandonment or approved closure of said landfill to ensure that said abandoned or closed landfill does not constitute a threat to public health and the environment nor contaminate the air, land or water resources or public health of the Town.
- B. Said owner or operator shall submit a written plan addressing operation maintenance and monitoring for completing said actions and the estimated costs of said actions to the Board of Public Health no later than 120 days following the effective date of this bylaw and on or before January 15 of each year thereafter. Said plan shall not become effective until approved by the Board of Public Health.

§ 217-4. Financial security.

- A. The owner or operator of a private landfill in the Town shall have in force at all times one or more bonds, surety bonds, irrevocable letter of credit, escrow account, or other financial instruments approved by the Board of Public Health in an amount in total which is sufficient to pay in full the costs as determined by said Board for completing the actions required in § 217-3A and to absolve the Town of any such financial liability. **[Amended 5-24-2021ATM by Art. 28]**
- B. Said financial instruments shall be approved by said Board and shall provide that the Board shall be a party or co-obligee to said mechanism or mechanisms to the extent that it shall have the right to obtain, without the consent of the owner or operator, exclusive direction and control over the transfer, use and disbursement of funds from said instruments exclusively for maintenance, leachate collection, leachate removal, air monitoring, surface and groundwater testing, or any other costs deemed necessary by the Board to properly regulate said landfill or to protect public health and the environment for a thirty-year period following the abandonment or approved closure of said landfill.
- C. Upon failure of said owner or operator to comply with this article or regulations adopted pursuant thereto, the Board of Public Health following a public hearing for which notice has appeared in a newspaper of general circulation in the Town no less than 14 days prior to said hearing may issue an order for immediate provision of said required financial mechanisms. **[Amendment 4-30-2018 ATM by Art. 18; 5-24-2021ATM by Art. 28]**

§ 217-5. Board of Public Health authorized to adopt regulations. [Amended 5-24-2021ATM by Art. 28]

The Board of Public Health is hereby authorized to adopt regulations to implement the provisions of this article. Said regulations shall require said owner or operator to publicly disclose its financial assets.

§ 217-6. Severability.

Each of the paragraphs within this article shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this article shall continue in full force.

§ 217-7. Authority.

This article is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution and the home rule statutes, independent of the provisions of MGL c. 111, § 150A, and regulations promulgated thereunder.

ARTICLE III
Public Process for Solid Waste Facilities
[Adopted as Art. VII, § 37, of the 1988 General Bylaws]

§ 217-8. Preamble.

This article establishes public participation requirements to improve the public process following the filing of a site assignment application for a new solid waste facility.

§ 217-9. Purpose.

The purpose of this article is to protect the rights of the people of Cohasset to clean air and water guaranteed by Article 97 of the Articles of Amendment to the Massachusetts Constitution, and to protect their right to petition government guaranteed by the Massachusetts Constitution, Article 19 of the Declaration of Rights, and by the First Amendment to the United States Constitution.

§ 217-10. Authority. [Amended 4-30-2018 ATM by Art. 18]

This article is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment, independent of the provisions of MGL c. 111, § 150A, and regulations promulgated thereunder.

§ 217-11. Public informational meeting on proposed solid waste facility. [Amended 5-24-2021 ATM by Art. 28]

This bylaw establishes procedures to require an informational meeting by the Board of Public Health which is held following the filing of an application for a site assignment for a proposed solid waste facility.

- A. The Board of Public Health shall hold a public informational meeting no later than 45 days following the receipt by the Board of a site assignment application for a proposed solid waste facility, where the applicant shall be invited to give a short presentation and answer questions from attendees.
- B. At least 14 days prior to commencement of said informational meeting, the Board of Public Health shall:
 - (1) Require the applicant to place a large four-foot by eight-foot sign at the proposed site, on the property visible from the nearest public way, which states in a clearly readable typeface that "This is a proposed site of a (type of facility) proposed by (name of applicant). An informational meeting on the application will be held (date) (time) at (location). For more information contact (name, title, phone number and address of Board of Public Health contact)," and which shall contain a brief description of the proposed project and where application materials can be reviewed.
 - (2) Send notice of said meeting, which shall include a brief description of the project, the date, time and location of the meeting, how residents can participate in the meeting, and where application materials can be reviewed, by first-class mail to all residents and landowners located within one mile of the proposed site, including residents and landowners in an abutting town if the proposed site is within 1/2 mile of that town (an "abutting town").
 - (3) Forward a copy of the application for site assignment to the Paul Pratt Memorial Library and to the public library in an abutting town, if any, and place a copy on the Internet.

- (4) Publish notice as a display advertisement in a nonlegal section of one or more newspapers of general circulation in Cohasset and an abutting town, if any, which shall include notice of the informational meeting and where the application materials may be reviewed, and shall send the notice as a press release to all newspapers and media outlets which circulate in the Town(s).
- C. The Board of Public Health shall provide for either live public broadcast of the informational meeting on the local cable access channel or, if that is not feasible, for the videotaping of the informational meeting for later broadcast.
- D. The Board of Public Health may assess upon the applicant the costs for complying with the provisions of this section relative to the informational meeting and providing notice thereof. Said applicant may contest the amount so assessed and may request a hearing before the Board, which may then reconsider the amount of the assessment thereof.

§ 217-12. Severability.

Each of the paragraphs within this article shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this article shall continue in force.

ARTICLE IV
Unlawful Use of Receptacles
[Adopted 8-17-2001 (Art. VII, § 38, of the 1988 General Bylaws)]

§ 217-13. Prohibited acts.

- A. It shall be unlawful to use any public trash or recycling receptacles outside of the Recycling Transfer Facility for the disposal of household refuse.
- B. It shall be unlawful for owners or employees of business enterprises or other privately owned establishments to use any public trash or recycling receptacles for the disposal of business refuse or the refuse from such establishments.
- C. It shall be unlawful to use any commercial or municipal disposal dumpster or container belonging to another without the consent of the owner or person with legal authority.

§ 217-14. Enforcement; violations and penalties.

This article shall be enforced by the police officers. Anyone violating this article shall be subject to fines as follows:

- A. First offense: \$25.
- B. Second offense: \$50.
- C. Third or subsequent offense: \$100.

STORMWATER MANAGEMENT

Chapter 223

STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 7-10-2008 (Art. XV of the 1988 General bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 198.

Zoning — See Ch. 300.

Wetlands protection — See Ch. 260.

Subdivision of land — See Ch. 325.

§ 223-1. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, and pursuant to the federal Clean Water Act, 33 U.S.C. §§ 1251 to 1386 (the "Act") and regulations issued pursuant to the Act which are found at 40 CFR 122.34.

§ 223-2. Purpose.

The purpose of this bylaw is to:

- A. Prevent and reduce existing and future flooding.
- B. Protect water quality.
- C. Increase groundwater recharge.
- D. Reduce erosion and sedimentation.
- E. Promote environmentally sensitive site design practices.
- F. Ensure long-term maintenance of stormwater controls.
- G. Help the Town of Cohasset meet federal requirements under Phase II of the National Pollutant Discharge Elimination System.
- H. Establish the legal authority by which the Town of Cohasset can enforce the provisions of this bylaw and accompanying regulations.

§ 223-3. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw:

ALTER — Includes, without limitation, the following activities:

- A. Changing of preexisting drainage characteristics, adding impervious area or changing type of land cover, or changing sedimentation patterns, flow patterns or flood retention characteristics;
- B. Dumping, discharging or filling with any material, or removal of material, which would alter elevations or change drainage patterns or degrade water quality;
- C. Driving of piles, erection, or expansion of buildings or structures of any kind;
- D. Destruction of plant life, including clearing of trees;
- E. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

§ 223-4. Regulated activities.

- A. Regulated activities requiring a stormwater permit. The following activities, developments or

redevelopments require the issuance of a full stormwater permit by the Conservation Commission (the "Commission") after the filing by the applicant of a full application and full review by the Commission through a public hearing:

- (1) Any activity that will alter 5,000 square feet or more of land.
 - (2) Any construction or development activity on an undeveloped parcel of any size that will increase the impervious surface area, or increase the amount or rate of runoff from the parcel.
 - (3) Any development or redevelopment of land uses with higher potential pollutant loads as defined in the Massachusetts Stormwater Management Policy, which include, for example:
 - (a) Auto salvage yards (auto recycler facilities).
 - (b) Auto fueling facilities (gas stations).
 - (c) Exterior fleet storage areas (cars, buses, trucks, public works equipment).
 - (d) Exterior vehicle service, maintenance and equipment cleaning areas.
 - (e) Commercial parking lots.
 - (f) Road salt storage and loading areas.
 - (g) Commercial nurseries.
 - (h) Outdoor storage and loading/unloading of hazardous substances.
 - (i) Marinas (service, painting and hull maintenance areas).
- B. Regulated activities requiring administrative approval. The following activities, which are smaller than activities requiring a full stormwater permit, shall require approval under an administrative approval process by the Commission or its Stormwater Agent:
- (1) Any activity that will result in a net increase in impervious surface area of more than 500 square feet of land but which will alter less than 5,000 square feet of land.
 - (2) Any replacement of an existing building with a new building of more than 500 square feet.
- C. Regulated activities completed in phases requiring a stormwater permit or administrative approval. Activities that are completed in phases, such as subdivision developments and phased commercial developments, which could be reasonably expected to alter more than the thresholds in Subsections A and B shall require a stormwater permit or administrative approval prior to beginning construction, even if the planned alteration is conducted over separate phases and/or by separate owners.

§ 223-5. Exempt activities.

This bylaw shall not apply to the following activities:

- A. Normal use, maintenance and improvement of land in agricultural use.
- B. Maintenance of existing landscaping.
- C. Repair or modification of a building that remains within its existing footprint.
- D. Construction of a fence that will not alter existing terrain or drainage patterns.

- E. Repairs or alterations to any stormwater management facility or practice that poses a threat to public health, safety, or the environment.
- F. Emergency work associated with accidents, spills or releases of oil or hazardous wastes, or natural disasters.
- G. Repair or maintenance of a sewage disposal system when required by the Board of Public Health for protection of public health, provided the post-repair condition drainage is similar or more effective than the pre-repair condition. **[Amended 5-24-2021ATM by Art. 28]**
- H. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

§ 223-6. Conservation Commission authority.

- A. The Commission shall be responsible for issuing a stormwater permit.
- B. The Commission may appoint a licensed professional engineer with expertise in stormwater management as its Stormwater Agent to assist the Commission. This position shall be funded from application and review fees charged to applicants during the stormwater permit and administrative approval process.
- C. The Commission shall review stormwater permit applications, conduct necessary site inspections and investigations, issue final permits, and monitor and enforce permit conditions. For administrative approval of projects regulated under § 223-4B of this Stormwater Management Bylaw, the Stormwater Agent may represent the Commission by conducting site inspections as necessary, issuing a decision based on review, and monitoring conditions stated in the administrative approval.
- D. The Commission shall establish application fees and review fees which are sufficient to recover the cost for application review including assistance from the Stormwater Agent. Separate application and review fees shall be established for the stormwater permit process and for the administrative approval process which requires no public hearing. Said fees and charges shall be established by regulations issued by the Commission.

§ 223-7. Rules and regulations.

- A. The Commission shall adopt and amend rules and regulations related to the submittal requirements and performance standards required to obtain a stormwater permit or administrative approval conducted pursuant to this bylaw. Rules and regulations shall be adopted and amended after a public hearing and public comment period. The public hearing shall be advertised in a newspaper of general local circulation at least seven days before the hearing date.
- B. Other boards, commissions, and departments are encouraged to adopt those rules and regulations by reference.
- C. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

§ 223-8. Performance standards.

- A. The purpose of the stormwater permit and administrative approval program shall be to maintain the post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects as equal to or less than the pre-

development runoff characteristics.

- B. Performance standards for site design, erosion control, stormwater management, materials, vegetation, and other aspects of developments shall be outlined in the rules and regulations. Performance standards shall include (but are not limited to) standards for the following:
- (1) Peak discharge rates and runoff volumes (flooding protection and channel protection).
 - (2) Recharge volume.
 - (3) Pretreatment and water quality.
 - (4) Erosion control and property damage.
 - (5) Vegetation, site design, and site restoration.
 - (6) Integrity of stream channels, surface water, and aquatic habitats.
 - (7) Application of low-impact development measures to facilitate the maximum possible infiltration of precipitation on site.
- C. Applicants shall meet these performance standards and those of the Massachusetts Stormwater Management Policy (as may be amended), whichever are more stringent.

§ 223-9. Submittal requirements. [Amended 5-1-2023ATM by Art. 18]

- A. Submittal requirements for a stormwater permit, administrative approval, or amended stormwater permit or administrative approval shall be as required below and as further defined in the rules and regulations.
- B. Submittal requirements for a stormwater permit or amended stormwater permit shall include (but may not be limited to) the following:
- (1) Stormwater management plan stamped by a professional engineer certifying post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects as equal to or less than the pre-development runoff characteristics. The plan shall show proposed grading, description of stormwater management system with map of pre- and post-development drainage, existing and proposed vegetation, recharge analysis, hydrologic calculations, and estimated seasonal high groundwater.
 - (2) Abutters list.
 - (3) Erosion control plan.
 - (4) Operations and maintenance plan listing responsible parties, maintenance agreements, maintenance schedule, and estimated annual budget (including anticipated sources of funding) for operations and maintenance.
 - (5) Record(s) of stormwater easements.
 - (6) For subdivision applications, a plan showing the building envelope within each house lot and proposed grading, drainage, and stormwater disposal for each lot.
 - (7) Application and review fees.

- C. Submittal requirements for an administrative approval or amended administrative approval shall include (but may not be limited to) the following:
- (1) A stormwater management plan stamped by a professional engineer describing the proposed alteration activities and the mitigation measures and best management practices to be employed to manage stormwater generated by the alteration, and certifying post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects as equal to or less than the pre-development runoff characteristics. The following additional submittals may be required, but only if determined necessary by the Commission or its Stormwater Agent to support the engineer's stormwater management plan and certification: plan of proposed grading, more detailed description and/or drawings of proposed stormwater management system with map of pre- and post-development drainage, existing and proposed vegetation, recharge analysis, hydrologic calculations, estimated seasonal high groundwater, and erosion control plan.
 - (2) Abutters list.
 - (3) Application and review fees.

§ 223-10. Application review.

- A. Pre-application meeting. If a stormwater permit or administrative approval is required under § 223-4 of this bylaw, then applicants are strongly encouraged to schedule a pre-application meeting with the Commission and/or its Stormwater Agent to review the proposed development plans at the earliest feasible time.
- B. Review and comment by Town boards and departments. Following receipt of a completed application for stormwater permit or for administrative approval, the Commission shall provide the opportunity for review and comments from the Planning Board, Board of Public Health, Sewer Commission, Water Commission, Building Inspector and Department of Public Works. Failure by these other Town boards or departments to make recommendations within 14 days of receipt shall be deemed lack of opposition. **[Amended 5-24-2021ATM by Art. 28]**
- C. Stormwater permit. If a stormwater permit application or amended stormwater permit application is filed, then the review process shall include a public hearing held by the Commission in conjunction with public hearings held for other aspects of the project when practicable. The Commission shall hold a separate hearing for the stormwater permit or amended stormwater permit application if necessary. If a separate hearing is required, then written notice shall be given, at the expense of the applicant, in a newspaper of general circulation in the Town at least seven working days prior to the hearing, and the Commission shall also give written notice of the hearing to all abutters, as that term may be defined by the Commission, also at least seven working days prior to the hearing. Such notice shall be given in the form and manner that the Commission shall prescribe. **[Amended 5-1-2023ATM by Art. 18]**
- (1) The Commission shall commence the public hearing within 21 calendar days from the receipt of a complete application and shall issue its permit, denial or determination in writing within 21 calendar days after the close of said public hearing. The Commission shall have the authority to continue any hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of other Town boards and officials.

- (2) After review of the stormwater permit application, circulation to other boards, and public hearing, the Commission may take one of the following actions within 21 days after closing the public hearing:
 - (a) Approve the application and issue a stormwater permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw.
 - (b) Approve the application and issue a stormwater permit with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
 - (c) Disapprove the application and deny a permit if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw, or if it finds that the applicant has not submitted information sufficient for the Commission to make such a determination.
 - (3) A decision by the Commission shall be final. Any person(s) aggrieved by a decision issued by the Commission may appeal to a court of competent jurisdiction pursuant to applicable law. The remedies listed in this bylaw are not exclusive of other remedies available under applicable federal, state, or local law.
- D. Administrative approval. The administrative approval and amended administrative approval process shall require notification of abutters, as that term may be defined by the Commission, but will not require a public hearing and may be conducted by the Stormwater Agent acting on behalf of the Commission. **[Amended 5-1-2023ATM by Art. 18]**
- (1) After completing a review and after circulating the application to other boards, the Commission or its Stormwater Agent may take one of the following actions within 21 calendar days of receiving a complete application:
 - (a) Approve the application if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw.
 - (b) Approve the application with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
 - (c) Disapprove the application and require submission of a stormwater permit application to the Commission.
 - (d) Disapprove the application if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw, or if it finds that the applicant has not submitted information sufficient for the Commission or its Stormwater Agent to make such a determination.
 - (2) A decision by the Commission or its Stormwater Agent shall be final. Any person(s) aggrieved by a decision issued by the Stormwater Agent for an administrative approval application may appeal to a court of competent jurisdiction.

§ 223-11. Permits, amended permits, and extensions. [Added 5-1-2023ATM by Art. 18⁶]

- A. All stormwater permits and administrative approvals shall expire three years from the date of

6. Editor's Note: This article also renumbered former §§ 223-11 through 223-14 as §§ 223-12 through 223-15, respectively.

issuance.

- B. The permittee, or its agent, shall notify the Conservation Commission and its Stormwater Agent in writing of any changes made to the approved plans or work activities subject to the bylaw and regulations as well as the Massachusetts Stormwater Management Policy for determination as to whether the changes are significant enough to require further review and/or an amendment to the stormwater permit or administrative approval and any conditions. Any errors in the plans or post-approval information submitted by the permittee shall be considered changes.
- (1) If the proposed changes are determined to be minor by the Commission or its Agent, they shall be approved administratively by the Stormwater Agent without submission of an amended stormwater permit or administrative approval application.
 - (2) If the Conservation Commission or its Stormwater Agent determines that the change or alteration is moderate or significant based on the protected interests and performance and design standards specified in the bylaw, regulations, and/or Massachusetts Stormwater Management Policy, the Conservation Commission or its Stormwater Agent shall require that an amended or new stormwater permit or administrative approval application be filed. The submittal and application review procedures for amended stormwater permits and amended administrative approvals are equal to those outlined in §§ 223-9 and 223-10. If any change or alteration includes significant changes in project schedule, the Conservation Commission or its Stormwater Agent may require the installation of interim erosion and sedimentation control measures before considering whether to allow such change or alteration.
- C. Any stormwater permit or administrative approval may be renewed once for an additional period of up to one year, provided that a written request for renewal is received by the Commission and/or Stormwater Agent at least 30 days prior to expiration. The Commission and/or Stormwater Agent may exercise its discretion to grant such extension(s) as it finds necessary to allow completion of the permitted work consistent with the objectives and requirements of this bylaw.
- (1) Extension requests for all stormwater permits and/or administrative approvals shall include all relevant and/or revised stormwater submission documents (including, but not limited to, an explanation of the basis for the proposed extension, proposed timeline for project completion, notification to abutters, site plans, additional plans, stormwater reports, etc.). Extension requests for stormwater permits shall require a public hearing for review by the Commission. Extension requests for administrative approvals do not require a hearing and may be reviewed by the Stormwater Agent acting on behalf of the Commission. Within 21 days after the closing of the public hearing for a stormwater permit extension request or within 21 days of receipt by the Stormwater Agent of a complete request for an extended administrative approval, the Commission and/or Stormwater Agent shall make one of the following decisions:
 - (a) Approve the extension of the stormwater permit or administrative approval for a specified period if the Commission determines that the proposed plan will protect water resources and meet the objectives and requirements of this bylaw.
 - (b) Approve the extension for the stormwater permit or administrative approval for a specified period with additional conditions, modifications, or restrictions to the stormwater permit or administrative approval as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
 - (c) Disapprove and deny the extension to the stormwater permit or administrative approval if it is found that the proposed plan will not protect water resources or fails to meet the

objectives of this bylaw or if the Commission determines that the applicant has not submitted information sufficient for the Commission and/or Stormwater Agent to make such a determination.

- (2) A decision by the Commission or its Stormwater Agent shall be final. Appeal procedures for extension requests are the same as the permit appeal procedures outlined in § 223-10.

§ 223-12. Site inspection. [Amended 5-1-2023ATM by Art. 18]

As part of an application for a stormwater permit, or administrative approval, the applicant should grant the Commission and its agents permission to enter the site for inspection. Refusal to grant permission for any inspections may be grounds for denial of the stormwater permit or administrative approval application.

§ 223-13. Surety.

For projects requiring a stormwater permit under § 223-4A, the Commission may require the posting of a surety bond until work is completed.

§ 223-14. Enforcement; violations and penalties.

- A. The Commission shall enforce this bylaw with violation notices, show cause hearings, administrative orders, and enforcement orders, and may pursue all civil and criminal remedies for any violations. Mechanisms and procedures for enforcement shall be detailed in rules and regulations adopted by the Commission pursuant to this bylaw. **[Amended 5-1-2023ATM by Art. 18]**
- B. Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of \$100. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations or permit violated shall constitute a separate offense.
- C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, and § 1-7 of the Town's General Bylaws. The penalty for violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. **[Amended 5-1-2023ATM by Art. 18]**

§ 223-15. Severability.

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

STREETS AND SIDEWALKS

Chapter 228

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

COHASSET CODE

Building numbers — See Ch. 84.

Signs and billboards — See Ch. 205.

Fire lanes — See Ch. 112, Art. II.

Vehicles and traffic — See Ch. 244.

Peddling and soliciting — See Ch. 184.

ARTICLE I
General Regulations
[Adopted as Art. VII, §§ 1 to 5, 7 to 10, 14 and 16, of the 1988 General Bylaws]

§ 228-1. Excavations. [Amended 1-25-1996]

No person, except the Public Works Superintendent or his agents in the lawful performance of their duties, shall make or cause to be made any excavation in a public street or way without first obtaining a written permit from the Board of Selectmen. Any such excavation and the dirt, gravel, or other material therefrom shall be enclosed by a suitable railing and must be sufficiently lighted during hours of darkness to ensure public safety.

§ 228-2. Obstructions.

No person shall obstruct any sidewalk or street or any part thereof by placing thereon building supplies, rubbish, earth from excavations, or any other materials or equipment, without first obtaining a written permit from the Selectmen. The Selectmen may grant such a permit for no longer than 90 days and under such conditions as they may require; such a permit is renewable at the discretion of the Selectmen. Any such obstruction must be enclosed by a suitable railing and must be sufficiently lighted during hours of darkness to ensure public safety. This section shall not apply to brief periods necessary for loading or unloading merchandise.

§ 228-3. Notice of street work. [Amended 1-25-1996]

Whenever the Public Works Superintendent plans to reconstruct or repair any paved street or way in the Town, he shall give reasonable notice of his intention to municipal departments, to utility companies affected, and to all abutting owners. If any such parties have any work to be done in such a street or way, they shall notify the Public Works Superintendent so that the work can be done before the street or way is resurfaced. After notice has been given and adequate time allowed for the work to be done, no parties shall for the space of one year disturb the repaved surface of the street or way within the area so constructed and repaired except in case of reasonable necessity, as determined by the Selectmen.

§ 228-4. Moving buildings.

Any person wishing to move a building or other object requiring a clearance of more than 20 feet in height or 15 feet in width through any public street or way in the Town shall obtain a written permit from the Selectmen, and shall be responsible for any costs to the Town incurred by the move.

§ 228-5. Objects falling from vehicles.

Any person operating a vehicle from which falls any object of such size or character as to endanger public travel shall be responsible for its immediate removal.

§ 228-6. Discharge or deposit of water, snow or ice. [Amended 6-10-1994]

No person shall cause or allow the discharge of water, snow, or ice upon a public street, sidewalk, or way in the Town so as to create a hazardous condition.

§ 228-7. Coasting. [Amended 4-30-2018 ATM by Art. 18]

No person shall coast upon a sled or other vehicle on any of the public streets, ways, or sidewalks of the

Town, unless such areas have been designated for this purpose by the Selectmen. Violation of this section shall be subject to a fine of \$20.

§ 228-8. Driving vehicles on sidewalks.

No person shall drive or ride a vehicle of any kind upon any sidewalk in the Town, provided that this shall not affect the right of any person to cross any sidewalk in entering or leaving private premises, nor shall it exclude hand-drawn vehicles, such as children's carriages, invalid chairs, or sleds.

§ 228-9. Playing games; throwing stones or missiles.

No person shall play any game or throw stones or other missiles in any street or on any sidewalk.

§ 228-10. Obstructing travelers on sidewalks.

No person shall remain upon a sidewalk in such a manner as to obstruct the free passage of foot travelers.

§ 228-11. Hawkers and performers.⁷ [Amended 4-30-2018 ATM by Art. 18]

No person shall stand on any public street, sidewalk, or way for the purpose of hawking or selling any article, or for singing or playing any musical instrument for remuneration, without first obtaining a license from the Board of Selectmen, subject to whatever restrictions it deems necessary. Violation of this section shall be subject to a fine of \$20.

7. Editor's Note: See also Ch. 184, Peddling and Soliciting.

ARTICLE II
Scenic Roads
[Adopted 5-1-2017 ATM by Art. 27]

§ 228-12. Authority and purpose.

- A. The Planning Board's authority and jurisdiction shall be consistent with MGL c. 40, § 15C.
- B. This bylaw is intended to protect the natural beauty that exists within the rights-of-way of select public ways designated as scenic roads in the Town of Cohasset by providing the necessary criteria and standards for designation of and regulating certain activities within the right-of-way of a scenic road.

§ 228-13. Definitions.

In the absence of contrary meaning established through legislation or judicial action pursuant to MGL c. 40, § 15C, these terms contained in that statute shall be construed as follows:

ABUTTER —

- A. Owners of land sharing a boundary line with the portion of the right-of-way containing the proposed disturbance area;
- B. Owners of land sharing a boundary line with land within the preceding definition (A);
- C. Owners of land directly opposite the proposed disturbance area;
- D. Owners of land sharing a boundary line with land within the preceding definition (C);

All definitions include abutting owners of another town, if applicable. **[Amended 4-30-2018 ATM by Art. 18]**

DISTURBANCE AREA — The area of land within the scenic road's right-of-way where regulated work is to be performed.

POSTING — The marking of a tree or stone wall on the right-of-way on a scenic road for the purpose of a scenic road public hearing. For protected trees, such marking as described in MGL c. 87, § 3. For protected stone walls, a ribbon or other appropriate "flagging" material temporarily affixed to the stone wall at issue in a scenic road hearing and viewable from the paved road.

PROTECTED STONE WALL — A contiguous arrangement of stone, cut or otherwise, dry-fitted or mortared, in excess of 20 years of age, or otherwise deemed by the Historical Commission to be of historical significance, located wholly or partially within, or on the boundary line of, the right-of-way of a scenic road. Includes any of its appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. Does not include walls constructed of manufactured concrete block.

PROTECTED TREE — Any living specimen tree of any size, or any other living tree whose trunk has a diameter of four inches or more as measured one foot from the ground located wholly or partially within, or on the boundary line of, the right-of-way of a scenic road.

RIGHT-OF-WAY — The area on and within the legal boundaries of the scenic road. If the boundaries are unknown, any affected protected trees or protected stone walls shall be presumed to be within the right-of-way until shown to be otherwise.

SPECIMEN TREE — A native, introduced or naturalized tree which is important because of its impact

on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a diameter at breast height (dbh) of six inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of four inches or larger are eligible to be considered specimen trees.

§ 228-14. Procedure for designation of scenic roads.

- A. A proposal to designate a public way as a scenic road may be instigated by any of the following: the Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of 30 registered voters, half of whom must be residents of the proposed scenic road.
- B. The Planning Board shall hold a public hearing on the request for scenic road designation with notice to the Town Clerk, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the last publication at least seven days prior to the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the next gathering of Annual or Special Town Meeting on the merits of designating the proposed way as a scenic road.
- C. The Planning Board's written recommendation shall address the following criteria:
 - (1) Age and historic significance of affected roads, trees and stone walls;
 - (2) Contribution of the affected trees and/or stone walls to scenic beauty;
 - (3) Exceptional qualities of affected trees in terms of age, spread, species or specimen;
 - (4) Protection of natural resources as well as scenic and aesthetic quality of area;
 - (5) Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining the affected trees and/or stone wall;
 - (6) Scenic vistas of the area.
- D. The proposal shall be brought forward as a warrant article of the Planning Board with its recommendation. If the Planning Board recommendation is negative, the proponent of the designation shall present the proposal at Town Meeting. A majority vote of Town Meeting will be required. Approval of the designation shall be effective as of the date of Town Meeting action. Any work not physically commenced as of the date of the designation shall conform to this bylaw.
- E. Following the designation of a scenic road, the Planning Board shall notify all municipal departments, the Massachusetts Department of Transportation, the Commissioners of Norfolk County, all utility companies servicing properties abutting the scenic road, and all property owners along the scenic road. **[Amended 4-30-2018 ATM by Art. 18]**

§ 228-15. Regulated activity.

The following are the activities regulated under this bylaw and through the scenic road work permit process:

- A. Utility and road work. Any roadway repair, maintenance, reconstruction or paving work, utility installation and repair work done within the right-of-way of a scenic road by any person or agency,

public or private, including construction of new driveways or alterations of existing ones to the extent such work takes place within or accessing the right of-way, and roadside cutting for clearance for vehicles or for improvement of line of sight, except as allowed in the next subsection.

- B. Cutting or removal of trees. The removal of one or more protected trees, trimming of major branches, or cutting of roots to a degree sufficient in the Tree Warden's written opinion to cause eventual destruction of a tree. Not included is the clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of or following the repair, maintenance, reconstruction or paving work for a road.
- C. Tearing down or destruction of stone walls. The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of at least five square face feet (height times length of stone wall "face") of a protected stone wall. The temporary removal of a protected stone wall is permitted without Planning Board approval if the Department of Public Works is notified before the work begins. The DPW may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining stone walls. Repair of a protected stone wall, not involving the tearing down or destruction of it, is not covered by this bylaw.
- D. Municipal sidewalks. When construction of a municipal sidewalk within the right-of-way of a scenic road is deemed a public safety necessity by the Town and its construction has been approved by Town Meeting, a protected tree may be removed if there is no feasible alternative, subject to the compensation set out in § 228-16H below.

§ 228-16. Scenic road work permit.

- A. Any work designated under § 228-15 above shall be required to obtain a scenic road work permit from the Planning Board prior to commencement of the activity, or as soon after an emergency activity as is possible.
- B. Filing instructions. Any person or entity seeking a scenic road work permit shall do so on an application form supplied by the Planning Board, together with the following:
 - (1) A written description and plans or drawings showing the location and the nature of the proposed disturbance area;
 - (2) A statement explaining the purpose and need for the proposed impact upon a protected stone wall or protected tree;
 - (3) A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures, including restoration, to the proposed impact upon a protected stone wall or protected tree;
 - (4) A list, certified by the Assessor's office, of abutters, as defined herein;
 - (5) Except in the case of Town agencies, a scenic road work permit fee as specified in the Planning Board's Fee Schedule;
 - (6) Photographs of all protected stone walls or protected trees within and adjacent within 50 feet to the proposed disturbance area prior to any work;

- (7) Any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.
- C. Posting. A posting, as defined above, is required at least seven days prior to a scenic road public hearing.
- D. Public hearing. The Planning Board shall hold a public hearing as soon as practical but in no event later than 45 days from the date on which the application for a scenic road work permit is received unless a longer time is agreed to by the applicant. Notice will be given by the Board to other Town departments and the public as set forth in § 228-14B above.
- E. Coordination with Tree Warden. As stated in the Scenic Road Act⁸ and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under MGL c. 87. In the event of such a joint hearing, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of this bylaw in any way lessen the Tree Warden's duties under MGL c. 87.
- F. Considerations. In acting on a scenic road work permit, the Planning Board shall consider the following in making its determination:
- (1) Public safety;
 - (2) Scenic and aesthetic characteristics and quality of the area;
 - (3) Quality and extent of shade and tree canopy;
 - (4) Accident history within 500 feet of tree(s) and stone walls at issue;
 - (5) Commentary contributed by the Tree Warden, Town agencies, abutters and other interested parties;
 - (6) Preservation of natural resources and environmental systems;
 - (7) Preservation of historical and cultural resources values;
 - (8) Compatibility with surrounding neighborhood;
 - (9) Recreational uses of the proposed scenic road, taking into account the nature and extent of such uses;
 - (10) Relationship of the road design to the standards of the Planning Board's Subdivision Rules and Regulations⁹ but recognizing that a waiver from the standards should be allowed when a way has been designated as a scenic road by the Town Meeting;
 - (11) Adequacy and value of compensatory actions proposed, such as replacement of trees or stone walls or restoration of the same;
 - (12) Traffic patterns, volume, congestion and posted speed limit;
 - (13) Consistency with articulated Town policies and the Cohasset Master Plan;

8. Editor's Note: See MGL c. 40, § 15C.

9. Editor's Note: See Ch. 325, Subdivision of Land.

(14) Feasibility for avoiding disturbance to trees or stone walls by proposing a safe location for a walkway, driveway or road elsewhere; and

(15) Other sound planning principles and considerations.

G. Decision. The Planning Board shall make a decision to issue or deny a scenic road work permit within 21 days after closing the public hearing, and the decision shall be filed with the Town Clerk within that time. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Works, the Building Inspector, the Conservation Commission and the Historical Commission. The approval of a scenic road work permit shall be valid for one year. Any work outlined in the issuance of a scenic road work permit not completed within one year after issuance will necessitate a new and separate filing for a scenic road work permit. Appeal of a decision shall be done in accordance with the provisions of MGL c. 40A, § 17. **[Amended 4-30-2018 ATM by Art. 18]**

H. Restoration.

(1) Protected stone walls. Unless waived, any restoration ordered within a decision shall consist of replacing the protected stone wall on a square face foot per square face foot basis. Stone walls shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such stone walls shall be used to repair other sections of the stone wall. No protected stone wall shall be cut without construction of an appropriate stone terminus, i.e., stone piers or granite posts.

(2) Protected trees. Unless waived, any restoration ordered within a decision shall consist of replacing the removed protected trees with nursery grade trees on a one square inch per two square inch replacement basis, at locations specified by the Planning Board and the Tree Warden. A one square inch per two square inch replacement is calculated by finding the diameter of a tree in question at 4.5 feet up from the base above the ground and determining its trunk area (3.14 times tree radius squared). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). The restoration shall be verified by the Tree Warden. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s). The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Cohasset shall be outlined in the scenic road work permit.

§ 228-17. Enforcement; violations and penalties.

A. Failure to file. Failure to file for a scenic road work permit where needed shall result in an immediate stop-work order from the Planning Board and/or Building Inspector, shall necessitate an immediate filing as detailed above, and may result in an order for restoration measures to be taken.

B. Failure to comply. Failure to comply with the terms of a scenic road work permit may result in an order requiring remedial measures to be taken, may include fines as set forth below, and may result in enforcement through noncriminal disposition under MGL c. 40, § 21D.

C. Fines. Anyone who violates the provisions of this bylaw may be fined through noncriminal disposition under MGL c. 40, § 21D, at a fine of \$300 per day, with each day's failure to comply constituting a separate and distinct offense.

§ 228-18. Severability.

If, in any respect, any provision of this bylaw, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid, and in all other respects this bylaw shall stand.

COHASSET CODE

Chapter 244

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

VEHICLES AND TRAFFIC

Vehicles for hire — See Ch. 247.

ARTICLE I
Parking Regulations
[Adopted as Art. VII, § 6, of the 1988 General Bylaws]

§ 244-1. Authority of Selectmen.

The Selectmen shall have authority to establish rules and regulations for the parking of vehicles on streets or in public parking places owned and maintained by the Town. The Selectmen shall post signs informing the public of the rules and regulations and shall fix penalties for their violation.

ARTICLE II
Town Parking Lots
[Adopted as Art. VII, § 26, of the 1988 General Bylaws]

§ 244-2. Parking permit required.

The use of Sandy Beach parking lot off Atlantic Avenue shall be limited to vehicles having properly displayed facility permits or Sandy Beach Association parking permits. Facility permits shall be issued to vehicle owners who are residents or summer residents of the Town or who own real estate within the Town. Sandy Beach Association parking permits shall be issued to subscribers to the Sandy Beach Association.

§ 244-3. Issuance of permits. [Amended 5-5-1995]

Facility permits, Sandy Beach Association parking permits, and Government Island parking permits shall be issued under the direction of the Town Clerk.

§ 244-4. Where permits are valid; exception to permit requirement.

- A. Parking permits for residents shall be valid for the following areas: Sandy Beach parking lot, Government Island, Edwin A. Young parking lot and the Town parking lot on Parker Avenue. Sandy Beach Association parking permits shall be valid only for Sandy Beach parking lot. Nonresident Government Island parking permits shall be valid only for Government Island parking areas. **[Amended 3-27-1993; 6-10-1994]**
- B. Notwithstanding any other provisions of this article to the contrary, parking permits shall not be required for vehicles parking in the Edwin A. Young parking area on Government Island during events at the Cohasset Lightkeepers House nor by licensed vendors at Sandy Beach while transacting business in the beach parking lot.

§ 244-5. Expiration of permits. [Amended 5-5-1995; 8-17-2001]

All parking facility permits, Sandy Beach Association parking permits, and Government Island parking permits shall expire on the date established by the Board of Selectmen.

§ 244-6. Operating hours. [Amended 10-25-1993]

The Board of Selectmen shall set the opening and closing hours for the Sandy Beach parking lot.

§ 244-7. Littering and other nuisances.

No person shall discard any glass, metal cans, rubbish, filth, or sharp objects of any kind upon any of the parking areas or commit any nuisance thereon.

§ 244-8. Rules and regulations.

- A. The Board of Selectmen shall establish rules and regulations for the Sandy Beach parking lot and Government Island parking lot pursuant to MGL c. 40, § 22, and shall post signs containing the provisions of these regulations near all entrances to the Sandy Beach and Government Island parking lots.
- B. The Board of Selectmen shall review the rules and regulations on an annual basis and shall consider

recommendations made by the Town Clerk. The rules and regulations shall be filed with the Town Clerk each year, as provided for in MGL c. 40, § 33.

ARTICLE III
Handicapped Parking
[Adopted as Art. VII, § 29, of the 1988 General Bylaws]

§ 244-9. Reserved parking spaces to be provided.

Any person or body that has lawful control over a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees shall reserve parking space in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person which vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, according to the formula set forth below:

- A. If the number of parking spaces in any such area is more than 15 but not more than 25, one parking space; more than 25 but not more than 40, 5% of such spaces but not less than two; more than 40 but not more than 100, 4% of such spaces but not less than three; more than 100 but not more than 200, 3% of such spaces but not less than four; more than 200 but not more than 500, 2% of such spaces but not less than six; more than 500 but not more than 1,000, 1.5% of such spaces but not less than 10; more than 1,000 but not more than 2,000, 1% of such spaces but not less than 15; more than 2,000 but not more than 5,000, 0.75% of such spaces but not less than 20; and more than 5,000, 0.5% of such spaces but not less than 30. **[Amended 4-6-1991]**

§ 244-10. Unauthorized parking in reserved spaces. [Amended 4-30-2018 ATM by Art. 18]

No person or body shall leave an unauthorized vehicle within a parking space designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons as authorized in § 244-9 of this article or in such manner as to obstruct a curb ramp designated for use by disabled veterans or handicapped persons as means of ingress or egress to a street or public way. The penalty for violation shall be \$100 and the vehicle shall be subject to removal in accordance with MGL c. 40, § 22D.

VEHICLES FOR HIRE

Chapter 247

VEHICLES FOR HIRE

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as Art. VII, § 25, of the 1988 General Bylaws. Amendments noted where applicable.]

§ 247-1. License required.

Any person operating a vehicle used for the conveyance of persons for hire within the Town shall be licensed by the Selectmen and shall be governed by the provisions of MGL c. 40, § 22.

COHASSET CODE

Chapter 255

WATERCRAFT

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

WATERCRAFT

Harbor — See Ch. 121.

ARTICLE I
Little Harbor
[Adopted 8-30-1989 (Art. VII, § 32, of the 1988 General Bylaws)]

§ 255-1. Speed limit for jet skis, surf jets and water bikes.

Jet skis, surf jets and water bikes shall not be operated at a speed in excess of 12 miles per hour while in the confines of Little Harbor.

COHASSET CODE

Chapter 260

WETLANDS PROTECTION

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 8-30-1989 (Art. XIV of the 1988 General Bylaws). Amendments noted where applicable.]

§ 260-1. Purposes.

The purpose of this chapter is to protect the wetlands, related water resources, and adjoining land areas in the Town of Cohasset by controlling activities deemed by the Cohasset Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics and agriculture values (collectively, the "wetland values" protected by this chapter).

§ 260-2. Regulated activities.

- A. Except as permitted by the Cohasset Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, or alter the following resource area:
- (1) Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
 - (2) Within 100 feet of any bank, lake, river, pond, stream or estuary;
 - (3) Any land under any lake, river, pond, stream or estuary;
 - (4) Within 100 feet of any land subject to flooding or inundation by groundwater, surface water or tidal action;
 - (5) Within 25 feet of any isolated land subject to flooding and any isolated vegetated wetland; **[Amended 7-17-2000]**
 - (6) Within 100 feet of a vernal pool. **[Amended 7-17-2000; 6-28-2005]**
 - (7) Within the 200-foot riverfront area. **[Added 11-13-2023STM by Art. 12]**
- B. Except as permitted by the Cohasset Conservation Commission or as provided in this chapter, any solid waste landfill shall ensure that leachate does not discharge into the watershed of any public drinking water supply, and shall have stormwater controls that reasonably prevent erosion, prevent discharge of pollutants into said watershed, protect the physical integrity of the landfill, and ensure that siltation due to erosion shall not migrate off site into said watershed. **[Amended 3-16-2000]**

§ 260-3. Exceptions; emergency projects.

- A. The permit and application required by this chapter shall not be required for maintaining, repairing or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:
- (1) The structure or facility is not substantially changed or enlarged;
 - (2) Written notice has been given to the Conservation Commission prior to commencement of work; **[Amended 4-30-2018 ATM by Art. 18]**
 - (3) The work conforms to performance standards and design specifications in regulations adopted by the Commission.
- B. The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:
- (1) The work is to be performed by or has been ordered to be performed by an agency of the

Commonwealth of Massachusetts or a political subdivision thereof;

- (2) Advance notice, oral or written, has been given to the Commission or its agent prior to commencement of work or within 24 hours after commencement;
 - (3) The Commission or its agent certifies the work as an emergency project;
 - (4) The work is performed only for the time and place so certified for the limited purposes necessary to abate the emergency;
 - (5) Within 21 days of commencement of an emergency project a permit application should be filed with the Conservation Commission for review as provided in this chapter. Upon failure to meet these requirements and any other requirements imposed by the Commission pursuant to this chapter the Commission may, after notice and a public hearing, revoke or modify an emergency project certification and order restoration and mitigation measures.
- C. Other than as stated in this section, any exceptions provided in MGL c. 131, § 40 (the Wetlands Protection Act), shall not apply under this chapter.

§ 260-4. Permit application and requests for determination.

- A. Written application shall be filed with the Conservation Commission to perform regulated activities as deemed in § 260-2. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.
- B. In its discretion, the Commission may accept the notice of intent and plans filed under the Wetlands Protection Act as the application and plans under this chapter. Any person desiring to know whether or not a proposed activity or an area is subject to this chapter may request a determination from the Commission in writing. Such a request for determination shall contain data and plans specified by the regulations of the Commission.
- C. At the time of an application or request, the applicant shall pay a filing fee specified in the regulations of the Commission, the fee to be in addition to any fee required by the Wetlands Protection Act. The Commission may establish filing fees in amounts reasonably designed to recover the cost to the Town of professional services for design review, site inspection, testing, engineering, or other related consultant services. The Commission may waive the filing fee for an application or request filed by a government agency and shall waive all fees, costs and expenses for a request for determination filed by a person who is neither the owner nor a person acting on behalf of the owner.

§ 260-5. Notice and hearings.

- A. The Commission shall conduct a public hearing on any application or request for determination, with written notice given, at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing. **[Amended 6-10-1994]**
- B. An applicant in any manner requiring a public hearing shall also give written notice of the hearing to all abutters, as that term may be defined by the Commission, also at least five working days prior to the hearing. Such notice shall be given in the form and manner that the Commission shall prescribe.
- C. The Commission shall commence the public hearing within 21 days from the receipt of a complete application or request for determination and shall issue its permit, denial or determination in writing

within 21 days of the close of said public hearing. In its discretion the Commission may combine its hearing under this chapter with a hearing conducted under the Wetlands Protection Act.

- D. The Commission shall have the authority to continue any hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of other Town boards and officials. If the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on the information then available to it.

§ 260-6. Permits, determinations and conditions.

- A. If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are not likely to have a significant or cumulative effect upon the wetland values protected by this chapter, the Commission shall, within 21 days of the close of the hearing, issue a permit for the activities requested. Such permit shall be without conditions. If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon any or all of the wetland values protected by this chapter, the Commission shall, within 21 days of the close of the hearing:
- (1) Issue a permit for the activities requested, in which case the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions; or
 - (2) Deny a permit. The Commission may deny a permit for the following reasons:
 - (a) Failure to meet the requirements of this chapter;
 - (b) Failure to submit necessary information and/or plans requested by the Commission;
 - (c) Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission;
 - (d) Failure to avoid or prevent unacceptable significant or cumulative effects upon any or all of the wetland values protected by this chapter.
- B. A permit shall expire three years from the date of issue. Any permit may be renewed once for an additional period, up to three years, provided that a written request for renewal is received by the Commission prior to expiration, and that the Commission may grant such extension as it finds necessary to allow completion of the permitted work.
- C. A permit issued under this chapter may be revoked or modified by the Commission after public notice and notice to the holder of the permit and a public hearing thereon, upon a finding of the existence of circumstances which would justify the denial of, or imposition of conditions on, a permit.
- D. In its discretion, the Commission may combine the permit or other action on an application issued under this chapter with the order of conditions issued under the Wetlands Protection Act.

§ 260-7. Regulations.

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes of this chapter. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate

the effect of this chapter.

§ 260-8. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

ALTER — Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:[**Amended 7-17-2000**]

- A. Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
- C. Drainage or other disturbance of water level or water table;
- D. Dumping, discharging or filling with any material which may degrade water quality;
- E. Placing of fill or removal of material which would alter elevation;
- F. Driving of piles, erection, alteration or repair of buildings or structures of any kind;
- G. Placing of obstructions or objects in water;
- H. Destruction of plant life, including cutting of trees;
- I. Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- J. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

ISOLATED LAND SUBJECT TO FLOODING — Includes any ponding area within a depression that provides a temporary storage area of standing water, with no minimum size criteria.

ISOLATED VEGETATED WETLAND — Includes any vegetated wetland area containing greater than 50% wetland vegetation, hydric soils, and seasonal high groundwater conditions. Isolated vegetated wetland does not have to border a water body or flowing stream.

PERSON — Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Cohasset and any other legal entity, its legal representatives, agents or assigns.

RIVERFRONT AREA — That area of land within 200 feet of a river or stream, with the two-hundred-foot riverfront zone being measured from the annual mean high-water line as defined in the Act of the subject river or stream. The two-hundred-foot riverfront zone shall include a one-hundred foot inner zone and a one-hundred-foot outer zone. There is no buffer zone for the riverfront area.[**Amended 12-12-2022STM by Art. 10**]

VERNAL POOL — Includes confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months between December and June, is free of adult predatory fish, and provides essential breeding and rearing habitat functions for amphibian, reptile, or vernal pool community species, regardless of whether the wetland site has been certified as a vernal pool by the Massachusetts Division of Fisheries and Wildlife and Fisheries. The presumption of essential vernal pool habitat value may be overcome by the presentation

of credible evidence which in the judgment of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the bylaw regulations. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression and the buffer zone for vernal pools shall be defined as a no disturbance area. **[Amended 12-12-2022STM by Art. 10]**

§ 260-9. Security.

As part of a permit issued under this chapter, in addition to any security required by any other Town or state board, agency or official, the Conservation Commission may require that the performance and observance of any conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility in an amount sufficient in the opinion of the Commission;
- B. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Cohasset requiring the permit conditions to be performed before any interest may be conveyed other than a mortgage interest.

§ 260-10. Enforcement; violations and penalties.

- A. The Conservation Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
- B. The Commission shall have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, administrative orders, enforcement orders and civil and criminal court actions. **[Amended 11-28-2016 STM by Art. 9]**
- C. Upon instruction from the Board of Selectmen at the request of the Commission, the Town Counsel shall take legal action for enforcement of civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- D. Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- E. Any person who violates any provision of this chapter, regulations thereunder, or permits issued thereunder shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations or permit violated shall constitute a separate offense.
- F. In the alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, and § 1-7 of the Town's General Bylaws. The penalty for each violation shall be \$300. Each day or part thereof that a violation occurs shall constitute a separate offense. **[Amended 11-28-2016 STM by Art. 9]**
- G. Any person or entity to whom an enforcement order under state law or this bylaw has been issued by or on behalf of the Conservation Commission shall comply with the enforcement order. Any person or entity who fails to comply with the terms of an enforcement order issued by or on behalf of the Conservation Commission by the date specified within the enforcement order, or immediately if no date is specified, shall be in violation of this bylaw and shall be subject to a fine of \$300 per day for

each violation. The noncriminal disposition penalty for violation of an enforcement order shall be \$300. Each day or part thereof of noncompliance shall constitute a separate violation. Fines and penalties imposed may be assessed in accordance with the noncriminal violations section of the Town's bylaw or by complaint in the appropriate court. **[Added 11-28-2016 STM by Art. 9]**

§ 260-11. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this chapter.

§ 260-12. Relation to Wetlands Protection Act.

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the home rule statutes, independent of the Wetlands Protection Act and regulations thereunder.

§ 260-13. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Zoning Bylaw

Chapter 300

THE TOWN OF COHASSET ZONING BYLAW

[HISTORY: Adopted by the Town Meeting of the Town of Cohasset 11-7-1955. The recodification of the Cohasset Zoning Bylaw as Division 2, Chapter 300, of this Code was approved by Town Meeting 4-30-2018 by Art. 19, approved by the Attorney General 6-21-2018. A complete copy of Art. 19 is on file in the office of the Town Clerk. Chapter 300 was retitled "The Town of Cohasset Zoning Bylaw" 5-1-2023 ATM by Art. 20. Other amendments noted where applicable.]

ARTICLE 1
Authority, Purposes and Intent
[Amended 5-1-2023ATM by Art. 20]

§ 300-1.1. Authority.

The Town of Cohasset Zoning Bylaw is adopted pursuant to and under the authority of Massachusetts General Laws Chapter 40A (the "Zoning Act") and Art. 2 or Section 6, Article 89 of the Constitution of the Commonwealth of Massachusetts (the "Home Rule Amendment") as codified in Massachusetts General Laws Chapter 43B, § 13.

§ 300-1.2. Purposes.

The purposes of this Zoning Bylaw include but are not limited to the following:

- A. 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;
- B. To conserve health;
- C. To conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment;
- D. To avoid undue congestion of population;
- E. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- F. 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.
- G. To conserve natural resources and prevent pollution of the environment.
- H. To encourage diverse housing options.
- I. To encourage the most appropriate use of land in accordance with the objectives and recommendations of the Town's Master Plan.

§ 300-1.3. Minimum requirements.

The requirements set forth in this Zoning Bylaw are the minimum requirements necessary to achieve its stated purposes.

§ 300-1.4. Conflict with other laws.

In the case of any conflict between the provisions of the Zoning Bylaw and any other law, bylaw, ordinance, covenant or agreement, the more restrictive provisions shall govern.

§ 300-1.5. Severability.

The provisions of this Zoning Bylaw are intended to be severable, so that if any one provision is determined by judicial process to be invalid, such determination shall not affect the validity of any other provision of

this Zoning Bylaw.

ARTICLE 2 Definitions

(See 12/2/69 SS 9.)

§ 300-2.1. Definitions. [11-13-1978 by Art. 8; 6-18-1984 by Art. 6; 4-8-1985 by Art. 25; 4-8-1985 by Art. 32; 4-7-1986 by Art. 39; 6-18-1986 by Art. 6; 6-24-1986 by Art. 39; 12-5-1988 by Art. 10; 10-10-1989 by Art. 25; 4-6-1991 by Art. 48; 11-6-1995 by Art. 49; 3-28-1998 by Art. 27; 3-31-2001 by Art. 16; 11-17-2003 by Art. 16; 3-27-2004 by Art. 10; 3-29-2004 by Art. 9; 11-13-2007 by Art. 4; 5-12-2012; 5-21-2012 by Art. 23; 5-21-2012 by Art. 24; 5-21-2012 by Art. 25; 4-22-2013 by Art. 16; 4-22-2013 by Art. 17; 4-28-2014 ATM by Art. 23; 4-28-2014 ATM by Art. 24; 5-1-2017 ATM by Art. 22; 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 23; 5-24-2021ATM by Art. 27; 5-1-2023ATM by Art. 21; 5-1-2023ATM by Art. 23; 5-1-2023ATM by Art. 25; 11-13-2023STM by Art. 13; 11-13-2023STM by Art. 14; 12-9-2024STM by Art. 15]

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 word "used" or "occupied" includes the words "designed," "arranged," "intended," or "offered to be used or occupied." The word "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.

ACCESSORY DWELLING UNIT - LARGE (ADU-L) — An accessory dwelling unit as defined above, except the unit may be larger than 900 square feet but may not exceed 1,250 square feet.

ACCESSORY DWELLING UNIT: (ADU) — A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to the additional restrictions as may be imposed by Cohasset, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in § 1 of M.G.L. Chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

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.

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

AREAS OF SPECIAL FLOOD HAZARD — The land in the floodplain having a one-percent or greater chance of flooding in any given year.

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.

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

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 privately owned driveway used to provide shared vehicular access between the street and two or more conforming lots, via the frontage(s) of at least one of the lots served.

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.

COVERAGE, MAXIMUM PERMITTED — The portion of a lot covered by any man-made materials that are impervious to water.

COVERAGE, STRUCTURAL — The portion of a lot covered or occupied by buildings or other structures.

DEVELOPMENT — Any man-made 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.

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

DRIVEWAY, LEGAL SERVICE — An open space, located on a private lot, which is not more than 24 feet in width, built for access to a private garage or off-street parking space.

DWELLING, MULTIFAMILY — Two or more principal dwelling units in one or more buildings on a lot.

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.

FAST-FOOD RESTAURANT — An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, not cooked to order, directly to the customer, usually wrapped or bagged, intended for immediate consumption on or off the premises, and usually requiring ordering of food at a counter or take-out window and without a waiter or waitress.

FENCE — A barrier constructed of posts, panels, rails, pickets or wire. Fence height shall be measured to the top of the panel, exclusive of posts and caps which may extend up to eight inches above the panel.

FINISHED GRADE — The grade upon completion of construction of a building or other structure, determined by averaging at least 12 grade measurements taken at equidistant intervals around the entire perimeter of the constructed foundation along a continuous line 10 feet distant from said foundation.

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.

FLOODPLAIN DISTRICT — See Article 9.

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.

FLOOR AREA, GROSS — The total floor area of a building measured from the exterior faces of the exterior walls.

FLOOR AREA, NET — The sum of the areas of all floors of a building or dwelling unit, measured from the interior faces of the interior walls, but excluding any areas of the building or unit that are not intended or designed for human habitation, such as unenclosed porches, basements, cellars and attics with ceiling heights of less than seven feet, any floor space intended and designed for parking of motor vehicles in order to meet the minimum parking requirements of this Zoning Bylaw, or any floor space intended and designed to house accessory heating and ventilating equipment.

FLOOR AREA RATIO — The ratio of the sum of the net floor area of all buildings on a lot to the lot area, provided that for purposes of calculating floor area ratio, the lot area measurement shall exclude 50% of any area within the boundaries of the lot that is wetlands or a water body or has slopes greater than 45°.

FRONTAGE — The length of the street line dividing a lot from the street on which the lot bounds.

GRADE — The elevation of the land surface, commonly expressed as a measurement in relation to sea level.

GREEN STRIP — An area landscaped with grass, trees, or shrubs and cannot be built upon, paved, parked upon, or used for vehicular traffic.

GUESTHOUSE — An accessory building used intermittently to accommodate personal guests and family members on a temporary basis, without remuneration.

HEIGHT — The vertical distance from the lower of the pre-construction grade or the finished grade to the highest point of the building roof or the highest point of any structure other than a building. For purposes of this definition, the highest point of a building shall be measured at the roofline and shall not include projections above the roofline that are not used for human habitation and do not, in the aggregate, cover more than 5% of the roof area including without limitation chimneys, antennas, railings and cupolas.

HOME OCCUPATION — Any activity conducted by the inhabitants of and entirely within a permitted structure, 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.

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.

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 1,300 square feet, including both access and maneuvering area.

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.

LOT, CORNER — A lot bounding on two or more intersecting streets at their intersection.

LOT DEPTH — The average horizontal distance between the front lot line and the rear lot line.

LOT LINE, FRONT — The street line on which the lot frontage is measured. On a corner lot or through lot only one street line shall be considered the front lot line.

LOT LINE, REAR — The lot line most nearly opposite to and most distant from the front lot line. In the case of a triangular or other irregular shaped lot, or where the most distant lot line is at an angle greater than 45° to a straight line connecting the extreme ends of the front lot line to the rear lot line, the designated rear lot line shall be a ten-foot-long line drawn within the lot, parallel to the straight line that connects the extreme ends of the front lot line.

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 of which abut streets, or a corner lot two opposite lines of which abut streets.

LOT WIDTH — The horizontal distance between the side lot lines of a lot as measured along a line parallel with the center line of the abutting street.

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.

MEAN HIGH WATER — Four and eight-tenths feet above 0.0 datum (mean sea level).

MEDICAL MARIJUANA TREATMENT CENTER — A not-for-profit entity registered under Chapter 369 of the Acts of 2012 and 105 CMR 725.100 et seq., to be known as a "registered marijuana dispensary (RMD)," that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

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.

MINING — The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock.

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 Requirements Diagrams, Article 7.)

PERMITTED PROJECTIONS —

- A. Construction elements that extend beyond the building wall surface no more than two feet, including but not limited to projecting eaves, chimneys, bay windows (that do not provide additional floor area), and belt courses, and are no closer to the property line than six feet.
- B. Unenclosed entry porches, steps, and bulkheads, which do not project more than six feet beyond the line of the foundation wall, do not exceed 30 square feet in area, with a landing not over four feet in height, and are no closer to the property line than six feet.

PERSON — Includes 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.

PRE-CONSTRUCTION GRADE — The grade that existed prior to the start of any current or proposed grading or construction work on the premises, determined by averaging at least 12 grade measurements taken at equidistant intervals along the entire perimeter of the structure's proposed foundation.

PREMISES — A lot, and any building, structures, and uses thereon.

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.

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.

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

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

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 finished areas of all above-grade floors or portions of above-grade floors in a single-family detached dwelling and its accessory buildings, as measured from the interior faces of the interior walls, excluding finished areas with ceiling heights less than seven feet. For purposes of this definition, the term "finished area" shall mean the heated enclosed area of a building that is suitable for year-round use.

ROOFLINE — The top of the parapet or the top of the main roof surface, whichever is higher on a flat roof; the deck line of a mansard roof; the ridgeline of a hipped, gambrel or pitched roof.

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 — A sign that advertises, calls attention to, identifies, or indicates the occupant of the premises on which the sign is located, or the business or activity transacted thereon or a sign that advertises the premises for sale or lease, and which contains no other advertising matter of any kind.

SIGN, ATTACHED — A sign permanently affixed to the wall of a building, including flat or projecting wall sign, a canopy, marquee or awning sign, and a hanging sign.

SIGN, DIRECTIONAL — A sign using words or symbols to facilitate the direction of traffic on a premises, such as "one-way," "entrance," or "exit."

SIGN, FREESTANDING — Any sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

SIGN, IDENTIFICATION — A sign used to identify the name, address and title of an individual, family, or entity occupying the premises upon which the sign is located or identifying a home occupation on a residential premises.

SIGN, NONACCESSORY — A sign, such as a billboard, that advertises, identifies, or calls attention to a business, activity, service, or product that is not conducted, offered, or sold on the premises on which the sign is located, or a sign that advertises the sale or lease of a premises other than the one on which the sign is located.

SIGN, POLITICAL OR NONCOMMERCIAL — A sign which expresses the view of the owner or occupant of a premises concerning political, religious, or ideological matters, or a sign containing any other expression of noncommercial speech protected by the United States Constitution.

SIGN, PORTABLE — A sign mounted on a chassis, with or without wheels, which is not used for transportation of persons or things, or an A-frame style sign not permanently affixed to the ground. Portable signs do not include signs painted on or permanently affixed to registered commercial motor vehicles parked outside on a premises in the course of normal business activity, or to noncommercial messages painted on or affixed to registered motor vehicles.

SIGN, POSTING — A sign for protection of persons or property, such as "No Trespassing," "No Hunting," "No Shooting" or "No Trapping"; a cautionary sign warning of hazards or other dangerous conditions on the premises.

SIGN, SURFACE AREA —

- A. For a sign either freestanding 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 — A sign intended to be exhibited for no more than 60 days during any twelve-month period.

SIGN, TEMPORARY POLITICAL — A temporary political or noncommercial sign announcing or

advertising a person's candidacy for public office or advocating for or against the election of a candidate or advocating for a particular vote on a public issue to be determined by the electorate or that is otherwise pending before a public body.

SITE PLAN REVIEW — A site development review process administered by the Planning Board in accordance with § 300-12.7 of this Zoning Bylaw.

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

SPECIAL PERMIT — Written permission for a specific use, activity or development which may be allowed under this Zoning Bylaw only with the approval of the designated special permit granting authority in accordance with MGL c. 40A, § 9, and Article 12 of this Zoning Bylaw.

SPECIAL PERMIT GRANTING AUTHORITY — The Zoning Board of Appeals or the Planning Board, when acting under specific authority granted under this Zoning Bylaw to issue a special permit for a particular use, activity, or development.

STORY — That part of a building between any floor and the next higher floor or lower roofline. Where a building is not divided into stories, a story shall be considered 15 feet in height. A story shall be at least 50% 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.

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

STRUCTURE — A combination of materials combined at a fixed location to give support or shelter, such as: a bin, bridge, building, dock, fence, framework, flagpole, 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 50% 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 affects 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.

SUBSTANTIALLY DIFFERENT USE — Any use that is not permitted either by right or by special permit of the Zoning 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 or Chapter 21E or 310 CMR 30.00.

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, and located on the same lot as the principal use.

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 — Written authorization from the Zoning Board of Appeals allowing a departure from otherwise applicable terms of the Zoning Bylaw, including use regulations, with respect to particular land or structures pursuant to MGL c. 40A, § 10, and Article 12 of this Zoning Bylaw.

WALL, RETAINING AND PERIMETER — An enclosing structure of stone and/or masonry at a fixed location.

WATERSHED PROTECTION DISTRICT — See Article 9.

YARD, FRONT (SETBACK) — An open space extending the full width of the lot between the side lot lines, from the front lot line to the nearest wall of a principal building.

YARD, REAR (SETBACK) — An open space extending the full width of the lot between the side lot lines, from the rear wall of a building or other structure to the rear lot line.

YARD, REQUIRED — With respect to any front yard, side yard, or rear yard, the minimum distance required between a building or other structure and the respective lot lines for such yard, as set forth in Article 5 of this Zoning Bylaw.

YARD, SIDE (SETBACK) — An open space between a building or other structure and side lot line and extending from the front yard setback line to the rear yard setback line.

ZONING ACT — Massachusetts General Laws, Chapter 40A (MGL c. 40A) as may be amended from time to time.

ARTICLE 3

Establishment of Zoning Districts

[Amended 5-5-1975 by Art. 35; 4-4-1981 by Art. 26; 4-8-1985 by Art. 40; 4-7-1986 by Art. 39; 4-4-1987 by Arts. 21 and 23; 11-18-2002 by Art. 8; 4-1-2006 by Arts. 17 and 18; 3-31-2007 by Art. 14; 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 27; 5-1-2023ATM by Art. 22; 6-3-2024ATM by Art. 17; 6-3-2024ATM by Art. 18; 6-3-2024ATM by Art. 19; 6-3-2024ATM by Art. 20]

§ 300-3.1. Division into districts.

- A. The Town of Cohasset is divided into seven base zoning districts designated as follows:

District	Abbreviation
Residence A	R-A
Residence B	R-B
Residence C	R-C
Harbor District	HAR
Village District	VIL
3A Commercial District	3A-C
Official and Open Space	OS

- B. In addition, there are four overlay zoning districts:

Overlay District	Abbreviation
Floodplain and Watershed Protection District	FWPD
Water Resource District	WRD
Ground-Mounted Solar Photovoltaic Installations Overlay District	GMSP
3A Multi-Family Overlay District	3A-MFO

§ 300-3.2. Zoning Map.

- A. The locations and boundaries of the zoning districts are shown on the following maps, as the same may be amended from time to time, and which collectively are referred to as the Zoning Map.
- (1) The boundaries of all zoning districts other than the FWPD and the GMSP are shown on a map entitled "Town of Cohasset, Massachusetts Zoning District Map" dated May 2021.¹⁰
 - (2) The boundaries of the FWPD are the 100-year base flood elevations shown for the Town of Cohasset on the Norfolk County Flood Insurance Rate Map ("FIRM") issued by the Emergency Management Agency ("FEMA"), Panel Nos. 25021C0113E and 25021C0118E, dated July 17, 2012, and Panel Nos. 25021C0114F, 25021C0251F, 25021C0252F, 25021C0254F, 25021C0256F, and 25021C258F, dated July 6, 2021.
 - (3) (Reserved)

10. Editor's Note: The Zoning Map is included as an attachment to this chapter.

- (4) The boundaries of the GMSP Location 1 are shown on a map entitled "Old Landfill Drawing." The boundaries of the GMSP Location 2 are shown on a map entitled "Crocker Lane Landfill Site."
- B. The Zoning Map, together with all boundaries, notations and other data and explanatory matter shown thereon, is part of this Zoning Bylaw.
- C. The Zoning Map, including any amendments and any future Zoning Maps which may be adopted from time to time, shall be kept on file in the office of the Town Clerk.

§ 300-3.3. Interpretation of district boundaries.

For purposes of interpreting the Zoning Map, the following rules apply:

- A. Where a district boundary line appears to follow a street or railroad right-of-way, watercourse, or other body of water, the district boundary coincides with the center line thereof.
- B. Where a district boundary line appears to run parallel to a street or railroad right-of-way, the district boundary runs parallel to the sideline of the right-of-way at such distance therefrom as indicated on the Zoning Map. Where a district boundary line appears to run parallel to a river, stream or other body of water, the district boundary runs parallel to the top of the bank or the shoreline at such distance therefrom as is indicated on the Zoning Map. If no numeric dimension is indicated on the Zoning Map, such distances shall be determined by using the scale shown on the Zoning Map.
- C. Unless otherwise indicated by a specific notation on the Zoning Map, a district boundary that appears to follow a property line will coincide with that property line.
- D. Where a district boundary line is indicated as a specific elevation, the elevation is the distance above mean sea level, based on Massachusetts Geodetic Datum of 1982 unless otherwise specified on the Zoning Map or elsewhere in this Zoning Bylaw.
- E. 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 from other lines as specified on the Zoning Map or, if the distance is not specified, then by using the scale indicated on the Zoning Map.
- F. When a base district boundary line divides a lot at the time such boundary line is adopted, the use regulations for either district may be extended up to 50 feet into the portion of the lot in the other district, provided the lot has frontage on a street in the less restrictive district. The Zoning Board of Appeals may, by special permit, allow such extension to be increased to a maximum of 200 feet.

ARTICLE 4

Use Regulations

[Amended 4-3-1982 by Art. 13; 4-6-1991 by Art. 49; 3-28-1998 by Art. 27; 11-17-2003 by Art. 17; 3-27-2004 by Art. 7; 4-1-2006 by Art. 13; 4-1-2006 by Art. 18; 3-31-2007 by Art. 14; 11-13-2007 by Art. 4; 3-29-2008 by Art. 16; 5-12-2012; 5-21-2012 by Art. 24; 4-28-2014 ATM by Art. 24; 5-1-2017 ATM by Art. 25; 4-30-2018 ATM by Art. 19; 4-30-2018 ATM by Art. 22; 5-24-2021ATM by Art. 25; 5-24-2021ATM by Art. 27; 5-24-2021ATM by Art. 28; 5-1-2023ATM by Art. 24; 11-13-2023STM by Art. 13; 11-13-2023STM by Art. 14; 6-3-2024ATM by Art. 17; 6-3-2024ATM by Art. 18; 6-3-2024ATM by Art. 19]

§ 300-4.1. General.

- A. No land or structure may be used or occupied, in whole or in part except for one or more of the uses permitted under this Zoning Bylaw, by right or by special permit, in the district(s) in which the land or structure is located.
- B. No structure or land in any district may be used for a purpose that is injurious, dangerous, noxious, or offensive to the community by reason of the emission of odors, waste fumes, dust, smoke, vibration, noise, glare, radiation, or contamination of soils or water. At a minimum, every use must comply with the following performance standards:
 - (1) The use may not emit any smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines.
 - (2) The use may not emit air pollution particle concentrations exceeding 0.3 grains per cubic foot.
 - (3) Flammable and radioactive liquids must be stored in accordance with applicable Occupational Safety and Health Administration (OSHA) standards.
 - (4) The use must conform to "dark sky" principles. All exterior lighting must be directed downward and must be shielded in a manner that prevents spillage of glare or intense light beyond the property boundaries of the lot.
 - (5) Discharge of waste into any private or public system must comply with applicable requirements of the Cohasset Board of Public Health or Sewer Commissioners.
 - (6) The use may not cause vibrations that are discernible without special instruments beyond any property boundary of the lot on which the use is located. This limit does not apply to vibrations caused by motor vehicles, trains, aircraft, or water vessels operated in a manner normally incidental to a lawful principal use, or to vibrations caused by construction activities conducted in accordance with a building permit or special permit.
 - (7) The use may not produce unusual or objectionable odor or noise detectable at any property boundary of the lot on which the use is located.
- C. Uses and activities expressly prohibited. The following uses and activities are expressly prohibited in all districts:
 - (1) The open display or open storage of junk, including but not limited to inoperable vehicles, and other worn out, cast off, or discarded articles and materials that are ready for destruction or have been stored or collected for salvage or conversion into some other use.
 - (2) Nonmedical marijuana establishments. Pursuant to MGL c. 94G, § 3, all types of marijuana

establishments, as defined by MGL c. 94G, § 1, and as may otherwise be defined by Massachusetts law or regulation, are prohibited, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000, RMDs operated pursuant to § 300-4.2E(2) of this Zoning Bylaw, or hardship cultivation of marijuana conducted pursuant to § 300-4.5B(8) of this Zoning Bylaw.

- (3) Commercial earth removal, quarrying, and mining operations.
- (4) Mobile home parks; trailer camps.

§ 300-4.2. Principal use regulations.

- A. General. Except as may be expressly allowed elsewhere in this Zoning Bylaw, no land and no building or other structure may be used in any district for any principal use that does not fall within a use category listed in the § 300-4.2D Table of Principal Uses as permitted by right or by special permit in that district.
- B. Provisions applicable to the Table of Principal Uses.
 - (1) The § 300-4.2D Table of Principal Uses lists principal uses of land and structures by use category. Each use category listed in the principal use column of the table will be interpreted by reference to the corresponding use category description in § 300-4.2C, and any special regulations for the use category set forth in this article.
 - (2) A principal use is permitted by right in a district if it falls within a principal use category denoted by the word "Yes" in the district column. If a principal use falls within a principal use category denoted by the symbol "SP" in the district column, the use is permitted in the district only with a special permit issued by the Zoning Board of Appeals; if denoted by the symbol "SPP," the use is permitted in the district only with a special permit issued by the Planning Board.
 - (3) A principal use is prohibited in a district if it falls within a principal use category denoted by the word "No" in the district column. A use that does not fall within any use category listed in the Table of Principal Uses or is not otherwise expressly allowed elsewhere in this Zoning Bylaw or exempted by federal or state law, is also prohibited.
 - (4) Where a use or activity may fall within more than one of the principal use categories listed in the Table of Principal Uses, the more specific category description applies. If equally specific, the more restrictive category description applies.
 - (5) Where an asterisk (*) follows the word "Yes" or the symbols "SP" or "SPP" in the Table of Principal Uses, the use is subject to the § 300-12.7 site plan review provisions.
 - (6) Uses of land or structures within the boundaries of one or more of the overlay districts are also governed by any specific use regulations for the applicable overlay district(s).
- C. Principal use classifications and category descriptions.
 - (1) Open space, governmental and exempt uses.

- (a) Cemetery. Burial ground or graveyard.
 - (b) Child-care facility. Use of land and structures for the primary, accessory, or incidental purpose of operating a child-care center or a school-aged child-care program as defined in MGL c. 15D, § 1A.
 - (c) Commercial agriculture use. Use of land and structures for commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as described in MGL c. 40A, § 3, where the use is conducted on a parcel of five acres or more in size.
 - (d) Essential services. Underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformers, and other similar equipment and accessories in connection therewith (but not including buildings) necessary for the furnishing of adequate service by public utilities or governmental agencies for the public health, safety, or general welfare.
 - (e) Exempt educational use. Use of land and structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions, or bodies politic; or use of land and structures for educational purposes by a religious sect or denomination or by a nonprofit educational corporation. Such use may include associated athletic facilities, playgrounds, dormitories, administrative offices, and similar facilities primarily and substantially related to the purpose of education.
 - (f) Farm. Use of land and structures on a parcel of less than five acres for agricultural purposes such as growing of plants and crops and keeping of farm animals and may include a seasonal farm stand solely for the sale of agricultural products produced on the premises.
 - (g) Governmental use. Use of land or structures for municipal purposes, including but not limited to essential municipal services such as public safety and water and sewer systems, and buildings used for the conduct of municipal operations; also, use of land or structures for any public purpose use conducted by an agency of the federal government or by an agency of the Commonwealth of Massachusetts.
 - (h) Private conservation or open space recreation use. Use of privately owned land and water resources for noncommercial purposes such as forestry, fishing, hiking, horseback riding, cross-country skiing, birdwatching, grazing, gardening, and conservation of soils, water, plants and wildlife; use of privately owned open space for noncommercial passive or active recreation, including bathing beaches, picnic grounds, playgrounds for children, and playing fields.
 - (i) Religious use. Use of land and structures for religious purposes on land owned or leased by a religious sect or denomination, including the conduct of public worship, religious instruction, maintenance of a convent, parish house, and similar facilities, and noncommercial activities primarily and substantially related to furthering the beliefs and practices of such religious sect or denomination.
- (2) Institutional uses.
- (a) Club or lodge. The meeting place and associated facilities of an organization or association

dedicated to a particular interest or activity, whether open to the public or limited to members only, such as a social club, a membership club, a service club, or a cultural or historical society.

- (b) Hospital or nursing facility. A hospital, infirmary, nursing home, convalescent home, or rest home.
 - (c) Library or museum. A nonprofit institution where collections of historical, cultural, musical, artistic, or scientific objects and materials are exhibited or loaned out for purposes of education, research, or enjoyment.
- (3) Residential uses.
- (a) Assisted living residence. Congregate housing for older persons or persons with disabilities, where nursing care, housekeeping services, and prepared meals are provided to the residents as needed.
 - (b) Multifamily conversion. The conversion of a single-family dwelling, in existence on May 5, 1955, into more than two principal dwelling units.
 - (c) Multifamily dwelling. Two or more principal dwelling units contained within one or more buildings on a lot or contiguous lots in the same ownership.
 - (d) Single-family detached dwelling. A detached building containing one principal dwelling unit.
 - (e) Two-family conversion. The conversion of a single-family dwelling, in existence on May 5, 1955, into two principal dwelling units.
- (4) Business uses.
- (a) Automobile repair. An establishment whose principal business is performing repair and maintenance of the moving parts of automobiles and where substantially all work is conducted within a building.
 - (b) Building trade. The shop of a carpenter, electrician, mason, painter, plumber, or other building tradesman where all on-site work and storage are enclosed within a building.
 - (c) Craft shop/artist studio. The shop or studio of an artist, potter, sculptor, woodworker, silversmith, or similar craftsman, where all work and storage are enclosed within a building.
 - (d) Fast-food restaurant. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, not cooked to order, directly to the customer, usually wrapped or bagged, intended for immediate consumption on or off the premises, and usually requiring ordering of food at a counter or take-out window and without a server.
 - (e) Financial or business office. A bank, credit union, or other financial institution; loan agency, insurance agency, employment agency, real estate agency, brokerage, or similar business office.
 - (f) For-profit education. A private school operated for profit; a business offering classes or training programs for a fee, such as dance instruction, music lessons, driving instruction, tutoring, and computer literacy training, but not including animal training.

- (g) Funeral home. Mortuary, undertaking, or other, similar funeral establishment, but not including cremation facilities.
- (h) Indoor entertainment, amusement, or sports facility. A theater or concert hall; a bowling alley, arcade, indoor sports or fitness facility, or a similar commercial facility offering entertainment or leisure activities to the public.
- (i) Medical laboratory or clinic. A laboratory where clinical pathology tests are conducted to detect, monitor, and treat disease; a clinical facility for medical diagnosis and treatment of outpatients; outpatient rehabilitation center but not including drug rehab or criminal rehabilitation programs.
- (j) Medical marijuana treatment center/registered marijuana dispensary (RMD).
- (k) Mixed-use building. A building occupied by one or more nonresidential uses permitted in the underlying district, and one or more dwelling units located above the ground floor.
- (l) Office building. A building occupied by multiple financial, business, or professional offices.
- (m) Personal service establishment. Beauty parlor, barbershop, nail salon, laundry or dry-cleaning drop-off/pickup facility, pet groomer, day spa, shoe repair shop, and similar establishments whose principal business is to provide on-site, personal, or small-scale consumer services.
- (n) Print shop; photo studio. Printing or copy shop not exceeding 3,000 square feet of gross floor area; videography or photography studio.
- (o) Professional office. Office of a doctor, dentist, lawyer, accountant, architect, consultant, engineer, or similar professional. Such use includes medical and dental offices with incidental laboratories and clinics.
- (p) Repair shop. Shop for repair of household appliances, furniture, electronics, office equipment, bicycles, lawnmowers, and similar small-scale equipment, where all repair work and storage are enclosed within a building.
- (q) Restaurant. Restaurant, lunchroom, coffee shop, or similar establishment where meals and beverages are prepared to order and are served primarily for consumption on the premises, but not including a fast-food restaurant.
- (r) Retail store. Establishment where products, wares, merchandise, or other things are displayed and offered for sale to the public at retail.
- (s) Transient lodging accommodations. The letting of rooms for transient occupancy in a licensed hotel, motel, or inn.
- (t) Veterinary practice. The office of a veterinarian; a primarily outpatient facility for the practice of veterinary medicine relating to the prevention, diagnosis, and treatment of customary household pets, including facilities for keeping overnight a maximum of three patients for short-term treatment or post-surgical recovery.
- (u) Veterinary hospital. A facility providing veterinary medical services on an outpatient or in-patient basis, and including without limitation, performance of clinical services, surgical services, research, and in-patient care for such animals.

(5) Open-air business uses.

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

(6) Light industrial uses.

- (a) Enclosed wholesale business or storage. Wholesale sales or commercial storage facility where all sales operations and storage are confined within a building.
- (b) Light manufacturing. Manufacturing, processing, fabrication, packaging and testing of food, textiles, or medical, electronic, mechanical, wood, or plastic products where the operations are confined within a building, and where appropriate facility and process controls are maintained to ensure i) that all dust, fumes, smoke, and vapors are effectively confined to the premises, and ii) that no noise, vibration, or flashing of light is perceptible without instruments beyond the boundaries of the lot on which the use is located.
- (c) Repair garage, auto body shop, or similar establishment for the repair, maintenance, or painting of motor vehicles or construction equipment, where all but minor repairs are conducted within a building sufficiently sound-insulated to confine disturbing noise to the

premises.

- (d) Research and development laboratory. A facility where basic research, applied research, and experimental development are used to create new or improved products or processes.
- (7) Renewable energy uses.
 - (a) Ground-mounted solar energy facility. See Article 20.
 - (b) Wind energy conversion facility. See Article 19.
- (8) Adult uses. Adult businesses including adult bookstores, adult motion-picture theaters, adult paraphernalia stores, adult video stores and establishments that display live nudity as defined in MGL c. 40A, § 9A.

D. Table of Principal Use Regulations.

Table of Principal Use Regulations									
Use Categories			Residential Districts			Commercial Districts			Official and Open Space District
			R-A	R-B	R-C	VIL ¹	HAR	3A-C	OS
1. Open Space, Governmental and Exempt Uses									
a.	Cemetery		SP	SP	SP	No	No	No	SP
b.	Child-care facility		Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
c.	Commercial agriculture		Yes	Yes	Yes	Yes	Yes	Yes	Yes
d.	Essential services		Yes	Yes	Yes	Yes	Yes	Yes	SP
e.	Exempt educational use		Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
f.	Farm		Yes	Yes	Yes	Yes	Yes	Yes	Yes
g.	Governmental use		Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
h.	Private conservation or open space recreational use		Yes	Yes	Yes	Yes	Yes	Yes	Yes
i.	Religious use		Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
2. Institutional Uses									
a.	Club or lodge		SP	SP	SP	SPP	SP	SP	No
b.	Hospital or nursing facility		SP*	SP*	SP*	Yes*	SP*	SP*	SP*

Table of Principal Use Regulations

Use Categories			Residential Districts			Commercial Districts			Official and Open Space District
			R-A	R-B	R-C	VIL ¹	HAR	3A-C	OS
c.	Library or museum		SP*	SP*	SP*	Yes*	SP*	SP*	SP*
3. Residential Uses									
a.	Assisted living facility		No	No	No	SPP*	No	SP*	No
d.	Single-family detached dwelling		Yes	Yes	Yes	SPP	No	SP	No
e.	Two-family conversion		Yes	Yes	Yes	SPP	No	SP	No
b.	Multifamily conversion		SP	SP	SP	SPP	No	SP	No
c.	Multifamily dwelling		No	No	No	SPP	No	SP	No
4. Business Uses									
a.	Automobile repair		No	No	No	No	No	SP*	No
b.	Building trade		No	No	No	Yes*	No	Yes*	No
c.	Craft shop; artist studio		No	No	No	Yes	No	Yes	No
d.	Financial or business office		No	No	No	Yes*	No	Yes*	No
e.	For-profit education		No	No	No	Yes*	No	Yes*	No

Table of Principal Use Regulations

Use Categories			Residential Districts			Commercial Districts			Official and Open Space District
			R-A	R-B	R-C	VIL ¹	HAR	3A-C	OS
f.	Funeral home; mortuary		SP*	SP*	SP*	SPP*	No	SP*	No
g.	Indoor entertainment, amusement, or sports facility		No	No	No	SPP*	SP*	SP*	No
h.	Medical laboratory or clinic		No	No	No	No	No	No	No
i.	Medical marijuana treatment center		No	No	No	No	No	SP*	No
j.	Mixed-use building		No	No	No	SPP*	No	SP*	No
k.	Office building		No	No	No	Yes*	No	Yes*	No
l.	Personal service establishment		No	No	No	Yes*	No	Yes*	No
m.	Print shop; photo studio		No	No	No	Yes*	No	Yes*	No
n.	Professional office		No	No	No	Yes*	No	Yes*	No
o.	Repair shop		No	No	No	Yes*	No	Yes*	No
p.	Restaurant		No	No	No	Yes*	SP*	Yes*	No
q.	Retail store		No	No	No	Yes*	SP*	Yes*	No
r.	Transient lodging facilities		No	No	No	SPP*	SP*	SP*	No

Table of Principal Use Regulations

Use Categories			Residential Districts			Commercial Districts			Official and Open Space District
			R-A	R-B	R-C	VIL ¹	HAR	3A-C	OS
s.	Veterinary practice		No	No	No	SP*	No	SP*	No
t.	Veterinary hospital		No	No	No	No	No	SP*	No
5. Open-Air Business Uses									
a.	Automobile service		No	No	No	No	No	SP*	No
b.	Commercial greenhouse; garden center		No	No	No	No	No	Yes*	No
c.	Dealership		No	No	No	No	No	SP*	No
d.	Kennels; stables		No	No	No	No	No	No	No
e.	Marina; boat yard		No	No	No	SPP	SP	Yes	No
f.	Open-air wholesale or storage business		No	No	No	No	No	No	No
g.	Outdoor entertainment		No	No	No	No	No	No	No
h.	Outdoor sports facility or club		No	No	No	No	SP*	Yes*	No
i.	Pet day care; pet boarding		No	No	No	No	No	Yes*	No
6. Light Industry Uses									

Table of Principal Use Regulations

Use Categories			Residential Districts			Commercial Districts			Official and Open Space District
			R-A	R-B	R-C	VIL ¹	HAR	3A-C	OS
a.	Enclosed wholesale or storage business		No	No	No	No	No	No	No
b.	Light manufacturing		No	No	No	No	No	No	No
c.	Repair garage; auto body shop		No	No	No	No	No	SP*	No
d.	Research and development laboratory		No	No	No	No	No	No	No
7. Alternative Energy Uses									
a.	Ground-mounted solar energy installation ²		No	No	No	No	No	SP	No
b.	Wind energy conversion facility		No	No	No	No	No	SP	No

NOTES:

1. Special permits in the VIL District are subject to the additional requirements specified in § 300-4.6.

2. Subject to the requirements specified in § 300-10.2E through M.

Editor's Note: Key to Table Symbols:

Yes = Permitted by right

SP = Permitted only with special permit issued by Zoning Board of Appeals

SPP = Permitted only with special permit issued by Planning Board

(*) = Use is subject to site plan revision provisions in § 300-12.7

Principal Uses in the 3A Multi-Family Overlay District [Added 6-3-2024 ATM by Art. 20]	
Multi-Family Dwelling	Yes
Mixed Use Building	Yes
Commercial Uses	As permitted in the underlying District (on 1 st fl.)
Government Use	Yes (on 1 st fl.)
Open Space Recreational Use	Yes as part of a Multi-Family or Mixed Use development
Accessory Uses in the 3A Multi-Family Overlay District	
	As permitted in the underlying District or VIL District

E. Special principal use regulations.

- (1) Medical marijuana treatment center/registered marijuana dispensary (RMD). The Zoning Board of Appeals may issue a special permit for the operation of a licensed and registered medical marijuana treatment center/marijuana dispensary (RMD), provided that all applicable requirements of this Zoning Bylaw are satisfied, including the following standards and limitations:
 - (a) Exterior signage may identify the RMD facility only by its registered name.
 - (b) The RMD may not use medical symbols, graphics or images of marijuana or related paraphernalia, or colloquial references to cannabis and/or marijuana, or otherwise display advertisements for marijuana or any brand of marijuana on the exterior of the building or in any interior signage or product display that is visible from outside the building.
 - (c) No exterior signage or interior signage or display visible from outside the building may use any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat a debilitating medical condition or related symptoms, or the recreational use of marijuana. Nor may any such signage or display include any statement, design, representation, picture, or illustration portraying any one under 18 years of age.
 - (d) An RMD may not be located within a radius of 500 feet from the site of a school, day-care center, playground, or any other facility in which children commonly congregate. The 500-foot distance will be measured in a straight line between the nearest point of the lot on which the facility in question is located to the nearest point of the lot on which the proposed RMD will be located.
 - (e) No marijuana may be ingested in any manner by anyone at the RMD, except as authorized pursuant to 105 CMR 725.105(N)(8) for the purposes of teaching use of vaporizers or demonstration of use of other related products.
 - (f) All dispensing, cultivation, preparation, and storage of marijuana may occur only within an enclosed, locked indoor area.
 - (g) The RMD must comply with all security requirements set forth in 105 CMR 725.110.

- (h) The RMD may not sell any products other than marijuana, including MIPs, marijuana seeds and other products such as vaporizers that facilitate the use of marijuana for medical purposes.
 - (i) Access to the RMD will be limited to those authorized pursuant to 105 CMR 725.110(A)(1).
 - (j) In deciding whether to grant a special permit for an RMD, the Zoning Board of Appeals may consider whether the applicant has entered into a host agreement with the Town and if so, the terms of such host agreement.
 - (k) In granting a special permit for an RMD, the Zoning Board of Appeals may impose such conditions as it deems reasonably necessary to ensure compliance with this Zoning Bylaw, including, but not limited to conditions that limit the RMD to operating only certain days of the week and/or during only certain hours of the day.
 - (l) The Zoning Board of Appeals may limit the duration of a special permit for an RMD to a specified time period and require the applicant to apply for a renewal of the special permit before the specified time period expires in order to continue operating the RMD.
- (2) Multifamily dwellings. The Zoning Board of Appeals may grant a special permit for construction and use of attached dwelling units and buildings containing two or more dwelling units in the DB and HB Districts, subject to the applicable dimensional requirements set forth in the § 300-5.3 Table of Dimensional Regulations and the applicable parking standards set forth in § 300-7.1. The Planning Board may grant such a special permit in the VB District.

§ 300-4.3. Accessory use regulations.¹¹ [Amended 12-9-2024STM by Art. 15]

A. General.

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

B. Special accessory use regulations. The following accessory uses are subject to special regulations.

- (1) Accessory dwelling unit (ADU). One ADU is allowed by-right within an existing principal

11. Editor's Note: The 3A-MFO multifamily overlay district was added to the Zoning Bylaw 6-3-2024ATM by Art. 20 and provided that accessory uses in the district shall be as permitted in the underlying district or the VIL District. See also § 300-4.7.

dwelling located in a single-family residential district, or within an accessory building on the same lot as such dwelling, subject to the following requirements:

- (a) No more than one ADU may be permitted on a lot.
 - (b) An ADU will not be permitted on a lot on which more than one principal dwelling is located.
 - (c) Except for lawfully preexisting nonconforming buildings, the subject lot and existing buildings must conform to the dimensional requirements applicable to single-family detached dwellings and their accessory buildings in the district in which the premises are located. Any structural changes or additions to accommodate the ADU must also conform to the applicable dimensional requirements.
 - (d) All exterior alterations of the principal dwelling to accommodate the ADU, including construction of exterior stairways or exits required by law, must be designed so that the exterior appearance of the building remains that of a residential dwelling. Exterior stairways and exits added to the principal dwelling must be located at the side or rear of the dwelling.
 - (e) Exterior alterations to either the principal dwelling or an accessory building to accommodate the ADU must be compatible with the architecture of the principal dwelling and must meet all applicable dimensional requirements for the district in which the premises are located.
 - (f) Adequate provisions must be made for both water supply and the disposal of sewage, waste and drainage generated by the principal single-family dwelling and the ADU in accordance with the requirements of the Board of Public Health.
 - (g) In addition to the off-street parking required for the principal dwelling, at least one off-street parking space must be provided for ADU, except that no additional parking space shall be required for an ADU located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.
 - (h) Any new outside parking and storage areas must be screened by fencing or landscaping.
 - (i) No ADU shall be used as a short-term rental as such term is defined by M.G.L. c. 64G.
- (1.1) An accessory dwelling unit - large (ADU-L) may be allowed by special permit granted by the Zoning Board of Appeals within a single-family detached dwelling located in a single-family residential district or within an accessory building on the same lot as such dwelling, subject to the following requirements:
- (a) The owner(s) of the subject premises must live in either the principal single-family dwelling or the ADU-L as his/her/their primary residence except for bona fide temporary absences. For purposes of this section, "owner(s)" shall mean one or more individuals who hold legal title or beneficial title to the premises.
 - (b) No more than one ADU-L may be permitted on a lot.
 - (c) An ADU-L will not be permitted on a lot on which more than one principal dwelling is located.
 - (d) To be eligible for an ADU-L special permit, the principal single-family dwelling must

have a net floor area of at least 1,250 square feet and must have been in existence for at least 10 years at the time the special permit application is submitted.

- (e) Except for lawfully preexisting nonconforming buildings, the subject lot and existing buildings must conform to the dimensional requirements applicable to single-family detached dwellings and their accessory buildings in the district in which the premises are located. Any structural changes or additions to accommodate the ADU-L must also conform to the applicable dimensional requirements or obtain appropriate zoning relief.
 - (f) All exterior alterations of the principal single-family dwelling to accommodate the ADU-L, including construction of exterior stairways or exits required by law, must be designed so that the exterior appearance of the building remains that of a single-family detached dwelling. Exterior stairways and exits added to the principal dwelling must be located at the side or rear of the dwelling.
 - (g) Exterior alterations to either the principal dwelling or an accessory building to accommodate the ADU-L must be compatible with the architecture of the principal single-family dwelling and must meet all applicable dimensional requirements for the district in which the premises are located.
 - (h) Adequate provisions must be made for both water supply and the disposal of sewage, waste and drainage generated by the principal single-family dwelling and the ADU-L in accordance with the requirements of the Board of Public Health.
 - (i) In addition to the off-street parking required for the principal dwelling, at least one off-street parking space must be provided for the ADU-L.
 - (j) The Zoning Board of Appeals may require that any new outside parking and storage areas be screened by fencing or landscaping.
 - (k) In order to grant a special permit for an ADU-L, the Zoning Board of Appeals must make a finding that the construction and occupancy of the ADU-L will not be more detrimental to the neighborhood in which the principal single-family dwelling is located, nor more injurious to persons or property than the existing single-family detached dwelling use.
 - (l) No ADU-L shall be used as a short-term rental as such term is defined by M.G.L. c. 64G.
- (2) Bed-and-breakfast establishment. The Zoning Board of Appeals may grant a special permit for operation of a bed-and-breakfast establishment as an accessory use in an existing, owner-occupied, single-family detached dwelling in any residential district, subject to the following requirements:
- (a) Rooms may be let only on a short-term basis, not to exceed periods of 90 days.
 - (b) No meals other than a breakfast may be provided to the guests.
 - (c) The bed-and-breakfast establishment must comply with all applicable state and local health requirements.
 - (d) No additions or other expansions may be made to an existing dwelling in order to create additional bed-and-breakfast guest rooms in a bed-and-breakfast establishment.
- (3) Common driveways. The Planning Board may grant a special permit to authorize the construction and use of a common driveway in the residential districts, for accessory access

purposes serving up to four detached single-family dwellings on separate lots, provided that the common driveway application satisfies the following requirements:

- (a) Each of the lots served by the common driveway must have at least the minimum frontage on a street required for the underlying district.
 - (b) Each of the lots served by the common driveway may be used for only one detached single-family dwelling.
 - (c) If the lots to be served by the common driveway must each be under separate ownership, the owners of all the lots to be served by the common driveway must be co-applicants for the special permit.
 - (d) The common driveway must provide direct access from a public street through the frontage of one of the lots to be served, or partly through one and partly through another adjacent lot to be served.
 - (e) The common driveway must be constructed to no less than 14 feet in width within an access easement of at least 20 feet in width, must be no longer than 750 feet in length, and must otherwise conform to the common driveway design and construction standards adopted by the Planning Board.
 - (f) The common driveway must result in less impervious lot coverage, fewer curb cuts on public streets, safer access, and/or fewer impacts on wetlands or other significant natural features than the alternative of having the lots accessed by multiple driveways or by a subdivision roadway.
 - (g) The common driveway must be constructed at least 10 feet from the boundary line of any abutting lot not served by the common driveway.
 - (h) No parking or structures will be allowed within the common driveway easement.
 - (i) The common driveway applicant must submit for the Planning Board's approval a proposed form of easement for use and maintenance of the common driveway (and any associated utility lines and drainage facilities) by the owners of the lots served, and which prohibits aboveground structures and parking within the easement.
 - (j) The common driveway applicant must submit for the Planning Board's approval a proposed form of covenant establishing legal and financial responsibilities for continuing maintenance, snow removal and repair of the common driveway, including any associated drainage facilities; providing specific standards for maintenance and repair; and providing a procedure for resolving disputes.
 - (k) If the Planning Board grants the common driveway special permit, the approved easement and covenant must be recorded with the special permit and referenced on the deeds to each of the lots served by the common driveway.
 - (l) A common driveway is not a "street" for frontage purposes under this Zoning Bylaw. The Planning Board shall include a statement to that effect in every common driveway special permit.
- (4) Family home day care. The Zoning Board of Appeals may grant a special permit for operation of a family home day care, as defined in MGL c. 15D, § 1A, as accessory to a lawful, single-

family detached dwelling use in any district.

- (5) Guesthouse. In any residential district, use of a lawful, accessory building as a guesthouse is permitted as accessory to a single-family detached dwelling use. Such guesthouse may be used only to accommodate personal guests and family members on a temporary and intermittent basis, without remuneration.
- (6) Home occupation. A customary home occupation is permitted by right as accessory to a detached single-family dwelling use in all residential districts, subject to the following requirements:
 - (a) The home occupation may be conducted only by one or more occupants of the principal dwelling.
 - (b) The home occupation must be conducted entirely within the principal dwelling or a lawful accessory building on the premises. No more than 600 square feet of gross floor area may be devoted to the home occupation.
 - (c) The home occupation must be clearly incidental and subordinate to use of the dwelling as a single-family residence.
 - (d) No exterior features may be added or changed that alter the residential nature of the premises, or that are not customary on residential premises. Any sign identifying the home occupation must comply with the applicable requirements of Article 6.
 - (e) Except for the temporary or seasonal open-air storage of fishing boats or fishing or lobstering equipment owned and used in the conduct of the home occupation by an occupant of the principal dwelling, any goods, wares, materials, equipment, or other items used or produced by the home occupation must be stored in a manner that is not visible from any abutting lot or street.
 - (f) No equipment or process may be used in the conduct of the home occupation that creates noise, vibration, glare, fumes, odors, or electric interference detectable to the normal senses beyond the boundaries of the lot.
 - (g) Off-street parking must be provided as required under Article 7.
- (7) Hardship cultivation of medical marijuana. Hardship cultivation of marijuana for medical use under a hardship registration is allowed as an accessory use in all districts, by right, subject to the following requirements and limitations:
 - (a) Hardship cultivation of marijuana may occur only in compliance with all the requirements of 105 CMR 725.035.
 - (b) Hardship cultivation and storage of marijuana may occur only in the primary residence of the registered qualifying patient or personal caregiver.
 - (c) Hardship cultivation and storage of marijuana may not occur in any accessory building or in the yard or other area outside the primary residence of the registered qualifying patient or personal caregiver.
 - (d) Hardship cultivation and storage of marijuana must be in an enclosed, locked, indoor area accessible only to the registered qualifying patient or his or her personal caregiver(s).

- (e) The hardship cultivation and storage of marijuana must not be visible or otherwise perceptible from the street or other public areas, including without limitation:
 - [1] Visual observation;
 - [2] Noise exceeding the maximum noise level permissible pursuant to applicable law;
 - [3] Smell or odor.
 - (f) Hardship cultivation of marijuana may occur only in compliance with all applicable building, sanitary and safety codes and must be conducted in a manner that does not endanger the public health, safety or welfare or create a risk of fire or public nuisance.
 - (g) The hardship cultivation of marijuana may not occur within the common area of any multifamily residential use.
 - (h) The Building Inspector may inspect the cultivation and/or storage site of a registered qualifying patient with a hardship cultivation registration, or the cultivation site of his or her personal caregiver(s), at any time. Acceptance of a hardship cultivation registration by a registered qualifying patient constitutes consent for such inspection of the cultivation and/or storage site.
 - (i) All registered qualifying patients or their personal caregivers shall provide annual written notice to the Building Inspector that they are engaged in the hardship cultivation of marijuana. Such written notice must state the address at which the hardship cultivation or storage of marijuana is occurring and the specific enclosed, locked area accessible only to the registered qualifying patient or his or her personal caregiver(s) in which the hardship cultivation or storage of marijuana is occurring.
- (8) Communication structures.
- (a) Accessory roof-mounted television antennas not exceeding 10 feet in height and dish-type antennas not exceeding 24 inches in diameter are allowed by right in all districts.
 - (b) The Zoning Board of Appeals may grant a special permit for the erection and maintenance of any other accessory radio, television or similar communication tower, antenna, or related structure. A special permit for any such tower, antenna, or related structures to be used in connection with the operation of an amateur radio station, however, may not be denied unless the Zoning Board of Appeals finds that the safety of the public would be endangered.
- (9) Parking or garaging of commercial motor vehicles. Garaging or parking of commercial motor vehicles is a permitted accessory use in all nonresidential districts. In the residential districts, however, the parking or garaging of commercial vehicles is limited to one light commercial motor vehicle (maximum of 10,000 pounds gross vehicle weight), unless the Zoning Board of Appeals authorizes the garaging or parking of more than one such light commercial vehicle or one larger commercial vehicle, by special permit.
- (10) Accessory small-scale solar energy systems. Small-scale solar energy systems are allowed by right in all districts as accessory to all residential and nonresidential uses.
- (a) Roof-mounted accessory solar energy panels are excluded from building height measurement provided they do not project more than six feet above the highest point of

the building's roofline.

- (b) Ground-mounted accessory solar energy installations are subject to the setback and ground coverage regulations for the underlying district. Such installations may not exceed 12 feet in height, except as may be allowed by special permit.
 - (c) The Zoning Board of Appeals may grant a special permit for a ground-mounted solar energy installation that exceeds the twelve-foot height limit at various times of the day, such as a "flower-style" system, provided however that the maximum height of such an installation, when fully extended, may not exceed 18 feet, and may not extend into any required setback area of the lot.
- (11) Electric vehicle charging station.
- (a) In residential districts, an accessory EVCS for use by the occupants of the premises is allowed as of right.
 - (b) In all nonresidential districts, the Planning Board may approve the installation of one or more accessory electric vehicle charging stations through site plan review, subject to the following:
 - [1] (Reserved)
 - [2] The installation of the charging station will not result in the reduction of required parking spaces.
 - [3] The location and positioning of the charging station allows for safe and easy accessibility.
 - [4] The Planning Board may condition its approval with appropriate safeguards such as imposing a limit on the height, number, and type of charging stations allowed on the premises, and requiring screening and landscaping.
- (12) Drive-through or drive-up service facility. The Planning Board may issue a special permit for a drive-through or drive-up service window or kiosk to serve a principal business use in a nonresidential district provided the Planning Board finds that such feature is customarily accessory to the business use served, and that it will not result in undue safety hazards either on the business premises or on any adjacent public way. At a minimum, the following requirements shall apply:
- (a) The applicant must submit a detailed analysis of the average wait time and the average number of vehicles expected to be served during each hour the business is open.
 - (b) A dedicated drive-through service lane must be provided that is separate and distinct from any parking aisle, fire lane, or other site circulation lane.
 - (c) The drive-through service lane must be designed so that there is adequate space to accommodate the expected number of waiting vehicles at peak times.
 - (d) The entrance and exit for the drive-through service lane must be located at least 25 feet from any street intersection or pedestrian crosswalk.
- (13) Mechanical or live entertainment. The Zoning Board of Appeals may grant a special permit to allow mechanical or live entertainment as accessory to a restaurant use in the DB, WB, HB, TB,

and LI Districts. The Planning Board may grant a special permit to allow such entertainment as accessory to a restaurant use in the VB District.

- (14) Open display and storage. The open display and storage of goods, products, materials, or equipment is permitted as accessory to a business or light industrial use conducted in a completely enclosed building on the same premises, provided that no portion of the open display or storage extends beyond the minimum building setback requirements for the underlying district unless allowed as a temporary use under § 300-4.4D.

§ 300-4.4. Temporary uses.

A. Trailers and mobile homes.

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

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

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

D. Temporary unenclosed storage. Temporary unenclosed storage of building supplies and equipment is allowed in connection with a building permit issued for the lot. All such supplies and equipment must be removed within 60 days from completion of the work for which the building permit was issued.

E. Temporary open displays. In the VB District only, the Building Inspector may allow the temporary open display of goods, products, materials, or equipment on public sidewalks during normal business hours, provided that such display neither reduces the usable width of the sidewalk to less than four feet nor interferes with safe and adequate pedestrian passage on the sidewalk.

§ 300-4.5. Inclusionary housing contribution (IHC) requirements.

The purposes of the following inclusionary housing contribution requirements are to increase affordable housing opportunities throughout the Town of Cohasset, and to create "local action units" as defined in 760 CMR 56 eligible for inclusion in the Town's "subsidized housing inventory" (as defined in 760 CMR 56).

A. Minimum IHC requirements.

- (1) A minimum IHC equal to 10% of the total number of new dwelling units will be required as a condition of a special permit allowing any residential cluster development, multifamily conversion, multifamily dwelling, mixed-use building, or mixed-use development that results in a net increase of five or more dwelling units in the Town, whether by new construction or by alteration, reconstruction, or change of existing residential or nonresidential space, and whether on one lot or on contiguous lots.
- (2) A minimum IHC equal to 10% of the total number of new lots created will be required for a residential cluster development subdivision resulting in five or more building lots for residential use.
- (3) Development projects may not be segmented into phases to avoid compliance with the minimum IHC requirement.
- (4) Whenever the 10% calculation results in a fractional number of 0.05 or more, the fractional number will be rounded up to a whole number. Whenever the 10% calculation results in a fractional number of less than 0.05, the applicant may elect to have the fractional number rounded up to the next whole number or to have the fractional number converted to a cash payment equivalent based upon the payment in lieu formula provided in § 300-4.5B.
- (5) If any applicable federal or state law requires a greater number or percentage of "local action units," than required in this Zoning Bylaw, the greater number or percentage will control.

B. Methods for meeting IHC requirements.

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

- C. Density bonus. In granting a special permit for a residential cluster development or cluster development subdivision, the Planning Board may authorize up to a 10% increase in the number of dwelling units or the number of buildable lots otherwise allowable under Article 10.
- D. Deed restrictions. Each IHC dwelling unit must be made subject to an affordable housing deed rider meeting the requirements established by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for the Local Initiative Program.

§ 300-4.6. Additional use regulations for VIL District. [Added 11-13-2007 by Art. 4; amended 5-2-2015 ATM by Art. 21; 4-30-2018 ATM by Art. 19; 11-13-2023STM by Art. 13; 6-3-2024ATM by Art. 16]

- A. Performance standards. In addition to the requirements and procedures set forth in § 300-12.5, applications for special permits in the Village (VIL) District shall be subject to the additional required performance standards included in this section. 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 § 300-4.6, as follows:
 - (1) 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:
 - (a) 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's predecessor Article 18.
 - (b) 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 dwelling units; 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.
 - (c) For purposes of the previous Subsection A(1)(b), the term "low- or moderate-income dwelling units" means:
 - [1] Low- or moderate-income housing as defined in MGL c. 40B and its regulations;
 - [2] "Community housing" as defined in MGL c. 44B and its regulations; and/or
 - [3] 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 MGL c. 40B and its regulations.
 - (2) The total residential gross floor area of a dwelling unit in the VIL District shall be not less than 700 square feet nor more than 1,500 square feet.
 - (3) In addition to the required performance standards in this section, the special permit granting authority may adopt regulations establishing additional design guidelines for development in the

VIL District.

- (4) 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.
 - (5) 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 VIL District that was built prior to January 15, 1955, until first requesting, in addition to those reports detailed in § 300-12.5, a report thereof from the Historical Commission, or until the Historical Commission has allowed 35 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.
- B. In the VIL District, the special permit granting authority may allow dwelling units on ground floors of buildings only where:
- (1) 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
 - (2) 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 service uses located adjacent to a street.
- C. The Planning Board shall be the special permit granting authority for uses identified by the letters "SPP" in the Table of Principal Use Regulations. A special permit issued pursuant to this section shall not be a substitute for compliance with § 300-12.7, Site plan review, of this Zoning Bylaw where such compliance is required pursuant to applicable law. The grant of a special permit pursuant to this section shall not constitute a waiver of any requirement of § 300-12.7. 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 this Zoning Bylaw, including without limitation the requirements of § 300-12.5, § 300-12.7, this section and the rules of the special permit granting authority relative to issuance of special permits.

§ 300-4.7. Additional use regulations for 3A-MFO District. [Added 6-3-2024ATM by Art. 20; amended 12-9-2024STM by Art. 17]

- A. The purpose of the 3A-MFO Overlay District is to allow multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A, Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. In addition, § 300-4.7 is intended to encourage:
- (1) New or redeveloped housing in close proximity to the Cohasset commuter rail station;
 - (2) A mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gases, improve air quality, and concentrate development where adequate facilities and services exist to support it;
 - (3) New investment in housing and mixed-use developments in the Overlay District.

- B. Unless otherwise regulated within this § 300-4.7, all use, dimension, and all other provisions of the Zoning Bylaw shall remain in full force. Where the 3A-MFO authorizes uses not otherwise allowed in the underlying district, the provisions of the 3A-MFO shall control.
- C. All projects proposed within the 3A-MFO District shall be subject to site plan review before the Planning Board pursuant to § 300-12.7 herein; however, such § 300-12.7 shall be applied and construed in a manner consistent with Section 4A of the Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time.
- D. All projects proposed within the 3A-MFO District shall be subject to all other applicable General and Zoning Bylaws of the Town, including, but not limited to, Chapter 223 of the General Bylaws (Stormwater Management), but shall not be subject to the requirement for special permits as specified in Article 9.
- E. Uses.
 - (1) Multi-family use within the 3A-MFO District is allowed as of right.
 - (2) Mixed use is encouraged to be developed as part of a project within the 3A-MFO District especially if a project proposed replaces a pre-existing commercial use.
 - (a) Commercial uses, if constructed, shall be constructed on the first floor of buildings.
 - (b) The allowed commercial uses in a mixed-use project in the 3A-MFO District would be the same retail, office and service uses allowed in the underlying 3A-C District, and additionally home occupation, and government service provider.

ARTICLE 5

Dimensional Regulations

[Amended 3-3-1962 by Art. 23; 3-7-1964 by Art. 38; 4-3-1982 by Art. 1; 4-3-1982 by Art. 14; 6-18-1984 by Art. 7; 6-18-1984 by Art. 8; 4-8-1985 by Art. 41; 3-27-1993 by Art. 23; 3-31-2001 by Art. 22; 11-17-2003 by Art. 16; 3-27-2004 by Art. 7; 4-1-2006 by Art. 18; 5-12-2012; 5-21-2012 by Arts. 23 and 25; 4-30-2018 ATM by Art. 20; 11-13-2023STM by Art. 14; 11-13-2023STM by Art. 14; 6-3-2024ATM by Art. 17; 6-3-2024ATM by Art. 18; 6-3-2024ATM by Art. 19]

§ 300-5.1. General.

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

§ 300-5.2. Interpretation. [Amended 12-9-2024STM by Art. 16]

The basic dimensional requirements pertaining to development and use of land and structures in each zoning district are set forth in the § 300-5.3, Table of Dimensional Regulations. For purposes of interpreting said dimensional requirements, the following rules will apply:

- A. Lot area. The calculation of minimum lot area may not include any land within the limits of an abutting street or private way, or any portion of the lot below mean high water.
- B. Lot frontage. Minimum lot frontage is measured along a continuous length of the street line. On corner and through lots, minimum frontage is measured along one street line only.
- C. Lot width.
 - (1) The required minimum lot width specified in the § 300-5.3 Table of Dimensional Regulations is measured between the sidelines of the lot, along a line which is parallel to the center line of the abutting street and touches the point of the principal building nearest to the front lot line, which measurement line may or may not coincide with the required front setback line.
 - (2) The portion of the lot between the front yard setback line and the front lot line may have a lesser lot width than the minimum lot width specified in § 300-5.3, provided the lot width of said portion is equal to or greater than the required frontage distance at all points.
- D. Setbacks.
 - (1) Front, side, and rear yard setbacks must conform to the yard definitions set forth in Article 2 of this Zoning Bylaw.

- (2) The minimum required front yard setback for a building is measured from the front lot line and extends the full width of the lot between the side lot lines; provided, however, that where a street has a right-of-way width of less than 40 feet, the setback distance shall include an additional 20 feet and be measured from the center line 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 Article 2.
- (3) For the purpose of determining front yard setback requirements, all yards bounding on a street, including but not limited to through lots and corner lots, will be considered front yards.
- (4) When measuring the setback distance between a building and a property line, the following permitted building projections shall be disregarded:
- (a) Construction elements that extend no more than two feet from the building wall surface, including but not limited to eaves, chimneys, bay windows that do not provide additional floor area, and belt courses; and
 - (b) Unenclosed entry porches, unenclosed steps, and bulkheads, provided that they do not exceed 30 square feet in area, and do not project more than six feet from the foundation wall of the building.
- E. Lot coverage. The lot area measurement used to calculate lot coverage by buildings and other impervious surfaces may not include more than 50% of any wetlands, water bodies, and land with slopes greater than 45% within the lot boundaries.

§ 300-5.3. Table of Dimensional Regulations. [Amended 12-9-2024STM by Art. 17]

Table of Dimensional Regulations										
District	Min. Lot Area (square feet)	Min. Lot Frontage (feet)	Min. Lot Width (feet)	Min. Setbacks (feet)			Max. Height (feet)		Max. % Lot Coverage	
				Front	Side	Rear	Principal	Accessory ¹	Total	By Buildings
R-A	18,000 ²	50	100	20	15 ³	15 ⁴	35	25	30	20 ⁵
R-B	35,000 ⁶	50	125	30	20 ⁷	20 ⁸	35	25	30	20R-
R-C	60,000 ⁹	50	150	30	20 ¹⁰	30 ¹¹	35	25	30	20
HAR	—	20	20	15	10	15	35	25	80	—
VIL	5,000	50	50	15	10	15	35	25	80	—
3A-C	10,000 ¹³	50 ¹⁴	100 ¹⁵	50 ¹⁶	20 ¹⁷	20 ¹⁸	35	25	60	25 ¹⁹
OS	—	—	—	30	20	30	35	25	—	25

NOTES:

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

² Plus 6,000 square feet for each additional dwelling unit created in a two-family conversion or a multifamily conversion.

NOTES:	
3	Except 10 feet for any portion of a principal building with less than 15 feet in height, and three feet for any accessory building with less than 15 feet in height and set back at least 75 feet from the front lot line.
4	Except three feet for any accessory building with less than 15 feet in height and set back setback of at least 75 feet from the front lot line.
5	Except the lesser of 25% of the lot area or 3,600 square feet for a lawfully preexisting nonconforming lot containing less than 18,000 square feet of area.
6	48,000 square feet for a two-family conversion; 48,000 square feet for the first two dwelling units in a multifamily conversion plus 8,000 square feet for each additional dwelling unit.
7	Except 15 feet for any portion of a principal building with less than 15 feet in height, and six feet for any accessory building with less than 15 feet in height and set back at least 100 feet from the front lot line.
8	Except six feet for any accessory building with less than 15 feet in height and set back at least 100 feet from the front lot line.
9	80,000 square feet for a two-family conversion; 80,000 square feet for the first two dwelling units in a multifamily conversion plus 10,000 square feet for each additional dwelling unit.
10	Except 15 feet for any portion of a principal building with less than 15 feet in height, and six feet for any accessory building with less than 15 feet in height and set back at least 100 feet from the front lot line.
11	Except six feet for any accessory building with less than 15 feet in height and set back at least 100 feet from the front lot line.
12	Except where the Zoning Bylaw otherwise expressly limits the height of certain accessory structures such as, but not limited to, signs, fences, solar energy installations, or communication structures.
13	88,000 square feet for any dwelling containing two dwelling units, plus 4,000 square feet for each additional dwelling unit.
14	200 feet for any dwelling containing two or more dwelling units.
15	200 feet for any dwelling containing two or more dwelling units.
16	15 feet for an accessory freestanding sign; 100 feet for any dwelling containing two or more dwelling units.
17	50 feet for any dwelling containing two or more dwelling units.
18	50 feet for any dwelling containing two or more dwelling units.
19	No maximum building coverage if the lot is used for a dwelling containing two or more dwelling units.

Dimensional Limits in the 3A Multi-Family Overlay District	
Maximum Density	15 units per acre
Minimum Frontage	75 ft.
Minimum Green Strip where project abuts Rte. 3A	25 ft.
Minimum Primary Structure Front Setback	50 ft.
Minimum Primary Structure Side & Rear Setbacks	25 ft.
Minimum Accessory Structure Front Setback	75 ft.
Minimum Accessory Structure Side & Rear Setbacks	10 ft. 15 ft. if > 15 ft. high
Maximum Height	35 ft. or 3 stories
Maximum Lot Clearing	80%
Maximum Coverage - Hardscape + Primary Structure	70%
Maximum Floor Area Ratio	1.3

§ 300-5.4. Supplemental regulations.

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

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

Districts.

- H. The Planning Board may grant a special permit to allow a reduction in the minimum side, front or rear yard setback requirements specified in the Table of Dimensional Regulations for the VB District.
- I. Minimum side yard requirements will not apply in the DB or VB District where the side lot line abuts a railroad right-of-way. The minimum rear yard requirements will not apply in the LI District where the rear lot line abuts a railroad right-of-way.
- J. In any district except the HB and LI Districts, as an alternative to the minimum front setback requirements specified in the Table of Dimensional Regulations, a building may be set back from the street line a distance equal to the average setbacks of the principal buildings located within 200 feet on either side the building in question. If no principal building is located within said 200 feet, the intervening space will be counted as a building meeting the minimum front setback specified in the table (whether or not said space is laid out as a separate lot).
- K. Within the HB, TB, and LI Districts, no building or other structure may be built within 100 feet of a residence district boundary, except where the district boundary is a street, in which case the required distance will be reduced to 50 feet.
- L. In the VB District, no new building may be located closer than 30 feet to any R-A or R- B District boundary, provided, that where a lot is located only partially within the VB District, this requirement will be satisfied if all new buildings on the lot are located at least 30 feet from any property boundary line which abuts an R-A or R-B zoned lot.
- M. Within the HB, TB, and LI Districts, a green strip not less than 35 feet wide must be maintained along the street frontage of any developed lot. Such green strip must be landscaped with grass, trees and/or shrubs. No paved areas except driveways, and no structures except permitted signs, are allowed within the required green strip.
- N. Within the HB, TB, and LI Districts, a green strip not less than 30 feet wide must be maintained along any property line abutting land residentially zoned land. The green strip may not be built upon or used for any purpose other than to serve as a vegetative buffer on which grass, bushes, flowers, or trees are grown and maintained. No structures or pavement are allowed within the required green strip.
- O. In the VB District, the municipal parking lot shown on the Assessor's Map as Parcels 18-004 and 18-014 may be used to satisfy the minimum lot frontage requirements specified in the Table of Dimensional Regulations, provided that the length of the property line bounding on the municipal parking lot is at least equal to the minimum frontage length specified in the table.
- P. Notwithstanding the height limitations set forth in the Table of Dimensional Regulations, the Zoning Board of Appeals may grant a special permit to allow light poles and lighting facilities to be erected to a height of 70 feet in the HB and LI Districts, for the sole purpose of illuminating athletic fields for night sporting events.
- Q. Landfill height limit. The vertical distance above the mean level of the ground within 10 feet of the horizontal limit of a landfill to the top surface of the landfill, including any final cap or covering material, may not exceed 45 feet.
- R. The minimum width of a legal service driveway is 12 feet.
- S. In the VIL and Harbor Districts, the following special height and setback restrictions will apply to buildings and other structures built within 25 feet of any residence district boundary other than a

boundary formed by a street: **[Added 6-3-2024ATM by Art. 22]**

- (1) No portion of a principal building or structure built within said 25 feet may exceed 28 feet in height, and no portion of an accessory building or other structure built within said 25 -foot distance may exceed 10 feet in height.
- (2) No portion of a building or structure may be built within 15 feet of a side or rear lot line abutting a residence district boundary.

§ 300-5.5. Large house plan review.

A. Applicability.

- i) Unless the Building Inspector is in receipt of a written statement from the Planning Board that it has reviewed and approved an application for large house review in accordance with the provisions of this section, no building permit may issue for i) new construction of a single-family detached dwelling or building accessory to such a dwelling, or ii) any exterior alteration, expansion, reconstruction, or replacement of an existing single-family detached dwelling or building accessory to such dwelling, if the resulting residential gross floor area (RGFA) on the lot will exceed the greater of 4,000 square feet or an RGFA equal to 10% of the area of a lot.
- ii) This RGFA threshold for large house plan review applicability is not intended to alter or nullify the applicability of any other regulations set forth in Article 5 that may or may not affect the calculation of RGFA.

B. Application requirements.

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

C. Planning Board review. An important purpose of the large house plan review process is to provide an

opportunity for the Planning Board to discuss large house plan with the applicant and the abutters, toward the objective of making the proposed plan harmonious with, rather than harmful, injurious or objectionable to, existing properties and uses in the area.

- (1) Among the factors the Planning Board will consider in reviewing a proposed project is the degree to which the proposed construction conforms to following design standards:
 - (a) Scale of buildings. The scale of the proposed construction should be appropriate in relation to the scale of other buildings in its vicinity. The construction plans should employ appropriate massing, screening, lighting, building and siding materials and other architectural techniques such as variation in detail, form and siting. The plans should address the need for vegetated buffers or screening, and the arrangement of structures to minimize casting shadows onto abutting property.
 - (b) Preservation of landscape. The construction plan should minimize soil removal, as well as changes to wetlands, floodplains, hilltops, existing grades and existing vegetation on the site, and should preserve unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features.
 - (c) Lighting. Exterior lighting should be limited to only that necessary to accomplish safety and design objectives and must be arranged to minimize the impact on neighboring properties.
 - (d) Circulation. Walkways, drives and parking must be designed be safe and convenient and, insofar as practicable, should be designed and located in a manner that will not have adverse effects on the use and enjoyment of adjacent properties or on any Town streets abutting the premises.
- (2) In addition to the above design standards, the Planning Board may consider other factors based on previous reviews and decisions, on recommendations received from other Town boards or agencies, and by the requirements of other permits that have already issued or that may be required for the proposed construction.

D. Procedure.

- (1) The Planning Board shall hold a hearing within 35 days of the filing of an application for a large house plan review.
- (2) The Planning Board shall, within one week of receipt of the application, transmit copies of the application and supporting materials to appropriate Town boards and departments for review.
- (3) The Planning Board shall give notice of such hearing to the applicant and to all owners of abutting lots in the manner called for in the Planning Board rules and regulations.
- (4) Within 14 days after the conclusion of the public hearing, the Planning Board shall either approve the application or approve the application with conditions and send a written statement of this final decision to the applicant and to the owners of abutting lots by regular mail. The Planning Board shall also transmit a copy of the final decision to the Building Inspector.

- E. Post approval. Any building, reconstruction or expansion following the Planning Board's approval of a large house plan must conform with any conditions in the statement of approval, and in all other respects with the application, plan, supporting documents and other representations of the applicant.

- F. Any changes or design deviations from the reviewed project must be resubmitted to the Planning Board for a subsequent, additional review unless determined by the Building Inspector to be minor or insubstantial in nature.

§ 300-5.6. Temporary structures.

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

ARTICLE 6

Sign Regulations

[Amended 3-6-1967 by Art. 32; 3-2-1968 by Art. 29; 4-6-1991 by Art. 51; 3-25-1995 by Arts. 60 and 62; 3-28-1998 by Art. 37; 3-27-2004 by Art. 9; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 5-1-2023ATM by Art. 23]

§ 300-6.1. General.

- A. No sign other than a posting sign or an identification sign not exceeding two square feet in area, a temporary real estate for sale or lease sign, or a temporary political or noncommercial sign, may be erected, altered, or relocated without a permit issued by the Building Inspector. Permit review shall be confined to determining whether the sign conforms to this Zoning Bylaw. The Building Inspector may require a drawing and other pertinent information before issuing a permit.
- B. The Building Inspector shall order the removal of any new signs which do not conform to this Zoning Bylaw.
- C. All signs, whether erected before or after the effective date of this Zoning Bylaw, shall be maintained in a safe condition to the satisfaction of the Building Inspector. The Building Inspector may order the repair or removal of any sign which has deteriorated to an unsafe physical condition.
- D. Exempt Signs. Signs erected and maintained by the Town, the Commonwealth of Massachusetts, or the federal government on any land, building or structures in use by such entities are exempt from regulation under this article.

§ 300-6.2. Signs prohibited in all districts.

- A. Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises where the sign is located are prohibited. Such signs must be removed no more than 30 days after the subject activity, business, production, or service permanently ceases operations on the premises.
- B. Billboards and other permanent, nonaccessory signs are prohibited.
- C. Promotional signs consisting of pennants, streamers, ribbons, spinners or other similar moving devices are prohibited.
- D. Except for digital displays of time, temperature or fuel prices, mechanical signs, signs with moving parts, changing or scrolling images or parts, and signs which create the illusion of movement are prohibited.
- E. Signs with blinking, flashing, or fluttering lights or other illuminating devices with changing light intensity, brightness, or color, and fluorescent, exposed gaseous tube type and neon signs are prohibited, whether exterior to a building or designed to be visible through a door or window.
- F. (Reserved)
- G. Signs illuminated by other than a stationary white or off-white steady light are prohibited.
- H. Signs painted directly on a wall, rock, tree, or pole are prohibited.
- I. Portable signs are prohibited except as temporary signs.

§ 300-6.3. Other restrictions and limitations applicable in all districts.

- A. Sign illumination must be designed so that it casts no glare onto any portion of any street or neighboring residential premises.
- B. No signs, other than posting signs or temporary signs allowed under § 300-6.4B, may be pasted on or attached to a utility pole, tree, fence, or another sign or structure located within or over a public or private way.
- C. Signs must be located in such a way that they do not obstruct visibility or otherwise pose a safety hazard for travel on a public way.
- D. An attached sign may not extend above the main roofline of the building to which it is fastened.
- E. A nonconforming sign may not be altered except to make it conform to this article. A change of message, repainting, and repair are not alterations.
- F. Illumination of signs on nonresidential premises is limited to the hours between 6:00 a.m. and 10:00 p.m., provided that a sign for a business, facility, or office that is open to the public after 10:00 p.m. may be illuminated until closing.

§ 300-6.4. Signs allowed in all districts.

- A. Political and other noncommercial signs are allowed in all districts, subject to the following provisions:
 - (1) The sign must comply with § 300-6.3.
 - (2) The sign may not exceed the height limits otherwise applicable to signs in the district in which it is located.
 - (3) The sign area may not exceed the area of the largest sign area allowed in the district in which it is located.
 - (4) Except for temporary political signs, the number of noncommercial signs on a premises may not exceed the number of commercial or other signs also allowed on that premises.
- B. Street banners or other temporary, nonaccessory signs advertising a public entertainment or a charitable, religious, or educational event, may be displayed only in locations approved by the Building Inspector. Such signs may be displayed no more than 14 days prior to the event and must be removed within seven days after the event.
- C. Temporary Accessory Signs. A permit for a temporary accessory sign shall be limited to 30 days and may be renewed for only one additional thirty-day period during any twelve-month period.
- D. Posting signs, provided such signs do not exceed two square feet in area.
- E. Directional signs, provided such signs do not exceed one square foot in area.

§ 300-6.5. Signs allowed in residential districts.

- A. The following signs are allowed on premises in the residential districts:
 - (1) Two accessory signs identifying a home occupation or other lawful accessory use on the

premises.

- (2) One unlighted temporary sign advertising the sale, lease, construction, or repair of the premises.
- (3) One identification sign is located at the front entrance to the principal building on the premises or in the front yard of the premises.

B. The following setback, height, and surface area regulations apply to signs in the residential districts:

- (1) No sign larger than two square feet in area may be placed within 15 feet of any property lot line unless attached to a building, except temporary signs.
- (2) No sign may exceed six square feet in area.
- (3) No freestanding sign may exceed 10 feet in height.

§ 300-6.6. Signs allowed in business and light industry districts.

A. The following signs are allowed on premises in the business and light industry districts:

- (1) One accessory sign for each tenant of a building may be attached flat against the wall of the building, provided that such sign does not exceed 25 square feet in area per tenant and that the total sign area for multiple tenants does not exceed 10% of the surface area of the wall.
- (2) One other accessory sign, either attached or freestanding, not exceeding 40 square feet in area for each 200 feet of lot frontage on a street, provided that only one such sign may be permitted on a lot having a frontage of less than 200 feet.
- (3) One directory of the establishments occupying a building may be located at each public entrance to the building. Such sign shall not exceed one square foot of area for each establishment occupying the building.
- (4) One identification sign not exceeding six square feet in area located at the front entrance to each building on the premises.
- (5) One unlighted temporary sign advertising the sale or lease of the premises.
- (6) In the business districts, each premises may display one decorative or emblematic cloth flag, no larger than 20 square feet. Such flag may extend over the sidewalk, provided it extends no closer than two feet from the curbline and no lower than eight feet above the sidewalk. Flags containing advertising copy or other written messages may be displayed only as temporary signs.

B. The following location and height restrictions apply to signs in the business and industrial districts:

- (1) No sign may be located closer than 15 feet from any property line.
- (2) No freestanding sign may exceed 20 feet in height, except that freestanding directional signs may not exceed four feet in height.

ARTICLE 7

Off-Street Parking, Loading and Access Regulations

[Amended 4-8-1985 by Art. 39; 4-7-1986 by Art. 41; 4-7-1986 by Art. 42; 4-7-1986 by Art. 41; 3-28-1998 by Art. 27; 3-31-2001 by Art. 25; 4-1-2006 by Art. 14; 4-1-2006 by Art. 18; 11-13-2007 by Art. 4; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 6-3-2024ATM by Art. 21]

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

§ 300-7.1. Off-street parking requirements.

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	
Use ¹	Number of Parking Spaces Required
Open Space, Governmental and Exempt Uses	
Cemetery, Commercial Agriculture, Farm, Private Conservation or Open Space Recreational Use	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
Child Care Facility	Min. of 1 space per employee plus 1 space per 200 square feet of net floor area
Essential Services, Exempt Educational Use, Religious Use	Min. of 1 space per 200 square feet of net floor area ²
Residential Uses	
Assisted Living Facility	1 space for each sleeping room for single or double occupancy, or where not divided into such rooms (as in a dormitory) 1 space for each 2 beds + 1 space for each 4 employees on the largest shift
Single-Family Detached Dwelling, Two - Family Conversion, Multi-Family Conversion	2 spaces per unit
Dwelling for > 1 family in 3A-C, HAR Districts	1.5 spaces per unit on same or contiguous lot in common ownership, subject to covenant to assure permanent use for off-street parking, as the Zoning Board of Appeals deems adequate

Table of Off-Street Parking Standards	
Use ¹	Number of Parking Spaces Required
Dwelling for > 1 family in VIL District	1.5 spaces per unit unless the apartments are proposed within that portion of a building existing on January 5, 1955, or unless a reduced number is specifically authorized within the final action of the special permit granting authority upon a finding that 1.5 spaces per unit is not necessary for public safety and convenience, that the creation of on-site parking spaces is incompatible with approved design guidelines or that adequate provision for parking has otherwise been proposed
Dwelling for > 1 family in 3A-MFO District	1.5 spaces per residential unit + number of spaces required for any commercial use in a mixed-use project
Governmental Use	Min. of 1 space per 500 square feet of net floor area
Institutional Uses	
Club or Lodge	1 space for each 3 seats, or where benches are used, 1 space for each 6 linear feet of bench; where no fixed seats are used, 1 space per 80 square feet of public floor area
Hospital or Nursing Facility	1 space for each sleeping room for single or double occupancy, or where not divided into such rooms (as in a dormitory) 1 space for each 2 beds + 1 space for each 4 employees on the largest shift
Library or Museum	Min. of 1 space per 200 square feet of net floor area
Residential Uses	
Transient Lodging Facilities	1 space for each sleeping room for single or double occupancy, or where not divided into such rooms (as in a dormitory) 1 space for each 2 beds
Veterinary Practice, Veterinary Hospital	Min. of 1 space per employee plus 1 space per 200 square feet of net floor area
Business Uses	
Automobile Repair, Building Trade, Craft Shop/ Artist Studio, Financial or Business Office, For-Profit Education, Funeral Home; Mortuary; Indoor Entertainment, Amusement, or Sports Facility, Medical Laboratory or Clinic, Medical Marijuana Treatment Center, Office Building, Personal Service Establishment, Print Shop/Photo Studio, Professional Office, Repair Shop, Retail Store	Min. of 1 space for each 100 square feet of net floor area, except 1 space for each 200 square feet of net floor area in the 3A-C District
Mixed Use Building	Number of parking spaces shall be calculated separately for each use

Table of Off-Street Parking Standards	
Use ¹	Number of Parking Spaces Required
Restaurant	1 space for each 3 seats, or where benches are used, 1 space for each 6 linear feet of bench, or where no fixed seats are used 1 space per 80 square feet of public floor area; plus 1 space for every 4 employees of the largest shift
Open Air Business Uses	
Automobile Service, Commercial Greenhouse/Garden Center, Dealership, Kennels/Stables, Marina/Boat Yard, Open Air Wholesale or Storage Business	Min. of 1 space for each 200 square feet of net floor area for indoor space plus sufficient additional 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
Outdoor Entertainment, Outdoor Sports Facility or Club	Min. of 1 space for each 300 square feet of net floor area for indoor space, plus sufficient additional 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
Pet Day Care; Pet Boarding	Min. of 1 space per employee plus 1 space per 200 square feet of net floor area
Light Industry Uses	
Enclosed Wholesale or Storage Business, Light Manufacturing, Repair Garage/Auto Body Shop, Research and Development Laboratory	Min. of 1 space for each 200 square feet of net floor area
Alternative Energy Uses	
Ground Mounted Solar Energy Installation, Wind Energy Conversion Facility	1 space per employee plus 3 spaces for service vehicles

Notes:

- ¹ Corresponds to uses listed in the Table of Principal Uses, § 300-4.2D.
- ² "Net floor area" in all commercial or institutional buildings does not include bathrooms, closets and hallways.

§ 300-7.2. General parking and loading regulations.

- A. 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.
- B. 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 1/2 shall require one parking or loading space.

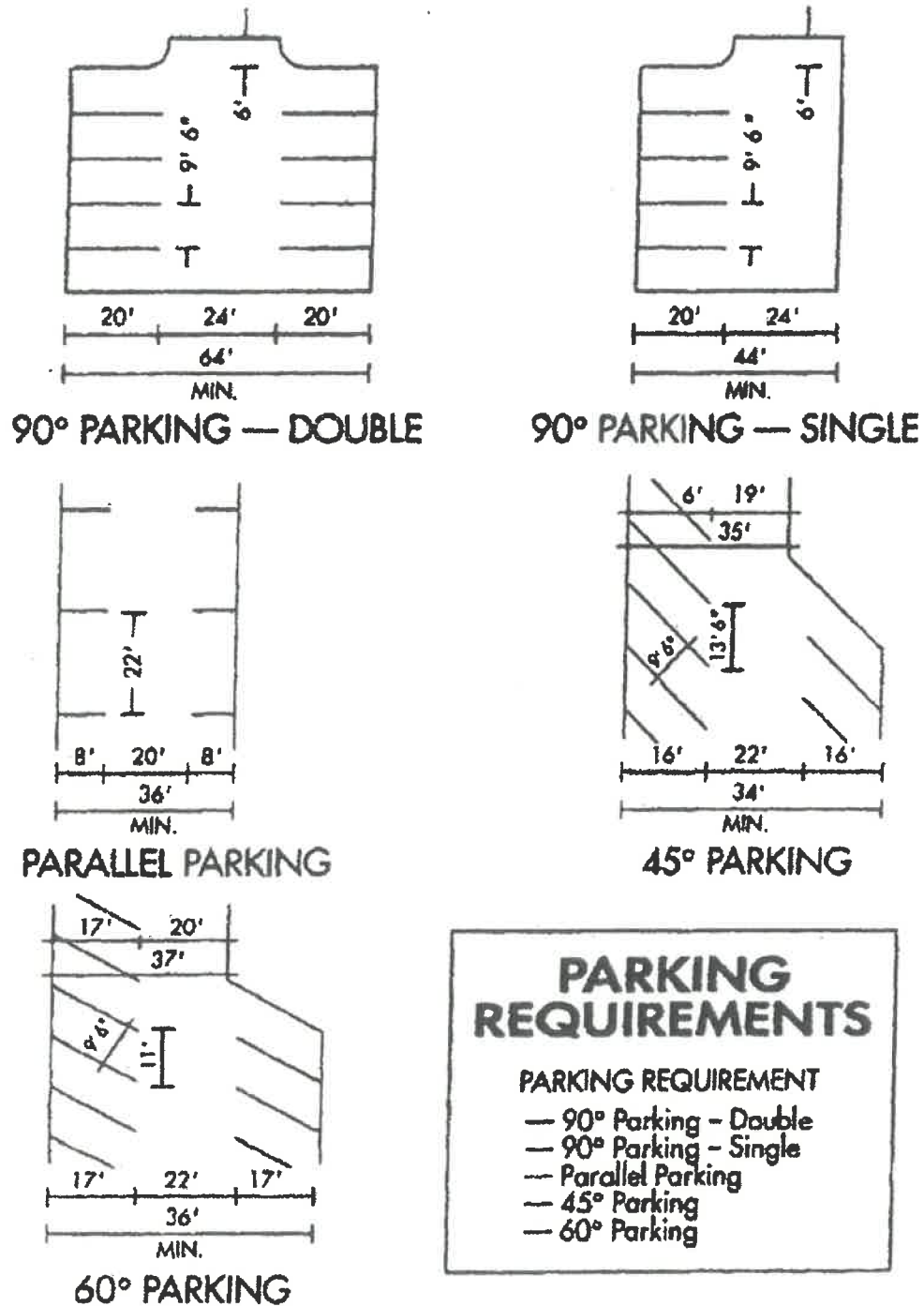
- C. The required number of parking spaces for all uses except dwellings in a commercial district for occupancy by more than one family shall be provided either on the same premises with the parking generator or on any premises associated therewith. The walking distance between the farthest point of the parking areas and the main pedestrian entrance to the building or use in question shall not exceed 500 feet, except that in the case of parking space for employees only, the distance may be increased to 1,000 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 Article 6.
- D. 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.
- E. 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.
- F. 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 Zoning Board of Appeals where it is clearly demonstrated that the need for parking occurs at different times.
- G. All parking and loading spaces required under this bylaw shall be built and must be inspected by the Building Inspector. No certificates of occupancy shall be granted until said parking and loading facilities have been approved by the Building Inspector.
- H. 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.
- I. Notwithstanding anything to the contrary herein contained, in any district other than the 3A-Commercial District (which district is specifically excluded from application of this subsection), contingent upon adequate space being provided and dedicated by a recordable covenant to the exclusive use of parking, not more than 33% 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.
- J. In addition to all other requirements contained in this Article 7, automobile dealers engaged in the sale at retail or wholesale of new and used cars shall devote not less than 20% of the required parking spaces to customer parking.
- K. 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.
- L. Except for common driveways which meet the required standards as set forth in the Planning Board's rules and regulations, or satisfy all conditions imposed by the Planning Board in cases where such common driveways do not meet the required standards, no legal service driveway 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.

- M. Accessory parking spaces that are maintained in existence within the Village (VIL) District as of the date of adoption of § 300-4.6 (the predecessor of which was Article 18) of this bylaw shall be maintained in connection with an existing use as of said date, and shall be subject to § 300-7.2A, 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.
- N. Federally mandated handicap parking spaces shall be included within the required number of parking spaces for a given use, as applicable.

§ 300-7.3. Parking and loading space standards.

- A. All parking or loading areas containing over five spaces shall be subject to the following:
 - (1) Within a residential district, such parking areas shall be placed at least 25 feet from all street and lot lines.
 - (2) Within a residential district, such area shall be effectively screened wherever visible at normal eye level from any point within 50 feet of the lot line on an abutting lot also in a residential district.
 - (3) 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.
 - (4) 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.
- B. Any parking area shall also be subject to the following:
 - (1) There shall be no vehicle parking or loading spaces within five feet of any front, side, or rear lot line.
 - (2) There shall be no vehicle repair facilities or storage of materials or equipment within parking areas.
 - (3) 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.
 - (4) Parking and loading spaces shall be arranged so as not to require backing of vehicles onto any street.
- C. All parking spaces and aisles shall be designed in accordance with the Parking Standard Diagrams as follows. The following diagrams are made part of these regulations.



§ 300-7.4. Access standards.

A. Any nonresidential driveway shall be subject to the following:

- (1) No portion of any entrance or exit driveway to the area shall be closer than 150 feet to the center line of a street intersecting the street servicing the entrance or driveway. No more than two

driveways shall serve one area.

- (2) No point of any two driveways leading from a street to a single area shall be within 50 feet of each other at their intersections with the front lot line.
- (3) No entrance or exit driveway shall exceed 24 feet in width except for a suitable radius of curvature at the entrances.

B. Access to residential lots is provided by one of the following methods:

- (1) A single access driveway serving a single primary structure and/or accessory garage, of sufficient width and accessibility as determined by any special permit granting authority within a special permit process.
- (2) A road developed as part of a subdivision proposal pursuant to Chapter 325 of the Town Bylaws, and subject to the design standards therein.
- (3) A common driveway servicing up to four lots as permitted pursuant to § 300-4.3B(3), and subject to the design standards therein.
- (4) A road developed prior to the Town's acceptance of the Subdivision Control Law or under any prior or existing regulations regulating common driveways, whether said road has been accepted as a Town way by the Town of Cohasset or not.

C. For purposes of an Approval Not Required (ANR) application, adequacy of access will be presumed:

- (1) If the road was approved and built pursuant to the state Subdivision Control Law and the Town of Cohasset Planning Board's Subdivision Control Bylaw and regulations applicable at the time of construction.
- (2) For a road built prior to the state Subdivision Control Law, if the road has a minimum pavement width of 16 feet. A lesser width may be deemed adequate on a case-by-case basis but will require a determination of adequacy and safety by the Fire Department.
- (3) This subsection does not preclude the Planning Board in an ANR application from making a finding that a road is not adequate based on other applicable statutory and case law criteria.

ARTICLE 8

Nonconforming Uses, Structures and Lots

[Amended 10-26-1987 by Art. 2; 10-10-1989 by Art. 22; 3-27-1993 by Art. 24; 3-29-2008 by Art. 16; 6-14-2010 by Art. 3; 5-1-2023ATM by Art. 24]

§ 300-8.1. Application. [Amended 6-3-2024ATM by Art. 19]

The provisions of this article apply in all districts. The Planning Board is the designated special permit granting authority under this article for the VIL District, and the Zoning Board of Appeals is the designated special permit granting authority under this article for all other districts.

§ 300-8.2. Lawfully existing structures and uses.

- A. Any structure or use lawfully existing or lawfully begun or authorized under a special permit or building permit issued before the first publication of notice of the Planning Board public hearing on adoption of this Zoning Bylaw, or any amendment hereto, may continue without expansion or change, although it does not conform to the Zoning Bylaw as adopted or amended.
- B. Any construction or operations authorized under a building or special permit, however, must conform to any subsequent amendments to this Zoning Bylaw unless the use or construction commences 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.

§ 300-8.3. Structural change, extension, alteration and reconstruction.

- A. Except as provided under Subsection B below, reconstruction, extension, or structural change of an existing nonconforming structure may be allowed by special permit, provided the special permit granting authority finds that the reconstruction, extension, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
- B. A lawfully existing nonconforming single- or two-family residential structure may be reconstructed, extended, or structurally altered without a special permit, provided the reconstruction, extension, or structural alteration does not increase the nonconforming nature of the existing structure.

§ 300-8.4. Extension or change of nonconforming uses.

The special permit granting authority may grant a special permit to allow a lawfully existing nonconforming use to be expanded, or to be changed to another use not substantially different in character on in its effect on the neighborhood, provided that the special permit granting authority finds that the new or expanded use will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

§ 300-8.5. Restoration of nonconforming structures.

- A. A lawfully nonconforming structure, or a structure devoted to a lawfully nonconforming use (whether in whole or in part), 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 structure, and may be used as before, provided that such repair or reconstruction does not increase the structure's nonconformity.
- B. Repair or construction of a lawfully nonconforming residential structure must be substantially

completed within three years of the date the structure was damaged, destroyed, or razed. Repair or reconstruction of any other lawfully nonconforming structure must be completed within two years of the date of damage, destruction, or razing. The site plan review provisions of § 300-12.8 will apply to such repair or reconstruction in a business or light industry district.

§ 300-8.6. Nonconforming single lot exemption.

A lot in the R-A, R-B, or R-C District, having less than the minimum area, width, depth, and/or frontage requirements specified under Article 5, may be built upon and used for a single-family dwelling use (subject to compliance with all other applicable requirements of this Zoning Bylaw) if:

- A. The lot is exempted from such requirements by MGL c. 40A, § 6; or
- B. The lot is shown on a definitive subdivision plan that was approved and endorsed by the Planning Board prior to June 30, 2023, and conformed with the area, width, and frontage requirements of the Zoning Bylaw applicable to construction of a building on said lot at the time of such approval; or
- C. The lot:
 - (1) Was lawfully laid out by a plan or deed recorded in the Norfolk Registry of Deeds, or registered in the Registry District of the Land Court, on or before the effective date of the dimensional requirement(s) in question, but no later than June 30, 2023.
 - (2) Conformed with the area, width, and frontage requirements of the Zoning Bylaw, if any, applicable to the construction of a building on the lot at the time of such registration or recording; and
 - (3) Was, on the effective date of the dimensional requirement(s) in question, either held in ownership separate from that of any adjoining land or had an area of not less than 9,000 square feet in the R-A District, 15,000 square feet in the R-B District, or 20,000 square feet in the R-C District.

§ 300-8.7. Abandonment.

Once abandoned, a nonconforming use or structure may not be revived or resumed.

- A. A nonconforming use will be deemed abandoned upon its replacement with a conforming use.
- B. Discontinuance of a nonconforming residential use for more than three years, or discontinuance of any other nonconforming use for more than two years, will be deemed abandonment. Abandonment of a use by discontinuance occurs if (1) there is a removal of characteristic equipment or furnishings associated with the nonconforming use, without replacement by similar equipment or furnishings within the applicable two- or three-year period; or (2) the nonconforming use ceases to operate on the premises for the applicable period.
- C. A nonconforming structure that has been left vacant and unmaintained for more than two years will be deemed abandoned and may not thereafter be altered or used until brought into compliance with the regulations applicable to the district in which it is located. The special permit granting authority may extend the two-year limit if it determines that extraordinary circumstances have prevented the use and maintenance of the nonconforming structure despite good faith efforts of the property owner.
- D. A nonconforming structure will be deemed abandoned upon its replacement with a conforming structure.

ARTICLE 9
Other Land Use Regulations
[Amended 6-3-2024ATM by Art. 16¹²]

§ 300-9.1. Land alteration. [Amended 6-16-2020ATM by Art. 9; 12-13-2021STM by Art. 7; 12-9-2024STM by Art. 13]

A. Purpose and intent.

- (1) To promote land development and site planning practices which are responsive to character of Cohasset's unique, ledge-based topography without preventing the reasonable development of land. This land alteration article regulates (i) clearing activities, (ii) earth removal associated with land development, and (iii) exposed ledge face alteration associated with land development.
- (2) This land alteration article is in addition to and works with the (i) Cohasset's Wetlands Bylaw (General Bylaws, Part II, Chapter 260), whose purpose is to protect wetlands, related water resources, and adjoining land areas and the (ii) Stormwater Management Bylaw (General Bylaws, Part II, Chapter 223), whose purpose is to prevent and reduce existing and future flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, and promote environmentally sensitive site design practices.

B. Definitions:

CLEARING — The complete removal of trees four inches in diameter or greater, measured at five feet above existing grade. Percent of lot area will be measured by square feet of disturbed earth from clearing activities divided by total square feet of the lot.

DEVELOPED/IMPROVED LOT — A lot or site that has previously been altered from its natural state by the addition of still-existing, structures or-buildings or that has previously undergone Clearing for the purpose of adding to still-existing structures or buildings.

EARTH REMOVAL — The extraction, removal and alteration of materials, including soil, loam, sand, gravel, or stone. It also includes the excavation of, chipping of, other alteration of or removal of exposed ledge face.

EXPOSED LEDGE FACE — Any portion of rock formation lying above pre-construction grade at any given point, and subsurface rock formation extending 15 feet laterally from the exposed area.

GARAGE (ATTACHED/DETACHED) — For purposes of the section, a garage is deemed attached to the primary structure hereunder if it is incorporated within the structure of the primary structure or is attached by at least one wall to the primary structure. A detached garage is one completely separate from the primary structure or attached solely by an open or enclosed breezeway, hallway or bridge. It is deemed an accessory structure.

GRADE CHANGE — Alteration of the surface, level or elevation of the ground, from the grade and elevation of a lot or site prior to the development proposed, caused by removal, addition or shifting of earthen material.

PRIMARY STRUCTURE — On a residential lot, the house. On a commercial lot, the main building from which the commercial activity is operated.

UNDEVELOPED/UNIMPROVED LOT — A lot or site 1) that has not been altered from its natural

12. Editor's Note: This bylaw also renumbered former Art. 9, Floodplain and Watershed Protection District, as § 300-9.4 of this Art. 9.

state, or 2) if developed in the past, that no longer has any structures or buildings upon it (but which may still have a fence or stone wall), or 3) which was cleared for agricultural use.

C. Activities subject to special permit. The following land alteration activities will require a special permit from the Planning Board:

- (1) Clearing in excess of the thresholds set forth below;
- (2) Earth removal in excess of the limits set forth below;
- (3) Removal or alteration of exposed ledge face in excess of the limits set forth below:
 - (a) Any grade changes subject to regulation under the Stormwater Management Bylaw (General Bylaws, Part II, Chapter 223) shall be solely regulated by the Stormwater Management Bylaw and any permit or approval issued thereunder. Any grade changes not subject to regulation in excess of the limits set forth below will be subject to a special permit from the Planning Board under this bylaw.

D. Clearing thresholds.

- (1) On any lot in the OS District, clearing of the lot is prohibited unless necessary for permitted or pre-existing use.
- (2) On an undeveloped/unimproved lot, outside of the OS District, clearing is not permitted in excess of:
 - (a) 70% of lot area in the RA, RB, and RC Districts.
 - (b) 85% of lot area in the HB, VIL, HAR and 3A-C Districts.
- (3) There shall be no further clearing, or application to approve clearing, beyond the above thresholds, for those undeveloped/unimproved lots transitioned to developed/improved lots for a period of 10 years following the close-out of a land alteration special permit.
- (4) On any developed/improved lot outside of the OS District, clearing is not permitted in excess of:
 - (a) 75% of lot area in the RA, RB, and RC Districts.
 - (b) 90% of lot area in the HB, VIL, HAR and 3A-C Districts.
- (5) When residential developed/improved lots are subdivided or reconfigured into multiple lots for redevelopment, Clearing activity is not permitted in excess of 70% of lot area in the RA, RB and RC Districts.

E. Grade change limits. If the proposed grade changes are not regulated by the Stormwater Management Bylaw (General Bylaws, Part II, Chapter 223), the following change in grade will be subject to a special permit of the Planning Board: in any District, a change in grade of 10% or more between pre-construction and proposed post-construction grade, with adequate provision for stormwater runoff and management.

F. Limits on earth removal and removal or alteration of exposed ledge face.

- (1) All activities that involve earth removal or removal or alteration of exposed ledge face must obtain a land alteration special permit from the Planning Board, unless such removal will

constitute an exempt operation as hereinafter provided. For illustrative purposes, a special permit will be required for the excavation and construction of a structure or an accessory building to the principal use of the lot such as, but not limited to, fences, sheds, barns, patios, athletic courts, detached garages, pools, walkways and driveways. If a special permit is granted, the quantity volume (in cubic yards) of material removed at the surface and below grade shall not exceed that required to build the permitted accessory structures.

- (2) Where feasible, the Planning Board may accept alteration of exposed ledge face in one area of a lot if non-exposed ledge elsewhere on the same lot can be exposed on a 1:1 ratio and present a similar aesthetic impact to the public or property owner that the altered area provides.
- (3) Where blasting of ledge is permitted by the Fire Department, and notwithstanding that the activity may be deemed by the Fire Department to be exempt hereunder, the permittee or applicant shall notify the Building Inspector of any proposed blasting before it commences, to ensure compliance with this section.

G. Exemptions.

- (1) Clearing exemptions. The following activities are exempt from having to obtain a special permit for clearing, in all districts:
 - (a) Routine maintenance or removal of hazardous trees (a tree with a structural defect or disease).
 - (b) Temporary work relative to emergency storm events or emergency repairs to any utilities (gas, water, sewer, electric, telephone, etc.), including situations that pose an immediate danger to life and/or property.
 - (c) Activities conducted in accordance with Forest Stewardship Plan approved by the Massachusetts Department of Conservation and Recreation.
 - (d) Construction and maintenance of public and private streets and utilities within Town-approved roadway layouts and easements or in connection with a subdivision approved in accordance with the Town's Subdivision Rules and Regulations.
 - (e) Exploratory work associated with the siting of a new or replacement sewage disposal system, and which is otherwise being monitored by the appropriate Town boards and departments having jurisdiction.
 - (f) Agricultural activities in existence on December 13, 2021, work conducted with approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A, § 3.
 - (g) Work conducted in accordance with any prior and still-valid earth removal or building permit issued pursuant to the predecessor version of this section or other sections of the Cohasset Zoning Bylaw.
- (2) Earth Removal and Exposed Ledge Face Removal/Alteration Exemptions. The following activities are exempt from an earth removal or ledge face removal alteration special permit hereunder:
 - (a) The transfer of soil, loam, sand, gravel, or stone from one part of the lot to another part of the same lot.

- (b) The removal of soil, loam, sand, gravel, or stone from land in use by the Town or other governmental agency.
- (c) Where earth removal is necessarily excavated in connection with the lawful construction of a primary structure, sewer system, other utilities, and/or garage (but only if connected to the primary structure as defined above), provided that the volume (in cubic yards) of material removed at the surface and below grade does not exceed the volume required to build the foundation and basement of the primary structure, sewer system, utility.

H. Application, review and decision.

- (1) No land alteration activities regulated herein shall begin prior to issuance of building permit by the Town, without the issuance of a special permit by the Planning Board as provided herein, and/or issuance of a Stormwater Bylaw permit by the Conservation Commission per General Bylaws, Part II, Chapter 223, if required.
- (2) All applications for a special permit hereunder, and the review of and decision regarding same, shall follow the provisions of § 300-12.5 of the Zoning Bylaws and the Subdivision Rules and Regulations process as are applicable. The Planning Board may adopt regulations to supplement this bylaw with specific filing requirements.
- (3) The Planning Board may require a performance guarantee in a form acceptable to it to cover the costs associated with compliance with this article in the same manner and on the same conditions as are applicable to performance guarantees related to subdivision projects.
- (4) When a special permit application is submitted to the Planning Board hereunder, the Open Space and Recreation Committee shall also be notified, and it may submit comments within 14 days of receipt.

§ 300-9.2. Residential Cluster Development District. [Added 4-4-1981 by Art. 26; amended 4-8-1985 by Art. 33; 4-7-1986 by Art. 39; 4-4-1987 by Art. 20; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 28]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

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.

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.

HOMEOWNERS' 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.

MULTIFAMILY — (For the purpose of this section only.) Attached dwelling units or buildings

designed for or occupied by two or more families.

WETLANDS — Area characterized by vegetation described in MGL c. 131, § 40.

B. Purpose. In addition to purposes set out in MGL c. 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.

C. 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 of dwellings which could be constructed under this bylaw by means of a conventional development plan, considering the whole tract, exclusive of water bodies and land prohibited from development by legally enforceable restrictions, easements, or covenants. (Note: If areas such as wetlands, floodplains, 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 100-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 Public 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 20 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 MGL c. 41, §§ 81K to 81GG, eight definitive plans and other plans heretofore mentioned within 10 days of the expiration of the previous 20 days as set forth in herein.
 - (5) Public hearing. The Planning Board shall hold a hearing under this section, in conformity with the provisions of MGL c. 40A, § 9, and of the Zoning Bylaw and regulations of the Planning Board. The hearing shall be held within 65 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 MGL c. 40A, § 11. The decision of the Board, and any extension, modification, or renewal thereof, shall be filed with the Board and Clerk within 90 days following the closing of the public hearing. Failure of the Board to act within 90 days shall be deemed a grant of the permit applied for. Issuance of the permit requires a two-thirds 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.
- D. 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.
- E. Minimum dimensional requirements.
- (1) The area of the tract to be developed shall not be less than 10 acres in a Residence B or Residence C District.
 - (2) Every building shall be limited to 35 feet in height.
 - (3) Minimum width of open land between any group of lots and adjacent property shall be 30 feet and between each group of clustered buildings shall be 30 feet.
- F. Lots.
- (1) The number of building lots and/or the number of buildings to be constructed within the parcel 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 Public 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.

G. 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.
- (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 30% 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 rooflines. Rigidity in design shall be avoided by variations in building, location, planting, lot coverage, and building materials.
- (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 48 square feet, shall be considered a bedroom.

H. Landscape design standards.

- (1) A maximum of 25% of the planned residential cluster development may be covered by impervious waterproof 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 earthmoving shall be kept to a minimum.

- (4) For active recreation areas, the Planning Board may require a buffer zone of a minimum of 50 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.

I. 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 Article 7 of this 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.

J. Common open spaces.

- (1) Provision shall be made so that at least 45% of the land area shall be open land, and that the open land shall include all land not dedicated to parking, roads, or lots.
- (2) Areas which are considered by the Planning Board as marginal or unsuitable for building, such as floodplains, inaccessible wetland and water areas, steep slopes, highly erodible or poorly drained areas, and areas of very shallow bedrock or of very high water table, shall be included in the permanent open space, but no more than 25% of the required open space shall consist of such marginal or unbuildable areas.
- (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.

K. 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 (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 homeowners' association.):
 - (a) To a corporation or trust comprising a homeowners' 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 MGL c. 184, §§ 31 to 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 MGL c. 184, § 33. 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 homeowners' association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this article, 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 homeowners' 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 homeowners' association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowners' 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 Subsection K(1)(a) above.
 - (c) To the Conservation Commission of the Town for park or open space use, subject to the approval of the Select Board, with a trust clause insuring that it be maintained as open space.
- (2) 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 homeowners' association to be used for individual septic systems, or for communal septic systems if it and the Board of Public Health are convinced that proper legal safeguards exist for proper management of a communally owned system.
 - (3) Common open space and driveways shall be owned and maintained by the homeowners' association.

L. 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.
- (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 MGL c. 40A, § 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.

- (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 Article 5, Area Regulations, of this bylaw.

M. Findings of 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 MGL c. 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 Public Health, it shall state its reasons therefor in writing.

§ 300-9.3. Watershed Resource District. [Added 4-7-1986 by Art. 39; amended 3-31-2001 by Art. 16; 3-29-2003 by Art. 21; 11-13-2007 by Art. 3; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 28]

A. Purpose. The purpose of the Watershed Resource District is to:

- (1) 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
- (2) Preserve, protect, and maintain the existing and potential ground and surface water resources providing water supply for the Town of Cohasset; and

- (3) Conserve the natural resources of the Town of Cohasset; and
 - (4) Prevent temporary and permanent contamination of the environment.
- B. Establishment of district. The Watershed Resource District is hereby established as an overlay district. The Watershed Resource District is delineated on the Zoning Map.
- C. 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:

- (1) 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 include Bound Brook/Herring Brook, Aaron River, Peppermint Brook, and Brass Kettle Brook, and the upper boundary of the bank; and
 - (2) 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
 - (3) 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.
 - (4) The area of land described in Subsections (1),(2) and (3) 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 Assessor's office. The specific Zone A limits as defined in Subsections (1), (2) and (3) immediately above (e.g., 200-foot or 400-foot lateral distances) shall control in all matters of interpretation of this map.
 - (5) The area of land described in Subsections (1), (2), (3) and (4) immediately above, which shall also be shown on the Town of Cohasset Zoning District Map.
- D. Use regulations.
- (1) The Watershed Resource District shall be considered to be superimposed over any other district established in this bylaw. Land in the Watershed Resource District may be used for any use otherwise permitted in the underlying district, subject to the following limitations:

- (a) Prohibited uses. The following are prohibited:

- [1] Manufacture, storage, transport, or disposal of toxic or hazardous materials as a principal activity.

- [2] Sanitary landfill and other solid waste facilities, automotive graveyard, or other junkyard, municipal wastewater treatment facility, and road salt stockpile.
- [3] Auto service stations and automotive repair garages.
- [4] Underground storage of hazardous materials or petroleum substances.
- [5] Landfills receiving only wastewater and/or septage residuals, including those approved by the Department pursuant to MGL c. 21, §§ 26 through 53; MGL c. 111, § 17; MGL c. 83, §§ 6 and 7, and regulations promulgated thereunder.
- [6] Facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c. 21C and 310 CMR 30.00, except for the following:
 - [a] Very small quantity generators as defined under 310 CMR 30.000.
 - [b] Household hazardous waste centers and events under 310 CMR 30.390.
 - [c] Waste oil retention facilities required by MGL c. 21, § 52A.
 - [d] Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters.
- [7] 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 United States Office of Management and Budget publication, Standard Industrial Classification Manual, as amended.
- [8] Storage of liquid hazardous materials, as defined in MGL c. 21E, and liquid petroleum products, unless such storage is:
 - [a] Above ground level; and
 - [b] In an impervious surface; and
 - [c] Either:
 - [i] In container(s) within a building or in aboveground container(s);
 - [ii] Outdoors in covered container(s) or aboveground 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.
- [9] Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- [10] 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] Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district.
- [12] 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 subsection shall exclude land application of manure as fertilizer and the deposition of manure on the ground by farm animals and household pets.

- [13] Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within four 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.
 - [14] Discharge to the ground of nonsanitary wastewater, including industrial and commercial process wastewater, except:
 - [a] 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.
 - [b] 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 (13).
 - [c] Publicly owned treatment works.
 - [15] Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (b) Prohibitions within Zone A of public drinking water supply. In addition to the uses prohibited in the Watershed Resource District pursuant to Subsection D(1)(a), the following uses are prohibited within Zone A:
- [1] All underground storage tanks;
 - [2] All aboveground storage of liquid hazardous material as defined in MGL c. 21E, or liquid propane or liquid petroleum products, except as follows:
 - [a] Storage is incidental to:
 - [i] Normal household use, outdoor maintenance, or the heating of a structure;
 - [ii] Use of emergency generators;
 - [iii] A response action conducted or performed in accordance with MGL c. 21E and 310 CMR 40.000 which is exempt from a groundwater discharge permit pursuant to 314 CMR 5.05(14); and
 - [b] Storage is within a building, either in container(s) or aboveground tank(s), or outdoors in covered container(s) or aboveground 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 noncompliance 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 (13); or
 - [4] Discharge by a public water system of waters incidental to water treatment processes;
- (d) Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous wastes that are subject to MGL 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 2,500 square feet of any lot, whichever is greater; and

- (o) Commercial outdoor washing of vehicles, commercial car washes.
- (2) Uses and activities requiring a special permit. The following uses and activities are permitted in the Watershed 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 Subsection D(1)(a) 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 60 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:
 - [1] A system for groundwater recharge must be provided which does not degrade groundwater quality.
 - [2] For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible.
 - [3] For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.
 - [4] 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 70% of a lot area.

§ 300-9.4. Floodplain and Watershed Protection Overlay District. [Amended 3-7-1964 by Art. 20; 1-19-1976 by Art. 4; 1-19-1976 by Art. 40; 6-24-1986 by Art. 39; 3-25-2000 by Art. 31; 3-31-2001 by Art. 244-1-2006 by Art. 18; 5-12-2012; 5-21-2012 by Art. 27; 5-1-2017 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 20; 12-9-2024STM by Art. 12; 5-12-2025ATM by Art. 17]

(See 12/2/69 SS 1A; 3/7/72, Article 37; 5/5/75, Article 35)

A. 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.
 - (4) Ensure public safety through reducing the threats to life and personal injury.
 - (5) Eliminate new hazards to emergency response officials.
 - (6) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
 - (7) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
 - (8) Eliminate costs associated with the response and cleanup of flooding conditions.
 - (9) Reduce damage to public and private property resulting from flooding waters.
- B. Location. The Floodplain and Watershed Protection District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Cohasset designated as Zone A, AE, AO, or VE on the Norfolk County Flood Insurance Rate Map (such map, hereinafter the "FIRM") issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Cohasset are panel number 25021C118E dated July 17, 2012; panel numbers 25021C254F, 25021C256F, and 25021C258F dated July 6, 2021; and panel numbers 25021C113F, 25021C114G, 25021C251G, and 25021C252G dated on July 8, 2025. The exact boundaries of the district may be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Conservation Commission and Select Board.
- C. Relation to other districts. For the purpose of this bylaw the Floodplain 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 Floodplain and Watershed Protection District 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 article.
- D. Boundaries. The location of the boundary lines of the Floodplain and Watershed Protection District as shown on the Floodplain and Watershed Protection Map shall be determined in the same manner as hereinbefore set forth in § 300-3.3 for determining the location of boundary lines of the districts shown on the Zoning Map.
- E. Allowed uses. In the Floodplain 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).

- (4) Fishing, shell fishing, 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 preexisting 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 the water level, the nature of flood storage capacity, and the natural flow of water within the district.
- (7) Public parks and incidental recreation use.
- (8) Soil observation tests, percolation test, and other such tests, provided site is restored to original conditions.

F. Special permit required.

- (1) In a Floodplain 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 Subsection E above, Allowed uses, or pursuant to special permit therefor issued by the Zoning Board of Appeals as hereinafter provided.
- (2) Any application for such special permit shall be submitted to the Zoning 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 Zoning Board of Appeals to indicate the complete physical characteristics of the proposed construction and/or grading.
- (3) The Zoning 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.

- (4) The Town of Cohasset requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
 - (5) The Town of Cohasset's permit review process includes the use of a checklist of all local, state, and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- G. Special permit uses. In the Floodplain and Watershed Protection District the Zoning Board of Appeals may authorize by special permit, subject to such conditions as it may impose under Subsection I of this article, the following uses, or structures:
- (1) Footbridges and plank walk so long as the walking surfaces do not exceed 18 inches in width.
 - (2) Public sewer facilities and public solid waste disposal areas, including structures incidental to said facilities.
 - (3) Temporary storage of materials and/or equipment for a period or periods not to exceed 90 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.
 - (5) Nonresidential structures incidental to any of the uses allowed under Subsection E of this article, such as private boat docks; provided, however, that the same do not exceed 20 feet in height or 200 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.
 - (b) If the land is subject to tidal action or adjacent to tidal waters, the proposed structure or use is not less than 10 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 Floodplain and Watershed Protection District as set forth above or the purposes of this bylaw.
- H. Reference to other boards. Within seven days after receipt of the application for a special permit under this article the Zoning Board of Appeals shall transmit copies thereof, together with copies of the accompanying plans, to the Board of Public Health, the Planning Board, and the Conservation Commission. All such boards shall investigate the application and report in writing their recommendations to the Zoning Board of Appeals. The Zoning Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Public Health, Planning Board, and the Conservation Commission or until said boards have allowed 35 days to elapse after receipt of such application without submission of a report.
- I. Conditions of permit. In granting a special permit under this article, the Zoning 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 ensure 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.
 - (6) Area and depth of any excavation.
 - (7) Area, depth, and composition of any fill.
 - (8) Occupancy of building.
 - (9) Certification of performance by a registered professional engineer or land surveyor.
- J. Lot area requirements. Where any portion of a lot lies within the Floodplain 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, that:
 - (1) 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
 - (2) Areas covered by water in any part of a year shall not comprise more than 15% of the required lot area.
- K. Extension, enlargement, restoration, or alteration of nonconforming use. In the Floodplain and Watershed Protection District the Zoning 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 that:
 - (1) The restrictions and regulations contained in this § 300-9.4 shall apply in addition to the provisions of Article 8; and
 - (2) The ground area coverage of any building or structure in the lot as of the effective date of this

§ 300-9.4 is not increased by more than 300 square feet or 20%, whichever is greater, by any alterations or enlargements.

L. General provisions.

- (1) In any area outside of the floodplain as shown on the Floodplain and Watershed Protection Map, or within unnumbered A Zones where the 1%-chance base 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.
 - (a) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- (2) The Floodplain and Watershed Protection District is established as an overlay district, lying on all other districts.
- (3) All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:
 - (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas.
 - (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
 - (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
 - (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00).
 - (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- (4) All encroachments along watercourses that have a regulatory floodway designated on the FIRM, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (5) Within the areas designated as coastal high-hazard areas (Zone V) within the Floodplain and Watershed Protection District, all new construction shall be located landward of the reach of the mean high tide.
- (6) Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on

slopes, to guide floodwaters around and away from proposed structures.

- (7) Alterations of sand dunes which would increase potential flood damage are prohibited.
- (8) All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:
 - (a) Such proposals minimize flood damage;
 - (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- (9) Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or five acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- (10) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (11) In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:
 - (a) Adjacent communities, especially upstream and downstream.
 - (b) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.
 - (c) NFIP Program Specialist, Federal Emergency Management Agency, Region I.
- M. Abrogation and greater restriction. The floodplain management regulations found in this Floodplain & Watershed Protection Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- N. Disclaimer of liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- O. Severability. If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
- P. Designation of a community floodplain administrator. The Town of Cohasset hereby designates the position of Building Inspector to be the official floodplain administrator for the Town.
- Q. Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped special flood hazard areas, the Town will, within six months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
 - (1) NFIP Program Specialist, Federal Emergency Management Agency.

And copy of notification to:

(2) Massachusetts NFIP State Coordinator, MA Dept. of Conservation & Recreation.

R. Variances to building code floodplain standards.

- (1) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
- (2) The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
- (3) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

S. Variances to local zoning bylaws related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by state law and may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

T. Recreational vehicles. In A, AO, AE Zones, and VE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

U. Definitions not found in the State Building Code.

- (1) National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, § 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.
- (2) In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance.
- (3) Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY — The channel of the river, creek 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 a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking

facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE — Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[1] By an approved state program as determined by the Secretary of the Interior; or

[2] Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement [Referenced Standard ASCE 24-14]; provided, however, this term shall not be used to impose any requirement retroactively earlier than first publication of this zoning change in accordance with Massachusetts General Laws Chapter 40A.

RECREATIONAL VEHICLE — A vehicle which is:

- (a) Built on a single chassis.
- (b) 400 square feet or less when measured at the largest horizontal projection.
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY — See "floodway."

SPECIAL FLOOD HAZARD AREA — The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION — The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

- (a) Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION — When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE — A grant of relief by a community from the terms of a floodplain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION — The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3 of Title 44, Part 59 of US Code of Federal Regulations is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ARTICLE 10
Alternative Energy & Climate Resiliency
[Amended 6-3-2024ATM by Art. 16¹³]

§ 300-10.1. Wind energy. [Added 3-29-2008 by Art. 14; amended 11-17-2008 by Art. 10; 4-30-2011 by Art. 21; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 12-9-2024STM by Art. 10]

A. Purpose and intent.

Consistent with the Commonwealth's Green Communities Act (Chapter 169 of the Acts of 2008), the use of wind energy generating facilities is encouraged and regulated as follows.

It is the express purpose of this bylaw to accommodate large distribution generation wind energy conversion facilities created as a primary use with electricity generation capacity of more than 500 kilowatts, in appropriate locations, while minimizing adverse safety and environmental impacts of the facilities and ensuring consistency with all Town bylaws. Applicants should refer to Cohasset's Regulations on Wind Energy Facilities.

B. Definition supplements. As used in this article, the following terms shall have the meanings indicated:

AMBIENT — The background A-weighted sound level that is exceeded 90% of the time, measured during the hours 7:00 p.m. to 7:00 a.m., with no wind turbines within 1/2 mile of the proposed project in operation.

LARGE TURBINE — A wind energy conversion facility with an electricity generating capacity of 500 kilowatts or more.

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

RESIDENCE — A shelter (as a house) in which people live (can include commercial apartments/living facilities).

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

SETBACK — Setback distances shall be measured from the base of the turbine tower to the property line.

SIZE — Only wind turbines greater than 500 kilowatts are covered by this bylaw.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) — The Planning Board is the special permit granting authority for wind energy conversion facilities.

TOTAL HEIGHT — Total height of a turbine(s) is measured from the base of the turbine tower at pre-construction grade to the highest point of the turbine blades when in operation.

TOWER HEIGHT — Tower height shall be measured from the base of the turbine tower at pre-construction grade to the highest point of the nacelle.

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.

13. Editor's Note: This bylaw also redesignated former Art. 10, Resident Cluster Development District, as § 300-9.2 of this chapter.

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.

WIND TURBINE FLICKERING — The blinking effect while the rotor is in motion.

C. Special Permit and Site Plan Review Requirements for Large Turbine Regulations (> 500 kw).

- (1) The Planning Board shall be the special permit granting authority and site plan review authority for large turbines with a capacity of 500 kilowatts or more in any non-residential district.
- (2) In granting a special permit under this article, the Planning Board may impose conditions and limitations specially designed to safeguard the property, health, safety, and economic value of occupants of the premises and of other land, as well as the Town and its residents.
- (3) The Planning Board is authorized to promulgate regulations pertaining to application procedures, fees, use of consultants, plan details, insurance, surety, and other requirements needed for approval. Applicants are directed to the Planning Board's Regulations for these additional requirements.
- (4) Special permit criteria. The Planning Board may grant a special permit only if it finds that the proposal complies with the provisions of this bylaw and is consistent with the following criteria:
 - (a) Site control. The applicant shall submit with the application documentation 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.
 - (b) Parcel area. The lot or lots on which a large turbine is to be sited must be at least one acre in size for one turbine, plus a minimum of an additional one-half acre of area for each additional turbine to be sited.
 - (c) Height. Large turbines shall have a maximum tower height of 260 feet (80 meters), as measured from the pre-construction grade to the highest point reached by the nacelle. The Planning Board may allow this tower height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional tower height is essential to electricity generation and that the additional benefits of the higher tower outweigh any adverse impacts, but in no case shall tower height exceed 350 feet (100 meters) to the highest point reached by the nacelle.
 - (d) Setbacks.
 - [1] A large turbine and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.
 - [2] In addition, a wind turbine may not be sited within:
 - [a] A distance equal to the total height of the wind turbine from structures, buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;

- [b] Three times the total height of the turbine from the nearest existing residential structure; or
 - [c] 1.5 times the total height of the turbine from the nearest property line not delineating properties each owned in whole by the applicant.
- (e) 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. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind turbine 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.
- (f) Stormwater runoff and erosion control shall be managed in a manner consistent with all applicable state and local law.
- (g) Noise.
 - [1] Operation of a large turbine and associated equipment must conform to Massachusetts noise regulations (310 CMR 7.10), as amended from time to time. 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. The noise of a large turbine and associated equipment) will be considered in violation of this bylaw if the source:
 - [a] Increases the broadband sound level by more than 10 dB(A) above ambient at the property line; or
 - [b] Increases the broadband sound level by more than eight dB(A) at the nearest residential dwelling; or
 - [c] Produces a "pure tone" condition, when any octave band center frequency sound-pressure level exceeds the two adjacent center frequency sound-pressure levels by three decibels or more at the property line or at the nearest permitted residence; or
 - [d] Adds to the noise generated by existing turbines within 1/2 mile, such that the cumulative total of sound level calculations increases the broadband sound level by more than 10 dB(A) above ambient at the property line or increases the broadband sound level by more than eight dB(A) at the nearest residential dwelling.
 - [2] A noise analysis shall be performed within 90 days of initial operation and a certified test report, prepared by an engineer board certified by the Institute of Noise Control Engineering (INCE), shall be submitted after initial operation of the facility to demonstrate compliance with these noise regulations and with the noise level analysis submitted by the applicant. Additional tests shall be performed from time to time upon the request of the SPGA and certified test reports submitted. If any analyses indicate noise levels in excess of those permitted by regulations, remedial measures shall be undertaken to bring noise levels into compliance. Test methods shall be consistent with Massachusetts Department of Environmental Protection

guidelines for noise measurement.

- (h) Shadow/flickering. A shadow flicker analysis shall be performed by a qualified engineer using industry recognized software to determine the worst-case shadow flicker that could be experienced by all private structures occupied during daylight hours within 1/2 mile of the base of each turbine. The maximum allowable worst-case daily shadow flicker for each applicable structure shall not exceed 30 minutes for each day.
 - (i) Proposed large 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.
 - (j) Color. Wind turbine(s) shall be painted a non-reflective color.
 - (k) 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.
 - (l) Lighting of equipment structures and any other facilities on site (except lighting) required by the FAA shall be shielded from abutting properties.
 - (m) Signs on the facility shall be limited to:
 - [1] Those needed to identify the property and the owner and warn of any danger;
 - [2] Informational signs providing information on the technology and renewable energy usage of the facility; and
 - [3] The name of the manufacturer of the turbine on the nacelle as long as within the Town dimensional sign requirements.
 - [4] With the exception of the above, there shall be no commercial advertising signage on the turbine tower or nacelle.
 - (n) The Planning Board may promulgate requirements for periodic reporting on monitoring and maintenance of the large turbine.
 - (o) Upon abandonment or discontinuation of use, the owner shall physically remove the large 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 Planning Board. The Planning Board may promulgate regulations relative to the process of abandoning or discontinuing the use of a large turbine and may require appropriate financial surety to ensure proper and timely removal and disposal of the turbine. If the owner fails to remove the turbine in accordance with this bylaw and the Planning Board's regulations, the Town shall have the authority to seize the surety and enter the subject property to remove and dispose of the turbine and related equipment. The financial surety shall be used to cover the Town's costs of removal and disposal of the turbine.
- D. Uses by telecommunications carriers. Large turbine facilities may be used to co-locate telecommunications antennas for personal wireless facilities, subject to applicable law governing such uses and structures, and subject to the following additional requirements:
- (1) All ground-mounted telecommunications equipment shall must be located in either a shelter, within the wind turbine tower or other shelter, or otherwise must be otherwise screened from

view year-round (either through effective landscaping or existing natural vegetated buffers);

- (2) Antennas shall must be flush mounted to be in keeping with the design of the wind turbine tower; and
 - (3) 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.
- E. 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.
- F. Wind monitoring or meteorological towers. Temporary wind monitoring or meteorological towers may be erected in all districts subject to the issuance of a building permit for a temporary structure for not more than 18 months.

§ 300-10.2. Solar energy. [Added 5-2-2015 ATM by Art. 20; amended 4-30-2018 ATM by Art. 19; 5-24-2021ATM by Art. 21; 12-9-2024STM by Art. 11]

A. Purpose and intent.

- (1) The purpose of this section is to allow the installation, operation, maintenance and decommissioning of ground-mounted solar photovoltaic (GMSP) arrays as a permitted use to provide standards for the placement, design, construction, operation, monitoring, modification, maintenance and decommissioning of such installations, to establish the process and procedures for review and approval of an installation, to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the installation, operation, maintenance and decommissioning of GMSP installations.
- (2) The requirements set forth in this section shall establish the set of standards that apply to the construction, operation, maintenance, and decommissioning of GMSP installations and the process and procedures for site plan review and approval of an application for a GMSP installation.

Consistent with the Commonwealth's Green Communities Act (Chapter 169 of the Acts of 2008), the use of solar energy generating facilities is encouraged and regulated as follows.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AS-OF-RIGHT SITING — Development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to solar photovoltaic installation site plan review to determine conformance with the Town's Zoning Bylaw. Projects subject to solar photovoltaic installation site plan review that comply with the Town's Zoning Bylaw cannot be prohibited but can be reasonably regulated by the site plan review authority.

GROUND-MOUNTED SOLAR PHOTOVOLTAIC (GMSP) INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC and a minimum area of one acre.

NAMEPLATE CAPACITY — The maximum rated output of the electric power production of the photovoltaic system in direct current (DC).

SITE PLAN REVIEW AUTHORITY (SPRA) — The Cohasset Planning Board is the SPRA for

GMSP installations.

SOLAR PHOTOVOLTAIC INSTALLATION SITE PLAN REVIEW — A review and approval by the site plan review authority (SPRA) to determine conformance with the Town's Zoning Bylaw.

C. Large Ground-Mounted Solar Photovoltaic Installations.

- (1) GMSP installations may be permitted as set forth herein on any lot located in the 3A-C District of at least one acre in size by special permit and site plan review of the Planning Board.
- (2) The construction, installation, operation, maintenance, decommissioning and interconnection with an electricity distribution utility of GMSP installations 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. No GMSP installation shall be constructed, installed or modified without first obtaining a building permit.
- (3) No GMSP installation shall be constructed, installed or modified without first obtaining a special permit and site plan review by the Planning Board, as indicated under the Table of Principal Uses, in a combined proceeding. In accordance with Section 22(c) of the Massachusetts Green Communities Act, the review process shall be expedited, and no decision shall be rendered more than one year after the date of filing of a complete application.

D. Special Permit and Site Plan Review Application and plan requirements.

- (1) The Planning Board is authorized to promulgate regulations pertaining to application procedures, fees, use of consultants, plan details, insurance, surety, and other requirements needed for approval. Applicants are directed to the Planning Board's Regulations for these additional requirements.
- (2) The applicant shall follow the site plan review policies and procedures as defined by § 300-12.7 of this Zoning Bylaw and the Planning Board's Regulations.
- (3) Special permit criteria: In acting upon an application for a GMSP installation, the Planning Board shall apply the requirements set forth in § 300-12.5 of this Zoning Bylaw as well as the following criteria:
 - (a) The proposed GMSP installation's resistance to extreme wind, temperature, snow, ice, rain, and humidity conditions;
 - (b) Glare shall be mitigated at the applicant's expense by the placement of fencing, vegetation or other means as reasonably required by the Planning Board;
 - (c) Proposed security measures, including but not limited to, the GMSP installation shall be enclosed by suitable fencing, access gates and/or other barriers to prevent unauthorized access and shall contain closed circuit cameras and motion detectors for security if required by the Planning Board;
 - (d) To the maximum extent practical, all utilities' connections to the external electricity distribution network and lighting system shall be underground;
 - (e) All electrical installation shall be done by licensed, certified electricians. The Planning Board reserves the right to retain, at applicant's expense, a licensed, certified electrician/engineer with experience in GMSP facility construction to inspect and approve the installation prior to the GMSP facility being placed into service or to require the applicant

to provide a similar report certified by a licensed, certified electrician/engineer with experience in GMSP facility construction;

- (f) The adequacy of the applicant's plans to address public safety and fire suppression;
- (g) The adequacy of the applicant's proposed operations and maintenance plan for the GMSP installation, including provisions for:
 - [1] Maintaining safe access to the installation;
 - [2] Stormwater controls;
 - [3] Plans for monitoring, maintaining, repairing and replacing damaged or inoperative equipment, fencing, screening, and vegetation; and
 - [4] Snow and ice removal.

E. Dimension and density requirements.

- (1) Structures. GMSP installations and all appurtenant structures to ground-mounted solar photovoltaic installations shall, to the extent not otherwise covered in this section, be subject to the restrictions concerning the bulk and height of structures, lot area, setbacks, open space, and building coverage requirements set forth in this Zoning Bylaw for the zoning district in which the GMSP is located, provided that only one parking space shall be required per GMSP installation and the GMSP installation may cover up to 70% of any lot, provided other setback requirements are met.
- (2) The maximum height from grade to the top of the ground-mounted solar photovoltaic installation shall not exceed 15 feet for each individual solar panel.
- (3) All appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. The Planning Board may require that structures be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

ARTICLE 11
Development of Significant Impact¹⁴
[Added 12-9-2024STM by Art. 14]

§ 300-11.1. Purposes.

The purposes of this bylaw include the encouragement of development design and construction practices that protect and to the extent possible, preserve, the Town's environmental, scenic, natural and historic resources, abutting properties, and existing infrastructure, including but not limited to public or private roads, that may be negatively impacted by heavy construction vehicles, blasting, vibration, and similar activities associated with development by: a) mitigating the impacts of significant development projects in order to protect the public health, safety and welfare; and (b) requiring on-site and off-site (subject to the permission of the property owner) mitigation measures to ensure that the proposed development properly alleviates the development's impacts on the Town and/or neighborhood.

§ 300-11.2. Applicability.

For purposes of this bylaw, a "development of significant impact" is any new construction to develop land or an addition to or expansion of an existing use or structure that is subject to a special permit (except those residential projects requiring a special permit under Article 8 of the Bylaw) or site plan review under Article 4, Use Regulations, of this Zoning Bylaw, and any residential or commercial subdivision or other division of land creating three or more lots.

§ 300-11.3. Development impact assessment.

For any development subject to this bylaw, the developer shall submit to the Planning Board, or where the project may require a special permit from the Zoning Board of Appeals, the developer shall submit to the Zoning Board of Appeals, a development impact assessment which shall include, but not be limited to, identifying any impacts, financial or otherwise, on:

- A. The Town's environmental, scenic, and natural resources;
- B. The Town's historic resources;
- C. The loss of trees and vegetation integral to carbon sequestration and animal habitats;
- D. Existing infrastructure, including the development's wear and tear on existing public or private roads providing access to the proposed development, the capacity of any road providing access to the development pre- and post-construction of the development;
- E. Pedestrian safety along any road providing access to the development, including existing sidewalks or the need for new or extended sidewalks, the safety of existing nearby intersections and history of motor vehicle accidents related thereto, and any measures that may be implemented to improve pedestrian safety;
- F. Water and sewer capacity and infrastructure and drainage pre- and post-construction of the development;
- G. The generation of and plans to address on-site solid waste; and

14. Editor's Note: Former Art. 11, Regulations Governing Earth Removal, was redesignated as § 300-9.1 of this chapter and amended 6-3-2024ATM by Art. 16.

- H. Abutting properties and the surrounding neighborhood in terms of noise, odor, glare, noxious fumes, dust, vibration, traffic, screening and buffering.

Each development impact assessment shall be reviewed and evaluated by the appropriate Town department or, if specialized expertise is required, by an outside peer review consultant to be funded by the developer pursuant to M.G.L. c. 44, § 53G.

§ 300-11.4. Mitigation of development of significant impacts.

Based on the development impact assessment, the Planning Board or Zoning Board of Appeals, as applicable, may impose conditions requiring mitigation of any impact, provided such mitigation is reasonably related to and proportionate to any impact presented by the proposed development. To the extent that any required mitigation coincides with any planned improvements by the Town, the developer shall coordinate with the Town, and in lieu of the developer undertaking such mitigation, the developer may make a financial contribution to the Town to be used for the identified improvement project, in an amount commensurate with the proposed development's impact. To the extent that any mitigation is proposed for private property, such mitigation may be recommended by the Planning Board or Zoning Board of Appeals but is subject to the consent of the property owner. Mitigation may include any of the following:

- A. Mitigation for generation of significant increase of traffic volume. Mitigation may include the donation of land to widen a right-of-way providing access to the development or widening of undeveloped land within the existing right-of-way providing access to the development to accommodate increased traffic; installation or extension of sidewalks for pedestrian safety; the provision of crosswalks, speed bumps, speed tables or other traffic-calming measures consistent with the Manual on Uniform Traffic Controls; restoring the main road providing access to the development to its pre-development condition or better, including the repair or replacement of curbing or sidewalks, re-loaming, re-seeding and replacing any trees within or along the right-of-way damaged or removed as a result of said development.
- B. Mitigation for impact on infrastructure. The Planning Board or Zoning Board of Appeals, as applicable, may require mitigation to improve the capacity and safety of streets and ways in addition to the right-of-way providing access to the proposed development, the expansion or provision of water and sewer service, and/or improvements to drainage, provided such mitigation is reasonably related to the proposed development or impacts caused by the proposed development.
- C. Mitigation for loss of trees and vegetation. Any project that clears any vegetation comprising more than 50% of a lot (notwithstanding the clearing limits of § 300-9.1 of the Bylaw) may be required to replace such vegetation with the planting of trees and vegetation of an equal area on-site, or if not possible on-site, the developer may coordinate with the Town to provide equivalent vegetation off-site within Cohasset, subject to the approval of the Planning Board or Zoning Board of Appeals, or may make a financial contribution to the Town in an amount that would cover the cost of replacing the vegetation removed, at locations in Town to be determined by the Town.
- D. Mitigation for disruption of historic resources. A suitable buffer area to protect such historic resources as determined by the Planning Board or Zoning Board of Appeals, as applicable, shall be established on all sides of each historic resource, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or similar features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act.

ARTICLE 12

Administration and Enforcement

[Amended 3-7-1960 by Art. 35; 5-1-1976 by Arts. 40, 41 and 42; 4-2-1977 by Art. 26; 4-8-1977 by Art. 38; 4-1-1978 by Art 21; 6-18-1984 by Art. 4; 4-7-1990 by Arts. 28, 29 and 31; 3-27-1993 by Art. 22; 3-25-2000 by Art. 28; 3-31-2001 by Art. 30; 11-13-2007 by Art. 4; 11-16-2009 by Art. 4; 4-28-2014 ATM by Art. 23; 4-30-2018 ATM by Art. 19; 5-24-2021 ATM by Arts. 25 and 28; 5-1-2023 ATM by Art. 25]

§ 300-12.1. Enforcement.

The Building Inspector is responsible for enforcement of this Zoning Bylaw, including enforcement of all terms and conditions of variances, special permits and site plan approval decisions issued pursuant to its provisions.

- A. The Building Inspector shall withhold a building permit for construction, external alteration, or moving of a structure that does not comply with the Zoning Bylaw.
- B. No structure or lot may be used or occupied in whole or in part until the Building Inspector issues an occupancy permit indicating that the use or occupancy complies with this Zoning Bylaw.
- C. Either on his or her own initiative, or upon receipt of a written request for enforcement, the Building Inspector shall investigate and, if appropriate, take actions necessary to prevent or restrain violations of this Zoning Bylaw.
- D. Violations of this Zoning Bylaw are punishable by a fine of up to \$300 for each offense. Each day or portion of a day that a violation continues will constitute a separate offense.
- E. Any person aggrieved by the Building Inspector's denial of their written enforcement request, or by the issuance of a building permit or occupancy permit in violation of this Zoning Bylaw, or by reason of any order of the Building Inspector in violation of this Zoning Bylaw or Chapter 40A of the General Laws, may appeal to the Zoning Board of Appeals within 30 days of the action or order complained of, in accordance with the procedures set out in MGL c. 40A, §§ 8 and 15.

§ 300-12.2. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of three members and three associate members, appointed by the Select Board as provided in Chapter 40A of the General Laws. The Zoning Board of Appeals shall have all the powers and duties of boards of appeals under said Chapter 40A. More specifically, the powers of the Zoning Board of Appeals include the following:

- A. To hear and decide administrative appeals pursuant to MGL c. 40A, § 8.
- B. To hear and decide applications for special permits in all matters for which the Zoning Board of Appeals is the designated special permit granting authority under this Zoning Bylaw.
- C. To hear and decide petitions for variances from requirements of this Zoning Bylaw with respect to particular land or structures, including variances from use regulations, in accordance with MGL c. 40A, § 10.

§ 300-12.3. Planning Board.

The Planning Board shall exercise the following powers and duties in accordance with this Zoning Bylaw

and Chapter 40A of the General Laws:

- A. To hear and decide applications for special permits in all matters for which the Planning Board is the designated special permit granting authority under this Zoning Bylaw.
- B. To decide applications for site plan review pursuant to § 300-12.7.
- C. To hear and report upon all proposed zoning bylaws and amendments thereto in accordance with MGL c. 40A, § 5.

§ 300-12.4. Administrative rules.

The Zoning Board of Appeals and the Planning Board shall adopt and from time to time amend rules relative to the administration of their respective powers and duties under this Zoning Bylaw. Such rules shall prescribe the procedures for submission and approval, and the required size, form, contents, style, and number of copies of plans and specifications to be submitted as part of an application. Each Board shall file a copy of its rules in the office of the Town Clerk.

§ 300-12.5. Special permits.

Whenever the Zoning Bylaw authorizes the Zoning Board of Appeals or the Planning Board to issue a special permit for a particular use, activity or development, the designated special permit granting authority may issue such special permit only if it makes the findings set forth in Subsection A of this section. Where the Planning Board is the designated special permit granting authority, the Chair of the Planning Board shall designate the associate member of the Planning Board to sit on the Board for purposes of acting on the special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.

- A. In granting a special permit, the special permit granting authority must make written findings that the proposed use or construction complies with the specific requirements of this Zoning Bylaw governing the subject special permit, and that satisfactory provisions have been made to prevent undue adverse effects on adjoining properties or properties in the same zoning district, after considering the following factors:
 - (1) Ingress and egress to the subject property and any proposed structures thereon with reference to automotive and pedestrian safety and convenience, adequacy of off-street parking and loading areas where required, traffic flow and control, accessibility in case of fire or catastrophe, and the capacity of nearby public streets to support the added traffic safely;
 - (2) Measures to ensure that the proposed use will not cause pollution of public or private water facilities; measures to ensure adequate drainage for the site, either on site or via public drainage systems where necessary; and measures to ensure that there will be no excessive demand imposed on the water supply system;
 - (3) Measures to ensure that there will be no excessive noise, vibration, light, dust, smoke, heat, glare, or odor observable at the lot lines of the site;
 - (4) Refuse collection and service areas, with particular reference to items in Subsection A(1) and (2) above;
 - (5) Character of proposed screening and buffers, including type, dimensions, design, and materials;
 - (6) Provisions for required yards and other open space;

- (7) Economic impacts on the Town, and general compatibility and harmony with existing development on adjacent properties and on other properties in the district;
 - (8) The comments and recommendations, if any, of the Planning Board (if the Zoning Board of Appeals is the designated special permit granting authority), the Board of Public Health, and the Conservation Commission.
- B. Within 10 days after receipt of a complete application for a special permit, the special permit granting authority shall refer copies of the application, together with copies of any accompanying plans and supporting material, to the Board of Public Health, the Planning Board (if the Planning Board is not the designated special permit granting authority), and the Conservation Commission for their recommendations. Said Boards and Commission shall investigate the application and report their recommendations in writing within 35 days of receiving the application from the special permit granting authority. Failure of a Board or Commission to timely report its recommendations to the special permit granting authority will be deemed a lack of opposition to the application.
- C. The special permit granting authority may not take final action on a special permit application until it has received recommendations thereon from the Board of Public Health, the Planning Board (if the Planning Board is not the designated special permit granting authority), and the Conservation Commission, or unless such Boards or Commission have failed to make recommendations within 35 days of receiving the referred application.
- D. If the Zoning Board of Appeals grants a special permit that is contrary to the Planning Board's recommendations or does not incorporate such recommendations, the Zoning Board of Appeals' written special permit decision must include the reasons for not following the Planning Board's recommendations.
- E. When granting a special permit, the special permit granting authority may impose conditions, safeguards and limitations on time and use in order to ensure that the allowed use, activity, or development will comply with each of the requirements specified in this Zoning Bylaw for the subject special permit, and will not cause conditions that are detrimental to abutting properties, or to the public health, safety, or welfare, including, but not limited to, the Town's economy and the environment.
- F. A special permit will lapse after two years if a substantial use of the special permit has not sooner commenced except for good cause, or in the case of a special permit for construction, if construction has not sooner begun except for good cause. The two-year time limit for commencing substantial use or beginning construction does not include the time required to pursue or await the determination of an appeal under MGL c. 40A, § 17.

§ 300-12.6. Variances.

In accordance with MGL c. 40A, § 10, the Zoning Board of Appeals has the power to grant a variance from applicable terms of the Zoning Bylaw, including use regulations, with respect to particular land or structures, where the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Zoning Bylaw would involve substantial hardship, financial or otherwise, to petitioner, 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 the Zoning Bylaw.

- A. In approving a variance, the Zoning Board of Appeals may impose conditions, safeguards, and

limitations both of time and of use, including the continued existence of 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.

- B. If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance, they will lapse and may be reestablished only after notice and a new hearing pursuant to MGL c. 40A, § 10. However, provided that the variance holder files a written application for extension prior to the expiration of the one-year period, the Zoning Board of Appeals may extend the time for exercise of the variance for an additional period not to exceed six months. If the Zoning Board of Appeals does not grant such extension within 30 days of the extension application date, the variance rights will lapse upon expiration of the original one-year period.

§ 300-12.7. Site plan review.

Site plan review is intended to ensure that site development complies with the use and development regulations set forth in this Zoning Bylaw; to protect adjoining premises against seriously detrimental effects caused by site development; and to promote safe and environmentally sound site design.

- A. The requirements for site plan review under this section apply to any use falling within a principal use category identified with an asterisk (*) in the § 300-4.3 Table of Principal Use Regulations. **[Amended 11-13-2023STM by Art. 13]**

- B. In all instances where site plan review applies, no building permit may be issued for construction of a new building or for a substantial alteration of a building, no change in use may be made of an existing building or lot, and no parking, loading, or vehicular access may be established or substantially altered, unless a site plan has been approved in accordance with the requirements set forth below.

- C. The following definitions will apply to site plan review under this section:

CHANGE OF USE — A change in the use of all or part of a building or lot from one principal use category to another principal use category, or from an accessory use to a principal use, where the change in use results in an increase in the number of parking or loading spaces required under Article 7.

SUBSTANTIAL ALTERATION OF A BUILDING — An alteration of a single building or a group of two or more buildings located on the same lot or contiguous lots under the same ownership, that results in an increase of either 500 square feet or 10% of the existing gross floor area, whichever is less. Calculation of the increase in gross floor area will be based upon the aggregate of all increases in gross floor area made within the preceding five-year period.

SUBSTANTIAL ALTERATION OF PARKING, LOADING OR VEHICULAR ACCESS — A change in the layout or location of parking or loading spaces or access driveways, or an increase of 500 square feet or more in the area of the lot devoted to parking, loading and/or vehicular circulation. Resurfacing of existing parking, loading or driveways is not a substantial alteration.

- D. The Planning Board is responsible for administering site plan review under this section. The Planning Board shall adopt, and from time to time amend, regulations governing the form and contents of site plan review applications, and requirements for review and application fees.
- E. Procedures.

- (1) Anyone seeking site plan review under this section may obtain a site plan review application

form and site plan checklist from the Planning Board office. The completed application form, together with the proposed site plan and all supplementary documentation, must be submitted to the Planning Board in accordance with the Planning Board's site plan review regulations.

- (2) Upon receipt of a complete site plan review application, the Planning Board shall circulate copies of the application to the Building Inspector, the Superintendent of Public Works, the Conservation Commission, the Sewer Commission, the Board of Public Health, the Design Review Board, and the Fire, Police, and Water Departments, with a request for submission of written comments within 14 days.
 - (3) The Planning Board shall consider the site plan review application at a meeting held no less than 30 days, and no more than 45 days, after receipt of the complete application. The Planning Board may continue such meeting, as it deems necessary to ensure adequate review; but, except as provided in Subsection E(5) below, the Planning Board may not continue the site plan review meeting for more than 60 days unless requested to do so, in writing, by the applicant.
 - (4) Except as provided in Subsection E(5) below, the Planning Board shall issue its written decision to the applicant, approving or disapproving the site plan, no more than 75 days after receipt of a site plan review application. The Planning Board shall transmit a copy of its site plan review decision to the Building Inspector. Failure to issue a written decision within such seventy-five-day period, or such longer time as may be agreed upon with the applicant, will be deemed an approval of the site plan as submitted.
 - (5) The time limits specified in the foregoing Subsection E(3) and (4) for completing the site plan review meeting and for issuing and transmitting a written decision will not apply when the Planning Board is conducting site plan review concurrently with its proceedings on a related special permit application for the subject premises. In such cases, the Planning Board's review of the site plan may continue until the special permit hearing concludes. The Planning Board shall then issue and transmit its separate, written site plan review decision no later than the date the special permit decision is filed in the office of the Town Clerk.
- F. In reviewing a site plan under this section, the Planning Board shall consider the following factors:
- (1) Adequacy of provisions for surface water drainage, sanitary waste disposal, sound and sight buffers, and protection of natural resources;
 - (2) Convenience and safety of vehicular and pedestrian movement within the site, including, but not limited to, compliance with handicapped access regulations and the safety of driveway curb cuts in relation to existing traffic conditions on the adjacent street(s);
 - (3) Adequacy of provisions for storage and disposal of refuse and snow;
 - (4) Convenience of parking and loading areas in relation to the contemplated use(s) of the site;
 - (5) Adequacy of screening of objectionable features such as dumpsters, loading or storage areas, or large blank walls, from adjacent properties and streets;
 - (6) Compliance with all other applicable requirements of this Zoning Bylaw.
- G. In approving a site plan under this section, the Planning Board may impose reasonable conditions to ensure compliance with the applicable requirements of the Zoning Bylaw, to protect adjacent properties and the neighborhood from significantly detrimental impacts of the proposed site development, and to ensure the public health, safety, and welfare.

- H. The Planning Board may disapprove a site plan only if the Planning Board finds that:
- (1) The site plan review application is not complete in accordance with the site plan review regulations; or
 - (2) The proposed use and development of the site does not comply with the applicable use and development requirements of the Zoning Bylaw; or
 - (3) No reasonable conditions can be devised to ensure public health, safety, and welfare by eliminating or reducing any significantly detrimental impacts that would result from development of the site as proposed.
- I. Expiration. A site plan approval issued under this section will expire unless construction commences within two years from the date of approval. The Planning Board may grant an extension of time for up to six months, provided a written request for the extension is submitted to the Planning Board before the initial two-year period has expired.
- J. Modifications. Following approval of a site plan under this section, the Planning Board may allow minor modifications of the site plan design or construction details that do not alter the intent or conditions of the approval. Otherwise, a new site plan review application will be required for the modified site plan. The Planning Board has the sole discretion to determine whether a proposed site plan modification is minor.
- K. Site plan compliance. The Building Inspector may not issue a certificate of occupancy for any use or development subject to site plan review until the site has been developed in compliance with the approved site plan. In the event completion is delayed by seasonal considerations, the Building Inspector may issue a temporary occupancy permit provided the applicant posts sufficient monetary security to ensure full compliance within six months.

ARTICLE 13
(Reserved)¹⁵

15. Editor's Note: Former Art. 13, Amendment; Validity, was repealed 5-1-2023ATM by Art. 20.

ARTICLE 14
(Reserved)¹⁶

16. Editor's Note: Former Art. 14, Water Resource District, was redesignated as § 300-9.3 of this chapter 6-3-2024ATM by Art. 16.

ARTICLE 15
(Reserved)¹⁷

17. Editor's Note: Former Art. 15, Accessory Dwelling Unit Special Permit, added 3-30-2002 by Art. 18, as amended, was repealed 11-13-2023STM by Art. 13.

ARTICLE 16
(Reserved)¹⁸

18. Editor's Note: Former Art. 16, Senior Multifamily Residence Overlay District, added 11-18-2002 by Art. 8, as amended, was repealed 5-24-2021ATM by Art. 27.

ARTICLE 17
(Reserved)¹⁹

19. Editor's Note: Former Art. 17, Transit-Oriented Development Overlay District, added 4-1-2006 by Art. 17; and amended 11-17-2008 by Art. 10, 4-28-2014 ATM by Art. 23, 4-30-2018 ATM by Art. 19, 5-24-2021ATM by Art. 28, and 5-24-2021ATM by Art. 27, was repealed 6-3-2024ATM by Art. 17.

ARTICLE 18
(Reserved)²⁰

20. Editor's Note: Former Art. 18, Special Permits in Village Business (VB) District, was redesignated as § 300-4.6 of this chapter and amended 6-3-2024ATM by Art. 16.

ARTICLE 19
(Reserved)²¹

21. Editor's Note: Former Art. 19, Wind Energy Conversion Facilities, was redesignated as § 300-10.1 of this chapter and amended 6-3-2024ATM by Art. 16.

ARTICLE 20
(Reserved)²²

22. Editor's Note: Original § 20, Temporary Moratorium - Medical Marijuana Treatment Centers, added 4-22-2013 by Art. 16, was repealed 4-28-2014 ATM by Art. 24. See now § 300-4.3O and P. Former Art. 20, Ground-Mounted Solar Photovoltaic Installations Overlay District, was redesignated as § 300-10.2 of this chapter and amended 6-3-2024ATM by Art. 16.

ARTICLE 21
Temporary Moratorium on Marijuana Establishments
[Adopted 5-1-2017 ATM by Art. 17]

§ 300-21.1. Purpose.

- A. On November 8, 2016, the voters of the commonwealth voted in favor of a ballot initiative petition for a law to regulate the possession, use, cultivation, production, distribution and sale of marijuana and marijuana products by adults 21 years of age or older through a licensing program yet to be fully defined and regulations yet to be adopted. That law expressly states that municipalities may, among other things, adopt bylaws that impose reasonable safeguards on the operation of marijuana establishments, including bylaws that govern the time, place and manner of marijuana establishment operations and number of marijuana establishments, provided that such bylaws are not unreasonably impracticable or in conflict with the law or regulations.
- B. Currently under the Zoning Bylaw, marijuana establishments are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Marijuana establishments are a new use and the regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider addressing such use and issues, as well as the potential impacts of regulations to be made by the Cannabis Control Commission.
- C. The purpose of this article is intended to provide the Town with adequate time to study, reflect and decide how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments through bylaws that are not unreasonably impracticable and that are consistent with the Law and the regulations to be developed by the Cannabis Control Commission to implement the Law.

§ 300-21.2. Definitions.

The following definitions shall apply to this Article 21, inclusive. Other terms that are not expressly defined herein shall have the definition and meaning given to them by the Law. All other terms shall be given their ordinary, plain meaning.

CONSUMER — A person who is at least 21 years of age.

LAW — Chapter 94G of the General Laws, as implemented by Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016, as any of the same may be amended from time to time.

MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA or MARIHUANA — All parts of any plant of the genus Cannabis not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 94C, § 1, provided that "marijuana" shall not include:

- A. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- B. Hemp; or
- C. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER — An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TESTING FACILITY — An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

PROCESS or PROCESSING — To harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined above.

§ 300-21.3. Temporary moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on all uses of land and structures for marijuana establishments under the Law. Marijuana establishments shall not be permitted in any zoning district in the Town so long as this Article 21 is effective, as set forth in § 300-21.4 below. Variances for marijuana establishments shall be strictly prohibited.

§ 300-21.4. Expiration. [Amended 4-30-2018 ATM by Art. 19; 4-30-2018 ATM by Art. 23]

Article 21 of the Zoning Bylaw and the temporary moratorium shall be in effect through the end of December 31, 2018.

ARTICLE 22
(Reserved)²³

23. Editor's Note: Former Art. 22, Harbor Village Business Overlay District, added 4-29-2019 ATM by Art. 18, amended 5-24-2021ATM by Art. 28, and 11-13-2023STM by Art. 13, was repealed 6-3-2024ATM by Art. 18.

Planning Board

SUBDIVISION OF LAND

Chapter 325

SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Cohasset 11-15-1989; amended 11-30-2016; 7-17-2018. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

COHASSET CODE

Planning Board — See Ch. 30, § 30-27.

Wetlands protection — See Ch. 260.

Building construction — See Ch. 80.

Zoning — See Ch. 300.

Stormwater management — See Ch. 223.

ARTICLE I General Provisions

§ 325-1. Purpose.

- A. The Subdivision Control Law²⁴ has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and streetlighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in MGL c. 41, § 81R, such portions of the rules and regulations as is deemed advisable.
- B. The purpose of these rules and regulations is to prescribe the size, form, contents, style and number of copies of plans and the procedure for their submission and approval thereof, to enable the person submitting the plan to comply with the requirements of the Register of Deeds for the recording of the same, and to assure the Board of a copy for its files, and to set forth the requirements of the Board with respect to the location, construction, width and grades of the proposed ways shown on a plan and the installation of municipal services therein. Said requirements are to enable the Planning Board to carry out the purpose of the Subdivision Control Law.

§ 325-2. Authority.

The rules and regulations are hereby adopted by virtue of and pursuant to the authority granted the Planning Board of the Town of Cohasset by Chapter 41, Sections 81K to 81GG, of the General Laws of the Commonwealth of Massachusetts, herein called the Subdivision Control Law, as now existing or hereafter amended.

§ 325-3. Applicability.

- A. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Board as hereinafter provided and recorded with the Norfolk County Registry of Deeds.
- B. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land

24. Editor's Note: See MGL c. 41, §§ 81K to 81GG.

Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan to the Planning Board in accordance with Article II of these rules and regulations.

§ 325-4. One dwelling per lot.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Board, and such consent may be conditioned upon the provision of adequate access and egress to each site for such building in the same manner as otherwise required for lots within a subdivision.

§ 325-5. Correctness of plans.

By submitting an application to the Board for approval and/or endorsement of a plan, the applicant certifies to the Board that the contents of the application, including without limitation the contents of such plan, are true and correct. The applicant has the burden of proving that such application and plan satisfy all applicable requirements of these rules and regulations, the Subdivision Control Law, and the Cohasset Zoning Bylaw. Failure by the applicant to present true and complete information to the Board shall constitute sufficient reason for the Board to disapprove or rescind approval of the application. The action of the Board to approve a subdivision does not affect any rights of others pertaining to the land to be subdivided, nor does it grant any rights to the applicant to perform work on land owned by others.

§ 325-6. Special circumstances.

The Board may reasonably interpret these rules and regulations and the Cohasset Zoning Bylaw to address special, unforeseen or unique circumstances presented by an application and/or plan.

§ 325-7. Definitions.

For the purpose of these rules and regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law shall have the meaning given therein. The following other terms and words shall have the following meaning:

AGENT — Person acting on behalf of or pursuant to the authority of another person.

APPLICANT — The owner of the land shown on the plan submitted to the Board for approval and/or endorsement, or the owner's agent, representative or assign.

BOARD — The Planning Board of the Town of Cohasset, Massachusetts.

DEFINITIVE PLAN — A plan of a proposed subdivision or resubdivision submitted in accordance with Article IV of these rules and regulations and MGL c. 41, § 81T. The definitive plan shall contain all the data required under § 325-18A.

DEFINITIVE PLAN SUBMISSION — All the plans, computations, data and field work which are required under § 325-15 of these rules and regulations.

ENGINEER — A person registered or legally permitted to practice professional engineering in the Commonwealth of Massachusetts, commonly referred to as a "Massachusetts registered professional engineer."

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 center line of the street.

GENERAL LAWS — The General Laws of the Commonwealth of Massachusetts.

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, § 300-5.3 of the Cohasset Zoning Bylaw.

MASSDOT — Massachusetts Department of Transportation.

MASSDOT STANDARD DETAILS — The publication titled "Massachusetts Department of Transportation, Construction Standard Details, Highway Division" prepared by the Massachusetts Department of Transportation, Highway Division, March 2012, or latest revision thereof as revised by the Massachusetts Department of Transportation or its successor.

MHD SPECIFICATIONS — The publication titled "The Commonwealth of Massachusetts, Massachusetts Highway Department, Standard Specifications for Highways and Bridges, Boston, Massachusetts, 1988" or the latest revision thereof as revised by the Massachusetts Department of Transportation or its successor.

MUNICIPAL SERVICES — Sewers, water pipes, storm drains, gas pipes, electrical lines, telephone and communication lines, fire alarm systems, cable television systems and their respective appurtenances.

OWNER — The owner of record as shown by the records in the Norfolk County Registry of Deeds or the Land Court.

PERSON — An individual, two or more individuals, a partnership, association, corporation or other legal entity.

PRELIMINARY PLAN — A plan of a proposed subdivision or resubdivision submitted in accordance with Article III of these rules and regulations and MGL c. 41, § 81S.

REGISTERED MAIL — Registered or certified mail as defined by the United States Postal Service.

REGISTRY OF DEEDS — The Registry of Deeds of Norfolk County, including, when appropriate, the recorder of the Land Court.

ROADWAY — That portion of a street intended for vehicular use.

STREET — A portion of land that is used as a thoroughfare between different lots, including traveled way, curbing, grass strips, sidewalks, drainage and utilities.

SUBDIVISION — A subdivision of land into two or more lots in such a manner as to constitute a "subdivision" as defined in MGL c. 41, § 81L.

SURVEYOR — A person registered or legally permitted to practice land surveying in the Commonwealth of Massachusetts, commonly referred to as a "Massachusetts registered professional land surveyor."

TOWN — The Town of Cohasset, Massachusetts.

§ 325-8. Consultants and fees.

- A. The fee schedule contained in these rules and regulations²⁵ has been adopted by the Planning Board to provide a schedule of fees that accurately reflects the costs of services rendered and the work performed by the Planning Board and its staff in review of applications, including, without limitation, administration and technical and legal review of applications.
- B. The Board may utilize as its agents appropriate Town agencies and officials and may at its discretion employ consultants and other professionals to assist in reviewing plans, inspecting project sites and construction or rendering opinions on legal issues, all at the expense of the applicant. All required

25. Editor's Note: See the Fee and Deposit Schedule included as an attachment to this chapter.

fees must be submitted with the application and shall be deposited in a special account in compliance with MGL c. 44, § 53G. When such an account falls below 50% of the initial required amount, the applicant shall be notified in writing by the Planning Board to replenish the account within 14 days of the date of the notice. Public hearings will be postponed, permits will not be issued and inspections will not be scheduled until requested funds are received by the Planning Board office.

- C. Once a project is completed and approved and/or certificates of occupancy issued, any remaining balance in the special account plus accrued interest shall be returned to the applicant upon approval of the applicant's written request.
- D. The Planning Board may review and revise its fee schedules as the Planning Board determines to be appropriate in its discretion. Any amendment to the fee schedule shall take effect upon amendment of these rules and regulations pursuant to MGL c. 41, § 81Q.

§ 325-9. Severability.

If any provision of these rules and regulations, or any portion thereof, shall be declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

ARTICLE II
Plans Believed Not To Require Approval

§ 325-10. Submission procedures and fees.

- A. Any person who wishes to cause to be recorded in the Registry of Deeds, or to be filed with the Land Court, a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan to the Board as permitted by MGL c. 41, § 81P, and in accordance with these rules and regulations.
- B. The Board may require an applicant to submit documentation satisfactory to the Board to prove the applicant's ownership of the subject property and/or prove the agency, representative or assignee relationship. The application shall include a municipal lien certificate showing that no outstanding taxes or assessments are due on the subject property.
- C. Application.
 - (1) The applicant shall file the following with the Planning Board:
 - (a) An original of Form 1.
 - (b) Nine copies of Form 1.
 - (c) A plan original Mylar.
 - (d) Nine copies of the plan original.
 - (e) Required application and engineering fees.
 - (f) Municipal lien certificate.
 - (g) Original copy of Planning Board litigation policy statement signed by both owner and applicant.
 - (h) PDF submission of all plans and documents.
 - (2) Such application shall be accompanied by evidence intended to show that said plan does not require approval under the Subdivision Control Law.
 - (3) Nothing contained herein shall preclude the Planning Board from requiring additional copies of prints as required.
- D. All approval not required plan applications shall include a certification as to the application's and plan's conformance, in every aspect, with these rules and regulations, the Subdivision Control Law and the Cohasset Zoning Bylaw and as to the accuracy of the application and plan, such certification to be executed by a person registered in the Commonwealth of Massachusetts as a Massachusetts registered professional land surveyor. If the application or plan fails to comply in any respect with these rules and regulations, the Subdivision Control Law and the Cohasset Zoning Bylaw, the application must be accompanied by a list, certified by such Massachusetts registered professional land surveyor, setting forth each and every rule and regulation with which the application and/or plan does not comply, the nature of the noncompliance and the reason therefor.
- E. The applicant, in accordance with MGL c. 41, § 81T, shall give written notice to the Town Clerk by hand delivery or by certified mail. The notice shall state the date the submission was made to the

Planning Board. If such notice is given by delivery, the Town Clerk shall, if requested, give written receipt thereof to the person who delivered such notice. The applicant shall also provide the Town Clerk with a copy of the executed application form.

- F. As outlined in § 325-8, Consultants and fees, all costs of the services rendered and the work performed by the Planning Board and its staff in review of the proposed approval not required (ANR) plan, including without limitation administration and technical and legal review of the proposed ANR plan, are the responsibility of the applicant.
- G. A submission shall not be deemed complete and shall not be accepted until the applicant has submitted the required number of copies of the Form 1 application, plans and all other supporting documents, a municipal lien certificate, the signed Planning Board statement of litigation policy together with the required application fee and engineering and legal fees deposit, unless the Board has waived the deposit requirements in writing.

§ 325-11. Contents of plans.

All plans submitted under this article shall be of minimum dimensions of nine inches by 12 inches and of maximum dimensions of 24 inches by 36 inches or such other sizes as may be specified by the Registry of Deeds or by Land Court. All plans shall contain the following:

- A. Title block, containing the following information:
 - (1) Name of owner of record.
 - (2) Name of applicant.
 - (3) Assessor's map(s) and plot(s) numbers.
 - (4) Title, date of plan and scale.
 - (5) Name, address, signature and seal of Massachusetts registered professional land surveyor.
 - (6) The statement "Approval not required under the Subdivision Control Law," and sufficient space thereunder for the date and signatures of all members of the Board.
 - (7) The statement "Endorsement shall not be deemed to constitute a determination of compliance with the requirements of the Zoning Bylaw" under the signature lines in the Planning Board endorsement block.
 - (8) Date of survey and/or source of information.
 - (9) A space for dating and describing revisions.
- B. North arrow.
- C. Existing and proposed boundary lines, including dimensions and areas of all lots shown.
- D. Existing and proposed streets, ways, common driveways and easements.
- E. Location of all existing buildings, structures and bounds. In instances where a new lot line is being created, the Planning Board may require field verification of building setbacks from existing or new property lines.
- F. Lot and/or house numbers.

- G. Names of all abutters as they appear on the most recent tax list.
- H. Zoning classification(s) and location of any zoning district boundaries that may lie within the locus of the plan.
- I. Identify any area(s) within the locus which lie(s) within a Floodplain and Watershed Protection District.
- J. Notice of any decisions of the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any building thereon.
- K. A locus map at 800 feet to the inch.
- L. Any other information necessary for the Board's determination.

§ 325-12. Approval process.

- A. The Planning Board may refer any plans so submitted to other Town agencies or their consultants.
- B. If the Board determines that the plan does not require approval it shall forthwith, without a public hearing, endorse on the plan under the words "Approval not required under the Subdivision Control Law," or words of similar import.
- C. The Planning Board may add to such endorsement a statement as to the reason approval is not required or such other statement as may be deemed appropriate by the Planning Board.
- D. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Following endorsement, said plan shall be returned to the applicant and the Planning Board shall notify the Town Clerk in writing of its action.
- E. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 21 days of the submission of the plan, given written notice of its determination to the Town Clerk and the applicant and return the plan without endorsement. The applicant may submit the plan for approval as provided by law and by these rules and regulations, or may appeal from the determination of the Board in the manner provided in MGL c. 41, § 81BB.
- F. If the Planning Board fails to act upon a plan submitted under this article or fails to notify the Town Clerk and the person submitting the plan of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, or, on the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

ARTICLE III
Preliminary Plan

§ 325-13. Submission procedures and fees.

- A. An applicant may, in the case of residential subdivision, and shall, in the case of a commercial subdivision, submit a preliminary plan of a subdivision in accordance with MGL c. 41, § 81S. The submission of such a preliminary plan will enable the applicant, the Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of the proposed subdivision before a definitive plan is prepared. Therefore, it is strongly recommended in every instance that a preliminary plan be filed.
- B. The Board may require an applicant to submit documentation satisfactory to the Board to prove the applicant's ownership of the subject property and/or prove the agency, representative or assignee relationship. The application shall include a municipal lien certificate showing that no outstanding taxes or assessments are due on the subject property.
- C. The application for approval of a preliminary plan shall be made on Form 2, attached to these regulations.
 - (1) The application shall be accompanied by:
 - (a) An original of Form 2.
 - (b) Nineteen copies of Form 2.
 - (c) Twenty sets of plans.
 - (d) Twenty sets of all supplementary documents.
 - (e) A certified abutters list and two sets of mailing labels matching the certified abutters list which can be obtained from the Assessor's office (Assessor's office requires 10 business days to produce).
 - (f) Required application fee and engineering and legal deposits.
 - (g) Municipal lien certificate.
 - (h) Original copy of Planning Board litigation policy statement signed by both owner and applicant.
 - (i) A copy of Form 3 (submitted to the Town Clerk's office) with the Town Clerk's stamp.
 - (j) PDF submission of all plans and documents.
 - (2) Nothing contained herein shall preclude the Planning Board from requiring additional copies of prints as required.
- D. The applicant, in accordance with MGL c. 41, § 81S, shall give written notice to the Town Clerk by hand delivery or by certified mail, utilizing Form 3 attached to these regulations. The notice shall state the date the submission was made to the Planning Board. If such notice is given by delivery, the Town Clerk shall, if requested, give written receipt thereof to the person who delivered such notice. The applicant shall also provide the Town Clerk with a copy of the executed application form.
- E. As outlined in § 325-8, Consultants and fees, all costs of the services rendered and the work

performed by the Planning Board and its staff in review of the proposed preliminary subdivision plan, including without limitation administration and technical and legal review of the proposed preliminary subdivision plan, are the responsibility of the applicant.

- F. A submission shall not be deemed complete and shall not be accepted until the applicant has submitted the required number of copies of the Form 2 application, plans and all other supporting documents, a municipal lien certificate, the signed Planning Board statement of litigation policy, a certified abutters list and two sets of mailing labels and has provided the required application fee, and deposit fee for engineering, legal and Board expenses, unless the Board has waived the deposit requirement in writing.

§ 325-14. Required preliminary plan contents.

- A. The preliminary plan shall be provided at a scale of 1.0 inch equals 40.0 feet. No other scale shall be acceptable to the Board without the Board's prior written approval.
- B. The preliminary plan shall be prepared so as to form a clear basis for a discussion, the results of which should form a firm basis for design of the definitive plan.
- C. The information indicated on the preliminary plan shall include:
- (1) Subdivision name, boundaries, North arrow, date, scale, legend, and title "Preliminary Plan."
 - (2) Names and addresses of record owner and applicant and the name of the designer, Massachusetts registered professional engineer, or Massachusetts registered professional land surveyor.
 - (3) Names of all abutters, as determined from the most recent tax lists, and the names, approximate location, and width of all adjacent streets.
 - (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner.
 - (5) The boundary lines of proposed lots showing approximate areas and dimensions.
 - (6) The topography of the land in general manner; proposed alterations in topography, if significant.
 - (7) The proposed drainage system, including adjacent existing natural waterways, in a general manner.
 - (8) The zoning classification of the land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.
 - (9) The location of all major features of the land such as existing walls, fences, monuments, buildings, large trees or wooded areas, large boulders, rock edges or ledge outcroppings, swamps, water bodies, and natural watercourses including drainage ditches.
 - (10) Identify any area(s) within the locus which lie(s) within a Floodplain and Watershed Protection District.
 - (11) The existing and proposed municipal services within the subdivision in a general manner.

§ 325-15. Supplemental preliminary plan information.

- A. The Board strongly recommends, but does not require, that the following information be contained in the preliminary plan:
- (1) A locus plan at a scale of one inch equals 800 feet showing the relationship of the subdivision to adjoining property within a radius of a quarter of a mile of the proposed subdivision.
 - (2) The location of the General Soils Classifications identified by the Natural Resources Conservation Service, United States Department of Agriculture, as depicted on available maps.
 - (3) Topography of the land at contour intervals for gentle slopes and five-foot intervals for steep slopes. Elevations shown shall be developed on National Geodetic Vertical Datum (NGVD) base datum. Such datum shall be stated on the plan.
 - (4) Proposed systems of storm drainage, water and sewage disposal, including adjacent existing natural waterways intended to receive sewage and/or drainage effluent.
 - (5) Profiles of existing grades and approximate finished grades of proposed roadways, and drain and sewer systems at a scale of 1.0 inch equals 40.0 feet horizontally and 1.0 inch equals 4.0 feet vertically.
 - (6) A report on soil testing performed prepared by a Massachusetts registered professional engineer. The purpose of the report shall be to supply soil data to the Planning Board and assist in evaluating the design of the subdivision. The report shall include the location of observation pits. Logs of such observation pits shall be taken in accordance with the regulations concerning pits as required in 310 CMR 15.00 of the State Environmental Code, Subsection 15.102(3), Deep Observation Holes, prior to submission of the definitive plan. The minimum depths of such pits shall be as follows:
 - (a) Cut sections: five feet below proposed finished grade or to bedrock, whichever is less.
 - (b) Fill sections: eight feet below existing grade or to bedrock, whichever is less, except in unstable soils (i.e., peat, muck, etc.) where the minimum depth shall be five feet below hard bottom.
 - (7) A preliminary environmental impact report addressing the following:
 - (a) An analysis of the site, including wetlands, slopes, soil conditions, areas within the one-hundred-year flood, trees over 12.0 inches diameter and such other natural features as the Planning Board may request.
 - (b) A summary of the environmental concerns relating to the proposed plan.
 - (c) 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.
 - (d) Review of traffic impacts of the development and potential mitigation.
- B. It is strongly advised that the roadway center line be staked at appropriate intervals to facilitate review of the preliminary plan.

§ 325-16. Approval process.

- A. The Board and the Board of Health shall act upon the preliminary plan and its accompanying materials in accordance with MGL c. 41. Approval, if given, does not constitute approval of a

subdivision.

- B. Any plan submitted by the applicant to the Board in advance of the definitive plan which does not conform to the requirements hereof pertaining to a preliminary plan shall not be considered to be a preliminary plan, nor shall such a plan be accepted by the Board.
- (1) Review of plan. The preliminary plan will be transmitted to the Board of Health and such other boards or committees as the Planning Board may deem advisable. A preliminary plan public discussion will be held by the Planning Board. During discussion of the preliminary plan, information required for the definitive plan will be developed. The Planning Board office staff shall mail a copy of the initial meeting agenda to abutters as notification of the public discussion.
 - (2) Preliminary plan approval. As soon as is practicable, and in no case more than 45 days after the submission of the preliminary plan, the Board shall notify the applicant and the Town Clerk whether such submission has been approved, approved with modifications, or disapproved. If the preliminary plan was disapproved the Board shall give specific reasons for disapproval. Approval in no case constitutes approval of the proposed subdivision.

ARTICLE IV
Definitive Plan

§ 325-17. Submission procedures and fees.

- A. The Board may require an applicant to submit documentation satisfactory to the Board to prove the applicant's ownership of the subject property and/or prove the agency, representative or assignee relationship. The application shall include a municipal lien certificate showing that no outstanding taxes or assessments are due on the subject property.
- B. Application.
 - (1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board:
 - (a) An original of Form 4.
 - (b) Nineteen copies of Form 4.
 - (c) Twenty sets of plans.
 - (d) Twenty sets of all supplementary documents required under § 325-18B.
 - (e) A certified abutters list and two sets of mailing labels matching the certified abutters list which can be obtained from the Assessor's office (Assessor's office requires 10 business days to produce).
 - (f) Required application fee and engineering and legal deposits.
 - (g) Municipal lien certificate.
 - (h) Original copy of Planning Board litigation policy statement signed by both owner and applicant.
 - (i) Form 7, Street Name Review Form.
 - (j) A copy of Form 3 (submitted to the Town Clerk's office) with the Town Clerk's stamp.
 - (k) PDF submission of all plans and documents.
 - (2) Nothing contained herein shall preclude the Planning Board from requiring additional copies of prints as required.
- C. All definitive subdivision plan applications shall include a certification as to the application's and plan's conformance, in every aspect, with these rules and regulations, the Subdivision Control Law and the Cohasset Zoning Bylaw and as to the accuracy of the application and plan, such certification to be executed by a person registered in the Commonwealth of Massachusetts as a Massachusetts registered professional land surveyor or Massachusetts registered professional engineer. If the application or plan fails to comply in any respect with these rules and regulations, the Subdivision Control Law and the Cohasset Zoning Bylaw, the application must be accompanied by a list, certified by such Massachusetts registered professional land surveyor or Massachusetts registered professional engineer, setting forth each and every rule and regulation with which the application and/or plan does not comply, the nature of the noncompliance and the reason therefor.
- D. The applicant, in accordance with MGL c. 41, § 81T, shall give written notice to the Town Clerk by

hand delivery or by certified mail, utilizing Form 3 attached to these regulations. The notice shall state the date the submission was made to the Planning Board. If such notice is given by hand delivery, the Town Clerk shall, if requested, give written receipt thereof to the person who delivered such notice. The applicant shall also provide the Town Clerk with a copy of the executed application form.

- E. As outlined in § 325-8, Consultants and fees, all costs of the services rendered and the work performed by the Planning Board and its staff in review of the proposed definitive subdivision plan, including without limitation administration and technical and legal review of the proposed definitive subdivision plan, are the responsibility of the applicant.
- F. A submission shall not be deemed complete and shall not be accepted until the applicant has submit the required number of copies of the Form 4 application, plans and other supporting documents, a municipal lien certificate, the signed Planning Board statement of litigation policy, a certified abutters list and two sets of mailing labels and has provided the required application fee and deposit fee for engineering, legal and Board expenses, unless the Board has waived the deposit requirement in writing.
- G. Review by the Board of Health as to suitability of the land. When a definitive plan of a subdivision is submitted to the Planning Board, as provided in MGL c. 41, § 81O, a copy thereof shall also be filed with the Board of Health which shall review the plan in accordance with the Subdivision Control Law.

§ 325-18. Definitive plan submission contents.

The definitive plan submission shall consist of the definitive plan and required supplemental information as follows:

- A. Definitive plan.
 - (1) The definitive plan shall be prepared by a Massachusetts registered professional engineer and Massachusetts registered professional land surveyor and shall be clearly and legibly drawn at a scale of one inch equals 40 feet in black permanent ink upon sheets of tracing cloth or plan original 24 inches by 36 inches, with three-fourths-inch borders, except the left border which shall be 1 1/2 inches.
 - (2) The definitive plan shall consist of at least five separate sheets as follows:
 - (a) A cover sheet.
 - (b) A subdivision plan.
 - (c) A topographic, utilities, grading and drainage plan.
 - (d) A layout plan and profile.
 - (e) A detail sheet.
 - (3) All sheets making up the definitive plan shall contain the following:
 - (a) Title (subdivision name), date of preparation and scale.
 - (b) Name of owner of record and of applicant if other than owner of record.
 - (c) Name and address of the Massachusetts registered professional land surveyor and

Massachusetts registered professional engineer.

- (d) Certificates and seals of the Massachusetts registered professional engineer and Massachusetts registered professional land surveyor who prepared the sheet (including topographic information).
 - (e) Certificate by the Massachusetts registered professional land surveyor that all surveying conforms to the requirements of the Massachusetts Land Court (not required on index sheet or detail sheet).
 - (f) Certificate by the Massachusetts registered professional land surveyor that all surveying conforms to the current requirements of the Massachusetts Board of Registration of Professional Engineers and Land Surveyors as described in 250 CMR 6.00, procedural and technical standards for the practice of land surveying (not required on index sheet or detail sheet or sheets without survey information).
 - (g) Suitable space to record the action of the Board and the signatures of the members of the Board on each sheet of the definitive plan.
 - (h) Revision block suitable to record and describe revisions made to the plan.
- (4) The subdivision plan shall contain the following:
- (a) North arrow.
 - (b) Existing and proposed lines of streets, house numbers of existing houses, rights-of-way, easements, and any public or common areas within the subdivision. (The proposed names of proposed streets will be shown in pencil until they have been approved by the Board.)
 - (c) Location, names and present widths of adjacent streets or of streets approaching or within reasonable proximity of the proposed subdivision.
 - (d) A locus plan at a scale of one inch equals 800 feet showing the relationship between the subdivision and adjoining property within a radius of 1/4 mile of the proposed subdivision.
 - (e) Names of all owners of abutting land as determined from the most recent local tax list, including owners of land separated from the subdivision only by a street.
 - (f) All lots with lot numbers designated numerically and in sequence. The applicable minimum front, side and rear yard depth of each lot as required by the Zoning Bylaw shall be shown by a dashed line.
 - (g) Sufficient data including lengths, bearings, radii and central angles to determine the exact location, direction and length of every street line, lot line and boundary line and sufficient survey data referred to existing permanent monuments such that these lines may be readily established on the ground.
 - (h) The Board, where it deems necessary, may require a permanent elevation bench mark.
 - (i) Location of natural waterways and water bodies within and adjacent to the subdivision.
 - (j) Location of existing or proposed paths, sidewalks, roads, and rights-of-way over and across the subdivision.
 - (k) The limit of previous approval by the Planning Board and the date of such approval. If the

subdivision adjoins a public way it shall be so designated.

- (l) Zoning classification of the land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.
 - (m) Location of all proposed survey monuments for the subdivision.
 - (n) If the property that comprises the subdivision or any part thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references, and the same requirement shall apply to any abutting parcels of the applicant.
 - (o) Identify any area(s) within the locus which lie(s) within a Floodplain and Watershed Protection District or any other zoning overlay district.
 - (p) Items contained in Subsection A(3) above.
- (5) The topographic, utilities, grading and drainage plan shall contain the following:
- (a) Location of all permanent monuments, identified as to whether existing or proposed, natural objects such as waterways, wetlands, detention ponds, trees over 12 inches in diameter, drainage courses, large boulders or ledge outcroppings, stone walls, fences, buildings, retaining walls, existing on-site disposal systems on the property or within 50 feet of any proposed drains, one-hundred-year floodplain and the like.
 - (b) Locations of all proposed streets, lot lines and easements.
 - (c) Existing and proposed contours, developed on NGVD base, at two-foot intervals. Existing contours and detail shall meet National Map Accuracy Standards for maps of one inch equals 40 feet. Where aerial photogrammetry is used, check sections shall be taken and provided to demonstrate map accuracy. Existing topographic information shall be based on recent on the ground survey under the supervision of the registered professional whose stamp is on the plan.
 - (d) Location of all drainage structures with existing and proposed spot grades where drainage meets existing conditions.
 - (e) There shall also be shown any alteration of the pattern and disposition of drainage without regard for its source. Direction and size of all drainage culverts, open ditches and the like must be indicated.
 - (f) Location of surface and subsurface explorations on the tract, location and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth of groundwater and the probable area of disposal systems shall be indicated.
 - (g) Location of existing or proposed municipal services.
 - (h) Location of all proposed haul roads to be used during subdivision construction.
 - (i) Items contained in Subsection A(3) above.
- (6) The layout plan and profile shall contain the following:
- (a) A separate plan for each proposed street and easement, including bridges, in the subdivision, at a horizontal scale of one inch equals 40 feet, showing for each such

proposed street or easement: side lines, center line, points of tangency, length of tangents, length of curves, intersection angles, radii of curves, and the location of proposed and existing permanent monuments and bench marks, together with all lot lines, buildings and other major features within 40 feet of the exterior lines of such street or easement. The layout plan shall also show the size, material and location of all proposed drains, proposed water mains, other existing and proposed municipal services and proposed sewers within the street, together with their appurtenances.

- (b) The items above shall be supplemented where necessary by lines on the plan showing the width and location of proposed roadways, planting strips, gutters, light fixtures, hydrants, sidewalks, guardrails and similar physical features. Directly above or below the plan of each proposed street or easement, a profile shall be drawn at a horizontal scale of one inch equals 40 feet and a vertical scale of one inch equals four feet showing for such street or easement existing center-line grades in fine black solid line, existing exterior left side line in fine black short dash line, existing exterior right side line in fine black long dash line, and proposed finished center-line grades in heavy solid line. Proposed and existing grade elevations shall be shown by figures at beginning and end of the street or easement at fifty-foot station intervals and at the beginning and end of all vertical curves. Proposed stations and station equations shall be shown by figures at the beginning and end of the street or easement. Rates of gradient in percentage shall also be shown. All elevations shall refer to National Geodetic Vertical Datum (NGVD). Profiles shall also indicate the location of any intersecting public or private ways, and the location of existing and proposed storm drains, including water mains, sewers, or other municipal services and their appurtenances, invert locations of all manholes, pipe ends, catch basins and changes in slope. Existing septic systems within 50 feet of the edge of the roadway layout shall also be shown.
 - (c) On the same sheet or on a separate sheet, there shall be drawn cross sections of the proposed street, properly located and identified by station number, at such intervals along the street as will indicate adequately any variations in its section.
 - (d) Items contained in Subsection A(3) above.
- (7) The cover sheet shall consist of:
- (a) A locus plan at a scale of one inch equals 800 feet showing the relationship of the subdivision to adjoining property within a radius of 1/4 mile of the proposed subdivision.
 - (b) An index of other sheets in the plan.
 - (c) A space reserved for revision dates on the sheet.
 - (d) A statement under the space for revision dates as follows: "The latest revised date contained in this set of plans is (date)."
 - (e) If the entire site cannot be shown on one sheet, an index plan shall be drawn on the cover sheet (or on a separate sheet) at a scale agreed to by the Board. The index plan shall show lots, streets and street stationing conforming to the layout plan and profile. The identity of lots by house number should also be shown if available.
- (8) The detail sheet shall contain details indicating the proposed construction of all catch basins, manholes, channels, swales, headwalls, endwalls, flared ends, hydrants, roadways, sidewalks, bikeways and all other improvements required by these regulations and by the Planning Board.

B. Required supplemental information for a definitive plan submission.

- (1) Environmental impact and evaluation statement. The applicant shall also submit with the definitive plan 20 copies of an environmental impact statement, the purpose of which is to enable the Board to determine the methods which are to be used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural resources of the Town. In preparing the statement, the applicant should refer to the Soil Survey Maps and Manual, by the Natural Resources Conservation Service, United States Department of Agriculture, for this Town. The statement should include specific references to the appropriate plans and maps. The statement should be a technical document with references for all comments whenever possible. In reviewing the statement, the Board strongly encourages the applicant to consider the health and safety of the inhabitants of the area; the degree to which water is recycled back into the ground; the effect on flow and quality of surface and ground waters; the effect of drainage upon adjacent properties; the preservation or promotion of wildlife refuges, historic sites, and unique geological, botanical and archaeological features; existing or potential trails and accesses to open space areas; and the extent to which the design utilizes natural features and orientation to foster energy-conscious design. The Planning Board may waive any section, or sections, of the statement which it deems inapplicable to the proposed project. The developer should discuss the requirements with the Board prior to the submission of a definitive plan. The statement shall include the following:

(a) Physical environment.

- [1] Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, trails and open space links, and indigenous wildlife.
- [2] Describe how the subdivision will affect these features.
- [3] Provide a complete physical description of the subdivision and its relationship to surrounding area.

(b) Surface water and soils.

- [1] Describe location, extent and type of existing watercourses, ponds, vernal pools and wetlands, including existing surface drainage characteristics, both within and adjacent to the subdivision, noting any current problems in the area.
- [2] Describe the methods to be used during construction to control erosion and sedimentation, i.e., use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.
- [3] Describe the permanent methods to be used to control erosion and sedimentation, including a description of:
 - [a] Any areas subject to flooding or ponding;
 - [b] Proposed surface drainage system;
 - [c] Proposed land grading and permanent vegetative cover;

- [d] Methods to be used to protect existing vegetation;
 - [e] The relationship of the development to the topography;
 - [f] Any proposed alterations of shore lines, marshes or seasonal wet areas;
 - [g] Any existing or proposed flood control or wetland easements; and
 - [h] Estimated increase of peak runoff caused by altered surface conditions, and methods to reduce runoff by allowing surface water to seep into the ground.
- [4] Describe sewage disposal methods. Evaluate impact of disposal methods on surface water, soils, and vegetation.
- [5] Provide complete drainage calculations for the proposed subdivision and off-site drainage improvements, if any; calculations to include:
- [a] Topographic map showing all watershed areas referred to in the drainage calculations, the subdivision perimeter, the subdivision streets, and drainage structures.
 - [b] Drainage calculations for development.
 - [c] Other information necessary to check the adequacy of the drainage design proposed and the impact of this design, both upstream and downstream of the subdivision.
- (c) Subsurface conditions. A report on soil testing performed and prepared by a Massachusetts registered professional engineer. The purpose of the report shall be to supply soil data to the Planning Board and assist in evaluating the design of the subdivision. The report shall include the location of observation pits. Logs of such observation pits shall be taken in accordance with the regulations concerning pits as required in 310 CMR 15.00 of the Massachusetts Sanitary Code, Subsection 15.102(3), Deep Observation Holes, prior to submission of the definitive plan.
- [1] Describe any limitations on proposed subdivision caused by subsurface soil and water conditions, and methods to be used to overcome them.
- [2] Provide logs and findings from soils tests and observation pit excavations conducted on the site. At least one observation pit per 200 feet of road along the center line of road shall be dug and logged. The observation pits have the purpose of supplying soil data to the Planning Board to assist in evaluating the design and construction cost of a subdivision. A log of such observation pits shall be taken, in accordance with the applicable sections of regulations concerning such pits as contained in 310 CMR 15.102 to 15.105 (the State Environmental Code, Title 5), as amended, prior to submission of the definitive plan. The minimum depths of such pits shall be as follows:
- [a] Cut sections: five feet below proposed finished grade or to bedrock, whichever is less.
 - [b] Fill sections: eight feet below existing grade or to bedrock, whichever is less, except in unstable soils (i.e., peat, muck, etc.) where the minimum depth shall be five feet below hard bottom.

- [3] Evaluate impact of sewage disposal methods on quality of subsurface water and increase/decrease in the elevation of existing water table.
- (d) Town services.
 - [1] Describe estimated existing and proposed traffic flow at peak periods and proposed circulation pattern and impact on area within 1,000 feet of the subdivision.
 - [2] Provide at least one sketch plan of the site and abutting properties within a minimum of 1,000 feet of the site whether or not owned by the applicant showing possible or prospective street layouts for such adjacent land.
 - [3] Describe locations and number of vehicles accommodated in parking areas.
 - [4] Describe effect of subdivision on police and fire protection services.
 - [5] Describe effect of subdivision on Department of Public Works services, including existing streets and storm drainage facilities.
 - [6] Describe effect of subdivision on educational services.
 - [7] Describe the effect of the subdivision on the Town water supply and distribution system.
 - [8] Describe the effect of the subdivision on Town parks, playgrounds and recreational facilities.
- (e) Human environment. Provide a tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas and usable open space.
- (f) General impact. Summarize environmental impact on entire Town with supporting reasons.
- C. Other required field work. To facilitate the review of the definitive plan submission, the applicant shall stake the center line of the proposed roadway at one-hundred-foot intervals. The applicant shall also stake locations and elevations of all drainage structures such as flared ends and headwalls that must meet existing grades. Other areas sensitive to the design evaluation may be required to be staked after review of plans by the Board.

§ 325-19. Changes to approved definitive plan.

No modification, amendment, change or alteration shall be made in an approved definitive plan unless made in accordance with MGL c. 41, §§ 81O and 81W. For the purposes of this section, the definitive plan shall be defined to include without limitation all elements listed under § 325-18, Definitive plan submission contents, of these regulations. Any alteration in grades, drainage plans or other utilities shall constitute a change in the definitive plan.

§ 325-20. Submission of amended definitive plan.

Where the Planning Board has disapproved a definitive plan submission for stated reasons, the applicant may submit an amended plan which purports to address the reasons for disapproval. Submission of such an amended plan shall be governed by the provisions of this section.

- A. The applicant shall submit an amended plan within 20 days after the decision of the Board to disapprove the definitive plan has been filed with the Town Clerk.
- B. An amended plan under this section shall comply in all respects with the rules and regulations governing submission of a definitive plan as set forth in Article IV et seq. herein, including, without limitation, the filing of the required application and payment of all fees and deposits.
- C. The Planning Board may, at its discretion, waive strict compliance with these rules and regulations. Where an amended plan has been submitted under this section, the Board should avoid unnecessary duplication of plans and/or supplemental information whenever possible.
- D. Any submission made under the provisions of this section shall be governed by the rules and regulations, bylaws, and statutes in effect at the time the amended plan is submitted.

§ 325-21. Incomplete submissions.

- A. Within 21 days of receipt of a proposed definitive plan submission, the Planning Board shall determine whether the submission is complete. Incomplete filings shall be rejected and a written notification of rejection and the reasons therefor shall be sent by certified mail to the applicant with copies to the Town Clerk and Board of Health. Mailing of this notification shall be made no later than 21 days after the Planning Board received the submission. (If the 21st day falls on a Saturday, Sunday, or legal holiday, then the next business day shall be the deadline.) If the notification has not been sent as provided herein, then the submission shall be deemed complete. The Planning Board shall retain the copies of the rejected filing for its record.
- B. An incomplete submission will not trigger the time periods set forth in MGL c. 41, § 81U, for review of the plan by the Board of Health or the Planning Board.
- C. Acceptance of a definitive plan submission as substantially complete does not imply that the submission meets the requirements of these rules and regulations. After further review and comments by the Planning Board, its agents, and/or other boards, supplementary information, documentation or clarifications to the submission may be required.

§ 325-22. Approval process.

- A. The Planning Board will transmit copies of definitive plan submissions that it deems substantially complete to such boards or committees as it deems advisable. The Planning Board will request of each official, board and commission to which it has transmitted a copy of the definitive plan a written statement with regard to the plan within 45 days of such submission. Such statements should address, where appropriate, the layout and design of the proposed subdivision and of the proposed municipal services therein; compliance with the Zoning Bylaw; applicability thereto of state and local regulations; and the impact, if any, of the proposed subdivision on matters within the purview of the particular committee. The applicant shall simultaneously file his proposed definitive plan with the Board of Health as required by MGL c. 41, § 81U, and § 325-17G of these rules and regulations.
- B. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, or if there is no such newspaper in the Town then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing, and by mailing a copy

of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

C. Approval, modification or disapproval.

- (1) After the required hearing, but within the period specified in the Subdivision Control Law after receipt of a complete definitive plan submission, the Board shall take final action in accordance with said law.
- (2) Before endorsement of the Planning Board's approval of a definitive plan of a subdivision, the applicant shall agree to construct the required improvements specified on the plans and in these rules and regulations, such construction to be secured by a performance guarantee as described in Subsection G.

D. Certificate of approval. The action of the Board in respect to said plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by certified mail to the applicant. If the Board modifies or disapproves said plan, it shall state in its vote the reason for its action. Final approval, if granted, shall be endorsed on the original of the approved drawings of the definitive plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board in writing that no appeal has been filed. The Board shall then return to the applicant the originals of the definitive plan.

- (1) Within 30 days after the return to the applicant of the definitive plan, as approved and endorsed, the owner shall obtain and furnish to the Board three prints and one reproducible plan original of said plan showing final endorsement. Prints and reproducible shall be black line on white background. No lots shall be released and no bond reduced by the Board until the applicant has filed with the Board the above prints.
- (2) Approval of the definitive plan shall not be deemed to constitute the laying out or acceptance by the Town of any streets within the subdivision.

E. Recording of plan. All sheets of the definitive plan shall be recorded within 10 days after the definitive plan and covenant (Form 5 contained in these rules and regulations), as approved and endorsed, have been recorded at the Norfolk Registry of Deeds and, in the case of registered land, with the recorder of the Land Court. The applicant shall notify the Board in writing of the date of such recording, including book and page or document numbers.

F. Upon receipt of notification of recording, the Board shall file one print of the definitive plan with the Building Inspector. In accordance with the Subdivision Control Law, where approval with covenant is noted thereon, the Building Inspector shall not issue any permit for the construction of a building on any lot within the subdivision without receipt from the Board of a copy of the certificate of release of lots (Form 6 contained in these rules and regulations).

G. Performance guarantee. Before endorsement of its approval of a definitive plan of a subdivision, the applicant shall agree to complete the required improvements specified on the plans and/or in these regulations for all lots in the subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the methods set forth in the Subdivision Control Law.

H. The Planning Board may condition its approval of a definitive subdivision plan upon completion of the construction of all ways and installation of all utilities in compliance with the approved plan and with the Planning Board's Subdivision Rules and Regulations within two years of the date of approval

of the plan by the Planning Board or other date authorized by the Planning Board. Failure to complete such construction and installation of all ways and utilities within such two-year period shall automatically rescind the Planning Board's approval of the plan without need of further action by the Planning Board.

§ 325-23. Release of performance guarantee.

- A. Upon the completion of the construction of ways and the installation of municipal services in accordance with these rules and regulations and the approved plan, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk and the Planning Board a written statement that said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with these rules and regulations and the approved plan, such statement to contain the address of the applicant.
- B. If the Planning Board determines that said construction or installation has been completed in accordance with these rules and regulations and the approved plan, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.
- C. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with these rules and regulations and/or the approved plan, and upon failure to do so within 45 days after the receipt by said Town Clerk of said statement from the applicant, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void.
- D. In the event that said forty-five-day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- E. Neither reduction of surety nor release of lots pursuant to this section shall relieve the applicant from his obligation to complete the work in accordance with these rules and regulations and the approved plan. Work discovered to be defective subsequent to reduction of surety or release of lots shall be corrected by the applicant prior to final acceptance of the work by the Planning Board.

§ 325-24. Evidence of satisfactory performance.

Before the Board will release the interest of the Town in the performance guarantee, the applicant shall file with the Board the following:

- A. A certified copy of a separate layout plan and profile (with accompanying cross sections and profile) showing as-built location for each street and easement in the subdivision (or, in the case of approval with covenant, of the street or streets serving the lots for which a release is desired). Certification shall be by the Massachusetts registered professional engineer and Massachusetts registered professional land surveyor employed by the applicant at his own expense, and shall indicate that all easements, streets, sidewalks, sewers, storm drains and water mains and their appurtenances have been constructed in accordance with the lines and grades of said plan and are accurately located as shown thereon. Said plan shall be suitable for recording in the Norfolk Registry of Deeds and shall conform to applicable layout plan and profile requirements of these regulations.
- B. A statement in writing from the Board or its agent that all work under its jurisdiction required by

these rules and regulations has been inspected and completed in each street in the subdivision (or in the street or streets serving the lots covered by the surety), including but not limited to storm drains, bridges and sidewalks, and that it has approved the construction and materials used in the performance of such work.

- C. A statement in writing from the Water Department and Sewer Department that they have inspected and the applicant has completed each water main and sanitary sewer and their appurtenances in accordance with their requirements and that they have approved the construction and materials used in the performance of such work.
- D. A written certification by the Board of Health that any requirements of the Board of Health contained or referred to in the definitive plan have been met.
- E. Copies of or reference to the necessary instruments, executed by the applicant, transferring to the Town all utilities and easements as shown on the definitive plan unless this requirement is modified under the terms of definitive plan approval.

ARTICLE V Design Standards

§ 325-25. General requirements.

- A. All lots shown on a definitive plan submitted to the Board for approval shall comply with the applicable zoning bylaws for the Town of Cohasset, Massachusetts, in force at the time of application.
- B. Convenient maintenance of all proposed construction shall be a consideration.
- C. Due regard shall be exercised in the design and during the construction process to ensure that drainage or any other activity above or below the surface of the ground is not allowed to contaminate any watercourse, body of water or groundwater.
- D. Earth removal. The tentative or final approval of a definitive plan by the Board shall not be construed as authorizing the removal of material from the premises, even though in connection with the construction of streets shown on the plan. All earth removal within subdivisions shall be in accordance with the regulations governing earth removal contained in the Zoning Bylaw for the Town of Cohasset, Massachusetts.²⁶
- E. The subdivision shall harmonize and conform with plans for Cohasset as adopted by the Planning Board and/or Board of Selectmen.
- F. Protection of natural features. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots and similar community assets, to preserve, promote and enhance the natural beauties and amenities of the Town and add value to the subdivision.
- G. Open spaces. Before approval of a plan, the Board may in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air in accordance with the Subdivision Control Law. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Final disposition of such areas shall be in accordance with the Subdivision Control Law.
- H. In the case of a definitive plan showing the connection of ways within the subdivision over a private way to a public way, approval of the definitive plan shall be denied unless the applicant has sufficient rights in the private way to enable the applicant to bring the private way into conformance with the requirements of these rules and regulations, or as waived pursuant to MGL c. 41, § 81R. The definitive plan shall show such private way, together with other applicable systems.
- I. Obligations of applicant to make improvements. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision and/or to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for the purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.
- J. Wherever possible, subdivision design shall incorporate principles of sustainable development,

26. Editor's Note: See Ch. 300, Zoning, Art. 11, Regulations Governing Earth Removal.

energy-conscious design and the Cohasset Open Space and Recreation Plan.

§ 325-26. Streets.

- A. Streets in the subdivision shall be coordinated with each other and with the existing street system in a manner satisfactory to the Board, with due regard to the purpose of the Subdivision Control Law and these rules and regulations.
- (1) Provision satisfactory to the Board shall be made for the proper extension of streets, or for access to adjoining property which is not yet subdivided.
 - (2) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
 - (3) Insofar as practical, streets shall be located a suitable distance from existing dwellings of abutters and/or landscaping shall be provided as required by the Board to buffer noise and other impacts from proposed streets.
- B. Alignment.
- (1) The street system shall conform to the approved preliminary plan, if any.
 - (2) Streets shall be continuous, of uniform width and in alignment with existing streets.
 - (3) Long straight roadway sections should be avoided in minor streets.
 - (4) Street jogs with center-line offsets of less than 125 feet shall be avoided.
 - (5) Proposed names of all streets in the subdivision shall be subject to approval by the Assessor, Police Chief, Fire Chief and Emergency Notification Coordinator (utilizing street naming Form 7 contained in these rules and regulations) as indicated by the signature of each. In the event that a proposed name is not approved, the Assessor will recommend or assign a replacement name.
 - (6) Connections with uncompleted extensions of adjacent ways shall be accomplished. When adjoining property is not subdivided, if required by the Board, ways shall be laid out to the perimeter of the subdivision shown on the plan. Easements for temporary turnarounds outside of the way lines shall be provided. Such easements shall terminate in the manner provided in MGL c. 41, § 81Q. Except by permission of the Board, such turnarounds shall be constructed to the same standards as permanent turnarounds. Frontage for lots abutting a temporary turnaround shall be computed along the way lines. Due provision shall be made for demolition of temporary turnaround construction not needed or authorized after extension of the way.
 - (7) The minimum center-line radii of streets shall be 150 feet. Greater radii may be required for streets which are principal streets in the Board's opinion. All streets shall be designed to permit safe vehicular travel. Adequate clear sight distance shall be provided at all road intersections.
 - (a) Clear sight distance at the intersection of a subdivision access road and an existing way shall be defined by a clear sight triangle at the intersection. Two sides of the triangle shall coincide with the center lines of the access road and the existing way respectively. The third side of the triangle, measured from the center line of the access road at a point 30 feet from the center line of the existing way, shall be identified as the clear sight distance. Depending on maximum design approach speed, along the existing way, minimum clear

sight distance shall be as follows:

Maximum Design Approach Speed (miles per hour)	Clear Sight Distance (feet)
45	350
35	250
25	150

- (b) Measurements of the clear sight distance shall be based on a line of sight of a level 5 1/2 feet above road surfaces at each end of the clear sight distance.
- (c) Inside the clear sight triangle, no vision-obstructing object shall be permitted within a vertical distance of 3 1/2 feet from the line of sight.
- (d) Similar sight distance methodology shall be used in the design of interior subdivision intersections.
- (8) As a minimum requirement for adequate sight distance at intersections, right-of-way lines shall be rounded by tangent arcs with minimum radii of 30 feet. To ensure adequate sight and to accommodate turning of emergency vehicles, the Board may require greater radii.
- (9) No street shall intersect any other street at less than a seventy-five-degree angle.
- (10) Intersections shall be separated from other road intersections on the same or opposite side by a minimum of 200 feet. This requirement shall apply not only to separation of road intersections within a subdivision, but also to separation of any subdivision access road from any other intersection at any existing way.

C. Width.

- (1) In areas zoned for residences, street layouts shall not be less than 40 feet in width. Streets which, in the opinion of the Board, may be used for through or heavy local traffic must be at least 50 feet in width.
- (2) In areas zoned for industry, the minimum street widths shall be not less than 50 feet.

- D. Grade.** Except as noted below, grades of all streets shall not be less than 1%, nor more than 6%. Where the 6% requirement would result in considerable injury to the aesthetic value of the site due to extensive cut and/or fill or tree removal, the Board may waive the 6% requirement provided such waiver is consistent with safety determinants, including the distance from an intersection, the number of housing units served, the type of street, the length of the steeper graded portion of the street, the horizontal alignment and street curvature. At all intersections, grades of streets shall not exceed 2% within a distance of 50 feet from the beginning of the intersection. (The beginning of the intersection as referred to herein shall be defined as the point at which the edges of the travel lanes intersect.) At intersections of two proposed streets, grades of streets shall not exceed 2% within 50 feet from the beginning of the intersection. Street grade at cul-de-sac turnarounds shall not exceed 3%. There shall be a vertical curve for any change in street grade. Vertical curves shall be designed considering drainage and sight distance impacts. Vertical curves shall not be designed with over 50 feet of the curve at a grade less than 0.5%.

- E. Cross section.** Streets shall be constructed in accordance with the standards as shown on the Typical

Cross Sections for Street Layouts (see Figure 1 and Figure 2) and in accordance with these regulations.²⁷

F. Dead-end street.

- (1) Dead-end streets shall not be longer than 1,500 feet as measured by street stationing.
- (2) The paved area of temporary or permanent culs-de-sac shall have an outside radius not less than 50 feet. Cul-de-sac stationing shall loop around the cul-de-sac 20 feet or other approved distance off the street side line and rejoin the roadway stationing at the beginning of the cul-de-sac.
- (3) Permanent culs-de-sac in residential zones shall have planting islands in their center with a radius of 15 feet.

§ 325-27. Utilities.

All utilities, except as otherwise specified, shall be placed underground at the time of initial construction in accordance with the following:

A. Storm drainage.

- (1) A complete and adequate storm drainage system, designed to the satisfaction of the Board, shall be so laid out and of sufficient size as to permit unimpeded flow of all natural waterways, to provide adequate drainage of all surface and subsurface water of the street system so that water does not accumulate thereon, to intercept stormwater runoff from the adjoining land and to eliminate undesirable or unnatural accumulation of water on any portion of the subdivision or surrounding property.
 - (a) The design shall provide for minimum subsequent maintenance. Design of drainage shall be such as not to increase off-site flooding. Analysis of drainage and flooding impacts off site for the two-, ten-, and one-hundred-year storm shall be submitted as evidence of conformance with these regulations.
 - (b) The design of all drainage systems for street drainage within the subdivision, including catch basin grates, shall be in accordance with calculations, based upon the storm frequency and rainfall intensity data provided in Figure 6,²⁸ utilizing the rational method. Other methods with proven predictive capabilities (e.g., those based on TR 55) may be approved. Said approval shall be solely at the discretion of the Board.
 - (c) Design of detention ponds shall be based on the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55, by the Engineering Division, Natural Resources Conservation Service, United States Department of Agriculture, with the exception that rainfall intensity curves used for the design of all drainage conveyance and storage systems shall be based on Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada, Northeast Regional Climate Center Research Series Publication No. RR 93-5, September 1993, or the most recent version. The rational method shall not be used to generate rainfall hydrographs used in the design of detention ponds or similar water storage structures. Calculations shall be based upon the following storm frequencies:

27. Editor's Note: Figures 1 and 2 are included as attachments to this chapter.

28. Editor's Note: Figure 6 is included as an attachment to this chapter.

- [1] Ten years for street drains.
 - [2] Twenty-five years for culverts draining areas of less than 50 acres.
 - [3] Fifty years for culverts and other drains draining areas of 50 acres or more.
- (d) Notwithstanding the above requirements, all components of the drainage system shall be designed so that the drainage system functions as intended.
- (2) In certain instances, the Board may require that the design of a drainage system be based upon storms of greater frequency.
- (3) Calculations shall be made using recent topographic maps for the entire contributing drainage area, including those areas outside the subdivision. Copies of all drainage calculations and Town topographic maps or other more recent or accurate maps (where available) illustrating the entire drainage area and showing all subarea boundaries utilized in said calculations shall be submitted as part of the definitive plan submission.
- (4) The storm drain system shall include catch basins, manholes, culverts, drain lines, headwalls, flared ends and such other items as may be required to complete the system to the satisfaction of the Board.
- (a) Catch basins shall be located in pairs, one on each side of the roadway, at all low points or sag curves in the roadway, at intervals of not more than 400 feet on continuous grades of the roadway, and at or near the corners of the roadway at intersecting streets. Each catch basin shall connect directly to a manhole.
 - (b) Manholes shall be located at all changes in direction, either horizontally or vertically, of a drain line or at the intersection of two or more drain lines, or so located that no drain line of a length greater than 400 feet would exist without a manhole.
 - (c) Culverts shall be designed on the assumption that the entire drainage area is built up to that intensity and in the manner which the applicable section(s) of the Zoning Bylaw would allow. The calculations (or a copy thereof) necessary to determine the size of any culvert which carries a brook, stream, river, or other natural waterway shall be submitted to the Board for review. All culverts shall have a concrete headwall at each end, and any culvert over 36 inches in diameter shall include at the upstream end additional protection, as approved by the Board, for roadway side slopes. Headwalls shall be constructed in accordance with MassDOT Standard Details.
 - (d) In areas where the finished grade of the roadway is less than four feet above the water table or in other areas where, in the opinion of the Board, the subgrade must be drained, a system of subdrains acceptable to the Board may be required.
 - (e) All drains shall be a minimum of 12 inches in diameter and shall be laid on a slope of not less than 0.5%. The minimum design velocity shall be three feet per second and the maximum design velocity shall be 10 feet per second. All outfalls shall extend to a natural waterway. Provision shall be made for the disposal of surface water intercepted or collected by the system in such manner that no flow is conducted over Town ways, or over land of others unless a drainage easement therefor is obtained or unless such flow is essentially the same quantity as previously existed in the same location.
- [1] Stormwater shall be directed to enter the most suitable natural watercourse or be

properly connected to any existing drains in adjacent streets or easements which may exist. Where no adequate drainage system exists, or where it is inadequate in the opinion of the Planning Board, it shall be the responsibility of the applicant to extend the system outside the subdivision in a manner specified or approved by the Board to properly dispose of all the drainage from the proposed subdivision.

[2] Where adjacent land is not subdivided, provision shall be made for the extension of the system by continuing appropriate drains to the boundary of the subdivision at such size and grade as will allow their proper projection.

- (f) A concrete headwall or concrete flared end section designed in accordance with MassDOT Standard Details shall be provided at the outfall end of all drains. Scour protection shall be provided at all headwalls or flared ends.
- (g) Where applicable, tidal effects shall be taken into account in the design of the storm drainage system.
- (h) Private drains may be installed to connect to the public stormwater drainage system. Design and installation shall be by agreement with the Town. A plan of the private drain shall be furnished to the Board for approval.
- (i) Private drains shall be so located on the lot and so constructed such that no seepage from any on-lot sewerage system shall enter the private drain.
- (j) Culverts or drains proposed to have grates at their inlets shall be designed with their inlet capacity reduced 25%.
- (k) Culvert and drain design shall be based on a Manning roughness coefficient " n " = 0.013.
- (l) Grates shall be provided on the inlet and outlet ends of all pipes over 15 inches in diameter.
- (m) At the request of the Board a drainage design to eliminate or remove any other water or waters within the subdivision limits and not designated as roadway or subsurface water, and which is otherwise not taken care of, shall be drawn in a manner approved by the Board.
- (n) Drainage design for street drainage shall be such that pipes flow without surcharge for the storm frequency and intensity required.

B. Public water supply.

- (1) No subdivision of land shall be approved by the Planning Board unless all lots therein are provided with water by connection to the Town of Cohasset's public water supply system. Water mains and their appurtenances must be installed in accordance with the Rules and Regulations of the Cohasset Water Department and approved by the Department. Size of water mains shall be as recommended by the Cohasset Water Department.
- (2) Public water mains shall be not less than eight inches in diameter unless a smaller diameter is approved by the Cohasset Water Department. There shall be a hydrant within 500 feet of any existing or potentially existing building.
- (3) Hydrants shall be located as shown on the typical cross section for the applicable street.

C. Sewer system.

- (1) All public sewer facilities design shall conform to the applicable current rules and regulations of the Sewer Commission and Guides for the Design of Wastewater Treatment Works by the Technical Advisory Board of the New England Interstate Water Pollution Control Commission.
- (2) Sewer design shall be reviewed by the Sewer Commission and the Planning Board. Subdivisions within 500 feet of an existing sewer may be required to connect into the existing sewer.
- (3) On-site sewage disposal systems shall be designed in accordance with all applicable local, state and federal regulations.

D. Other public utilities.

- (1) Electricity, communication, gas and cable television shall be installed in all subdivisions. They shall be installed underground in the location shown on the appropriate typical cross section contained herein and shall be installed in accordance with the utility company having jurisdiction.
- (2) If a utility mentioned above is not proposed for the site, written evidence from the specific utility company involved that the utility is not available to serve the site shall be submitted.

E. Easements.

- (1) Easements for storm drains, sanitary sewers or water mains across lots, or centered on rear or side lot lines, shall be provided for the Town where necessary and shall be at least 20 feet wide. No easement shall be permitted across land of others unless an agreement in proper form is obtained permitting such easement.
- (2) No building or on-lot sewerage system shall be erected within an easement.
- (3) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require that there be conveyed to the Town without cost a stormwater easement of adequate width depending upon the width of the stream. This easement shall conform substantially to the lines of such watercourse, drainageway, channel or stream and shall provide for construction, maintenance or other necessary purposes in relation thereto.

ARTICLE VI Construction Specifications

§ 325-28. General requirements.

- A. All improvements specified or implied on the definitive plan shall be constructed in accordance with the approved plans. Details omitted from the plans shall be submitted to the Board for approval. Methods and materials of construction shall be as contained herein. Items not specifically mentioned herein shall be constructed as directed or approved by the Board.
- B. All references to soil compaction shall mean soil compaction as determined by ASTM D-1557-66T.
- C. The owner shall at all times have on site a copy of the approved plans, conditions of approval and these regulations.

§ 325-29. Construction survey.

Prior to and during construction all lines and grades necessary for the construction and construction inspection of the subdivision shall be field staked.

§ 325-30. Clearing and grubbing.

The entire area of each street within its exterior lines and its adjoining sloped areas shall be cleared of all stumps, brush, roots, rocks, boulders and like material and also of all trees not intended for preservation. Rock and boulders shall be taken away or broken off to a depth of not less than 12 inches below the bottom of the roadway foundation.

§ 325-31. Excavation and backfill.

- A. Within each street the roadway, including any required shoulders and sidewalks, shall be excavated for the full length and width to a depth of at least 15 inches below the finished surface or filled to a subgrade, the top of which is 15 inches below the finished surface. If the soil is soft or yielding, or contains rocks, boulders, clay, peat or other materials detrimental, in the opinion of the Board, to the subgrade, such material shall be removed to such additional depth as required by the Superintendent of Streets or the Board and replaced with approved material compacted to 95% maximum density.
- B. All fills shall be placed in lifts not to exceed one foot in depth (loose measure), shall be of an approved material containing not more than 10% material by weight passing the 200 sieve and each layer shall be compacted to 95% maximum density based upon ASTM D1557-66T.

§ 325-32. Storm drainage.

- A. Piping.
 - (1) Drainage piping shall be reinforced concrete pipe conforming to ASTM C76 Type III.
 - (2) There shall be a minimum of 2 1/2 feet cover on the pipe.
 - (3) Joints on all drainpipes shall be sealed by packing with a gasket of jute or oakum. The top 3/4 of the joint shall be filled with cement mortar unless open joints are specifically approved by the Board.
 - (4) All pipe shall be laid true to line and grade.

- (5) Pipe trench shall conform to Figure 3 attached. Ledge and boulders or other unsuitable material shall be removed to a distance of six inches from the bottom of the pipe.
- (6) Reinforced concrete headwalls shall be constructed and installed in conformance with MassDOT Standard Details Drawing E 206.4.0 attached as Figure 4.
- (7) Flared ends shall be constructed in conformance with MassDOT Standard Details Drawing E 206.8.0 attached as Figure 5. Any pipes requiring grates at their termination shall have headwalls.
- (8) All open-ended pipes over 15 inches in diameter shall be provided with a vertical grate of wrought iron or galvanized steel permanently attached to the end of the pipe. Horizontal distance between the vertical bars of the grate shall be approximately nine inches. No bars shall be placed within six inches of the pipe invert.
- (9) Where drain piping is or will be near on-site sewage disposal systems type of pipe may be varied at the Board's discretion.
- (10) Scour protection shall be provided for a distance not less than six nominal pipe diameters from the pipe end. Scour protection shall be composed of a layer of stones 12 inches in thickness or more placed upon a gravel bed six inches in thickness. The stones shall be sized so that not less than 60% shall have one dimension 12 inches or more. The stones after being laid shall be carefully chinked by hand to make a reasonably smooth and shaped surface.

B. Catch basins and manholes.

- (1) All catch basins and manholes shall be constructed of precast cement concrete, brick or of cement concrete blocks. All catch basins or manholes made of masonry shall be laid in mortar and plastered on the outside. All catch basins and manholes shall have an inside diameter of at least four feet and shall be constructed in accordance with the latest revisions of MassDOT Standard Details and MHD Specifications. Field chipping or cutting of precast concrete manholes shall be witnessed and approved by the Board.
- (2) Catch basins shall be provided with a minimum sump of 2 1/2 feet. All catch basins shall be provided with granite throatstones. Where bituminous concrete berms are used, granite transition pieces shall be provided at either side of the throatstone. Catch basin hoods shall conform to MassDOT Standard Details Drawing E 201.12.0 (LeBaron L202 or equal).
- (3) Catch basins and manholes shall be provided with cast-iron frames and grates equal to LeBaron LF248-2 or LeBaron LK110 as applicable. Manhole covers shall have the word "DRAIN" imprinted thereon in letters three inches high.
- (4) Manholes shall be provided with paved inverts to 1/2 the height of the exiting pipe.

§ 325-33. Other municipal services.

Municipal services including sewer system, electricity, communication, gas and cable television shall be installed in accordance with the specifications of the utility company or agency having jurisdiction. Copies of all specifications for construction shall be obtained by the owner and kept on site available for inspection by the Board or its agents.

§ 325-34. Roadway foundation.

A roadway foundation consisting of a minimum of 12 inches of gravel borrow conforming to MHD Specification M1.03.0 Type b (three-inch maximum size stone) or MHD Specification M1.11.0 shall be deposited for the full width of the paved roadway including berms. MHD Specification M1.11.0 material shall not be used under porous pavement. It shall be compacted to 95% maximum density. All underground utilities shall be installed and backfilled prior to placing of the roadway foundation.

§ 325-35. Roadway surface.

- A. Roadway surfaces in residential areas. After the roadway foundation has been constructed, it shall receive the following surface treatment:
 - (1) The roadway shall be paved to a thickness of three inches measured after compaction with two courses 1 1/2 inches thick of Class 1 bituminous concrete pavement, Type I-1.
 - (2) The aggregate shall be composed, mixed and laid hot in two courses as specified in MHD Specifications Section 460 for Class 1 bituminous concrete pavement as set forth in Section 460.20 to 460.82 or as amended.
- B. Roadway surfaces in industrial areas shall be constructed as described in Subsection A above except that the minimum thickness of pavement shall be four inches, a binder course of 2 1/2 inches and a surface course of 1 1/2 inches.
- C. No pavement shall be laid on wet or otherwise unsuitable roadway foundations.

§ 325-36. Sidewalks.

- A. Sidewalks shall be constructed on a foundation of twelve-inch gravel borrow. Sidewalk foundation shall be constructed to conform to the requirements of § 325-34, Roadway foundation, above.
- B. After sidewalk foundation has been constructed, the sidewalk shall be paved to a thickness of three inches measured after compaction with two courses 1 1/2 inches thick of Class 1 bituminous concrete pavement, Type I-1, or other materials deemed suitable by the Planning Board. The material and application shall conform to the specifications for roadway surface. All edges of the sidewalks shall be formed with wood screeds, or otherwise constructed to produce straight, clean sidewalk edges.

§ 325-37. Curbing.

- A. Granite curbing shall be MHD Specifications Type VA-4. Curbing shall be set on a six-inch gravel borrow base compacted to 95% maximum density. Curbing shall be set and held in place with a six-inch depth lift of portland cement concrete on both sides of the curb.
- B. Bituminous concrete berms shall be constructed to the dimensions shown on the definitive plan and in accordance with the typical sections. Berms and surface paving course shall be monolithic.

§ 325-38. Loam and seed.

- A. The top six inches of grass strips and side slopes shall consist of good quality loam, screened, raked and rolled with a suitable roller to grade. Required depth of loam shall be measured after rolling. Fertilizer shall be applied and mixed with the upper two inches of loam at the rate of 30 pounds per 1,000 square feet. Fertilizer shall be a complete commercial fertilizer 10-10-10 grade suitable for the topsoil it will be applied to.

- B. Seed shall be as approved by the Board and shall be delivered in sealed containers bearing the dealer's guaranteed analysis. Seed shall not have more than 1% by weight weed content.

§ 325-39. Side slopes and retaining walls.

- A. The area in back of the sidewalk, where slope is required, shall be graded to a slope of three feet horizontal to one foot vertical.
- B. Field stone masonry retaining walls may be used in certain circumstances when approved by the Board.

§ 325-40. Monuments.

- A. Monuments shall be placed along both sides of the roadway layout at all points of curvature and tangency, at all angle points in the roadway layout and in all other locations shown on the approved plans. Granite or concrete monuments not less than four feet in length dressed to four inches by four inches in section at the top and bottom shall be provided and shall be set flush to finish grade. The exact location point shall be indicated by a hole having a diameter of 1/4 inch and a depth of 1/2 inch.
- B. No permanent monuments shall be set until all construction which could destroy or disturb the monument is completed.
- C. The as-built plan required shall contain a certification by a Massachusetts registered professional land surveyor that the bounds have been set as shown on the definitive plan.

§ 325-41. Street signs.

The developer shall furnish, set in concrete, and erect street signs prior to the occupancy of any house on the street. Street signs shall conform to Cohasset Department of Public Works requirements and shall be approved by the Board. Signs shall contain the name of all intersecting streets. Street sign location shall be as shown on the plans or as approved by the Board.

§ 325-42. Other improvements.

Improvements not covered herein shall be detailed on the submitted subdivision plans and shall be subject to the approval of the Board.

ARTICLE VII
Administration and Inspections

§ 325-43. Waivers.

Strict compliance with the requirements of these rules and regulations may be waived only by a recorded vote of the Board, when, in the opinion of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. All waiver requests shall be in writing and shall specify the section of these regulations for which a waiver is requested.

§ 325-44. Matters not covered.

For matters not covered herein, reference is made to the Subdivision Control Law.

§ 325-45. Inspections.

The applicant is responsible for ensuring all construction is properly inspected by the Board or its agent. Inspections shall be made by the Board or its agent to ensure that construction conforms to the approved plans. Copies of all inspection reports will be made available to the applicant. As a minimum, the inspections listed below shall be performed for all subdivisions. The order and number of inspections may vary or overlap depending upon site conditions. Adequate notification for inspection requests shall be given to the Board. Notification shall be a minimum of 48 hours (excluding Saturdays, Sundays and legal holidays) in advance of the time inspection is needed. Neither inspections by the Board or its agents nor inspections, tests or approvals by others shall relieve the owner from the owner's obligations to perform the work in accordance with the approved plans and these rules and regulations. Work that has been determined to be defective as the result of evidence discovered subsequent to opinions of conformance shall be corrected prior to final acceptance of the work at the owner's expense.

- A. Clearing, grubbing and excavation. Inspection(s) shall be made of the work after clearing, grubbing and rough grading of the subdivision but prior to placement of any fill required for street or way construction. At this time any areas of unsuitable material for street or way construction will be identified for subsequent removal. Reinspections shall be made after removal of unsuitable material.
- B. Fill. Inspection(s) of compacted fill in place shall be made. Fill may be tested for conformance of material and required compaction at this time. Fills placed in more than one lift may require multiple inspections.
- C. Underground utilities. Regardless of the underground utility involved, the backfilling of all trenches requires inspection.
 - (1) Drainage.
 - (a) Outfalls of all drainage shall be staked with location and cut or fill to invert clearly marked thereon prior to any further drainage construction. Location and grade shall then be inspected by the Board or its agent for conformance with the approved plans.
 - (b) Inspection shall be made by the Board or its agent of all drainage pipe and structures prior to backfilling. Prior to inspection, grade and location stakes shall be provided or other arrangements made so that checks on elevation or location can be performed by one man.
 - (c) Inspection of castings shall be conducted prior to application of the surface pavement course.

- (2) Sewer system. Inspection shall be made by the Sewer Department or its agent. Inspection shall be coordinated with the Board. No pipe or structure excavations shall be covered prior to inspection. Appropriate leakage tests for structures and pipes shall be made on all components of the sewer system. Appropriate field control shall be supplied to enable checking of grades and location by one man. If required by the inspector, water lines shall be uncovered at the owner's expense in the vicinity of the sewer system to verify that proper clearances have been maintained.
 - (3) Water system. Inspection shall be made by the Water Department or its agent. Inspection shall be coordinated with the Board. No pipe or structure excavations shall be covered prior to inspection. Appropriate leakage tests for pipes shall be made on all components of the system. Appropriate field control shall be supplied to enable checking of grades and location by one man. If required by the inspector, sewer lines shall be uncovered at the owner's expense in the vicinity of the water system to verify proper clearances have been maintained.
 - (4) Other utilities. Other utilities shall be inspected by the utility company with jurisdiction; however, the Board shall be given notice of such inspections as indicated above.
- D. Trench backfill. Inspections shall be made on trench backfill for all underground utilities. Inspection shall be for conformance of material and compaction of material. Frequency of this inspection shall depend upon outcome of initial inspections and experience with contractor on this and other aspects of construction.
- E. Roadway and sidewalk foundation. Inspection shall be for conformance of material and compaction of material. Samples of material in roadway and sidewalk foundation shall be taken for laboratory testing. Field compaction tests shall be performed on material taken from roadway foundation. Compaction tests shall be performed at least every 100 feet and at utility structures as required.
- F. Bituminous concrete pavement. Inspection shall be made on the binder course and the surface course of roadway paving and the binder course and surface course of sidewalk paving. Ninety-six hours prior to placement of any material, the contractor shall submit to the Board or its agent for approval mix specifications, name of supplier of mix and name of subcontractor installing the mix. At the time of paving the Board may make any tests or take samples it deems appropriate to check conformance with the approved plans and these rules and regulations.
- G. Curbing. Prior to backfill of granite curbing, an inspection shall be made.
- H. Loam and seed. Prior to seeding loam shall be inspected for depth and material conformance.
- I. Other improvements. Inspection(s) shall be made of all other improvements such as castings, grass plots, side slopes, monuments, street signs, lighting, street trees, walls, guardrails, etc., for conformance with the approved plans. Timing of inspection(s) shall be as required to ensure proper inspection.
- J. Final inspection(s). Inspection(s) shall be made of the entire work including cleanup. If items of nonconformance are discovered, they shall be listed by the Board and a reinspection of the subdivision shall be made. Reinspection will not be limited to listed items; if evidence of faulty or substandard construction appears between inspections it shall be listed and must be repaired. At the time of request for final inspection, the contractor shall present the following:
- (1) Copies of written approvals for underground utilities inspected by other agencies. Said approvals shall be in a form acceptable to the Board.

- (2) As-built plans (three sets) indicating as-built locations of all monuments and structures, said plans to be stamped by a Massachusetts registered professional land surveyor and in a form acceptable to the Board.

§ 325-46. Authority of inspectors or agents.

- A. Inspectors or agents shall render opinions to the Board on conformance of work inspected with approved plans. Inspectors or agents designated by the Board do not have the authority to waive any requirements of the approved plans unless such authority is granted to them by the Board. Inspectors may interpret plans when requested by the contractor; such interpretation shall be made either verbally or in writing.
- B. Inspectors or their agents may offer opinions to the Board regarding changes required to be made in the field due to errors in the original approved plans or errors made during construction. Such opinions shall be made solely as a means of expediting resolution of a problem and shall not be construed as authorization to proceed with changes or modifications to the approved plans. The Board is the only body empowered to allow modification of the approved plans; any conditions that require modification shall be presented to the Board for approval. Any deviations from the approved plans constructed without approval of the Board are constructed at the owner's risk and shall be removed and replaced at his own expense if deemed unsatisfactory by the Board.

Appendix

LEGISLATIVE ACTS

Chapter A500

LEGISLATIVE ACTS

§ A500-1. Legislative acts accepted or petitioned by the Town of Cohasset.

Year	Statute	Subject
1923	Ch. 41, § 97	Police Department establishment and membership
1928	Ch. 31, § 48	Police Department civil service [Rescinded 5-1-2023 ATM by Art. 17]
1929	Ch. 48, §§ 42, 43 and 44	Fire Department: establishment and appointment of Chief
1930	Ch. 114, § 19	Cemetery: provision for perpetual care
1931	Ch. 40, § 6B	Police and firemen: purchase of uniforms
1934	Ch. 39, § 23	Town officers: time of election
1935	Ch. 147, §§ 32 to 47	Boxing matches: permitted
1937	Ch. 32, § 85	Police and firemen: retirement provisions
1938	Ch. 41, § 81A	Planning Board establishment and membership
1939	Ch. 54, § 103A	Absentee voting (as amended by Acts of 1937, Ch. 77)
1941	Ch. 147, § 16B	Police Department: work week
1942	Ch. 130, § 52 (as amended by Acts of 1941, Ch. 598)	Eels, shellfish, and sea worms: control of taking
1943	Ch. 31, § 48	Fire Department civil service
1947	Acts of 1947, Ch. 68	Playground: established jointly with Hingham
1949	Acts of 1948, Ch. 519 and previous acts	Water Company: purchase by Town
1949	Ch. 41, § 97A	Police Department: personnel and property control by Chief
1949	Ch. 41, § 110A	Town offices: closing on Saturday
1950	Acts of 1950, Ch. 184, §§ 1 to 5	Wire Department establishment
1950	Ch. 40, §§ 42a to 42f	Water rates: collection, lien
1952	Ch. 32, § 85E	Police and firemen: retirement
1952	Ch. 152, § 69	Workmen's compensation municipal employees
1953	Acts of 1946, Ch. 489	Water Commissioners: election

Year	Statute	Subject
1953	Acts of 1953, Ch. 54	Harbor: authority to establish harbor bylaws by Town citizens
1954	Ch. 41, § 81Z	Board of Appeals: under Subdivision Control Law
1955	Acts of 1955, Ch. 48	Fire Department: 56-hour week
1955	Ch. 40, § 5(44)	Group life insurance: provisions for premium payment
1957	Ch. 40, § 6C	Removal of snow and ice on private ways
1959	Acts of 1959, Ch. 60	Call firemen: not subject to civil service
1960	Ch. 71, §§ 16 to 161	Regional vocational high school establishment
1960	Ch. 41, § 4A	Board of Health appointment of Health Agent
1960	Ch. 599, §§ 1 to 12	South Shore Incinerator Authority: establishment and duties
1961	Ch. 40, § 8C	Conservation Commission: establishment
1962	Ch. 25	Inspector of Gas Piping and Gas Appliances: establishment
1962	Ch. 53, § 9A, Acts of 1962, Ch. 249	Nomination papers for Town offices
1963	Ch. 90, § 18A	Ways: use by pedestrians
1964	Acts of 1962, Ch. 65, MGL c. 104	Sewage disposal system: authorization to construct and operate
1964	Ch. 130, § 8A	Marine fisheries laws: enforcement by police officers
1965	Ch. 139, §§ 1, 2 and 3	Selectmen: authorized to act re: burnt or dangerous buildings
1970	Ch. 44, § 65	Town employees: advances for vacation pay
1970	Acts of 1969, Ch. 872	Police officers overtime pay
1970	Ch. 90, § 20C	Fines for parking violations
1970	Acts of 1970, Ch. 361	Cohasset Free Public Library: duties of Treasurer transferred to Town Treasurer

Year	Statute	Subject
1971	Acts of 1971, Ch. 156	Insect pest control powers and duties of Superintendent transferred to Superintendent of Trees and Parks
1973	Acts of 1973, Ch. 1163, §§ 1 to 8	Water supply: improvement of
1974	Ch. 40, § 8D	Historical Commission establishment
1974	Ch. 40, §§ 42G, 42H and 42I	Water Commissioners: special assessment for cost of laying water pipes
1974	Ch. 40, § 22D	Police Department: authorized to remove illegally parked vehicles
1975	Acts of 1975, Ch. 131	Sewer Commissioners: Water Commissioners may serve as Sewer Commissioners; provisions for election of Sewer Commissioner
1977	Acts of 1977, Ch. 808, MGL c. 41, § 97	Police Department: control by Selectmen
1978	Acts of 1978, Ch. 257	Police Chief: removal from civil service
1980	Ch. 148, §§ 26C and 26E	Smoke detectors: where required
1980	Ch. 40, § 8G	Police Department mutual aid authorization
1981	Acts of 1981, Ch. 186	Fire Chief: exempt from civil service
1981	Ch. 258, § 13	Protects municipal officials from personal financial loss, not to exceed \$1,000,000
1981	Acts of 1981, Ch. 251	Fire Department: control of Selectmen
1981	Acts of 1981, Ch. 245	License for sale of alcoholic beverages not to be drunk on premises
1981	Acts of 1981, Ch. 227	Authorization to lease telephone system
1982	Ch. 90, § 20A	Authorize Town to collect parking fines
1985	Acts of 1985, Ch. 31	Town Accountant: exempt from civil service; control by Selectmen

Year	Statute	Subject
1986	Ch. 40, §§ 22 and 23	Selectmen: authority to establish regulations for Sandy Beach
1986	Ch. 41, §§ 108A and 108C	Personnel classification and compensation plan
1989	Ch. 140, § 147A	Dog regulations
1990	Acts of 1989, Ch. 653, § 40	Assessors: time of assessing improvements to real property
1990	Ch. 59, § 5, Clause 17C 1/2 (rescinded 1992)	Tax exemption to surviving spouse, minor child or elderly person
1990	Ch. 40, § 85	Established Handicapped Commission
1991	Acts of 1990, Ch. 291	Authorization for enhanced 911 telephone services
1991	Acts of 1989, Ch. 494	Partial tax exemptions for homeowners providing housing to elderly
1991	Acts of 1989, Ch. 642	Sprinkler systems required in buildings with more than 4 dwelling units
1992	Rescind Ch. 59, § 5, Clause 17C 1/2; adopt Ch. 59, § 5, Clause 17D	Tax exemption to surviving spouse, minor child or elderly person
1992	Accept Ch. 59, § 57C	Quarterly tax payment system
1994	Adopt MGL c. 40, §§ 42A to 42F	Allow Town Collector to place a lien for nonpayment of water bill
1994	Ch. 59, § 5, Clause 41	Increase maximum gross receipts up to and including \$40,000 that a taxpayer may have to qualify for exemption
1994	Acts of 1993, Ch. 71, § 83	Early retirement incentive for teachers
1994	Acts of 1989, Ch. 180, § 1	Amend Ch. 180, Acts of 1989
1996	Acts of 1996	Treasurer-Collector appointed position
1996	Acts of 1996	Act authorizing the Town to install pipeline in Cohasset, Hingham and Hull
1996	Acts of 1996, Ch. 59, § 21C	Validating vote of April 6, 1996 election

Year	Statute	Subject
1996	Adopt MGL c. 148, § 26H	Sprinklers in lodging/boarding houses
1996	Adopt MGL c. 80, § 13	Exemption under Clause 41A of § 4 of Ch. 59 for purpose of deferral of betterments, etc.
1997	Accept MGL c. 90, § 20A 1/2	Appoint Parking Clerk, parking violations, etc.
1997	Acts of 1997, Ch. 34	Act providing for a Town Manager
1997	Acts of 1997, Ch. 33	Eliminate the Wire Department
1997	Accept Acts of 1986, Ch. 73, § 4	Tax exemptions
1998	Acts of 1998, Ch. 421	Act amending the Town Manager Act
1998	Acts of 1998, Ch. 436	Act authorizing Water Department to provide water service to other cities, towns and water companies
1999	Accept Ch. 40S, § 22F	Municipal board or officer empowered to issue a license and charge reasonable fees
2000	Acts of 2000, Ch. 330, § 1	Act amending the Town Manager Act
2000	Accept MGL c. 60, § 3D	Rescinded ATM 4-29-2019 by Art. 17
2001	Acts of 2001, Ch. 79	Act authorizing Town of Cohasset to borrow money for a longer duration than statutory limits for Woodside Cemetery
2001	Accept Ch. 44, § 53F 1/2	Establish Water Department as an enterprise fund
2002	Acts of 2002, Ch. 439	An Act Authorizing Cohasset Water Commissioners to Serve in Other Town Offices
2004	Accept MGL c. 41, § 19K	Additional compensation
2005	Ch. 59, § 21A	Assessors compensation
2006	Acts of 2006, Ch. 368	An Act Establishing the Cohasset Library Trust, Inc.
2008	Acts of 2008, Ch. 35	An Act Authorizing the Town of Cohasset Water Department to Provide Water Services to Entities Outside Cohasset

Year	Statute	Subject
2009	Accept MGL c. 49, § 5L, as amended by Ch. 260, Acts of 2006, § 12	Tax deferral for military service
2009	Accept MGL c. 32B, § 18	Move employees at age 65 to Medicare coverage along with supplemental health insurance
2010	Accept MGL c. 60A, § 9, Ch. 183, § 17, Acts of 2008	Residency requirements for veteran's exemptions
2010	Acts of 2010, Ch. 226	An Act Authorizing the Town of Cohasset to Use a Certain Parcel of Water Supply Land for General Municipal Purposes
2010	Acts of 2010, Ch. 241	An Act Authorizing the Town of Cohasset to Grant Certain Interests in Land Acquired for Conservation, Open Space and Water Protection Purposes
2012	Accept MGL 32B, § 20	Create an other post-employment benefits liability trust fund
2012	Acts of 2012, Ch. 228	An Act Authorizing the Town of Cohasset to Transfer Certain Interests in Land
2013	Acts of 2013, Ch. 147, accept MGL c. 39, § 23D	Amend Ch. 65 of the Acts of 1962, sewer
2013	Accept MGL c. 40, § 57	Denial, revocation or suspension of local licenses and permits
2013	Accept MGL c. 41, § 41B	Direct deposit of salary payments
2013	Accept MGL c. 200A, § 9A	Provides for disposition of abandoned funds
2014	Acts of 2014, Ch. 3	Act amending the Town Manager Act
2015	Accept MGL c. 54, § 16A	Town Clerk appoints election workers to fill vacancy at polls
2017	Accept MGL c. 71, § 71F	Monies received by the School Committee as tuition payments for nonresident students and as state reimbursements for students in foster care
2018	Accept MGL c. 60A, § 1	POW excise exemption
2018	Accept MGL c. 90, § 17	To enable the Town to establish certain speed limits

Year	Statute	Subject
2019	Accept MGL c. 59, § 5, Clause 54	Exempt from taxation personal property below \$5,000
2020	Accept MGL c. 44, § 53F 3/4	PEG Access and Cable Related Fund
2020	Accept Acts of 1986, Ch. 73, Sec. 4	Grant an additional real estate tax exemption to persons who qualify for exemptions under MGL c. 59, § 5, cl. 17, 17C 1/2, 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43
2020	Accept amendment to MGL c. 59, § 5, cl. 41	Grant additional real estate tax exemption to persons qualified under MGL c. 59, § 5, cl. 41
2020	Accept Acts of 2018, Ch. 218, Sec. 15	BRAVE Act to allow additional veteran's benefits in accordance with MGL c. 59, § 5, cl. 22G and 22H
2020	Accept MGL c. 60A, § 1	Motor vehicle excise tax exemption for former prisoners of war
2020	Acts of 2020, Ch. 12	An Act Authorizing Certain Investments by the Treasurer of the Town of Cohasset
2021	Accept Acts of 1986, Ch. 73, Sec. 4	Grant an additional real estate tax exemption to persons who qualify for exemptions under MGL c. 59, § 5, cl. 17, 17C 1/2, 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43
2021	Accept amendment to MGL c. 59, § 5, cl. 41	Grant additional real estate tax exemption to persons qualified under MGL c. 59, § 5, cl. 41
2022	Accept Acts of 1986, Ch. 73, Sec. 4	Grant an additional real estate tax exemption to persons who qualify for exemptions under MGL c. 59, § 5, cl. 17, 17C 1/2, 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43
2022	Accept amendment to MGL c. 59, § 5, cl. 41	Grant additional real estate tax exemption to persons qualified under MGL c. 59, § 5, cl. 41

Year	Statute	Subject
2022	Acts of 2022, Ch. 56	An Act Renaming the Board of Selectmen in the Town of Cohasset to the Select Board and Making Certain Other Related Gender-Neutral Changes
2023	Accept Acts of 1986, Ch. 73, Sec. 4	Grant an additional real estate tax exemption to persons who qualify for exemptions under MGL c. 59, § 5, cl. 17, 17C 1/2, 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43
2023	Accept amendment to MGL c. 59, § 5, cl. 41	Grant additional real estate tax exemption to persons qualified under MGL c. 59, § 5, cl. 41
2023	Accept MGL c. 59, § 5N	Tax work-off program for veterans
2024	Accept Acts of 1986, Ch. 73, Sec. 4	Grant an additional real estate tax exemption to persons who qualify for exemptions under MGL c. 59, § 5, cl. 17, 17C 1/2, 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43
2024	Accept amendment to MGL c. 59, § 5, cl. 41	Grant additional real estate tax exemption to persons qualified under MGL c. 59, § 5, cl. 41
2024	Acts of 2024, Ch. 163	An Act Relative to Certain Parcels of Land in the Town of Cohasset

Derivation Table

DERIVATION TABLE

Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1988 General Bylaws have been included in the 2018 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1988 General Bylaws to 2018 Code

Article/Section From 1988 General Bylaws	Location in 2018 Code
Art. I, Introduction	
§ 1, General provisions	Ch. 1, Art. I
§ 2, Definition of terms	Ch. 1, Art. I
§ 3, Officers and committees	Ch. 30, Art. I
Art. II, Town Meeting	Ch. 45
Art. III, Elected Town Officers	Ch. 30, Art. II
Art. IV, Appointed Town Officers	Ch. 30, Art. III
Art. V, Appointed Standing Town Boards and Committees	Ch. 30, Art. IV
Art. VI, Municipal Finance	Ch. 12
Art. VII, Safety and Public Order	
§ 1, Excavations in public streets	Ch. 228, Art. I
§ 2, Obstructing streets and sidewalks	Ch. 228, Art. I
§ 3, Reconstructing or repairing paved streets	Ch. 228, Art. I
§ 4, Moving buildings or objects over streets	Ch. 228, Art. I
§ 5, Objects falling from vehicles	Ch. 228, Art. I
§ 6, Parking regulations	Ch. 244, Art. I
§ 7, Discharge of water, snow or ice on public ways	Ch. 228, Art. I
§ 8, Coasting	Ch. 228, Art. I
§ 9, Riding vehicles on sidewalks	Ch. 228, Art. I
§ 10, Playing games or throwing stones or missiles	Ch. 228, Art. I
§ 11, Horses, livestock and poultry	Ch. 69, Art. II
§ 12, Dogs	Ch. 69, Art. I
§ 13, Tampering with Fire Department equipment	Ch. 112, Art. I

Article/Section From 1988 General Bylaws	Location in 2018 Code
§ 14, Obstructing sidewalks	Ch. 228, Art. I
§ 15, Alcoholic beverages	Ch. 63
§ 16, Hawking, singing or playing instruments on streets	Ch. 228, Art. I
§ 16A, Door-to-door solicitation	Ch. 184, Art. I
§ 17, Junk collectors	Ch. 144
§ 18, Junk shops	Ch. 144
§ 19, Depositing rubbish and littering	Ch. 180
§ 20, Handbills and notices	Ch. 180
§ 21, Swimming or appearing in public without proper apparel	Ch. 180
§ 22, Diving off bridges	Ch. 180
§ 23, Trespassing	Ch. 180
§ 24, Hunting and discharge of firearms	Ch. 180
§ 25, Vehicles for hire	Ch. 247
§ 26, Sandy Beach Parking Lot	Ch. 244, Art. II
§ 27, Burglar alarm system regulations	Ch. 60, Art. I
§ 27A, Fire alarm system regulations	Ch. 60, Art. II
§ 28, Building numbers	Ch. 84
§ 29, Handicapped Parking	Ch. 244, Art. III
§ 30, Business operating hours	Ch. 89, Art. I
§ 31, Recycling	Ch. 217, Art. I
§ 32, Watercraft on Little Harbor	Ch. 255, Art. I
§ 33, Smoking	Ch. 211
§ 34, Private landfills	Ch. 217, Art. II
§ 35, Fire lanes	Ch. 112, Art. II
§ 36, Key boxes	Ch. 112, Art. III
§ 37, Solid waste facility public process	Ch. 217, Art. III

Article/Section From 1988 General Bylaws**Location in
2018 Code**

§ 38, Unlawful use of public receptacles	Ch. 217, Art. IV
§ 39, Ban on sale of mercury thermometers	Ch. 165
§ 40, Publication of building permits issued	Ch. 80, Art. I
§ 41, Licenses and permits; collections	Repealed 4-30-2018 ATM by Art. 18; see § 12-8
§ 42, Photovoltaic array installation requirements	Ch. 80, Art. III
§ 43, Prohibition of marijuana establishments	Ch. 89, Art. II
§ 44, Plastic bag reduction	Ch. 89, Art. III
Art. VIII, Cemeteries	Ch. 96
Art. IX, Harbor	Ch. 121
Art. X, Billboards	Ch. 205
Art. XI, Personnel Classification and Compensation Plan	Ch. 34
Art. XII, Historic District	Ch. 132
Art. XIII, Hazardous Materials	Ch. 125
Art. XIV, Wetlands Protection	Ch. 260
Art. XV, Stormwater Management	Ch. 223
Art. XVI, Sewer Districts	Ch. 198, Art. I
Art. XVII, Stretch Energy Code	Ch. 80, Art. II
Art. XVII, Scenic Roads in Cohasset	Ch. 228, Art. II

Disposition List

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Cohasset submitted for codification, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was the Annual Town Meeting of April 30, 2018.

DISPOSITION LIST

§ DL-1

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
ATM Art. 23	4-28-2014	Zoning amendment	Ch. 300
ATM Art. 24	4-28-2014	Zoning amendment	Ch. 300
STM Art. 12	11-17-2014	Personnel	Ch. 34
ATM Art. 20	5-2-2015	Zoning amendment	Ch. 300
ATM Art. 21	5-2-2015	Zoning amendment	Ch. 300
STM Art. 11	11-2-2015	Solicitors amendment	Ch. 184, Art. I
ATM Art. 22	5-2-2016	Elected Town officers amendment (Planning Board)	Ch. 30, Art. II
STM Art. 8	11-28-2016	Solar photovoltaic installations	Ch. 80, Art. III
STM Art. 9	11-28-2016	Wetlands protection amendment	Ch. 260
ATM Art. 9	5-1-2017	Departmental Revolving Funds	Ch. 8
ATM Art. 16	5-1-2017	Finance amendment	Ch. 12
ATM Art. 17	5-1-2017	Zoning amendment	Ch. 300
ATM Art. 18	5-1-2017	Appointed Town officers amendment (Director of Finance)	Ch. 30, Art. III
ATM Art. 21	5-1-2017	Elected Town officers amendment (Selectmen)	Ch. 30, Art. II
ATM Art. 22	5-1-2017	Zoning amendment	Ch. 300
ATM Art. 23	5-1-2017	Zoning amendment	Ch. 300
ATM Art. 25	5-1-2017	Zoning amendment	Ch. 300
ATM Art. 27	5-1-2017	Scenic roads	Ch. 228, Art. II
STM Art. 5	12-4-2017	Accept MGL c. 71, § 71F	Ch. A500
ATM Art. 14	4-30-2018	Accept MGL c. 60A, § 1	Ch. A500
ATM Art. 17	4-30-2018	Accept MGL c. 90, § 17	Ch. A500
ATM Art. 18	4-30-2018	Recodification of General Bylaws	Ch. 1, Art. II
ATM Art. 19	4-30-2018	Recodification of Zoning Bylaw	Ch. 300
ATM Art. 20	4-30-2018	Zoning amendment	Ch. 300

Enactment	Adoption Date	Subject	Disposition
ATM Art. 21	4-30-2018	Marijuana establishments	Ch. 89, Art. II
ATM Art. 22	4-30-2018	Zoning amendment	Ch. 300
ATM Art. 23	4-30-2018	Zoning amendment	Ch. 300
ATM Art. 24	4-30-2018	Appointed boards and committees amendment (Harbor Committee)	Ch. 30, Art. IV
ATM Art. 25	4-30-2018	Plastic bag reduction	Ch. 89, Art. III

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM Art. 15	4-29-2019	Animals Amendment	Ch. 69	1
ATM Art. 12	4-29-2019	Accept MGL c. 59, §5, Clause 54	Ch. A500	1
ATM Art. 17	4-29-2019	Rescind Acceptance of MGL c. 60, § 3D	Ch. A500	1
ATM, Art. 18	4-29-2019	Zoning Amendment	Ch. 300	2
ATM, Art. 3	6-16-2020	Accept MGL c. 44, § 53F 3/4	Ch. A500	7
ATM, Art. 9	6-16-2020	Departmental Revolving Funds Amendment	Ch. 8	3
ATM, Art. 13	6-16-2020	Accept Acts of 1986, Ch. 73, Sec. 4; MGL c. 59, § 5, cl. 41C	Ch. A500	7
ATM, Art. 14	6-16-2020	Accept Acts of 2018, Ch. 218, Sec. 15	Ch. A500	7
ATM, Art. 15	6-16-2020	Accept MGL c. 60A, § 1	Ch. A500	7
ATM, Art. 13	5-24-2021	Accept Acts of 1986, Ch. 73, Sec. 4; MGL c. 59, § 5, cl. 41C	Ch. A500	7
ATM, Art. 18	5-24-2021	Officers, Boards and Committees: Appointed Boards and Committees Amendment	Ch. 30, Art. IV	3

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 20	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 21	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 22	5-24-2021	Zoning Map Amendment	See Ch. 300	3
ATM, Art. 23	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 24	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 25	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 26	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 27	5-24-2021	Zoning Amendment	Ch. 300	3
ATM, Art. 28	5-24-2021	Nomenclature Change: Board of Public Health	Various chapters	3
STM, Art. 7	12-13-2021	Zoning Amendment	Ch. 300	4
ATM, Art. 13	5-2-2022	Accept Acts of 1986, Ch. 73, Sec. 4; MGL c. 59, § 5, cl. 41C	Ch. A500	7
STM, Art. 7	12-12-2022	Departmental Revolving Funds Amendment	Ch. 8	5
STM, Art. 10	12-12-2022	Wetlands Protection Amendment	Ch. 260	5
STM, Art. 15	12-12-2022	Navigation Bylaw	Disapproved by Attorney General	5
ATM, Art. 14	5-1-2023	Accept Acts of 1986, Ch. 73, Sec. 4; MGL c. 59, § 5, cl. 41C	Ch. A500	7
ATM, Art. 16	5-1-2023	Accept MGL c. 59, § 5N	Ch. A500	7

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 17	5-1-2023	Rescind 1928 acceptance of MGL c. 31, § 48	See Ch. A500	7
ATM, Art. 18	5-1-2023	Stormwater Management Amendment	Ch. 223	5
ATM, Art. 19	5-1-2023	Building Construction: Building Permits Amendment	Ch. 80, Art. I	5
ATM, Art. 20	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
ATM, Art. 21	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
ATM, Art. 22	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
ATM, Art. 23	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
ATM, Art. 24	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
ATM, Art. 25	5-1-2023	Zoning Bylaw Amendment	Ch. 300	5
STM, Art. 12	11-13-2023	Wetlands Protection Amendment	Ch. 260	6
STM, Art. 13	11-13-2023	Zoning Bylaw Amendment	Ch. 300	6
STM, Art. 14	11-13-2023	Zoning Bylaw Amendment	Ch. 300	6
ATM, Art. 11	6-3-2024	Departmental Revolving Funds Amendment	Ch. 8	7
ATM, Art. 13	6-3-2024	Accept Acts of 1986, Ch. 73, Sec. 4; MGL c. 59, § 5, cl. 41C	Ch. A500	7
ATM, Art. 16	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 17	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 18	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 19	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 20	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 21	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 22	6-3-2024	Zoning Bylaw Amendment	Ch. 300	7
ATM, Art. 23	6-3-2024	Noise Control	Ch. 170	7
ATM, Art. 24	6-3-2024	Businesses: Plastic Water Bottle Ban	Ch. 89, Art. IV	7
STM, Art. 8	12-9-2024	Departmental Revolving Funds Amendment	Ch. 8	9
STM, Art. 10	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 11	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 12	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 13	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 14	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 15	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 16	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
STM, Art. 17	12-9-2024	Zoning Bylaw Amendment	Ch. 300	9
ATM, Art. 7	5-12-2025	Zoning Bylaw Amendment	Ch. 300	10