Waterfront Business District
Town of Cohasset
February 20, 2019
Topics

- Development Regulations
  - Federal: FEMA
  - Massachusetts: Chapter 91
  - Town: Zoning:
    - Uses
    - Dimensional Standards
    - Off-Street Parking Standards
    - Floodplain and Watershed Protection District

- Zoning Options
High-Velocity Zone (VE; purple)

“Hundred Year Storm”/1% Annual Chance (AE; blue)

“Five-Hundred Year Storm”/2% Annual Chance (X; orange)

- FEMA and State codes for building in a flood plain
- Tied to your Floodplain and Watershed Protection District
Chapter 91 and Implications

Water-dependent Use Zone

Location is mathematical calculation based on the relationship of the mean higher high water mark or line (MHHW) to the landward lot line

No less than 25 feet from the MHHW.

Determines which uses are allowed within that zone

9.52(1)(a) and (b): In the event the project includes a water-dependent use zone, the project shall include at least the following: (a) one or more facilities that generate water-dependent activity; and (b) ... walkways and related facilities along the entire length of the water-dependent use zone... and... no less than ten feet in width... and appropriate connecting walkways... for use in fishing, fowling, navigation...

9.52(2): In the event the project does not include a water-dependent use zone, the project shall provide connecting public walkways ... to [link water-dependent use zones] to public ways or other public access facilities to which any tidelands on the project site are adjacent.
Chapter 91 and Implications

Facilities of Public Accommodation

Location based on the relationship of the project area to flowed and filled tidelands and the MHHW

Requires public access including a minimum 10’ wide pathway connected to a public way.
Chapter 91 and Implications

Commonwealth Tidelands

Presence determined by the relationship between the historic high water mark and the historic low water mark; not all waterfront properties have Commonwealth Tidelands.

Year-round public activity required on Commonwealth tidelands; link to FPA.

9.53 A nonwater-dependent use project that includes fill or structures on Commonwealth tidelands... must promote public use and enjoyment of such lands... The project shall attract and maintain substantial public activity on the site on a year-round basis... consistent with 9.53(2)(a) through (e) [which determines uses and 9.53(3)(a) through (d) which requires consistency with other development policies of the Commonwealth for nonwater-dependent uses.
Chapter 91 and Implications

**Height limitations**
within over the water or within 100 feet landward of the high water mark and within the Chapter 91 jurisdiction

**Maximum of 55’;** can go up one foot for every two feet beyond 100’ from the MHHW
Chapter 91 and Implications

Open space requirements based on the building coverage of tidelands by nonwater-dependent uses

One square foot of open space for every square foot of tidelands covered by a nonwater-dependent use

*9.51(3)(d): At least one square foot of the project site at ground level, exclusive of areas lying seaward of a project shoreline, shall be reserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use.
Waterfront Business District and Parcels

1 Cohasset Harbor Inn

2 Atlantica/Old Salt House

3 Cohasset Lobster
Pound/Mill River Boatyard
Restrictions on Development

Zoning: Uses

- Waterfront Business District: Residential
  - Home occupation
  - Accessory residential building (toolshed, boathouse, etc.)
  - Wall, fence, hedge, other enclosure
  - Storage of lobstering or fishing equipment or of any boat within or outside a building

- Note that residential use itself is not allowed.
Restrictions on Development
Zoning: Uses

- Waterfront Business District: Community Facilities
  - Church, rectory, parish house, convent or other religious use
  - Nonprofit educational use either public, private, or religions
  - Street, bridge, tunnel
  - Golf course, fishing reservations, or wildlife preserve
  - Historical association or society (SP)
  - Hospital or sanitorium (SP)
  - Administrative, cultural, recreational, wastewater treatment, water supply, fire, police, or other protective use operated by the Town or other governmental agency
Restrictions on Development

Zoning: Uses

- Waterfront Business District: Agricultural
  - Agriculture, horticulture, and floriculture, not including a greenhouse or stand for retail sale
  - Noncommercial forestry, growing of crops and other vegetation, and conservation of water plants and wildlife in natural habitat
  - Raising or keeping of farm animals, livestock, or poultry for use by residents of the premises subject to Board of Health's regulations and provided that no noise or odor is observable at the lot lines
  - Retail sale of holiday trees, wreaths, swags, and similar natural decorations for a period commencing on the fourth Friday in November of any year subject to complete removal not later than December 31 of such year (SP)
Restrictions on Development
Zoning: Uses

- Waterfront Business District: Retail and Services
  - Stores for the sale of goods at retail, including dry goods, food, apparel and accessories, furniture and home furnishings, smallwares, and hardware (SP)
  - Restaurants (other than fast-food restaurants) serving foods or beverages from within the premises (SP)
  - Fast-food restaurant (SP)
  - Hotels and motels (SP)
  - Retail sale of marina petroleum products, fishing and boating gear, apparel, boats and boat trailers and supplies
  - Membership club or nonprofit organization (SP)
Restrictions on Development

Zoning: Uses

- Waterfront Business District: Retail and Services
  - Indoor motion-picture amusement and recreation establishment (SP)
  - Wind energy conversion facility (SPP)
  - Private boat docks (SP)
  - Boat yards, repair and open-air sale and storage of boats, boat livery, or marina (SP)
  - Commercial or membership sports and recreational facilities (SP)
  - Other similar retail and service uses (SP)  
    (NB this appeared after a list of miscellaneous business offices and personal service establishments which are not allowed)
  - Customary accessory uses
Restrictions on Development

Zoning: Uses

- Waterfront Business District: Wholesale and Manufacturing
  - Aboveground storage of gas and petroleum products (SP)

- Waterfront Business District: All Uses
  - With the exception of trailers being used in connection with an active construction project, temporary structures including trailers for storage of materials or equipment (SP)
  - Temporary (less than 30 days) amusement enterprise not including any permanent structures (SP)
Restrictions on Development

Zoning: Dimensional Standards

- Minimum Lot Area: No requirement
- Minimum Frontage: 20 feet
- Minimum Width: 20 feet
- Minimum Front Yard: 15 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Depth: 15 feet
- Maximum Height: 35 feet
- Maximum Coverage: 80%
Floor Area Ratio (FAR)

- Measurement of the density of development
  - What is the relationship of the size of the building to its lot?

- Allows for comparisons of density across varying building and lot sizes.

- Ratio of the Gross Square Feet of the building to the Gross Square Feet of the lot
Floor Area Ratio (FAR)

FAR 1.0

- Footprint of single-story building = total square footage of lot

- Single-story building of 100 feet x 100 feet or 10,000 square feet
FAR 1.0

- Single-story building of 100 feet x 100 feet or 10,000 square feet

- Two-story building of 100 feet x 50 feet x 2 floors or 10,000 square feet
Floor Area Ratio (FAR)

FAR 1.0

- Three-story building of 100 feet x 33 feet 4 inches x 3 floors or 10,000 square feet
Floor Area Ratio (FAR)

FAR 0.5

- Footprint of single-story building = half the total square footage of lot

- Single-story building of 100 feet x 50 feet or 5,000 square feet
FAR 0.5

- Single-story building of 100 feet x 50 feet or 5,000 square feet
- Two-story building of 50 feet x 50 feet x 2 floors or 5,000 square feet
Floor Area Ratio (FAR)

FAR 0.5

- Three-story building of 50 feet x 33 feet 4 inches x 3 floors or 5,000 square feet
### Floor Area Ratio (FAR)

<table>
<thead>
<tr>
<th>Address</th>
<th>Name</th>
<th>Parcel Size (SF)</th>
<th>Gross Building Area (SF)</th>
<th>FAR</th>
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</thead>
<tbody>
<tr>
<td>124 Elm Street</td>
<td>Cohasset Harbor Inn</td>
<td>53,317</td>
<td>47,397</td>
<td>0.86</td>
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<tr>
<td>44 Border Street</td>
<td>Olde Salt House</td>
<td>6,100</td>
<td>1,472</td>
<td>0.24</td>
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<td>46 Border Street</td>
<td>Atlantica</td>
<td>32,902</td>
<td>14,203</td>
<td>0.43</td>
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<td>82 Border Street</td>
<td>Cohasset Lobster Pound/Mill River Marina</td>
<td>19,929</td>
<td>10,290</td>
<td>0.52</td>
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</tbody>
</table>
124 Elm Street: Cohasset Harbor Inn

Parcel Size  ±53,579 SF
Gross Building Area  ±47,400 SF
FAR  ± 0.86
Restrictions on Development

Zoning: Off-Street Parking Standards

Residential

- Single-family dwelling: 2 spaces per unit
- Dwelling in a business district: 1.5 to 2 spaces per unit
- Multifamily Dwelling, not VB: 1.5 spaces per unit on same or contiguous lot, subject to covenant to assure permanent off-street parking, as ZBA determines to be adequate
- Apartments in the VB: 1 space per unit with additional flexibility
Restrictions on Development

Zoning: Off-Street Parking Standards

Non-residential

- Restaurants: 1 space for each 3 seats; within a mixed-use building: 1 space per 200 sf of net floor area
- Offices and stores: 1 space for each 100 SF of net floor area
- Mixed uses: Spaces calculated separately for each use
- Different regulations for the VB District for residential and office/retail
- No vehicle parking or loading spaces within five feet of any front, side, or rear lot line
- Bylaw has required dimensions for various parking layouts
Restrictions on Development

Zoning: Floodplain and Watershed Protection District

- Special permit required from the Zoning Board of Appeals for construction or alteration of a building or structure within the Floodplain and Watershed Protection District.

- Proposed structure and use cannot be damaged by flooding or waves.

- FEMA and building code requirements for buildings in flood plains will also apply.
Zoning Options
Addressing Flexibility

Options

- Public Benefits: may be tied to the provision of density bonuses, dimensional waivers, or other waivers

- Compliance alternative: If the Planning Board and Applicant agree that a proposed design meets the intent of the zoning bylaw but does not meet the development or design standards that the Planning Board may accept the proposed solution if it meets the public purpose of the zoning. Specific criteria should be developed to provide a framework for the use of the compliance alternative.

- Parking, inclusionary zoning, other current requirements: may be tied to provision fee-in-lieu, off-site or other measures. Specific criteria should be developed to provide a framework for alternative means of providing these.
**Zoning Options**

Modify Current WB District vs. New Overlay

- Difference between a standard Zoning District and an Overlay

- WB Zoning District always remains in place

- Overlay District “sits” on top of the Zoning District and modifies the uses, dimensional standards, and performance standards of the underlying Zoning District

- Applicant can apply under one or the other but not both
Existing Zoning

- Uses within existing zoning will not change

- Existing uses that are grandfathered under existing zoning will not be affected
Overlay Districts

Overlay

- Allows different uses from the existing zoning
- Requires different standards (dimensional or other) from the existing zoning
Zoning Options

Modify WB District vs. New Overlay

**Modify WB**
- Add mixed-use residential as a SPP to existing WB column in Table of Uses
- Modify (if necessary) dimensional standards for WB district
- Add new article that defines performance standards for SPP within the WB similar to the structure of Article 18 Special Permits in the Village Business (VB) District

**New Overlay**
- Add new column to table of Uses; define all uses and level of permission within the new overlay district
- Add new row to Dimensional Standards; define dimensional standards for parcels within the new overlay district
- Add new article for overlay district (similar to the structure of Article 17 Transit-Oriented Development Overlay District)
Schedule

March 6: Discuss Design Guidelines
March 20: Planning Board takes action on Warrant Article
April 29: Annual Town Meeting
Post-ATM: Planning Board Vote on Design Guidelines
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