

# Harbor Village Business Overlay District (Zoning Section 300-22)

## Technical Review Matrix

<b>Application:</b>	124 & 87 Elm Street, Cohasset, MA 02025	
<b>ZONING SECTION</b>		<b>STAFF COMMENTS</b>
<b>Section 300-22.1 Purpose:</b>		
<p>A. The following are the purposes of this Harbor Village Business Overlay District Bylaw (“HVBOD”)</p> <p>(1) To encourage a vibrant mix of uses, including multifamily residential, to support increased public access to and commercial activity within Cohasset Harbor.</p> <p>(2) To activate the edges of Border Street and Summer Street and the Cohasset waterfront, allowing commercial uses to contribute to public activity in the area.</p> <p>(3) To encourage physical and commercial links between Cohasset Harbor and Cohasset Village, anchoring Elm Street at each end with a complementary mix of commercial and residential uses.</p> <p>(4) To ensure that new development in the Harbor area is consistent with a local and state approved Municipal Cohasset Harbor Plan, including the requirements for public access under Massachusetts General Laws Chapter 91.</p>		<p>Bylaw intent to keep in mind during permitting process... does the PB feel that the proposed development meets these purposes?</p>
<p>B. The Town considers the mix of residential and commercial uses and public access to the Harbor in the HVBOD to be one of the fundamental purposes of Zoning Bylaw Article 22.</p>		<p>See above comment</p>
<b>300-22.2 Location and boundaries.</b>		
<p>The location and boundaries of the HVBOD are the Village Business District that abuts Border Street and the parcel within the Waterfront Business District at the junction of Border, Margin, and Elm Streets, excluding any other areas in the Town that are zoned Village Business or Waterfront Business. Said overlay district is comprised of Cohasset Assessors’ plots Map F5, Lot 30, Block 21; Map F5, Lot 27, Block 004; Map F5, Lot 27, Block 003; Map F5, Lot 27, Block 002; Map F5, Lot 27, Block 001; Map F5, Lot 32, Block 021; and Map F5, Lot 32, Block 022, all in accordance with a map showing the boundaries of such HVBOD dated April 29, 2019.</p> <p>The HVBOD created herein shall be deemed to be an overlay district. The requirements set below shall constitute an alternative set of standards for development and use of real estate within this new boundary; provided, however, that a special permit in accordance with this Zoning Bylaw Article 22 is granted by the Cohasset Planning Board. If such a special permit is not sought, is not granted, or lapses, then all requirements of the underlying districts shall apply to the land, but the alternative standards for development and use of real estate within said Village Business District and Waterfront Business District, as provided in this Zoning Bylaw Article 22, shall not apply.</p>		<p>Application subject parcels are located in the overlay – Parcel ID numbers: F5-30-021 &amp; F5-27-004</p>
<b>300-22.3 Definitions</b>		
<p>For the purposes of this Zoning Bylaw Article 22, the following terms and words are given the meanings stated below:</p> <p><b>CO-WORKING SPACE</b>  A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.</p> <p><b>TEMPORARY HVBOD USE</b></p>		<p>No comment</p>

<p>A programmed activity, retail, food-related, or water-dependent use that is available seasonally and serves the public. Such use may include one or more of the following: a seasonal or regularly scheduled outdoor exercise class or other group activity; a kiosk, stand, or truck selling goods or food; and a kayak, paddleboard, or other non-motorized boat rental.</p>	
<b>300-22.4 Procedures.</b>	
<p>A. Any development, use and/or change of use allowed pursuant to this Article 22 shall require an application for a special permit in the HVBOD, and for site plan review pursuant to § 300-12.6 of the Cohasset Zoning Bylaw, to be filed with the Town Clerk with a copy filed forthwith with the Cohasset Planning Board and shall be accompanied by 18 copies of a site plan of the entire tract under consideration, prepared by a professional engineer, architect, or landscape architect.</p>	<p>Complete – SP &amp; SPR application filed with Town Clerk May 19, 2020</p>
<p>B. Said application and plan shall be prepared in accordance with the requirements for a site plan review in the rules and regulations for site plan review as adopted by the Cohasset Planning Board, inclusive of all checklists, and shall include the proposed location, bulk, and height of all proposed buildings. In addition, the applicant shall provide the following information:</p> <p>(1) An analysis of the site, including wetlands, slopes, soil conditions, areas within the one-hundred year floodplain, trees over eight inches in diameter and such other natural features as the Cohasset Planning Board may request.</p> <p>(2) A summary of the environmental concerns related to the proposed site plan.</p> <p>(3) Sufficient information, including soil evaluation and percolation test data, in accordance with the rules and regulations of the Cohasset Board of Health and applicable Department of Environmental Protection regulations, to make a determination that adequate provision is made for the disposal of septic waste or written confirmation from the Town of Cohasset Sewer Commission detailing an agreement to accept the proposed wastewater flow</p> <p>(4) A description of the neighborhood in which the lot lies, including utilities and other public facilities, and the impact of the proposed plan upon them.</p> <p>(5) Design characteristics shall be shown through rendering or elevations and shall include, but not be limited to, building material, architectural design, streets, site and building landscaping.</p> <p>(6) A municipal fiscal impact analysis of the proposed use and development upon the Town.</p> <p>(7) Any other information required by the Cohasset Planning Board in the rules and regulations adopted by it with respect to such special permit process.</p>	<p>*All application information referenced below to be reviewed by Peer Review Consultant for compliance*</p> <p>Provided – Site Plan &amp; Landscape Plans</p> <p>Provided – Summarized in applicant attorney letter to PB Chair &amp; Environmental Impact Report</p> <p>Provided – Environmental Impact Report; To be confirmed with BOH &amp; Sewer Commission in addition to Peer Review Consultant</p> <p>Provided – Applicant attorney letter to Chair</p> <p>Provided – Planning Board Packet</p> <p>Provided – Fiscal Impact Analysis</p>
<p>C. The Cohasset Planning Board shall hold a public hearing under this Zoning Bylaw Article 22 and take action thereupon, in conformity with the provisions of MGL c. 40A, §§ 9 and 11.</p>	<p>Ongoing – opened June 17, 2020 &amp; continued to July 8, 2020</p>
<p>D. A special permit issued under this Zoning Bylaw Article 22 shall not be a substitute for compliance with the site plan review requirements of § 300-12.6 of the Cohasset Zoning Bylaw where such compliance is required pursuant to applicable law. The granting of a special permit pursuant to this Zoning Bylaw Article 22 shall not constitute a waiver of any requirement of § 300-12.6, as above. However, to facilitate processing, the Cohasset Planning Board may accept a combined plan and application which shall satisfy the requirements of this Zoning Bylaw Article 22 and § 300-12.6 of the Cohasset Zoning Bylaw where applicable.</p>	<p>Combined plan and application received</p>
<b>300-22.5 Uses.</b>	

<p>A. Special permit uses. One or more of the following single uses or mixed uses, in a single structure or in multiple standalone structures, of such features and dimensions as will be in compliance with the design and performance standards of § 300-22.6, the parking rules of § 300-22.7 and the dimensional requirements of § 300-22.8, are permitted in the HVBOD by grant of the special permit described in this Zoning Bylaw Article 22, if involving one or more of the following:</p> <p>(1) Dwelling units in multifamily format in combination with one or more of the uses below.</p> <p>(2) Stores for the sale of goods at retail, including dry goods, food, apparel and accessories, furniture and home furnishings, smallwares, and hardware.</p> <p>(3) Restaurants (other than fast-food restaurants) serving foods or beverages from within the premises.</p> <p>(4) Personal service establishments, including beauty salon, barbershop, tailor, etc.</p> <p>(5) Civic, cultural and community facilities.</p> <p>(6) Offices and other business establishments.</p> <p>(7) Temporary HVBOD Use, as defined in this bylaw, accessory to the special permit use.</p> <p>(8) Co-Working Space, as defined in this bylaw.</p> <p>(9) Buildings and uses accessory to the above, including ground floor parking accessory to dwelling units.</p>	<p>Application proposes mix of multifamily residential, commercial space, and temporary use space in combination with public access</p>
<p>B. Prohibited uses. Any use that is not an allowed use (by right or special permit) in the Village Business or Waterfront Districts shall be prohibited in HVBOD, except as allowed by a special permit issued pursuant to this Zoning Bylaw Article 22.</p>	<p>No comment</p>
<p><b>300-22.6 Design and Performance Standards.</b></p>	
<p>A. In addition to the requirements and procedures set forth in § 300-12.4, applications for special permits in HVBOD shall be subject to the additional required performance standards included in this Section 300-22.6A. In addition to other findings of compliance as required pursuant to this bylaw, a special permit shall not be granted by the Cohasset Planning Board unless and until the Cohasset Planning Board has issued written findings certifying compliance with the performance standards of this Section 300-22.6, as follows:</p> <p>(1) The maximum allowable floor area ratio (FAR) shall be 1.0; however, the maximum allowable FAR may be increased by the special permit granting authority, provided that any such increase in FAR shall not entitle the applicant to relief from other dimensional requirements of this bylaw and the approved use with a FAR greater than 1.0 will provide a public benefit in addition to those necessary to meet all the other requirements of this bylaw, including but not limited to: construction of off-site infrastructure serving a public purpose, such as parking and streetscape improvements, or exceeding the requirements under §300-4.3 N, with inclusionary zoning units located within HVBOD or on the project site.</p> <p>(2) The total residential gross floor area of a dwelling unit in the HVBOD shall be not less than 700 square feet nor more than 3,000 square feet.</p> <p>(3) Ground floor parking must be screened from view of the public right-of-way by landscape treatment appropriate to the area as determined by the special permit granting-authority.</p> <p>(4) For waterfront projects within or partially within the jurisdiction of Chapter 91 of the Massachusetts General Laws, the applicant must meet the requirements for open space and facilities of public accommodation as defined by Chapter 91 or by the requirements of a state approved Municipal Cohasset Harbor Plan, when such plan is in effect. At a minimum, the applicant must provide open space, including a walkway, that is accessible to the public and that connects to a public right-of- way</p>	<p>*Peer Review Consultant to review compliance with standards*</p> <p>FAR proposed in application for 124 Elm Street is 0.93, for 87 Elm Street is 0.91</p> <p>Units proposed meet this requirement</p> <p>Site &amp; landscape plan provided – adequacy to be determined by PB</p> <p>Chapter 91 = State waterfront permitting requirements; Proposal does include view corridor</p>

<p>and to a harbor-wide walkway, should such walkway be built. The applicant must also provide a view corridor easement that aligns with the southern edge of Elm Street, allowing visual access across the parcel to Cohasset Harbor from the public right-of-way.</p> <p>(5) In addition to the required performance standards in this Section 300-22.6, the Cohasset Planning Board may adopt regulations establishing additional design guidelines for development in HVBOD.</p> <p>(6) In granting a special permit, the Cohasset Planning Board 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.</p> <p>(7) The Cohasset Planning Board shall not take final action on a special permit application proposing any expansion or exterior renovation of a building in the HVBOD that was built prior to January 15, 1955, until first requesting, in addition to those reports detailed in § 300-12.4B, 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 Cohasset Planning Board in the final action on the application.</p>	<p>Design guidelines adopted November 2019; Addressed in application</p> <p>Adequacy of proposed architecture to be addressed by PB in hearing</p> <p>124 Elm Street built 1974, does not apply</p> <p>87 Elm Street structure built 1910 - Application and request for comment sent to Historical Commission June 25, 2020</p>
<p>B. In HVBOD, the Cohasset Planning Board may allow dwelling units on ground floors of buildings only where:</p> <p>(1) A minimum of 15% of the building area (excluding basement and underground parking) is dedicated to publicly accessible ground floor commercial or non-residential (excluding parking) uses, including seasonal commercial uses. Of this 15% minimum, a maximum of 5% of the total building area may be dedicated to outdoor seasonal use, such as the outdoor eating area for an adjacent café or restaurant or for seasonal temporary uses. For a project adjacent to the waterfront, 10 feet of the 25-foot setback required from the shoreline may be included in this required area. Notwithstanding the foregoing, the special permit granting authority may waive this minimum if the Applicant provides sufficient evidence of active uses on the ground floor.</p> <p>(2) For waterfront projects, the location of the dwelling units on the ground floor is not in conflict with the requirements of Chapter 91, and a state-approved Municipal Cohasset Harbor Plan.</p> <p>(3) The applicant demonstrates, and the special permit granting authority specifically finds, that first floor residential uses will not have an adverse impact on the continuity of any retail or services uses located adjacent to a public right-of-way, including the shoreline of the Cohasset Harbor.</p>	<p>Peer Review Consultant to review compliance with standards</p> <p>Application proposes 34.6% of gross floor area dedicated to publicly accessible ground floor commercial or non-residential use</p> <p>Addressed in application</p> <p>To be discussed in PB hearing process</p>
<p>C. The Cohasset Planning Board shall be the special permit granting authority for uses identified by the letters "SPP" in § 300-4.2, the Table of Use Regulations. A special permit issued pursuant to this Zoning Bylaw Article 22 shall not be a substitute for compliance with § 300-12.6, 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 Zoning Bylaw Article 22 shall not constitute a waiver of any requirement of § 300-12.6. However, to facilitate processing, the Cohasset 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 their requirements of § 300-12.4, § 300-12.6, this Zoning Bylaw Article 22 and the rules of the special permit granting authority relative to issuance of special permits.</p>	<p>Combined SP &amp; SPR plan and application received for Planning Board</p>
<p><b>300-22.7 Parking Standards.</b></p>	
<p>A. Parking requirements within HVBOD shall be consistent with the requirements of § 300-7.1, with the following exception:</p> <p>(1) Dwelling for occupancy by more than 1 family: 1 1/2 spaces per unit on same or contiguous lot in common ownership subject to covenant to assure permanent use for off-street parking, as the Cohasset Planning Board deems adequate.</p> <p>(2) On any lot in HVBOD that serves more than one use, the total number of spaces required for a development (taken as a whole) may be reduced, provided that the applicant submits credible evidence to the satisfaction of the Cohasset Planning</p>	<p>Peer Review Consultant to review compliance with standards</p> <p>Application proposes 58 spaces for multifamily residential use (44 required) and 23 spaces for commercial use (35 required)</p>

<p>Board that the peak parking demand of the uses does not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight. Parking may be provided on a lot within 100 feet of the principal lot subject to covenant to assure permanent use for off-street parking, as the Cohasset Planning Board deems adequate.</p>	<p>Application requests following waivers from parking standards:</p> <ol style="list-style-type: none"> <li>1. Request reduction of total number of required spaces for commercial use</li> <li>2. Request reduction of parking space size</li> <li>3. Request reduction of drive aisle for parking associated with Veteran's park</li> <li>4. Request allowance of one surface parking space at 87 Elm Street closer than 5 feet from boundary line</li> <li>5. Request allowance of 3 parallel parking spaces on 124 Elm Street site along Margin Street closer than 5 feet from boundary line</li> </ol>
<p><b>300-22.8 Dimensional requirements.</b></p>	
<p>A. A building shall have no minimum front yard setback, in order to encourage the continuation of the existing street wall. However, buildings with more than 2 stories shall be required to step the upper story back by a minimum of 10 feet from the public right-of-way.</p>	<p>Proposed setbacks conform to this requirement</p>
<p>B. A building on the waterfront shall have a minimum set back of 25 feet from the shoreline.</p>	<p>Proposed setbacks conform to this requirement</p>
<p>C. Maximum height is 35 feet above Base Flood Elevation (BFE).</p>	<p>Proposed maximum height 35 feet</p>
<p>D. Maximum structural coverage is limited to 80%.</p>	<p>Proposed structural coverage 44% at 124 Elm Street, 58% at 87 Elm Street</p>
<p>E. The minimum setback for a side yard shall be 10 feet from any adjacent residential building.</p>	<p>Proposed setbacks conform to this requirement</p>
<p><b>300-22.9 Further requirements.</b></p>	
<p>A. Section 300-16.11C of the bylaw shall not apply to HVBOD.</p> <p>B. No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Cohasset Planning Board that the premises have been built in accordance with the plan approved here under.</p> <p>C. The Cohasset Planning Board shall adopt, and from time to time amend, rules and regulations consistent with provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of Zoning Bylaw 300-12.4, prescribe minimum the size, form, contents, style and number of plans and specifications, the Town boards or departments from which the Cohasset Planning Board shall request written reports and the procedure for submission and approval of a special permit under the provisions of this Zoning Bylaw article 22. The Cohasset Planning Board shall also specify the fees to be paid in connection with application for a special permit for an HVBOD, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age and affordability restrictions. Other specifications as deemed necessary by the Cohasset Planning Board shall be included in the rules and regulations. Failure to adopt such rules and regulations shall not affect the validity of this Zoning Bylaw Article 22, or to take any other action related thereto.</p>	<p>To be addressed by Building Commissioner &amp; Peer Review Consultant</p>