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March 9, 2022

Via Hand Delivery and Email

Amy Glasmeier, Chair
Planning Board
Town Hall
41 Highland Avenue
Cohasset, MA 02025

Re: Cohlobster, LLC
46 Border Street, Cohasset (Assessor's Parcel ID F5-32-018)
Application for Site Plan Review

Dear Ms. Glasmeier:

This office represents Cohlobster, LLC ("Cohlobster") regarding the proposed improvements to the existing "Atlantica" restaurant/function building (the "Project") located at 46 Border Street, Cohasset (the "Property"). Cohlobster proposes to reconfigure the existing building to accommodate one smaller fine dining restaurant and kitchen, a second smaller restaurant/coffee shop, an ice cream (retail) store, a bakery (retail), a lobster pound (restaurant), and provide additional public areas. Cohlobster also proposes to improve the existing parking lot with additional landscaping, lighting, and stormwater management best management practices.

Cohlobster requests Site plan review in accordance with § 300-12.6 of Town of Cohasset Zoning Bylaws (the "Zoning Bylaws").

The Project team includes:

Project Manager: Eamon O'Marah, Project Manager, Harbinger Development
Architects: Susan Hoadley, Principal, and Corina Martinez, AIA, Hoadley
Martinez Architects and Planners, Inc.
Civil Engineer: Paul J. Mirabito, PLS, Ross Engineering Company, Inc.
Darren Grady, PE, Grady Consulting, LLC
Carlos G. Pena, PE, Foth Infrastructure and Engineering, LLC

I. Existing Conditions

Cohlobster acquired title to the Property under a deed from CHP Border Street Realty, LLC dated February 4, 2021, recorded with the Norfolk County Registry of Deeds (the "Registry") at Book 38964, Page 331. A copy of the Deed is submitted herewith. The Property is shown on the Town of Cohasset Assessor's Maps as Parcel ID F5-32-018, and has a total land area of approximately 1.497 acres. The Property is situated in the Waterfront Business ("WB") Zoning District. The Property is also located in FEMA F.I.R.M. Zone AE (El. 11) and Zone VE (El. 15) as shown on Community Map Panel No. 25021CO265F, dated July 6, 2021. Lastly, the Property is located in the Floodplain and Watershed Protection District.

The Property has frontage on Border Street. The Property is improved with an approximately 14,809 sf restaurant/function building, reportedly constructed in 1948 according to Assessor's records, and an existing parking lot. There is also a licensed float for recreational vessels on the Property.

The Property is conforming with respect to minimum dimensional requirements within the WB District. The building at the Property is non-conforming with regard to certain dimensional requirements under the Zoning Bylaw, including side and rear yard setbacks. The number of existing parking spaces is also nonconforming.

II. Proposed Project

Cohlobster seeks to improve the existing building at the Property to accommodate a smaller fine dining restaurant and kitchen, a smaller second restaurant/coffee shop, an ice cream (retail) store, a bakery (retail), a lobster pound (restaurant), and provide additional public areas. The Project will result in a net reduction in the total area dedicated to the existing restaurant use on the Property and the elimination of the large-scale function use. The proposed fine dining restaurant will contain approximately 2,691 sf and the kitchen for the fine dining restaurant will contain approximately 1,707 sf. The proposed second restaurant/coffee shop will contain approximately 1,336 sf and the small prep kitchen will contain approximately 512 sf. The proposed ice cream store will contain approximately 212 sf. The proposed bakery will contain approximately 935 sf. Cohlobster presently intends to relocate the Cohasset Lobster Pound from 82 Border Street, also owned by Cohlobster, to the proposed retail unit at 46 Border Street to continue the existing water-dependent use of the properties. The proposed lobster pound will contain approximately 893 sf. The kitchen area for the Old Salt House, which contains approximately 494 sf, will remain where it is currently located.

Despite our best efforts, we have been unable to locate any special permits specifically relating to the approval of the existing restaurant use at the Property. We have been unable to locate Town records prior to the 1990s relating to the restaurant but presume the restaurant use was authorized. We have similarly been unable to locate any special permits recorded at the Norfolk Registry of Deeds. The restaurant use is discussed in other special permits relating to

either the Old Salt House or the former Kimball's By the Sea when the properties were in common ownership. The reconfigured restaurant uses (if re-authorization is required) and new retail uses require a special permit from the Zoning Board of Appeals ("ZBA") pursuant § 300-4.2 of the Zoning Bylaw.

Similarly, the alteration of the existing nonconforming building may require a special permit from the ZBA pursuant to § 300-8.7 of the Zoning Bylaws. The building is being reconfigured and removed from the existing nonconforming front yard setback which will eliminate this nonconformity. There are no structural alterations proposed to the portions of the existing building within the existing nonconforming side and rear yard setbacks, but there will be alterations to remaining portions of the building. There will, however, be cosmetic improvements in the nonconforming portions of the building such as new windows, doors, etc.

The existing parking lot contains 52 irregularly sized parking spaces and is nonconforming.¹ The proposed uses, which are less intensive than the existing use, will require a total of 46 parking spaces under current zoning.² Cohlobster proposes to alter and improve the parking lot to provide a total of 28 conforming 9.5' x 20' parking spaces, including 2 handicap parking spaces, which will be more than sufficient to satisfy the parking demand of the proposed uses. The drive aisle will also be 24' and meet current standards.

The alteration of the existing nonconforming parking use requires a special permit from the ZBA pursuant to § 300-8.7 of the Zoning Bylaws.

The landscaping will also be improved to make the Property more attractive to the neighborhood. The exterior lighting fixtures will be improved with Dark-Sky compliant fixtures. The existing stormwater management best management practices will be improved to meet Massachusetts Stormwater Standards as incorporated into the Massachusetts Wetlands Regulations at 310 CMR 10.10.05(k) and the Cohasset Stormwater Management Bylaw.

The table below shows the various dimensional requirements of the Zoning Bylaw as well as existing and proposed conditions:

Criteria	Required Per Bylaw	Existing	Proposed
Area	None	1.49 acres	No change
Frontage	20'	332.58'	No change
Width	20'	297.5'	No change
Front Setback	15'	13.3'	24'
Side Setback	10'	0'	No change

¹ The existing restaurant use requires a total of 74 parking spaces calculated as follows: 14,809 sf/ 200 sf = 74. See § 300-7.1 of the Zoning Bylaw.

² The proposed uses require a total of 46 parking spaces calculated as follows: 20 parking spaces for two restaurants (4,054 sf/ 200 sf = 20); 11 parking spaces for two kitchens (2,219 sf/ 200 sf = 11); 11 parking spaces for retail/ ice cream shop (1,147 sf/ 100 sf = 11); and 4 parking spaces for lobster pound (893 sf/ 200 sf = 4). See § 300-7.1 of the Zoning Bylaw.

Rear Setback	15'	1.2'	No change
Height	35'	31.2'	No change
Coverage	80%	51.6% (33,648 sf)	45% (29,360 sf)

The Project is depicted in the following plans also submitted herewith:

1. Site Plan for 46 Border Street in Cohasset, prepared by Grady Consulting, L.L.C., dated February 28, 2022 (5 Sheets) (“Site Plans”);
2. Uncovered Walkway Lighting Plan, prepared by Grady Consulting, L.L.C., dated February 26, 2022; and
3. Architectural Plans entitled “Cohasset Wharf Renovations” prepared by Hoadley Martinez Architects and Planners, Inc., dated March 9, 2022 (10 Sheets, numbered EX101, EX102, EX103, AS101, A102, A103, A201, A202, A203, and CH100 (“Architectural Plans”).

The existing building, which is located in Zone AE and Zone V, is nonconforming and does not comply with the current flood hazard requirements of the *Massachusetts State Building Code*. However, the Project will not result in a substantial improvement, and therefore, does not need to be improved to comply with these requirements.³ The Project will, however, require a special permit under § 300-9.7H. of the Zoning Bylaw because the existing building located in the Town’s Floodplain District is being altered in certain respects.

A. The Project Meets the Site Plan Approval Standards Set Forth in § 300-12.6.

- 1. The Proposed development will be harmonious with and not harmful, injurious or objectionable to existing or future uses in the area. (§300-12.6B(1)).**

The scale and architecture of the building improvements are appropriate for the site and the neighborhood. The Project will be a positive asset to the architectural character of the district. The Project has also been designed to increase public safety in the area and improve vehicular traffic and parking. The improvements will be made of materials that are durable, economically

³ Per the *International Building Code*, as adopted with amendments by the 9th edition of *Massachusetts Building Code* Base Volume that covers commercial properties, § 1612.1 requires construction that rises to the level of a substantial improvement to conform with flood hazard and flood load resiliency provisions recommended by the American Society of Civil Engineers Chapter 24, as integrated into the National Flood Insurance Program administrated by the Federal Emergency Management Agency. The *Massachusetts Building Code* defines a substantial improvement as “any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started.” See also § 300-2.1 Definitions of the Zoning Bylaw. The building official making the determination is the commissioner/inspector of buildings charged with enforcement of 780 CMR per M.G.L. c. 143, §§ 3 and 3A. The Cohasset Building Commissioner will be charged with making this determination in this instance.

maintained and of a quality that will retain their appearance over time and include a combination of materials in order to create visual interest. New mechanical equipment will be screened from view from the street. Additional public areas are proposed. The building and parking improvements are designed to be accessible in accordance with applicable laws including the Americans with Disabilities Act and the Rules and Regulations of the Massachusetts Architectural Access Board. Landscaping will be varied and environmentally appropriate. Lighting is designed to reduce light trespass, glare and light pollution. Exterior signage will comply with the Zoning Bylaws.

2. Natural Resources will not be unduly exhausted. (§ 300-12.6B(2))

The Project will comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40, and the Cohasset Wetlands Protection Bylaw, Article XIV, and all other environmental laws and regulations.

3. Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facility or services (§ 300-12.6B(3))

The Project will comply with the Massachusetts Stormwater Standards as incorporated into the Massachusetts Wetlands Regulations at 310 CMR 10.10.05(k) and the Cohasset Stormwater Management Bylaw. If required, the Project will also comply with the U.S. Environmental Protection National Pollution Discharge Elimination System (“NPDES”) Stormwater Discharge from Construction Activities General Permit requirements.

4. The increased or decreased runoff due to development on the site will not be injurious to any downstream property owners or cause hazardous conditions on adjoining streets (§ 300-12.6B(4))

Please see above.

5. The Project will not result in undue pollution of ground or surface waters whether fresh or salt (§ 300-12.6B(5))

Please see above.

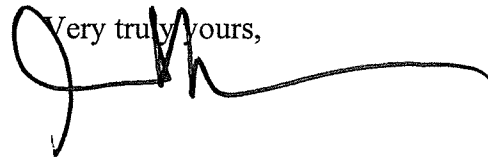
6. That movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient. (§ 300-12.6B(6))

The Project will provide safe and convenient ingress and egress to the Property with sufficient off-street parking and loading for the proposed uses. Fire safety will be improved and Border Street is capable of providing traffic safety.

III. Conclusion

The Project satisfies the requirements for Site Plan review under § 300-12.6 of the Zoning Bylaws.

Should you require any additional information, please do not hesitate to contact us. Thank you for your consideration.

Very truly yours,


Adam J. Brodsky
Drohan, Tocchio & Morgan, P.C.

cc: Lauren Lind, Planning and Zoning Director (*via email*)
John Hallin, Director of Planning, Permits and Inspections (*via email*)
Charlotte Pechtl, Conservation Agent (*via email*)
Eamon O'Marah (*via email*)
Susan Hoadley, Principal (*via email*)
Paul J. Mirabito, PLS (*via email*)
Darren Grady, PE (*via email*)
Carlos G. Pena, PE (*via email*)

Witness my hands and seal this 1 day of Feb, 2021.

A N
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C O P Y

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O F F I C I A L
CHP BORDER STREET REALTY LLC,
a Massachusetts limited liability company

By: [Signature]
Name: George L. McGoldrick, Jr.
Title: Manager

State Florida JA
~~COMMONWEALTH OF MASSACHUSETTS~~

Palm Beach County, ss.

On this 1 day of Feb, 2021, before me, the undersigned notary public, personally appeared George L. McGoldrick, in his capacity as Manager of CHP Border Street Realty LLC, and proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose and as the free and voluntary act and deed of CHP Border Street Realty LLC. Physical Presence

G.L.M. produced MAD
S63660472 exp. 07/14/22

[Signature]
Julie Adams, Notary Public
My commission expires: 04/15/21

