

## Summary of Waterways Regulations and MHP Approval Standards

<b>Waterways Regulation for which Substitute Provision Proposed.</b>	<b>Corresponding Waterways Dimensional or Numerical Requirement</b>	<b>Corresponding MHP Approval Standards 301 CMR 23.05(2)(c) and (d) The proposed substitute provision must, with comparable or greater effectiveness,...</b>
<b>New Pile-Supported Structures 310 CMR 9.51(3)(b)</b>	Shall not extend beyond the footprint of existing, previously authorized pile-supported structures or pile fields, except where no further seaward projection occurs and the area of open water lost due to such extension is replaced, on at least a 1:1 square foot basis, through the removal of existing, previously authorized fill or pile-supported structures or pile fields elsewhere on the project site	<ul style="list-style-type: none"> <li>• specify alternative replacement requirements that will ensure that no net less of open water will occur for nonwater-dependent purposes,</li> <li>• in order that the overall capacity of the state’s waterways to accommodate public use in the exercise of water-related rights is maintained or improved, as appropriate for the harbor in question</li> </ul>
<b>Facilities of Private Tenancy 310 CMR 9.51(3)(b)</b>	Shall not be located on any pile-supported structures on flowed tidelands, nor at the ground level of any filled tidelands within 100 feet of a project shoreline	<ul style="list-style-type: none"> <li>• specify alternative limitations and other requirements that ensure that no significant privatization of waterfront areas immediately adjacent to the water-dependent use zone will occur for nonwater-dependent purposes,</li> <li>• in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone, as appropriate for the harbor in question.</li> </ul>
<b>Water-Dep. Use Zone 310 CMR 9.51(3)(c) (Setback)</b>	Width of Water-Dependent Use Zone determined as follows: <ol style="list-style-type: none"> <li>1. Along portions of a project shoreline other than the edges of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the weighted average distance from the present high water mark to the landward lot line of the property, but not less than 25 feet; and</li> <li>2. along the ends of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the distance from the edges in question to the base of the pier or wharf, but no less than 25 feet; and</li> <li>3. along all sides of piers and wharves, the zone extends for the lesser of 50 feet or 15% of the distance from the edges in question to the edges immediately opposite, but no less than ten feet.</li> </ol>	<ul style="list-style-type: none"> <li>• specify alternative setback distances and other requirements that ensure new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline,</li> <li>• in order that, sufficient space along the water’s edge will be devoted exclusively to water-dependent use and public access associated therewith, as appropriate for the harbor in question.</li> </ul>
<b>Open Space 310 CMR 9.51(3)(d) (Lot Coverage)</b>	At least 1 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 SF of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site. At least 50% of the project site must be reserved as open space for water-dependent activity and public access. A maximum of 25% of the open space area may include public streets and parking, provided it does not exceed the amount of public open space provided on-site.	<ul style="list-style-type: none"> <li>• specify alternative site coverage ratios and other requirements, that ensure that, in general, buildings for nonwater-dependent use will be relatively condensed in footprint,</li> <li>• in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the harbor in question.</li> </ul>

<p style="text-align: center;"><b>Height</b> <b>310 CMR 9.51(3)(e)</b></p>	<p>Nonwater-dependent use building heights restricted to 55 feet within 100 feet of the high water mark. Heights can increase one half foot for each additional foot over 100 feet that building is setback from high water mark.</p>	<ul style="list-style-type: none"> <li>• specify alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size,</li> <li>• in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question.</li> </ul>
<p style="text-align: center;"><b>Pedestrian Access Network</b> <b>310 CMR 9.52(1)(b)1.</b></p>	<p>When the project site includes a water-dependent use zone, the project shall at a minimum include 10 foot wide walkways and related facilities adjacent to and along the entire length of the water-dependent use zone</p>	<ul style="list-style-type: none"> <li>• specify alternative minimum pedestrian access network width requirement that is appropriate given, among other things, the size and configuration of the water-dependent use zone; the capacity of the project site to serve such water-dependent purposes; and the nature and extent of water-dependent activity and public uses that may be accommodated therein</li> <li>• in order that a reasonable portion of tidelands devoted to water-dependent uses, including public access, in the exercise of public rights in such lands</li> </ul>
<p style="text-align: center;"><b>Activation of Commonwealth Tidelands for Public Use</b> <b>310 CMR 9.53(2)(b)</b> <b>(Public Open Space)</b></p>	<p>When located on Commonwealth Tidelands, the amount of <b>public open space</b> available to the general public at all times for active and/or passive public recreation and located at or near the water's edge to the maximum extent possible) shall be at least equal to the square footage of all Commonwealth tidelands on the project site landward of a project shoreline and not within the footprint of buildings (at least 50% of the project site)</p>	<ul style="list-style-type: none"> <li>• specify alternative requirements for public outdoor recreation facilities that will establish the project site as a year-round locus of public activity.</li> <li>• in order that public use and enjoyment of Commonwealth Tidelands is promoted to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein and that private advantages of use are not primary but merely incidental to the achievement of public purposes</li> </ul>
<p style="text-align: center;"><b>Activation of Commonwealth Tidelands for Public Use</b> <b>310 CMR 9.53(2) (c)</b> <b>(Interior Public Space)</b></p>	<p>When located on Commonwealth Tidelands, the amount of <b>interior public space, bat ground level</b>, shall be at least equal in amount to the square footage of all Commonwealth tidelands on the project site within the footprint of buildings</p>	<ul style="list-style-type: none"> <li>• specify alternative requirements for interior FPAs that will establish the project site as a year-round locus of public activity</li> <li>• in order that public use and enjoyment of Commonwealth Tidelands is promoted to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein and that private advantages of use are not primary but merely incidental to the achievement of public purposes</li> </ul>