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## Coastal Resiliency: What Massachusetts Residents Need to Know Before Purchasing Coastal Property

### Q. WHY SHOULD HOMEOWNERS CONSIDER COASTAL RESILIENCY WHEN BUILDING OR PURCHASING A HOME IN MASSACHUSETTS?

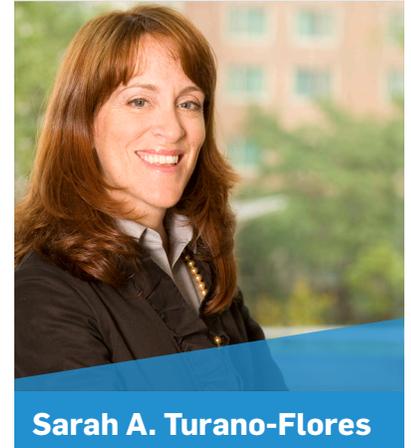
**SARAH TURANO-FLORES:** Relative sea level rise is well documented, although estimates vary as to the exact rates at which sea level will be rising. Regardless of the disparities in the forecasts, it is generally agreed that sea level rise will continue to threaten the most valuable residential real estate along the Massachusetts shoreline. In order to protect their investment, prospective purchasers and owners of shoreline property in Massachusetts are well advised to be prepared to adapt to rapidly changing conditions caused by sea level rise. To avoid surprises, potential buyers and current owners of shoreline property should include in their purchase and development plans coastal resiliency strategies that will enable them to withstand, respond to, and recover rapidly from the disruptions that will ensue as a result of sea level rise.

### Q. WHAT SHOULD HOMEOWNERS CONSIDER AS PART OF THEIR COASTAL RESILIENCY PLANNING?

**STF:** Prior to buying or building on a shoreline property, homeowners should consider retaining a coastal engineer or geologist who can prepare an Erosion Forecast Report which analyzes the projected erosion rates for the particular shoreline involved. Such an analysis can help inform decisions relative to the siting of planned development, or even whether investing in a particular property is wise in the first instance. In addition, prior to making any kind of substantial investment, prospective and current coastal homeowners should also take into account the myriad federal, state, and local laws which regulate construction along the Massachusetts shoreline, including but not limited to regulations pertaining to wetlands, waterways, storm water management, water quality, endangered species, zoning, and sewage disposal, as well as the flood resistant provisions of the Massachusetts State Building Code. These types of regulations can have a significant impact on what can be built along and near the shoreline or, in some instances, whether development can occur at all. Thus, prospective and current owners are well advised to consult with legal counsel to determine the implications of these regulations prior to undertaking any substantial purchase or development project on shoreline property in Massachusetts.

### Q. ARE THERE ANY OTHER LAWS THAT SHORELINE PROPERTY OWNERS SHOULD BE PARTICULARLY MINDFUL OF?

**STF:** Local wetlands, zoning and sewage disposal laws may differ from the state laws governing construction along the Massachusetts shoreline, and often include even more stringent limitations on what can or can't be constructed within 100 feet of a wetland. Thus, it is always important to understand how local regulations will impact any potential shoreline development before any substantial investment is made. In addition, the flood resistant provisions of the Massachusetts State Building Code can also have a profound impact on what can or can't be built on shoreline properties. In particular, these provisions require that new residential construction or substantial improvement of residential structures within the flood plain be constructed above a certain elevation, which can often lead to conflicts with height limitations in the underlying zoning district, particularly if a multi-story house is contemplated. Therefore, and as noted earlier, it is very important for prospective and current shoreline property owners to consult with legal counsel prior to undertaking any substantial purchase or development project along the shoreline in Massachusetts.



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