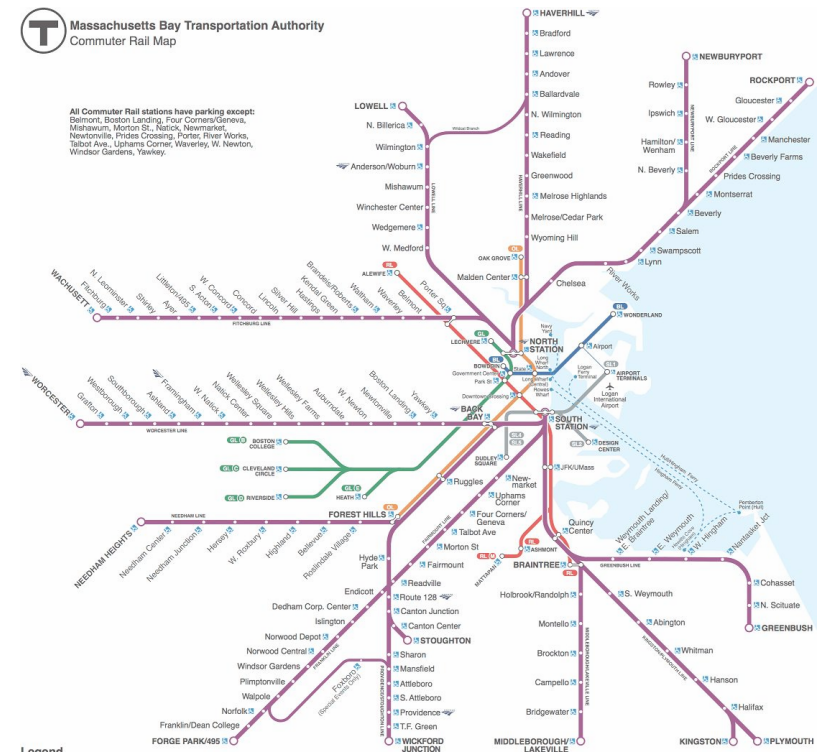


Comprehensive Zoning Bylaw Update and Zoning for MBTA Communities

Town of Manchester-by-the-Sea

Planning Board
March 25, 2024



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MBTA Communities Act 101 Requirements for Manchester Current Model and Implications Allowable Review Processes

MBTA Communities Act 101

Overview of the MBTA Communities Act

What is the MBTA Communities Act MGL c. 40A Section 3A?

The law established a requirement that each of the 177 designated MBTA Communities (MGL c. 161A Section 1) must have zoning that:

1. Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
2. Cannot have age-restrictions and shall be suitable for families with children.
3. Must have a minimum gross density of 15 dwelling units per acre.
4. Part of the district must be located within 0.5 miles from a commuter rail, subway, ferry, or bus station, as applicable.

What is the purpose behind the new law?

1. Massachusetts has a housing shortage, and we need to produce more housing.
2. The amount of housing that is financially attainable to most households is dwindling.
3. The Commonwealth is at a disadvantage to compete for businesses, jobs, and talent.
4. Placing housing near transit is good housing, economic, transportation, and climate policy.

Overview of the MBTA Communities Act

What the MBTA Communities Act is **NOT**.

- ▶ It is **NOT**: A mandate to build housing.
- ▶ It is **NOT**: A housing production target.
- ▶ It is **NOT**: Restricted to only addressing affordable housing needs.
- ▶ It is **NOT**: A one-size fits all tool to address all housing needs in a community.
- ▶ It is **NOT**: Viewed as optional by the Commonwealth & Attorney General.

As-of-right

- ▶ development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Multifamily Housing

- ▶ a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

Multifamily Zoning District

- ▶ a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

Overlay District

- ▶ a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

Unit Capacity

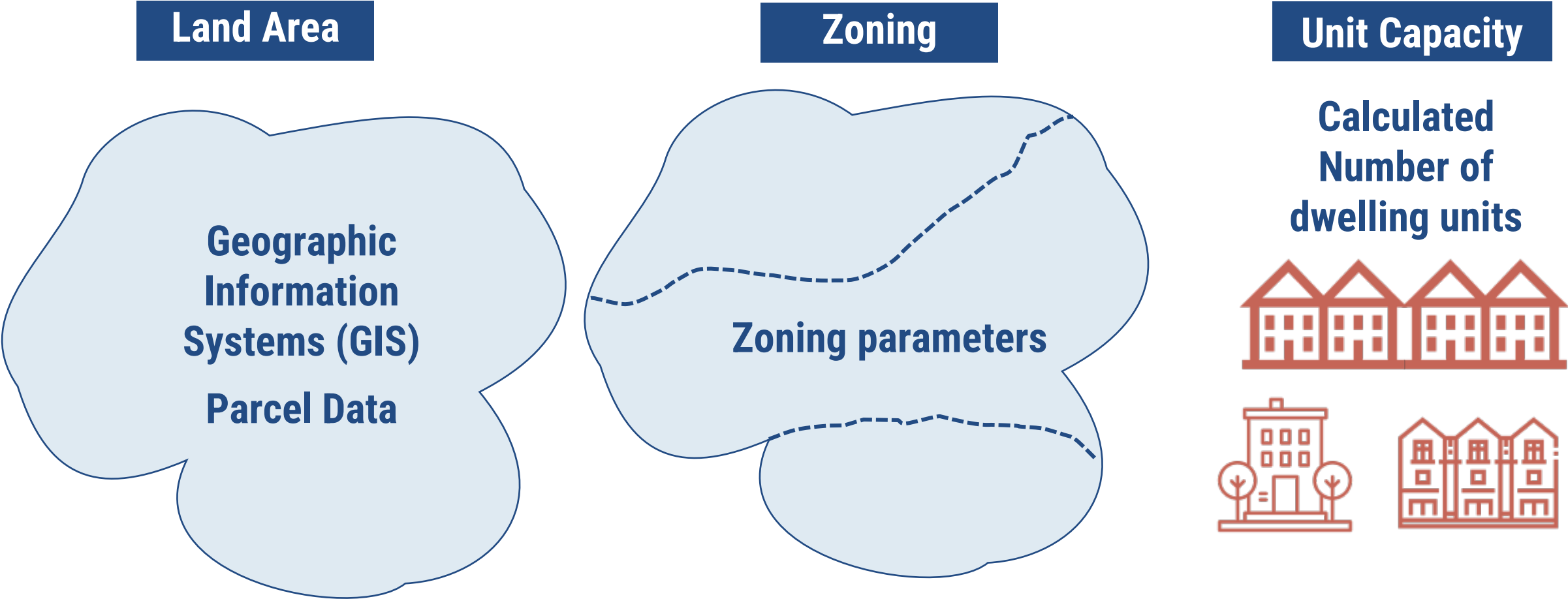
- ▶ Number of dwelling units for which a community needs to zone.
- ▶ The minimum is determined by a calculation that depends on the type of community and number of housing units in the 2020 US Census, and the minimum land area.
- ▶ Calculation is the **greater of**:
 - ▶ 15% (commuter rail community) x 2,433 (2020 housing units) = 364 units; or
 - ▶ 39 (minimum land area in acres) * 15 du/acre = 585
 - ▶ **AND capped to 1.5% of developable land – this leads to 37 acres and 559 units (37*15).**

Compliance Model

- ▶ the model created by EOHLC to determine compliance with Section 3A's reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

How the Compliance Model Works

The Compliance Model uses the parcel data (size, excluded land, sensitive land) and the zoning parameters (either existing or as tested by the community) to calculate the unit capacity and density for each parcel and district.



How the Compliance Model Works

Key Zoning Parameters used by the Compliance Model

- ▶ Minimum Lot Size
- ▶ Lot area per dwelling unit
- ▶ Building Height
- ▶ Building Coverage
- ▶ Floor Area Ratio
- ▶ Open Space
- ▶ Parking
- ▶ Dwelling units per lot
- ▶ Dwelling units per acre

Some additional zoning parameters that control density, NOT used by the Compliance Model

- ▶ Setbacks
- ▶ Stepbacks
- ▶ Lot coverage (building + parking)

Requirements for Manchester

Manchester's Requirements

Metric	Manchester's Requirement
Minimum Land Area	37 acres
% to be Located in Station Area	40%
Minimum Contiguous District Size	18.5 acres or 50% of the total district size

Metric	Manchester's Requirement
Minimum Unit Capacity	559 units
% to be Located in Station Area	40%
Minimum Density Requirement	15 DU/AC

Current Model and Implications

Current Scenario (Compliant with 37 acres/ 559 units)

Proposed Districts	Pine Street Subdistricts					Summer:	Calben Property ²
	Newport Park	Pine Street	Morse/Saw Mill ¹	Powder House/Elm St ¹	Valentine to Summer ¹	Allen to Lincoln ¹	
Density Parameters used for Compliance Model							
Minimum Lot Size	6,000 SF					217,800 SF (5 acres)	
Height Limit	2.5 stories (35 ft)					2.5 Stories ³	
Lot Coverage (Structures)	40%					40% ³	
Parking Requirement	1.5 per unit					1.5 per unit	

1 The General District was not modeled with Manchester-by-the-Sea's current restriction of 4 dwelling units per lot or 15 du/ac
 2 The Limited Commercial District (LCD) was modeled to allow multi-family by right.
 3 The existing height limit in LCD is 55 feet; the existing lot coverage is 60%.

Current Scenario (Compliant with 37 acres/ 559 units)

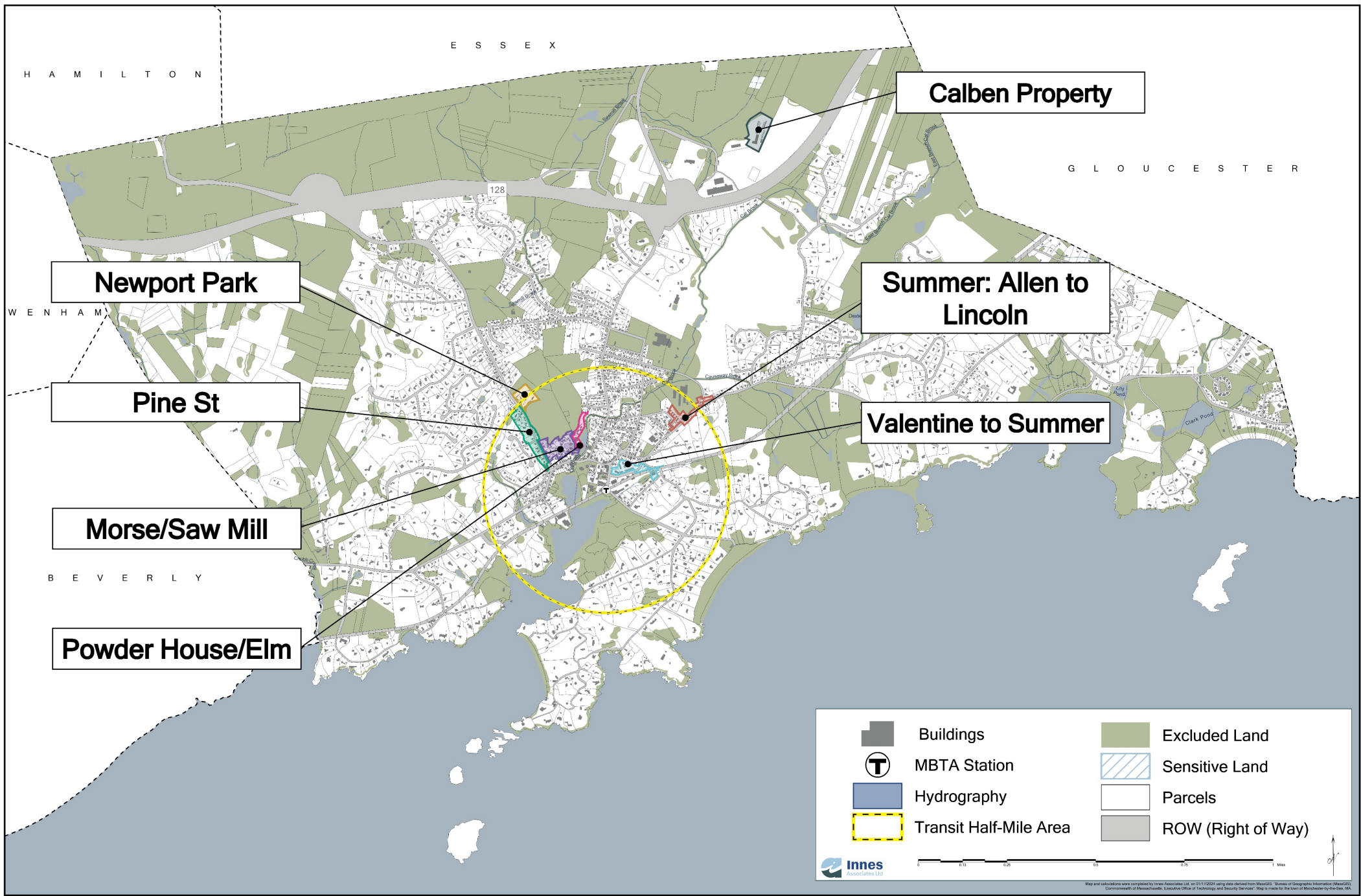
Proposed Districts	Pine Street Subdistricts						Subtotal of Districts in Station Area	Calben Property ^{2, 3}	Total of All Districts
	Newport Park	Pine Street	Morse/Saw Mill ¹	Powder House/ Elm St ¹	Valentine to Summer ¹	Summer: Allen to Lincoln ¹			
District Acres	4	8.8	7.6	2.8	5.1	5.5	33.8	7.6	41.4
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	69	106	94	46	69	68	452	199	651
Calculated Density Under Proposed MBTA Zoning	17.3	12	12.4	17.2	13.6	12.9	13.5	28.7	16.1
Comparison of Existing Units to Calculated Capacity									
Number of Existing Units (from MHP's ResiDensity)	42	22	32	30	23	19	168	0	168
Additional Units (Calculated less Existing)	27	84	62	16	46	49	284	199	483
Number of Parcels That Could Support Additional Units	3	19	18	3	7	13	63	1	64

1 The General District was not modeled with Manchester-by-the-Sea's current restriction of 4 dwelling units per lot or 15 du/ac
 2 The Limited Commercial District (LCD) was modeled to allow multi-family by right.
 3 The existing height limit in LCD is 55 feet.

Current Scenario (**Non-Compliant** with 37 acres/ 559 units)

Proposed Districts	Pine Street Subdistricts						Subtotal of Districts in Station Area	Calben Property ^{2, 3}	Total of All Districts
	Newport Park	Pine Street	Morse/Saw Mill ¹	Powder House/ Elm St ¹	Valentine to Summer ¹	Summer: Allen to Lincoln ¹			
District Acres	4	8.8	7.6	2.8	5.1	5.5	33.8	7.6	41.4
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	69	106	94	46	69	68	452	100	552
Calculated Density Under Proposed MBTA Zoning	17.3	12	12.4	17.2	13.6	12.9	13.5	14.4	13.7
Comparison of Existing Units to Calculated Capacity									
Number of Existing Units (from MHP's ResiDensity)	42	22	32	30	23	19	168	0	168
Additional Units (Calculated less Existing)	27	84	62	16	46	49	284	100	384
Number of Parcels That Could Support Additional Units	3	19	18	3	7	13	63	1	64

1 The General District was not modeled with Manchester-by-the-Sea's current restriction of 4 dwelling units per lot or 15 du/ac
 2 The Limited Commercial District (LCD) was modeled to allow multi-family by right.
 3 The existing height limit in LCD is 55 feet.



HAMILTON









ESSEX



WENHAM

GLoucester

BEVERLY

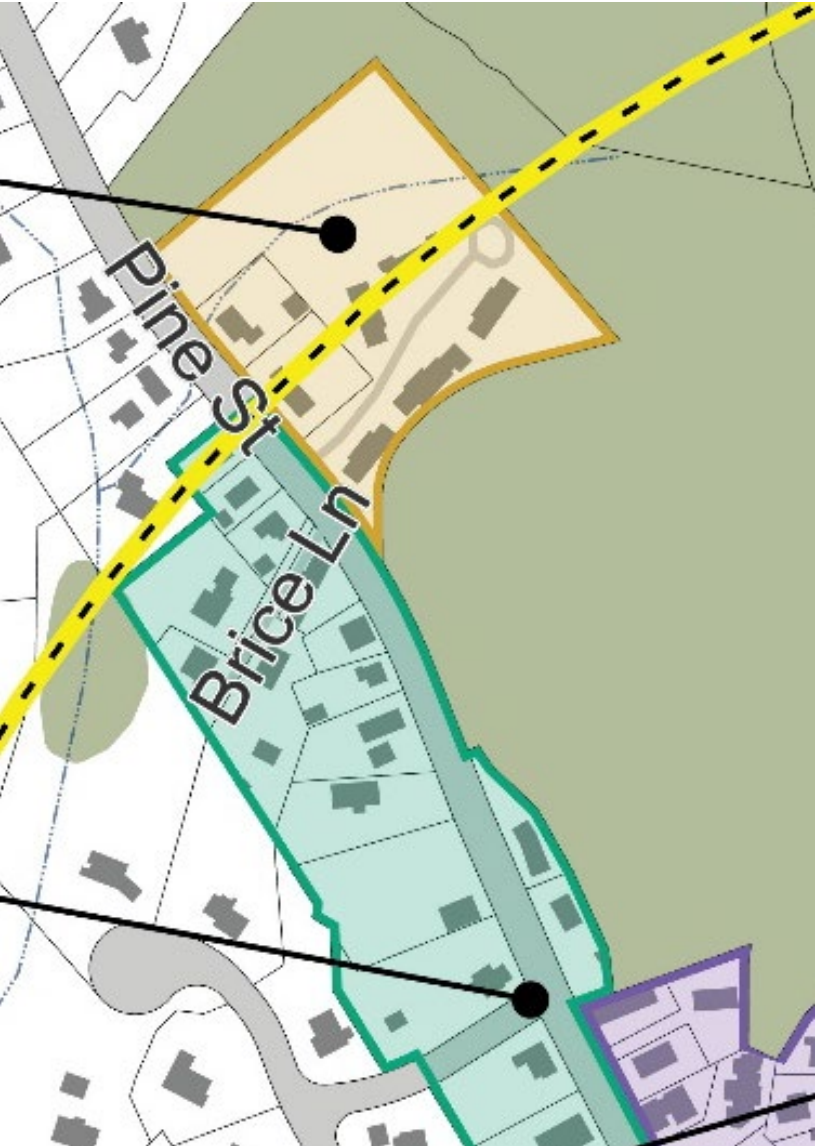
- Calben Property
- Newport Park
- Pine St
- Morse/Saw Mill
- Powder House/Elm
- Summer: Allen to Lincoln
- Valentine to Summer

	Buildings		Excluded Land
	MBTA Station		Sensitive Land
	Hydrography		Parcels
	Transit Half-Mile Area		ROW (Right of Way)

 0 0.1 0.25 0.5 0.75 1 Miles 

Map and calculations were completed by Innes Associates Ltd. on 01/11/2024 using data derived from MassGIS, Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services. Map is made for the town of Manchester-by-the-Sea, MA.

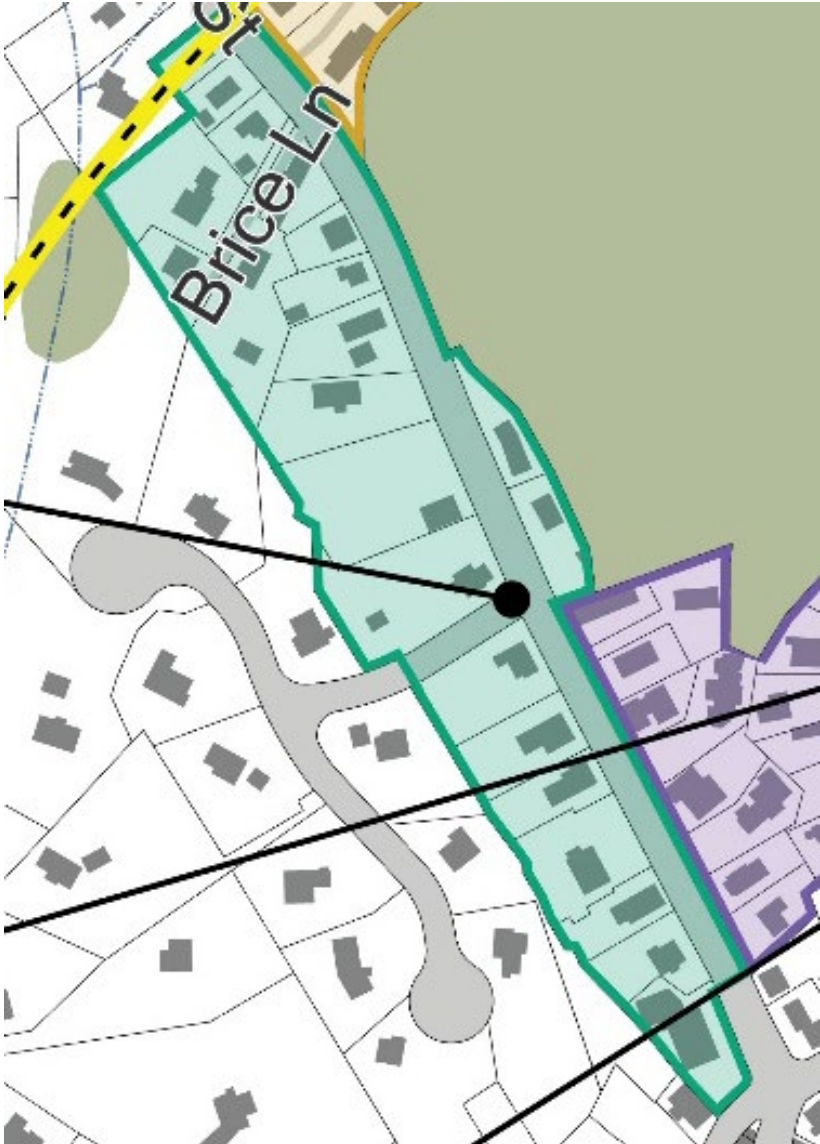
Newport Park* (Pine Street Subdistrict)



* Restricted to elderly housing by vote of Town Meeting.

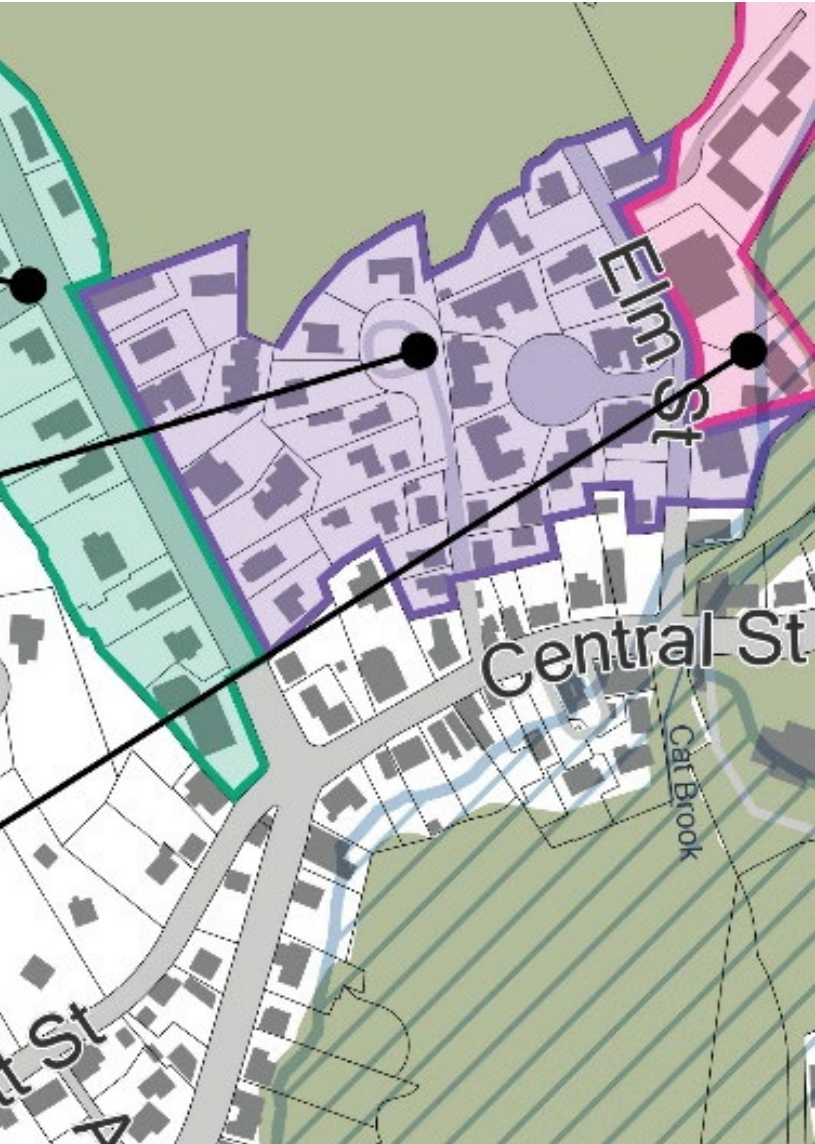
Proposed Districts	Newport Park
District Acres	4
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	69
Calculated Density Under Proposed MBTA Zoning	17.3
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	42
Additional Units (Calculated less Existing)	27
Number of Parcels That Could Support Additional Units	3

Pine Street (Pine Street Subdistrict)



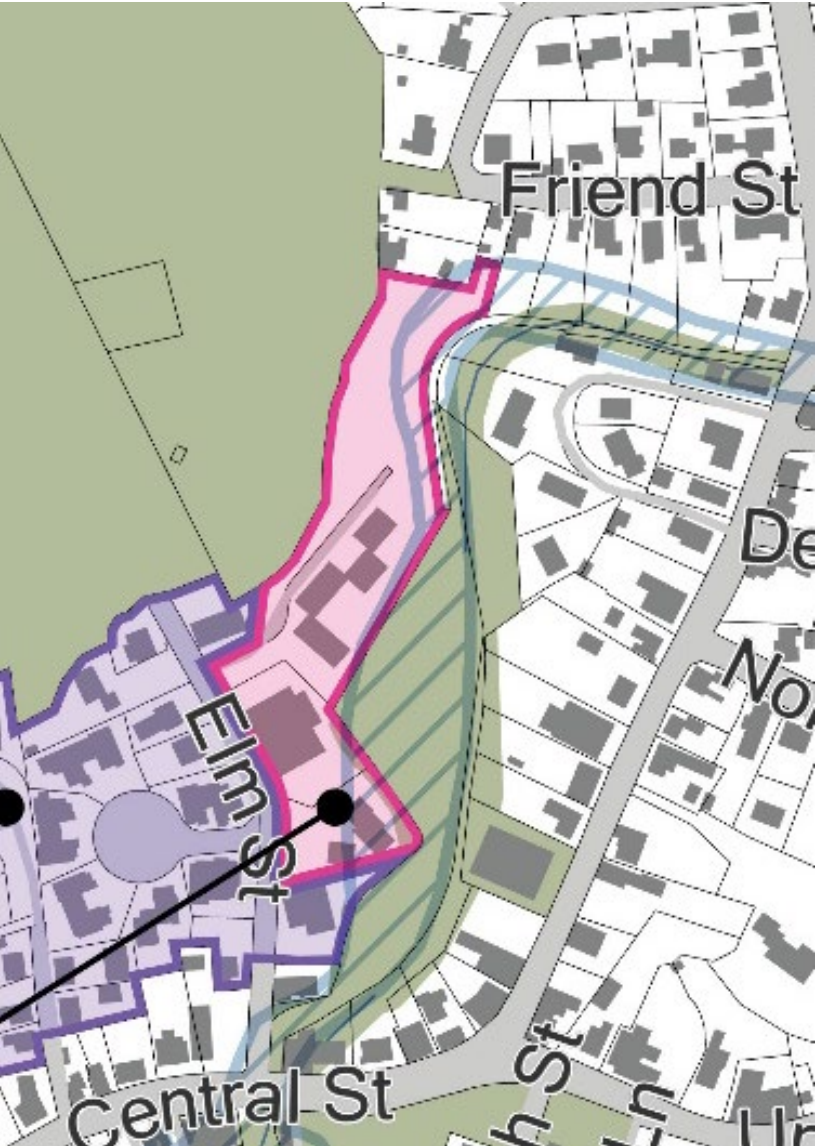
Proposed Districts	Pine Street
District Acres	8.8
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	106
Calculated Density Under Proposed MBTA Zoning	12
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	22
Additional Units (Calculated less Existing)	84
Number of Parcels That Could Support Additional Units	19

Morse/Saw Mill (Pine Street Subdistrict)



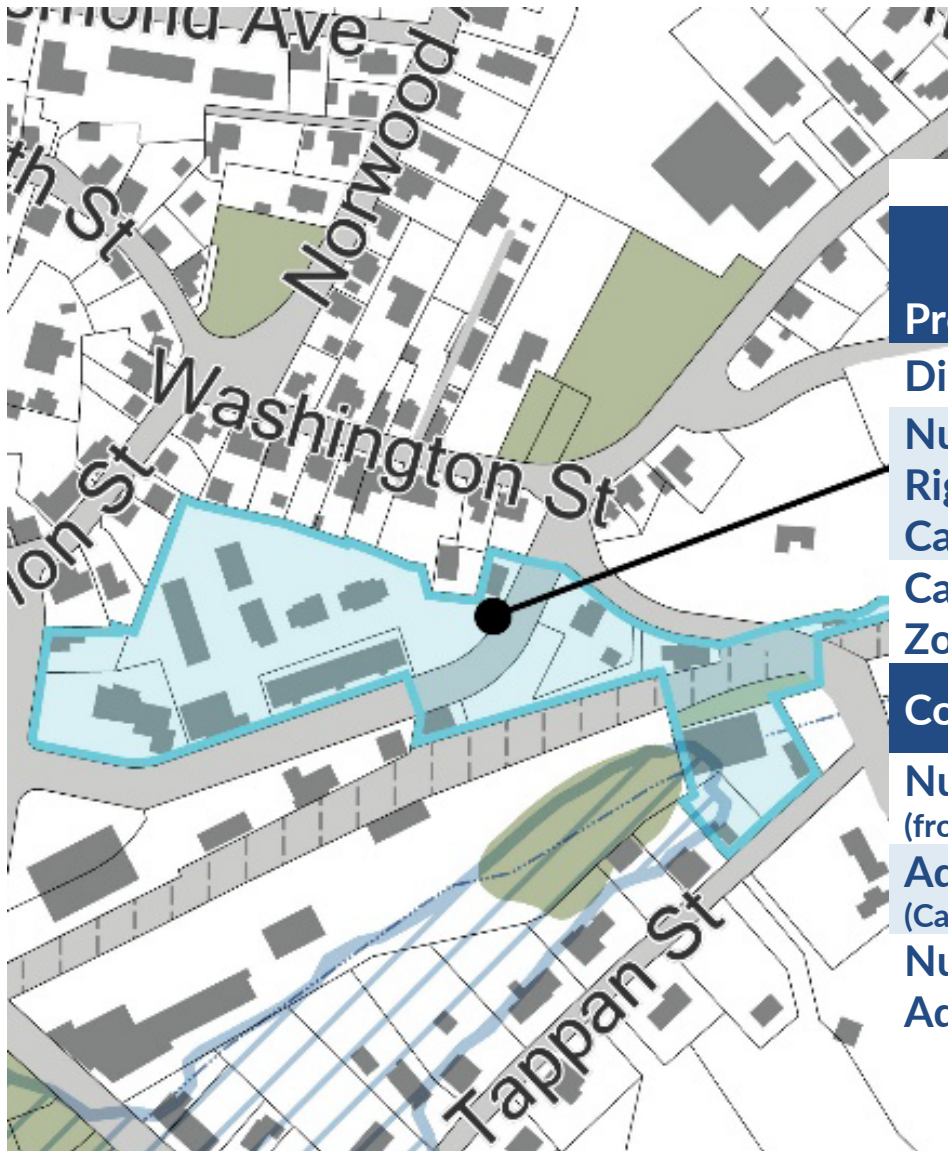
	Morse/ Saw Mill ¹
Proposed Districts	
District Acres	7.6
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	94
Calculated Density Under Proposed MBTA Zoning	12.4
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	32
Additional Units (Calculated less Existing)	62
Number of Parcels That Could Support Additional Units	18

Powder House/Elm (Pine Street Subdistrict)



Powder House/ Elm St ¹	
Proposed Districts	
District Acres	2.8
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	46
Calculated Density Under Proposed MBTA Zoning	17.2
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	30
Additional Units (Calculated less Existing)	16
Number of Parcels That Could Support Additional Units	3

Valentine to Summer



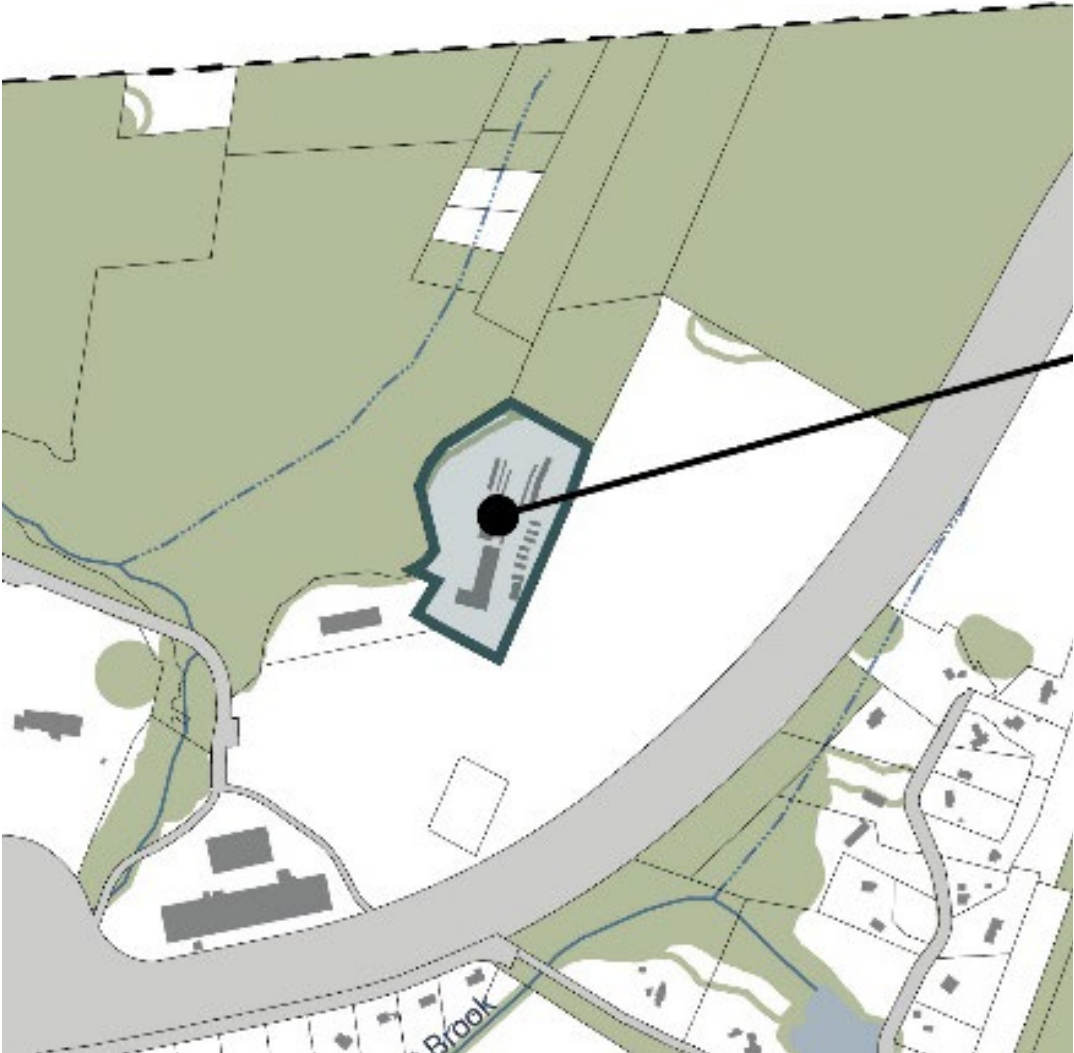
Proposed Districts	Valentine to Summer ¹
District Acres	5.1
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	69
Calculated Density Under Proposed MBTA Zoning	13.6
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	23
Additional Units (Calculated less Existing)	46
Number of Parcels That Could Support Additional Units	7

Summer: Allen to Lincoln



Summer: Allen to Lincoln ¹	
Proposed Districts	
District Acres	5.5
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)	68
Calculated Density Under Proposed MBTA Zoning	12.9
Comparison of Existing Units to Calculated Capacity	
Number of Existing Units (from MHP's <u>ResiDensity</u>)	19
Additional Units (Calculated less Existing)	49
Number of Parcels That Could Support Additional Units	13

Calben Property (Outside Station Area ½-mile radius)



Proposed Districts		Calben Property ^{2, 3}
District Acres		7.6
Number of Potential Units Allowed by Right Under Proposed MBTA Zoning (Unit Capacity)		199
Calculated Density Under Proposed MBTA Zoning		28.7
Comparison of Existing Units to Calculated Capacity		
Number of Existing Units (from MHP's ResiDensity)		0
Additional Units (Calculated less Existing)		199
Number of Parcels That Could Support Additional Units		1

MBTA Task Force Criteria for Compliance

1. Compliance with the MBTA Communities Act
2. Protect and preserve town character and commercial uses in the downtown
 - a. Preserve variety of design characteristics
 - b. Preserve historic structures
 - c. Protect commercial uses
 - d. Protect existing multifamily uses
 - e. Keep building height limit to 4 stories or less within the ½ mile radius
3. Offer alternatives that will be approved by Town Meeting
4. Encourage housing development to meet town needs- including affordability; Consider the SHI,
5. Protect the shoreline and waterfront as resources for all citizens.
6. Minimize impacts on open space, water resource areas, and coastal areas threatened by flooding and sea level rise
7. Minimize potential impact on town neighborhoods and residents
 - a. Target development to appropriate sites and minimize the size of projects in existing residential neighborhoods
 - b. Minimize the total of new additional units
 - c. Consider appropriate beyond the ½ mile radius for appropriate locations
 - d. Consider infrastructure limits (water, sewer, electricity, traffic, schools, etc.)
8. Consider residential use above first floor commercial uses
9. Develop regulations that are least disruptive to existing zoning bylaws

Allowable Review Processes

Site Plan Review

- ▶ Site Plan Review is limited to the regulation of the use: the Permitting Authority may “impose reasonable terms and conditions” on the as of right use.
- ▶ The Permitting Authority does not have “discretionary power” to deny the as of right use; in other words, **it may not prohibit the use.**

Design Guidelines

- ▶ Design Guidelines. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the MCMOD. Such Design Guidelines **must be objective and not subjective** and **may only address** the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines **may contain graphics** illustrating a particular standard or definition to make such standard or definition clear and understandable.

