

May 23, 2024 Planning Board Forum: OUTLINE

Article [TBD}. Community Housing Overlay District

1. Add new Section 9.4: Community Housing Overlay Districts as follows:

Section 9.4: Community Housing Overlay Districts

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9.4.2 Establishment and Applicability

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10. Additional Design Guidelines for the Beaver Dam Road District.
11. Waivers.

9.4.10 Affordability Requirements.

1. Applicability.
2. Development Standards.
3. Administration.

2. ADD to Section 2.0 the following new Definitions:

3. Modify Introduction, #2:

4. Modify 8.3 Regulation of Marijuana Businesses as follows:

5. Modify the Zoning Map

1 **Article [TBD]. Community Housing Overlay District**

2 To create a new Community Housing Overlay District and modify other section of the Town
3 of Manchester-by-the-Sea’s Zoning Bylaws to incorporate such district; to accept the
4 Community Housing Overlay District Maps as part of the Town’s official Zoning Map; and to
5 act on anything related thereto.

6 **1. Add new Section 9.4: Community Housing Overlay Districts as follows:**

7 **Section 9.4: Community Housing Overlay Districts**

8 **9.4.1 Purpose**

9 The purpose of the Community Housing Overlay Districts (CHOD) is to allow multi- family
10 housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General
11 Laws Chapter 40A), while attempting to preserve the character of the Town.

12 **9.4.2 Establishment and Applicability**

13 This CHOD is a combination of multiple districts with a total land area of approximately 39.7
14 acres in size that is superimposed over the underlying zoning district(s) and is shown on the
15 Overlay maps entitled [TBD]. Zoning Map.

- 16 1. **Applicability of CHOD.** An applicant may develop multi-family housing located
17 within a CHOD in accordance with the provisions of this Section 9.4.
- 18 2. **Underlying Zoning.** The CHOD is an overlay district superimposed on underlying
19 zoning districts. The regulations for use, dimensions, and all other provisions of the
20 Zoning Bylaw governing the respective underlying zoning district(s) shall remain in
21 full force, except for uses allowed as of right or by special permit in the CHOD. Uses
22 that are not identified in Section 9.4 are governed by the requirements of the
23 underlying zoning district(s).
- 24 3. **Districts.** The CHOD contains the following four districts and four sub-districts, all of
25 which are shown on the CHOD Boundary Map:
 - 26 a. Lower Pine Street to Powder House District
 - 27 i. Newport to Powder House Sub-district
 - 28 ii. Lower Pine Street Sub-district
 - 29 b. Allen to Lincoln District
 - 30 c. Beach Street to Sea Street District
 - 31 i. Summer Street Sub-district
 - 32 ii. Sea Street Sub-district
 - 33 d. Beaver Dam Road District

35 **9.4.3 Definitions.**

36 For purposes of this Section 9.4, the following definitions shall apply.

- 37 1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction
38 recorded in its chain of title limiting the sale price or rent or limiting occupancy to
39 an individual or household of a specified income, or both.
- 40 2. **Affordable housing.** Housing that contains Affordable Units as defined by this
41 Section 9.4.
- 42 3. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning*
43 *Districts Under Section 3A of the Zoning Act* as further revised or amended from
44 time to time.
- 45 4. **Development standards.** Provisions of **Section 9.4.7. General Development**
46 **Standards** made applicable to projects within the MCCCHOD.
- 47 5. **EOHLC.** The Massachusetts Executive Office of Housing and Livable
48 Communities, DHCD's successor agency.
- 49 6. **Lot.** An area of land with definite boundaries that is used or available for use as
50 the site of a building or buildings.
- 51 7. **Multi-family housing.** A building with three or more residential dwelling units or
52 two or more buildings on the same lot with more than one residential dwelling
53 unit in each building.
- 54 8. **Multi-family zoning district.** A zoning district, either a base district or an overlay
55 district, in which multi-family housing is allowed as of right.
- 56 9. **Open space.** Contiguous undeveloped land within a parcel boundary.
- 57 10. **Residential dwelling unit.** A single unit providing complete, independent living
58 facilities for one or more persons, including permanent provisions for living,
59 sleeping, eating, cooking. And sanitation.
- 60 11. **Section 3A.** Section 3A of the Zoning Act.
- 61 12. **Site plan review authority.** The Manchester Planning Board shall be the Site plan
62 review authority for this Section 9.4.
- 63 13. **Sub-district.** An area within the CHOD that is geographically smaller than the
64 CHOD district and differentiated from the rest of the district by use, dimensional
65 standards, or development standards.

66

67 **9.4.4 Permitted Uses**

68 1. **Uses Permitted As of Right.** The following uses are permitted as of right within the
69 CHOD.

- 70 a. Multi-family housing.
- 71 b.
- 72 c. In the CHOD Districts that overlay District G, non-residential uses allowed
73 as-of-right in District G may be combined with multi-family housing to
74 create a mixed-use building. Such non-residential uses shall be restricted
75 to the ground floor with the multi-family dwelling units on the upper floors. .
76

77 2. **Accessory Uses.** The following uses are considered accessory as of right to any
78 of the permitted uses in Section 9.4.4.1.

- 79 a. Parking, including surface parking and parking within a structure such as an
80 attached or detached above ground or underground parking garage on the
81 same lot as the principal use.
- 82 b. Customary Home Occupation as defined in XXXXXXXX
- 83 c. Accessory structures on the same lot and customarily incidental, to
84 residential use, such as a storage shed, gazebo, or similar.
- 85 d. In the Beaver Dam Road District, the following accessory uses are allowed:
 - 86 i. Pool for use of the residents and accessory structures customary to
87 such use;
 - 88 ii. Fitness center for use of the residents; and
 - 89 iii. Community room for use of the residents and available for use by
90 community organizations.
91

92 **9.4.5 Dimensional Standards**

93 1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this
 94 Zoning, the dimensional requirements applicable in the CHOD are as follows:
 95

Standard	Sub-districts				Districts	
	Pine St	Newport & Powder House	Beach St	Sea St	Allen to Lincoln	Beaver Dam Rd.
Minimum Lot Area (SF)	6,000	6,000	6,000	6,000	6,500	217,800
Additional lot area per dwelling unit	2,000	2,000	2,000	2,000	2,000	3,000
Maximum dwelling units per lot	5			4		100
Minimum Frontage (ft)	60	60	60	60	60	N/A
Minimum Lot Width (ft)	50	50	50	50	50	N/A
Height						
Stories	2.5	4	2.5	2.5	2.5	4
Feet	35	45	35	35	35	45
Lot Coverage						
by Structures (%)	40	40	40	40	40	40
by Structures and Parking (Total) (%)	60	70	70	70	70	60
Setbacks						
Front (ft)	15	5	5	10	15	50
Side (ft)	15	10	10	10	15	50
Rear (ft)	15	10	10	10	15	50

- 96
- 97 2. **Multi-Building Lots.** In the CHOD, lots may have more than one principal
 98 building.
- 99 3. **Building Unit Caps.** In the Lower Pine Street Subdistrict, Sea Street Subdistrict,
 100 and Allen to Lincoln District no more than three (3) units may be constructed
 101 within a single building.
- 102 4. **Accessory Structures.** In the CHOD, Accessory Structures shall be set back
 103 from the side and rear lot lines as required in the underlying zoning district.
 104 Accessory structures shall be set back an additional ten (10) feet from the
 105 required Front setback line. In the Beaver Dam Road subdistrict, Accessory
 106 Structures shall be set back no less than fifteen (15) feet from the Side and Rear
 107 lot lines and an additional fifteen (15) feet from the required Front setback line.
- 108 5. **Exceptions.** The limitation on height of buildings shall not apply to chimneys,
 109 ventilators, towers, silos, spires, or other ornamental features of buildings, which

110 features are in no way used for living purposes and do not constitute more than
111 25% of the ground floor area of the building.

112 6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or
113 Special Permit Granting Authority may waive the height and setbacks in Section
114 9.4.5. Dimensional Standards to accommodate the installation of solar
115 photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-
116 source heat pump equipment. Such installations shall not create a significant
117 detriment to abutters in terms of noise or shadow and must be appropriately
118 integrated into the architecture of the building and the layout of the site. The
119 installations shall not provide additional habitable space within the development.

120

121 **9.4.6 Off-Street Parking**

122 These parking requirements are applicable to development in the CHOD.

123 1. **Number of parking spaces.** The following **minimum** numbers of off-street parking
124 spaces shall be permitted by use, either in surface parking or within garages or other
125 structures:
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Use	Minimum Spaces
Multi-family – Beaver Dam Road subdistrict	2 spaces per Residential Dwelling Unit
Multi-family – all other CHOD subdistricts	1.5 spaces per Residential Dwelling Unit. Fractional spaces shall be rounded up to the next whole number.

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2. **Bicycle storage.** For a multi-family development of 25 units or more, the Planning Board may require that adequate bicycle parking/storage be integrated into the structure of the building(s).

133 **9.4.7 Site Plan Review**

- 134 1. **Applicability.** Site Plan Review is required for any development project proposed
135 under this Section 9.4. An application for Site Plan Review shall be reviewed by the
136 Permitting Authority for consistency with the purpose and intent of Sections 9.4.4
137 through 9.4.6 and Sections 9.4.8 through 9.4.10.
- 138 2. **Permitting Authority.** The Planning Board is the Permitting Authority for Site Plan
139 Review under this Section 9.4.
- 140 3. **Procedure and Submission Requirements.** The requirements of Section 12.6.3
141 Procedure through Section 12.6.12 Appeal shall apply with the addition of the Site
142 Plan Approval requirements below.
- 143 4. **Design Review Committee.** The Planning Board shall create a Design Review
144 Committee (DRC) of three members: one member of the Planning Board and two
145 design professionals appointed by a majority of the Planning Board members.
- 146 a. Members shall be appointed annually.
- 147 b. Members may be reappointed, but no member shall serve more than five
148 consecutive terms.
- 149 c. The Planning Board may remove a member who misses more than 50% of
150 the meetings in a single year or who otherwise fails to participate in the
151 duties of the DRC.
- 152 d. The DRC shall provide a written advisory opinion to the Planning Board as to
153 whether the application is consistent with Section 9.4.8 General
154 Development Standards and Section 9.4.9. Design Guidelines. Such option
155 shall be filed within 35 days of the receipt of the application by the DRC. If
156 the DRC fails to provide such written opinion within 35 days, the Planning
157 Board shall assume that the DRC has no objection to the application and
158 shall proceed with the Site Plan Review process.
- 159 5. **Design Review Process.** The following process shall be followed by all projects
160 subject to site plan review within the CHOD.
- 161 a. The Applicant shall provide the following additional information as part of
162 the materials required under Section 12.6.4 Site Plan Requirements:
- 163 i. Statement of design intent. Written narrative describing how the
164 design of the proposed development incorporates the design
165 guidelines in Section 9.4.9 Design Guidelines. The narrative shall
166 include the current use of the site and its condition, the
167 proposed use of the site, and the name of the architect or
168 designer. The narrative shall address the overall design concept;
169 the relationship of the proposed design to the context of the
170 surrounding District (including the architectural form and
171 character, the natural environment, patterns of vehicular and
172 pedestrian access and circulation); the proposed development’s
173 contribution to an inviting and safe public realm (including

174 lighting, landscape, signage, and ground-level pedestrian
175 experience); and the contribution of the architectural design to
176 the District (including the contribution of building form and
177 composition, façade form and composition and articulation, and
178 materials, color, and lighting).

179 ii. Site plans, elevations, wall section(s), and three-dimensional
180 views of the proposed site. For a project on a site with a grade
181 change of 10% or more, a site section showing the relationship
182 of the building(s) to existing buildings abutting the site shall be
183 required. The relevant design elements specified in Section 9.4.9
184 shall be identified in these documents.

185 iii. Palette with samples of materials, proposed color scheme, and
186 cut sheets of lighting fixtures and other architectural elements.

187 **6. Site Plan Approval.** Site Plan approval for uses listed in Section 9.4.4 Permitted
188 Uses shall be granted upon determination by the Site Plan Review Authority that the
189 following conditions have been satisfied. The Site Plan Review Authority may impose
190 reasonable conditions, at the expense of the applicant, to ensure that these
191 conditions have been satisfied. The Site Plan Review Authority may impose
192 reasonable conditions, at the expense of the applicant, to ensure compliance with
193 Section 12.6 and Section 9.4 of the Zoning By-Laws.

194 a. the Applicant has submitted the required fees and information as set forth in
195 the Town of Manchester’s requirements for a Building Permit and Site Plan
196 Review; and

197 b. the project as described in the application meets the development
198 standards set forth in Section 9.4.7. General Development Standards and
199 Section 9.4.8 Design Guidelines.

200 **7. Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that
201 a project be developed in phases subject to the approval of the Site Plan Review
202 Authority, provided that the submission shows the full buildout of the project and all
203 associated impacts as of the completion of the final phase. However, no project
204 may be phased solely to avoid the provisions of Section 9.4.10 Affordability
205 Requirements.

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208 **9.4.8 General Development Standards**

- 209 1. Development standards in the CHOD are applicable to all multi-family
210 development within the CHOD. These standards are components of the Site Plan
211 Review process in Section 12.6 Site Plan Review unless otherwise modified by this
212 Section 9.4.
- 213 2. Existing Requirements in the By-laws:
- 214 a. **Industrial Performance Standards.** Section 5.10 Performance
215 Requirements within the Limited Commercial District shall not apply to the
216 Beaver Dam Road subdistrict.
- 217 b. **Parking.** The requirements of Section 6.1 Off-Street Parking shall apply,
218 with the following exception: Table 6.1 is superseded by Section 9.4.5. Off-
219 Street Parking.
- 220 c. **Performance Standards.** Section 6.3 Performance Standards for Special
221 Permits and Site Plan Review shall apply to all developments under this
222 Section 9.4 that are required to undergo Site Plan Review. The following
223 components of this section do not apply:
- 224 i. Section 6.3.3 General Standards, paragraph 9. Fiscal Impact.
- 225 ii. Section 6.3.6 Topographical Changes. The reference to Section 6.4
226 Earth Removal and Filling shall not indicate a requirement for Special
227 Permit.
- 228 iii. Section 6.3.12 Fiscal Analysis Standards.
- 229 d. **Other Sections Requiring a Special Permit.** The following sections in the
230 Zoning Bylaws of the Town of Manchester-by-the-Sea require a Special
231 Permit. For the purposes of this Section 9.4, the criteria for granting a
232 Special Permit for each of the districts below are incorporated into the
233 Planning Board’s Site Plan Review Process, as described in Section 9.4 9.
234 The Applicant for a development within the CHOD is not required to apply
235 for a Special Permit for the purposes of the uses listed in Section 9.4.D.
- 236 i. Section 6.4 Earth Removal and Filling.
- 237 ii. Section 10.1 Flood Control District.
- 238 iii. Section 10.3 Ground and Surface Water Resource Overlay Protection
239 Districts.
- 240
- 241

242 **9.4.9 Design Guidelines**

- 243 1. **Purpose.** Manchester is a town defined by a diverse and heterogeneous
244 architectural context. Despite the heterogeneous nature of the buildings, there is a
245 consistent sense of quality, scale, materiality and proportion. The purpose of these
246 Design Guidelines is to encourage a similar attention to these components in new
247 construction, including extensions and additions. The Town does not encourage
248 replication, but rather interpretation and complementary design. In a town with a
249 rich architectural environment, good design will respect and complement the
250 surroundings.
- 251 2. **Applicability.** These Design Guidelines apply to all Districts and Subdistricts within
252 the CHOD unless otherwise noted.
- 253 3. **Building Placement and Relationship to Public Realm**
- 254 a. **Entries.**
- 255 i. Building entries shall be clearly expressed by design elements such
256 as a roof overhang, porch, portico or recessed entryway.
- 257 ii. Where feasible, entries shall be clearly defined and linked to a paved
258 pedestrian network that includes the public sidewalk.
- 259 b. **Multiple buildings on a lot.**
- 260 i. Parking and circulation on the site shall be organized so as to reduce
261 the amount of impervious surface. Where possible, parking and
262 loading areas shall be connected to minimize curb cuts onto public
263 rights-of-way.
- 264 ii. A pedestrian network shall connect parking to the entries to all
265 buildings and the buildings to each other.
- 266 iii. The orientation of multiple buildings on a lot should reinforce the
267 relationships among the buildings. All building façade(s) shall be
268 treated with the same care and attention in terms of entries,
269 fenestration, and materials.
- 270 iv. The building(s) adjacent to the public street shall have a pedestrian
271 entry facing the public street.
- 272 c. **Corner Lots.** A building on a corner lot shall indicate a primary entrance
273 either along one of the street-facing façades or on the primary corner as an
274 entrance serving both streets.
- 275 i. Such entries shall be connected to the public sidewalk, if applicable.
- 276 ii. All façades visible from a public right-of-way shall be treated with
277 similar care and attention in terms of entries, fenestration, and
278 materials.
- 279 iii. Fire exits serving more than one story shall not be located on either of
280 the street-facing façades.
- 281 d. **Infill Lots.** If the adjacent buildings are set back at a distance that exceeds
282 the minimum front yard requirements, infill buildings shall meet the

283 requirements of Section 9.4 5. Dimensional Standards. Otherwise, infill
284 buildings may match the setback line of either adjacent building, or an
285 average of the setback of the two buildings to provide consistency along the
286 street.

287 e. **Principal Façade and Parking.** Parking shall be subordinate in design and
288 location to the principal building façade.

289 i. **Surface parking.** Surface parking shall be located to the rear or side of
290 the principal building. Parking shall not be located in the setback
291 between the building and any lot line adjacent to the public right-of-
292 way.

293 ii. **Integrated garages.** The principal pedestrian entry into the building
294 shall be more prominent in design and placement than the vehicular
295 entry into the garage.

296 iii. **Parking structures.** Building(s) dedicated to structured parking on
297 the same lot as one or more multi-family buildings or mixed-use
298 development shall be subordinate in design and placement to the
299 multi-family or mixed-use building(s) on the lot.

300 **4. Building Massing and Orientation.**

301 a. The building façade shall be organized with a base, middle and top and the
302 structure shall be expressed using elements such as posts, columns,
303 pilasters, lintels or bays.

304 b. The primary façade shall face the principal street or courtyard, unless there
305 is a site driven reason for a side entry.

306 c. Building massing should be scaled similar to the adjacent context in width,
307 height and depth. Larger buildings should be modulated or broken up to
308 provide a hierarchy in building elements and a sense of scale. Facades
309 should be interrupted every 30 ft. in width.

310 **5. Roofs.**

311 a. Roofs of any structure shall be limited to fifty feet (50') in ridge length.
312 Adjacent massing shall incorporate a change in direction from the primary
313 roof or be offset vertically or horizontally by a minimum of two (2) feet.

314 b. The roof type may be gable end, mansard, hip, or flat. The roof shall be
315 defined by the architectural elements appropriate to the style of the roof.

316 c. Dormers should reflect the context of the adjacent building(s) and be set
317 back at least three feet (3') from the edges of the primary roof.

318 **6. Windows.**

319 a. Windows on any façade shall align vertically and horizontally and respond
320 to symmetries within the District where appropriate.

321 b. Windows on upper stories shall not be larger than windows on the ground
322 floor.

323 c. Windows should generally be taller than they are wide.

324 d. Windows shall be orientated vertically and be of a consistent size and

325 detail.
326 e. If retail is included on the first floor, larger storefront windows and a district
327 entry that reflect the local context are encouraged.

328 **7. Renovation and Expansion of Existing Buildings.**

- 329 a. The preservation of existing structures is encouraged where feasible,
330 especially for buildings that are historically or architecturally significant,
331 including those that are listed or eligible to be listed on the Massachusetts
332 or National Register of Historic Places.
- 333 b. Accurate restoration of original architectural detail is encouraged.
- 334 c. The design of an expansion or addition shall be subordinate to the existing
335 building in terms of massing and scale.
- 336 i. The principal façade of the expansion or addition shall be set back
337 from the plane of the principal façade of the existing building.
- 338 ii. The expansion or addition shall not obstruct the visual integrity of the
339 existing structure.
- 340 d. The design of an expansion or addition shall be consistent with traditional
341 architecture styles and development patterns commonly found in New
342 England and in harmony with the original structure in scale, size, style, and
343 materials.
- 344 e. The use of historical details on contemporary structures should be included
345 only when appropriate to the overall design.
- 346 f. The use of dormers and/or other typical architectural elements to create
347 additional space or a partial extra story is strongly encouraged to
348 accommodate the conversion of an existing building to add new dwelling
349 units or to provide additional space within an extension or addition. Such
350 elements shall be set back from the principal façade to preserve the form of
351 the original building and allow sunlight to reach the street.

352 **8. Materials.**

- 353 a. Pervious paving materials are strongly encouraged. Site design shall
354 maximize the use of pervious materials where feasible.
- 355 b. Primary building materials shall reflect the local context and may include
356 shingles, clapboards, cementitious boards and brick, or materials that
357 represent similar dimensions and textures.
- 358 c. Roof materials shall be asphalt, wood, slate, metal or using other materials
359 of a similar size and scale as appropriate to the architectural style of the
360 building.
- 361 d. Exterior cladding materials shall incorporate trim including corner boards,
362 rake boards, fascia boards, water tables, window casings, and windowsills
363 appropriate to the architectural style of the building.
- 364 e. Exposed foundation walls, greater than three feet (3 ft.) in height, shall have
365 cladding, or landscape cover and not be left as raw exposed concrete.
- 366 f. All façades shall be articulated through the use of shadow lines

367 emphasizing architectural elements such as trim, roof overhangs, recessed
368 windows or entries or soffits and other projecting or recessed portions of
369 the building volume.

370 g. Windows should be divided into a well-considered mullion pattern that
371 reflects the nearby local context or architectural style.

372 **9. Architectural Elements.**

373 a. The use of natural materials where feasible is strongly encouraged. Natural
374 materials include those with texture and color variation and age over time.
375 Such materials include stone, wood, brick, or copper.

376 b. The use of texture and detail to enhance the building design and create
377 more depth to the façade is strongly encouraged. Techniques include use
378 shingle pattern variation, bracket detailing, trim and panel moldings,
379 pronounced eave projections, and column/pilaster capital detailing.

380 c. The use of architectural forms and components to break up the massing of
381 a building is strongly encouraged. Such components include porches and
382 other three-dimensional elements.

383 d. The use of landscape elements to soften the streetscape and create
384 pedestrian zones is strongly encouraged. Such elements include trees and
385 other plantings and benches.

386 **10. Additional Design Guidelines for the Beaver Dam Road District.**

387 a. **Purpose.** The purpose of these design guidelines is to ensure that new
388 development shall be of high quality and help form a cohesive
389 neighborhood through construction of compatible building types, inviting
390 streetscapes, and open spaces.

391 i. **Pedestrian Experience.** The Beaver Dam Road District should be
392 highly walkable and have a distinct sense of place and a sense of
393 community.

394 ii. **Integration with Nature / Sustainability.** The Beaver Dam Road
395 District should be sensitive to the adjacent wetlands and water
396 resources by minimizing storm-water runoff. At the same time
397 ecological assets should be celebrated through their preservation
398 and enhancement.

399 iii. **Connectivity.** The Beaver Dam Road District should be both safe and
400 easy to walk or bike through a variety of paths, sidewalks, and traffic-
401 calmed roadways. While safe and efficient vehicular access is also
402 needed, the Beaver Dam Road District will prioritize the needs of
403 pedestrians.

404 iv. **Buildings.** The Beaver Dam Road District may offer a variety of
405 building styles and types, unified by a consistent framework that
406 emphasizes traditional design principles.

407 **b. Relationship of development clusters.**

- 408 i. A development project may have multiple clustered areas. Each area
409 shall be connected with a pedestrian network. Parking may be shared
410 between clustered areas to improve the relationship between
411 clustered areas.
412 ii. The density and design of each area may vary, providing a range of
413 building types and pedestrian experiences.

414 **c. Parking.**

- 415 i. Parking shall be placed out of prominent view and located behind
416 buildings, where feasible.
417 ii. Parking lots shall be designed to recede in the visual environment
418 through the use of separations between parking areas and the edges of
419 streets and sidewalks or landscaped buffers between parking areas
420 and buildings or public open spaces. Landscaped buffers may include
421 fences, gates, walls or hedges.

422 **d. Public Open Spaces.**

- 423 i. Public open spaces shall be designed, landscaped, and furnished to
424 be compatible with or complementary to the character of the
425 development.
426 ii. Public open spaces may include plazas, parks, playgrounds, outdoor
427 seating space, pedestrian corridors, or open spaces left in their
428 natural state and communal parkland, community gardens, and other
429 types of open space intended to foster community cohesiveness and
430 a distinct sense of place.

431 **e. Connectivity.**

- 432 i. **Construction of access network.** Streets, driveways, and sidewalks
433 shall meet the requirements of the Town of Manchester's Subdivision
434 Rules and Regulations, as amended. Access points to Beaver Dam
435 Road shall accommodate pedestrians and bicyclists.
436 ii. **Sidewalk amenities.** Permanent street furniture, including light
437 fixtures, benches, bike racks, trash and recycling receptacles, shall
438 be provided and integrated with street and sidewalk circulation as
439 appropriate for safety and access.
440 iii. **Bicycle parking.** Bicycle parking shall be provided at convenient
441 locations, including near building entrances and open spaces. Bike
442 racks shall be durable and support a bike by its frame in two places
443 and accommodate a range of bike shapes and sizes.
444 iv. **Site Lighting.** Lighting fixtures shall be designed to provide adequate
445 ambient light levels for safety and highlight pedestrian paths and
446 building entrances. Site lighting should use shielded and full cut-off

447 fixtures to prevent glare and sky glow. The height of fixtures shall be
448 between twelve feet (12 ft.) and seventeen feet (17 ft.), measured
449 from the ground to the light-emitting flat glass of the luminaire.
450 v. **Building Lighting.** Building lighting shall use shielded fixtures to avoid
451 spilling light onto neighboring streets, properties, structures, and into
452 the night sky. Building lighting shall focus on illuminating building
453 entries, display windows, and building signs. Building signage may be
454 lit by a fixture(s) that shall light the sign and shield other views from
455 glare. Visible light fixtures shall be consistent with the architectural
456 style of the building.

457 **f. Integration with Nature/Sustainability.**

- 458 i. **Plantings and Trees.** All plantings and trees should be species native
459 to New England. Plants listed on the Massachusetts List of Invasive
460 Plants, as amended, are prohibited. Plants located near streets,
461 driveways, or parking lots should be salt-tolerant.
- 462 ii. **Street Trees.** Rows of street trees shall be provided on both sides of
463 all streets and driveways along areas of development at intervals no
464 greater than forty feet (40 ft.) or as required in the Town of
465 Manchester's Subdivision Rules and Regulations, as amended. When
466 street trees are planted in tree wells or planting strips narrower than
467 10', structural soil shall be used under adjacent sidewalks or paving
468 to provide room for root growth.
- 469 iii. **Permeable paving.** The use of permeable paving systems is strongly
470 encouraged for low-traffic loading (less than 100 vehicles per day)
471 and low-turning areas, including parking spaces; residential street
472 parking; cart, bicycle, and pedestrian paths; driveways; and
473 emergency-vehicle-access lanes.
- 474 iv. **Stormwater bioretention areas.** Bioretention areas may be used to
475 retain, infiltrate, and treat stormwater. If used, such areas shall be
476 distributed throughout the site.
- 477 v. **Rain Gardens.** Rain gardens may be used to allow the infiltration of
478 stormwater during large rain events.

479 **g. Buildings.**

- 480 i. Design that creates a distinct sense of place while working within the
481 framework of traditional building design is strongly encouraged.
- 482 ii. A development consisting of more than one building shall include a
483 variety of styles and typologies compatible with traditional New
484 England architecture.
- 485 iii. Reducing the perception of overall massing by building orientation
486 and design is strongly encouraged. Techniques include orienting the
487 narrower side of the building to streets, drives, and open space and

488 the use of architectural components such as the articulation of
489 building bases; varying patterns of fenestration; the use of elements
490 such as pilasters, columns, cornices, canopies, dormers, shed
491 dormers, and cross gables.

- 492 iv. Canopies, awnings, and porches may be used to reinforce the
493 human-scale of the ground-floor façade and protect building entries.
- 494 v. Awnings shall not obscure architectural details by crossing over
495 pilasters or covering windows. Multiple awnings on a single building
496 should be consistent in size, profile, location, material, color and
497 design.
- 498 vi. Additional materials may include clapboard, brick, concrete
499 masonry, wood, cementitious fiber board, manufactured limestone,
500 cast stone, masonry, stone, glass, terra cotta, cellular PVC trim, tile,
501 and sustainable materials. Cementitious stucco may be appropriate
502 when the building façade incorporates additional materials listed
503 above. Materials on the facade that are subject to deterioration
504 (plywood or plastic) are strongly discouraged. Poured-in-place
505 concrete and pre-cast concrete are appropriate as a basic building
506 material with special consideration to form work, pigments, and
507 aggregates that provide texture and depth to surfaces.

508 **11. Waivers.** Upon the request of the Applicant and subject to compliance with the
509 Compliance Guidelines, the Site Plan Review Authority may waive the requirements
510 of this Section 9.4 7. General Development Standards, in the interests of design
511 flexibility and overall project quality, and upon a finding of consistency of such
512 variation with the overall purpose and objectives of the CHOD.
513

514 **9.4.10 Affordability Requirements.**

- 515 1. The provisions of Section 9.3 Inclusionary Housing shall apply to developments
516 within the CHOD with the following modifications:
- 517 a. **Applicability.** This requirement is applicable to all residential
518 developments with five (5) or more or more dwelling units, whether new
519 construction, substantial rehabilitation, expansion, reconstruction, or
520 residential conversion (Applicable Projects). No project may be divided or
521 phased to avoid the requirements of this section. This paragraph
522 supersedes Section 9.3.3 Applicability.
- 523 i. Section 9.3.4 Mandatory Provision of Affordable Units and Section
524 9.3.5 Provision of Affordable Units do not apply to developments
525 within the CHOD.
- 526 b. **Affordability requirements: Subsidized Housing Inventory.** All units
527 affordable to households earning 80% or less of AMI created in the CHOD
528 under this section must be eligible for listing on EOHLC’s Subsidized
529 Housing Inventory.
- 530 c. **Provision of Affordable Housing.** In Applicable Projects, not fewer than
531 twenty percent (20%) of housing units constructed shall be Affordable
532 Housing Units. For purposes of calculating the number of units of
533 Affordable Housing required within a development project, a fractional unit
534 shall be rounded down to the next whole number. The Affordable Units shall
535 be available to households earning income up to eighty percent (80%) of the
536 AMI.
- 537 2. **Development Standards.** Affordable Units shall be:
- 538 a. Integrated with the rest of the development and shall be compatible in
539 design, appearance, construction, and quality of exterior and interior
540 materials with the other units and/or lots;
- 541 b. Dispersed throughout the development;
- 542 c. Located such that the units have equal access to shared amenities,
543 including light and air, and utilities (including any bicycle storage and/or
544 Electric Vehicle charging stations) within the development;
- 545 d. Located such that the units have equal avoidance of any potential
546 nuisances as [market-rate units] within the development;
- 547 e. Distributed proportionately among unit sizes; and
- 548 f. Distributed proportionately across each phase of a phased development.
- 549 g. Occupancy permits may be issued for market-rate units prior to the end of
550 construction of the entire development provided that occupancy permits for
551 Affordable Units are issued simultaneously on a pro rata basis.
- 552 3. **Administration.** The Zoning Enforcement Officer shall be responsible for
553 administering and enforcing the requirements in this section.

554 **2. ADD to Section 2.0 the following new Definitions:**

555 **Applicant.** A person, business, or organization that applies for a building permit, Site
556 Plan Review, or Special Permit.

557 **Area Median Income (AMI).** The median family income for the metropolitan statistical
558 region that includes the Town of Manchester-by-the-Sea, as defined by the U.S.
559 Department of Housing and Urban Development (HUD).

560 **As of right.** Development that may proceed under the Zoning in place at time of
561 application without the need for a special permit, variance, zoning amendment, waiver,
562 or other discretionary zoning approval.

563 **Building coverage.** The maximum area of the lot that can be attributed to the footprint
564 of the buildings (principal and accessory) on that lot. Building Coverage does not include
565 surface parking.

566 **Parking, structured.** A structure in which vehicle parking is accommodated on multiple
567 stories; a vehicle parking area that is underneath all or part of any story of a structure; or
568 a vehicle parking area that is not underneath a structure, but is entirely covered, and has
569 a parking surface at least eight feet below grade. Structured Parking does not include
570 surface parking or carports, including solar carports.

571 **Parking, surface.** One or more parking spaces without a built structure above the space.
572 A solar panel designed to be installed above a surface parking space does not count as a
573 built structure for the purposes of this definition.

574 **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units
575 maintained by EOHLC used to measure a community’s stock of low-or moderate-
576 income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

577

578 **3. Modify Introduction, #2, as follows: to address the change to allow a**
579 **simple majority for approval by Town Meeting of certain zoning changes**
580 **(MGL 40A, Section 5).**

581 2. All zoning changes require approval of the Town Meeting ~~by a two-thirds vote~~ **as**
582 **established by MGL Chapter 40A, Section 5.**

583 **4. Modify 8.3 Regulation of Marijuana Businesses as follows:**

584 **8.3.5 General Requirements and Conditions**

585 3. No Marijuana Business shall be located within 300 feet of a residential zoning district,
586 **including the Beaver Dam Road Subdistrict of the Community Housing Overlay**
587 **District**, or within 500 feet of any lot containing a school, child care facility, or playground.

588 **5. Modify the Zoning Map (text to be added later).**