



MEMORANDUM

To: Sue Brown, Planning Director, Town of Manchester-by-the-Sea

From: Chris Kuschel, AICP

On: March 1, 2021

Re: Limited Commercial District Zoning Options

MAPC has been working over the past year with Manchester on the feasibility and drafting of a Chapter 40R Smart Growth Overlay District. At this point in the process Manchester is considering its options as whether to continue finalizing the 40R bylaw and associated design standards or to pursue an alternative type of zoning district. To help with this decision, the following table summarize various considerations among various zoning district types.

District Zoning Type	Benefits	Drawbacks	Notes and Considerations
40R Smart Growth Overlay District	The primary benefit of implementing a 40R are the payments by the state (incentive payments for adopting the bylaw and bonus payments for each unit permitted). In the case of the LCD 40R, total payments could be upwards of \$1.15 million	Because of state requirements there is reduced flexibility in terms of residential density and the balance between residential and non-residential uses. 40R is primarily a housing production tool, which may be less applicable for community's interests if heavily focused on commercial uses. It is a fairly cumbersome process, although MAPC has experience in working with DHCD, so from the Town's perspective this is less of an issue.	At this point in the process, the bylaw and the design standards are near completion. If Town decides to move forward with the 40R, there are some final aspects to the bylaw and design standards to complete and refine. The bulk of the remaining time will focus on completing the application, compiling required materials, and working with DHCD to ensure the bylaw meets requirements to qualify for payments.
Town overlay district	A non-40R overlay district can be modeled to closely follow 40R	The Town would not be eligible for payments by the state.	If the Town decides to pursue a non-40R zoning district, MAPC strongly recommends adhering closely

District Zoning Type	Benefits	Drawbacks	Notes and Considerations
	<p>with added flexibility to meet other Town goals.</p> <p>From a formatting perspective, as an overlay district it would be fairly easy to convert the existing 40R draft.</p>	<p>Without the state requirements there is a concern that the resulting overlay district could be “watered down” in a way that would not meet the various housing goals from the Town’s master plan.</p>	<p>to what was developed as part of the community engagement process and contracted with various state agencies to complete. These elements include allowing various residential types, residential affordability requirements, residential density levels, and design elements that prioritize walkability and sustainability.</p> <p>The budget saved on the application and working with DHCD would be used on updating the bylaw and design standards. Updating the bylaw would be fairly straightforward (a number of provisions can be removed; MAPC also recommends any new definitions be moved to the Definitions section of the bylaw).</p> <p>The design standards would require additional thought. If not part of the bylaw, the drafted Design Standards would need to instead by Design Guidelines, the difference being that the former are obligatory and the latter are advisory.</p> <p>Design guidelines can be an effective tool, but they do not have as much “teeth” as standards. Alternatively, the standards developed could be incorporated into the bylaw. The drawback to this approach would be the challenge of formatting the existing standards into the bylaw itself.</p> <p>Also note, that district boundaries and map may need to be updated.</p>
Base Zoning District	<p>As with overlay district, this approach would provide the Town with more flexibility.</p> <p>As a base zoning district, the zoning map would be more simplified than having an overlay district. It would also ensure that future development is conducive</p>	<p>The drawbacks are the same as those of an overlay district. In addition, there is added complexity to implementing the creation of a new or modified base zoning district, as the table of uses would need to be updated, etc.</p> <p>Modifying the existing LCD district would be simpler administratively, but</p>	<p>The same Notes and Considerations for an overlay district apply to new base zoning.</p> <p>Although it would likely require some extra effort to implement a new base district into the existing bylaw, MAPC believes there is sufficient budget if the Town wishes to pursue this, although it may require Town staff to take on additional aspects.</p>

District Zoning Type	Benefits	Drawbacks	Notes and Considerations
	<p>to what the Town wishes to see, which may not be the case if there is still the option to develop under the LCD.</p>	<p>would have a number of unintended consequences, as changes would apply to the entire LCD district, which would not be compatible with the recommendations in the Town's master plan. Alternatively, the Town could create an entirely new district, which, as noted, would add complexity to implement.</p>	