



# What is MGL Chapter 40A, Section 3A?

In 2021 the State added a new law to the MA Zoning Act, MGL Chapter 40A Section 3A, which seeks to establish zoning that allows by-right, multi-family housing in all communities served by the MBTA. The State's goal is to promote the use of public transportation, improve air quality, and address increased housing needs.

MBTA communities must adopt local zoning to comply with the new MA law by December 31, 2024, or risk losing critical grants and probable legal action. In response, the Select Board and Planning Board jointly formed a nine member MBTA Zoning Task Force. Over the next year, the Task Force will consider all aspects of this new mandate and its potential impacts.

## What is required in Manchester-by-the-Sea to Comply?

- A new zoning district with a capacity for 555 units (37 acres).
- At least 50% of this zoning district must be within a half mile of the Manchester MBTA Commuter Rail Station.

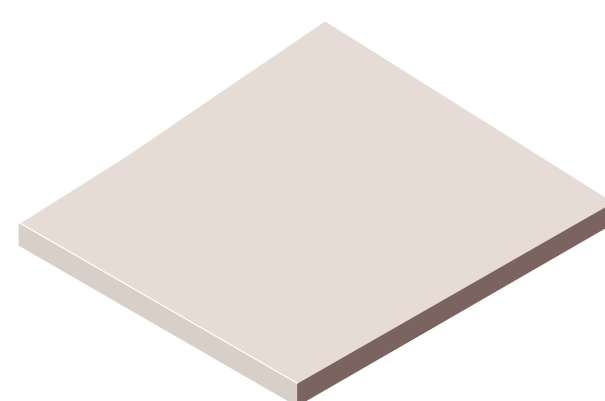
## What Does Capacity Mean?

- Capacity, in regards to MBTA Zoning, means residential units allowed.
- Although some units may already exist, unit capacity for any given parcel may be higher or lower than existing development on the site.

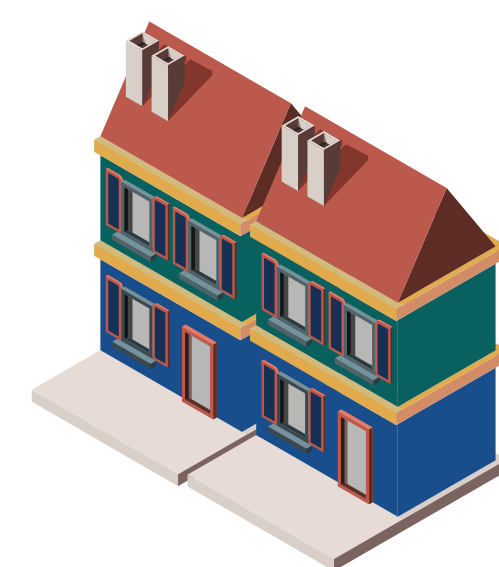
Existing Use: Duplex  
*Existing Units = 2*



Treat as  
Undeveloped Parcel



Evaluate What Could Be Built  
Under Zoning. *Unit Capacity = 4*



## What is NOT required in Manchester-by-the-Sea to Comply?

- The Town is not required to build anything.

## What are the Consequences of Non-Compliance?

- Compliance guidelines have changed several times since the enactment of the law. Compliance is a State law and is mandated.
- Loss of grant funding.
- Probable legal action.





# What Does the Density Requirement Look Like in Manchester-by-the-Sea?



*12 Summer Street  
39 units on 2.2 acres*



*1-3 School Street  
13 units on .14 acres*



*Powder House Lane  
29 units on 2 acres.*



*2 Beach Street  
7 units on 0.18 acres*



*40 Union Street  
4 units on .095 acres*



*11 Central Street  
4 units on .085 acres*





# Grants Received in the Past 10 Years

## The Following Grants Would Be Impacted Per State Compliance Guidelines

Climate Change Action Grant	\$55,000
Climate Change Project Earmark	\$200,000
Climate Change Project Earmark	\$50,000
Coastal Zone Management Grant	\$175,132
Comm. Compact/Safe Yield Study Gravely Pond	\$25,000
CZM Resiliency Grant	\$154,950
CZM Stormwater Retrofit Grant	\$14,430
CZM MASS. DIP Grant - Stormwater management	\$112,036
Dept of Ecol. Restor. Morss Pier Grant (SEC)	\$327,000
Downtown Improvement Earmark Phase 2 design efforts	\$50,000
Green Communities Energy Conservation Grant	\$21,989
Green Communities Energy Conservation Grant	\$36,943
Green Communities State Grant 2018	\$155,981
Green Communities State Grant 2017	\$138,850
Harbor Boating Infrastructure Grant 2023	\$600,000
Harbor Boating Infrastructure Grant 2015	\$360,222
Harbor-Seaport Economic Council (SEC) Tuck’s Pt Ph I (Floats)	\$811,000
Harbor-SEC Morss Pier Improv Grant	\$132,000
Harbor-SEC Tuck’s Point Grant Ph 2 (Rotunda)	\$79,836
Health-MAPC Dept. of Public Health COVID-19	\$14,706
Housing Choice Initiative	\$100,000
MassPort Mooring Replacements	\$46,564
Massworks Dredging Grant	\$500,000
Municipal Vulnerability Action Grant	\$88,180
Municipal Vulnerability Preparedness Grant	\$15,000
MVP Sawmill Brook Restoration Grant	\$72,385
Open Space & Recreation Plan (MAPC)	\$25,000
Planning-MAPC 40R Project Grant	\$23,000
Sawmill Brook Restoration Studies MET Grant	\$44,550
Selectmen- Urban Agenda Grant	\$51,000
Placemaking Grant	\$25,000
SEC Dredging Engineering	\$205,300
SEC Reed Park Phase II Project	\$568,250
TOTAL	\$5,279,303
10 year average	\$527,930
estimated % tax rate increase additional every year	2.11%

Anticipated estimated grant funding next few years	
MassWorks Utility improvements grant (for CST project)	\$3,500,000
SEC and CZM Rotunda repairs	\$2,000,000
SEC/MasWorks Harbor Dredging	\$1,000,000
SEC/MassWorks Commercial Fisheries Slips	\$600,000





# Where Do We Go From Here?

## The MBTA Zoning Task Force is Currently Working on the Following

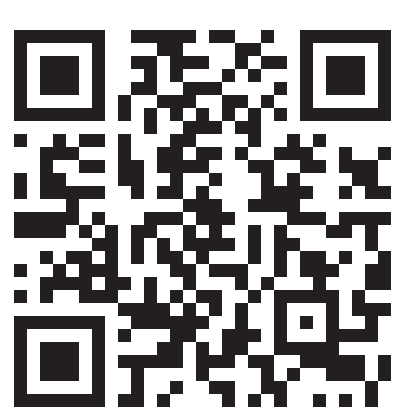
- The Task Force is striving to find intelligent and creative zoning solutions that will preserve the character of Manchester while meeting the State mandate.
- A consultant is being hired to provide technical and analytical support to the MBTA Zoning Task Force.
- Once the Task Force develops a list of potential zoning recommendations, it will be communicated to residents through a variety of channels. During this time resident feedback will be actively pursued. However, resident feedback and correspondence is welcomed at any point during this process.
- Ultimately, residents will be asked to vote at a future Town meeting in 2024. The result of that vote, presented in the form of zoning amendments, will determine if MBTS will comply with the State's MGL Chapter 40A, Section 3A or not.

## MBTA Zoning Task Force Members

Chris Olney, Chair,  
*Planning Board*  
Garlan Morse, Vice-chair,  
*Downtown Improvement Committee*  
Sarah Mellish,  
*Zoning Board of Appeals*  
Michael Pratt,  
*Finance Committee*  
Ann Harrison,  
*Select Board*

Susan Philbrick,  
*Planning Board*  
Richard Smith,  
*Historic District Committee*  
Sandy Bodmer-Turner,  
*At Large Member*  
Dennison Hall,  
*At Large Member*

## Let Us Know Your Thoughts!



Please send all correspondence to MBTA  
Task Force Administrator, Gail Hunter at  
[hunterg@manchester.ma.us](mailto:hunterg@manchester.ma.us)

